

Leave of Absence

Friday, February 11, 2005

HOUSE OF REPRESENTATIVES

Friday, February 11, 2005

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the Member of Parliament for Princes Town (Mr. Subhas Panday), requesting leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

CONDOLENCES

(MR. HECTOR ORMESBY NAUGHTON MCCLEAN)

Mr. Speaker: Hon. Members, by now all of you would have heard or read in the press of the passing of former Speaker, Hector McClean, I now request the House to pay appropriate condolences and I call on the Member for La Brea first.

Mr. Hedwige Breaux (*La Brea*): Mr. Speaker, hon. Members of this House, today we mourn the death and loss and also we speak of the celebration of the life of Hector Ormesby Naughton McClean.

Hector McClean was born on April 03, 1940 and departed this life on February 10, 2005. Barrister and attorney-at-law; judge of the Industrial Court; politician; Speaker of the House of Representatives; gentleman; and I can say friend. I say friend because I think I knew him for a very long time, and throughout all his work and supervision of this honourable House, notwithstanding the fact that at one time I paid the supreme price of a Member of Parliament by being ejected from this House by him. He knew how to disagree without being disagreeable, he enforced the laws, the rules and the Standing Orders of this House as he saw them, and for that, I think we can all take an example from the way in which he behaved.

He was a man, nobody's boy and correctly so. He was a man who was worthy of following, worthy of taking his examples. He was an attorney at law, very successful both in criminal and civil practice. At one time he was the Deputy Secretary General of the Parliamentary Association in England and I recall on many visits to that country, the manner in which he behaved; always as a gentleman, always with a desire to advance the interest of his office and that of the people of Trinidad and Tobago.

Condolences (Mr. Hector McClean)
[MR. H. BÉREAUX]

Friday, February 11, 2005

He leaves to mourn his wife Dr. Rosemarie Paul and two children; one son and one daughter. I am certain that his loss and departure would be a serious loss to his family notwithstanding that I know they can well look back at his career with pride. He did many firsts.

He had the reputation of having crossed the floor, the catalyst which brought into being the Crossing of the Floor Act, but as I said before, through all of this, notwithstanding his having received—I would say at times—a baptism of fire when we were on the other side, all disagreement ended at the door of the Chamber. When we got together outside, we behaved as true parliamentarians and persons having the interest of the people of Trinidad and Tobago.

He is noted for having promoted cricket among Members of the House and visiting delegations. I want to say on behalf of Members on this side and also on behalf of the entire country, as I am certain, that we mourn his loss, but we are proud to say that even though for a short time he moved away from the fold of the party to which we belong, the People's National Movement, yet he returned, maybe not into the party, but to support, and we feel when he did what he did, it was done because he thought it was correct. I would leave you with a word from Milton which says:

“When we speak of men, we speak not of the common route, but those who by their examples have set a path for us to follow.”

And I go to the words of Oliver Goldsmith:

“As some tall cliff that lifts its awful form swells from the vale and midway leaves the storm,—though round its breast the rolling clouds are spread, eternal sunshine settles on its head.”

Of such a man was Hector Ormesby Naughton McClean. I would like the condolences of the Government and the people of Trinidad and Tobago to be conveyed to his bereaved relatives.

Thank you.

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, we on this side join with Members opposite in extending condolences to the family of Hector McClean and also take the opportunity to celebrate his life in this House.

Mr. Speaker, it is clear that he had a very colourful career politically, but it was one of public service. When one looks at his resumé: Barrister-at-law in both the civil and criminal courts; Chairman of the Port of Spain Rent Assessment Board, elected Member of the House of Representatives 1971—1976 and 1976—

Condolences (Mr. Hector McClean)

Friday, February 11, 2005

1981 for the constituency of Tunapuna; a Minister of State in the Ministry of Legal Affairs; Attorney General and Minister of Legal Affairs; Minister of National Security; Minister of Labour, Social Security and Co-operatives; and Minister of Public Works, Transport and Communications.

Mr. Speaker, I interacted with Hector McClean as Speaker and it is in this role that I remember the aphorism which he left with us as Members of the then government. He said: "Let the Opposition have its say, because at the end of the day, the Government will have its way." And he gave a great deal of latitude to the Opposition to articulate their position and represent their constituents. In that regard, the office of the Speaker created quite a democratic atmosphere within the confines of this honourable Chamber.

His passing therefore points to Thomas Gray's elegy; all parts of glory lead but to the grave. So in the context of his death, and as we make our contributions in this House we must now remember the African proverb which says, death is a dress which everyone must wear.

We too join with the national community in extending condolences to his wife, children and extended family.

Mr. Speaker: Hon. Members, I, too, would like to join with Members of this House in paying tribute to the life of former Speaker, Hector McClean. I first got to know Speaker McClean in the 1990s in a private capacity when he practised civil law and from then on, we hit upon a very good relationship, and then in 1995, when I became the Member of Parliament for San Fernando West, sitting in the Opposition Benches, Hector McClean was elected Speaker and it is to this I will address a few comments.

During that time it was not easy for Speaker McClean, there were difficulties surrounding his election but in all this he carried on his speakership with dignity, honour, and I dare say with fairness and fearlessness. He was always a source of inspiration to me, even after I became Speaker I had occasion to consult him and his advice was always free and fair.

Speaker McClean was known not only in Trinidad and Tobago, but throughout the Commonwealth. Whenever I go away on parliamentary business, the one thing that always surprised me was the fact that Members of Parliament, not only Speakers, would enquire about his welfare. So he was well known throughout the Commonwealth.

Condolences (Mr. Hector McClean)
[MR. SPEAKER]

Friday, February 11, 2005

To attest to his ability as Speaker and the reverence in which he was held, not only in Trinidad and Tobago but outside, we at the Parliament have begun to receive condolences from far and wide. Former Speaker, Hector McClean, died two days now and already that news has reached the Commonwealth Parliamentary bodies and expressions of sympathy have already begun to pour in.

I will miss him, and I am sure all of you will also miss him. He was a true son of the soil. I wish to extend condolences to his wife, children and family, and on behalf of all of us, hope that they would be in a position to weather this period of their lives with dignity and fond remembrances of former Speaker McClean.

I will ask the Clerk of the House to communicate with his wife and express to her and the children our sincerest condolences on the passing of former Speaker McClean and I ask all Members—I have just been informed that the Prime Minister will like to say a few words, and before I ask Members to rise for a minute of silence, I will hear the Prime Minister.

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Thank you very much, Mr. Speaker, for your very kind indulgence, and I apologize for being late this afternoon. I thought it would have been quite remiss of me if, on an occasion such as this, I, too, did not make a small contribution to the deliberations of this House in paying tribute and respect to the hon. Hector McClean, a former Speaker of the House of Representatives and government Minister.

Indeed, Mr. Speaker and hon. Members, Mr. McClean became a Member of Parliament in 1971 in the same election in which I became a Member of Parliament. His first appointment was as Minister of State in the Ministry of Legal Affairs and Office of the Attorney General.

On that occasion, the political circumstances of the country were such that we had just emerged from major youth demonstrations in 1970 that led to a political conflagration to which we are all aware, and the option of it was a call on the national community for a greater involvement of young people in the country's public life, and it was in those circumstances that Hector McClean became a Member of Parliament. I think at the time, he might have been 29 years or so. He was quite young.

Mr. Speaker, two years thereafter, he was promoted to a full ministry and I think we all know him well, his personality, and it did not take long for difficulties to emerge between him and the then Prime Minister, Dr. Eric Williams. And so, in 1977, when he held the portfolio of Minister of Public

Condolences (Mr. Hector McClean)

Friday, February 11, 2005

Works, Transport and Communications—and that boiled over somewhat—it became known in the public domain and shortly thereafter, I think it was on April 01, 1978 that he resigned from the government but not before he was responsible for two significant contributions.

The first was the construction of a baggage room at Piarco International Airport, and the second was his insistence that the engineers in the Ministry of Public Works, Transport and Communications possess the competence to do road construction directly. So the first phase of the Priority Bus Route from Port of Spain to San Juan was constructed directly by engineers and labour from that ministry. It remains today as a testimony of the determination of a Minister and the result of public servants who had put their all into the construction of that particular phase of the Priority Bus Route which today, as you know, is internationally famous.

Mr. Speaker, Mr. McClean and I had a very close association when he was a Member of the Government at that time. I recall in 1972, when my wife and I were joined together in holy matrimony, he was one of two Ministers present on that occasion and on the morning before I left home to get married, he visited the house and, not that he was competent at the time to speak of marriage—I was ahead of him in that regard—but he was aware of some of what men go through at that time, things of which, Mr. Speaker, you are now very familiar yourself. He was there and we spoke on that occasion.

If there is anything else for which I would like to remember him, was the advice he gave me in 1978 when I became a Member of the Cabinet on the occasion of his departure. His advice was: “Never make the mistake of going to the Cabinet without reading your Cabinet Notes.” It is advice that has served me in good stead to this day.

Subsequent to that, he became Speaker of the House of Representatives and we found ourselves—I almost said on different sides of the political divide. That would not be an accurate way of speaking in a Parliament in respect of which the Speaker is neutral. Suffice it to say that in my capacity then as Leader of the Opposition, I had difficulties with the then Speaker, but that is not unusual in our parliamentary situation where there is Government and Opposition and a Speaker who was selected in the way in which Mr. McClean was.

We had disagreed with the selection at the time, but I think subsequent events had demonstrated that he rose above the partisan political considerations and was able to discharge his responsibilities to the best of his ability, and not only that, but in a manner that met with the aspirations of—if not all of us—most of us.

Condolences (Mr. Hector McClean)
[HON. P. MANNING]

Friday, February 11, 2005

Latterly, Mr. McClean was appointed last year as Chairman of the Commission of Enquiry into the health services of the country and when, in January of this year, he advised me by letter that he was submitting a letter of resignation to His Excellency the President to remove him from that particular appointment, I was a little concerned about it but subsequently found out that indeed it was as a consequence of ill health. I did not know at the time that his lack of health was life threatening, giving rise to this tribute in this honourable House today.

Mr. McClean was, in some instances, a fairly controversial figure; the staff of the Parliament will tell you that, and Members on both sides of the House will tell you that, but what the staff of the Parliament and Members on both sides will also tell you is whether you agreed or disagreed with him he had the courage of his convictions and always stood up for what he believed to be right.

Mr. Speaker, so it is appropriate for us on the occasion of his passing to celebrate his life, and I would like to join hon. Members opposite, my own colleagues on this side of the House and your good self in paying tribute to the life of Hector McClean, and to the contributions he made to the political and social life of our country.

I will like to extend on behalf of all of us condolences to his wife and two children who survived him, and may we express the wish that his soul will find favour with Almighty God, and eternal rest. [*Desk thumping*]

Mr. Speaker: Hon. Members, I now ask you to stand for a minute's silence in honour of the memory of former Speaker, Hector McClean.

The House of Representatives stood.

PAPERS LAID

1. Annual audited financial statements of Evolving TecKnologies and Enterprise Development Company Limited (formerly Property and Industrial Development Company of Trinidad and Tobago Limited) for the financial year ended September 30, 2001. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Annual audited financial statements of Evolving TecKnologies and Enterprise Development Company Limited (formerly Property and Industrial Development Company of Trinidad and Tobago Limited) for the financial year ended September 30, 2002. [*Hon. K. Valley*]

Papers Laid

Friday, February 11, 2005

3. Annual audited financial statements of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 1997. [*Hon. K. Valley*]
4. Annual audited financial statements of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 1998. [*Hon. K. Valley*]
5. Annual audited financial statements of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 1999. [*Hon. K. Valley*]
6. Annual audited financial statements of Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 2000. [*Hon. K. Valley*]

Papers 1 to 6 to be referred to the Public Accounts (Enterprises) Committee.

ORAL ANSWERS TO QUESTIONS

Construction of Schools (Cost of)

10. Mr. Manohar Ramsaran (*Chaguanas*) asked the hon. Minister of Education:

- (a) Would the Minister of Education indicate to this House what was the original cost for the construction of the following schools:
 - (i) Vishnu Boys Hindu College;
 - (ii) Saraswatie Girls Hindu College;
 - (iii) Charlieville ASJA Boys;
 - (iv) Charlieville ASJA Girls?
- (b) Would the Minister state what is the actual cost to date and the reasons for cost overrun, if any, in each case?
- (c) Would the Minister indicate why these schools have not yet been completed as promised?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I would like to ask for a deferral of question No. 10 for a two-week period.

Question, by leave, deferred.

**Chaguanas Health Facility
(Construction of)**

11. Mr. Manohar Ramsaran asked the hon. Minister of Health:

- (a) Would the Minister notify this House when the construction of the Chaguanas Health Facility will commence and the expected completion date?
- (b) Would the Minister state what services would be provided?

The Minister of Health (Hon. John Rahael): Mr. Speaker, in response to question No. 11(a), construction of the Chaguanas Health Facility is expected to commence on August 15, 2005 and it is expected to be completed on August 15, 2006.

In response to part (b), the Chaguanas District Health Facility will provide a 24-hour service offering both accident and emergency and the following general practice services: pharmacy; radiology, including X-ray and ultrasound; dental clinics for children; specialist clinics for chronic diseases or lifestyle diseases; antenatal and neonatal clinics; family planning clinic; child health clinic and health promotion fitness programmes.

**Rangoon Trace and Moore Trace Bejucal Roads
(Paving of)**

12. Mr. Manohar Ramsaran asked the hon. Minister of Local Government:

Would the Minister inform this House why the Rangoon Trace, Bejucal and Moore Trace Bejucal Roads which were requested to be paved since 2002 have not yet been paved?

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Mr. Speaker, in October 2000, the Ministry of Works and Transport commenced preparatory works for the paving of Moore Trace, Bejucal and Rangoon Trace, Bejucal. Whilst Moore Trace and Rangoon Trace were prepared for paving, no paving however was undertaken.

The Ministry of Local Government continues to be committed to fulfilling its mandate of the provision and maintenance of secondary physical infrastructure through the mechanisms of the Public Sector Investment Programme, the Road Improvement Fund and the Infrastructure Renewal Improvement and Development Programme.

However the council of each respective Municipal Corporation determines the programmes of work for each of these programmes and the councillors are asked to determine the priorities for their respective districts.

Subsequent to a request to the Minister of Local Government in February 2004, from the Member of Parliament for Chaguanas to have Moore Trace, Bejucal and Rangoo Trace, Bejucal paved, representation was made to the Tunapuna/Piarco Regional Corporation under whose jurisdiction the responsibility for these roads lie.

Consequently, the Tunapuna/Piarco Regional Corporation has listed Moore Trace, Bejucal, and Rangoo Trace, Bejucal for inclusion in the programme of works for the 2005 Road Improvement Fund of the corporation.

Thank you.

2.00 p.m.

PILOTAGE (AMDT.) BILL

Bill to amend the Pilotage Act, Chap. 51:02 [*The Minister of Foreign Affairs*]; read the first time.

CARIBBEAN COMMUNITY (CARICOM) REGIONAL ORGANIZATION FOR STANDARDS AND QUALITY BILL

Bill to give effect to the Caribbean Community (CARICOM) Regional Organization for Standards and Quality (CROSQ) Agreement between Member States of CARICOM [*The Minister of Foreign Affairs*]; read the first time.

ANTI-TERRORISM BILL

Order for second reading read.

The Minister in the Ministry of National Security (Hon. Fitzgerald Hinds): Mr. Speaker, I beg to move,

That a Bill to criminalize terrorism, to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists' assets, be now read a second time.

The threat of international terrorism, that is to say, the use of violence by various groups which operate internationally to force its opponents to concede to demands, has always been a part of human history. The recent terrorist attacks in New York, Washington DC and Pennsylvania in the United States of America on

September 11, 2001, reminded the world of this fact. Very recent history is also replete with examples of the activities of such groups. For example, only the day before yesterday, Wednesday February 09, 2005, there was a very horrible car bomb explosion near the Madrid Conference Centre causing injury to some 43 persons, allegedly perpetrated by a separatist organization, ETTA, the Basque Separatists, as they are called. Only yesterday, the Revolutionary Armed Forces of Colombia were alleged to have launched an attack which caused the deaths of 10 Colombian troops.

Trinidad and Tobago is not at all immune from these activities. It was reported in the newspapers some time ago that there might have been on our soil, a well-known Al Qaeda operative. Mr. Speaker, increased interest in suppressing international terrorism following the events of 9/11, in particular, saw the adoption by the United Nations Security Council of Resolution 1373 and this was adopted on September 28, 2001 at the 4,385th meeting of that Council.

Among other things, the Security Council, acting under Chapter 7 of the Charter of the United Nations, decided that all member states should:

- “(a) Prevent and suppress the financing of the terrorist acts;
- (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;
- (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorists acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;”

It was further decided that all States should:

- “(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorists acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

- (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
- (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts;
- (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens.”

All States were called upon to take all necessary steps in order to ensure full implementation of this resolution in accordance with their responsibilities under this Charter. As a signatory to the resolution, we undertook these commitments. While Trinidad and Tobago has thus far been spared acts of international terrorism, we are bound to play a part in, and we are accountable for, a role in combating terrorism. This can only be achieved through a systematic effort facilitated by legislation to criminalize terrorist activity. As a major player—an emerging player—in the production of natural gas and downstream products and being possessed of the plant and other facilities for these purposes, and given that we have many foreign investors operating in our territory in this sector, we, too, can easily become a forum for the playing out of these kinds of serious terrorist attacks.

We are also participants in a number of conventions. We are signatories to two and we have ratified 11 of the following conventions. Clause 2(1) states:

- “(a) Convention on Offences and certain Other Acts committed on Board Aircraft signed at Tokyo on 14 September, 1963;
- (b) Convention for the Suppression of Unlawful Seizure of Aircraft...
- (c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation...
- (d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons...
- (e) International Convention against the Taking of Hostages...
- (f) Convention on the Physical Protection of Nuclear Material...
- (g) Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation...

Anti-Terrorism Bill
[HON. F. HINDS]

Friday, February 11, 2005

- (h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation...
- (i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf...
- (j) Convention on the Marking of Plastic Explosives for the Purpose of Detection...
- (k) International Convention for the Suppression of Terrorist Bombings...
- (l) International Convention for the Suppression of the Financing of Terrorism..."

And of course, we are signatories to:

“(m) The Inter-American Committee on Terrorism (CICTE).”

As I have indicated, we have signed on to two of these and ratified eleven.

Further, we are under the directive to take legislative action in accordance with our obligations under the Financial Action Task Force, 1989, with respect to money laundering. This Financial Action Task Force consists of 24 governments and the Financial Action Task Force recently moved 40 recommendations. We are also members of the Caribbean Financial Action Task Force.

As it now stands, there is no offence known in our law regarding any act of terrorism. The Military Training Prohibition Act of 1996 and the Firearms Act, impose very severe restrictions on certain activities and the possession of firearms and ammunition. These, of course, are often related to terrorist activity, but there is no law that prohibits any act of terrorism. It is in this regard that the measures that are being proposed today are advanced to this honourable House for its consideration and, hopefully, its smooth passage.

I now move to some of the provisions of the Bill that is before us for our consideration. Clause 2 of the Bill, the Interpretation section, lists the definition of several specific terms used in the Bill; for example, “terrorist act”. A terrorist act in clause 2 is defined as:

- “(a) an act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause —
 - (i) loss of human life or serious bodily harm;
 - (ii) damage to property; or

- (iii) prejudice to national security or disruption of public safety including disruption in the provision of emergency services or to any computer or electronic system or to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure,

and is intended to—

- (iv) compel a government or an international organization to do or refrain from doing any act; or
- (v) intimidate the public or a section of the public,
for the purpose of advancing a political, ideological or a religious cause; or

- (b) an offence under any of the Conventions;”

Part II of this Bill creates several new offences. Today’s terrorists have transnational and global ambitions and because we live in an age of free movement of persons, goods and migration, persons easily blend in wherever they go.

Clause 3 of the Bill creates the offence of a terrorist act, and a terrorist act is described—let me read clause 3(1):

“A person who commits a terrorist act is guilty of an offence and is liable to imprisonment for twenty-five years.”

Further, clause 3(2) states where a terrorist act involves the commission of some other offence under some other law, the person shall be punished for both the terrorist act and for the other offence. The term imposed for the other crime will run consecutively to that imposed in relation to the terrorist act as defined.”

Clause 4 is offered to eradicate the support for terrorist activity. This clause makes it an offence if a person directly or indirectly provides or makes available financial or other related services intending that they be used, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act. Upon conviction for this offence on indictment, a person will be liable to a term of imprisonment for 20 years.

Clause 5 makes it an offence for someone to collect, provide or make available, property, having reasonable grounds to believe that it will be used to commit a terrorist act. “Property”, in clause 2, is defined as:

Anti-Terrorism Bill
[HON. F. HINDS]

Friday, February 11, 2005

“...any asset of every kind, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, and legal documents or instruments in any form including electronic or digital evidencing title to, or interest in, such assets, including but not limited to bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit;”

This definition is inclusive of those items mentioned and therefore seems, in our view, able to capture anyone who renders any assistance of any kind, in any form to a terrorist cause. Upon conviction on indictment such a person would be liable to imprisonment for 20 years.

Clause 6 makes it an offence if a person commits or facilitates the commission of a terrorist act in two instances:

- “(a) uses property, directly or indirectly, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act; or
- (b) possesses property intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act;”

Clause 7—and we have circulated a list of amendments, and I want to bring attention to clause 7. The person who is involved with, or enters into, any arrangement which facilitates the acquisition, control or retention of terrorist property, by or on behalf of another person, commits an offence.

Clause 8 deals with the person dealing with terrorist property as defined, and this person, if he does so, commits an offence under this clause, if he knowingly:

- “(a) acquires or possesses terrorist property;
- (b) conceals, converts or disguises terrorist property;
- (c) deals directly or indirectly with any terrorist property; or
- (d) enters into or facilitates directly or indirectly any transaction in relation to terrorist property;”

It is not necessary, according to our intention, that it be established that the property was actually used to commit a terrorist offence. Such person, if found guilty, would be again liable to a sentence of 20 years imprisonment.

Clause 10, we offer, as I said, an amendment and the Bill that is before Members of this House should take into account the amendment that we have

offered. We are saying that we delete the clause 10 that is now before Members and to insert a new clause 10 which reads:

“Any person who conceals or harbours another person or hinders, interferes with or prevents the apprehension of, another person having reason to believe or knowing that that other person has committed, is planning or is likely to commit a terrorist act, commits an offence and shall, on conviction...be liable to imprisonment for twenty years.”

Clause 11 deals with the provision or an offer to provide explosives or other lethal devices. The activities of terrorists include, as we all know, or at least ought to know, bombings leading to murders, mortar attacks, narco-trafficking, kidnapping, extortion, hijacking, as well as guerrilla and conventional military action. Lethal devices and explosives are naturally inherent parts of the terrorist armory and, therefore, clause 11 is designed to deal with the provision of those. The actual clause is before Members and they can familiarize themselves with the term. The primary goal of clauses 12 to 14 is to prevent the spread and ultimately eradicate terrorist activity.

Clause 12 provides:

“A person who agrees to recruit or recruits any other person to participate in the commission of a terrorist act, commits an offence and shall...be liable to imprisonment...”

Clause 13 deals with the question of knowingly agreeing to provide instruction or training for terrorist activity. And clause 14 deals with the promotion or the inciting to commit terrorist acts or to solicit property for the commission of same. All of these offences can yield imprisonment upon conviction to a term of 20 years.

Part 3 deals with, what we call, convention offences. I listed at the top of my presentation a number of international conventions that we have either ratified or signed on to and, therefore, assumed certain commitments under these conventions.

Clause 16, in accordance with the convention for the suppression of unlawful acts against the safety of maritime navigation, it would be an offence to endanger persons in those circumstances. Clause 16 states:

“A person who, in respect of a ship registered in Trinidad and Tobago or within the archipelagic or territorial waters...”

- (a) seizes or exercises control over the ship by force or threat thereof or exerts any form of intimidation;”

would be guilty of an offence.

- “(b) performs an act of violence against a person on board the ship if that act is likely to endanger the safe navigation of the ship.”

The other subclauses outline a number of other offences which Members are assuring me they are willing to read, not suffering from any intellectual laziness. All of these offences will provide sentences of imprisonment for 20 years, and in the case of death of any person in those circumstances, the guilty person could be sentenced to death.

Clause 17 deals with the convention for the suppression of terrorist bombings and creates a new offence in this regard.

In clause 18, it would be an offence to kidnap or attack an internationally protected person as defined under the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, or destroy or damage by any means with intent to do so or not, the property for the use of an internationally protected person. According to Article 1 of this convention, an internationally protected person means a head of state, including any member of a collegial body, performing the functions of a head of state under the Constitution of the state concerned; a head of government or a Minister of Foreign Affairs, whenever any such person is in a foreign state, as well as members of his or her family who accompanies him or her; any representative or official of a state, or any official or other agent of an international organization of an inter-governmental character who, at the time when, and in the place where, the crime against him, his official premises, his private accommodation or his means of transport, is committed, is entitled, pursuant to international law, to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household.

This is a response to the reality that heads of state, heads of government, officials representing states, travelling internationally to perform their official functions, come under attack as targets of terrorist organizations. Therefore this convention, recognizing this, makes it—and asks us, which we are doing here today—to create a special category of offence for persons who commit that type of atrocity.

Clause 18 provides that:

“A person who kidnaps an internationally protected person commits an offence and shall, on conviction...be liable to imprisonment for life.

- (2) A person who commits any other attack upon the person or liberty of an internationally protected person commits an offence and shall, on conviction on indictment be liable—
- (a) where the attack causes death, to be sentenced to death;
 - (b) where the attack causes serious bodily harm, to imprisonment for twenty years; or
 - (c) in my other case, to imprisonment for ten years.
- (3) A person who intentionally destroys or damages otherwise than by means of fire or explosive—
- (a) official premises, private accommodation or means of transport, of an internationally protected person; or
 - (b) other premises or property in or upon which an internationally protected person is present, or is likely to be present,

commits an offence and shall, on conviction on indictment, be liable to imprisonment for ten years.”

At the bombing in Madrid, it was anticipated from the dispatches that the head of state of that country was expected to be in the vicinity. No doubt the terrorists thought it was a good forum for carrying out an attack. Therefore, this question of internationally protected persons is very critical and we offer this provision in response to that.

I move to clause 19 which, in my view, is of particular interest to Trinidad and Tobago. This provision makes it an offence to seize, destroy or do anything that will result in the endangerment of a fixed platform or any such structure used for the purposes of exploration. This is in keeping with the protocol for the suppression of unlawful acts against the safety of fixed platforms on the Continental Shelf. A series of new offences are created here and I think it is quite obvious it is of very great concern to us because of our involvement in the production of oil and gas, and because of the fact that we have a number of foreign investors operating here and most times they become the target of terrorist groups internationally. Wherever they are operating in the world, they come under attack and, as we all know, some operate right here. We consider that clause 19 is a response to that. Again, Members are assuring me that they can read it in great detail.

One of the amendments has to do with clause 20. It is a simple amendment where in clause 20(1)(a), we delete the word “radioactive” and substitute the word “nuclear” and in “(b)” insert after “(iii)” the following new subclause (iv), which says:

“In this section, ‘device’ means a weapon of mass destruction.”

Mr. Speaker, in clause 21 there is another amendment that I bring to the attention of Members. In clause 21(1)(b), we delete the words “post, rail or any other means whatsoever” and simply substitute the word “any”. So that provision should read: it will be an offence for anyone to send to or to induce anyone in the world into believing that a substance is a noxious substance or a lethal device or a weapon of mass destruction if:

“he sends any such substance or anything from one place to another, by any means whatsoever.”

That would be the new reading that we are proposing.

In respect of the investigation of these offences in Part IV of the Bill, the investigative process is very important, as we all know, and it is critical for the proper implementation of the provisions. As such, Part IV of the Bill clearly sets out the parameters in which investigations will occur, with special attention being paid to individual rights and freedoms.

Clause 23(1) therefore provides:

“Subject to subsection (2), a police officer may, for the purpose of preventing the commission of an offence under this Act or preventing interference in the investigation of an offence under this Act, apply *ex parte*, to a Judge in Chambers for a detention order.

- (2) A police officer may make an application under subsection (1) only with the prior written consent of the Director of Public Prosecutions.
- (3) A judge may make an order under subsection (1) for the detention of the person named in the application if he is satisfied that the written consent of the Attorney General was obtained and there are reasonable grounds to believe that the person is—
 - (a) interfering or is likely to interfere with an investigation of; or
 - (b) preparing to commit,
 an offence under this Act.”

The position is that the police officer could approach the court for a detention order, but he must do so only with the consent of the Director of Public Prosecutions, and the judge, in deliberating on this application, will grant the application only if he is satisfied that the written consent of the Attorney General was obtained and that there are reasonable grounds for believing that the person is interfering or likely to interfere with the investigation, or preparing to commit an offence under this Act.

The rationale for that is that the Director of Public Prosecutions, as he has had cause to say in another matter recently, does not have investigating capacity. It is the Attorney General's office that can generate this. Therefore, this is the logic that has gone behind this provision and I commend it to Members for their good sense and approval.

Clause 24 is another of the provisions for which an amendment is tabled before hon. Members and the amendment deals with clause 24(3)(a)(i). It is suggesting that we remove the word, "or" after the word "offence". Clause 24 provides:

"Subject to subsection (2), a police officer of the rank of Inspector or above may, for the purpose of an investigation of an offence under this Act, apply *ex parte* to a judge in chambers for an order for the gathering of information from named persons."

This is critical. Sometimes it is necessary to obtain information from individuals and different institutions—financial institutions and otherwise—and this provision speaks to that. Clause 24(2) states:

- "A police officer may make an application under subsection (1) only with the prior written consent of the Director of Public Prosecutions.
- (3) A judge may make an order under subsection (1) for the gathering of information if he is satisfied that the written consent of the Director of Public Prosecutions was obtained and—
- (a) that there are reasonable grounds to believe that an offence under this Act has been committed and that –
- (i) information concerning the offence;
- (ii) information that may reveal the whereabouts of a person suspected by the police officer of having..."

Miss Lucky: Mr. Speaker, I am asking whether the Member would give way for a question.

Hon. F. Hinds: Not at all. You will have your time.

As I was saying, Mr. Speaker:

“committed the offence,

is likely to be obtained as a result of the Order.”

The provision continues at length through clause 25(7). I suspect that clause 25(7) may be of great interest to some Members of this honourable House. It states:

“When the Director of Public Prosecutions declines to prosecute, and another foreign State has jurisdiction over the offence concerned, he shall inform such foreign State, accordingly with the view to the surrender of such person to such foreign State for prosecution by that State.”

Clause 26 deals with the cooperation with other states, because it is quite obvious that in order to effectively combat terrorism, which is for the most part international in its operation and scope, cooperation among member states is very necessary. In fact, it is cooperation of member states that led to UN Resolution 1373; it is cooperation among member states that led to our ratification of, and signing on to, a number of international conventions dealing with the issue of terrorist acts and money laundering and the other related matters. So cooperation is very important and, as such, clause 26 provides as follows:

“The proceedings referred to in the Extradition (Commonwealth and Foreign Territories) Act, 1985...shall apply with the necessary changes in respect of any surrender referred to in section 25.”

Part VI deals with information-sharing, extradition and mutual assistance in criminal matters. As part of the international community, Trinidad and Tobago must be cognizant of the international issues and must, as far as possible, implement measures adopted at all international fora. This is the very purpose of Part VI. It has to do, as I said, with information-sharing, extradition of persons when necessary and mutual assistance in criminal matters.

Clause 28 gives the Minister of National Security the authority, after consultation with the Attorney General, to provide other states with information relating to terrorist activities. It is no point you having information about certain groups, persons or activities within your state and not sharing it with others. In recognition of that, clause 28 provides:

“The Minister may, after consultation with the Attorney General, on a request made by the appropriate authority of a foreign State, disclose to that authority,

any information in his possession or, with the necessary permission, in the possession of any other government, department or agency, relating to any of the following:

- (a) the actions or movements of persons suspected of involvement in the commission of terrorist acts;
- (b) the use of forged or falsified travel papers by persons suspected of involvement in the commission of terrorist acts;
- (c) traffic in explosives or other lethal devices or sensitive materials by persons suspected of involvement in the commission of terrorist acts; or
- (d) the use of communication technologies by persons suspected of involvement in the commission of terrorist acts, if the disclosure is not prohibited by any law and will not, in the Minister's view be prejudicial to national security or public safety."

In clause 32, I want to bring to Members' attention again, a simple amendment which Members can pay attention to in their own time. Part 7 deals with disclosure and sharing information, but clause 32 deals with the offence of withholding information that can assist in the prevention of a terrorist act or securing the arrest or prosecution of persons for an offence under this Act. It will be an offence for persons to do so and it can generate a fine of \$10,000 and imprisonment for two years. I want to highlight this. Clause 32(1) provides:

"Every person who has any information which will assist in—

- (a) preventing the commission by another person, of a terrorist act; or
- (b) securing the arrest or prosecution of another person for an offence under any other law and which also constitutes a terrorist act,

shall forthwith disclose the information to a police officer not below the rank of sergeant."

Subclauses (2) and (3) are designed to put in some protection to persons who may feel that the provision I have just read is onerous. Subclause (2) reads:

"Notwithstanding subsection (1) a person shall not be required to disclose any information which is protected by privilege.

- (3) Civil or criminal proceedings shall not lie against any person for not disclosing any information in good faith pursuant to subsection (1).

- (4) Any person who fails to comply with subsection (1) commits an offence and is liable on conviction on indictment...”

as I have already explained.

Part VIII of the Bill deals with seizure and forfeiture of terrorist property. Again, in our view, seizing terrorist property, seizing assets, is a very important means of combating terrorism and preventing it. They need assets to operate; they need equipment; they need money; they need funds; they need instruments to remove funds from one place to another, and when you seize these you strike terrorists and potential terrorists where it, perhaps, matters most.

Clause 34(1) provides:

“Any customs officer, immigration officer or police officer who has reasonable grounds to believe that property in the possession of any person is—

(a) intended to be used for the purpose of a terrorist act; or

(b) terrorist property,

may apply to a judge in Chambers for a restraint order in respect of that property.”

(2) This section applies to property that is being—

(a) brought to any place in Trinidad and Tobago for the purpose of being exported;

(b) exported from; or

(c) imported into,

Trinidad and Tobago.”

Subclause (3) provides:

“Subject to subsection (4), a restraint order made under subsection (1), shall be valid for a period of sixty days, and may, on application, be renewed by a Judge of the High Court, for a further period of sixty days or until such time as the property referred to in the order is produced in court in proceedings for an offence under this Act in respect of that property whichever is the sooner.”

Again, it is a procedure outlined to permit certain officials of the state to apply to the court to take possession of property which is intended to be used for terrorist purposes.

Not everything can be said in as public a forum as this, but it is well known to those who know that there are some items that come into the country for which, at the moment, there are no laws prohibiting such entry, and it is always a matter of grave concern to us. I can assure you in those cases, action is now being taken to fill those legal loopholes so that this practice will not continue.

Mr. Singh: What is it you are talking about?

Hon. F. Hinds: You all might know. You might know. Mr. Speaker, the Member for Caroni East is asking—just as an aside—what I am speaking about. Last week in another debate the Member for Caroni East, as a former Cabinet minister of government, stood in this House and virtually outlined some procedures that the intelligence agencies and security forces use to detect crime. He may have come to that information while he was sitting in the Cabinet and maybe because of his office, and I thought it was quite irresponsible of the Member to do that. So I am trying to be more responsible, and he is asking me what I am speaking about. You will have your opportunity to speak. Take your seat.

Mr. Singh: Where is the law governing the security agency operation?

Hon. F. Hinds: I simply want to say that I consider it reckless to do or say anything that will expose lawful techniques that are used to deal with criminal activity. It is reckless and I will have no part of that. [*Crosstalk*]

I wish to continue. [*Crosstalk*] I will get the job done and get it done with dignity. That is the key thing.

Part IX of the Bill deals with certain miscellaneous powers. Clause 39 imposes a duty on an operator of an aircraft or master vessel to disclose information relating to passengers of aircraft and vessels. The clause attempts to deal with that and it provides as follows:

“The operator of an aircraft or master of a vessel—

- (a) departing from Trinidad and Tobago; or
- (b) registered in Trinidad and Tobago departing from any place outside Trinidad and Tobago

shall, in accordance with Regulations made under this section provide to the—

- (i) Chief Immigration Officer any information in his possession relating to persons on board or expected to be on board the aircraft or vessel;”

Anti-Terrorism Bill
[HON. F. HINDS]

Friday, February 11, 2005

I think the reason for that is quite obvious and, in our view, makes very good sense. It also imposes a duty on the operator of the aircraft or master of the vessel, to make available to the:

- “(ii) competent authority of a foreign state any information in his possession relating to persons on board or expected to be on board the aircraft or vessel in accordance with the law of that foreign State.”

Mr. Speaker, I have gone through some of the provisions of the Bill, very mindful that copies are before every Member, but I have highlighted the clauses that I felt were necessary to be highlighted, because in this forum we are not only speaking to our friends opposite who hold copies, we are speaking to the nation; we are speaking to the people of Trinidad and Tobago. We feel it necessary to say as much as we can so that the people of Trinidad and Tobago could understand the measures that the Government of Trinidad and Tobago is proffering before the House today, with a view to have Members consider it, for the passage of such legislation, for the protection of citizens of this country, our visitors, our investors and all persons in the international community who can be affected by this international and growing phenomena of terrorism.

I therefore submit these provisions before hon. Members for their consideration and for the time being, I beg to move. [*Desk thumping*]

Question proposed.

Miss Gillian Lucky (*Pointe-a-Pierre*): Mr. Speaker, it is indeed very difficult after hearing the Member for Laventille East/Morvant end on such a hypocritical note, saying that there was need in his presentation to highlight certain clauses in the best interest of those nationals who would be listening or would want to know more about the anti-terrorism legislation that is before us, and when given an opportunity during his presentation on two occasions to do that which is really in the best interest, to give way to two Members of the Opposition who courteously asked if the Member would just give way so that we could get some kind of amplification and explanation, to be treated in that kind of manner by the Member of Laventille East/Morvant, is wholly unacceptable. And the difficulty is, when that is the tone that is set for such an important piece of legislation, it is very difficult for those of us on this side who have cogent and convincing contributions to make, questioning some of the provisions in this piece of legislation, to remain calm and collected for fear that it may be said of us that we were unnecessarily aggressive.

I can speak on my own behalf and indicate that I had asked the Member to give way because it was obvious that the Member for Laventille East/Morvant had only recently received the speech that he delivered this afternoon. It was clear that the Member for Laventille East/Morvant had not properly understood the provisions that he sought to explain. The reason for this is, the Member for Laventille East/Morvant, despite reading in his contribution an obvious flaw in clause 23 of the Bill, decided that instead of confronting the flaw and perhaps openly admitting to the general public, who he seems to want to play to, that, listen, this is something he would address in his closing, sought instead to shut the mouths of those on the opposite side, and therein lies the problem with this Bill.

This is a Bill that contravenes fundamental rights and the mere fact that even in its deliberations and debate the Opposition is being told, basically, on certain important points: “Shut your mouth; I will not hear you”, it means that that is the intention of some of those, if not all, on the other side; to prevent the full and forthright articulation and amplification on matters that affect all of us. I will now have no choice but to highlight the incompetence of the Member for Laventille East/Morvant by going to clause 23 of this Bill.

The Member for Laventille East/Morvant, when discussing clause 23, which he did in detail, and when he highlighted the fact that in order to get a detention order it would be necessary to go to the office of the Director of Public Prosecutions and ensure that the DPP give his consent, was clear in making that little aside that, you know, within recent times, the independence of the office of the Director of Public Prosecutions was something that was of great concern. And I thank the Member for Ortoire/Mayaro for paying close attention to the point I am about to make, because he is a reasonable man.

Clause 23 deals with detention orders and subclause (2) says:

“A police officer may make an application under subsection (1) only with the prior written consent of the Director of Public Prosecutions.”

But he hastened to subclause (3), which says:

“A judge may make an order under subsection (1) for the detention of the person named in the application if he is satisfied that the written consent of the Attorney General was obtained and there are reasonable grounds to believe...”

The Member for Siparia is shouting, “in their minds it is one and the same”, and that is another problem. So what I sought to do is to point out to the Member that obviously there is some error, meaning that what was meant to be placed in

Anti-Terrorism Bill
[MISS LUCKY]

Friday, February 11, 2005

subclause (3), instead of the words “Attorney General”—maybe it is some kind of drafting flaw; these things happen—the correct words to be used were “Director of Public Prosecutions”. Because subclause (1) says a police officer may, for the preventing of certain things, go and get this detention order *ex parte*; subclause (2) says it can only be obtained with the written consent of the DPP, so logically subclause (3) is saying, when you go before the judge, one of the things he must do is ensure that the consent of the Director of Public Prosecutions was obtained. And because the Member for Laventille East/Morvant was parroting what he was reading without thinking, he actually read those subclauses—it was obvious that one referred to the DPP and one referred to the AG—and still could not even correct himself or allow a Member on this side, in the national interest, to try to lift the standard of the debate; to really remember we are acting in the best interest of everyone, to just ask the question—was too afraid, because maybe he might have been asked something for which he does not have the answer. At least now during our contributions, he can scuttle away to somebody who knows more law than himself and come up with some kind of explanation, if there is one for it.

To further expose the Member for Laventille East/Morvant, to prove beyond all reasonable doubt the level of his incompetence with respect to that clause, one goes immediately to clause 24, which substantiates the point now being made, because in clause 24 which recites a similar procedure, except this time it is not for the granting of a detention order, but it is the granting of an order to deal with gathering information, the same procedure is followed. The police officer can apply *ex parte* to a judge in chambers to get the order for gathering information. Clause 24(2) says the police officer can only get such an order with the written consent of the Director of Public Prosecutions, and then subclause (3) has it written there that if the judge is going to grant this order he must be satisfied that the written consent of the DPP was obtained.

Do you understand why sometimes we get nowhere in debates. But luckily for the Member of Laventille East/Morvant, we are now in the season of Lent when one is expected to display the highest moral and spiritual values and in order to try to do my little part, I would try my best during my contribution, difficult though it will be, to restrain myself from exposing in the public domain, the incompetence, the arrogance and the dismissive way that serious legislation is dealt with in this country. I am sure from his smile, the Member for Ortoire/Mayaro understands the point, and I am sure that those who are intellectually honest understand the point. But, you see, the Members on this side—the Member for Barataria/San Juan—also make the point that mentally those on the other side see the office of the Attorney General and the office of

independent institutions as one and the same. We have had the unhealthy connection of the office of the Attorney General and the anti-corruption investigation bureau, where police officers are encouraged and mandated to go to the office of the Attorney General for direction in investigations.

3.00 p.m.

There is a clause in which not the Attorney General, but the Minister of National Security can mandate police officers to give him information and he will decide—it does not state go to the Director of Public Prosecutions (DPP)—which designated authority it should go to. Is that what Trinidad and Tobago is becoming? As long as there is an Opposition in this country, it will always be our duty—and we will pay a high price for it—to ensure that this kind of legislation never becomes the law of Trinidad and Tobago.

The Member was reading from a prepared script and did not have enough time to understand clearly the fundamentals of the legislation before him. I will openly say that I do not understand every clause. In fact, my colleague, the Member for Tabaquite, was seeking to explain based on his area of expertise, the meaning of certain words used in clause 19, such as “the exclusive economic zone” and “the continental shelf” and whether there is a need to redraft that clause. On this side, we are willing to accept that we do not know everything and we go to those who may know more than us to see if we can get it right. On that side, it seems that it is wrong to be right.

Let us look at them across there, the brilliant minds that are now getting together to try to sort out the problem that could have been sorted out, if you had only given way. Member for Laventille East/Morvant, get out of that one! I am going to wait if it takes until midnight as long as Parliament is sitting, to get out of this error without having to concede that somewhere an error has been made. Decide whether it is the Attorney General—whom we will never support anyway—or the DPP just to convert it. How will you reconcile clause 23 with clause 24?

My suggestion is that the Member find a polite way of scuttling to the Attorney General whom I am not seeing here this afternoon, to see which clauses—I have no problem if he is here.

Mrs. Robinson-Regis: Will the Member give way?

Miss G. Lucky: It is the season of Lent. I will give way.

Mrs. Robinson-Regis: Mr. Speaker, in an attempt to deal with the perceived

problem, I thank the Member for giving way.

If you look at the clauses very carefully, during the presentation of the Bill, the Member for Laventille East/Morvant indicated that there were two officers who were named in the two clauses. It is clear that the Director of Public Prosecutions does not have investigative powers. Clearly, in clause 23(2), he would need the consent of the police in an effort to get any of the information that is necessary. On the contrary, the Attorney General does have investigative powers and can—when the matter comes before the court—use these powers before the court. These powers are clearly defined in clause 23(3), where it clearly states that these powers are only used where certain grounds are identified.

The Member for Pointe-a-Pierre is in fact misleading this House when she says that there is an error. There is no error. This has been put in place deliberately because of the difference between the powers of the DPP and the Attorney General. We see no difficulty with clauses 23 and 24.

Miss G. Lucky: I rise to answer and dismiss those ridiculous arguments. Please! Those are the kinds of ridiculous arguments that the public is meant to accept because they are concocted in rapid time, just to brew and blend them so that the Member on the opposite side will look good. At least he has counsel willing to defend him. I am not misleading. All those who want to be intellectually honest, we go back to it. The explanation given by the Member for Arouca South—I shall go straight to the answer. I am so tempted to explain “intellectual dishonesty”.

The explanation says that clause 24 must specifically state that the judge must satisfy himself that the written consent was given by the DPP because the DPP does not have investigative powers. Clause 23 where the error is made deals with detention orders. The DPP does not have the power to give detention orders. Why is the mistake not reflected in clause 24? In other words, that is the arrogance of those on the other side. They would not admit when there is something wrong, so that even if you want to say that we will deal with this, or pass it as an amendment, or ask them to consider the amendment they are not so prepared. In clause 24 why is the judge being mandated to satisfy himself that the DPP gave consent for the gathering of information order which is a similar provision that has to remain in clause 23, with respect to a detention order? In clause 23 the judge is being given the power to grant a detention order. Before the detention order can be granted, the clause says that the DPP must give written consent. In subclause (3) the judge is being told to ensure that he or she is satisfied that the DPP gave written consent. In clause 23 by virtue of subclause (2) only the DPP can

give consent. Why did subclause (2) not say, “with the prior written consent of the DPP and the Attorney General”? Bogus explanations!

Let us do it the way that this Government wants to get things done. What happened to us in previous cases let it happen with respect to this Bill. I will explain it to you. Let us pass the legislation in its flawed manner. Member for Diego Martin Central, if you do not understand that we are speaking about the Bill, I am not surprised.

Mr. Speaker: Order.

Miss G. Lucky: On previous occasions both here and in the other place when points were made for example, if there is a need for a special majority, instead of trying to rationalize in a logical and objective manner so we can get it right, sometimes there is a haste on the other side to cover its embarrassing mistakes, then the legislation is passed flawed. When it is tested in the courtrooms, before we can embark on the criminal trials constitutional actions are taken. When constitutional actions are taken people get off on what we call technicalities. In this country we have had persons who committed horrific acts and have gotten off on technicalities. On a very Bill that is meant to deal with alleged terrorists in a country, are we going to allow that to happen a second time?

Does anybody not remember what happened after July 27, 1990? Is nobody in this august Chamber willing to admit that after July 27, 1990, the landscape in this country changed significantly and adversely? Do statistics have to be brought to prove that after 1990, the crime rate rose and continues to rise under this Government? If we are not going to deal with this kind of legislation in a frank and fair manner we will get nowhere fast.

I have documentation upon which I will be seeking to rely where the issues that we are confronting here are in terms of how one balances the fundamental rights and freedoms of law-abiding citizens and legislation that may have to be draconian because one is dealing with terrorists. How does one deal with that balancing exercise? If we are not prepared to address the problem here, then, where else? I will read the quotation from an article by someone who is very knowledgeable in anti-terrorist legislation. To give an idea, that writer said that sometimes in passing this kind of legislation without proper thought, there are only losers who are really the law-abiding citizens and the terrorists get away on technicalities. Sometimes because the law is so draconian, persons do not want to come forward with information. There may be no witness protection programme and nobody will want to come forward to give information. There will be no way

Anti-Terrorism Bill
[MISS LUCKY]

Friday, February 11, 2005

to get the framework of the legislation or the mechanisms that are provided in the legislation to get information to get those mechanisms up and running.

I had hoped that the Member for Laventille East/Morvant would have explained certain things to us in his contribution. First of all, I thought the Member for Laventille East/Morvant would have explained to all Members, the Government's rationale for not requesting or framing this legislation as one that recognizes that a special majority is needed. It is clear that this legislation—as enunciated by the Member for Laventille East/Morvant—in certain instances breaches fundamental rights and freedoms. When this legislation is brought to this House one will expect—bearing in mind that that would be a burning question on the minds of those fair-minded citizens who want to ensure that we get it right—that the Member for Laventille East/Morvant would have given that explanation and said that it is the view of the Government that the special majority is not needed despite the obvious breaches or fettering of certain fundamental rights and freedoms.

In past instances we have had ministers who knew more than the Member for Laventille East/Morvant and who came to the Chamber and explained that they received legal advice or that they have been advised that even though a particular provision in a Bill may impact adversely on a fundamental right or freedom, this is how the Government believes it should be dealt with so that it does not require a special majority. We do not get that. When you do not get that kind of argument or explanation in the presentation of a Bill, it leaves one to suspect—

Mr. Valley: If the Member will give way. The vagueness is losing me. Can the Member indicate which of the clauses in this Bill she believes are in contravention of the fundamental rights of an individual?

Miss G. Lucky: Mr. Speaker, only because I wish to prove that I do not have to do like the Member for Laventille East/Morvant and hustle some kind of quorum to try to advise me, I shall go straight to the Constitution. I wish to point out to the Member for Diego Martin Central that the one that is most glaring is contained in clause 24(9). It states:

“A person shall not be excused from answering a question or producing a document or thing on the ground that the answer, document or thing may incriminate him or subject him to any penalty or proceedings.”

This clause says that a person must comply and give information even though it may lead to what is termed self-incrimination. That particular subclause goes against the grain of what is provided for in the Constitution of Trinidad and

Tobago, more specifically section 5(2)(d) which deals with the protection of rights and freedoms of persons who have been arrested or as in this case detained. The Constitution is protecting persons. Section 5(2)(d) states:

“Without prejudice to subsection (1),...Parliament may not—

- (c) deprive a person who has been arrested or detained—
- (d) authorise a court, tribunal, commission, board or other authority to compel a person to give evidence unless he is afforded protection against self-incrimination...”

I read no more. Point taken. [*Desk thumping*] That is just one of many.

That is why I think that it is important that when we are having these kinds of debates that we do not do it in a hostile environment because those who are committing the atrocities, ridicule us in Parliament and say amongst themselves, “look at them fighting against each other” and making the nation feel that nothing important happens in Parliament—as one calypsonian said years ago, “in Parliament dey kicksin”—and the terrorists can get away with murder and any horrific action.

It is a pity that the junior Minister did not address his mind to giving an explanation for his view of the lack of need for a special majority. I hasten to add that that was just one of many inconsistencies in sections 4 and 5 of the Constitution. I intend to highlight all. In as much as I have been asked by the Member for Diego Martin Central who I know is now reading his Bill, perhaps, he will want to look at the clause dealing with the detention order; the proceeds of crime; the deprivation of property and the freedom of the press with which I am very concerned. Under this legislation a member of the press can be called and forced to account and disclose informants. That is something that, so far, members of the press have been jealously guarding; the fact that they ought not to be mandated to disclose their sources. Imagine the person who can do it. It is not the DPP of the country, an office that is independent, but it can be the Minister of National Security.

Reading this legislation is frightening. What stands out is not the harsh penalties that will be imposed on persons committing terrorist acts, but the fundamental rights and freedom of law-abiding citizens that are being trampled upon without any justification. If men as great as the late Martin Luther King Jr and the late Mahatma Gandhi did what they did so many years ago in Trinidad and Tobago in this present time, with this legislation with the definition of

terrorist action as it is in this Bill, they would be deemed terrorists. Do we want that in Trinidad and Tobago? The glib way that the Member for Laventille East/Morvant deals with this issue of the special majority, I am going to predict what answer we will get for this issue.

The Member for Laventille East/Morvant kept reminding us from time to time and I think rightly so, that we had treaty obligations. Under the United Nations Charter we were signatory to certain treaty obligations and it was necessary to incorporate this legislation in our domestic laws. There is nothing wrong with the incorporation, but there is a procedure to be followed. Not because you signed it means that you automatically incorporate and trample entrenched provisions.

Jamaica is the case in point. That is exactly what the Government of Jamaica sought to do with the establishment of the CCJ. They, too, are now paying a very high price. The Jamaican Government was arguing that they did not need a referendum and to follow the constitution of Jamaica because the Caricom countries got together, signed documents and said that they have to establish the CCJ. I am speaking as the Government of Jamaica explained it. All they had to do was pass the legislation and the Opposition in Jamaica challenged it. When it reached the Privy Council, the committee said, "You cannot just dispose of a court because you feel that is what you want". We are not here to fight to retain ourselves in your territory, but if you want to get rid of the Privy Council do it the right way. Let there be a referendum. There is a need to pass anti-terrorism laws that will make us comply with the obligations that we are given internationally, but it must be done the correct way. It must not be forced down our throats.

When one reads the definition of "terrorist act"—I compared it with the Terrorism Act of England. I will not quote from Archbold 2004, but it is reported. I am aware that we do not have to blindly follow everything that is done by the English. Whatever our history, however we might have been affected and molded in conformity with the English legal system, we recognize that we can look at what the other countries are doing and see what best suits us. We must remember that the United Kingdom does not have a written constitution. I am not saying that the Englishman has no constitutional rights. There is an unwritten constitution, but based on practice, precedent and the development of common law, the Englishman has fundamental rights and freedoms.

However, I hasten to add that because of the formation of the European Union many members had to revisit their domestic laws and to ensure that those domestic laws were in sync and in tandem with the laws that were passed as a result of that formation of the European Union. Now that there is the European

Charter on Human Rights, any member state of the European Union that has laws in conflict with certain provisions in that legislation has to make the necessary amendment. In the same way I can easily point out that England has abolished its right to silence of accused persons.

In Trinidad and Tobago the accused person still has the right to silence. When you look at the English legislation one may quickly argue that in England there are similar provisions. I want to point out that we should not believe that because one country whether England, Canada, the United States of America or Australia may have something we must automatically have it. We have to ensure that we look at our laws and pass laws that are consistent and in tandem with our legislation. If legislation is necessary and inconsistent with local laws, then the special majority must be obtained.

I go on to the other point. Assuming but not admitting that a special majority is needed, I am arguing from the other side. There were no cogent arguments from the other side, so I suppose that I will have to be my devil's advocate here. Even if a special majority is obtained to pass this legislation, if that will be the concession that will be given, one will have to look at section 13 of our Constitution. Some persons think that because you get a special majority, it automatically means that the law that is passed can stand the test of time. Section 13(1) of our Constitution makes provision and said among other things:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly...”

I pause to say that that is the recognition that a Bill requiring the special majority must have that phraseology. Section 13(1) goes on to give us further protection and says,

“unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

The Government has dismissed the need for the special majority, but even if the special majority was obtained there will still be a hurdle the Government will have to satisfy. It will have to prove that it was reasonable. Not you Mr. Speaker, but are we going to deem reasonable a clause in a Bill that says when you are gathering information, it is the Minister of National Security, a member of the Executive to whom you must report? That can never be reasonable. Why? Clause 23 is so bold in what it says that every person shall forthwith disclose to the Minister. “Minister” is defined as the Minister of National Security for the purposes of this Bill.

Let us take a hypothetical question. If the Members of the Government were committing acts of terrorism, the police would have to go to the Attorney General in one instance. I do not know if the Member for Arouca South heard how ridiculous she sounded when she said that based on the clause, the Attorney General has certain powers. She seemed to be suggesting that one of them is the power to detain. She also spoke about investigative powers but in relation to clause 23 and justified the Attorney General as being the name that has to be stated because of the powers he has. I understood her argument, but understanding allowed me to reject it forthwith. It is because of the understanding of the ridiculous nature of the argument. If it is hypothetically, that a member or members of the Government is or are committing acts that come within the category of terrorist activity as defined by the Bill, persons would have to report to the very members or political colleagues of those persons. Therefore, it would literally be himself judging himself.

We know how Westminster operates. Even when a prime minister recognizes as no doubt, our Prime Minister, the Member for San Fernando East has recognized over time, that Ministers who have been appointed and are not performing, the best thing to do is to get rid of them. Member for Baratavia/San Juan, I cannot call the junior Minister and Member for Laventille East/Morvant being the person who will fall in that category. If it is under the Westminster system a prime minister knows that his ministers are not performing, it is clear that there will be no reshuffling with any kind of expediency because it will embarrass the Government. It will make people feel that the government or the prime minister made a bad choice or bad choices. The analogy I am making is in the same way. Even though the Attorney General or the Minister of National Security may feel that his or her colleagues are committing acts in violation of this legislation, there will be political considerations that will be taken into account.

Maybe, the Prime Minister will have to say, "Listen, we cannot afford to embarrass ourselves, so let us just sweep everything under the carpet". With the way that things are going in this country, these kinds of activities, hiding, camouflaging and sweeping under the carpet, these things are not out of the ordinary. They are not being pulled from any place or fantasy land. They are happening right here and right now. That is what people are afraid to confront. How could this Government ever justify giving a priority bus route pass to a person who participated in what is considered one of the worst moments in the history of Trinidad and Tobago? The Member for Ortoire/Mayaro whom I remember very early in his tenure had to give the explanation, perhaps, did not

realize that his body language suggested that he was forced into doing something which he could not justify. He stuck to his script very religiously and pointed out that that person got the priority bus route pass because the person fell in the category of being a religious leader.

So you could be a religious leader and commit horrific acts; acts that are deemed to be in the category of terrorist activities and could get privileges in a country? Is that the madness that we are expected to sit and tolerate?

3.30 p.m.

Mr. Speaker, the problem gets even worse. When the law-abiding citizens begin to understand that those who break the laws and those who flagrantly violate fundamental rights and freedoms are the persons who are receiving lucrative state contracts; those who are getting appointed to state boards and those who are getting privileges, which in some cases only parliamentarians may get, it makes those law-abiding citizens think, you know what, let me not participate in any way; let me keep my mouth shut and say nothing. Mr. Speaker, that is what I am most afraid of. I am afraid that this Government is sending a very wrong message to the law-abiding citizens of Trinidad and Tobago. It is sending the message that as long as you support the Government, whatever your past; however checkered it may be, we will take care of you.

Mr. Speaker, this Government has sent that message and I remember, clearly, when the Member for San Fernando East was asked by the press—our true guardians of democracy—I think it was either in the 2001 or 2002 elections, I cannot remember which one: Would you be willing to allow the support of the Muslimeen as part of your campaign? His response was: “I will take the support and votes from wherever I get it!” I do not have the article, Mr. Speaker, but I know Members of the Opposition have referred to it in this House during various debates. When, therefore, you send a message that even though you are committing acts of terrorism, we love you; we embrace you; we will help you and when you die we will paint murals in your honour—[*Desk thumping*]*—*what is the effect of this legislation?

Mr. Speaker, do you know what message this legislation sends? It sends the message that if you do not support the Government you better watch out; you better not shout. Radio talk-show hosts—I know of one within the Chamber—have to worry also because remember we heard statements months ago from the Member for San Fernando East that the Government was looking at the radio talk-show hosts who are divisive. Mr. Speaker, do you know what is amazing—and I

Anti-Terrorism Bill
[MISS LUCKY]

Friday, February 11, 2005

will say it openly because this is the kind of debate in which one has to be as honest as possible—is that one radio talk-show host, who is considered to be the most divisive of all is the one that it seems many Members on the other side listen to and endorse because that person is deemed to be a supporter. Mr. Speaker, any radio talk-show host; any newspaper writer or anybody who might just be expressing a political view—which we are entitled to under the Constitution—as long you could catch them within this category as defined by “terrorist activity”, “crapaud” smoke that person’s pipe.

I did promise, during my contribution, that I would refer to several articles in which persons and entities from other jurisdictions expressed their concerns, when in their respective countries there were moves to pass anti-terrorist legislation. I am aware that you have pointed out, in the past, and there has been a ruling, that there must not be too much reliance on documents but I am asking in this case, if I can be allowed to quote. It would be somewhat extensively, I am afraid, but because it articulates the point very well and I do not want to leave out anything. It comes from a jurisdiction that is not ours. I am quoting from a document that was prepared by the Freedom of Expression Institute (FXI). The topic is on anti-terrorism laws and the date of the publication is February 27, 2004. This was the statement of the Freedom of Expression Institute (FXI). I quote:

“The Freedom of Expression Institute (FXI) has today, Friday 27 February 2004, welcomed the temporary shelving of the controversial ‘Protection of Constitutional Democracy against Terrorist and Related Activities Bill’ (the Bill) by the ruling African National Congress. This means that the Bill will not be tabled in the National Assembly, as was initially envisaged in a bid to have the anti-terrorism law in place by the end of March 2004.

However, the FXI noted that political, rather than constitutional reasons appear to be the real motivation behind the government’s momentary backtracking. The institute argued that this is borne out by the fact that the ruling party’s alliance partner, the Congress of South African Trade Unions (COSATU), has, among other things, threatened to call for a national strike and lodge a constitutional court challenge if their concerns regarding the Bill are not addressed. COSATU has warned that the Bill’s definition is so vague and wide that it characterizes ordinary forms of industrial action, such as unprotected strikes and pickets, as terrorist activities.”

That is the same problem we have with our definition of “terrorist activity”. I continue to quote:

“The FXI stated that if pursued, COSATU’s actions would have had the effect of tarnishing the ruling party’s image, especially at this crucial time in the run-up to the country’s third general elections slated for 14 April 2004.

The FXI pointed out that from the beginning it had warned that the Bill stood to seriously compromise fundamental rights and freedoms in the country because terrorism as a concept is impossible to define with any sufficient degree of precision. The institute recalled that in a press statement released on behalf of a wide range of civil society organizations on 12 February 2003, it had cautioned that one of the fundamental problems with the then draft bill was that it did not:

‘Deviate from its predecessor [the draft Anti-Terrorism Bill, 2000] in any substantive sense. Its main thrust is that it impinges unduly on constitutional freedoms, criminalizes recklessly all manner of behavior and, moreover, is largely unnecessary. Among other things, it fails to define what is terrorism and presents instead a vague and extremely broad definition of what constitutes an act, or acts, of terrorism.’”

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

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

Question put and agreed to.

Miss G. Lucky: Mr. Speaker, I continue to quote:

“In addition, the FXI recalled its April 2003 written submission to the Parliamentary Portfolio Committee on Safety and Security that was handling the Bill, where it had argued that there was no justification for the introduction of this type of legislation in South Africa as there were enough laws to deal with the sort of offences contemplated by it. At that time, the FXI had expressed its fears that the very vague and broad definition of ‘terrorist act’ in the Bill:

‘Could be used to proscribe a whole range of legitimate civil and political activities in the country, such as demands for land, demonstrations, pickets or civil disobedience campaigns.’”

In South Africa, the FXI recognized, very early in the day, that any call for civil disobedience would come within terrorist activity and that would lead to those persons having their rights trampled. They discovered the problem in South

Anti-Terrorism Bill
[MISS LUCKY]

Friday, February 11, 2005

Africa. We are here in Trinidad and Tobago and there are documents—Mr. Speaker, I do not intend to quote laboriously from the documents that I have: reports, writings on anti-terrorism laws, that make it clear that the laws must come with safeguards for law-abiding citizens; and that is lacking in this legislation. [*Desk thumping*] When the Member for Laventille East/Morvant made his presentation he sought to dismiss this fundamental issue. He hoped by not raising the issue it would not be discussed. He hoped, perhaps, by not having to research the Constitution that there would be no need for him to address the points.

Mr. Speaker, there is a role that we all have to play, as parliamentarians. We on this side would not be forgiven if we sit idly by and let this kind of legislation go through unnoticed. [*Desk thumping*] The quote continues:

“The FXI stated that most of its reservations seem to have been borne out because even the Portfolio Committee has conceded that ‘there is no universally accepted definition of terrorism’, while COSATU says the broad definition of ‘a terrorist act’ violates the workers’ constitutional right to strike and in effect ‘returns [South Africa] back to the days of apartheid’.

The FXI pointed to a press statement it had issued earlier in the week in which it urged President Thabo Mbeki not to give his assent to the Bill because it poses a grave threat to fundamental rights and freedoms such as those relating to expression, association and due process.

Furthermore, the FXI reiterated its earlier call that the Bill must be shelved once and for all, as it has proven beyond any reasonable doubt that it is virtually impossible to pass a law of this nature without undermining the regime of civil and political rights in the country. Instead, the institute called on the government to make use of existing criminal laws, which have proved effective in tackling crimes like urban terror and the activities of certain rightwing organizations in parts of the country. Where such laws prove ineffective or insufficient, the FXI said, then they should be revamped and strengthened.”

Mr. Speaker, I think the contents of this article state the position of those of us on this side. [*Desk thumping*] South Africa fought a very long and hard battle to ensure equal opportunities for all and to ensure that there was no divisiveness in society. Thankfully, there were interest groups in South Africa, representing, most importantly, the freedom of expression stating if you pass the anti-terrorism laws you would take us back from where we came, where we never intend to be in any

particular lifetime.

Mr. Speaker, I wish to put it this way that there is no doubt that there is need to strengthen the laws, but strengthening the existing laws will call for a comprehensive and holistic approach to the criminal activities and the offences that already exist in the various laws we have. That takes time, Mr. Speaker, but it is better that we take the time to get it right than to pass flawed legislation that would enable, as I said before, people committing horrific acts and getting away on technicalities.

Mr. Speaker, take for example the kind of problem one is going to encounter with clause 3 of the Bill, which says:

“A person who commits a terrorist act is guilty of an offence and is liable to imprisonment for twenty-five years.”

There is no problem with that clause, but it is clause 3(2) that concerns me. It says:

“When a terrorist act involves the commission of a crime under some law, the person committing it shall liable to be punished for that crime as well as for the offence created by subsection (1) and any term of imprisonment imposed by such crime shall run consecutively to that imposed under subsection (1).”

In other words, what clause 3(2) is saying is that if a person commits a terrorist act, the person is liable to go before the courts and there is to be an adjudication of that matter. If in the commission of that terrorist act there are other criminal offences committed by the person, the person will be liable for such crimes but, whatever the punishment; it must run consecutively to the sentence that is imposed for the terrorist act. Mr. Speaker, let us take a practical example, which is the best way to understand when a problem is raised.

If a person commits a terrorist act and during the commission of this act they also commit the offence of looting or burglary—there are two crimes, the terrorist act and the looting—this clause is saying that the offender would receive a punishment, if found guilty—of course, that is the premise on which I am working, Mr. Speaker—of 20 years for the terrorist act and for the offence of looting, if found guilty, would receive a term of five years. The subsection is saying that five years term that is imposed must run consecutively to the term of imprisonment for the terrorist act. Mr. Speaker, what if the looting was heard and determined before the terrorist act case? In other words, let us say the person committed a crime that finds itself in the summary jurisdiction, where magistrates

could hear matters faster, it would mean—and this is how ridiculous it is—that the terrorist would be in the Magistrates’ Court for simple theft and if found guilty, the magistrate would have to say, “Wait, Mr. Offender, you are also charged for terrorist activity; how am I going to sentence you? I have to sentence you, consecutively, to what the sentence is for the terrorist act.” *[Interruption]*

Mr. Speaker: Order.

Miss G. Lucky: Mr. Speaker, that is how it is worded. Mr. Speaker, when people do not practise or they pretend to practise in the criminal court, they will not understand these problems and you are putting judicial officers in a quandary. What this subsection is mandating is that one would have to hear the terrorist act case first; have that matter determined and then there will be the hearing of other matters. That is the only way the sentence for the second matter is going to be able to be imposed practically.

Mr. Speaker, the other problem with that is if a terrorist is found guilty for his terrorist act, imagine when you now have to transport him—he may be serving a term of years, and it happens from time to time. Prisoners are serving a term of years for one matter but they have other matters in the court and they are in custody and have to be transported. Could one imagine transporting a terrorist?

Mr. Speaker, we have had high profile cases—there is one just across the road—*[Interruption]* If only the Member would be quiet and understand the point. He does not understand the point that is why he makes noise. *[Interruption]*

Mr. Speaker: Hon. Member for Laventille East/Morvant, you cannot sit in your seat and hurl these slangs. Please!

Mr. Hinds: Mr. Speaker, I am obliged.

Miss G. Lucky: Mr. Speaker, even what is being done on the other side could be deemed to be terrorist activity.

When one looks at the high profile cases that we have had from time to time—the case that is going on right now is a high-profile case; it has to be because streets are being blocked and as a result there is massive congestion on the roads because we all have to come up Abercromby Street and we cannot make that right turn in front of the Hall of Justice. It also happened with the Dole Chadee trial. It has happened with high profile cases involving kidnapping. This is not the first one and I am not seeking to put it in a special category. I am making the point that if a terrorist is found guilty and is incarcerated, when that terrorist has to be transported to whichever court is hearing his matter, one has to imagine the resources that would be necessary to take him there! Is it now that the DPP would be called upon to either nolle pros or to have

it adjourned until there could be resources put in order for this transport to take place? The way those young offenders in YTC are running away and we have had breakouts from the prisons, is it that people are going to feel safe on the roads? Is it that some MORI survey is going to say that people would feel safe on the roads the day terrorists have to move from one court to another?

Mr. Speaker, the simple way to solve the problem is to remove the mandatory nature of the consecutive term. I think that we have competent judicial officers, whether in the Magistracy or in the Judiciary, who will know what to do when the time for sentencing comes. If there is the known offender who is serving a term of years for one offence and the offender is found guilty for some other related offence, these are things that are addressed by the particular judicial officer. Why is this Government so intent on interfering with the independence of the minds and the establishment of the Judiciary? Why is there this need to constantly seek to control, to undermine and to remove discretion?

Mr. Speaker, in any event, with the greatest of respect, there is no need for this clause. If a person commits a criminal offence, and in the commission of that offence other offences are committed, the person is going to be charged for all the offences. The office of the DPP is competent and independent enough to know what will be done because there are rules to be followed! There must not be the overloading of the indictment and of the information. These are rules and principles that are adhered to and followed. There must be no duplicity! Why is there this need to have clause 3(2)?

Mr. Speaker, even the way in which terrorist activity is defined is exceedingly worrying. The definition of a “terrorist act” states:

“‘terrorist act’ means—

- (a) an act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause—
 - (i) Loss of human life or serious bodily harm;
 - (ii) damage to property; or
 - (iii) prejudice to national security or disruption of public safety...

Who is making this determination? If there is a strike; if there is the protest; if there is some kind of march, it is very easy for those in power to manipulate the process and say that there is a threat to public safety. What is worse, Mr. Speaker, is that there is a subclause, which seeks to say what is not a terrorist act. I have looked at that subsection in great detail because I felt that what the Government

Anti-Terrorism Bill
[MISS LUCKY]

Friday, February 11, 2005

was going to do, by virtue of that subclause, is to give protection to those persons who would be expressing a political view; a religious view and who would want to be part—as the FXI pointed out—of acts of civil disobedience but not violent disobedience, in other words, taking a stand against things that are wrong.

I looked at clause 3(2) to see whether there would be any comfort for those persons who would be exercising their fundamental rights and freedoms of expression. This is what the subsection says and it is describing what will not be considered a terrorist act. Having given a very broad definition of terrorist activity, which could include writing a report; organizing a meeting and saying things against the Government—it is that wide; the FXI says it—it says, and I quote—this is what will not be a terrorist act:

“An act which—

- (a) causes death or serious bodily harm to a person taking active part in armed conflict in accordance with the applicable rules of international law;”

In other words, they are saying a terrorist act will not be in time of war; people are going in their groups and they are in armed conflict, that is not a terrorist act; I have no problem with that. It is the second exception, which says an act which:

“(b)disrupts any service and is committed in pursuance of a demonstration, protest or stoppage of work and is not intended to result in any harm referred to in paragraph (a) of the definition of ‘terrorist act’,”

In other words, Mr. Speaker, when one looks at the definition in paragraph (a) of a terrorist act and one reads what is stated, this exemption is of no value. The exemption is creating a category of offence that is already overshadowed and encapsulated by the definition of the terrorist act itself and that is where things begin to get a bit convoluted.

Mr. Speaker, many of the writers say this, because the offence of terrorism cannot be specifically defined, it is important to ensure that there is clearly stated, within the laws, that there will be adherence to the fundamental rights and freedoms of those persons who are deemed to be law-abiding.

Mr. Speaker, just for those who may not notice, there is another great conference taking place at the seat of the Member for Diego Martin Central, the point that they dismissed so easily and rapidly seems to be giving them so much concern. [*Desk thumping*] If they are so confident in their argument, why revisit it? [*Crosstalk*] Mr. Speaker, I have not given way and I am going to answer what was shouted. When one asks for an explanation, let us do it in a civilized manner.

It is not going to be enough for a Member such as the Member for Laventille East/Morvant to say: “No, I don’t want to hear anything you have to say,” but when the point is raised, I must give way. Well, that was not giving way; that was highway because the amount of time it took—I am still giving way when I can but I am now getting very close to the end of my time.

Mr. Speaker, the Members on the other side have given their explanation and have even dismissed what I have said, so having dismissed it, why all of a sudden they need to have a parliamentary caucus to reconsider it? [*Interruption*] You have dismissed it! I have said nonsense as far as you are concerned! I am prepared, Mr. Speaker, and the *Hansard* is going to show that the Opposition raised the point. [*Crosstalk*]

Mr. Speaker: Members, if you all need to, take the side Benches please.

Miss G. Lucky: Mr. Speaker, only because I intend to take some of the wind out of their sails, I am preparing myself for the attack that would come by the next person who contributes on that side. I am not going to ask to give way. I have put the argument in the best way that I can in the public domain. It is in *Hansard*. If the argument is wrong then I am prepared to accept a cogent explanation.

Mr. Speaker, we have not yet got a proper explanation for points raised. I will repeat what I said earlier that it is incumbent on the person who is presenting the Bill to raise these issues and give explanations for the particular clauses. It is not enough to come here and parrot and recite what is before you without understanding it and then accuse Members on this side of misleading the House. When we on this side object to positions, we are misleading the House. When those on that side give bogus explanations, they are helping the country. [*Desk thumping*]

Mr. Speaker. there is a document and I am not going to quote extensively from it, but I just wanted to substantiate that point I made that when one is dealing with this kind of legislation, in light of sometimes very devastating circumstances that would prompt the passage of these laws—as in the case of America, it was their 9/11 incident—one has to have certain parameters within which one works and one has to have certain guidelines. This was a very interesting document I read and I wish to quote from a very small part which deals with the:

“Analysis of Provisions of the Proposed Anti-Terrorism Act of 2001 Affecting the Privacy of Communications and Personal Information”

This is what was written on September 24, 2001 from the:

“Electronic Privacy Information Centre”

Mr. Speaker, it stated what the Congress at the time had to be guided in determining whether laws dealing with anti-terrorism would be passed and if so, how those laws were to be crafted. I am quoting now:

“As Congress considers this important piece of legislation, it should be guided by several critical factors:

- Law enforcement and intelligence agencies already possess broad authority to conduct investigations of suspected terrorist activity.
- Any expansion of existing authorities should be based upon a clear and convincing demonstration of need. Congress should assess the likely effectiveness of any proposed new powers in combating the threats posed by terrorist activity.
- Any new authorities deemed necessary should be narrowly drawn to protect the privacy and constitutional rights of the millions of law-abiding citizens...”

Mr. Speaker, I will repeat that:

“Any new authorities deemed necessary should be narrowly drawn to protect the privacy and constitutional rights of the millions of law-abiding citizens who use the Internet and other communications media on a daily basis.”

4.00 p.m.

“Expanded investigative powers should be limited to the investigation of terrorist activity and should not be made generally applicable to all criminal investigations.

Finally, the long-standing distinction between domestic law enforcement and foreign intelligence collection, should be preserved to the greatest extent possible consistent with the need to detect and prevent terrorist activity.”

What was done in that instance, which I felt was very helpful, before considering the laws, Congress was told listen, these are the parameters within which you are going to be working. These are the policy guidelines that you must bear in mind. The Government when bringing these kinds of laws, in the same way, ought to indicate from the outset these are the parameters within which it is working. These are the principles that it finds itself bound by. Merely to come and

say it is a signatory and this is what was said, because it is a signatory, it is obligated to implement the provisions in its domestic laws. That is just not good enough.

Mr. Speaker, there are others on this side who will be making their various contributions. I just wish to point out that when one is dealing with legislation that is going to fetter the constitutional rights and freedoms and, more importantly, such as in section 33 which I have already referred to, give persons from the Executive powers that they ought not to have, then such provisions should not form part of this Bill. In other words, it is not for the Minister of National Security to be given that power to demand persons to give him forthwith disclosure of information dealing with terrorist activities. There should be special authorities within independent institutions that would be given the power to investigate and receive the information.

Mr. Speaker, one must remember that if a police officer is to report to the Attorney General who is an officer of the State, yes, but wears a balisier tie and that makes him over and above everything else, a PNM person, and I say that not with disrespect to the PNM, but I am saying when you hold the office of Attorney General you must remove all symbols that show affiliation to any political party. [*Desk thumping*] And that is a view that I would have for any government in power because, one cannot be the Attorney General of Trinidad and Tobago, and wear an emblem or symbol that shows that there is an affiliation to a particular group or interest in the country. I have said it openly. And, whether it was done or not done by any former regime, I still say it is a practice that ought to be stopped.

Mr. Speaker, in my last four minutes I wish to point out that we have had enough instances in which there has been the unhealthy contamination and interference with the Executive and independent offices. The Anti-corruption Investigation Bureau under the PNM regime, this regime, was placed squarely—and the proof is in the *Trinidad and Tobago Gazette*—within the Ministry of the Attorney General.

When that was brought to the attention of those on the other side, I remember the Member for Laventille East/Morvant shouting that it was done under the previous regime. And when confronted with the *Gazette* of 2002 when it was done, the Member for Laventille East/Morvant got noticeably quiet and then said “So, what is the big thing?” So that is the kind of argument that takes place. It was not done and when it was proven it was done “So what is the big thing?” But the big thing is that police officers are not to report to the Executive. The Westminster system and the model that we have thrived on is the separation of

Anti-Terrorism Bill
[MISS LUCKY]

Friday, February 11, 2005

powers; the Executive, the Legislature and the Judiciary, and the Executive cannot find itself putting its tentacles into the other arms of the State that helped to ensure we have a democracy.

I think it would be inappropriate for me to discuss in any detail what I am reading in the newspapers about what is happening with the Judiciary. Suffice it to say that it is unfortunate that it is now becoming a debate in the public domain without persons understanding or knowing all the facts. And what is happening, very much like the Police Reform Bills, is that persons are taking sides because of the political divide that they find themselves in. The only way we are going to move ahead as a democracy, the only way we can stop being a galloping dictatorship is if we all wake up, pay attention and demand from the Government that it does its duty to ensure that there is no fettering or trampling on the fundamental rights and freedoms guaranteed in our Constitution.

Mr. Speaker, I thank you.

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this debate be adjourned, and that the House now debate Motion No. 1 on the Order Paper.

Question put and agreed to.

LAND ACQUISITION

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

That this House approve the decision of the President to acquire the lands described in Appendix 11 to the Order Paper for the public purposes specified.

Mr. Speaker, it is the role of the Government to formulate public policy and initiate programmes and projects that will increasingly benefit the citizens of Trinidad and Tobago. Time and time again, we have brought initiatives to this honourable House that have resulted in increased access to public goods and services to the people of Trinidad and Tobago.

Our objective is to ensure the future survival of this nation and deliver an increasing standard of living to all our people. The *Public Sector Investment Programme* outlined in the 2005 Budget clearly signals this Government's intention to use the resources of this country for attaining sustainable national development and improving the quality of life for all citizens.

The Land Acquisition Act, No. 28 of 1994, allows for the acquisition of private lands for the implementation of development projects. The Lands and Surveys Division of the Ministry of Agriculture, Land and Marine Resources utilized over \$3.4 million during 2004 in this regard. A total of 22 projects were identified and are at various stages of processing. It must be understood that in order for this Government to effect the necessary development and bring the improved standard of living to all its citizens, acquisition of private lands very often becomes a necessity. It is true that Government controls approximately 53 per cent of the country's land resources. However, the most appropriate locations for the development projects cannot always be found on lands owned by the State.

Mr. Speaker, for these reasons, it frequently becomes necessary for the State to acquire privately owned lands to establish public facilities. Today, this Government is presenting a Motion before this honourable House on six significant projects. These projects impact on the social and economic development of Trinidad and Tobago and are outlined in Appendix II to the Order Paper.

Appendix II, 1, Government is seeking approval of this House for the acquisition of 1,098.6 square metres of land situated on the Southern Main Road, Marabella as specified on the Order Paper. These lands belong to H.V. Holdings Limited, and the Director of Surveys on September 13, 1999 signed the plan of survey for these lands. This parcel of land was acquired for the purpose of constructing the Marabella Police Station.

We are all aware that this Government is giving top priority to community safety and crime reduction. In this regard, the Government is committed to the provision of adequate resources for the police as a major strategy for achieving these objectives. This includes the construction of modern police stations throughout the country.

In Appendix II, 2 of the Motion before the House deals with the acquisition of 8.0875 hectares of land at Shipping Road, Felicity in the Borough of Chaguanas. This parcel of land formerly belonged to Binarsari Batchasingh.

Mr. Speaker, the purpose for this acquisition is to enhance the conservation of the natural resources of the area. It is well established that this Government is committed to the conservation of the environment, and it is committed to protecting the biodiversity of the environment wherever these resources come under threat. It is in the interest of environmental sustainability that it acquires these lands to ensure that the integrity of the environment in this general location is

Land Acquisition
[HON. J. NARINE]

Friday, February 11, 2005

sustained. This Government is also very mindful of the impact of continued human activities on the environment. Therefore, for such development the State has also undertaken to effect conservation steps that are deemed necessary.

Appendix II, 3 of the Motion before this House deals with the acquisition of 18.1 square metres of land at Ramdhanee Village Street, Claxton Bay. The acquisition is for the purpose of constructing an agriculture access road to service existing farmers and other citizens in the general vicinity. It is the well-established policy of this Government to give priority to the development of agricultural infrastructure to facilitate its expanding Agricultural Development Programme. This access road will not only facilitate the farmers in the general area but also the citizens, resident in that general location.

Appendix II, 4 of this Motion deals with the acquisition of 14 parcels of land comprising 4.2384 hectares. These lands are situated between Store Bay Local Road and the Lighthouse Road in Tobago. The purpose of these acquisitions is to facilitate the expansion of the runway at the Crown Point International Airport.

Mr. Speaker, we are all aware of the critical importance of an adequate airport facility to the economy of Tobago. Tourism is the major economic activity in Tobago and, as such, adequate air transport is vital if Tobago must maintain its competitive advantage. It is important to note, that in 2004, tourist arrivals in Tobago reached the hundred thousand mark.

Appendix II, 5 of this Motion deals with the acquisition of four parcels of land comprising 4.3549 hectares. These lands allocated in the ward of Blanchisseuse are for the construction of the Blanchisseuse/La Fillette Secondary School. Of course, there was much contention here about the location, but it is in our interest that we acquire these lands to provide proper primary education to the young people in that area. Public education in particular, and secondary education, is a major policy objective of Government. This Government is determined that not even the people of Blanchisseuse and La Fillette must be denied secondary educational opportunities.

Finally, Appendix II, 6 of this Motion deals with the acquisition of approximately 17.1859 hectares of land at Bacolet in Tobago. The purpose of this acquisition is the construction of a multifaceted sporting facility. The development of this facility is not only critical to the development of sports, but it is also a critical social intervention for the development of our youth.

We are also aware that the Tobago House of Assembly is embarking on an all-import sport tourism programme, which will tremendously expand the tourism industry on the island.

Mr. Speaker, I have sought to demonstrate that this Government is committed to providing new and improved social and economic facilities to all the citizens of Trinidad and Tobago. It is committed to the continued development of the nation.

Mr. Speaker, you would observe that the acquisitions and their related developments are located throughout the country. There is no discrimination or favouritism in the allocation of these projects. These projects are based on the needs of the people. The process of acquisition in accordance with Act No. 28 of 1994, section 3, Notices of intent to acquire in respect of these projects have already been published. In all these instances, the section 4 Notices giving the State the right to enter the lands to commence work on the projects are also published within the stipulated time.

In all six instances, the appropriate authority commenced work in establishing the respective facilities. Today, all of the physical constructions have been completed. These are manifested by the operation of the Marabella Police Station and the new high school at Blanchisseuse. These facilities have brought tremendous relief and improvement to the social and economic well-being of the respective communities.

The landowners. The State has also sought to meet its responsibility to the citizens whose lands have been acquired. In accordance with the provision of the Land Acquisition Act, No. 28 of 1994, the State invited claims for compensation with respect to lands acquired upon publication of section 4 Notices. In all cases where the claims have been investigated and verified, 80 per cent of the compensation as allowed by law, has been paid. In these six cases, a total of \$1,256,434. has been paid in the settlement of claims.

Cabinet has agreed to the formal completion of the acquisition of these lands. Cabinet also recommended the transitions of these land matters to Parliament for the publication of the section 5 notification which will signal formal acquisition and bring closure to these matters.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, I rise to speak very briefly on this Land Acquisition Motion. Clearly, it is a function of the Government as it seeks to alienate the property of citizens of this country, that they come to Parliament consistent with the Land Acquisition Act and legislation. But something transpired in this House this evening that I feel ought not to go

Land Acquisition
[MR. SINGH]

Friday, February 11, 2005

unnoticed. I really congratulate the Member for Pointe-a-Pierre for her brilliant contribution in defending the fundamental rights and freedoms of the citizens of this country in dealing with a piece of legislation that was draconian, anti-worker and anti-employee. That is something that ought to be noted.

In dealing with the whole question of the criteria for establishing the value of the properties which have been acquired, the Minister was very silent. The Minister quoted a figure but he did not tell us the criteria.

I can recall that a sitting member of Cabinet and a sitting Member of the Government had certain lands in the Crown Point area and there emerged out of acquisition of that land and in the payment, a new principle so I wanted to know from the hon. Member whether that same principle for valuation that was applied by the hon. Attorney General, and which is part of the public record of this country, has been provided to parcel, No. 1, parcel No. 2, parcel No. 3 and parcel No. 5.

Mr. Speaker, it is clear that the hon. Member for Laventille East/Morvant finds his voice. Today, in his contribution, he gave an acknowledgment to Selwyn Ryan's word, the "mook". A pathetic contribution, but do not find your voice as yet, take time.

Mr. Speaker, we want to find out from the hon. Member whether or not he has an appreciation of the valuation. I hear the Member talking. I will deal with him. He is my friend. What is the valuation criteria? Is this concept of opportunity lost, that was provided for the sitting Cabinet Minister who is the owner of lands in the Crown Point area? Is that same criteria applicable to the persons from whom they are acquiring lands in Marabella, Felicity, in the borough of Chaguanas, in Tobago in the Mount Pleasant area? What is the criteria? Are you part of that? Are you aware; and how will that increase the value?

It is clear to us the emerging trends of this Government; if you are part of the clientele of the Government then you are given certain benefits. You become the beneficiary of the State coffers. And I want to know this evening whether or not, for the Member, that criterion was applicable. Because, it moved the valuation by the Commissioner of Valuations from something like \$320,000 to over \$1.6 million. It tripled the valuation. *[Interruption]* I do not know if the matter is before the court. I am dealing with the concept of valuating and when you are dealing with the principle and the criteria of valuation, you cannot hide behind the fact that it is *sub judice*. I am asking a simple question, whether or not you have utilized that principle to value the properties.

When you seek to alienate appropriate property you must come with a clear appreciation of how you are going to value that property. Was it the Commissioner of Valuations that valued parcel No. 1 for the Marabella Police Station and what was the evaluation placed on that? What was the owner's valuation? What kind of middle ground was met? What was the criterion with respect to parcel No. 2? What was the Commissioner of Valuation's valuation and what was the owner's private sector valuation? What kind of resolution was brought about as we seek to alienate people's property and we keep in mind property, being a first-class property, attorney as the Member is, it is clear the right to property is a fundamental right and we see this evening the attempt by this very Government to take away fundamental rights and freedoms of the citizens of the country.

In dealing with this acquisition it is not a matter of simply the perfunctory role of parliamentarians. We know for a fact that this is part of a continuum of governance that it needs to acquire lands in order to further Government's policy. What about the acquisition of lands under the National Housing Authority (NHA) today? The acquisition of lands under the NHA in the so-called marginal constituencies. We have received information that this Government is paying premium above premium price for lands in the so-called marginal areas in order to carry out their policy of voter padding. So you understand that, therefore, in an area like Felicity, whether they jump high or low voter padding will be of no effect, but in an area like Marabella, which is part of a marginal constituency of San Fernando West, they may pay a premium above the premium. We want to be very clear, and a government must be equal in its allocation of the criteria and in the allocation of the valuation. Even-handed; but I am sticking to constitutional terms because it seems to me that their administration is not *au courant* with the whole concept of equality.

Mr. Speaker, it is clear to us that as this may appear very simple, inherent in this acquisition, we need answers from the hon. Minister; answers with respect to the criteria for acquisition, answers with respect to the valuation and the whole gamut of the valuations. They must come to this House prepared to tell this Parliament what they are willing to pay for the property that was required for the construction of the Marabella Police Station. That is a laudable public purpose in the context of the rampant criminal activity; the almost murder-a-day taking place in Trinidad and Tobago. They must come to this Parliament to tell us in the borough of Chaguanas, which is the fastest growing arena of commercial importance in the country, what is the valuation of the Commissioner for that property. What were the criteria used to value that property? They must come to

Land Acquisition
[MR. SINGH]

Friday, February 11, 2005

this Parliament and tell us the value of the property utilized in the area of Claxton Bay. And they must come and tell us whether there is any distinction with respect to the extension of the runway of the Crown Point International Airport.

Mr. Speaker: Hon. Members, the sitting of the House is suspended for tea and will resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. G. Singh: Mr. Speaker, before we took the tea break, I had just about completed my contribution. I reiterate my position that the Minister should articulate the whole question of the valuation criteria—the Commissioner of Valuations against the private sector; the process for resolution of competing claims and whether the criteria provided to a sitting Cabinet Minister would also be given to members whose lands are being acquired.

I thank you.

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Mr. Speaker, I think that there were only one or two questions raised by the Member for Caroni East. I have been here since 1991 and have spoken at many of these debates. I am certain that the Member is quite aware that, in keeping with the Land Acquisition Act, the schedule stipulates the description of land and the public purpose for which it was acquired. I would still want to provide that information, which I do not have this afternoon. If the Member wishes to put a question to the Ministry through the Parliament, I certainly would answer.

The Member is also quite aware that the matter in Tobago that he was speaking about is before the court. I am not aware if that matter was finalized. I do know that when we take these matters to Cabinet, the Valuation Division gives a valuation. There is provision in the Act that if someone disagrees, he could take his matter to the court, have the matter heard and when compensation is given, he would be satisfied.

There are also parts of the Act which state that the money could be placed in a bank under the person's name. However, there are certain areas with which we always have problems. Those areas are:

- From May 1998 to 2003, the Lands and Surveys Division was shifted from this Ministry to the Ministry of Housing; then it came back. There were real problems during that period.
- Mr. Speaker, you were supposed to have been Speaker since 2001, but we had no Parliament for a long period in 2002. That was also a problem.
- We also had the appointment of a Commissioner of State Lands after 23 years.
- There was also the situation of the unavailability of proper title to lands. This is rampant in Tobago, for instance, where titles are not forthcoming. There is difficulty in locating the registered landowners. We also have disagreements with compensation. So it is a long, drawn-out process.

Time after time, on either side, Ministers of Agriculture, Land and Marine Resources have had difficulty in coming to Parliament to really say that they have done the work efficiently and that they have given compensation to the private owners. Of course, the 80 per cent that is given at the time of notice of acquisition is what the people rely on. After today, the 20 per cent will be paid.

With these few words, I beg to move.

Question put and agreed to.

Resolved:

That the House approve the decision of the President to acquire the lands described in Appendix II to the Order Paper for the public purposes specified.

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
1. A parcel of land comprising 1,098.6 square metres more or less, situate on the Southern Main Road, Marabella, south of the Marabella Roundabout, between the San Fernando Bypass and the Southern Main Road in the City of San Fernando in the County of Victoria and described in the Schedule and coloured raw sienna on a plan of	Construction of the Marabella Police Station

<p>survey signed by the Director of Surveys and dated 13th September, 1999 and filed in his office is required for a public purpose: Construction of the Marabella Police Station.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>The parcel of land comprising 1.098.6 square metres more or less, situate on the Southern Main Road, Marabella, south of the Marabella Roundabout, between the San Fernando Bypass and the Southern Main Road in the City of San Fernando in the County of Victoria and said to belong now or formerly to H.V. Holdings Limited.</p> <p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, folio 22, in the vault of the Lands and Surveys Departments, 118, Frederick Street, Port of Spain.</p> <p>2. The parcel of land comprising 8.0875 hectares more or less, situate at Shipping Road, Felicity, in the Borough of Chaguanas in the County of Caroni and said to belong now or formerly to Binarsari Batchasingh and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 22nd September, 1999 and filed in his office, is required for a public purpose namely: Conservation.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>A parcel of land comprising 8.0875 hectares more or less, situate at Shipping Road, Felicity in the Borough of Chaguanas in the County of Caroni and said to belong now or formerly to Binarsari Batchasingh.</p>	<p>Conservation</p>
---	---------------------

<p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243, folio 24, in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p> <p>3. The parcel of land containing 18.1 square metres more or less, situate off Ramdhanee Village Street, Claxton Bay in the Ward of Pointe-a-Pierre in the County of Victoria and described in the Schedule and coloured raw sienna on a plan or survey signed by the Director of Surveys and dated 6th June, 1998 and filed in his office is required for a public purpose: An Access Road.</p>	<p>An Access Road</p>
<p><u>SCHEDULE</u></p>	
<p>A parcel of land comprising approximately 18.1 square metres more or less, situate off Ramdhanee Village Street, Claxton Bay in the Ward of Pointe-a-Pierre, in the County of Victoria and said to belong now or formerly to Mahadeo Sarjoo.</p> <p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140 as folio 42 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	
<p>4. The fourteen parcels of land together containing 4.2384 hectares more or less, situate between Store Bay Local Road and Lighthouse Road, Crown Point, in the Parish of St. Patrick, in the Ward of Tobago and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 1st September, 1998 and filed in his office, are required for a public purpose: Extension of the runway at the Crown Point International Airport.</p>	<p>Extension of the runway at the Crown Point International Airport</p>

SCHEDULE

Fourteen parcels of land comprising together approximately 4.2384 hectares more or less, situate between Store Bay Local Road and Lighthouse Road, Crown Point, in the Parish of St. Patrick, in the Ward of Tobago and described as follows:

- (a) 0.1796 of an hectare said to belong now or formerly to J.L. Pereira;
- (b) 0.1796 of an hectare said to belong now or formerly to J.L. Pereira;
- (c) 0.4546 of an hectare said to belong now or formerly to James Rowe;
- (d) 0.1830 of an hectare said to belong now or formerly to W. Romeo;
- (e) 0.3117 of an hectare said to belong now or formerly to John Dopson;
- (f) 0.3556 of an hectare said to belong now or formerly to James Romeo;
- (g) 0.5514 of an hectare said to belong now or formerly to Alvin Tucker Trust Ltd.;
- (h) 0.1052 of an hectare said to belong now or formerly to Selma and Karlene Ayee;
- (i) 0.0819 of an hectare said to belong now or formerly to N.A. Bishop;
- (j) 0.0816 of an hectare said to belong now or formerly to N.A. Bishop;
- (k) 0.1646 of an hectare said to belong now or formerly to H.R. Inglefield;
- (l) 0.2024 of an hectare said to belong now or formerly to Simeon Alexander;

<p>(m) 0.4629 of an hectare said to belong now or formerly to Mary Alexander; and</p> <p>(n) 0.9713 of an hectare said to belong now or formerly to John Victor Outridge.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in Book 1140 as folio 41, in the vault of the Lands and Surveys Division, Old General Post Office Building, Wrightson Road, Port of Spain.</p> <p>5. The four parcels of land together comprising 4.3549 hectares, more or less, situate on the southern side of the Paria Main Road at the 112.4 km mark, in the Ward of Blanchisseuse, in the Country of St. George and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 3rd July, 2002 and filed in his office, is required for a public purpose: Construction of the Blanchisseuse/La Fillette Secondary School.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>Four parcels of land together comprising 4.3549 hectares, more or less, situate on the southern side of the Paria Main Road at the 112.4 km mark, in the Ward of Blanchisseuse, in the County of St. George and described as follows:</p> <p>(a) a parcel of land comprising 3.3 m² said to belong now or formerly to Winfield Harold Scott;</p> <p>(b) a parcel of land comprising 6086.8m² said to belong now or formerly to James Edward Camacho, Herbert Frederick Mendes and heirs of Malcolm Arthur Mendes;</p>	<p>Construction of the Blanchisseuse /La Fillette Secondary School</p>
---	--

<p>(c) a parcel of land comprising 3.6025 hectares said to belong now or formerly to James Joseph Penco and Herbert Frederick Mendes and heirs of Malcolm Arthur Mendes;</p> <p>(d) a parcel of land comprising 1434.4m² said to belong now or formerly to James Edward Camacho, Herbert Frederick Mendes and heirs of Malcolm Arthur Mendes.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in book 1243 as Folio 55, survey order No. 169/2000 in the vault of the Lands and Surveys Department, Old General Post Office Building, Wrightson, Port of Spain.</p> <p>6. The parcel of land containing 17.1859 hectares more or less, situate at Bacolet Estate, Tobago, in the Ward of Tobago in the Parish of St. Andrew and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated the 28th day of June, 2001 and filed in his office, is required for a public purpose: The Construction of a Multi-faceted Sporting Facility.</p> <p style="text-align: center;">SCHEDULE</p> <p>A parcel of land comprising 17.1859 hectares more or less, situate at Bacolet Estate, Tobago, in the Ward of Tobago in the Parish of St. Andrew and said to belong now or formerly to Mt. Pleasant Credit Union Co-operative Society Limited.</p> <p>The parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1243 as folio 48, in the vault of the Lands and Surveys Division, Red House, Port of Spain.</p>	<p style="text-align: center;">The Construction of a Multi- faceted Sporting Facility</p>
--	---

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move, in accordance with Standing Order 48(2), that the next stage of the Pilotage (Amdt.) Bill, 2005 and the Caribbean Community (Caricom) Regional Organization for Standards and Quality Bill, be taken on Wednesday, February 16, 2005.

Agreed to.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, February 16, 2005 at 1.30 p.m.

In moving the adjournment of the House, I hereby inform hon. Members that the Pilotage (Amdt.) Bill and the Caribbean Community (Caricom) Regional Organization for Standards and Quality Bill will be done next Wednesday and on Friday, February 18, the Government plans to debate Bill No. 2 on today's Order Paper, the Evidence (Amdt.) Bill, as well as Bill No. 4, the Summary Courts (Amdt.) Bill, in that order.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.08 p.m.