

*Leave of Absence**Monday, May 07, 2001***HOUSE OF REPRESENTATIVES***Monday, May 07, 2001*

The House met at 10.30 a.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I received correspondence requesting leave of absence from today's sitting from the following Members: Hon. Mervyn Assam, Member for Tunapuna for the period May 5—12, 2001; Mr. Eric Williams, Member for Port of Spain South from today's sitting; Mr. Colm Imbert, the Member for Diego Martin East from today's sitting; and Mrs. Camille Robinson-Regis, Member for Arouca South from May 7—14, 2001.

PRIVILEGES OF THE HOUSE

Mr. Speaker: Members, I have received a request from the Member for Couva South, the Attorney General and Minister of Legal Affairs, who has sought my leave to raise a matter made under Standing Order 27(2)—a motion directly concerning the privileges of the House. Leave is granted and that matter will be raised shortly after question time, and the Member will have 15 minutes so to do.

**JOINT SELECT COMMITTEES
(APPOINTMENT OF)**

Mr. Speaker: I have received correspondence from the Senate President dated March 30, 2001 on the appointment of Joint Select Committees; and the letter is read as follows:

“Hon. Dr. Rupert T. Griffith, MP
Speaker of the House of Representatives
Parliament
The Red House
Abercromby Street
PORT OF SPAIN

Dear Mr. Speaker,

Appointment of Joint Select Committees

The Senate and the House of Representatives approved resolutions in respect of the appointments of Members to Joint Select Committees in accordance with section 66A of the Constitution. Opposition Senators however

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were not nominated to serve on the Committees. The Senate therefore at a sitting, held on Tuesday March 27, 2001, agreed to the following resolution:—

WHEREAS the Senate and the House of Representatives on Tuesday 20th March, 2001 and on Friday 23rd March, 2001 respectively, approved Resolutions in respect of the appointments of Members to Joint Select Committees in accordance with Section 66A of the Constitution.

BE IT RESOLVED that the persons appointed for the time being to serve on the Joint Select Committees shall constitute the respective Joint Select Committees notwithstanding any failure by the Senate or the House of Representatives to appoint the full number of Senators or Members of the House of Representatives referred to in the said resolutions.

AND BE IT FURTHER RESOLVED that the Senate reserve to the Leader of the Opposition, without further vote, the right to name two (2) Members of the House of Representatives and one (1) Senator to be added to each of these Committees who shall thereupon become Members of the Committees.

The Resolution is accordingly forwarded for the attention of the House of Representatives at the earliest convenience.

Yours sincerely,

Ganace Ramdial
President of the Senate.”

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, at the appropriate stage of the proceedings I propose to move the relevant motion in response to the communication from the Senate.

**INTERNATIONAL PENTECOSTAL ASSEMBLY CHURCHES
OF TRINIDAD AND TOBAGO**

Mr. Subhas Panday (Princes Town): Mr. Speaker, I wish to present a petition on behalf of the International Pentecostal Assembly Churches of Trinidad and Tobago.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

TELECOMMUNICATIONS BILL

Bill for the regulation of telecommunications in Trinidad and Tobago brought from the Senate [*The Minister of Communications and Information Technology*]; read the first time.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Eric Williams Medical Sciences Complex Authority for the year ended December 31, 1991. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Eric Williams Medical Sciences Complex Authority for the year ended December 31, 1992. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Eric Williams Medical Sciences Complex Authority for the year ended December 31, 1993. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of the National Institute of Higher Education, Research, Science and Technology for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the opening balance sheet of the Trinidad and Tobago Postal Corporation as at July 01, 1999. [*Hon. R. L. Maharaj*]
6. Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended September 30, 2000. [*Hon. R. L. Maharaj*]
7. Report of the Auditor General on the accounts of the Legal Aid and Advisory Authority for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]
8. Report of the Auditor General on the accounts of the Republic of Trinidad and Tobago for the financial year October 01, 1999 to September 30, 2000 and on other selected audit activities. [*Hon. R. L. Maharaj*]
Papers 1 to 8 to be referred to the Public Accounts Committee.
9. Financial statements of the National Quarries Company Limited for the year ended July 31, 1999. [*Hon. R. L. Maharaj*]
To be referred to the Public Accounts (Enterprises) Committee.
10. The annual report of the Integrity Commission of the Republic of Trinidad and Tobago on its activities for the year 2000. [*Hon. R. L. Maharaj*]

Papers Laid

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[HON. R. L. MAHARAJ]

11. The Certificate of Environmental Clearance (Designated Activities) Order, 2001. [*The Minister of the Environment (Dr. The Hon. Adesh Nanan)*]
12. Regulated Industries Commission: Budget for the period April to December 2001. [*Hon. R. L. Maharaj*]

ORAL ANSWERS TO QUESTIONS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I indicate to this honourable House, through you, that the Government will be able to answer all of the questions today, save and except questions No. 7 and No. 17. I move that the Government be given one week to answer these two questions.

Questions, by leave, deferred.

**Airport Terminal Building
(Maintenance Contract)**

7. (a) Has the Government or any of its agencies entered into a maintenance contract with any person or company for the supply of such services to be carried out on the recently constructed airport terminal building?
- (b) If the answer to (a) is in the affirmative, could the Minister:
 - i. identify the company which received the contract;
 - ii. state the total sum of the contract and the period covered;
 - iii. explain the process used to select the company or person and the date on which the contract was entered into?

**Environmental Management Authority
(Accidental Spills, Pollutants, or Hazardous Substances)**

17. (a) Would the Minister kindly indicate whether the Environmental Management Authority (EMA) has investigated and designated categories of circumstances involving accidental spills or other releases of pollutants, or hazardous substances which present risk in accordance with the dictates of S61 (1) of the Environmental Management Act, 1995?
- (b) If the answer to (a) is negative, would the Minister indicate exactly why the EMA has not complied with this aspect of law?
- (c) If the answer to (a) is affirmative, would the Minister say whether ammonia is one of the substances so designated?

- (d) (i) If the answer to (c) is in the affirmative, would the Minister state whether any person or persons in charge of ammonia at the Point Lisas Industrial Development Estate or the Management at PLIPDECO notified the EMA of any ammonia spill on January 01, 2001?
- (ii) If so, would the Minister give a brief description of the release or spill of ammonia at the Pt. Lisas Estate on the date as at (d)(i); and
- (iii) Would the Honourable Minister give an assessment of the damage or risk to human health and describe the response measures taken in respect of the spill at (d)(i) above?

Questions, by leave, deferred.

**Churchill-Roosevelt Highway
(Continuation of)**

- 4. Miss Penelope Beckles (Arima)** asked the Minister of Infrastructure Development and Local Government:

Would the Minister state:

- (a) When will his ministry commence continuation of the Churchill-Roosevelt Highway between O'Meara Road, Arima and Wallerfield?
- (b) The estimated cost of these works?
- (c) The anticipated date of completion?

The Minister of Infrastructure Development and Local Government (Hon. Carlos John): Mr. Speaker, I wish to reply to question No. 4 as posed by the Member for Arima and which qualifies for oral reply today, Monday May 07, 2001. The responses are that the ministry proposes to commence the continuation of construction of the dualling of the Churchill-Roosevelt Highway between O'Meara Road, Arima and Wallerfield during the fourth quarter of fiscal 2002. Design for the project will commence in July 2001.

Stage A, the estimated cost of the project is as follows: design, \$1.4 million; construction, \$39 million; supervision, \$2 million. The anticipated duration of this project is 15 months.

**Resurfacing and Repair Work
(Mt. Pleasant Road, Arima)**

- 5. Miss Penelope Beckles (Arima)** asked the Minister of Infrastructure Development and Local Government:

Would the Minister state:

- (a) When will his ministry undertake resurfacing and repair work on Mt. Pleasant Road, Arima, between the lower end of Quarry Street and Blanchisseuse Main Road, Arima?
- (b) Could the Minister also indicate:
 - i. The type of repairs planned;
 - ii. The estimated cost of repairs;
 - iii. The anticipated date of completion?

The Minister of Infrastructure Development and Local Government (Hon. Carlos John): Mr. Speaker, I wish to reply to question No. 5 as posed by the Member of Parliament for Arima. Works at Mt. Pleasant Road, Arima between the lower end of Quarry Street and Blanchisseuse Main Road, Arima will commence during fiscal 2001/2002.

The following works have been planned for Mt. Pleasant Road, Arima: 220 metres of roadway will be reconstructed; a 17-metre Baily bridge will be constructed; and three landslips will be reconstructed. The estimated cost of the planned works is \$2 million and the duration for the planned works is six months.

Family Court

- 6. Miss Penelope Beckles (Arima)** asked the hon. Attorney General and Minister of Legal Affairs:

Would the Attorney General and Minister of Legal Affairs state:

- (a) When will construction work begin on the Family Court?
- (b) The expected date of completion of this court?
- (c) The estimated cost of this project?
- (d) The reason for the delay in starting the construction of the Family Court?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the concept of a family court to deal with and/or adjudicate all family matters in Trinidad and Tobago has engaged the attention of successive governments since 1970.

The proposal is that such a court will comprise an upper and lower division and will deal with all family matters.

The Government, upon taking office in 1995, adopted the existing policy of establishing such a court. The Government has, however, taken the position that the mere construction of a building to house such a court, separate and apart from the other courts, would not redress the problems associated with the existing system. The mere removal of a court from one building to another would not reform the way in which family matters are determined.

The Government believes that the means of access to the Court, the procedure to be followed and the rules of the Court must be fundamentally different from what exists at the present time.

The present adversarial system in the resolution of family matters such as divorce, custody of children, maintenance of children and wives etcetera, must be transformed to a conciliatory and or mediatory system if a new Family Court is to make a difference.

The compositions of such a court must also be changed so that judicial officers specially trained and suited to deal with family matters are appointed to such a court. Such a court must have available social services attached to it in order to assist in investigating family issues, to help the Court to determine what is in the best interest of the family.

The Government, therefore, has effected, as a matter of priority, the reform of the relevant family and children laws to create the necessary legal infrastructure to assist such a court. The Government has already passed legislation creating a Children's Authority to, among other things, perform the role of statutory parents for children in need of care. The Government has also passed legislation to reform the Foster Care System; the Adoption of Children System and its procedures; Community Residences and Nurseries for Children. The Government is taking steps to implement these laws.

A Family Court Bill to give effect to a conciliatory system in family matters and the matters mentioned above, as part of the reformed Family Court system has been drafted. Extensive consultations within government and outside government and with stakeholders have taken place. The Bill is being finalized before submitting it to Cabinet.

The final design of such a court will have to await the policy decisions on the Bill in order to ensure that such a court is so constructed to meet the demands of the reformed laws. For example, such a court may have fewer courtrooms and more counselling rooms and space for support services. Such a court may need to have facilities to adequately assist victims of domestic violence.

It is anticipated that within the next six months the design of such a court will be completed.

I am advised that steps are being taken to identify a suitable site for such a court. The construction of the building to house such a court can be completed within 28 months. An exact estimate for the construction of the Court cannot be given at this time.

The reasons for delay in starting the construction of the Family Court have been stated above.

Coast Guard Recruitment

8. Mr. Kenneth Valley (*Diego Martin Central*) asked the hon. Prime Minister and Minister of National Security:

- (a) Would the Minister kindly inform the House whether letters were sent out on or around February 08, 2001 to persons wishing to be enlisted in the Coast Guard inviting them to undergo medical examination at Staubles Bay Base, Chaguaramas on or around February 16, 2001?
- (b) If the answer is in the affirmative, would the Minister lay on the Table of this House the list containing the names of all such persons?

The Prime Minister and Minister of National Security (Hon. Basdeo Panday): Mr. Speaker, this honourable House is advised that in the first week of December 2000, the Chief of Defence Staff, the competent authority to authorize action to enlist recruits for the Trinidad and Tobago Coast Guard, acting in accordance with standard procedure, initiated the process for the recruitment of 104 persons to fill vacancies then existing in the Trinidad and Tobago Coast Guard.

The process entailed:

Advertisements in the daily newspapers;

written examination;

physical assessment;

oral interview;

medical examination;

recruitment training.

Action for the Trinidad and Tobago Coast Guard recruit intake No. 39 consequently commenced on December 15, 2000, with newspaper advertisements.

While 104 vacancies existed, 750 persons responded to the advertisements. One hundred and forty two applicants passed the oral interviews, which took place at the Trinidad and Tobago Coast Guard Headquarters, at Stauble's Bay, Chaguaramas, over the period January 15 to February 2, 2001.

Letters carrying dates ranging from February 6 to March 5, 2001, were issued to 142 persons, confirming the days on which respective groups of applicants were to present themselves for medical examinations. Those letters were issued in batches, corresponding to lists drawn up for the examination dates fixed for designated groups of applicants.

One hundred and forty one applicants underwent medical examinations at Stauble's Bay on designated days over the period February 12 to March 7, 2001. One applicant failed to turn up for the medical examination. One hundred and thirty five applicants passed the medical examinations. However, since only 104 vacancies existed, only 104 applicants were selected for recruitment into the Coast Guard.

Those selected were made on the basis of the overall showing of the candidates during the recruitment process.

Mr. Speaker, I have presented the facts and nothing but the facts.

There was no departure from the standard procedure in the recruitment of Coast Guard personnel. The facts, as documented and now in the record of this honourable House, fully support and are fully supported by the categorical statement issued by Major Kennedy Swaratsingh, Defence Force Public Affairs Officer, on behalf of the Chief of Defence Staff, shortly after the pernicious fabrication by the Member for Diego Martin Central in this honourable House on March 16.

There was not a vestige of truth to the racially divisive and inflammatory violation of parliamentary privilege with which the Member for Diego Martin Central so demeaned Parliament on March 16.

The Defence Force statement which was prompted by the Member for Diego Martin's utterly unjustified imputation of racially motivated manipulation of the Army recruitment list, was unequivocal. That statement bears repeating, Mr. Speaker. I quote the Defence Force's comment on the Member for Diego Martin Central's wicked and dangerous allegations:

“At no time during the tenure of Brigadier General Sandy as Chief of Defence Staff has any external agency or agent, including any Government ministry or

Minister, interfered with the recruiting process of recruiting lists finalized by the Defence Force.”

In the face of so categorical a statement by so unimpeachable an authority, it might have been expected that the Member of Parliament for Diego Martin Central would have let the matter rest. To the contrary, he has willfully compounded his error by now seeking to discredit the Coast Guard recruitment process. This, after his confession that he had been mistaken in his allegations about the Army’s recruitment list.

Mr. Speaker, on March 23, in this honourable House, I expressed the view that neither the Member for Diego Martin Central nor the Leader of the Opposition should have the gall to challenge the statement issued by the Defence Force Public Affairs Officer, on behalf of the Chief of Defence Staff.

I did recall, however, that we had recently witnessed how the very same hon. Members and their cohorts had set about systematically and ruthlessly shredding the reputation of the Commissioners and senior officers of the Elections and Boundaries Commission.

I recalled the savagery with which the Members for Diego Martin Central and San Fernando East and their cohorts had gone after the Elections and Boundaries Commission when officers of that institution had dared to present facts to the public, to refute the fabrications of the Members for Diego Martin Central and San Fernando East and their cohorts, regarding the conduct of the Elections and Boundaries Commission establishment.

10.55 a.m.

In my statement of March 23, I challenged any Member of this House to dare to suggest that the founder and first Political Leader of the political party that is now consigned to the Opposition Benches by the voters of this country, would have countenanced the abominable action of the Member for Diego Martin Central. I observed then that the current Leader of the Opposition not only countenanced the violation of parliamentary privilege, of which his Deputy Leader was guilty, he actively supported the calumny and collaborated in the nefarious incitement to discord in the Defence Force and racial division in the wider society.

I remember saying then, Mr. Speaker, that we ought not to be surprised if the Member for Diego Martin Central were to challenge the integrity of the author of the statement issued on behalf of the Chief of Defence Staff. Well, the Member for Diego Martin Central has proceeded to do precisely that.

I had predicted the continuation of this sort of misconduct when I said on March 23, that every excess committed by Members opposite is but the prologue to greater and continuing excess.

We have learnt that at least one senior official of the Opposition political party has expressed the view that the Member for Diego Martin Central should produce the evidence or apologize for his atrocious conduct on March 16, 2001. The hon. Member for Diego Martin Central has neither apologized, put up, nor shut up. Now, he is attempting to discredit the recruiting process of the Trinidad and Tobago Coast Guard, as he continues to prosecute his agenda of racial division in the society.

Having accurately reviewed the matters related to the issue raised by Question No. 8, I now lay on the Table a medical examination list containing the names of 142 persons who were requested to undergo medical examinations as part of the process for Recruit Intake No. 39 into the Trinidad and Tobago Coast Guard this year.

I also lay on the Table a Recruitment List containing the names of 104 persons who were selected to fill the vacancies that existed in the Trinidad and Tobago Coast Guard at the time of recruitment.

I also lay on the Table a Standby List containing the names of 31 applicants who were placed on standby in the event of the withdrawal of any of the applicants who had been selected to fill the 104 vacancies in the Trinidad and Tobago Coast Guard.

The Trinidad and Tobago Defence Force establishment determined all of these lists, and all matters pertinent to the determination of the names of the persons appearing on these lists. In the words issued on behalf of the Chief of Defence Staff who said and I quote:

“At no time has any external agency or agent, including any government ministry or minister, interfered with the recruiting process or recruiting lists finalized by the Defence Force.”

Had the Member for Diego Martin Central's folly not been so manifestly inimical to the good of the society, we might have been tempted to indulge him. Extensive sections of the media, and extensive sections of the general population have, however, felt compelled to condemn him.

I trust that it is not too much to hope that the factual information which I have provided in response to Question No. 8 will lead the Member for Diego Martin Central to reason and to atonement.

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

Mr. Valley: The first supplemental, Mr. Speaker. I wonder whether the hon. Prime Minister and Minister of National Security could repeat, for the benefit of the House, the number of persons who passed the examination. I think it was in the early part. I missed the number. I just want to get it again, please.

Hon. B. Panday: Mr. Speaker, all this information was provided for me by the Ministry's Permanent Secretary and I shall certainly forward your request to him, that that list be provided.

Mr. Manning: It is in your statement.

Hon. B. Panday: Yes, I know. What is the question? Will a list be provided?

Mr. Speaker: The Member is asking the number, I believe, mentioned in your statement; the number who passed the examination. He said he missed that and if you would be so kind as to provide it for him.

Hon. B. Panday: I think I mentioned it, but let me find it.

Mr. Valley: Maybe I could help the hon. Member. I thought I heard 102. I just want to know whether that is, in fact, the correct figure; the number of persons who passed the written examination.

Mr. Speaker: The hon. Member is looking for the number.

Hon. B. Panday: One hundred and forty-two applicants passed the oral interviews and then 141 applicants underwent medical examination. What you are asking is—

Mr. Valley: —the number of persons who passed the written examination.

Hon. B. Panday: I do not think that was supplied. One hundred and thirty-five passed the medical examination. I shall get that information for you.

Mr. Valley: Second supplemental, please, Mr. Speaker.

I wonder whether the hon. Minister can supply to this House the list which was sent to him—among the number of things Captain Swaratsingh said was that a list was, in fact, sent to the Minister of National Security for information. I wonder whether the hon. Minister would also provide that list to this House.

Hon. B. Panday: Yes, I would.

Mr. Speaker: Hon. Members, the Member for Diego Martin East in his correspondence to me indicated that he would like the questions in his name to be deferred for one week. If there are no objections to that, Questions No. 13, No. 14 and also No. 12 will be deferred for one week.

Written Answer to Question

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WRITTEN ANSWER TO QUESTION

The following question stood on the Order Paper in the name of Mr. Colm Imbert:

**Water and Sewerage Authority
(Contracts Awarded)**

- 12.** Would the Minister of Infrastructure Development and Local Government give details of all contracts awarded in the water sector by the Ministry of Public Utilities, the Ministry of Infrastructure, WASA, or any other State Agency, Authority or Corporation for construction work and/or supply and installation of plant and equipment, including pipe lines, storage reservoirs and water treatment facilities, in excess of \$1 million for the years 1996, 1997, 1998, 1999, 2000, 2001 to date, including the nature of the work, the names of the contractors, the location of the work, the amount of the contracts, and the date of the awards?

Question, by leave, deferred.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Mr. Colm Imbert.

**National Road-Paving Exercise
(Revised Budget)**

- 13.** (a) Would the Minister of Infrastructure Development and Local Government state the original August 2000 budget for the national road-paving exercise now in progress?
- (b) Would the Minister state the revised budget, as of March 2001?
- (c) Would the Minister explain why the budget has increased?

**Road-Paving Work
(Poor workmanship)**

- 14.** (a) Would the Minister of Infrastructure Development and Local Government state what steps he is taking to correct poor workmanship in road-paving work being carried out by his Ministry or other agencies on behalf of his Ministry, including problems with inadequate compaction, rough surfaces and the use of sub-standard materials by contractors?
- (b) Would the Minister state why road-paving work is being done on roads where there is a history of leaking water mains and old and encrusted water supply pipelines, without first repairing or replacing these water lines?

Questions, by leave, deferred.

**Deoxyribonucleic Acid (DNA) Identification Act
(Proclamation of)**

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

- (a) Would the Attorney General and Minister of Legal Affairs advise or confirm whether the Deoxyribonucleic Acid (DNA) Identification Act 1998 which was passed by both Houses of Parliament has been assented to and proclaimed by the President of the Republic of Trinidad and Tobago?
- (b) If the answer is negative, could the Attorney General explain the reasons for the delay and state when will these procedures be effected?
- (c) In either event, could the Attorney General indicate whether the expertise and facilities required to implement and utilize this legislation have been acquired in the Police Service and the Government Forensic Science Centre?
- (d) Would the Attorney General explain the measures taken to implement this Act by way of acquisition of the skills and facilities?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the DNA Act, No. 27 of 2000, was passed in the Senate on December 8, 1999 and in the House of Representatives on May 12, 2000. The House of Representatives Amendments were agreed to by the Senate on May 16, 2000. The Act was assented to by the President on July 14, 2000.

Section 1(2) of the DNA Act provides that it shall come into force on a date to be fixed by the President by proclamation. The Act has not yet been proclaimed because certain infrastructure needs to be put in place by the Ministry of National Security. The very nature of this legislation indicates that the proclamation process is not a very simple exercise. This is a piece of specialized legislation which, scientific in its nature, requires special machinery for its smooth implementation.

Any attempt to hastily proclaim this Act without putting in place the required infrastructure would certainly result in extremely serious legal and financial consequences for the State. Some of the required infrastructure include the appointment of more administrative and professional staff at the Trinidad and Tobago Forensic Science Centre; specialized training of such staff; appointment of a DNA board; special training for police officers; regulations and the acquisition of highly specialized scientific equipment.

11.05 a.m.

Mr. Speaker, the Ministry of National Security has indicated that it is presently undertaking the necessary action to see that this machinery is put in place in order to facilitate proclamation. The Ministry has indicated that these requisites should be in place in six months time. The following expertise and facilities are some of the matters that are required to ensure smooth proclamation of the Act:

1. Regulations to be prepared under section 57 of the Act (these will cover the statutory notice, prescribed forms, and the necessary rules and procedures).
2. Creation of a database.
3. Equipment and facilities for DNA testing.
4. DNA containers and packages.
5. DNA Board (not more than 7 members).
6. Scientific and Administrative Staff.
7. Training for Scientific and Administrative Staff and the Police.
8. Dedicated cold storage facilities at each police station.

These things could not be put in place until the Act was passed. The Act, having been passed, has been engaging the attention of the Ministry of National Security.

Some of these measures have been implemented to date. Steps are being taken to create a new post of Evidence Technician in the Forensic Science Centre and to appoint three such officers. Their duty would be to relieve the Scientific Officers of the obligation to receive exhibits in the exhibit room, thus allowing such officers more time for scientific analysis.

Steps are being taken to appoint two additional Scientific Officers in the biology section. These officers would be specially assigned to do DNA analysis. In order to safeguard and to keep intact the chain of custody as it relates to the receiving of exhibits at the centre, which would include the receipts of DNA packages, a specially secured room has been created from which the administrative staff can receive exhibits which would then be passed on to the Scientific Officers for analysis.

Since 1997, scientific training in DNA testing has been provided to Scientific Officers of the centre. To date, the State has spent over \$60,000 for such training.

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Scientific Officers have been sent for training at the California Criminalistics Institute, USA. Training covered DNA typing following the Polymerase Chain Reaction method. In November of 1997, a Scientific Officer was also sent for training abroad. That training also involved the method of special emphasis on DNA forensic analysis.

Mr. Speaker, when the Forensic Science Centre began the process of implementing DNA testing into case work in 1990, the technique available at the time was Restriction Fragment Length Polymorphism. However, this method has proven hazardous and not as discriminating as other DNA typing methods. The centre is continuing to undertake training in this new method.

The centre has performed six proficiency tests run by Collaborating Testing Services, Virginia, United States of America. The centre has performed very creditably but the centre still requires important pieces of equipment. Steps are being taken to source that equipment. The centre has acquired all the necessary DNA packages and containers to undertake DNA testing. The database of the population of Trinidad and Tobago was completed in 2000 using the PCR polymerase system. The Ministry has indicated that the necessary administrative and professional staff and equipment would be in place in six months' time at which juncture the Act would be proclaimed.

Mr. Hinds: Thank you, very much, Mr. Speaker. Did the Attorney General not know that all of these elements would have been necessary before the proclamation of the Act? During the course of debate we had stated that. Was the Attorney General not aware that all of these would have been necessary before the Act could have been given true effect?

Hon. R. L. Maharaj: Mr. Speaker, the hon. Member for Laventille East/Morvant, unfortunately, is displaying an ignorance of what happens in these matters. In order for DNA mechanisms and machinery to be available, the legislation has to be in place. From what I have read, the legislation has to be passed before steps are taken. Certain studies are being done. We do not put the cart before the horse.

WRITTEN ANSWER TO QUESTION

The following question was asked by Mr. Fitzgerald Hinds (Laventille East/Morvant):

Acts not yet Assented to and/or Proclaimed

- 16.** (a) Would the Attorney General list all of the Acts passed by the Parliament of Trinidad and Tobago during the period November 01,

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1995 to February 2001 that have not yet been assented to and/or proclaimed?

Vide end of sitting for written answer.

PRIVILEGES OF A MEMBER

Mr. Speaker: Hon. Members, I have granted leave to the Attorney General under Standing Order 27(2) to raise a matter of privilege. He may now do so, and has 15 minutes.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, in pursuance of Standing Order 27(2), I sent to you a letter dated May 02, 2001, seeking your leave to raise at the next sitting of the House of Representatives on Monday, May 7, 2001 a matter directly concerning the privileges of the House of Representatives. Having been granted that leave this morning, I wish to say that the Member for Diego Martin Central on March 16, 2001, in a statement in this House during the debate on the Supplemental Police (Amdt.) Bill said inter alia, and I quote:

“...the first thing that comes to my mind is that there is a decision to assist the Government in the establishment of its private army. We know that in other Caribbean countries—one very close to us—there was this whole concept of a Mongoose Gang. Is that the Government’s intention?”

As a matter of fact, the information coming out is that the Regiment that is accustomed to going through its normal hiring procedure, went through that procedure, selected persons to join the army, sent that to the Minister of National Security—who as you know also happens to be the Prime Minister—the Prime Minister looked at the list and crossed it off. He said, ‘There are not sufficient East Indians on this list,’ and has sent a new list down to the army, and said, ‘These are the people you must hire.’ He has everybody down in the army mad, because they do not operate in that manner.

I want to caution this Government, because they are playing with dynamite...The people have gone through their procedure. They have informed persons, and these people have already made all their arrangements to enter the army, and here comes ‘Mr. Big Stuff’, who scraps the whole list and says, ‘Hire these; not sufficient East Indians in the Army!’

Mr. Speaker, you will recall that during the said debate on March 16, 2001, the Member for San Fernando East interjected as follows:

“Mr. Speaker, I thank the hon. Attorney General for giving way and I would like him to state categorically that it is not correct to say that the Prime

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Minister and Minister of National Security vetoed the recommendations at the army for recruitment and instead submitted his own list to them for implementation?”

So the clear statement made by the hon. Member is that the Prime Minister changed the list, vetoed it and misused and abused his office.

On Friday, March 23, 2001, the Member for Couva North and hon. Prime Minister made a statement in which he demonstrated that the statement made by the Member for Diego Martin Central was not true. The Member for Couva North, in his response in this honourable House, requested the Member for Diego Martin Central to produce evidence in support of the allegations he made, which were intended to discredit the Prime Minister of the Republic of Trinidad and Tobago and Minister of National Security by accusing him of misconduct in public office.

11.15 a.m.

To date, the Member for Diego Martin Central has not produced any such evidence in support of his allegations. Moreover, the Member for Diego Martin Central has maintained that the statement he made is true, without producing any evidence in support of his allegations.

It is well established in parliamentary law that deliberately misleading or attempting to mislead the House by making untrue and unjustified statements and/or imputations of wrongdoing against Members, in the exercise of their duties, constitute serious breaches of privileges of the House and are contempts of the House.

I quote May's *Parliamentary Practice*, the Twenty-second Edition at page 111. It states:

“The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt.”

So, the parliamentary law is clear that misleading and untrue statements, if found to have been deliberately made, can constitute a grave contempt of the Parliament and a breach of privileges. Consequently, the unfounded and misleading allegations made in this House by the Member for Diego Martin Central were intended to discredit the Member for Couva North and impacted directly on his privileges, as well as on the privileges of this House collectively, insofar as the allegations made diminish the respect due to this House.

It is therefore my respectful submission that this is clearly a matter which qualifies for the consideration and report by the Committee of Privileges of the House of Representatives. I therefore move that the matter concerning the allegations made in this House on March 16, 2001 by the Member for Diego Martin Central against the Member for Couva North, the hon. Prime Minister of Trinidad and Tobago, be referred to the Committee of Privileges.

Thank you very much.

Mr. Valley: [*Inaudible*]

Mr. Speaker: Clarification? No. I am sorry. A matter was brought before me under Standing Order 7(2) requesting that the matter be referred to the Privileges Committee. I have listened to the statement made by the hon. Attorney General and I will require some time to examine all of the information surrounding this matter before I give a ruling. I shall, therefore, give a ruling at a subsequent sitting of this honourable House.

Mr. Valley: [*Inaudible*]

Mr. Speaker: To assist me? Okay, carry on.

Mr. Valley: Mr. Speaker, in considering the matter, I trust that you will take into consideration the fact that the following week, in this House, I made a statement that, in fact, the reference should be to the Coast Guard and not the army, and that the substance of the matter is that the list was changed. The substance of the matter has not changed, but the reference should be to the Coast Guard.

Mr. Speaker: Thank you for that assistance.

**JOINT SELECT COMMITTEES
(APPOINTMENT OF MEMBERS)**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move the following resolution:

Whereas the Senate and the House of Representatives on Tuesday, March 20, 2001 and Friday, March 23, 2001 respectively approved resolutions in respect of the appointments of Members to Joint Select Committees in accordance with section 66A of the Constitution:

Be it Resolved that the persons for the time being appointed to these Joint Select Committees constitute these committees, notwithstanding any vacancy in their membership:

Joint Select Committees
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And Be it Further Resolved that this House reserve to the Leader of the Opposition, without further vote, the right to name two Members of the House of Representatives and one Senator, to be added to each of these committees who shall thereupon become members of the committees.

Question put and agreed to.

SUPPLEMENTAL POLICE (AMDT.) BILL

[THIRD DAY]

Order read for resuming adjourned debate on question [March 16, 2001]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: At the time of the adjournment of the debate on March 16, 2001, the Attorney General and Minister of Legal Affairs had begun his reply and spoke for 15 minutes. He has a balance of 13 minutes.

Hon. R. L. Maharaj: Mr. Speaker, when the Bill was debated on the last occasion, there were some concerns raised by the Opposition. I had indicated to the House on that occasion that I would look at the concerns expressed by the Opposition and come back to the House. To put the Bill in perspective, we must go back.

Hon. Members will recall that in amending the Supplemental Police Act, it was stated that estate constables under the Supplemental Police Act were supposed, when that Act was passed, to be employed for the protection of estates, et cetera. As the years progressed, the law was used for the retention of estate constables by private security firms. Because of certain restrictions in the Act, which were designed to protect the state sector and which were then being used for the private sector, there were certain matters which the private sector and the employees considered unequal.

Based on discussions over the years and the previous attempts to regularize this matter, this Government decided to take on that exercise also. After extensive consultation, the Government decided to come with two pieces of law: one, a bill dealing with the private security agencies, which has been passed in this House. There will be a situation in which the Private Security Agencies Bill will deal with estate constables employed by the private sector.

11.25 a.m.

Mr. Speaker, all the restrictions it had, therefore, relating to trade union membership and striking et cetera, have been removed so far as the Private Security Agencies Bill is concerned. This Bill deals with estate constables employed in the state sector and therefore you have the situation in which, under the Industrial Relations Act, there are certain restrictions in respect of estate constables. Some of those restrictions would remain in order to protect the public's interest and I will go through them. In respect of some of the restrictions, however, they have been removed, for example, the Estate Police Association would be given wider powers.

I think I may have given the impression, in my contribution, that all these restrictions would have been removed. If I did, I do apologize. I am very sorry but that is not the case. Some of those restrictions are being removed in respect of estate constables employed by the State. What I have decided, is to have cause to be made a summary of the main issues which have been raised, and the Members who have raised them. I intend to indicate what we are going to do. There are amendments, which have been drafted which I understand are being circulated so that Members could look at them. We have done that, all in an effort to see whether we could get consensus on the Bill.

The hon. Member for Diego Martin Central raised the question as to why it is that if estate constables are to be employed by the state sector, there is no requirement for them to pay a licence and, if a state enterprise or statutory authority has to have estate constables, why should they not pay a licence. We have looked at that and have decided to insert a licence requirement because it would also be a way for the Ministry to be able to have an idea of which authority has estate constables. The Ministry of National Security in considering those requests and consulting with the other stakeholders—the Government has decided that there will be no objections and, therefore, it will be inserted in clause 6:

“7A.(1) Subject to subsection (2) no statutory authority or state enterprise shall, after the commencement of this Act, employ constables without first obtaining a licence from the Minister so to do.”

The other point, which was raised by both the hon. Member for Diego Martin Central and the hon. Member for Laventille East/Morvant was: why is the security of state enterprises being treated differently from in-house security or private firms? Mr. Speaker, the estate police under the Supplemental Police Act, are akin to the police service of Trinidad and Tobago. They are not identical because there

are the Special Reserve Police Officers who are called to perform the duties of police officers. As I said, however, they are akin to the Police Service of Trinidad and Tobago with their essential duties being the protection of property belonging to the State or in which the State has a majority of interest. The substantial difference between the regular police service and the estate police is that the powers of estate police are limited to the area or to what they protect.

Under the Industrial Relations Act, Chap. 88:01, estate constables are excluded from the definition of worker in the same way as public officers, defence force personnel; police officers; prison officers; health workers and teachers.

In other words, Mr. Speaker, these categories of persons employed by the State in the services are considered essential to the efficient and successful running of the State and its agencies, and are excluded from enjoying the rights guaranteed and defined to workers under the Industrial Relations Act (IRA). As such they are prohibited from engaging in industrial action unless there is a certain procedure and, secondly, they are restricted in their ability to join trade unions and could only belong to an association.

Mr. Speaker, considering modern industrial relations practices it would be inappropriate to include private enterprise in-house security operations in the general prohibitions that exist under the IRA by virtue of them falling under the Supplemental Police Act. As far as the private security firms are concerned, it would not be appropriate for us to put the same restrictions on those firms because their workers can take industrial actions, they can strike and there is no question of the direct essential service. The concept, therefore, of an essential service should not apply to the private enterprise. It is a concept that properly belongs to services offered by the State, whereby the breakdown of those services could cause national alarm and suffering.

Mr. Speaker, in-house security operations belong under the Private Security Agencies Bill, where the industry as a whole is regulated and standards are set; employees have the right to join a trade union of their choice and will be able to engage in industrial action in accordance with the procedures set out in the Industrial Relations Act. As I said, this Bill would be amended to require licence fees in like manner to private security agencies but to include different categories of employees in the same Bill where rights are guaranteed for one category of worker, while purporting to restrict another doing basically the same job, the only difference being the employer is a different body. The more appropriate course of action, therefore, was to prepare and have these matters in two separate pieces of

legislation. Mr. Speaker, I hope I would have given the explanation as to why these matters are in two separate pieces of legislation.

The other point raised—as a matter of fact, it is a very important point—by the hon. Member for Arima was whether these workers could now join trade unions. She read from the Explanatory Note. I think she was justified in getting the impression, from what we said, that the Bill took away all those restrictions. Mr. Speaker, to make it quite clear, what these amendments purport to do is to expand the role of the Estate Police Association in terms of the kind of representation they make on behalf of their membership. The restriction, for the reasons which I have stated, still remains in terms of joining trade unions and engaging in industrial action, but within the framework of the legislation the right to more complete representation of members by the association has not been guaranteed. Therefore, Mr. Speaker, the restriction on the Estate Police Association (EPA) of representing members on disciplinary matters, transfer and promotion has been removed. What we have done—although we have maintained the restrictions—in respect of the joining of trade unions and engaging in industrial actions, is to remove the restrictions to give the Estate Police Association greater powers because it must mean that there could be harm by the EPA representing members on disciplinary matters, transfer and promotion.

Estate constables under the Supplemental Police Act would still be subjected to the restriction of not being able to join trade unions. They will continue to be represented by the Estate Police Association only. Security personnel falling under the Private Security Agencies Bill will not be so restricted; they may join the Estate Police Association or any other union or association of their choice or form their own union or association. There would be an amendment in order to give effect to this. I think it is circulated and it is from clause 23 of the Bill.

The other point raised by the hon. Member for Arima was that since estate constables are not considered workers they would not have the protection of the Minimum Wages Bill, so what provisions would be made for them. Mr. Speaker, now that we have separated estate constables employed by the State and security personnel employed privately, this is an issue, which can be easily resolved.

11.35 a.m.

I am informed that estate constables employed by the state, state enterprises and state authorities are paid well above the minimum wage. Certainly not at that level, and there is a tradition of negotiation over terms and conditions of service that has to date not existed in the private sector. This is where the problem lies.

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Traditionally, security officers in private firms have been poorly treated, earning as little as \$2 and even \$3 per hour before the statutory minimum wage of \$7 per hour was introduced a few years ago, to much resentment by the employers in that industry. Now that these workers are free to join trade unions or associations without fear of victimization, these workers will be able to demand and negotiate for terms and conditions with their employers and, if necessary, resort to industrial action in accordance with the provisions of the IRA. They do not necessarily have to stop at the minimum wage. It may be that these workers, if they organize themselves, can demand more by putting the necessary evidence to the employers and not use the minimum wage only, as a basis.

Mr. Speaker, the other point raised by the hon. Member for Arima concerns the provision of batons for each constable. I have sought the advice from the Chief Parliamentary Counsel and I have been told that clause 4 does not mean that each constable will be provided with his own personal baton, badge and manual, but simply that once an individual is on duty, these pieces of equipment should be available for his use. Whether they have the rights that are common to all workers on the issues of damages for personal injuries, clause 11 addresses this issue.

The hon. Member for Laventille East/Morvant raised the point that clause 23(d) bars negotiations between the employer and the employee, and he raised the point concerning the question of unreasonableness and what is unreasonable. A lot of thought has gone into this by the Chief Parliamentary Counsel's department and I do not think that we can legislate for the most unreasonable of behaviour, and the law provides that even where it is not stated, the law presumes that reasonable conduct must prevail.

The hon. Member for Arouca North raised the point—I do not know—but he said that this Bill is being amended for a friend in the trade union movement to get membership. I do not know. He did not state or give the particulars, but I wish to put on the record that this Bill is not being amended for what he said. This Bill is being amended for friends of Trinidad and Tobago, the whole family of the nation of Trinidad and Tobago, so that the workers in one industry would not be treated unfairly, because an injustice to that group of people would be an injustice to all of us. It is amended, as I said earlier, in order to correct some of these difficulties which have engaged the attention of governments and Parliament over the years.

Mr. Speaker, I have tried to deal with all the matters which have been raised by the Opposition and all that I can say is that this piece of legislation, together with the other piece of legislation which we have already passed or the Private

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Security Agencies Bill, has not been easy legislation to finalize and, as the Opposition would know, they have had a try at it when they were in government; they did not succeed because even though they have attempted, on two occasions, to do it and it had to go back, we have been able to try to get a consensus from the stakeholders. We have also seen that what we have drafted is reasonable. Like all other pieces of legislation, it may not be perfect at the time and we may be able to see, as time goes on, other problems, but it does not make the Government impotent to deal with the situation.

So, Mr. Speaker, I can respond to any further question at the committee stage, but I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose the following amendment in terms of the circulated draft:

Add a new paragraph as follows:

“(e) inserting the following definition in appropriate alphabetical sequence:

‘state enterprise’ means a company in which government has the majority shareholding;”.

And that, as you recall, Mr. Chairman, is in relation to making it clear in respect of the licensing arrangements, what a state enterprise is.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 and 5 ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Maharaj: Mr. Speaker, I beg to move that clause 6 be amended in terms of the circulated draft as follows:

- A. Delete all the words after the word “power” and substitute “, authority, privilege and immunity and be liable for his actions in the same manner as a constable in the Police Service in respect of the estate to which they belong”.
- B. Delete the quotation marks and full stop and insert the following:

“LICENCE REQUIREMENT

7A.(1) Subject to subsection (2) no statutory authority or state enterprise shall, after the commencement of this Act, employ constables without first obtaining a licence from the Minister so to do.

(2) A statutory authority or state enterprise operating immediately before the commencement of this Act shall, within ninety days from the date of commencement of this Act, apply for a licence.

(3) Subject to subsection (2) a statutory authority or state enterprise may continue to operate until the application is determined.

(4) A licence shall be issued subject to the conditions stipulated therein.

(5) A licence shall be renewable every two years from its date of issue at a fee of forty thousand dollars.

(6) The Minister may, by Order subject to negative resolution of Parliament, amend the fee prescribed in subsection (5).”

So this really deals with the licence requirements.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Maharaj: Mr. Speaker, I beg to move that clause 7 be amended in terms of the circulated draft. This amendment deals with the eligibility requirements for employment as a constable and it shows that it can be amended from time to time. This is to update the requirement of an estate constable being employed and it shows that if we look at clause 7, the amended form would read:

- A. In subclause (1)—
Insert the following paragraph:

“(a) a citizen of Trinidad and Tobago;”;

(b) renumber the remaining paragraphs accordingly.

B. Add the following subclauses:

“(4) The eligibility requirements for employment as a constable may be amended from time to time, by the Minister.

(5) A constable shall have ninety days, from the date of commencement of this Act, to comply with the requirements of subsection (1).

(6) A statutory authority or state enterprise which fails to fulfill the requirements of subsection (1) shall be liable on summary conviction to a fine of ten thousand dollars in respect of that constable.”

Question put and agreed to.

Clauses 7 and 8 ordered to stand part of the Bill:

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 9 be amended in terms of the circulated draft. It is purely a drafting amendment:

Insert a new paragraph (a) as follows, renumbering the subsequent paragraphs accordingly:

“(a) in subsection (2) by deleting the words ‘but for the purposes of section 7(b),’ and substituting the word ‘or’;”.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Maharaj: Mr. Speaker, I beg to move that clause 11 be amended in terms of the circulated draft:

A. In relation to clause 11B insert the following clauses:

“(2) An employer shall hold a valid public liability insurance policy with coverage for an amount of not less than five hundred thousand dollars, such coverage to include liability for damages caused by or

arising out of a constable's execution of his duty or any act of negligence on his part in the execution of his duty.

(3) Where a policy of insurance is cancelled, it shall be the duty of the insurance company to notify the Minister within seven days of such cancellation.

(4) An insurance company that fails to notify the Minister, pursuant to subsection (3), shall be liable on summary conviction to a fine of two hundred and fifty thousand dollars and the matter shall be referred to the Supervisor of Insurance for such action as the Supervisor deems appropriate."

B. Renumber subclauses (2) and (3) accordingly.

So, this took into account also the Opposition's request to consider equating it in more terms and this is what we have done.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 and 13 ordered to stand part of the Bill.

Clause 14.

Question proposed, That clause 14 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 14 be amended in terms of the circulated draft. It is purely a drafting amendment:

A. Renumber this clause as "14(1)" and add a new subsection (2) as follows:

(2) Section 21 of the Act is amended by deleting the words "rural and".

Question put and agreed to.

Clause 14, as amended, ordered to stand part of the Bill.

Clauses 15 to 22 ordered to stand part of the Bill.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Mr. Maharaj: Mr. Speaker, I beg to move that clause 23 be amended in terms of the circulated draft. This is to remove the ambiguity which we caused by

inserting “trade union” and we are very indebted to the Member for Arima for pointing out these matters to us. It is as follows:

- A. Delete “23(1)” and substitute “38A(1)”.
- B. Delete the terms “a trade union or association”, “trade union or association”, “a union or association”, “union or association” and “union” wherever occurring and substitute the terms “the Estate Police Association” or “Estate Police Association” as grammatically appropriate.

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 and 25 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.

11.50 a.m.

SPECIAL RESERVE POLICE (AMDT.) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to amend the Special Reserve Police Act, Chap. 15:03 be now read a second time.

The Bill which is before this House has three main objectives; but before I go into the objects of the Bill I think it is important for me to give the honourable House an overview of what the position is so that Members will understand...
[*Interruption*]

Mr. Valley: Mr. Speaker, the Member and I spoke and he indicated that he would be doing the Evidence Bill and that he simply wanted to start the Special Reserve Police Bill. That is what I informed the caucus.

Hon. R. L. Maharaj: Mr. Speaker, the Member having spoken to me, I recall I did say that, so I will go to the other Bill.

**ADMINISTRATION OF JUSTICE
(MISCELLANEOUS PROVISIONS) BILL**

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That an Act to repeal Section 14A of the Evidence Act, Chap. 7:02; to amend the Larceny Act, Chap. 11:12; to amend the Legal Aid and Advice Act, Chap. 7:07 to allow a magistrate to appoint an attorney-at-law to give legal aid to an accused; to amend the Bail Act, 1994; to amend the Negotiable Instruments (Dishonoured Cheques) Act, 1998; and for other related matters be now read a second time.

Since this Government came into office it has been pursuing an aggressive legislative agenda and one of the aims of this agenda is to reform the law relating to the criminal justice system. The Administration of Justice (Miscellaneous Provisions) Bill, 2001 would demonstrate the Government's intention to pursue this goal of reforming the laws by examining the present deficiencies and bringing measures in order to redress the injustices.

The main purpose of the proposed Bill, as its short title indicates, is to amend certain pieces of legislation that deal with criminal matters. In particular, there is the Evidence Act; the Larceny Act; the Legal Aid and Advice Act; the Bail Act; the Negotiable Instruments (Dishonoured Cheques) Act. This Bill, which is comprised of 20 clauses is divided into six parts. The Government has decided that there are various lacunae in the criminal justice system, some of which require urgent action and can be remedied by making these changes and putting them in one Bill. Part I of the Bill provides the short title. Part II proposes to reform certain aspects of evidence in criminal matters by seeking to amend the Evidence Act.

In 1996, by virtue of the Administration of Justice (Miscellaneous Provisions) Act 1996, Act No. 28 of 1996, the Evidence Act was amended to provide for a statutory procedure to be followed by the police when seeking to admit into evidence a photograph in a criminal matter. Both the police and the Director of Public Prosecutions had asked for this amendment and having got the amendment, it was not working. The Police Service and the DPP made representations to my ministry to have this amendment repealed because it was contributing to delays in the Magistrates' Courts and to allow the law, that is, the common law prevailing prior to the 1996 amendment, to continue to apply. Clause 3 of the Bill would,

therefore, repeal Section 14A of the Evidence Act that had created this complicated procedure.

Two other procedural changes are also proposed in the Evidence Act by Part II of this Bill. First, where the police seized dangerous drugs or other substances or things in the course of criminal investigation, they are required to keep them safely and present all as evidence in the court. This is a very important aspect, particularly when the drug or other items are in great bulk. This can cause much inconvenience and creates problems of storage, security and transporting to the court. Hence, following the Barbados model—of their 1997 Evidence Act—clause 4 of the Bill will now allow the State to use a sample from the bulk of the evidence to be admitted into evidence.

Hon. Members will note that clause 5 of the Bill provides numerous safeguards to protect the integrity of this process. The bulk is weighed or counted, as the case may be, and a sample is taken from the bulk and weighed and secured in a container which is sealed and initialed by the police officer, the accused or his attorney-at-law or agent.

Members are asked further to note that this process of taking a sample from the bulk and weighing it is done in the presence of the accused or his attorney-at-law or agent. The police officer must issue a certificate as provided in the proposed Fourth Schedule, see clause 5, that a sample was taken from the bulk and a certificate was signed by the accused or his attorney-at-law or agent. A copy of the certificate is given to the accused or his attorney-at-law or his agent.

Finally, when the Forensic Science Centre issues the scientific certificate of report, a copy of the report of certificate is to be served on the accused or his attorney-at-law or agent. It is only when the certificate of report has been issued that the Commissioner of Police or the court may order that the bulk of the substance or thing be destroyed.

Government experts such as scientific officers are being under utilized at the Forensic Science Centre by having to accept samples, things or exhibits submitted to the centre by police for scientific analysis. This is a waste of professional services in what is a mere administrative matter. The director of the Forensic Science Centre has requested that an amendment be made to the Evidence Act to allow her to use her non-scientific staff members to receive exhibits from the police.

A study of this request was done by the ministry and after discussions, the Cabinet has agreed that this recommendation should be implemented. Thus, clause 60 of the Bill will allow the director of the centre to authorize any of the

employees to accept exhibits submitted to the Centre for examination, analysis or report, thus allowing the scientific officers more time to do their jobs.

12.00 noon

It is expressly provided in the proposed section 19(2D), that this administrative reform would not in any manner, render the certificate or report of a government expert inadmissible in evidence. The director is concerned that an inordinate and, indeed, quite an unnecessary amount of time is spent by scientific officers in physically receiving exhibits from police officers, thereby greatly diminishing the available time to perform pressing and, in many cases, overdue analytical work.

This amendment will thus help to reduce the delays in the administration of justice and delays at the Forensic Science Centre, by having expert evidence readily available to the courts.

The proposed clause 6(b) seeks to extend the category of Government expert, as stated in section 19(4) of the Evidence Act, to include a fingerprint technician from the criminal records office of the police. Officers from the fingerprint department are often in court giving expert witness testimony, which may be discredited by defence counsel when their training and certification is challenged. The situation arises because these officers can be required to testify as expert under section 22 of the Evidence Act and not section 19. Section 19(2) allows for the admissibility of certain documents under the hand of a government expert.

Section 19(4) defines a government expert but does not include fingerprint officers. When the court admits a certificate or report of a government expert under section 19(2), it is admitted without proof of the signature or appointment of the government expert and without the presence of the expert. However, no such protection is available under section 22.

Section 22 provides that every document issued by or under the authority of any department of government, or is a record of such department, may be received in evidence in legal proceedings by the production of a copy or extract certified by an authority as specified in the Second Schedule to the Act. In this case the certifying authority is the Commissioner of Police. As I understand it, this does not prevent defence counsel from requiring the expert to testify and for the expert to be cross-examined.

Part III of the Bill seeks to amend the Larceny Act to extend the limitation period during which a complaint may be laid in relation to housebreaking offences. These offences are found in sections 28, 29 and 30 of the Act, from a

period of six months to twelve months. This is a proposal which has been made to the ministry for a number of years, and the Law Reform Commission, the police and the Office of Public Prosecutions have studied these matters. They requested it and we have considered it and we are asking the Parliament to agree to it.

Section 19 of the Administration of Justice (Miscellaneous Provisions) Act, 1996, Act No. 28 of 1996, amended section 28—Housebreaking and committing an arrestable offence; section 29—Housebreaking with intent to commit an arrestable offence; section 30—Being found by night armed or in possession of housebreaking implements of the Larceny Act, by making these offences, formerly indictable offences, summary offences, and therefore triable in the magistrates' court. This prevents these matters from having to go to the High Court and gives the jurisdiction to the magistrate for them to be done as summary offences.

There is generally no time limit for laying a charge or making a complaint for an indictable offence, but under section 33(2) of the Summary Courts Act, Chap. 4:20, a complaint for a summary offence must be laid within six months from the date of the commission of the offence. By reason of the amendment in 1996, those offences, now summary offences, are now subject to this limitation period of six months.

The police service has pointed out that because of the nature of the offences under sections 28, 29 and 30 of the Larceny Act, it takes more than six months to complete the investigations which centres mainly around fingerprint evidence. The police, therefore, have suggested that the period to lay a complaint in respect of these offences under these sections, be amended from six months to twelve months.

Mr. Speaker, this amendment as seen in clause 8 will allow the police more time to conduct their investigations and therefore to bring a prosecution. These offences are now governed by the six-month limitation period, and the police have pointed out that the very nature of housebreaking offences require more time.

If the six-month limitation period is maintained in relation to these types of offences, then many offenders may go free because the police would not be able to complete their investigations for the six-month period in order to lay a charge.

The proposed amendment is necessary in the interest of justice because it will allow the police service to complete its investigations within a reasonable time and will eliminate the statutory barrier of six months which provides an escape route for offences under sections 28, 29 and 30.

Clause 9 of the Bill seeks to change the offence of receiving stolen property under section 35 of the Larceny Act from an indictable offence to a summary offence. The amendments effected by section 19 of the Administration of Justice (Miscellaneous Provisions) Act, 1996, to sections 28, 29 and 30 of the Larceny Act, have also affected the charging of persons with receiving property under section 35 of the Larceny Act, in that a person who receives any property, knowing the same to have been stolen or obtained in any way whatsoever, including housebreaking, must, as the law now stands, be charged on indictment.

However, when section 35 is read in consonance with the amendment to sections 28 and 29, it can be seen that a legal anomaly is created, because housebreaking is no longer an indictable offence. Therefore, a person who receives the fruits of a housebreaking offence, cannot now be prosecuted under section 35, since the principal offences under sections 28 and 29 are summary offences. As a consequence, an amendment to section 35 of the Larceny Act is required to change the offence of receiving, from an indictable to a summary offence. Without the present amendment, the existing law exposes a lacuna through which persons who are charged with receiving stolen property as a result of housebreaking, may be able to take a point that it cannot be dealt within that particular way.

In Part IV of the Bill, clauses 11 and 12 are proposed in order to rectify a drafting oversight. Under the Schedule to the Bail Act, 1994, Act No. 18 of 1994, a new section 16(5) together with subsection (5)(a) had been inserted in the Legal Aid and Advice Act. Then section 13(b) of the Legal Aid and Advice (Amdt.) Act, 1999, Act No. 18 of 1999, deleted only section 16(5) of the Parent Act without interfering with the existing section 16(5)(a), and introduced new section 16(5) and (5A). Hence there are two subsections. Clauses 11 and 12 would therefore seek to repeal section 16(5) and (5A).

Clause 13 seeks to amend the Legal Aid and Advice Act to introduce a new section 16(5) and (5A) to allow a magistrate to appoint a legal aid attorney to represent an accused, rather than have to refer the appointment to the director of the Legal Aid and Advisory Authority. The police and the Director of Public Prosecutions have recommended this change and it is supported by the Law Reform Commission.

This requirement to refer the matter first to the director of the Authority as seen in the original section 16 of the Act and also in the 1994 and 1999 amendments, has proven to be a delaying and cumbersome process, contributing greatly to inefficiency in the criminal justice system, particularly in the magistrates' court.

Part V of the Bill will amend the Bail Act of 1994, Act No. 18 of 1994. Clause 15 seeks to amend section 6 of the Act by removing the application of the section to a convicted person and to give a court the discretion to consider certain specified matters when deciding whether or not to grant bail to an accused person.

12.10 p.m.

Clause 16 would provide a new section 6A to grant a right of appeal to a convicted person who has filed an appeal or a right of appeal to the police against the decision by the court to grant or refuse bail.

Clause 17 would provide a new section 11A to grant a right of appeal to an accused person who is denied bail by a judge of the High Court or to the police where bail is granted, and the decision of the Court of Appeal would be final in this matter.

Under the law, as it exists today—that is under sections 133A and 134 of the Summary Courts Act, and section 11 of the Bail Act of 1994—when a person is convicted by a magistrate and he files an appeal to the Court of Appeal, he may apply for bail to a judge who may or may not grant him bail. If he is not granted bail by that judge, he may apply to any other judge for bail, but the law does not provide a right of appeal to the police or the convicted person against such a decision by any judge. This Bill, therefore, seeks to confer such a right equally to the convicted person or to the police as the case may be.

Part V of the Bill also seeks to address the issue of an appeal against a decision of a judge under section 11(1) of the Bail Act. Under section 11(1), a High Court judge may grant or refuse bail to an accused person who was denied bail by a magistrate or vary the conditions of bail as granted by the magistrate. But, the law does not provide any right of appeal against the decision of the judge under that section. However, the Bill seeks to create such a right equally to the accused person or to the police and it is proposed that the decision of the Court of Appeal should be final in such a matter.

Mr. Speaker, within recent times, the need for this right of appeal has become very urgent. There have been concerns expressed in the exercise of the discretion in the granting of bail. These concerns have been expressed in the newspapers and by members of the public. It has been argued, for example, when much time and resources are expended by the state and the police to bring an accused person before the courts, and upon a refusal for bail by a magistrate the person is then granted bail by the High Court and there is no right to redress that, that seriously affects the morale of the police; it affects their motivation; the prosecutors; and the whole criminal justice system.

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Mr. Speaker, in order for whatever the decision is to be tested, the Government has decided that there should be the right of appeal to the Court of Appeal. On this issue, I am deliberately not mentioning specific cases, but may I say, the Bill, therefore, seeks among other things, to redress the feelings of injustices by the public when persons accused of serious offences are granted bail and, in some cases, where they are even granted their own bail, even though previously they were not granted bail.

Hon. Member: So what are you trying to say?

Hon. R. L. Maharaj: Mr. Speaker, Part VI of the Bill seeks to amend the Negotiable Instruments (Dishonoured Cheques) Act of 1998 to introduce certain measures as recommended by the police to strengthen the operation of the Act. The Fraud Squad proposed the various amendments to this Act after implementing the Act over the last few years.

Clause 19 seeks to amend section 3 of the Act—and if my memory serves me right, I think the hon. Member for Laventille East/Morvant had raised this lacuna with me with a certain police officer—by providing that the consent of the payee under subsection 3(2)(c) of the Act to stop the payment of a cheque should be in writing for evidentiary purposes, and a new subsection (3) is added in section 3 to clearly spell out the date when an offence is committed under the Act. That is the time when it is presented for payment and it is dishonoured.

Clause 20 seeks to amend section 4 of the Act to remove the discretion of the banks to issue the notice or protest informing the drawer of the dishonour, and to require the bank to keep a certified copy of the notice or protest together with a copy of the cheque for a year.

Clause 20(d) seeks to allow the payee to write to the drawer informing him of the dishonour and this written notice can be used in evidence. If the drawer makes a written confession, the requirement to issue the notice or protest is not required. As a result of the uncertainty surrounding these matters, the police—in particular the Fraud Squad—have pointed out that these amendments are needed in order to have a smooth implementation of the Act.

Mr. Speaker, before I conclude, I need to say something on bail. The Constitution guarantees the right to bail, but the right is not an absolute right because the right to bail is subject to due process of law, and it has been held that the courts have the power to determine whether a person should be granted bail or not. The court being given the power and the process being reformed so that a higher court would be given the power to determine on appeal what a judge or an

inferior court has done in respect of bail, in no way take away or alter the fundamental right to bail.

Mr. Speaker, whereas in this legislation there is an amendment to the law which puts another tier in the system or if I may say, another process for a person if he is granted bail to apply to a higher court for bail, in no way alters his fundamental right to bail. It is in that context it must be understood that it is not that the Executive Authority is going to determine whether the person is going to be given bail or whether the Executive Authority is going to reverse the order of the judge; it is a higher court, which under the laws of Trinidad and Tobago already has the power to review an order made by an inferior court.

Mr. Speaker, I beg to move the second reading of this Bill.

Question proposed.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I think it is important first of all, to place on the record of this House, an observation that this Member has made over the last five years in this Chamber. The Attorney General began by indicating that the public and Members of this House would or should take note of the fact that the Government has pursued a very aggressive programme of legislative reform. The Attorney General, having had his background in the criminal law—and I use that word to describe the nature of the profession and not anything or anyone else—naturally, I suspect, applied his mind to matters relating to the criminal law.

Mr. Speaker, we pointed out time and time again in this Chamber that in his haste and in his exuberance to win political mileage, to impress his flock and his followers, he and his Government are doing so well, they have time and time again passed bad laws in this Parliament. Oftentimes, when we pointed that out to him, he would, appearing to be at his wits' end say, "If all yuh doh like it, all yuh could take it and go to the constitutional court." That has been the attitude of the Government.

This morning, in answer to a question regarding a part of the legislation to which he referred, I asked the Attorney General to indicate whether the DNA Bill that he piloted in the Senate since May of 1999, and which was passed in this honourable Chamber not too long after that, on May 12, 2000.

I remember when the Attorney General came the press was replete with stories—great job by the Attorney General to improve the forensic process; to improve the investigative technique on the part of the police and other investigators, so that Trinidad and Tobago could feel comfortable that criminals would not so easily escape the grasp of the law. The Government did that to give

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the public the impression that it was really improving the criminal justice system and that people could feel confident that crime was on the decrease, investigative techniques were improving, and as such, one could have voted for the UNC in the election because, after all, they promised the people they would deal with crime.

12.20 p.m.

He came this morning to admit that that legislation was not yet in effect. However, during the last election campaign, he was up and down the country boasting about it and misleading the public into thinking they had this protection, when in fact they did not. That typifies the behaviour of this Government. That characterizes the behaviour of this Government.

The Attorney General spoke a while ago, as he piloted this legislation, about the Forensic Science Centre, which would largely be responsible for implementing legislation such as the DNA legislation—DNA expertise. He spoke about personnel there and one of the amendments he came here with this morning is an amendment to allow non-professional, non-expert people employed at the Forensic Science Centre to accept evidence for testing by experts. He argued, and correctly so, that the Forensic Science Centre, the director and the staff, felt that time was wasted by having the experts actually collect it themselves. Anybody could collect it, they would test it and the report would be submitted to the court for due deliberation in the course of a matter.

He did not tell us that right now the same Forensic Science Centre is in a state of unsettlement and upheaval. Only recently the staff at the Forensic Science Centre refused to receive any exhibits. They complained about terms and conditions of service. Having to complain about that at a time when the Government is boasting about the strength and the growth of the economy; having acknowledged the fact that this country has been a major beneficiary of oil and gas revenues over the last five years; all of that, and these people are complaining about terms and conditions. They decided that they would accept exhibits and not thwart the process in the courts; not bring the process of criminal justice to a standstill, only on a temporary basis. However, the Attorney General would say nothing about that. He would speak glibly, lend the public, through the media, the impression that all is well when in fact it is not.

He comes here again with an amendment dealing with the Bail Act. An amendment was made to the Bail Act in 1999. It was supposed to be a panacea; it was supposed to have resolved all of the problems. He comes back today admitting very shyly and quietly that that was bad law. There was an oversight

and he now has to correct it. This alone is evidence that this Government has been passing a lot of bad laws through this Parliament. We have complained many times. We have had trouble coping with the pace they have set, but we realize that it is all done to obfuscate; to give a certain impression when it is really undeserving.

Having said that, we will attempt to deal with some of the issues that the Attorney General raised. It is fitting for me to point out that the Attorney General in the same boastful manner came here with an amendment to the Dangerous Drugs Act some time ago and he rearranged the definition of “possession”. I stood in this Parliament and pointed out to him that that supposed improved definition of the concept of possession does not answer the questions that the police must face and upon which many cases fall in the court. I practise in the courts myself. I told him so; he disregarded what I said. He went ahead, and I can tell you—I am in court every day—the same problem exists. People are walking away from the courts, justice not having been met, because the definition that he was supposed to have been improving is totally inadequate. Nothing has changed.

So, let the Attorney General continue. His résumé looks good—over 61 pieces of legislation. I see now, within his party, he is being praised as the best Attorney General that this country has ever had. [*Interruption*] By UNC standards! A façade! Unreal! However, the country will understand as we go along.

I have already said, Mr. Speaker, that this country will pay a price for trusting and voting for the UNC and it must pay that price. I did not vote for it. Those who did, there is a price to be paid and they will pay it. We are all paying, unfortunately.

Let me deal with a matter here. It has to do with the amendment to improve the Negotiable Instruments (Dishonoured Cheques) Act, 1988. I remember when he came with the legislation. It was a good piece of legislation, in principle. We supported it. We said that if people write cheques that would bounce—dishonoured cheques—in some circumstances that ought to be a matter for criminal law. We pointed out in that debate, that not in all circumstances—because a person can write a cheque and be totally oblivious of the fact that something or another would have gone wrong. It may be that the bank may have worked some inaccuracy in the account and the next thing the cheque bounces and the next thing the Fraud Squad is investigating it. However, where it is clear that a person wrote a cheque knowing that he has no money in his account and knowing that the cheque will be dishonoured, that is clearly a matter for criminal law. So, we supported the Attorney General’s approach to this Parliament with those reservations.

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He went ahead and amended the legislation, so now any time a person writes a bounced cheque, he is answerable to the court. So, while the person may win the case in the court, he may have to suffer the indignity, quite innocently, of having been dragged before the court to explain the circumstances. That is the way the Government wanted it and so we must have it.

Sometime ago, I approached the Attorney General in the Chamber and pointed out an inadequacy in the law, which was brought to my attention by one of the persons who operate the law—a member of the Fraud Squad. I must say that he responded to it and we have come before the Parliament with an amendment to deal with the matter. Again, I submit that that amendment still does not resolve the problem.

Section 3(1) of the existing legislation—

Mr. Speaker: Can you pick up section 3(1) after the lunch break? This House is now suspended for the lunch break and we will resume at 1.30 p.m.

12.30 p.m.: *Sitting suspended.*

1.32 p.m.: *Sitting resumed.*

Mr. F. Hinds: Thank you very much, Mr. Speaker. Before we took the break I was making the point that section 3 of the existing legislation—and we are talking about the Negotiable Instruments (Dishonoured Cheques) Act of 1998—talks about obtaining property by the use of a dishonoured cheque. Some difficulties arose in that there were times when the goods were obtained but the cheque was not presented at the same time and that could happen in a number of circumstances. When that happened, it could not have been said—it was argued successfully in the court—that it could not properly or truly be said that the goods were obtained by use of a dishonoured cheque.

Mr. Speaker, for example, if a person wrote a post-dated cheque for a month hence and obtained the goods today—the goods were passed but the cheque was not tendered at the time of the passing of the goods per se. The cheque was tendered but, of course, it was not to be effected until that time. In one case the defendant was exonerated on the basis of that legal technicality—so that the purpose and the intention of the amendment before us is to marry the circumstances between the passing and the cheque being dishonoured so as to get around that legal loophole.

What is before us today is that section 3(1) should be amended to read: “By use of, or in contemplation of a dishonoured cheque.” Those words “or in

contemplation” are the words that are supposed to create a link between the passing of the cheque and the dishonouring that would eventually occur. I am submitting to the hon. Attorney General that those words would still not take us over the bridge, if I can say so. What do the words “or in contemplation” mean? I want to suggest an amendment, Mr. Speaker. I suggest that it should read—and I am quoting now, Mr. Speaker.

“Whether uttered at the time of the transaction or at some future time in relation to the goods, property or service.”

The cheque is dishonoured when it is not supported with cash and the bank will certify that, but it has to be in relation to the property or service. I am therefore suggesting the amendment as I quoted should read, “Whether uttered at the time of the transaction or at some future time in relation to the goods, property or service.” Those words are very important. They are much clearer than the words “in contemplation of”, and they really account for all the circumstances that might give rise to the problems I have just demonstrated.

Mr. Speaker, let us say a person obtained goods. He took the goods back to the store. Or, he obtained goods from someone, he gave back the goods to the person and the cheque that was tendered was refunded but the refunded cheque, however, turns out to be a bounced cheque, again, you would have the problem. This is why I am suggesting that the words “in relation to the goods, property or service” be used because we would then know that it had to do with those goods, the property or service that was passed for the cheque in the first place. When the refund cheque comes, if that bounces, it would be on its own and not in relation to the goods, property or service and that, too, must be seen as a separate transaction and could give rise to a new offence.

This Bill needs to be amended to give account of a situation where a person has money in his account, he issues a cheque but before it is presented for payment he takes out the money. As the legislation now stands, if you tender a cheque knowing that you did not have sufficient funds in the account—because the definition section talks about insufficient funds. I quote:

“A drawer has ‘insufficient funds’ with a drawee to cover a cheque when the drawer has:

- (a) no account;
- (b) no funds in the account;
- (c) an amount of funds less than that needed to cover the cheque;
- (d) no credit facilities to cover the cheque.”

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Mr. Speaker, none of those four circumstances that give rise to insufficient funds accounts for a situation where he tenders the cheque, he has sufficient funds in the account at the time, or, he has credit to cover it; but the person to whom he tendered the cheque keeps it for two weeks and before the two weeks expire, he then withdraws the money. As the legislation now stands no provision is made for that and, therefore, we need to look at that and that is why I am suggesting we add the words, “in relation to the goods, service or property”.

Section 4(1)(b) of the legislation should therefore be amended and I am suggesting the words “or any other time before the cheque is presented for payment.” When you do that, it would account for the situation that I have just explained.

1.40 p.m.

What about a re-issued cheque? It happens you know. Someone writes a cheque, it bounces and the person to whom the cheque was tendered takes that cheque back to the person who issued it and he issues another cheque which itself bounces. So, now you have that second bounced cheque, but again, it is not in relation to the goods or service that it is supposed to have been related to in the first place. Then, strictly speaking, he could be exonerated of the offence. So, we need to take into account these situations, and it is when we cover these possibilities, we would have done justice to that legislation henceforth.

Now, in terms of the date of the offence, clause 19 of the Bill before us is attempting to deal with that problem of the date of the offence, because section 3, again, of the Act, says that a person passes a cheque when as a payee, holder or bearer of a cheque which has been or purports to have been drawn and uttered by another person, he endorses and delivers it for a purpose other than collection to a third person who thereby acquires a right with respect to that cheque.

And 4(1)(b)(i) says that the drawee or representative drawer had insufficient funds with the drawee at the time of its utterance to cover it and other outstanding cheques. Now, the Act contemplates that the date of the offence—well the Act is unclear. We are not sure when the offence is actually committed, whether it is upon presentation of the cheque or whether it is at the time the bank dishonours it, and because the Act is unclear, there is the difficulty of getting the marriage of the passing of the goods and the question of when the cheque was dishonoured, when the offence took place.

So, that needs to be clarified and I think we should not leave this Parliament today until we clarify when did the offence take place, whether it is when he

presented the cheque in the first instance, or when it was dishonoured two weeks later after the person to whom it was tendered handed it over to the bank and the bank now says it is now dishonoured. So we need to sort that out. So, in light of those, hon. Members, I am suggesting that the amendment, as it now comes before us, still does not address some of the problems that it is intended to address and we will be failing a second time if we did not sort those issues out.

In respect of the question of the amendment to the Larceny Act, under the Larceny Act we have these breaking offences; the Attorney General explained those, and yes, it does take, in some cases, as I understand from the police, a long time before they complete their investigations and, therefore, if we are making these offences now triable summarily, then the six months time that would go for the charging for Summary Offences might not be sufficient, so while the police are happy to have the matters to be done, to cause them to be able to be done summarily, they want to extend the amount of time for the investigation. I think that is quite reasonable and certainly in the public interest, and we would support that without more.

I want to say to the hon. Attorney General that while he boasts of being the most active Attorney General and having a long resume and he is the best Attorney General since sliced bread, and all of those nice things he says about himself—and a few other deceitful people say about him—all of these amendments to these various bits of legislation are not to be taken in abstract. Remember we are trying to improve the criminal justice system. We are trying to make the society a safer place for our citizens and, at the moment, notwithstanding all of the comforts he brings upon himself, the society is in a state of “dis-ease”. Crime is running rampant and he must, if he is sufficiently manly, stand up here today as he winds up and tell this Parliament that notwithstanding all of his efforts, he has palpably failed to bring crime to heel in this country.

I have always said in fairness to the Government that crime is not exactly a matter that any Government could take credit for or be discredited for, because the bandits do not tell any Minister—at least, I do not expect bandits to consult with Ministers and tell them when they are planning to commit crimes. Crime is, in a sense, outside of the hands of the law abiding citizens in many ways and, therefore, to blame a government for the four murders that took place over the last weekend would be, in a sense, futile. At the same time, this is a government that came to office telling this country that they will resolve the crime problems in the country, and having failed, I think they should be man enough to get up now and say, “We have failed”.

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Notwithstanding all of the amendments that the Government has come with over the last five years, and continues to come with, including what is before us now, it simply has failed, and a lot of people, unlike me, would be afraid to say so. I was duly impressed, I was heartened when sometime ago, I think it was in the *Newsday* of March 15, 2001 in a story written by one Sampson Nanton, I saw a public spirited individual, a man having nothing to do with the politics of Trinidad and Tobago; a man outside of the cut and thrust of either of the political sides. I am talking about the chairman of the Employers' Consultative Association. The story says he blasted the Government for creating a society where people were afraid to speak out and so forth. I think he is quite right.

A lot of people in this country are afraid to speak up and speak out. Even Members on that side. Many of them are mum. Many of them would like to speak but they are afraid; maybe afraid of the Attorney General or the Prime Minister or Bob Linquist. Many of them are afraid to speak but we are without fear and we will speak. This gentleman won my admiration. He is not a politician. He does not sit on this side. He is not, as far as I am aware, any member of the PNM, but he says:

“Too many things have been happening in our society recently which have provoked concern in many quarters. Of even more concern perhaps has been the deafening silence from so many of those in our society towards whom our citizens look for leadership.

He goes on:

“Our sacred institutions, those that ensure our aspiration towards a civil society and our progress as a democratic independent nation, are under attack from the very persons who have sworn under oath to defend them.”

Ministers of Government. Prime Minister, Attorney General, and the lot! There is what a member of our society is saying and he had the courage to say it publicly and it was reported in the newspaper. He is so right. He is right!

I sat here in this Parliament today and I heard the Attorney General trying to defend the fact that the DNA legislation has not yet been proclaimed. I had filed another question asking the Attorney General to give a written answer and to list all of the Bills, all of the Acts of Parliament that they came to this House and passed, and passed in the Senate and got presidential assent, but they have not yet implemented in the country.

What members of the society do not understand is that they come here and in the newspaper reports they get a lot of coverage about this and that and they are

doing so well. Members of the society do not realize that it is all a farce. The laws have not yet been put in place. Look at the Dangerous Dogs Act. When I filed this question I was amazed at the long list of Acts that, while we have passed them, while that Attorney General and his Prime Minister and the Member for Siparia and others—let me use his word. He described me as being ignorant this morning, not in a pejorative sense, but meaning I do not understand the issues. He told me I do not understand.

You cannot get the DNA expertise in place, train the personnel, and get the equipment until the legislation is passed, and we had to tell him that is not true. What members of the public do not know is that after all the talk about the Dangerous Dogs Act almost a year and a half ago, the Act has not yet been put into place. He is now telling me and I am yet to see it. I would have to wait until July 31, 2001 before it is proclaimed. So members of the public who have pit bull dogs could take it that that they could let their dogs bite other people until July 31, 2001, according to the dictates of the UNC. If you have a pit bull, let it eat up people until July 31, 2001. So it is! But all along, the people of this country got the misleading impression.

Mr. Sudama: You will get more cases to fight.

Mr. F. Hinds: Member for Oropouche, I have nothing to say to you. I admire you in some ways and I do not in many others. You will get your time to speak as you campaign for the Member for St. Joseph and others in the next few weeks. I know you have a lot to say. You can say, because I do not know—

Mr. Sudama: The more dog bites, the more cases you will get!

Mr. F. Hinds: Mr. Speaker, I am being distracted, but that is quite all right. I can understand his exuberance. It is interesting you know. Everybody wanted to be deputy in the UNC while the Attorney General was away, and as soon as he reached and he reminded them that a man called Bob Linquist was in Trinidad and spent months and he was down in the Ministry of Infrastructure Development and he was in the Ministry of Housing and Settlements and he was in Public Utilities, and the Attorney General only mentioned desal and InnCogen and airport and road paving, everybody want to withdraw their candidacy. [*Laughter*] [*Desk thumping*] Nobody wants to be deputy political leader again! I understand that.

What they did not understand is that the Attorney General was planning for them two years ago when he brought Bob Linquist here. So you could laugh as much as you want! Once Bob Linquist lives and the Attorney General has the key

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for the vault in which that document is held, you must keep quiet Member for St. Joseph. [*Laughter*]

Mr. Speaker: Member, please.

Mr. F. Hinds: I am getting back to the Bill. Do not worry about the PNM. The PNM is a great, strong party. Do not worry about the PNM. So, the Member for Oropouche could afford to talk because I do not think Bob Liguist went by him. You do not get into trouble for dancing on any table. [*Laughter*] That is not so bad.

It is amazing, Mr. Speaker. This is a serious thing. I was making the point to one of my colleagues while we refreshed ourselves in the tea room a while ago. When we come here week after week—well, in this case for the first time in six weeks because they went on their sabbaticals and some must have gone for other purposes, pretending it was this, but they probably went to get things sorted out. Nobody could say there is a \$12 million man in Trinidad and Tobago again. All these sorts of things.

There is still a \$12 million man, but the point is, we come here week after week and we promise the public, they repose confidence in us. They have elected us to come here to represent their interests and to offer them legislative and other protections in the society. We have not really been doing a very good job. People are in fear in the society whether they would like to admit it or not. People feel defenceless. People are still knocking down other's doors and walking in and sticking them up.

One of my colleagues told me of a neighbour of his. A quiet area for 30 years, but in the last six months, three serious crimes. Somebody passed with a machine gun and shot up a row of houses as he was going by recently. That is the reality in Trinidad and Tobago. So, I do not want the Attorney General merely coming here and talking. This is a point I make to the Member for Siparia often. She gets up and talks about the education system and I have to remind her and I remind her again today, talking does not improve the educational system; things must be done.

Mr. Manning: Not gallerying!

Mr. F. Hinds: Not misleading people about Common Entrance Examination gone and all sorts of things. There are some real things that must be done to the criminal justice system and practice if we really have to improve the state of affairs.

I am happy to support some of these amendments today, because I know the intention is to improve the legislation and to make the administration of justice, to this extent, more dependable but, at the same time, I must tell the Attorney

General that in respect of the Negotiable Instruments (Dishonoured Cheques) Act, as it were, we need to look at it more closely, otherwise he will not be filling the gaps and we will be going that same route again.

1.55 p.m.

He spoke a bit about bail and I noted that he refused to make any comment on any particular case in respect of bail. What the amendment is saying is that when a magistrate refuses bail a person can apply to a judge in chambers for bail and if the judge grants bail there was no provision for appeal by the State in order to counteract that if they felt that bail should not have been given. But when an application for bail is made before a judge in chambers, the police have an opportunity to intervene because the application is sent to the CID Criminal Records Office to be traced to see whether the applicant has convictions and how many and matters pending; and the Attorney General knows this quite well.

So this is one of the issues that the judge contemplates when he decides whether or not he should grant bail. The DPP is also represented—my Friend from Princes Town knows this, he operates in that world on a daily basis—at those hearings before the judge in chambers and he can object to bail if he wishes; but in current Trinidad and Tobago, the DPP is finding himself under attack as well; to substantiate what the gentleman said.

The institution of the DPP was established under section 90 of our Constitution, an independent and autonomous institution, free from politics, but today in Trinidad and Tobago, we stand here and see the Director of Public Prosecutions, the strongman, if you like, having to seek legal advice to protect his office and himself from the incoming tide of a hurricane, that is the Member for Couva South.

So the institutions that are supposed to be getting the support of the Government find themselves being attacked by the Government. The DPP has to run for cover, but thank God, he is a man made of stern stuff, so he stood up and told the Attorney General, “that may be your forte, but this is mine under the Constitution”.

I have seen cases where people who hold office under the Constitution, cower and run, in the face of the Attorney General. So today they call him a lion and he feels proud about that. What he does not understand is that the Member for Couva North has always said: "If you see me and a lion fighting, feel sorry for the lion." He is licking down everybody. He licked down the Member for St. Joseph, he licked down the Member for Caroni East. He is mashing up as he goes along and when he comes face to face with the Member for Couva North, that is the lion and

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the hyena; and you know the hyena is a nocturnal beast. So we are waiting and watching.

To get back to the legislation, I was not drifting too far, we really need to pay close attention to what we are doing here in order to give the members of the public the protection they deserve. We are amending the law and the courts must administer the laws; and the courts are seated with judges. That institution too has come under vicious attack from the Attorney General. He came here this morning with these amendments but before that he was making a suggestion to the Speaker that a Member on this side should be sent before the Privileges Committee. The Speaker now has to contemplate the issue; and I know he will; and I hope that he does so fearlessly [*Interruption*]

Mr. Speaker: I am sure you know what you are doing is not proper. The matter is receiving my attention. I said this morning that I will be giving my ruling and I think it is improper for anyone to get up, even in debate, and make any statement regarding that. So please come back to the Bill.

Mr. F. Hinds: I understand and I accept your ruling but an amendment here deals with bail and when we talk about bail, we talk about judges and a judge has to decide on that application and I was just saying, in passing, and I make no further comment on that.

Perhaps it is the case that the Attorney General should be before the Privileges Committee. I am considering that. As a matter of fact, I remember the President of the Law Association, to whom I shall refer shortly, because legal aid is a matter I have to address, and he looks after the welfare and the discipline, if you like, of all attorneys in practice at our bar.

When the Attorney General launched his scurrilous and vicious—I am using the words of the Member for Couva North, it is just that I cannot get the smirk like him—the vicious and scurrilous attack on a judge who was about to decide a matter, I did not hear anybody say he should go before the Privileges Committee. When the matter was raised, some lawyers in this country said that he should be charged for contempt of court and the President of the Law Association got up and told this country that while he was satisfied that contempt proceedings were requisite, he did not think it was the right time to do it. He felt that the society was in a state of confusion.

The only reason for the President of the Law Association not agreeing with many persons in the country that the Attorney General should have been before the Bar of the Court for contempt, having virtually accused a judge of being

biased, was because he did not think it was the right time; not that the offence was not consummated. So here is where we are in Trinidad and Tobago. It appears as though the law applies to some and not to others.

While we talk about bail, a week and a half ago I saw—and I hope that he has an amendment to deal with it—a certain person in this country who is charged for murder—it is as if he was on a picnic. The newspapers reported that he was having lunch with his family and friends. One person commented—

Mr. Speaker: 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 [*Mr. J. Narine*]

Question put and agreed to.

Mr F. Hinds. Thank you very much, Mr. Speaker and hon. Members. I can assure you that I will not utilize all of that time.

I was making the point that—and I want the Attorney General to address his mind to this—many people in our society believe that the law is for some but not for others. Once there is that sentiment permeating the society, it leads to disharmony and discord, and as Attorney General, for the moment, he is duty-bound to do whatever he can to ensure, at least by the laws and the application of the laws, that such disharmony does not continue. But this is what we are seeing in the society and the responsibility rests with him.

We do not want to hear about when Mr. Martineau was the Attorney General, or when Mr. Sobion was the Attorney General or when anybody else was Attorney General. I think Basil Pitt was once Attorney General. We do not want to hear about that. We want to hear about the here and the now. The responsibility is his.

2.05 p.m.

With those very few words I say, again, in conclusion, that we will support any effort on the part of the Government to improve the legislative framework in this country, but do not try to mislead us into thinking that once you pass a law everything is all right. This long list of laws that we passed and which have not yet been given effect, demonstrates that everything is not all right.

Secondly, even those that were passed and given effect, like the Negotiable Instruments (Dishonoured Cheques) Bill, everything is not all right, because we have to come back today after a mere two years. And that would be their legacy.

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They need to be careful. The pace with which they are going—a lot of bad laws are coming here, as I said, at the beginning of my short contribution—that will be their legacy. Many of the amendments to the Constitution that they have hurried through and pushed down our throats and pushed down the nation's throats, will come back to haunt this country. They will be challenged in the constitutional courts, and many persons who have offended against others in this society will walk free because they are bringing a lot of bad and imperfect laws in here. We simply do not have the time to give due consideration to it. It is that serious.

I stand and sit in the court on a daily basis and see many people walk out. The entire administration of justice system needs a closer look. I rather doubt that they are able to deal with it. I doubt it. They have had five years. Do not come and tell me about 30. I will remind you that in the last 15 years in Trinidad and Tobago the PNM was only in Government for three years and ten months. For the balance of that time it was UNC and NAR, not PNM—three years and 10 months of the last 15 years. So you would not be blaming the PNM for everything that is going wrong; it is the UNC and all of its false promises.

When I drive on the smooth roads I know it is costing me four and five times as much as it should. When I drove by the airport yesterday and looked at the edifice, I know that it is incomplete with a bill of \$1.5 billion, so the last figure says, and they want to come back to this Parliament to get another \$150 million. I understand that. I understand that when they tell people the Common Entrance Examination has been abolished, their children still had to write a Common Entrance Examination three weeks ago. I understand when they say, “water for all”, it really means “almost water for none”. I understand all those things. You could fool them, but you cannot fool us, and the people are becoming more and more aware.

If I can use a scientific metaphor: When a plague—and I am talking about even a political plague—comes upon a piece of land, like the mealy bug—I am not saying they are political mealy bugs; I am tempted, but I would not say that—it takes a little while but the land itself heals itself, you know. It develops immunisms against it; it repels it eventually and it survives—like locusts, without the intervention of the former Minister of Agriculture, Land and Marine Resources. Had he left the thing it would have all happened naturally, but he got his friend Mafoze to come in, make a little money with metharizium, and wipe out the sugar crop. Today, the Member for Tunapuna has to deal with a big problem in Caroni, one that we fixed a few years ago.

So all of these things—and I am coming back to the Bill as I conclude—we understand all of that and we are asking the Government as it comes with these

amendments: the amendment to the Larceny Act; to the Legal Aid and Advice Act; to the Negotiable Instruments (Dishonoured Cheques) Act; to the Bail Act: to take seriously its responsibility. This is no fun. People are suffering in the society out there and this Government has had little effect on that. If anything, this Government has worsened it. Do you know what the Attorney General said as he presented the Bill here today? He said that to implement certain legislation it requires a certain amount of money. In other words, when you amended the Legal Aid and Advice Act, that Attorney General came here and said that to implement the Legal Aid and Advice (Amdt) Bill was going to cost this country \$10 million, because they were increasing the fees that lawyers could earn under legal aid. And we are back here with a Legal Aid (Amdt.) Bill. It took them about seven months before they gave effect to the legislation. So they came; they satisfied the public's calling, and they went away quietly; they took about seven months before they implemented it because they could not find the \$10 million. Imagine that! Government cannot find \$10 million.

I got a correspondence in my mailbox some time ago. I have it here—Concacaf letterhead. This Government cannot find \$10 million and we are talking \$25 million here! Where “all yuh does find that”? For their friends, and the people are crying in the society and they are all laughing their way to the bank. But may God bless you all in this country.

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

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I rise to make a very short intervention on the Administration of Justice (Miscellaneous Provisions) Bill, 2001.

I want to go directly to that portion of the Bill which refers to bail. The granting of bail in Trinidad and Tobago is now governed by the Bail Act, but the common law principles still remain valid. Those principles are: one, the main provision of bail is to ensure that the accused person will appear at the trial. Two, the accused is unlikely to interfere with prosecution witnesses and/or commit other crimes. Three, bail should not be used as a punishment.

I happen, quite intermittently, but often enough, to go into the Magistrates' Court in San Fernando and in Siparia, and I notice an injustice being perpetrated on those persons of humble means in these courts. I want to point it out and maybe we need to seek to have some further amendment to this Act. That is, bail has always been taken by use of property. By and large, if you have property or if your parents have property, they are able to take your bail. What you notice is that when a magistrate is dealing with bail, he usually seems to put that bail up very

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high—\$100,000 or \$150,000 bail for somebody charged, maybe with possession of marijuana, and things like that. Yet sometimes we hear, when other persons are charged with 27 counts of fraud, they get the same \$150,000 bail. But normally, that person most likely would have property, and so on.

The Bail Act also provides that if you are charged with certain offences and you are charged further with another offence—so you are charged, let us say, with possession of marijuana for the purpose of trafficking—before that matter is dealt with, and you are charged a second time with another offence, you find that the magistrate automatically refuses bail. Even if your parents or your friends have money and they are able to put that money together and offer to the court in order to obtain your bail, what you will find is that the court will not accept.

2.15 p.m.

And what you do find, notwithstanding all the efforts which have been made to stop professional bailors—would be persons coming to court who have some property, and standing around, being charged sums of money, sometimes as much as \$10,000, \$15,000; 10 per cent of the amount required in order to put up their property to secure bail. It is happening outside the courts and it is wrong. It is illegal but it is surreptitiously happening and because bail is usually only given when there is somebody with some land, you find that a number of persons who have relatives and friends being charged before the court, go by the side surreptitiously and pay these professional bailors large sums of money.

We are looking at the Bail Act, and I identify myself with the comments made by the hon. Member for Laventille East/Morvant, in terms of our support but we would be hiding our heads in the sand whether like an ostrich or like a tattoo, we would be putting it there if we do not maybe not today, but in the future, deal with this question of arranging bail.

We must remember that we are living on an island, and one as lovely as it is—with the sea on all sides—there is one thing; that the quantity of land available in this country is limited, and the more people there are with land, the more the population grows and the more the land becomes limited. When one has to take a bail at \$150,000 even if a person's relative or one's father leaves a piece of land for him, he still has to go through a whole series of problems before he could do that. I believe the time has come when one has to look at this whole question of what kind of property—and I am using property in the wider sense of the word—can be used to take bail for persons. I mean property in terms of money and in terms of other security because there is a great injustice being perpetrated on those who are not landowners.

What we must remember is that the persons who are seeking bail are really not persons guilty in the law of any crime. Remember, a person according to our law, is innocent until proven guilty. There may be a situation which exists whereby a person is charged and only because a police officer, knowing that this man was charged and involved with some other person, would charge him again, unfortunately for him. I am not imputing any improper motive or behaviour on the part of police. It is just that he was charged with a certain offence and happens to be charged with that offence a second time and now can run into even more problems. He cannot get bail unless he goes before the judge in chambers but to go before the judge in chambers he is required to take an attorney-at-law, more often than not, and it costs.

I recall some time ago when I was a student it was said that the law like the rich, is open to all men who could pay, and nothing has changed even with Legal Aid. I know the Member for Princes Town has been at the forefront of the battle to have Legal Aid lawyers paid properly. I cannot recall exactly how successful he has been in his quest but I know there have been some increases. We have reached a stage in this country where there are recognizable other items of property that are more stable and more convertible than land, and I think there is a necessity and I am calling on the hon. Attorney General to have the Law Reform Commission look at that situation and, he may even want to look at the question of having bail bonding companies. But I want to stress that it is pathetic to sit in the Magistrates' Court and see day after day young people who are sent to jail whose parents are poor, and who cannot access bail and they are left in jail, sometimes for months for a \$10,000 bail. Because if it is only \$10,000 bail, you cannot approach the professional bailer. He will tell you he is not going to tie up his deed for only a \$10,000. He is keeping his deed to take a \$150,000 bail and that is what you see, poor young people standing there—and do you know what it leads to? After a while, they go to the remand yard or wherever for a little while, then they come back and plead guilty to offences that they more often than not know they are not guilty of and then they have a criminal conviction that can blight their future. I am saying here today in this Parliament, it is good that we are looking at bail but we have got to look at it from a wider perspective.

Just imagine a young man totally innocent, he might have been in the wrong place at the wrong time and cannot get bail. I am not ascribing any impropriety to anybody involved. Because it can happen. If the police go into a house and they find a dangerous drug in there, they are entitled to arrest everybody in there unless somebody comes and says it is not they, it is I; and they will do it because they are doing their job but sometimes the one that is guilty has the ability to get the

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bail. You leave those who are not guilty and whose parents are unable to meet the economic cost of bail, even if it were money, they would get together and the relatives who know he or she is a good boy or young girl would do something about it. They have to find the land and they cannot even buy land in less than 90 days. Even if one had the money or land then, what do you see? That, too, is what engenders anger in people and we have got to do something about it. I am appealing to the Government—not the Government alone, but all Members of this honourable House that we should do something about bail and about enabling persons to use other property as bail.

Thank you, Mr. Speaker.

2.25 p.m.

Miss Penelope Beckles (*Arima*): Mr. Speaker, I rise to make just a very short contribution on this Administration of Justice (Miscellaneous Provisions) Bill and to say that, in principle, I support the Bill and the concerns raised by the hon. Attorney General. I would like to add a few to some already raised by the previous speakers.

I draw to the attention of the Attorney General that whilst, once this Bill is passed and becomes law, he would have dealt with the problem of the issue and collection of exhibits, matters are still taking very, very long before the court because of the length of time that persons at the Forensic Science Centre take to deal with those exhibits. It is said there are not sufficient personnel working at that Department and, therefore, when there are persons in custody, matters sometimes take as much as one year, or more, before the exhibit returns to the court. That, therefore, also deals with the issue of the backlog of cases.

While we may have dealt with this matter and we may now have more than one person being able to collect the exhibit, we still have that very, very serious issue of the length of time that the exhibit takes to return to the court. As a matter of fact, in a bill passed some time last year, there is now a situation where a person who may have been in possession of marijuana and the quantity may be slightly over what is possession simpliciter, that they now have to apply to the Director of Public Prosecutions for the purposes of pleading guilty.

Those matters are increasing at an alarming rate. I think that is one of the areas you would need to look at, particularly having regard to the fact that you had also mentioned the issue of plea bargaining. There are quite a number of persons who are just caught, simply because of the quantity, shortly outside, and getting permission also takes a very, very long time.

On the issue of bail, having regard to previous amendments as it relates to appeals to the Court of Appeal, certain decisions of the first instance court may either have been questionable or, for whatever reason, that right has been given to the DPP—so I suppose that this here is more or less consistent with that. The exception to that, however, is that sometimes we may get the impression that we are beginning to feel, somewhere along the line, that there is absolutely no trust in some of, I suppose, both magistrates and judges' discretion.

Like my colleague, Mr. Hinds, I know that certainly when you go to the judge in chambers, I would say that in almost all instances, there are always sufficient checks and balances as they relate to the person's past record. I have found that it is not as easy to get bail now as it was in previous years. That has to do with certain criteria that were laid down in the existing Bail Act. I imagine that it would do no harm to ensure that all sides are heard if this particular legislation is passed.

Having said that, notwithstanding the fact that we are passing several pieces of legislation that, at the end of the day are really geared towards improving people's confidence in the administration of justice system, the issue of our infrastructure and other areas to make sure that these bills are properly implemented still needs some urgent attention.

I hope that the Attorney General would shed some light on the Magistrates' Court in Port of Spain that is not yet open. I say that only because, having passed several pieces of legislation that would probably make things a lot easier, we still have a situation where there is now the Chaguanas Court, the court at NIPDEC and the court at St. Vincent Street. I share with you my experience that very often on a morning at NIPDEC House, court may not start until 11 o'clock because they cannot get transport to take the Clerks from St. Vincent Street to NIPDEC House with the files. One has to sit and wait.

If a driver does not come, it means that the court at NIPDEC House will not begin. Very often now there is a situation where, because all the documents have been moved to NIPDEC House, if they cannot find a file, it is at NIPDEC House. There is now the situation, if you have a part-heard matter, the magistrate at NIPDEC House is using those documents. It is a matter that needs urgent attention. The court is now built and I think that all attorneys are very happy that it has been. I urge that you use your good office to see whether that court could be opened as soon as possible so that some of the bills that you are now putting in place can come to fruition and certainly make life easier and, in most instances, even a lot cheaper for some of the litigants in terms of the issue of transportation.

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To just confirm some of the things said by my previous colleague. I am moving again to the issue of bail. I endorse his points and make a further suggestion that, having implemented this issue of bail to the Court of Appeal—I think this ought not to be a difficult task—there needs to be greater collaboration between the Attorney General’s Office and the Ministry of Housing and Settlements on issues of registration of title, housing and other related matters.

One wonders that a citizen, having been granted bail by a magistrate or a judge finds himself sometimes having to wait as much as four days for the Registry or the Justice of the Peace to use a system of telephoning all the courts in Trinidad and Tobago to find out whether or not a particular person has a clean deed. In some instances some people are able, through powers of persuasion and I guess their good office, to persuade. Sometimes we need to put ourselves in a particular position. It could be a family member; it could be anybody, but the fact is that they have to telephone Rio Claro or Arima while people just languish in the jail for another five days or even a week for them to say, “Come back tomorrow.”

Something has to be wrong with that system and I ask you to look at that. If you put these pieces of legislation in place, they are really for the benefit of citizens. We do not have some of those basic things in place, for example, computerization. I do not think it is difficult, although I know it is costly, but I think it will make the work a lot easier and will convince the citizens that we are really doing all that we can to improve the system of justice.

I know that you have operated in the courts and are familiar with what I am saying, but the fact is that most of these have reached alarming proportions simply because of the increases of offences and sometimes the fact that there is not sufficient personnel to deal with it.

My last recommendation on this piece of legislation is that I do not know what has happened to the night court. I know that there have been some problems. My view is that it was a very good suggestion. It was something that I think, once certain things were put in place, could have assisted the court in running a lot smoother when dealing with matters in the morning and some matters at night. I am not certain, so I am not going to pass any judgment at this stage as to why it has not gotten off the ground. It is in suspension. I know that when I was in the Senate, the hon. Attorney General had made some further recommendations on the continuation of the court, and he had also indicated that there were other things he was going to do to implement it in Port of Spain and other places.

2.35 p.m.

I am saying, in the context of what the hon. Attorney General is bringing before the Parliament today—that in order to ensure these things are implemented; that they succeed in the manner in which he intends; that the support services and also some of the other things that he had in mind be put in place, I ask him to reconsider those things again, so that we would have, what I call, other things to complement each other and make sure that his intention in this Bill—which I have said I support fully here—would materialize.

I also wish to complete by saying that I am very heartened by his responses on the last Bill, the Supplemental Police (Amdt.) Bill, in terms of his acceptance of some of the recommendations and the fact that he brought amendments. I am certain if that is the approach we take on both sides; the country would be that much richer.

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

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I thank the hon. Member for Arima for her constructive criticisms of some of the problems which exist in the administration of justice, and for her comments on the Bill.

May I also say that I agree with her that if we change our approach in some of these matters, I have no doubt that this country would be better off. It is in that context that we, on this side of the House, have taken the position that we do not know everything about law. When the matter comes here, it comes from a process in which the public servants would have had an input and stakeholders would have had their input, and we then bring a bill. If there were consultations we would have taken them into consideration. When it comes here we have a duty to listen to what the Opposition Members say; consider what they have said and see whether the bill could be flavoured with the input also of having some of the Opposition amendments included.

Mr. Speaker, that has been the policy of the Government. I am very disappointed with the hon. Member for Laventille East/Morvant when he raises all sorts of issues which, really—if he is serious he could bring motions. I do not want to deal with some of these side issues because it would not be fair to the issues; it would not be fair to myself and to the Parliament. Whether it is contempt of court; whether it is breach of privileges; whether it is the Director of Public Prosecutions; if the Opposition feels strongly about the matter and if they feel that an Attorney General has committed a contempt of court and the president of the

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Law Association said X, Y or Z, and they feel that they can be successful in showing—although the president of the Law Association did not say what he alleged—they are entitled to come to the Parliament and say that the Attorney General is guilty of misconduct because of X, Y and Z and debate a motion on it and then we would bring out all the facts and the public would be the judge. Mr. Speaker, to come with a motion like this, however, and talk about these side issues, it shows that he has not really prepared anything for the debate and he comes here in order to “gallery”.

Similarly, if he believes—he does not have the facts clear again, with respect to the matter with the Director of Public Prosecutions and Mr. Dhanraj Singh—that there is misconduct by the Attorney General, he should come with a motion, say what the facts are and we will bring it out in the open. It is not fair to the Parliament; it is not fair to himself; it is not fair to his constituents to come here and talk about these side issues; he should talk about the Bill.

Mr. Speaker, the Member has raised the issue of the politics of the UNC, but I do not want to get into the internal politics of the PNM. I do not want to talk about the Member of Diego Martin West accusing the PNM of voter padding. He spoke about lion and hyena; I do not want to talk about the Member for San Fernando East and the Member for Diego Martin West being in open warfare. I do not want to talk about that. I would have thought that if he was fair and he wanted to talk, that is what he should be talking about.

Mr. Speaker, I feel very sorry for the Member for San Fernando East, I am so sorry that he is not here. Here it is that he is saddled with this kind of representation from the Member for Laventille East/Morvant, he sat there and I am sure it was in disgust that he had to get up and leave. The only thing I am sorry about is that he did not stay to hear the contribution of the hon. Member for Arima. [*Desk thumping*] I feel so sorry that the hon. Member for San Fernando East—as the Political Leader he probably does not have time to go to all the caucus meetings but then the caucus decides that the hon. Member for Laventille East/Morvant has to speak on these bills—that he has to subject himself to this torture; this inhuman treatment; by listening to the hon. Member for Laventille East/Morvant. He is responsible for his leader not being able to remain in the Parliament! Mr. Speaker, I would ask him to change, because we would want the Leader of the Opposition to remain in the Parliament to listen to these debates.

The hon. Member for Laventille/East Morvant spent much time on laws which have been passed but not proclaimed. He said, “look what the Government has done, they passed a law but they have not taken steps to implement the law.” I

remember that anybody who starts to do law at law school, would learn the process of legislation. I am sure that you would also be aware of it. The process of legislation would involve that in any democratic society like Trinidad and Tobago, before something becomes a law there must be a bill and the bill must go to Parliament, and after it is passed in Parliament and assented to, and in some cases proclaimed—when it is assented to it becomes an Act. It can become effective when it is proclaimed or when it is assented to.

In governance, Mr. Speaker—let us say, for example, we want to pass—I want to show how the hon. Member for Laventille East/Morvant really does not know what he is talking about. If the Government wants to introduce freedom of information law so that everybody would have the right to information, as we have done, before the Bill is passed, the Government cannot take measures to implement the law. It cannot reform the public service in such a way that you will have a system that when a person comes to follow the law that this is what he will have to do. The system is that you cannot get expenditure of funds for matters which are not yet the law, because you would have to set up the machinery to implement the law and there is no guarantee that the law would be passed. It may be that after the Government hears what Members of the Opposition say in Parliament, it would reconsider the law, in the case of a law requiring a simple majority. What kind of governance is it, therefore, where you would have a government, before laws are passed, before the public talks about them, before Parliament votes on them, that you set up machinery to implement the laws in advance? I cannot understand it!

Mr. Speaker, what the Member is saying is that before the law is passed you set up an equal opportunity commission; you set up a tribunal; you appoint people; you set up office and then you come to the Parliament and if the law fails or you change your mind about passing the law; you scrap the whole system. What kind of upside down situation is that? I am surprised sometimes that the hon. Member for Laventille East/Morvant is a lawyer! I am surprised! How could you even go and ask the Cabinet, which is responsible for the general administration of the country to approve measures to implement a law, which has not yet been passed? I do not understand it!

The hon. Member then asks a question for written answer today and he waives it. Mr. Speaker, hundreds of laws have been passed in this Parliament and there are just a few which have not yet been implemented but it is probably because the type is large and he could read it properly, he waives it and says, “So many laws have not been passed.” Mr. Speaker, I want to go through this because he waived

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it! He tried to give the impression that the Government had passed all these laws but did not implement them. He asked the question and he got a written answer.

Mr. Speaker, this Government has taken steps to implement most of the laws and most of them have been passed. It is just a few that have not yet been implemented because steps are actively being taken in order to have them effected.

2.45 p.m.

Mr. Speaker, the Freedom of Information Act, Part I of that Act has been proclaimed, Part II of the Act was proclaimed on April 30, 2001 and a number of measures have to be taken in order to proclaim the other parts of the Act and the other parts of the Act are expected to be proclaimed on June 30, 2001.

So, Mr. Speaker, an important piece of law like the Freedom of Information Act which would transform the culture of governance in which, for the first time in the history of Trinidad and Tobago, an individual, the press, the media, anybody, a Member of Parliament, can go as of right and fill out a form and will be able to inspect government-held information.

If, for example, a person applies for pension and the person is not being given an answer or the person believes that he is being treated unfairly, that person can go and fill out a form and would be able to see the reasons, because at the present time, the system is that there is no legal obligation to give it to the individual. Here it is, this revolutionary step in order to strengthen the rights of the individual, and the Government passed it and is in the process of implementing it. According to the Member for Laventille East/Morvant, three years before you pass the law, you should see about all these things, put all the machinery, employ everybody, put them in place and wait until the law is passed and then implement it. That is in effect what the hon. Member of Parliament said.

Mr. Hinds: That is not what I said.

Hon. R. L. Maharaj: The next one, the Human Tissue Transplant Act. If you are going to have a system in which human tissue is being stored and being made available, the Minister of Health cannot go and see about that, spend money for refrigeration, spend money for containers and experts until the law is passed and the necessary infrastructure is put in place in order to proclaim the law.

The law is passed in the House, passed in the Senate, signed by the President, assented to and it says that on a date, it will be proclaimed, and the Ministry of Health has been working since the law was passed in May, 2000 and has predicted and has stated that by June 30, 2001, the law would become effective.

But, according to the Member of Parliament for Laventille East/Morvant, he should not wait on the Parliament. He should go and buy refrigeration, buy containers, as soon as the law is passed and the President signs it. Right away!

He wants to dispense with the Parliament. He is talking about fundamental rights and repressive government. He wants to make the Parliament a rubber stamp. He wants the Government to treat the Opposition as a rubber stamp; treat the Independent Senators as a rubber stamp; treat the people with contempt and spend money, and if the Parliament does not pass it and the Government changes its mind, waste the money.

You see, Mr. Speaker, the Member talked today about court and about going to court and trying to give the impression that the Government is misusing its powers about the court. He quoted some example which I cannot remember now, but I do not think that the PNM should talk about interfering with justice because a PNM Minister of Home Affairs walked into a police station and took out his stepson from the cell, so that I do not think—[*Interruption*]

What we have to do here is that when a bill comes before us, let us talk on the Bill. If it is that you want to file a motion and say that the UNC Government is abusing its powers and it takes out people from the police station or whatever it is, we could deal with that with a substantive motion, but come and talk about the Bill.

Mr. Speaker, when you look through this, the Land Adjudication Act, revolutionary changes in the land laws, and these matters are going to be redressed. They are being redressed now and the law will become effective. There is an explanation all here. The DNA Act, according to him, buy all these containers, because when you take the DNA samples you have to store them and take steps to make sure they are not contaminated. You have to be able to store them at certain temperatures. They have to be experts. So, according to him, contract all these experts, spend millions of dollars and then you do not know if the law is going to be passed.

Mr. Speaker, with respect to the children's legislation, matters are being done, the Equal Opportunity Act, the Justice Protection Act, in relation to the number of laws which have been passed, it is a small proportion of the laws which have not been implemented. I do not think that this—the major thrust of the contribution of the hon. Member for Laventille East/Morvant to the effect that these laws are good but they would not be implemented and to give the impression that the laws are not being implemented; there is no basis for that.

I want to deal with some of the points raised by the hon. Member for Arima. I think that it is correct that there are problems at the Forensic Science Centre and I think that the Ministry of National Security has recognized this, and based on some of the answers I gave with respect to the DNA matter this morning, the centre is in the process of being reformed and there is going to be additional staff at the centre.

As a matter of fact, Mr. Speaker, one of the matters, too, is that when the police or the Ministry of Transport, for example, detains a motor vehicle on the basis that the vehicle is suspected of being stolen, you also have to depend on the Forensic Science Centre to be able to test this vehicle, so therefore, there is need for more scientific officers, and steps are being taken in order to improve that.

I agree that laws in themselves cannot solve the problem. I think that is quite clear but, Mr. Speaker, the system is based on a system of laws, and if it is that we have to make changes, the laws have to be reformed, so it is really only one tool in the process of effecting the reforms, and the law reform process must be supported by the administrative reform process, so that wherever we have passed laws here at the level of the Government, the administrative reforms have to take place in the respective ministries in order to take them forward.

With respect to the Magistrates' Court, now that is a major problem. The Executive has done all that it can do in order to make the court available to the Judiciary. As a matter of fact, the Executive arranged for the stakeholders of the court to visit the court; the Law Association said they were satisfied with the court, the police said they were satisfied; the prisons said they were satisfied, and the building there is not being utilized and it is all because there is some query as to whether in the long-term plan some other matters need to be done. But the court can be used. It is a matter in which the Judiciary has been sent the keys and the building is not being used.

I am trying to see whether, with the assistance of the Minister of Infrastructure Development and Local Government—whose Ministry now deals with Government property—some of his technical officers can meet with the Court Administration Department, together with the officers of the Ministry, to see whether some formula can be worked out for the Judiciary to occupy the building and that whatever needs to be done for it to be put in perspective as a matter of priority. The design of the building, the works were conducted in the way in which a court should be constructed, and I agree that it has caused concern. Several lawyers have called me.

As a matter of fact, the matter was recently raised by the President of the Law Association, and I indicated to him that we have done all that we possibly could do. You see, this brings into the forefront as to whether an executive should see about the management of court buildings. What operates in the Caribbean, in Barbados, is that the management of court buildings is really done by the Executive. What happened is that the judicial arm here felt that that would impinge upon the independence of the Judiciary, and the Government had gone along with that over a period of years—not this Government, but previous governments—and believed that if they want to see about some part of the buildings, apart from capital expenditure, let the Judiciary see about that.

When this Government got into office, it accepted the recommendations of the Chief Justice that it should also be creating a court administration department which would assist also in managing these things. The department has been created so that the Executive has given to the Judiciary all the necessary resources. It may not be everything that they have asked for, but all the necessary resources in order to assist it in performing the administrative functions.

Mr. Speaker, hon. Members would recall that one of the issues which arose during the last three years was whether the interference by the Government in the administrative process of the Judiciary means an interference in judges in giving decisions. But, what happens when there is a complaint about the courts and the administration of justice, it comes for the Attorney General to answer, whoever the holder of the office is. When it is not done, it is the Attorney General who is at fault and the Government is at fault.

This shows why in South Africa, in Barbados, in some of the Caribbean countries, you do not have the system we have here in that the Executive is responsible for the management of court buildings. They see about that so if there is a problem they are fully accountable to the Parliament. Notwithstanding that, I think that we have a duty to see that the building is occupied, and whatever we can do in order to facilitate that, we will be prepared to do it.

I could say the same thing about the night court. As a matter of fact, whatever was needed, there was legislation to be passed because the Judicial and Legal Service Commission had problems with employing people. Whatever legislation was needed, I brought it to the Parliament but, as you know, the Executive cannot appoint magistrates. They are appointed by the Commission and they have to see about those matters.

From the Government's point of view, the administration of the courts and the direct administration of judges falls under the purview of the Chief Justice and the

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chief magistrate. What I undertake to do, I will communicate with the Chief Justice and I will say there were certain concerns raised about these matters and, in any event, I am due to meet with him next week in respect of other matters, so I will take up those matters and deal with them.

Mr. Speaker, in respect of the Bill itself, concern has been raised that the Act does not cover a case where a person issues a first cheque on an account with money, but then the cheque is cashed and a second cheque is issued before the first is cashed. So, the second cheque bounces. But, Mr. Speaker, the Act, in section 2 clearly deals with this. In section 2(2), where a cheque may bounce because there are no funds or insufficient funds in the account at the time the cheque was presented for payment, it is dealt with. The other point which has been raised is that the Act is doubtful about the time an offence is committed.

3.00 p.m.

In respect of the Bill, the concern had been raised that the Act does not cover a case where a person issues a first cheque on an account with money and the cheque is cashed but a second cheque is issued before the first is cashed, so the second cheque bounces. The Act in subsection (2) clearly deals with this. It refers to where a cheque may have bounced because there are no funds or insufficient funds in the account at the time the cheque is presented for payment. So it is dealt with.

The other point which has been raised is that the Act is doubtful about the time an offence is committed. We have accepted that and it is one of the clauses we are proposing to amend.

The final matter that I think I want to deal with—any other amendments we can deal with at the committee stage. I know hon. Members have expressed concern about bail. I sympathize with the hon. Member for La Brea. I must confess that when I was in private practice I used to see some of those things and I could not understand why.

One of the things I have been trying to do is to strike a balance but I have not been able to find the answer. As a matter of fact, one of the first things I tried to do as an Attorney General was to try to see whether this law with respect to security for bail could be reformed so that poor, innocent persons, do not end up spending time in custody. There are many persons who cannot afford to have a bailor; who do not have land.

Just picture a son from a very poor home who was wrongly charged and he cannot get bail. He has to remain in custody until his case is heard. It is an

injustice. But how to find a balance? On the one hand, we have to ensure that those who are charged for serious offences appear in the court and do not abscond.

One of the ways, I think, we have tried to effect that amendment is that the law now allows that money can be used as security, but that does not solve the problem for many people because they may not have land and they may not have money to get somebody to stand bail. It is a major problem. No country has been able to find a solution to the problem. So on the one hand, there is this fundamental right that people should be granted bail; that there should be the presumption of innocence and a man should not be presumed guilty until he is proven guilty. The only purpose of bail is to ensure that the person comes to court on that particular day.

I want to give the hon. Member the assurance that I will try again. If there is anything that he can give me, any research that he has found. If there is any formula that he can recommend which would produce the result for the public interest to be protected; that would remove the risk of poor, innocent persons being wrongly denied bail.

The question of bail has also shown that the administration of justice could be undermined. A government has to be very circumspect as to how it deals with these matters, although there is public uproar about some of these matters.

Without mentioning names, I am just giving some facts. On February 02, 2001, bail was granted in the amount of \$150,000 to a certain gentleman, with conditions attached. He had been charged together with others for a kidnapping offence, and with other persons had been committed to stand trial. There were compelling reasons advanced why bail should not be granted. Subsequent to that, bail was granted to persons. Also very shortly thereafter, 19 persons—if one checks the newspapers one would see what is being written about these matters—19 persons charged with the offence of possession of cocaine worth approximately TT \$250 million, for the purpose of trafficking; and three of the persons were granted bail.

I have matters with which I do not know how to deal because there is no law in place to appeal, and this is one of the reasons we have to get this law in place. One does not know what the court may have considered, therefore, one has to be very careful as to what one says about these matters. It has produced some concern.

We have instances, for example, where persons who have been brought back from abroad were granted bail. Members of the public have expressed great concern about it. I have to consider this matter very carefully. I think I have a duty

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to tell the Parliament that I have decided that I am going to communicate with the Chief Justice and state the facts to him, as head of the Judiciary, for him to look into the matter.

In some countries, the Judiciary has decided to issue guidelines as to how judges and magistrates should deal with the matter of bail. I would communicate and mention the facts that have arisen in these matters and suggest what other countries have done; but it would be a matter for the Judiciary.

If the matter continues, the Government and Parliament can take the decision to legislate guidelines, but I do not think we want to do that until we give the Judiciary the opportunity to make its own guidelines.

Mr. Speaker, I do not think I can add anything more, but at the committee stage I would be prepared to take on some of the comments of the Opposition Members in this matter.

I beg to move.

3.10 p.m.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 4 ordered to stand part of the Bill.

Mr. Maharaj: Mr. Chairman, before we go to Part V, can I mention a point that was raised by the hon. Member for Laventille East/Morvant in relation to clause 19? He suggested that clause 19(a) may be redrafted from “or in contemplation of a”, to “whether he utters or passes such a cheque at the time of the transaction or at some future time in relation to the property or services.”

So that we amend clause 19(a) to read in subsection (1): by inserting after the words, “a dishonoured cheque”, just before the fullstop, “whether he utters or passes such a cheque at the time of the transaction or at some future time in relation to the property or services.”

Mr. Chairman: Yes, we have it, but when we get to that clause, we will do it again and take it as an amendment.

Mr. Maharaj: All right.

Clauses 5 to 18 ordered to stand part of the Bill.

Clause 19.

Question proposed, That clause 19 stand part of the Bill.

Mr. Maharaj: Mr. Speaker, I beg to move that clause 19(a) be amended as follows:

Delete paragraph (a) and substitute the following:

- (a) in subsection (1) by inserting after the words “a dishonoured cheque” the words “whether he utters or passes such a cheque at the time of the transaction or at some future time in relation to the property or services.

Mr. Hinds: There is one other matter. In the actual legislation, at section 4(1)—

Mr. Maharaj: Do you want us to deal with this and then we will deal with that?

Mr. Hinds: All right.

Mr. Chairman: Okay, we will deal with that matter at another time.

Question put and agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20 ordered to stand part of the Bill.

Clause 19 reintroduced.

Mr. Hinds: Mr. Chairman, it has to deal with the same issue in section 4(1)(b)(i) of the Act.

“the drawer or representative drawer had insufficient funds with the drawee at the time of its utterance...”

I think, to deal with the same matter, we should insert after “utterance” the words “or any other time before it is presented for—”

Mr. Maharaj: I will give an undertaking, since it has to go to the Senate—because then I would have to get other people to look at it too—in respect of the point raised by the Member for Laventille East/Morvant, that before the matter goes to the Senate, I look at that and see whether section 4(1)(b)(i) should be amended to bring it into conformity with what we have just done. Okay?

Mr. Hinds: Okay, fine.

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.

3.20 p.m.

SPECIAL RESERVE POLICE (AMDT) BILL

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to amend the Special Reserve Police Act, Chap. 15:03, be now read a second time.

In order to understand the objectives of this legislation, it is important to understand what mischiefs or wrongs the legislation is intended to remedy. In this case, in order to understand the mischiefs or wrongs which the legislation was intended to remedy, we need also to examine the history of the Special Reserve Police. The Special Reserve Police was established to serve as an auxiliary or reserve police force, which was intended to be drawn upon when there was a temporary need to supplement the regular police force, or in times of an emergency.

Section 4 of the Special Reserve Police Act, subsections (1) and (2), sets out the circumstances in which members of the Special Reserve Police may, in the words of the legislation, “be called out for service”.

“(1) The Special Reserve Police or any part thereof may be called out for service by the Commissioner, Deputy Commissioner or any other First Division Officer in cases of external aggression or internal disturbance, actual or threatened.”

While subsection (2) continues:

“(2) The Commissioner may, whenever additional police may be required for the preservation of good order, the protection of persons or property or the performance of any other duty exercisable by members of the Police Service, call out members of the Special Reserve Police on full-time, part-time or temporary service.”

It is clear from these provisions that members of the Special Reserve Police were intended to be deployed in the following ways—in a full-time or part-time basis for the duration of the emergency or for the duration of the need in the police service, or for a specified limited period such as on a contract.

If one examines section 4 closely, it is clear that the Special Reserve Police was not intended to be used as a means of recruiting permanent members into the police service. In other words, members of the Special Reserve Police were only to be called out to meet specific contingencies or the short-term needs of the

police service. Nonetheless, the practice has developed over the years of utilizing members of the Special Reserve Police to supplement the manpower needs of the police service on a full-time basis, for long unbroken periods—as much as 20 or 30 years of unbroken service in some cases—while denying such persons the attendant economic benefits that would normally accrue to them had they been police officers. For example, sickness, injury, death and retirement benefits and even some basic allowances such as meal and housing allowances. The Government very recently had to concede that this is not only in breach of the spirit, but in breach of the very intent, of the Special Reserve Police Act, and in many ways adversely affects the rights of members of the Special Reserve Police.

Mr. Speaker, we gave the undertaking, which we are fulfilling today, to take the necessary steps in order to correct this. We have already taken some steps to correct it but we are now taking the legislative steps to correct some of the denials that the Special Reserve Police would have in these circumstances.

That the framers of the Special Reserve Police Act never intended that it become a means of accessing a long-term permanent supply of manpower for the police service is evident when one examines certain provisions in the Special Reserve Police Act and compares them with the provision in the Police Act, Chap. 15:01. I refer primarily to section 8 of the Special Reserve Police Act and Regulation IV of the Police Service Regulations which deal with the qualifications for appointment of members and to sections 11 and 12 of the Special Reserve Police Act and sections 9, 10 and 61 of the Police Act, which deal with the termination of one's service as a member.

Section 8 of the Special Reserve Police Act sets out the qualifications for appointment of members of the Special Reserve Police. The section reads as follows:

“Every male person who is:

- (a) over 18 years of age;
- (b) able-bodied; and
- (c) of good character

shall be deemed to be qualified for appointment as a member of the Special Reserve Police.”

I ask for one to note, that “every male person”. So one saw the discrimination that existed under this piece of legislation.

Regulation IV of the Police Service Regulations deals with qualifications for appointment as a police constable. It is clear from a comparison of these

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provisions that the qualifications for entry into the Special Reserve Police are inferior to those of the police service. There are no specific educational requirements, no specific physical attributes and no specific training requirements. Members need not even hold an allegiance to Trinidad and Tobago. Therefore, the mere possession of the qualifications for appointment as a member of the Special Reserve Police could not have been intended without more to secure an allegiance to Trinidad and Tobago. I use the words “without more” deliberately, because having been appointed a member of the Special Reserve Police, and having performed the duties of an officer in the police service for as much as 20 or 30 years in a full-time capacity, the argument against one’s qualification for appointment to the police service becomes moot.

The point I am making, therefore, is that merely possessing the qualifications set out in section 8 of the Special Reserve Police Act without the experience, or as much experience, does not itself make a member of the Special Reserve Police qualify to be a police officer.

The mode of leaving or terminating one’s appointment in the Special Reserve Police: The other sections I want to look at in the Special Reserve Police Act are sections 11 and 12, which provide for the manner of leaving or terminating one’s appointment to the Special Reserve Police. Section 11 reads as follows:

“(11) Any member of the Special Reserve Police may at any time on giving one month’s notice in writing to the Commissioner resign his appointment as a member.”

While section 12 reads as follows:

“(12) The appointment of any member of the Special Reserve Police may be revoked at any time by the Commissioner.”

Compared with similar provisions of the Police Act such as sections 9, 10 and 61 of that Act, it is obvious that a police officer enjoys a greater level of job security than his counterpart in the Special Reserve Police. And yet, there can possibly still be persons in the Special Reserve Police performing functions as police officers for a long period of time.

While appointments to the police service come with the usual safeguards against termination for reasons other than for cause, such as pension or gratuity, appointments in the Special Reserve Police may be revoked with no apparent safeguard for one’s service.

Mr. Speaker, it would be incorrect to leave the members of this House with the impression that the use of members of the Special Reserve Police on a

permanent, full-time basis to supplement the police service was merely the result of a misunderstanding of the legislative intention. Indeed, there is very little doubt in my mind that the problem was but a manifestation of a much greater reality, namely, the increasing demands for manpower being placed on the police service without corresponding increases in the strength of the service.

3.30 p.m.

Indeed, Mr. Speaker, the problem may also have been the result of an unwillingness on the part of the administration in the police service to divert already scarce police personnel to fulfil certain core functional needs in the police service. This is, therefore, a calculated response born more out of expediency than ignorance of the law to recruit into the Special Reserve Police persons who possess the technical and vocational qualifications necessary to perform those core functions. It would seem from the history that this was something that had to be done in light of the manpower needs of the police service. So, it seems that the administration of the police had to do it because of all these problems.

Mr. Speaker when the permanent resources became scarce, the Commissioner of Police, obviously, must have had to take action to assist the situation. Therefore, the available resource from the Special Reserve Police would have been his first means of assistance.

This problem, Mr. Speaker, will perhaps explain why, for the most part, members of the Special Reserve Police were assigned to perform certain core duties, such as artisans, that is builders, carpenters, masons, electricians, auto mechanics, straighteners, painters, wireless technicians in the transport and related branch of the police service, or as drivers, motorcyclists and investigators, and, even in the community, policing or emergency response services. They performed very, very vital services.

As a matter of fact, the special reserve core from the Special Reserve Police has, over the years, performed very useful services to the police service. One does not know what the police service would have done without that core. That is not to say that a large number of special reserve police were not utilized in regular police duties, such as the preservation of peace and good order and the detection and prosecution of crime. Many of them were being utilized in that area as well.

Indeed, there are many examples of members of the Special Reserve Police who have performed very well in the latter category. The name of Eric George immediately comes to mind. Whatever the practical reasons, however, there is no doubt that the lack of a comprehensive set of laws, specifically regulated to

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govern the terms and conditions of the employment of the members of the Special Reserve Police, also contributed significantly to the anomalies in the assignment of special reserve police and to the economic injustice which resulted.

Mr. Speaker, beyond its specific aims, therefore, perhaps the greater purpose of this Bill, and the regulatory environment it would create, is its attempt to correct the economic injustice and prejudice done to the members of the Special Reserve Police as a result of the perpetuation of the misuse over a great many years.

In addition to the Bill before us, the Government has undertaken a number of other legislative and administrative initiatives in an attempt to resolve the injustice done to existing members of the Special Reserve Police and to prevent any further reoccurrence thereof.

The Special Reserve Police, Terms and Conditions of Employment Regulations, 2001, in addition to the legislative proposals, have been placed before this House. This Government will soon seek to introduce a new and comprehensive regulatory framework to govern the terms and conditions of employment of the Special Reserve Police. That new legislative framework is contained in the Special Reserve Police, Terms and Conditions of Employment Regulations, 2001, which have been circulated with this Bill for the benefit of the Members of this House. It was circulated as information to help them, although those regulations are not being debated today.

These regulations, which have been outstanding since 1946, 55 years ago, will not only provide for payment of rates of pay equivalent to that of police officers of equal rank, but also for the payment of medical, death and injury benefits to members, their spouses and dependants. Additionally, the laws governing promotions, also called “assignments”, and demotions, also called “reductions”, and the law governing training and disciplining of members will no longer be matters of mystery.

In addition to the legislation that is discussed thus far, last year the Government also enacted Legal Notice No. 278/2000, which is aimed at facilitating the absorption of some 900 full-time existing members of the Special Reserve Police into the police service. While the absorption has been authorized subject to the fulfilment of certain criteria, such as the successful completion of an induction training course, a satisfactory record of good conduct and performance and the passing of a medical examination and drug test, it does virtually guarantee the entry of those 900 former special reserve policemen into the police service.

I have been reliably informed that over 150 of those men and women have not only successfully completed or met the criteria established by Legal Notice No. 278, but they have already been issued with regular police numbers, thereby making their entry into the police service a reality.

Those persons who have elected to be absorbed will be absorbed at the rank of constables, and will not only retain levels of pay, but will become entitled to other benefits and allowances never previously enjoyed. For example, Mr. Speaker, retirement benefits not previously enjoyed by the Special Reserve Police will not only be determined in accordance with the provisions of the pensions and gratuity rules under the Sixth Schedule to the Police Service Act, but will take into account the years of full-time service already completed in the Special Reserve Police.

Mr. Speaker, the implementation of this programme will cost the Government approximately \$6.7 million annually. As an additional initiative, Cabinet has agreed that in recognition of the essential service provided by those members of the Special Reserve Police who are either unable to meet the requirements for absorption or who declined the option to be absorbed, that they be offered a separation package commensurate with section 18(3) of the Retrenchment and Severance Benefits Act, No. 32 of 1985, and enhanced by 20 per cent.

Under the Special Reserve Police Act, there was no basis in law for the payment of this type of benefit to this group of persons. Cabinet has issued a directive to the Commissioner of Police that the practice of utilizing members of the Special Reserve Police for indeterminate or extended periods of time on a full-time basis be discontinued with immediate effect, such persons to be employed on call-out duty only. The reason for that is to try from now to ensure that the same problem does not come back.

So the first object of the Bill is to define certain critical terms used in the Special Reserve Police Act. Terms such as “call-out”, “part-time service” and “temporary service” describe the manner in which members of the Special Reserve Police are to be employed. Other terms such as “assignment” and “reduction”, which are peculiar to the Special Reserve Police Act and which describe the process by which members of the Special Reserve Police are to be promoted and demoted, have all been defined in the Bill in an attempt to close the interpretative loopholes that have led to the misuse of the Special Reserve Police.

Objective two is to amend section 8 of the Act to update the qualifications necessary for appointment as a member of the Special Reserve Police. To become a member of the Special Reserve Police, interested persons are currently required

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to be over 18 years of age, able-bodied and of good character. No academic qualifications are required and the terms “able-bodied” and “good character” are not only vague, but open to the widest possible interpretation.

3.40 p.m.

Furthermore, Mr. Speaker, section 8 of the Act appears to discriminate against female applicants for appointments into the Special Reserve Police. In order to remove that gender discrimination and to meet the 21st Century demands, or even to meet the demands of years ago, for a better educated, better trained and psychologically-ready policing force, section 8 of the Act would, therefore, be replaced by clause 7 of the Bill.

The third objective of the Bill is to amend section 22 of the Special Reserve Police Act to make the language in that section more consistent with the language in certain other sections of the Act, and to ensure that any regulations made under this section are consistent with the call-out nature of the duties of members of the Special Reserve Police.

Mr. Speaker, therefore, section 22(2) of the Act would be amended, firstly, to substitute for the reference to the word, “demotion”, the word, “reduction”, which is utilized in sections 5 and 9 of the Act. Secondly, to simplify the disciplinary procedure and thirdly, to remove the references to certain allowances: out of pocket expenses and injury benefits.

Section 22(5) of the Act would be amended to update the definition of the word, “child”.

Section 4 of the Act would be amended to remove the reference to the word “full-time” and a new section 3(A) would be inserted to establish ranks in the Special Reserve Police Service.

Mr. Speaker, the Government is not contending that these measures would totally solve manpower challenges with which the police service is faced. We have no doubt, however, that they have provided and guaranteed a great measure of relief to those members of the Special Reserve Police.

On behalf of the Government and the people of Trinidad and Tobago, I would like to put on the record, tribute to the members of the Special Reserve Police who have served the nation well, in spite of the fact that they were suffering these deficiencies in the law.

I thank you, Mr. Speaker. I beg to move.

Question proposed.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, we did not think we would have travelled so far today, but I think, in fairness to the Members of the Opposition, I did indicate to the Leader of the Opposition—as he said today—when we were discussing the agenda, that the Government would have been interested in completing those two measures that we have done and that I would have presented this Bill and if the Opposition wanted to wait for another day—if the Opposition is prepared today, we are quite prepared to continue.

Mr. Speaker: What is the wish of the Members of the Opposition?

Discussions held behind the Speaker's Chair with the Leader of Government Business and the acting Opposition Chief Whip.

Hon. R. L. Maharaj: Mr. Speaker, the acting Opposition Chief Whip has indicated that he would prefer sticking to the arrangements. In that setting, I do not think that we can do anything else. I would, therefore, have to move the adjournment of the House to Friday but there are two Motions on the Adjournment.

Mr. Speaker: Hon. Members, before the Attorney General moves the adjournment, there are two Motions on the Adjournment by the Member for Laventille East/Morvant. He has requested that we treat with the first Motion today and that the second Motion be deferred to the next sitting.

Question put and agreed to.

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 Friday, May 11, 2001 at 10.30 a.m.

3.50 p.m.

Mr. Speaker: Before I move the adjournment, there are two matters on the Motion on the Adjournment. The first matter is from the Member for Laventille East/Morvant. He is requesting that we treat with Motion No. 1 today and that Motion No. 2 be deferred to the next sitting. Any objections to that?

Hon. Members: No.

Mr. Speaker: All right, so be it. The second Motion will be taken on Friday. Therefore, Motion No. 1:

Adjournment
[MR. SPEAKER]

Monday, May 07, 2001

The continued practice by the prisons authorities of cutting the locks/hair of the Rastafarians upon sentence and incarceration for a term of imprisonment in the state prisons and institutions.

[MR. DEPUTY SPEAKER *in the Chair*]

Rastafarian Inmates
(Continued Cutting of Hair)

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Thank you very much Mr. Deputy Speaker, and hon. Members. The matter before the House on this Motion is a matter for obvious reasons that is near and dear and personal in some ways to me.

Mr. Deputy Speaker, I will begin by reminding this honourable House that it was around 1997 or 1998, I think it was, that the Government, led by the Prime Minister, brought before this House and passed the equal opportunity legislation. We learned today that it has not yet been put in place; it has not yet been given effect, but nonetheless, it was debated and passed.

I remember distinctly during the course of that debate, the Prime Minister, in his recognition of all religious groupings in this country, identified in this House and in his public pronouncements, Rastafarians. So, on the basis of that, one can readily conclude, and it is reasonable so to do, that that Government has no trouble recognizing Rastafarians as a group worthy of protection under the Constitution, in respect of its religious and other persuasions.

I will not belabour that point, but I want to say that two cases are well known to the courts, both in the English courts, but in those cases, one called *R vs. Jones* in 1972 and another one, *ex parte Hawkins*. Both persons were Rastafarians and in the case of Jones, he had complained that while he was incarcerated, he was not treated with any special diet by way of his Rastafarian belief and faith. He was offered pork and beef and all the things that he found harmful and distasteful to him. The court found in that case—and this is in England—that Rastafarianism was not a religion per se, but it was a cult and that it did not deserve that kind of protection. So, as the Hindu would not have been offered beef and the Muslim would not have been offered pork as part of their dietary programme whilst in prison, the Rasta could not demand any special diet, and so it was. In the case of *R vs. Hawkins*, he was a driver in the public service and when he began to grow his hair his service was terminated and, again the court, following *R vs. Jones* came up with that position. [*Interruption*]

Well, Mr. Deputy Speaker, I will go ahead. It is well known to me that many persons who enter the institutions in this country when they are incarcerated, once they are on remand, the practice is not given effect, but once a person is sentenced to a term of imprisonment, it is automatic that his hair would be cut upon sentence to that term. The justification given so far upon my tireless inquiries at the prison is that this is done for security reasons. The suggestion is that a person with a lot of hair can carry in, I imagine, some weapon or some illegal substance, but of course, that does not hold too much water today, given electronic devices for detecting metal upon the human person and, of course, searches and so forth can be conducted. That is merely, to my mind, worthless justification.

I consider, and I am suggesting, that the act of cutting the hair of a Rastafarian as he is incarcerated could not be more degrading and more inhumane, and in my own way, even unconstitutional. I say in my own way because based on the case law that I have just highlighted, I suspect that a Trinidad court, if it is faced with the question of whether Rastafarianism is a religion, may follow the authorities and those authorities may stand against a favourable decision.

But, at any rate, we are making our way in the world and it is accepted in Trinidad and Tobago and around the Caribbean and everywhere else in the world where there are Rastas that Rastafarianism ought to be given that kind of respect and that kind of treatment, and on the basis of the utterances of the Prime Minister, I suspect that we will have no trouble taking time to sort that out in due course. As a matter of fact, I will take this opportunity to recommend that Rastafarianism be treated as a religion for constitutional purposes, and while the Attorney General sits there, maybe he could come with the necessary amendment to include it so that Rastas would enjoy constitutional protection as a religion, if that is the view of the Government.

Meanwhile, we are dealing with the question of the cutting of hair, and I know brothers and sisters who have gone to prison having had dreadlocks for some 25, 30, or 35 years. Like me, they cherish their locks. It is natural, it is God's gift to them, it is beautiful and they cherish them and feel rather insulted and demeaned and dehumanized when they must lose these, simply because they are incarcerated for any reason.

It is on the basis of a series of complaints from very many persons who have had to encounter those possibilities and, in one particular case, I went to the Court of Appeal on a matter and I told the Court of Appeal that while this was not a particularly legal argument—one of the grounds that I submitted, and Mr. Justice of Appeal Sharma was the president of that quorum—I suggested to him that one

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of the concerns of my client was that he would have lost his hair after some 32 years of maintaining it. While Mr. Sharma accepted it was not a legal argument, he facilitated the appellant and displaced the sentence, in fact, shortened it, because he was on remand pending the appeal, and allowed the sentence to run from the date of his conviction. That way the man was released and went, fortunately, without having his hair cut.

In another case, the prisons authorities, on my request, agreed not to cut the hair of a woman, a Rastafarian sister who was in there. I am saying this to demonstrate that in two cases, the court did what it could to facilitate that and the prison authorities did what they could to facilitate that, but notwithstanding on a daily basis, many persons have to undergo that very inhumane and degrading experience. I am satisfied, Mr. Deputy Speaker, that the situation is changing tremendously around the world. In New York City, for example, I have seen police officers in uniform with dreadlocks. In New York City, I saw that with these eyes.

I read recently in the *Trinidad Guardian*, I do not have the date on this little clipping here, but I see under the headline, "Rastas to Keep Dreadlocks in St. Vincent Prison" and the article goes on to explain that in St. Vincent they have taken a more progressive approach. This was within the last six months or so; the Prime Minister undertook to have a study done. That was done and they are no longer going to be cutting the hair of people with dreadlocks in the prison in St. Vincent.

I was in Jamaica about three weeks ago and I met with a body, the Rastafarian Centralization Organization. I enquired of them as to the practice in Jamaica and they assured me that a long time past, that very dastardly and dehumanizing practice was put to an end. I am told that it is under consideration in other jurisdictions, and I am asking the person who would reply on behalf of the Government to give serious consideration to this situation, be very progressive in its outlook on this matter, recognize that discrimination in all forms is to be rejected and to recognize that the Rastafarian community is entitled to pursue its faith and its belief without interference from others in that sense.

I understand the argument about security, but I am dismissing that because the electronic devices can detect any metal object, for example, like a knife or what have you, and I am being reminded by my very learned friend, the Member for Arouca North, and it is a fact when I lived in England I saw sheikhs who were allowed. Even those who became barristers were not requested to wear the wigs that are used in England, but they were allowed to wear white turbans and they

could keep their hair in prison, and their beards and that sort of thing. This is to be commended.

I even saw a Hindu judge, the first and only, sitting on the Bench on one occasion, and he too was wrapped quite beautifully in his turban. In the international community, progressive views are taken on these matters, and we should show the way because Rastafarianism came out of the Caribbean, out of Jamaica in particular, and it has spread like wildfire throughout the region and throughout the world.

If you look around Trinidad and Tobago, you will see more and more young people aspiring to the more positive elements of that faith and they must be encouraged and they must not be treated in the way that some of those who had gone before them were. I am asking the Government to give very, very serious consideration to this, and it is an executive action. No legal change is necessary.

All the Government does as an executive action is to instruct the Prison Commissioner—the Minister of National Security could do that—that that practice must henceforth cease, and I am sure if we were to do that, the Rastafarian community in this country would have something very much to celebrate. I will join them gleefully in celebration. We would have gotten in step with what is happening in the Caribbean, St. Vincent, Jamaica and certainly what is happening in the international community.

So, I ask the Government to give serious consideration to it and when the Attorney General replies, to give us the assurance that that practice would come to an end. If this fails, then it will be left to some in the right circumstance for a constitutional challenge to be moved in the courts, but that is costly and that might be unnecessary. All the Government can say is that this practice will henceforth cease and it will be very easy for the Government to do that, because the Prime Minister recognized Rastafarians as a distinct group when he made his plea to this country to pass the Equal Opportunity Bill of, I think, a year and a half or a year past.

Mr. Deputy Speaker, I wish to thank you most kindly.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, by agreement, the response on the behalf of the Government will be made on Friday and I am indebted to the Opposition for allowing us to respond on Friday.

Mr. Deputy Speaker, if you will permit me just to mention that there has already been a constitutional motion filed over the years in respect of Rastafarians

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for the cutting of hair in prison and I think it was Justice Brathwaite who declared that the man was entitled to have his hair grown. As a matter of fact, the lawyer who appeared for the applicant was a gentleman, Mr. Ramesh Lawrence Maharaj. [Laughter]

Mr. Hinds: If I may—but the practice continues, so it appears that the victory then, if it were a victory, was rather short-lived and it continued to be cut short.

Hon. R. L. Maharaj: Maybe you should see a copy of the judgment. Mr. Deputy Speaker, I wanted to indicate that on Friday the Government will continue the debate on the Special Reserve Police (Amdt.) Bill and the Government would attempt to complete two very short measures: the Airports Authority (Amdt.) Bill, Chap. 49:02 and the Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill, 1996. What the Government would like to also do is Motion No. 1, Land Acquisition.

Mr. Deputy Speaker, I did indicate to the hon. Member for Arouca North and the Acting Opposition Chief Whip that the Government would propose to adjourn early on Friday. Early would be in order, perhaps, well into the early afternoon so that they have notice of it.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.03 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Mr. Fitzgerald Hinds (Laventille East/Morvant):

Acts not yet Assented to and/or Proclaimed

- 16.** (a) Would the Attorney General list all of the Acts passed by the Parliament of Trinidad and Tobago during the period November 01, 1995 to February 2001 that have not yet been assented to and/or proclaimed?

The Attorney General and Minister of Legal Affairs: The Acts which have been passed during the period November 01, 1995 to February 2001 that have not been assented to and/or proclaimed are as follows:

Written Answer to Question

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TITLE OF ACT	DATE PASSED IN THE H.O.R.	DATE PASSED IN THE SENATE	DATE OF ASSENT	STATUS OF PROCLAMATION
<p>The Immigration (C'bean Community Skilled Nationals) Act, No. 26 of 1996</p>	<p>June 14, 1996. Senate amendments agreed to by the HOR on 7 August, 1996.</p>	<p>July 25, 1996.</p>	<p>September 5, 1996</p>	<p>The Immigration Act, Chap 18:01 contains restrictions on entry into Trinidad and Tobago. However, consistent with our regional commitments, the Immigration (C'bean Community Skilled Nationals) Act, 1996 does not impose restrictions on entry into Trinidad and Tobago by such periods. Government was advised subsequently, that in the interest of security of Trinidad and Tobago, the Minister of National Security should be empowered in limited circumstances to refuse entry to certain persons. A Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996 has been circulated and after its enactment, the parent Act is scheduled for proclamation.</p>

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TITLE OF ACT	DATE PASSED IN THE H.O.R.	DATE PASSED IN THE SENATE	DATE OF ASSENT	STATUS OF PROCLAMATION
The Freedom of Informaiton Act, No. 26 of 1999	July 16, 1999 Senate amendments agreed to by the HOR September 3, 1999.	August 27, 1999	November 4, 1999.	Part I proclaimed on November 20, 2000. Part II was proclaimed on April 30, 2001. After April 30, 2001, a number of measures such as the preparation of regulations, the provision of additional support for the Government Printery, training of staff and the conduct of educational programmes for public authorities will be implemented. The remaining Parts are expected to be proclaimed on June 30, 2001.
The Human Tissue Transplant Act, No. 13 of 2000	May 1, 2000.	November 30, 1999.	June 15, 2000.	Proposed proclamation date: June 30, 2001.
The Land Adjudicaiton Act, No. 14 of 2000	November 15, 1999. Senate amendments agreed to by the HOR on May 4, 2000.	April 4, 2000.	June 15, 2000	This Act would achieve major reform in this country, a programme for its implementation is being formulated by Committee appointed by Cabinet for that purpose.

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TITLE OF ACT	DATE PASSED IN THE H.O.R.	DATE PASSED IN THE SENATE	DATE OF ASSENT	STATUS OF PROCLAMATION
The Land Tribunal Act, No. 15 of 2000	November 15, 1999. Senate amendments agreed to by the HOR on May 4, 2000.	April 4, 2000.	June 15, 2000.	This Act would achieve major reform in this country, a programme for its implementation is being formulated by a Committee appointed by Cabinet for that purpose.
The Registration of Titles to Land Act, No. 16 of 2000	November 15, 1999. Senate amendments agreed to by the HOR on May 4, 2000.	April 4, 2000.	July 13, 2000.	This Act would achieve major reform in this country, a programme for its implementation is being formulated by a Committee appointed by Cabinet for that purpose.
The Deoxyribonucleic Acid (DNA) Identification Act, No. 27 of 2000.	May 12, 2000.	December 8, 1999. HOR amendments agreed to by the Senate on May 16, 2000.	July 14, 2000.	This is specialised legislation, which requires equipment and training of personnel. The Ministry of National Security is in the process of taking the necessary steps to implement the Act. Proclamation is expected to follow completion of the implementation programme by the Ministry.

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TITLE OF ACT	DATE PASSED IN THE H.O.R.	DATE PASSED IN THE SENATE	DATE OF ASSENT	STATUS OF PROCLAMATION
The Dangerous Dogs Act, No. 32 of 2000	May 12, 2000. Senate amendments agreed to by the HOR on June 9, 2000.	June 6, 2000.	August 11, 2000.	Proposed proclamation date: July 31, 2001.
The Trinidad and Tobago Civil Aviation Authority Act, No. 33 of 2000	May 11, 2000.	May 2, 2000. HOR amendments agreed to by the Senate on May 16, 2000.	August 11, 2000.	Proposed proclamation date: July 1, 2001.
The Homes for Older Persons Act, No. 38 of 2000.	May 8, 2000. Senate amendments agreed to by the HOR on July 21, 2000.	July 11, 2000.	September 26, 2000.	Proposed proclamation date: End of June 2001.
The Bailiffs Act, No. 58 of 2000	September 20, 2000.	August 29, 2000. HOR amendments agreed to by the Senate on October 3, 2000.	October 13, 2000.	Proposed proclamation date: June 30, 2001.

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TITLE OF ACT	DATE PASSED IN THE H.O.R.	DATE PASSED IN THE SENATE	DATE OF ASSENT	STATUS OF PROCLAMATION
The Socially Displaced Persons Act, No. 59 of 2000	August 14, 2000. Senate amendments agreed to by the HOR on October 6, 2000.	October 5, 2000.	November 2, 2000.	Proposed proclamation date: June 2001.
The Children's Authority Act, No. 64 of 2000.	September 27, 2000. Senate amendments agreed to by the HOR on October 6, 2000.	October 3, 2000.	November 2, 2000.	Proposed proclamation date: June 2001.
The Children's Community Residences, Foster Homes and Nurseries Act, No. 65 of 2000	September 27, 2000. Senate amendments agreed to by the HOR on October 6, 2000.	October 3, 2000.	October 23, 2000.	Proposed proclamation date: June 2001.
The Adoption of Children Act, No. 67 of 2000	September 27, 2000.	October 3, 2000.	October 12, 2000.	Proposed proclamation date: End of May, 2001.
The Children (Amendment) Act, No. 68 of 2000.	September 27, 2000.	October 3, 2000	October 23, 2000.	Proposed proclamation date: June 2001.

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TITLE OF ACT	DATE PASSED IN THE H.O.R.	DATE PASSED IN THE SENATE	DATE OF ASSENT	STATUS OF PROCLAMATION
The Equal Opportunity Act, No. 69 of 2000.	June 2, 2000. Senate amendments agreed to by the HOR on October 2, 2000.	September 29, 2000.	October 20, 2000.	Part VI was proclaimed on November 20, 2000. The remaining Parts are expected to be proclaimed on June 30, 2001.
The Justice Protection Act, No. 78 of 2000.	September 27, 2000.	October 3, 2000.	October 27, 2000.	The regulations required under the Act are in the process of being prepared. As soon as the regulations are published, steps will be taken to implement the Act.
The Environmental Management Act, No. 3 of 2000	January 21, 2000	December 14, 1999	March 8, 2000	Section 69 of the Act comes into force on a date to fixed by the President, that is to be determined shortly.