HOUSE OF REPRESENTATIVES

Monday, September 05, 2004

The House met at 1.30 p.m.

PRAYERS

Clerk: Hon. Members, I wish to inform you that the hon. Speaker is unavoidably absent and the Deputy Speaker will preside.

[MR. DEPUTY SPEAKER *in the chair]*

LEAVE OF ABSENCE

Mr. Deputy Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence: Mr. Franklin Khan (Ortoire/Mayaro); Hon. Eudine Job-Davis (Tobago East); Mr. Winston Dookeran (St. Augustine). The leave which the Members seek is granted. [*Desk thumping*]

CHILD WELFARE LEAGUE OF TRINIDAD AND TOBAGO (ICN'N) BILL

Bill for the Incorporation of the Child Welfare League of Trinidad and Tobago and for matters incidental thereto; brought from the Senate [*The Minister of State in the Ministry of Community Development and Culture*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. E. James*]

Mr. Deputy Speaker: Hon. Members, before I put the question, I welcome the hon. Member for Laventille West. It is good to see you. [*Desk thumping*]

Question put and agreed to.

PAPERS LAID

1. Annual report of the Ministry of Public Administration for the fiscal year October 2003 to September 2004. [*The Minister of Trade and Industry and Minister in the Ministry of Finance* (*Hon. Kenneth Valley*)]
2. Twenty-seventh annual report of the Ombudsman for the period January 01, 2004 to December 31, 2004. [*Hon. K. Valley*]
3. The Civil Proceedings (Amendment) Rules, 2005. [*Hon. K. Valley*]
4. The Civil Proceedings (Amendment) (No. 2) Rules, 2005. [*Hon. K. Valley*]

5. Audited annual financial statements of National Quarries Company Limited for the year ended September 30, 2002. [*Hon. K. Valley*]

6. Audited annual financial statements of National Quarries Company Limited for the year ended September 30, 2003. [*Hon. K. Valley*]

7. Audited financial statements of Business Development Company Limited and SBDC Leasing Limited for the year ended September 30, 2004. [*Hon. K. Valley*]

8. Audited financial statements of Trinidad Nitrogen Company Limited for the year ended December 31, 2004. [*Hon. K. Valley*]

9. Annual audited financial statements of Telecommunications Services of Trinidad and Tobago Limited for the financial year ended March 31, 2005. [*Hon. K. Valley*]

Papers 5 to 9 to be referred to the Public Accounts (Enterprises) Committee.

10. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chairman's Fund of the Mayaro/Rio Claro Regional Corporation for the year ended September 30, 2000. [*Hon. K. Valley*]

11. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chairman's Fund of the Mayaro/Rio Claro Regional Corporation for the year ended September 30, 2001. [*Hon. K. Valley*]

12. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the National Settlements Programme Second Stage-Phase 1 as per Loan Contract No. 1402/OC-TT for the financial year ended September 30, 2004. [*Hon. K. Valley*]

13. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Government Employees Provident Fund for the financial year September 30, 2004. [*Hon. K. Valley*]

Papers 10 to 13 to be referred to the Public Accounts Committee.

14. Administrative Report of the Ministry of Public Utilities and the Environment for the period January, 2002 to September, 2003. [*Hon. K. Valley*]

15. Administrative Report of the Ministry of Public Utilities and the Environment for the fiscal year 2004. [*Hon. K. Valley*]

16. Administrative Report of the Couva/Tabaquite/Talparo Regional Corporation for the period 2003 to 2004. [*Hon. K. Valley*]

17. Administrative Report of the San Fernando City Corporation for the period 2003 to 2004. [*Hon. K. Valley*]

18. Administrative Report of the Mayaro/Rio Claro Regional Corporation for the year October 01, 2002 to September 30, 2003. [*Hon. K. Valley*]

19. Annual Administrative Report of the Siparia Regional Corporation for the periods 2001 to 2002 and 2002 to 2003. [*Hon. K. Valley*]

20. The Civil Aviation [(No. 1) General Application and Personnel Licensing] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

21. The Civil Aviation [(No. 2) Operations] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

22. The Civil Aviation [(No. 3) Air Operator Certification and Administration] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

23. The Civil Aviation [(No. 4) Registration and Markings] (Amendment) Regulations, 2005. [*Hon. K. Valley*]

24. The Civil Aviation [(No. 5) Airworthiness] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

25. The Civil Aviation [(No. 6) Approved Maintenance Organization] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

26. The Civil Aviation [(No. 7) Instruments and Equipment] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

27. The Civil Aviation [(No. 9) Aviation Training Organization] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

28. The Civil Aviation [(No. 10) Foreign Operator] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

29. The Civil Aviation [(No. 11) Aerial Work] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

30. The Civil Aviation [(No. 12 Aerodrome Licensing] (Amendment) (No. 2) Regulations, 2005. [*Hon. K. Valley*]

SELECT COMMITTEE REPORTS

Municipal Corporations and Service Commissions (Presentation)

The Minister of Social Development and Minister in the Ministry of Housing (Hon. Anthony Roberts): Mr. Deputy Speaker, I wish to lay on the Table the First Report of the Joint Select Committee of Parliament appointed to enquire into and report to Parliament on municipal corporations and service commissions with the exception of the Judicial and Legal Service Commission.

Copyright (Amdt.) (No. 2) Bill (Presentation)

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Mr. Deputy Speaker, I wish to lay on Table the Report of the Special Select Committee to consider and report on the Copyright (Amdt.) Bill, 2004.

ORAL ANSWER TO QUESTION

Jerningham Junction Community Centre (Commencement of)

33. Mr. Manohar Ramsaran (*Chaguanas***)** asked the hon. Minister of Community Development, Culture and Gender Affairs:

Could the Minister inform this House when construction of the Jerningham Junction Community Centre would commence?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I have to ask my colleague to file this question in the new session of Parliament. We do not have the response today. It is not ready.

Mr. Singh: This question was deferred for two weeks on 22/06/2005; for another week on 08/07/2005 and further deferred on 20/07/2005 for the next sitting of the House. I know that the hon. Leader of Government Business was not here and the hon. Member for Diego Martin East was acting in that capacity. There must be a measure of continuity of purpose. He gave the undertaking to the House that it would be answered at the next sitting of Parliament and not the next session.

Mr. Deputy Speaker: I understand what you have said and I think that the Members on the Government's side should make an effort to answer the questions.

Mr. Singh: I suggest that if you do not have the answer now that you should circulate it to the Member of Parliament and the others on this side. That is a solution to the problem.

Mr. Valley: We shall attempt to do that.

Mrs. Persad-Bissessar: Before we go to the next item, you will note that in Appendix I there are several questions for written answers and they have been long outstanding. You have filed in February and answer due by April 08. This would also hold if Parliament is going to be prorogued on or before September 09, 2005. We are asking that you attempt in the same manner to circulate these. They are questions for written answers which would lapse.

Mr. Valley: Yes, Mr. Deputy Speaker.

ADJOURNMENT MOTIONS (LEAVE)

Provision of Sixth Form Places (Failure of Government)

Mr. Deputy Speaker: The honourable Member for Chaguanas.

Mr. Manohar Ramsaran (*Chaguanas*): Mr. Deputy Speaker, in accordance with Standing Order No. 12, I hereby seek your leave to move the Adjournment of the House for the purpose of discussing the following matter of urgent public importance; namely, the failure of the Government to provide sixth form places to hundreds of students who were successful in the 2005 CXC examinations.

The matter is definite since it relates to 440 young persons who although successful in the 2005 CXC examinations and are eligible to pursue Advanced Level examinations are being denied that opportunity.

The matter is urgent because despite their requests and compelling case to have A'Level classes, the Ministry of Education has refused to grant permission to the following schools: ASJA Boys' College, Charlieville; ASJA Girls' College, Charlieville; Vishnu Boys' College Caroni; and Cunupia Government High School to have A'Level classes.

The matter is of public importance because it deals with the education of our youth. This denial by the ministry is discriminatory and jeopardizes the future of these bright young persons.

Thank you.

Mr. Deputy Speaker: Hon. Member, the matter is important. However, it does not qualify under the Standing Order. You are advised to bring it in the new term under Standing Order No. 11. [*Interruption*] We operate under rules and it does not qualify under the rules.

Failure to Lay Report of Commission of Enquiry

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Deputy Speaker, pursuant to Standing Order No. 12, I hereby seek leave of the hon. Deputy Speaker to move the Adjournment of this House for the purpose of discussing a definite matter of urgent public importance; namely, the failure of the Prime Minister to lay in this House the Report of the Commission of Enquiry which has been appointed to investigate among other things, whether material was siphoned from the Scarborough Hospital Project to a private housing development linked to the Member of Parliament, Dr. Rowley.

This matter is definite in that it pertains to the promise, of the Prime Minister to lay in this House the report of the said commission. The matter is urgent because the report of the said commission has been completed and there is concern that the report may be sanitized if it is not laid in this House at the earliest opportunity.

The matter is of public importance because Government is obliged to ensure accountability and transparency in public life and the Prime Minister is obliged to honour his promise made to the public.

Thank you.

Mr. Deputy Speaker: Hon. Member, I regret to do this but it does not qualify.

Mrs. Persad-Bissessar: Why do you regret?

Mr. Deputy Speaker: I regret because I am interested in hearing it like you. However, it does not qualify.

Preparation of New School Term (Failure of Government)

Dr. Adesh Nanan (*Tabaquite*): Mr. Deputy Speaker, in accordance with Standing Order No. 12 of the House of Representatives, I hereby seek your leave to move the Adjournment of the House for the purpose of discussing the following matter, as a definite matter of urgent public importance, namely, the failure of the Government to adequately prepare for the start of the new school term.

The matter is definite because of the closure of several schools across the country at the beginning of the new school term.

The matter is urgent since thousands of children are traumatized and disappointed at being deprived of an educational opportunity.

The matter is of public importance because hundreds of parents and/or guardians are severely inconvenienced as new arrangements have to be put in place to ensure the safety of the said children, given the spate of kidnappings prevalent in the society today.

Thank you.

Mr. Deputy Speaker: Hon. Member, once again I suggest that this matter be raised under Standing Order No. 11. It does not qualify under Standing Order No. 12.

By way of information under Standing Order No. 12, only one motion can be accepted at any one time.

REPORT OF COMMISSION OF ENQUIRY (LANDATE AFFAIR)

The Hon. Prime Minister and Minister of Finance (Hon. Patrick Manning): Mr. Deputy Speaker, in relation to the matter raised by the Member for Siparia a few minutes ago in respect of the Commission of Enquiry into the so-called Landate affair, the Prime Minister has indeed taken possession of the report of that Commission of Enquiry. It has not yet gone to Cabinet. It should go by next Thursday after which, in accordance with the commitment given at the time it was established, the report would be laid in Parliament.

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, there are five motions on today's Order Paper. The Government is desirous of proceeding in the following manner: Motion No. 2 on the Supplemental Order Paper, Senate amendments to the Trinidad and Tobago Housing Development Corporation Bill will be done first; followed by Motion No. 1 on the Supplemental Order Paper, the Senate amendments to the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill; Motion No. 5 on the Second Supplemental Order Paper, Senate amendments to the Anti-

Terrorism Bill; Motion No. 4 on the Second Supplemental Order Paper, Senate amendments to the Caroni (1975) Limited and Orange Grove National Company Limited (Divestment and Business Development) Bill. After that we would go to Motion No 1.

Agreed to.

TRINIDAD AND TOBAGO HOUSING DEVELOPMENT CORPORATION BILL

Senate Amendments

The Minister of Housing (Hon. Dr. Keith Rowley): Mr. Deputy Speaker, I beg to move the following Motion in my name:

Be It Resolved that the Senate amendments to the Trinidad and Tobago Housing Development Corporation Bill, 2005 listed in Appendix II of the Supplemental Order Paper be now considered.

Question proposed.

Question put and agreed to.

Hon. Dr. Rowley: Mr. Deputy Speaker, in moving this Motion I seek leave of the House to deal with all the amendments together.

Question put and agreed to.

Senate amendments read as follows:

Clause 10.

A. Delete the word "may" in line three and substitute the word "shall".

B. Insert the words "if any" between the words "allowances" and "of" in line five.

Clause 12.

Insert the words "in writing" after the word "directions" in line one.

Clause 20.

A. Renumber clause 20 as subclause 20(1).

B. Insert new subclause (2) as follows:

(2) The Minister shall lay the annual Report in Parliament within three months of his receipt of the Report and if Parliament is not then in Session, within three months after the commencement of its next session.

Second Schedule.

In clause 1(b) delete the word "four" appearing between the words "than" and "members" in line two and substitute the word "three".

Hon. Dr. Rowley: Mr. Deputy Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendments.

Question proposed.

Question put and agreed to.

INDICTABLE OFFENCES (PRELIMINARY ENQUIRY) (AMDT.) BILL

Senate Amendments

The Attorney General (Sen. The Hon. John Jeremie): Mr. Deputy Speaker, I beg to move the following Motion in my name:

Be It Resloved that the Senate amendments to the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill listed in Appendix 1 of the Supplemental Order Paper be now considered.

Question proposed.

Question put and agreed to.

Hon. Jeremie: Mr. Deputy Speaker, in moving this Motion I seek leave of the House to deal with all the amendments together.

Question put and agreed to.

Senate amendments read as follows:

Clause 4.

In the proposed section 16C(4) in paragraphs (b), (c) and (d), delete the words "written" or "wrote" wherever they occur and substitute the word "made" in each case.

Clause 9.

Delete the proposed subsection (8) in paragraph (b) and substitute the following new subsection:

(8) Notwithstanding subsections (5), (6) and (7), the Director of Public Prosecutions or the Deputy Director of Public Prosecutions may prefer an indictment whether or not a preliminary enquiry has been conducted only in the following instances:

(a) where at the close of an inquest, a Coroner is of the opinion that sufficient grounds are disclosed for making a charge on indictment against any person pursuant to section 28 of the Coroners Act;

(b) where a co-accused is arrested before the date fixed for the trial of a co-offender who has already been indicted and it is desired to join them both in the same indictment;

(c) where a Magistrate has heard evidence and the depositions taken before him disclose a prima facie case and he is unable to complete the preliminary enquiry because of his:

(i) physical or mental infirmity;

(ii) resignation;

iii) retirement; or

(iv) death;

(d) where a person is charged with serious or complex fraud;

(e) in exceptional circumstances to deal with offences of a violent or sexual nature and where there is a child witness, or an adult witness who has been assessed as one subject to threats, intimidation or elimination."

2.00 p.m.

Clause 10.

1. In the proposed section 23B:

A. In subsection (4)

(i) after the words "which the accused" insert the words "or his attorney at law"; and

(ii) delete the word "him" and substitute the words "the accused".

B. In subsection (5)

(i) in paragraph (a) after the words "by the accused" insert the words "or his attorney at law"; and

(ii) in paragraph (b)

(a) after the words "where the accused" insert the words "or his attorney at law"; and

(b) delete the word "him" and substitute the words "the accused".

2. In the proposed section 23G:

(i) after the words "a decision of" insert the words "a judge of"; and

(ii) after the words "section 23" insert the word "(6)".

Sen. Jeremie: Mr. Deputy Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendments.

Question proposed.

Mr. S. Panday: Mr. Deputy Speaker, when the parent Bill was debated this amendment to clause 9 was the issue we were deliberating. We had indicated on that occasion that we had supported the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill, 2005 to the extent of paper committals, as had been put forward by the United National Congress government, but we were not in agreement with that clause.

The Bill went to the other place and it seems to me that the argument there was that the Director of Public Prosecutions had too much power when they said that he could bring a voluntary bill on any topic. It seems to me that in this amendment to clause 9 they have attempted to identify particular instances in which the DPP could bring a voluntary bill of indictment.

I humbly submit that at this time when the independence of the office of the Director of Public Prosecutions is in question by many members of the society, that no additional power should be given to the DPP. As a matter of fact, although

section 90 of the Constitution makes the office of DPP an independent office, it may be necessary at this time to monitor those activities.

Many people are saying that the office of the DPP does not appear to be as independent as it should be. One could glean that from the case of Dr. Vijay Naraynsingh. In that case the office of the DPP had in its possession information on their files which would have exonerated Dr. Naraynsingh, yet they chose to file an indictment against him. Mr. Deputy Speaker, one sees that it was a fierce battle at the Magistrates' Court and the learned magistrate at that time found that there was no evidence whatsoever against Dr. Vijay Naraynsingh to commit him to stand trial at the assizes.

Mr. Deputy Speaker, there are many cases in which magistrates terminate matters at the preliminary enquiry stage. But the office of the Director of Public Prosecutions ran to the press and told them: "I am not taking that so", or something to that extent: "We are going for a judge's warrant." How many cases have fallen by the wayside like that? In how many cases has the DPP shown that kind of interest?

Sometime later, however, when this judge's warrant was applied for—it was applied for almost coming to the expiration of the term—the DPP would have sent his affidavit and would have sent his arguments, but instead of sending the typewritten notes to the judges so that they could read it quickly, they sent the original notes. As you would know, Mr. Deputy Speaker, the original notes could only be deciphered by the persons who wrote it. Sometimes to get the notes in typewritten form the note-taker has to sit with the typist and read out the notes. They sent the notes in handwritten form to the Hall of Justice and it was then that the Registrar of the Supreme Court, Ms. Evelyn Peterson, requested the typewritten notes. Those are the only notes that one could read.

Mr. Deputy Speaker, you have practised in the High Court and you would see that the original notes are never used in the High Court. It is only used at certain times when one wants to confront a witness on previous inconsistent statements. The notes, which could have been deciphered by the judge, were never sent. Eventually these notes were sent—I think it was Thursday—and on Friday the most senior puisne judge in Trinidad and Tobago, Justice Volney, had it out the window; within a day. Mr. Deputy Speaker, that gave the impression to members of the public that the office of the DPP is in some way not as independent as we would want to have it and as a result of that we should not give the DPP any further powers. What makes one feel like that, Mr. Deputy Speaker?

The gentleman who was the triggerman, whom it was said shot Dr. Chandra Naraynsingh, after he was charged for murder, he was interviewed by the police and they told him: "We do not want any little fly like you boy, we want the big Indian doctor". He outsmarted them and said: "I will level with you." In order for him to speak further he made a deal with the DPP; a criminal made a deal with the DPP but something went wrong and they decided to pursue the charge of murder before the same Justice Volney.

When the matter came up for trial at the San Fernando Assizes for the murder of Dr. Chandra Naraynsingh the judge asked him: "Are you guilty of murder?" He said, "No, manslaughter". The judge said, "I am not accepting that; I have read the deposition". Do you know what the DPP said? "Sir, we have agreed to go with manslaughter". The judge said: "You cannot do that". The office of the DPP then said: "Well, then judge, we are not taking part in this trial. If you want to pursue with the charge of murder, we are not taking part in the trial". This wrangling went on for days and eventually—a man who confessed that he had shot someone a number of times—the office of the DPP went back and withdrew the indictment for murder and brought an indictment for manslaughter. Up to today when you ask officers from the office of the DPP they cannot explain. They would say we do not know how that happened.

Sean Parris told the judge: "The DPP and I made a deal and you cannot interfere with this". The judge was so appalled by that statement and the proceedings that took place that he then imposed upon him a term of 35 years. They might come and say that it is public policy but they must explain to the society why a man who was indicted for murder; a man whom they had evidence against; why in the middle of the case before a judge that they withdrew a murder charge and brought an indictment for manslaughter and they pursued Dr. Naraynsingh the way they did.

When one looks at the history of this matter one would see—Is it public policy to reduce a charge from murder to manslaughter in respect of one person and then try to pin somebody else for the same offence? Mr. Deputy Speaker, that is the question the society is still asking. That is the same Justice Volney, when they went to him for the judge's warrant, who threw out the request in no time.

If one wants to really see the history one has to look at the *Newsday* dated August 20, 2005 which says:

> "The State's legal quest to re-indict prominent surgeon Dr. Vijay Naraynsingh came to a crashing halt on Friday when Justice Herbert Volney threw out its case, in what legal sources described as 'record time'.
>
> Naraynsingh had been freed of the charge of the murder of his wife, which took place on June 26, 1994. Following a Preliminary Inquiry, Deputy Chief Magistrate Mark Wellington on March 4 of this year dismissed the State's case against Naraynsingh, after ruling that a prima facie case had not been made out against the doctor.
>
> Not satisfied with the magistrate's decision…"

Mr. Deputy Speaker, that was the same office of the DPP that withdrew a murder charge and replaced it with a manslaughter charge.

> "moved to exercise the next option and applied to re-indict. The application to re-indict was filed by the Office of the Director of Public Prosecutions on Monday just before 4 p.m."

Mr. Deputy Speaker, I have told you about the notes and the history. The judge apparently appeared to follow the rules and the application was thrown out.

One source said:

> "Another source said that at a time when people were complaining bitterly about the long delays in the judicial system, Justice Volney had clearly set a standard (in terms of speedy decision) for his peers to follow."

I want to put on the record that I have worked with Justice Volney and, indeed, he is a speed machine. I remember in one month there were about seven indictments before the court and he made sure that the seven cases were completed within the month and that was a record.

What made it look very strange is when the documents were sent to the Judiciary and then a letter was written on Monday asking the Chief Justice to recuse himself from officiating in any way in this matter. Imagine that the office of the DPP has the temerity to attack the Judiciary in this matter. But, be that as it may, the DPP must not play any part even that of including the appointment of a judge to handle the procedure but that was not enough.
I continue to quote:

"A similar letter to the Registrar, relative to Acting Chief Justice Carlos John…"

No, it should be Stanley John.

"was sent out on Tuesday. On Wednesday morning the Registrar informed the State…"

Imagine the State saying which judge they want. Mr. Deputy Speaker, could the State tell the Judiciary which judge they want? By a process of elimination, is the State going judge-shopping to get someone who it was felt was sympathetic to its cause so that it may get a decision that it wants? I thought the Judiciary was independent. The Chief Justice wrote a letter. I continue to quote:

"…the CJ who wished to advise that he plays no part in the assignment of judges in these matters and that this is usually done by a committee of three judges."

Mr. Deputy Speaker, imagine you let a man get off a murder charge and then you have the temerity to tell the Judiciary which judge you wanted there and which judge you did not want here. It is a sad day when the Executive arm of the State could attack the Judiciary like that in public. In those circumstances, I think, the DPP should not be given any powers, including these powers in the amendment. [*Desk thumping*]

In the evidence Dr. Vijay Naraynsingh indicated that it was a witch-hunt. The way in which the matter progressed anyone would have come to that inescapable conclusion that, indeed, it was a witch-hunt. I continue to quote:

"VASCULAR SUERGEON Professor Vijay Naraynsingh yesterday questioned a move by the office of the Director of Public Prosecutions to have him indicted for murder.

He said that it amounts to an abuse of process…"

Mr. Deputy Speaker, they want to give more power but look what happened in the recent past. I continue to quote:

"and thuggery on the part of State…"

When persons go on trial, whatever the consequences, they must feel that they have not been persecuted—they could be prosecuted but not persecuted. The quote continues:

"He said that despite a statement from the Chief Immigration Officer that he (Dr. Naraynsingh) was out of the country on Wednesday June 22, 1994, the date which Junior Morris, the police witness, claimed that he met with Morris

to pay the money for the murder of his second wife Dr. Chandra Naraynsingh, the DPP still continues…"

Mr. Deputy Speaker, it makes one feel that that is an office of persecution and not prosecution. From the grapevine we have heard that they said that people could make mistakes with the date. On a murder charge which is such a serious thing, date and time went wrong, but they said that could be a mistake so they went back for the judge. It is no wonder that the judge dealt with it so speedily, and not only the judge, Mr. Deputy Speaker, but a senior counsel of 46 years repute, Karl Hudson-Phillips, QC deemed the first arrest the worst prosecution he had ever seen in 46 years of practising. That is before the office of the DPP came into being. He said it represented:

"…'the height of wickedness and wanton abuse of power.'"

He further went on to say that the DPP had even sought an opinion from a foreign counsel and was advised that the matter was not worth pursuing.

Yet the interpretation that one could get from the action is nothing but venom and spite. That is why I have said that we should have some system in place to look at certain actions of that office of the Director of Public Prosecutions. That is why we cannot support these amendments.

On August 29, Naraynsingh said that the DPP had five pieces of evidence which he could have used to bring the matter to an end. Although they had the evidence before the case started they pursued the case nonetheless. When they pursued the case the same evidence they had at that time is the same evidence upon which the magistrate acted and threw out the case. We must ask: What is going on? The office of the DPP must be like a white lily. There must be no opportunity given to anyone to cast aspersions on the office of the DPP but here in the newspapers there are a number of aspersions.

Why do people feel that the office of the DPP is not independent? Look at the speed at which they went after Dr. Naraynsingh. What about the Bajan fishermen? Did they have osteoporosis when it comes to the Bajan fishermen? When he was asked, he said he was dissatisfied with the investigation of the police but he does not have investigative powers. It is clear to anyone in those circumstances to say that he does not want to pursue it. [*Desk thumping*]

Why could he not have gone to the newspapers every week as how he leaked—I am sorry—as how it was leaked that they were going to indict Dr. Naraynsingh? They were going for the judge's warrant again. Why did he keep on making statements? He is definitely silent on the Bajan fishermen issue.

Mr. Deputy Speaker, what about LABIDCO? Send back the file to LABIDCO. Nothing has been done! How is it that the DPP could be so active on the one hand and then so slow on the other? Where the Government is concerned he is so lethargic in that direction. That is why I say that section 90 of the Constitution, which speaks about the office of the DPP and the independence of the DPP, has been betrayed by this PNM Government. [*Desk thumping*]

We now come to the other issue where you are speaking on clause 9.

> "Notwithstanding subsections (5), (6) and (7), the Director of Public Prosecutions… may prefer an indictment whether or not a preliminary enquiry has been conducted in the following instances:"

There is an argument in some quarters that there are some countries in the Caribbean, like Barbados, Belize, St. Vincent and the Bahamas, which have that in their laws. We must also look to find out whether their Constitutions have those provisions like ours. In Barbados there is no system of a judge's warrant. The DPP, instead of going to the magistrate and in the event that the magistrate discharges, if he feels strongly about it, and since he has no recourse after the discharge at the Magistrates' Court, he then goes to the voluntary bill of indictment. In our laws we have a provision for the DPP, if he is not satisfied with the decision of a magistrate could go for a judge's warrant.

Mr. Deputy Speaker, if you are giving powers, why are you tying it down to only five instances? Let us talk about the first one.

> "(a) where at the close of an inquest, a Coroner is of the opinion that sufficient grounds are disclosed for making a charge on indictment against any person pursuant to section 28 of the Coroners Act;"

Mr. Deputy Speaker, I do not know, but from my little knowledge, the coroner, after hearing evidence, merely indicates whether an indictable offence had been caused; he does not identify anyone as such. In any event, the rules of evidence in a coroner's court are not the same as that in a trial court. In a coroners court a lot of hearsay evidence is brought into play. It is difficult, if you take all that hearsay

evidence and come to a conclusion to have somebody indicted. The history has been that 98 out of 100 matters in which coroners have pronounced that an indictable offence had been committed, when the crux comes, these cases fall by the wayside.

Mr. Deputy Speaker, instead of sending the person to the assizes to face a full-scale trial—judge and jury—I do not see why this matter could not be sent to a magistrate to sift the evidence to see—without that extraneous hearsay and irrelevant evidence—if the remaining evidence could disclose a prima facie case and then you move on. It says also: If two persons are charged with an offence:

> "where a co-accused is arrested before the date fixed for the trial of a co-offender…"

What that means is that in the Magistrates' Court where you have a preliminary enquiry and two persons are charged, one is committed, but before the trial at the assizes the other person is apprehended. Well, the way it goes when you are taking evidence is that you cannot call the name of the man who has not been apprehended; you would say: "You and another person". The question I ask, Mr. Deputy Speaker, is: would it not be better that if you apprehend the co-accused before the date of the trial—you would have him in custody—that you serve him with the indictment and the notes of evidence and you give him the opportunity to go back to the Magistrates' Court, not for the whole preliminary enquiry, but to question any other person whom he wants to question; a sort of hybrid between this system and the paper committals? You would be saving time because you are not going back to do the whole preliminary enquiry, but read the notes. Any area in which he wants to cross-examine him, you give him that opportunity downstairs. If you give him the opportunity downstairs at the Magistrates' Court, he might be able to exonerate himself and that would not take up any length of time, where the DPP could bring a voluntary bill of indictment.

> "(c) where a Magistrate has heard evidence and the depositions taken before him disclose a prima facie case and he is unable to complete the preliminary enquiry because of his:
>
> (i) physical or mental infirmity;
>
> (ii) resignation;
>
> (iii) retirement; or
>
> (iv) death;"

Mr. Deputy Speaker, that amendment is flawed. Assuming that the amount of evidence, which has been adduced to the court, is enough to merely present a prima facie case, if the magistrate dies or leaves, why must the DPP step in at that stage and have a voluntary bill? There may be need on the part of the prosecution to adduce more evidence to make the case airtight.

Since all magistrates are of the same stature, why could we not allow—after all the notes have been taken, like in paper committals where he reads the notes and he makes a decision—a senior magistrate to come in and take over the matter, if the former magistrate cannot continue?

2.30 p.m.:

That, Mr. Deputy Speaker, would be of assistance both to the defence and to the prosecution, in that if the prosecution only goes with the number of evidence that would merely produce a prima facie case when the matter has been transferred to the High Court, and the trial starts, you would find yourself in a position where, if, you had that information in your possession at an earlier stage, you would not be permitted to produce that evidence at the trial and that might be detrimental to the prosecution. So in the interest of the prosecution I humbly submit that all the evidence you have should be brought at the preliminary enquiry before you go upstairs. It would also be advantageous to the defence in the sense that the defence would have all the evidence against him.

It says:

> "where a person is charged with a serious or complex fraud;"

Why can we not use paper committals? Why can you not serve all the documents on the other side and you cross-examine only on certain aspects of the case so that you would not have to go over and over in the courts? But if there is a situation where you have information that a man says he made a deal to kill somebody on a particular date and you have information that the person who is accused was out of the country was not in the jurisdiction on that date, and if such a simple case you cannot decide, maybe all cases of this nature, complex or not, would be going upstairs. So one really wonders what is taking place.

In (e) it says:

> "in exceptional circumstances to deal with offences of violent or sexual nature and where there is a child witness, or an adult witness, who has been assessed as one subject to threats, intimidation or elimination."

No one could be annoyed with that. One asks the question: What about the witness protection programme Members have been speaking of all the time? Is this a mechanism to bypass a proper witness protection programme? I wonder. I feel there is some hypocrisy because, assuming that you are right in these amendments, the question I ask—you talk so much about kidnapping, you want to say no bail for kidnapping, lifetime for kidnapping: Why did you not include kidnapping, because every kidnapped victim is one who would be subject to intimidation or threat?

Mr. Speaker, do you remember the case of "Robo Cop" in the Kissondath kidnapping? They found the body wrapped up in linoleum in a river. In Lange Park, the Maraj boy; two days before the case—we have evidence of that—kidnapping, they cannot find him up to now. If you are really serious with crime why did you not include kidnapping in this? Instead of having to go through this long bail system and you hold the man and lock him up, and when you lock him up you keep him in custody and you have him becoming frustrated in custody and you are not bringing him for trial; if you really want to deal with the issue of kidnapping, this is an issue, this is the occasion, and the occasion here is in cases if you want to go voluntary bill of indictment, put kidnapping on the list and as the case file, you are going before the judge in a month or two. I feel it is an oversight. I do not want to tell him they probably feel their friends are the kidnappers or they know who the kidnappers are.

I am saying that the Government does not—kidnapping is one of the new crimes on the block which has been increasing and we have not taken the opportunity to deal with it. I would like the hon. Attorney General to say why the Director of Public Prosecutions was denied the power to prefer a voluntary bill of indictment against kidnappers? I can talk about some other points about Voluntary Bill of indictment and disclosure, and that voluntary bill of indictment—in Trinidad and Tobago there is no law that specifies or controls disclosure. In England there is a law which deals with disclosure and hand in hand with the law that deals with disclosure you have a voluntary bill of indictment, so one go hand in hand.

On many occasions when you ask the office of the DDP for disclosure, they usually tell the judicial officer that disclosure is an ongoing thing and "we will disclose as we see fit". We say that before you even think about a voluntary bill of indictment you should introduce into the Parliament laws on disclosure. Thank you.

Hon. Jeremie: Mr. Deputy Speaker, I speak to clause 9 since the Member for Princes Town confined himself to that clause, and I will go through the amendment in the order which he sought to go through. In relation to clause 9(a), the reason behind that amendment is that inquests in this country are never heard as expeditiously as criminal proceedings. So that it is not unknown for some inquests to last as long as five years.

If a coroner issues a warrant under section 28 of the Coroners Act, the delay and duplication of taking the same evidence from the same witnesses in a preliminary enquiry is unnecessary and adds no value and that is the reason for giving the DPP the power in that case, to prefer the voluntary bill. In relation to (b), that is the accomplice, the reason behind that amendment is that sometimes an accomplice cannot be found at the start of the preliminary enquiry or might abscond during the hearing. So where he is arrested before the trial of the co-offender a joint trial is in the public interest. It saves cost and also allows for the presentation of the full evidence for the jury's consideration. Without this remedy a second preliminary enquiry must be completed and it is often that the prosecution cannot persuade the trial court to adjourn the pending trial of a co-accused to await the completion of the second preliminary enquiry. So that is the very simple reason for that, the voluntary bill in that case.

In (c), that is the limitation which gives the DPP the power to bypass the magistrate if he becomes infirm. I think that is on its own. Obviously, if the magistrate becomes infirm or dies, or leaves the bench before the preliminary enquiry is concluded, he wishes to avoid having to re-take the deposition of the witnesses, and in that case a voluntary bill is the preferred method.

In relation to (d), that is complex or serious fraud, it is recognized in virtually all developed territories that serious or complex court proceedings rely primarily on documentary evidence and those proceedings are by their nature subject to being derailed by attempt to frustrate and delay the proceedings by taking objections to the inclusion of the documentary evidence. There is authority in that case of the DPP ex-parte moral which holds that the power of the DPP in that case is a welcome addition to his powers at common law. And that is why the voluntary bill is preferred.

I can assure my friend that kidnapping, of course, is caught in (e) in relation to offences of a violent nature. If assault is an offence of a violent nature then obviously kidnapping must be and that is the reason for allowing the voluntary bill in that case, because there are often vulnerable witnesses as the hon. Member pointed out who might be intimidated over time.

I would just like to speak briefly to the point which he started off with although it had no bearing on the amendments which are before the House today, and that is the matter which engaged the court recently in the Naraynsingh matter. The Member, I think, sought to personalize his attack against the DPP by pointing out—he said the office of the DPP is now, at this point in time, under scrutiny in terms of its independence. I would like to point out to him that the actions taken by the office of the DPP in relation to that matter span two office holders so that it is not a question of a personal attack against any one office holder. You are looking at the behaviour of two office holders and in that matter I should remind hon. Members that a woman, Chandra Naraynsingh, is dead today. She was shot by a man that she had never met, that she did not know and who voluntarily told the police what his version of the facts was. I say no more on that.

Mr. Deputy Speaker: Hon. Members, we want to hear the Member. If other Members wish to get in otherwise they would get in. Continue, Member.

Sen. Jeremie: Mr. Deputy Speaker, I say no more on that except to say that the police did their job. The separate directors who held the office of DPP, Mr. Justice Mark Mohammed and Mr. Henderson did theirs. That is all I wish to say on that.

Mr. Deputy Speaker, with those few words, I beg to move.

Question put and agreed to.

ANTI-TERRORISM BILL

Senate Amendments

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

Be It Resolved that the Senate amendments to the Anti-Terrorism Bill, 2004 listed in Appendix II (Second Supplemental), be now considered.

Question proposed.

Question put and agreed to.

Hon. F. Hinds: Mr. Deputy Speaker, in moving this Motion I seek the leave of the House to deal with all the amendments together.

Question put and agreed to.

Senate amendments read as follows:

Clause 2.

Insert in the appropriate alphabetical order the following new definition:

"imprisonment for life" in relation to an offender means imprisonment for the remainder of the natural life of the offender."

Clause 8.

A. Delete the word "(l)"; and

B. Delete subclause (2).

Clause 11.

Delete the word "twenty" after the words "imprisonment for" and substitute the words "twenty-five".

Clause 13.

Delete the word "twenty" after the words "imprisonment for" and substitute the words "twenty-five".

Clause 14.

Delete the word "twenty" after the words "imprisonment for" and substitute the words "twenty-five".

Clause 16.

In paragraph (f)(ii), delete the words "to death" after the words "to be sentenced" and substitute the words "in accordance with the penalty prescribed for the offence."

Clause 18.

In subclause (2)(a) delete the words "to death" and substitute the words "in accordance with the penalty prescribed for the offence".

Clause 20.

Senate amendment read as follows:

A. Insert after the words "'a device or" occurring in subclause (2)(b), the words "control of".

B. Delete the word "in" occurring after the words "an offence" in subclause (3) and substitute the word "under".

Clause 23.

In subclause (3),

A. Delete the word "or" at the end of paragraph (a);

B. Insert the word "or" at the end of paragraph (b); and

C. Insert a new paragraph (c) as follows:

"(c) facilitating the commission of,"

Clause 24.

A. In subclause (4), paragraph (c), delete the words ", or by the judge".

B In subsection (7), insert the words "subject to the ruling of the judge under subsection (8)," after the word "may".

C. In subsection (13), insert the words "Subject to subsection (8)" before the word "nothing".

Clause 25.

A. In subclause (3), paragraph (c), delete the words "he intends to prosecute" after the word "whether" and substitute the words "to the best of his knowledge, information and belief a prosecution is intended by the Director of Public Prosecutions;"

B. Delete subclause (4) and substitute the following new subclause:

"(4) In furtherance of subsection (3), in deciding whether to prosecute, the Director of Public Prosecutions shall take into account the adequacy of evidence against the accused."

C. Insert a new subclause (4A) as follows:

"(4A) The Attorney General and the Director of Public Prosecutions shall consult in relation to the exercise of powers under subsection (4) in respect of

(a) considerations of international law, practice, and comity;

(b) international relations; and

(c) any prosecution that is being or might be taken by a foreign State."

Clause 32.

A. Insert in subclause (2), the words "referred to in subsection (1)," after the words "person,";

B. Insert in subclause (3) the word "not" after the words 'shall'.

Clause 33.

A Delete the word "Minister" in subclause (1) and substitute the words "designated authority"; and

B. Delete the word "Minister" in subclause (2) and substitute the words "designated authority."

Clause 35.

Insert the word 'or' at the end of subclause (3), paragraph (a).

Clause 36.

A. In subclause (1), paragraph (b), delete the words "same or is" and substitute the words "other than", and

B. In subclause (4), delete the words "subsection 3(b)" and substitute the words "subsection 3".

Clause 39.

In subclause (1), insert the word "or" at the end of paragraph (b)(i).

Mr. Hinds: Mr. Deputy Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendments.

It is to be noted that the amendments that we seek to adopt today from the Senate are, in my view, not very substantial. That is to say, following the debate in this House and the movement of the Bill for its passage through the Senate, the result is a number of really peripheral amendments, nothing touching and concerning and affecting the substantive issues that we had presented to this House.

It is also to be noted for the benefit of Members, that the Bill, having been debated in the other place, was sent to a special select committee. That was as a result of tremendous concern expressed by our friends on the other side and members of the citizenry, generally.

Mr. Deputy Speaker, being the Member who had piloted that legislation in this House, I was confident then that there was no reason for the kind of alarm that came particularly from the other side and I had opined that while I could have understand it quite easily from members of the citizenry generally because of their distance from what obtains in this House, and the content of the legislation, it was harder for me to accept it coming from our friends on the other side, and I saw it as mere panic raising and alarm belling and quite unnecessary.

We took the opportunity to publish very widely the legislation that was before us for debate. In this regard, the Bill was published on Monday, August 15, in both the *Express* and the *Newsday*. The *Express* provided 88,000 copies to the citizenry and the *Newsday* 70,500 copies. That was done at fairly significant public expense. We considered it necessary because one of the calls that came from the other side was that we needed to put this Bill out for public comment and it cost the taxpayers of this country a total of $93,551.30 for the publication of those Bills as I have just described. That is in addition to the costs that were incurred by the Special Select Committee that had an open forum at NALIS, the library not far from here, and that was widely advertised and it attracted no more than one dozen persons from the citizenry of Trinidad and Tobago. There are lessons in this for all of us, but we did it because we are very attached to the concept and the practice of democracy in this country as it ought to be.

Mr. Deputy Speaker, we simply would like to reaffirm today—the select committee for an example, looked at the *Hansard a*nd identified all of the concerns—

Mr. Deputy Speaker: We are just dealing with the amendments and I fear that you would be opening the debate unnecessarily or, should I say improperly, so would you please stick to the amendment.

Mr. Hinds: I am very grateful, Mr. Deputy Speaker. I am agreeing with you and I took note of the fact that having been laid it is now a very public document, but, I am guided.

Mr. Deputy Speaker, we are happy that the Bill has gone through the processes that it has and having taken note that it is in substantially the same form as it was then, I beg to move.

Question proposed.

Mrs. Persad-Bissessar: Mr. Deputy-Speaker, the hon. Member has opined in his words that the amendments that we are now considering are peripheral; there is nothing substantial in them. He talked about $93,000 having been spent because of concerns, and let me make it very clear that at the start of his contribution the Member said because of concerns expressed in general amongst the citizenry, this is why a select committee of the Senate found it necessary to publicize the Bill. So whatever, implication, imputation or any other innuendo, there is no way the Member can say $93,000 is because of concerns made by the Opposition. Because if that were so, if you cared about the concerns raised in this House then you would have done something in this House; you would have created a joint select committee so that the House and the Senate could have looked at this piece of legislation which we still see as being a very dangerous piece of legislation.

We are speaking only on amendments and, therefore, we would not go into all the comments and concerns that were raised.

Mr. Deputy Speaker in speaking of those amendments I could certainly speak about the amendments that should have been here and are not here and, therefore, if the Government was considering this Bill given the concerns that were raised, then the amendments that were brought back today should have taken those concerns on board. They have not. I would have liked the hon. Minister to tell us—when the bomb exploded out on Frederick Street, that was the Member who told this House that that was God applauding the PNM. And today, as junior Minister in the Ministry of National Security he comes to deal with a Bill that deals with anti-terrorism, terrorist attacks, and yet he tells us nothing about what their findings were, how far they have gone with respect to that bombing and the second bomb; nothing has happened. We are dealing with anti-terrorist legislation. The Minister has a duty to inform this country.

Mr. Deputy Speaker: Hon. Members, we are dealing with the amendments and I allowed you some latitude because the Minister took some. I have stopped him and I would like you if you have a particular amendment that you want to deal with and there is some reference, do it, but do not make it a debate.

Mrs. Persad-Bissessar: Mr. Speaker, I am guided and so I am asking what is it in these amendments that will give us the assurance [*Interruption*] to prevent or to assist us to detect the kind of attack that took place while we were in this Parliament—the bombings that took place? How will this help? In what way would this help? They came with these amendments and said "I pass it," and the first man you pick up he is going to have you tied up in the courthouse with constitutional motions because the amendments have failed to address the major concerns, that these provisions are ultra vires, the Constitution; they derogate from the fundamental rights. One of those amendments should have been—in bringing amendments here they should have brought the amendment and dealt with the whole issue of breaches of freedom of expression.

Clause 32 deals with—and you amended clause 32. I see amendments were made to clause 32 but not to the most important point. What you have kept in clause 32 is the fact that a person has to disclose their sources. This means that a member of the media who has information, has their source, all the leaked information that the media gets all the time you are saying that if you do not disclose your source then you are liable to imprisonment of 10, 15 years or whatever it may be.

3.00 p.m.

Whilst we are dealing with these amendments, Mr. Deputy Speaker, what is the magic in 25? You have changed the penalties from 20 to 25. Why not 35? Is there a magic in the formula 25 years instead of 20? We may no longer have 20/20 vision; it might be 25/25 vision. What is the magic in 25? Will the Minister please explain that for us?

My first concern is with the fact that you are going to end up with the Act struck down, when you pass this with a simple majority, by the very first man or woman with an offence under this Act. You should, therefore, have paid attention to those concerns.

The second issue has to do with a specific amendment. It is untrue for the Minister to say that there is nothing of substance in this. One amendment has very serious implications and that has to do with clause 25. We are being asked to approve an amendment, to insert a new subclause (4)A as follows:

"The Attorney General and the Director of Public Prosecutions shall consult in relation to the exercise of powers under subsection (4) in respect of:

(a) considerations of international law, practice, and comity;

(b) international relations; and

(c) any prosecution that is being or might be taken by a foreign State."

Now, we need to read this together with the parent Act, section 32. [*Interruption*] We are always campaigning here to move you from that side. [*Interruption*] I can count on your vote I am sure, Member for Diego Martin East.

In clause 25, we are dealing with offences, trial of offences and prosecuting more offences. This, to me, is a very dangerous precedent, a concept that is totally repugnant to the Laws of Trinidad and Tobago and one that should not be included in the Laws of Trinidad and Tobago. It is that the Director of Public Prosecutions must now consult with the Attorney General to deal with these offences. Why?

The last time the DPP and the Attorney General consulted, they conspired to have the Chief Justice on trial. Why are we having the DPP and the AG consulting?

Mr. Deputy Speaker: No, no, no! Hon. Member, to conspire is a criminal offence. Do not say that! Would you please change that?

Mrs. Persad-Bissessar: Certainly, Mr. Deputy Speaker. The last time the DPP and the AG consulted, it resulted in the head of the Judiciary being sent before a tribunal. I am guided. There is nowhere in the laws of this land or in the laws of the country we follow, where there is a politician being involved in prosecutions. We must not allow that to happen. I know that the Attorney General stands in every forum he can find and says that he is not a politician; but he is certainly a political appointee. He is appointed by the Prime Minister and he wears his balisier tie.

How can we, in this law, give the Attorney General the power to consult with the DPP to decide on prosecutions? It is totally repugnant to the law, as we know it. The provision is doing that.

"The Attorney General and the Director of Public Prosecutions shall consult in relation to the exercise of powers under subsection (4)..."

Power is given under subsection (4). That is something we should not allow under the Laws of Trinidad and Tobago. We must always fight against politicians being involved in prosecution. We have seen too many political prosecutions in this country, ones that are at present before the courts. We must not allow this to form part of the Laws of Trinidad and Tobago. I am going to ask the Member for

Laventille East/Morvant to consider removing this particular amendment because prior to this the power rested only in the DPP.

Can you give some plausible explanation, why you now want the DPP to consult with the Attorney General and vice versa? Where in the Laws of Trinidad and Tobago is there a statutory provision for an Attorney General and a Director of Public Prosecutions (DPP) to consult before using the DPP's powers of prosecution? Where is the precedent? You would find this in states that are dictatorial and where the democracy has collapsed; but you will not find it in the common law world. Our jurisprudence, as you know, is that of the common law.

I remember you told me you could teach me about the rule of law, but all your authorities are from way back in time. I need you to come forward and let us look at the rule of law as it is today. The rule of law in our jurisdiction does not allow a politician to have the power to deal with prosecutions.

I ask you to look at that particular provision and have it removed. With these words, Mr. Deputy Speaker, I thank you very much.

Mr. S. Panday: Mr. Deputy Speaker, it seems to me that the lack of preparation by the hon. Member for Laventille East/Morvant in his presentation of the parent Bill is manifesting itself at the amendment stage. He said that these amendments are superficial. I would like to know if his reading took him only up to clause 32. He could have read further and looked at clause 33, which said, in the parent Bill, that the Attorney General would be the person who could prosecute in simple circumstances. Clause 33 says:

"(1) Every person shall forthwith disclose to the Minister—"

And he may then move toward prosecution. They were saying, instead of using the Minister, they should use a designated authority. That is a fundamental change in the Bill, and that is a fundamental change, which the Member apparently did not see.

When the parent Bill was brought before this honourable House, the Members on this side had indicated that it was unconstitutional and that we could not support it. I do not see how the Government could, with the same Bill that the Member admits has only cosmetic changes, expect us to support it, since none of the fundamental issues in the parent Bill was addressed in the amendments.

The Member had indicated that when the Bill went to the other place, it was taken to a committee. The committee deliberated and one wonders if it made recommendations and what they were. If that were the case, it is clear—and I do

not intend to cast any aspersions on any committee—that they did not consider the fundamental arguments, which were raised both here and in the other place.

Mr. Deputy Speaker, the Member for Laventille East/Morvant indicated that there were concerns raised by this side and he did not mind if the public had raised it, but he was surprised that we would do such a thing. It seems to me that he is so incompetent he would not even read the *Hansard* from the other place. I did. One would have seen that almost all of the Independent Senators in the other place raised similar concerns.

Mr. Deputy Speaker: I see where you are going, but this is not that kind of debate. You started off well dealing with the specific amendments. I gave you the latitude because, once the door is open, I leave it open a while for everybody, but let us come back.

Mr. S. Panday: Thank you, Mr. Deputy Speaker. The constitutionality issue has not been addressed by these amendments. We had raised the issue of section 23 of the original Bill, which states, if I may read it to you:

> "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 investigation of an offence under this Act, apply *ex parte* to a Judge in Chambers for a detention order."

It goes on to say that:

> "An order under subsection (3), shall be for a period not exceeding forty-eight hours in the first instance and may be extended for a further period provided that the maximum period of detention under the order does not exceed fourteen days."

We are saying that situation is unconstitutional in the circumstances and, as you said, we should stick to the Order Paper, instead of dealing with that issue of the constitutionality of such a situation. In clause 23, they deleted the word "or" at the end of the paragraph, inserted the word "or" at the end of paragraph (b) and inserted a new paragraph "facilitating the commission of". That is what is before us in the form of an amendment. We would have thought that some thought would have been put into it to deal with the issue of detention of persons.

Mr. Deputy Speaker, I think section 5(2) of the Constitution gives persons the right to security of their person. We are saying that is an issue that should be debated; that is an issue which should have been dealt with and amendments made in

that regard. However, the situation is that the Government has run with the same piece of legislation from here to the other place and brought it back in the same condition.

Mr. Deputy Speaker, they went with another issue we thought needed to be clarified and that is the issue of self-incrimination. Section 5(2) of the Constitution says that a person, and I quote:

> "Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not—
>
> (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 and, where necessary to ensure such protection, the right to legal representation;"

That is the constitutional right that someone has—the right against self-incrimination.

When one looks at the Bill, one would see, in clause 24 that a person must give information to the police or investigating officer and, Mr. Deputy Speaker, it says that if you give that information, it will not be used against you, except in the case of perjury. In the case of perjury, we find that if someone goes voluntarily to the court or lies under affidavit, and then changes his statement, that person could be charged with perjury. But here we have a case where you are compelling someone to give information, which he does not have to do under the Constitution and you are saying, if he lies, he will be charged for perjury. That is an issue with which we could have dealt; with which we could be charged.

A man does not have an obligation to give information to anyone. There may be many reasons why he may not want to divulge information. He may feel that he does not want to divulge information for security reasons. He may not want to be shot or kidnapped, but under this new legislation he is compelled to give the information.

We look at clause 25. What is the amendment that came from the hon. Minister in clause 25? It says:

> "In subclause (3), paragraph (c), delete the words 'he intends to prosecute' after the word 'whether' and substitute the words 'to the best of his knowledge, information and belief a prosecution is intended by the Director of Public Prosecutions.'"

Section 24 is a very serious clause and it undermines the Constitution. It says:

> "(4) An Order made under subsection (3) may—

(b) order the examination on oath of the person named in the order;

(c) order the person to attend at a time and place fixed by the judge…"

for a particular purpose and

"(7) A person named in an order made under subsection (3) shall answer questions put to the person by the Director of Public Prosecutions or the Director of Public Prosecutions' representatives…"

Those are serious infringements on the Constitution and should have been dealt with in the amendments. That has not been done.

The parent Act goes on to talk about the jurisdiction. It says here:

"If someone commits an offence outside the jurisdiction under 25(1) and that person is in this country, wherever the offence is committed, in these circumstances, he could be charged."

Another point, an important one in law, is that it changes the position from nationality to territoriality and that is a serious issue, which should be addressed as a constitutional issue.

I can go on, but at the end of the day; none of the constitutional issues that were raised in this and in the other place have been addressed and under those circumstances we cannot support these amendments.

The Minister in the Ministry of National Security (Hon. Fitzgerald Hinds): Mr. Deputy Speaker, we heard all this many times before and the Member for Princes Town said that the constitutionality issues have not been raised. The answer is very simple. There were none. We had heard before, from citizens of this country, concerns that in the measures in this Bill, the State infringed their constitutionally-entrenched rights. We have argued then and continue to argue, and, as lawyers, there would be a different view, but there were no such issues.

Mr. Deputy Speaker, I think it is necessary for me to address a couple of the issues that were raised.

Mr. Deputy Speaker: I do not want to stop you from addressing the issues, but it is not necessary to have a reply if it does not specifically deal with the amendment.

Hon. F. Hinds: I am obliged, Mr. Deputy Speaker, and in those circumstances I beg to move.

Question put and agreed to.

CARONI (1975) LIMITED AND ORANGE GROVE NATIONAL COMPANY LIMITED (DIVESTMENT AND BUSINESS DEVELOPMENT) (NO. 2) BILL

Senate Amendments

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Mr. Deputy Speaker, in moving this Motion, I seek leave of the House to deal with all the amendments together.

Question put and agreed to.

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Mr. Deputy Speaker, I beg to move,

That the Senate amendments to the Caroni (1975) Limited and Orange Grove National Company (Divestment and Business Development) Bill (No. 2) Limited listed in Appendix I be now considered.

Question proposed.

Question put and agreed to.

Long Title.

Senate amendments read as follows:

Delete the words "the management of and for the development of those real estate undertakings" and substitute the words "the development and management of certain real estate undertakings."

Preamble.

Paragraph 2

Delete the words "in the manner hereinafter set forth".

Paragraph 3

Delete from the words commencing "with a mandate to manage" and ending with the words "agricultural estates" and substitute the words "for purposes which include the development and management of certain real estate undertakings".

Clause 1.

Delete the words "(Divestment and Business Development) Act, (No. 2), 2004" and substitute the words "(Divestment) Act, 2005".

Clause 2.

Delete the following terms and their definitions:

"excised residential lots"; "isolated residential lots"; "residential lots"; "Spontaneous Settlement Programme"; "Spontaneous Settlement Site" and "squatter".

Clause 4.

Subclause (1)

Renumber as clause 4.

Subclause (2)

Renumber as clause 6(2).

Clause 5.

Renumber as clause 6(1).

Clause 6.

Renumber as clause 7.

Clause 7.

Renumber as clause 8.

Clause 8.

Renumber as clause 5.

Clause 6(1) as renumbered.

A. Delete the words "section 4" and substitute the words "subsection 2".

B. Delete the words "under section 4(1)" and "under section 8".

Clause 7 as renumbered.

Delete and substitute the following:

"7. As from the appointed day, this Act shall be deemed to be a good root of title to the real estate undertakings, so that any lease granted in furtherance of this Act, shall be conclusive evidence that the person named in such lease is seized of or possessed of or entitled to such land for the estate or interest therein specified".

Clause 9.

Delete the words "to apply" occurring in the third line.

Clause 10.

Delete and substitute the following:

Functions of the Manager Chap. 57:01

10. (1) Notwithstanding the State Lands Act, the Manager shall be responsible for:

(a) the development of:-

(i) the real estate undertakings prescribed in the Third Schedule; and

(ii) the real estate undertakings for commercial and industrial use, as prescribed by Order of the President on the advice of the Minister with responsibility for town and country planning; and

(b) the management of the real estate undertakings identified in paragraph 9(a) subsequent to distribution.

(2) The President may by Order made in furtherance of paragraph (a)(ii) prescribe the real estate undertakings to be used for commercial and industrial purposes.

(3) The real estate undertaking vested in the state under this Act, that are not distributed for residential, commercial or industrial purposes shall be utilized in accordance with the State Lands Act or any other written law on the subject of land use.

(4) For the purposes of subsection (1)(a), "development" means the carrying out of building, engineering or such other operations, the provision of infrastructure or utilities on, in or under any land but does not include the making of any change of use of any buildings or land, or the subdivision of any land.

Clause 11.

Delete and renumber subsequent clauses.

Clause 11 as renumbered.

A. Delete the word "transactions" and substitute the words "the development";

B. Delete the words "sections 10 and 11" and substitute the words "section 10".

Clause 12.

Delete from the words commencing "and in particular" and ending "under section 11".

Clause 13 as renumbered.

"Non-application of certain Acts Chap. 59:53, Chap. 59:54 and Act No. 25 of 1998

13.(1) Subject to subsection (2) from the appointed day, the Agricultural Small Holdings Tenure Act, the Land Tenants (Security of Tenure) Act and the State Lands (Regularization of Tenure) Act, shall not apply to the real estate undertakings vested in the State.

13.(2) This Act shall not operate to extinguish or otherwise derogate from any rights, benefits, legitimate expectation or real estate undertakings already acquired by or vested in any tenant or squatter under the Acts listed in subsection (1)".

Clause 14 as renumbered.

Delete.

Third Schedule.

Insert after the Second Schedule the following:

Section 10(1)(a)(i)

THIRD SCHEDULE

LAND ASSIGNED TO THE MANAGER

	Site Location	No. of Lots	Estimated Acreage [Subject to Survey]
1	Brothers Garth Housing Development - Princes Town	90	15.00
2	Orange Field Housing Development Phase I (Extension)	36	6.00
3	Cedar Hill Housing Development Phase I (Extension)	28	4.60

4	La Fortune Housing Development Phase I (Extension)	15	2.50
5	Calcutta Settlement Road	72	12.00
6	Esperanza	60	10.00
7	Sonny Ladoo (Exchange)	216	36.00
8	Balmain (Montserrat)	240	40.00
9	Factory Road	261	44.00
10	Mc Bean	108	18.00
11	Orange Field Housing Development Phase II	174	29.00
12	Picton Phase II	222	35.00
13	Hermitage Phase II	330	55.00
14	Woodland	88	18.00
15	Roopsingh Road, Edinburgh	564	94.00
16	Exchange (Exchange Section)	510	85.00
17	Felicity	844	38.00
18	La Romain	914	153.00
19	Chin Chin Road	822	139.00
20	Picton Extension	456	76.00
21	Reform	900	150.00
22	Exchange	714	19.00
23	TOTAL	7664	1,279.10

Sen. Sahadeo: Mr. Deputy Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendments.

Question proposed.

3.30 p.m.

Dr. Moonilal: Thank you very much, Mr. Deputy Speaker. The matter before us now involves amendments made in the other place to a measure which

constitutes the greatest act of hypocrisy by a PNM government in our post-independence experience, namely, the scandalous process of land distribution, the politicization of agricultural reform and the incompetence of the Government in its land use and development policy. These are amendments that speak to that issue.

I want to delve immediately into the amendments, as you would want me to. It is very instructive that paragraph 3 of the amendments, states:

> "Delete from the words commencing 'with a mandate to manage' and ending with the words 'agricultural estates' and substitute the words 'for purposes which include the development and management of certain real estate undertakings."

What it appears that the Government has done with these amendments is to shift, somewhat, the focus—I am making reference to the parent Act—of the manager who, in this context, is the Estate Management and Business Development Company Limited—from the initial mandate which was to manage the said real estate undertakings and stimulate and facilitate new business activity in the areas of industrial, light and heavy manufacturing, housing estates, commercial complexes and agricultural estates; the initial position. That has gone to a generic and meaningless phrase "for purposes which include the development and management of certain real estate undertakings".

Apparently implicit in this amendment is an indication that the Government has removed somewhat a focus on business development, industrial, light and heavy manufacturing and commercial complexes and agricultural estates. One would ask the question, why the need to make this change? We did not benefit from an explanation from the Minister. We did not benefit from any explanations at all. The Minister indicated that these are amendments from another place; let us accept them. We do not have the benefit of any explanation, which is quite instructive by itself. Is there a focus now on removing the Estate Management Business Development Company from getting involved in facilitating business activity, and if so, why?

At the heart of this issue is a policy contradiction with this Government. They have found, in several of their dealings, that they operate on the basis of the right hand not knowing what the left hand is doing. They began by establishing the manager, according to this amendment, to conduct an enormous amount of surveys and research work on cutting up the lands that were formerly in Caroni and bringing forward a plan to stimulate industrial and commercial development. It is no secret that that company, since its existence, has been fraught with enormous

controversy, as it relates to human resource management, employment practices, tendering and issuing of contracts. I am still on "for the purpose from which include the development". The question I would like to ask the hon. Minister is: Why the change in focus? It is because of the corruption, the mismanagement and the industrial relations problems that they have found with this company called "the manager." This is what the change in the amendment speaks to.

Let me move to another point in the amendment, as I think you want me to stay with the amendments. The amendment to clause 10 states:

"Delete and substitute the following:

(i) the real estate undertakings prescribed in the Third Schedule;"

We do not need to read over the Third Schedule, it is quite lengthy. The first question we want to ask about this is, on what basis did the Minister and the Government propose the schedule of land distribution, by lots and estimated aggregate? This Government has not yet defined a national policy on land use and development. There is no policy framework, yet we are here cutting up the lands like a pizza, and proposing lands for management to be vested under the State and managed by the Estate Management Business Development Company. On what basis? There is no national physical development plan that speaks to the issue of distribution of land. Today they are distributing land by lottery. They distribute all government services by lottery. You need to be lucky. They distributed housing grants and the two acres of land by lottery. Everything—eventually if people want a box drain in this country they would have to pull for it. In a country blessed with wealth from the energy sector, we are pulling lottery for land, housing grant, box drain, anything.

Mr. Manning: What is wrong with that?

Dr. Moonlial: We can provide for all within a policy framework.

Mr. Manning: Would you give way]

Dr. Moonilal: I am sorry; I want to finish.

Mr. Manning: I see. I understand.

Dr. Moonilal: I am very sorry actually. They are proposing a table, the Third Schedule, without informing us on what basis they are doing this. How do you align this with a wider national physical development plan and a wider policy for land use? What is happening because of this is that they are involved in this

process where they are calling names and persons are picking from a hat a number and they get a little card stating that they have access to something but that by itself is obscene.

I am still at the amendment to clause 10, where at 10(4) it states:

> "For the purposes of subsection (1)(a), 'development' means the carrying out of building, engineering or such other operations, the provision of infrastructure or utilities on, in or under any land but does not include the making of any change of use of any buildings or land, or the subdivision of any land."

I would speak about this. What really is this development which this amendment deals with? Who is responsible? As it is now, the Ministry of Agriculture, Land and Marine Resources cannot. They do not have the resources, physical manpower or capital to support the farmers and the farming community as it is. They do not have the resources to clear and grade access roads for farmers, which is a matter of public policy; to provide farmers with infrastructural support. They cannot, not at this moment do this. Who is going to provide this development for carrying out the engineering works and the provision of infrastructure? Is it the depleted Ministry of Agriculture, Land and Marine Resources? I asked the hon. Member for Arouca North, in approximately 20 letters, to clear a few roads in San Francique, my constituency, and waited for six months for the blessing of a reply to say that they are looking at it.

The development with which we are dealing in section 4, who is taking that? Is it the Ministry of Agriculture, Land and Marine Resources? What is the role of the Rural Development Company in relation to the Estate Management Business Development Company? What are the roles? Is it the same Chief Executive Officer? What will be the function? Mr. Deputy Speaker, you will recall that a recent Article IV Consultation Report dealt with the Government's management of its finance, but also indicated a concern that there were no checks and balances, as far as they relate to the establishment of new companies that this Government would like to establish including the Rural Development Company.

I am informed by those in the agricultural sector, the trade unions and employers that this Government has made no proposal, nothing in writing, concerning the ambit, portfolio, structure and functioning of a rural development company. The Member will tell me in due course, as he will by 2020. We are still waiting for the Vision 2020 document. Is it in existence? Is there a book or CD?

When do we get this Vision 2020? What is the role of the Rural Development Company in relation to the Estate Management Business Development Company where they are giving out lots for development?

I come back to the concern in the amendment for the provision of infrastructure and utilities. They are giving out chits of paper like the bus tickets, so that you have land. But the persons who are receiving this do not know where the land is. They have only been told that it is in a particular area? But have they done the survey work provided for irrigation or drainage? This is a country that will eventually flood away. Port of Spain, two drizzle and you cannot pass by City Gate. This occurs in Central, South and deep South. The Government is distributing lands for agricultural purposes with no concern for irrigation, drainage, infrastructure, reserve road and reserve drains. When someone gets their bus ticket for two acres of land, they do not know where it is. Where am I in relation to the next number? Where is the reserve road or the reserve drain? What are the arrangements for irrigation and development? This is a very important amendment to us.

The development that the amendments deal with relate to infrastructure and utilities. They relate to it, but development here also includes building, engineering and provision of support. When former workers get their ticket for their two acres, what are they doing with the two acres? Is everybody going to plant bodi or bhaigan? How is that working? This issue must also be aligned with their policy on food security, but there is no policy on food security. We are talking about development, buildings, engineering operations and infrastructure outside of a context of a policy on food security. That is a critical issue.

There is the belief that if you transfer lands to the State, it will make for good use for land. That is furthest from the truth. That does not mean that the land will be properly used. The process they are involved in with the distribution of land excludes, at this moment, all concern for infrastructural development, as the amendment reads. Development also must include issues of land use, cultivation, support, research and development and marketing. What happens when 1,000 of the two-acre recipients decide that they are planting one crop, where are they selling it? Are they going to go on the highway to line up and approach your window to push a bundle of bodi in your car? Is that the programme and policy? No, before the Government distributes these lands it must have a clear policy framework, a programme to indicate to the recipients that this is done within a particular context of production, marketing, training and development. This is

what you have to do. You give people the chit of paper for the land and title will come later. There is no point about that. They do not know what they are to do with it. If they plant a particular crop, which market are they taking it to? Where is the support? It speaks about development and support for the farming community. These are the questions that arise from the amendment that points us in the direction of the meaning of development.

Is the Government going to alter the mandate of NEDCO? Is the Government going to expand the portfolio of the ADB, which has certain shortcomings already? For NEDCO, I can tell you from experience, they will not cater for those involved in agriculture and agri-business. NEDCO has a different focus and because of their political agenda they know the focus. Why is NEDCO not involved with agri-business and agriculture? The Government has given persons land for developmental use; it has no concern with what they plant and what they do, and it has no plan for research, development, training or marketing. The Minister should be telling us about this development programme and telling us whether the produce of farmers from this two acres would be assimilated and sold on a domestic market, or whether this is also part of the CSME.

What is the relation between persons given land for food production, the National School Feeding Programme and the hotel and tourism sector? There is an integrated approach to this matter. This is what development means. It cannot mean giving a person a chit of paper and tell them two acres and find it somewhere in the bushes and do what you want. Do you know what will happen? Without the support some of this land might go under the cultivation of other crops. We might get other crops being cultivated because there is market, demand and there might be profit. That is a risk that this Government is running. It happened in Belize. They should do some history on the distribution of sugar lands. [*Interruption*]

Sen. Sahadeo: Just a correction. I think I should correct the misinformation. I have said publicly and in many fora and platforms and to the former Caroni workers that field visits have been scheduled, beginning September, where they will be taken and their stakes identified, so that they will know the exact location. Furthermore, when it was assigned, there were maps put up, so that they know the exact location. I just thought I should correct that bit of misinformation.

Dr. Moonilal: Okay. I am happy to know that by October they will follow the map. We have the map. I imagine the former Caroni (1975) Limited workers are reading the maps and they will go and get a site visit to see the two acres of lands

and then we will know about the facilities for infrastructure, utilities and irrigation. We expect that process to take place. I also imagine that the Minister would have a greater policy framework—I am following her logic—for telling the farmers and giving direction to farmers as to what they can produce and where it will go. I wish the Minister would be kind enough to share that with the Parliament. This is the problem. We have not seen Vision 2020 for three and one-half years. Given the track record, we will not see that plan that the Minister is identifying. We will not see that plan in the near future.

What about the plan for the sugar industry? We were told, when they closed down Caroni (1975) Limited, that they were going to reduce sugar production to 75,000 tonnes. It was 34,000 tonnes in the last season; from 43,000 tonnes to 34,000 tonnes. Where is it going? Manufacturers are now crying that they do not have sugar. The Government is giving authorization to import sugar so that we can put it in our tea. That is what they are doing. The Government has wrecked the sugar industry so that we can import sugar for domestic use and manufacturers can suffer in their production process for a lack of sugar. That is the brainpower of the PNM—put up a screen at the side of the road to block two people using a weed whacker.

Let me get to amendment No. 4. Mr. Deputy Speaker, I know you have a concern with that. What I am asking the Minister to kindly do is to illustrate to this House and explain to us amendment No. 4 on what are the development plans that this amendment was meant to address. For example, whenever the workers actually see their plot of land in October or November—by Christmas, they may see the land—is to indicate to these poor souls its programme as it relates to infrastructural development for irrigation and drainage and tell us as well what steps are being taken for the production and sale of produce and prevention of praedial larceny and all the criminal activities that are related to this type of farming.

We are in a country where the Government is proud of its record on crime they are now going to have persons out there on lands afar, who may be the subject of criminal attack and who may also be at risk in their cultivation, as it relates to their crops. We have no indication of what they are putting in place, in terms of the process of production, sale and marketing. That is a problem. I must tell the Minister, because we must learn from our history. The former UNC government, in our integrated policy on food security, our plan—it is important to recite this only for the purpose of explaining to the Minister what is real development in the agricultural sector from what is hypocrisy—was to expand

Caroni (1975) Limited into food production. That is why there was a Ministry called Food Production and to get the private sector involved in food production in collaboration with the State.

When lands would be given to workers of Caroni (1975) Limited, those persons would then visit export centres. In the constituency of Oropouche, the UNC government had already identified an export centre, where farmers would know that when they plant their crops they go to the centre and get the technical support, in terms of what they are planting, marketing the local or international markets and what are the downstream industries that would stem from food production. That was the vision of the UNC as it relates to food security. If you plant lettuce or chive, you will know that that is really an industrial input to go into other products that we can export to the Caribbean centres abroad. That is the vision of the United National Congress; it was not to let loose former Caroni (1975) Limited workers on land without direction, as the Government intends to do.

That is their plan. I want to make a call on behalf of the workers, that the Government produce and publish, just as they published something in the newspapers relating to this. I thought it was the Common Entrance Examination results. It was the names of all the people who had to go to pull a lot—the ticket. It looked like Common Entrance Examination results when you saw the supplement. Just as they did this, why is the Government not brave enough to outline and spell its plan for the use of those lands by the persons who are going to receive it? The Government cannot and will not, because we are waiting. They are talking about the budget. What budget, the same budget that the Government promised to introduce MYPART and "MYLART"? Nothing has happened. Is it the same budget?

In their budget, they implement 12 to 13 per cent of what they tell you. That is the Government's performance record. It might be lower. We will not wait for any plans in the budget and certainly we will not wait for their performance.

Mr. Deputy 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.

Dr. Moonilal: It was Prof. John Spence, a former Senator and well-known expert—[*Interruption*]

Mr. Deputy Speaker: You are still on development?

Dr. Moonilal: Yes, I am on development. It was Prof. John Spence, a well-known voice in the agricultural sector who speaks a lot about agricultural reform and land use who warned us:

> "Any extensive development of Caroni Lands for agricultural activity other than the growing of sugar cane should not be contemplated without a similar detailed study. There seems to be the belief that one only needs to give out land and hey presto! a diversified agricultural sector will arise. Nothing can be further from reality."

This is the voice of Prof. John Spence, who knows a lot about agricultural reform and programmes to pursue a food security policy. The Government must take that warning, because they have destroyed Caroni (1975) Limited. They have destroyed the agricultural sector. Eventually you will be importing everything that you are eating in this country. They have allowed food prices to go sky high and then boast about increasing minimum wage. We are warning them that this process, without proper planning, will take us backward and not forward. While they want to distribute lands quickly to appear that they are keeping a promise, two acres of land for persons who are not employed. The Government has removed them. They have been retrenched from full-time, permanent employment. Two acres of land, for a family that has lost all sources of income, is certainly not sufficient.

It is reducing people to a dependency on the State, so that they will have a small piece and they plant and go on the roadway—subsistence. Those persons need to be organized into some type of cooperative activity. You can think of Mondragon and other places in the world where they have done this. They have taken agricultural lands and given them to farmers and created cooperatives. It is an old term, but there are new versions of this type of development. You mobilize persons with land for real development in the context of open markets and trade. The Minister will be well advised to bring a plan that speaks to this issue.

Mr. Deputy Speaker, I want to touch very briefly on the matter, as it relates to the Third Schedule. There are several areas and I am particularly looking at areas like Exchange, Esperanza, Mc Bean, Picton Extension and parts of Felicity, where lands have been under cane cultivation and where certain sections in these areas have been earmarked to remain for cane cultivation and the farming communities. This Government told the country that when they close down Caroni (1975) Limited, the farming community will expand. Today, the cane-farming community has

almost crashed. They are talking about giving out lots in these areas and there is no indication as to where the lands are to be for the use of cultivation of the canes or agriculture. There is no indication. When they are doing that—I want to touch on an important matter—and making this type of hypocrisy, do you know what they are doing in another part of the country on lands that are currently being used by farmers for the cultivation of sugar cane?

They are now extending the Solomon Hochoy Highway from Golconda, through Penal/Debe to Siparia and eventually to Point Fortin. They are going through a company that is well connected to the PNM, Trintoplan Consultants. They are going on the lands of farmers who already have their canes under cultivation, trespassing, destroying crops and doing surveys without permission or authorization. In those areas in farming communities persons come out their house in the morning and see all types of strange characters in their backyard indicating that they have come to picket and survey the land, which is under agricultural use. These are lands for the cultivation of sugar cane.

They are now trespassing without communication, informing the residents of any dialogue. They did it in deep South and they are doing it in Oropouche. The residents had to go to Orange Grove and protest, a few days ago, at the head office of Trintoplan because this Government will treat human beings as animals. They will treat the people: farmers and residents in Oropouche and elsewhere, as if they are not human beings. Imagine farmers would have their children going out in the morning in the garden and see strange people coming on the land with all types of suits, indicating that they are from Trintoplan. How would they know that they are from Trintoplan? They could be bandits, criminals, murderers and kidnappers or friends of the PNM.

This is the point I am making related to this amendment because the amendment deals with the issue of distribution of land. They have not consulted with the wider community on these proposals. We heard from the Minister that there are proposals now for land use, but who have they consulted with? If we did not ask the question in Parliament the Minister would not have told us. This is the same approach they are using with the extension of the highway. They will not consult with the residents and communities. Let me end this point by saying that the Government has a horrible record, as it relates to consulting with communities and residents when they endeavour to do any programmes and development plans.

We spoke about the land distribution use and the absence of planning. The Minister has responded. All we can say at this point is that it is our hope that this Minister will cease parading up and down the country and putting colour ads in

the newspapers and explain to the workers who are receiving these lands, what are the processes downstream, what will happen down the road; whether they will be abandoned on land without support or any type of research and development and which agency. It is very important, because they have changed somewhat the shift of the Estate Management Business Development Company. Which agency will be providing support to the Government?

Mr. Deputy Speaker, I thank you.

Mrs. Robinson-Regis: Mr. Deputy Speaker, I do not know if the Member for Oropouche is on the campaign trail, by making so many erroneous statements about what is happening with regard to the lands at Caroni (1975) Limited, in circumstances where, as he is well aware, this matter went to a Select Committee of the Senate and many of the amendments that were in fact approved came from that select committee, which included members from the party of which he hopes to become the deputy political leader, or assistant deputy political leader, quite dependent on what the Member for Couva North has to say. [*Interruption*] [*Mr. Ganga Singh stands*]

No, I will not give way.

What I think is hurting those on the other side is that they came to this Parliament and indicated that nothing would ever come of the plan for Caroni (1975) Limited. They came in circumstances where—when their plan for Caroni (1975) Limited was to close down the industry without more, without giving anything to the workers—we on this side have proceeded to do exactly what we said we would: an enhanced VSEP with land for agriculture and with land for residential purposes. That, apparently, is hurting them.

Quite to the contrary, the land distribution plan has been sanctioned by the Ministry of Planning and Development. In fact, in circumstances where there has not been a national physical development plan in Trinidad and Tobago for quite some time, the Ministry of Planning and Development has advertised for a national physical development plan to be done for the entire Trinidad and Tobago.

In circumstances where we wanted to ensure that the Caroni (1975) Limited workers were in fact taken care of, as we said we would, the Ministry of Planning and Development, through the Town and Country Planning Division, looked at the lands that belonged to Caroni (1975) Limited and examined with the Ministry of Agriculture, Land and Marine Resources the class of lands and the type of

soils, so that the land that has been allocated has been properly examined and has been graded in terms of agricultural lands and in terms of residential lands and the allocation is also in terms of commercial lands, industrial, heavy industrial and light industrial. If the Member for Oropouche had examined the report of the select committee, he would have seen that that plan had been laid with that report.

Additionally, Mr. Deputy Speaker—[*Interruption*]

Mr. Deputy Speaker: Hon. Member, just to keep things in a nice, organized manner, I could sense that you are replying, to some extent, to the Member for Oropouche. When you are doing it, would you please, so that we keep it, indicate what you are doing so that—relate it to this.

Mrs. Robinson-Regis: The Member for Oropouche dealt with the amendment to clause 10, which talked about—I will read it.

"Delete and substitute the following:

10.(1) Notwithstanding the State Lands Act, the Manager shall be responsible for—

(a) the development of—

(i) the real estate undertakings…

(ii) the real estate undertakings for commercial and industrial use,…

(iii) the management of the real estate undertakings..."

I am sure that you are aware that the Member for Oropouche talked about all the issues I am raising under clause 10 and I am responding to those issues. Thank you very much.

The Member for Oropouche talked about the need for having farmers know what kind of produce they should grow on the two acres that they are having. As has been said very clearly, in all the colour ads that were put in the newspaper, the workers have been trained in other agricultural areas other than sugar cane production. They have been trained in other forms of produce and the land that they have been given, relates to the kind of training they have received, so that when they do agricultural produce, they are well trained for whichever type of produce they will be farming.

Additionally, during the period 1996 to 2001, farmers from Trinidad and Tobago were excluded from the Caricom Market, because of the mealy bug infestation and the froghopper, which those on the other side failed to ensure was controlled. As a consequence of that, farmers could no longer export to Caricom

or extra Caricom. It is only when this administration came into office that we ensured that the markets were opened and as a consequence of that, we now have farmers exporting to those markets, Caricom and extra Caricom.

Additionally, the farmers now have a set relationship with the National School Feeding Programme. Several of them farm produce for the National School Feeding Programme, which has expanded by quantum leaps, as compared to when those on the other side were in government.

I would also like to indicate that NAMDEVCO and the ADB, especially NAMDEVCO, has changed its focus. There is a strategic plan for NAMDEVCO and they have been working with the farmers and the proposed farmers on ensuring that export is a major part of the farmers' produce.

I would also like to make the point in response to the Member for Oropouche that again, he is probably extremely upset over the swift move by the PNM Government in continuing the extension of the Solomon Hochoy Highway from Golconda to Debe in the first instance. Also, one gets the impression that his action does not fit into his false concept of discrimination, where they have been trying to tell people up and down the country that the PNM does not care for them in circumstances where we are expanding the highway and ensuring that we are opening up the entire country of Trinidad and Tobago.

In circumstances where the Member for Oropouche has been trying to mislead this House and, by extension, the people of Trinidad and Tobago, I rise to support the proposed amendments and to put paid to some of the misinformation that he has extended to this House. I thank you.

Mr. Deputy Speaker: Hon. Member, did I hear you beg to move?

Hon. Member: "Yeah".

Hon. Member: No, no.

Mr. Deputy Speaker: [*Interruption*] That is not correct. Any Minister can. [*Interruption*] That is why I asked.

Mrs. Robinson-Regis: Yes, Mr. Deputy Speaker, I did beg to move.

Mr. Partap: It "doh" work so!

Mrs. Robinson-Regis: How it "doh" work so? I am a Minister, I can move it.

Mr. Deputy Speaker: Hon. Members.

Question put and agreed to.

Mr. Singh: That is why politicians are in disrepute.

SUMMARY COURTS (SERVICE OF SUMMONS)

(FAMILY COURT) ORDER

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

Whereas it is provided by section 47(1) of the Summary Courts Act, that every summons shall be served by an authorized officer:

And whereas it is provided inter alia by section 47(3) of the said Act, that "authorized officer" means any person whom the Minister may by Order, subject to affirmative resolution of Parliament authorize for the purposes of this section:

And whereas the Summary Courts (Service of Summons) (Family Court) Order has been made under section 47(3) of the said Act:

Be it resolved that this House do now approve the Summary Courts (Service of Summons) (Family Court) Order, 2005.

Mr. Deputy Speaker, the purpose of this Motion is straightforward. Members would recall that the pilot project for the establishment of the Family Court was launched some time ago, after appropriate legislation was passed by both Houses and giving basis to the project. The Family Court pilot project has proved to be a resounding success. All of us would easily appreciate the attempt which is made in the new scheme of things to move away from a situation of "winner take all", which is the philosophy which applies with respect to divorce proceedings in the courts at present. The pilot project is premised on the ideal of alternative dispute resolutions. The principles which govern the operation of the court are that of attempting to have families work out their differences when they are in crisis.

The project has come up against a certain unforeseen difficulty, which is this, the difficulty lies in the service of the summons. Summonses, at the present time, according to the law, are all to be served by police officers. The result of that is given the very heavy workload of police officers in the ordinary scheme of things, it actually meant an increasing amount of work for these police officers, taking them away from what we would want to regard as their core functions. The Order before us is really designed to empower marshals, deputy marshals, second deputy marshals and bailiffs in the employ of the State to be authorized officers for the purpose of serving summonses in respect of the matters in the magisterial district/jurisdiction of the Family Court. That is a simple outline of what the problem is and it is for this reason that this Motion is put for the consideration of this House. I beg to move.

Question proposed.

Mr. Subhas Panday (*Princes Town*): It is indeed true that section 47(1) of the Summary Courts Act states that every summons shall be served by an officer to whom it is directed, by delivering a copy of same personally or in such case where the person cannot be found, by leaving the copy with someone at his last known place of abode. It goes on to say that the only officers who can serve such summonses are police constables and transport officers.

The Order which is before us says that the marshal, deputy marshal, second deputy marshal and bailiffs in the employ of the State are authorized officers for the purpose of serving summonses in respect of matters in magisterial jurisdiction of the Family Court.

One asks the question: Is this Order particularly for the pilot court? If that is so, then the Order is saying "for any jurisdiction of the Family Court in Trinidad and Tobago". As it stands now, the marshals, deputy marshals and second deputy marshals of the High Court can serve summonses. In the low court of the magisterial court, the bailiffs serve summonses only for petty civil matters. Are we opening the system, where in the magisterial district we are allowing bailiffs in that area, outside the Family Court project, to serve summonses in relation to family matters? [*Interruption*] Is it only for the pilot project? Okay, if that is so, then who can understand that the pilot project is a composite court, where there will be judges sitting together with magistrates. If it relates to that, we have no problem.

Mr. Singh: Is he winding up the debate?

Mr. S. Panday: I do not know if he is winding up the debate because the PNM does not usually allow the—to wind up the debate. I want to take this opportunity to apologize to the hon. Minister, Christine Sahadeo, for the way she has been treated by this Government where she was not permitted to close the debate which she proposed.

We were asking the question about the pilot court. That is how they treat ladies. The pilot project of the Family Court has been a pilot project for over two years. How has it been working? If it has been working well, why not make it a permanent family court? If it is a permanent family court, why not extend it to other parts of Trinidad and Tobago?

The trend in the administration of justice at this point in time is that we are trying to expedite matters by allowing other persons to serve, so that the matters can finish very quickly. It seems to me that the way we are measuring our state of administration of justice, is by the number of cases that have been concluded. That is called statistical justice. How does that match the quality of justice? This is a good move, however, there is much more to be done. For example, the same Family Court in which we are trying to have the matters expedited, that court is stymied. It cannot go forward because of the lack of certain personnel.

We talked about the case of probation officers. Not only the pilot project, but all courts in Trinidad and Tobago need more probation officers. If you take San Fernando for example, there are two or three probation officers who have to service both the High Court and the Magistrates' Court.

4.30 p.m.

Mr. Deputy Speaker, the workload is too heavy on those workers and as a result of that—although we are passing this legislation to expedite these matters—whenever a case is started and a probation officer's report is recommended, the probation officer cannot meet the deadline.

Mr. Speaker, what we are saying is, yes, we are going to support this Order. However, there is much more to be done; both in terms of probation officers and in terms of their workload. They could only produce reports. We need more counsellors, especially to see about children who are the victims of divorce proceedings.

Mr. Speaker, thank you.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, in accordance with Standing Order No. 91, I move that the House continue to sit until the completion of these matters and that the Standing Order be suspended with respect to the tea break.

Question put and agreed to.

SUMMARY COURTS (SERVICE OF SUMMONS) (FAMILY COURT) ORDER

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

Question put and agreed to.

Resolved:

That this House do now approve the Summary Courts (Service of Summons) (Family Court) Order.

COPYRIGHT (AMDT.) (NO. 2) BILL

Special Select Committee Report (Adoption)

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Mr. Deputy Speaker, thank you very much. I beg to move the following Motion standing in my name which appears on the second Supplemental Order Paper:

Be it resolved that this House adopt the Report of the Special Select Committee appointed to consider and report on a Bill entitled the "Copyright (Amdt.) (No. 2) Bill".

Mr. Deputy Speaker, the Special Select Committee which was appointed by this honourable House to deal with the Copyright (Amdt.) (No. 2) Bill had several sittings and meetings in relation to this particular Bill.

The objective of my standing before this House today is to ensure that the last report of the committee which essentially asked that the work of the committee be saved—in fact, the recommendations of this report are as follows and I quote:

"Your Committee wishes to report that it will be unable to complete its deliberations before the end of the current session.

Your Committee therefore recommends that this Bill be reintroduced into the House of Representatives in the new session and be referred to a new Committee which should be mandated to continue consideration of this matter. Your Committee further recommends that the House authorize that new Committee to adopt as part of its records the work undertaken and the written comments received by our Committee to date."

Mr. Deputy Speaker, it is very fortuitous that the committee which was chaired by the Member for Arouca South and all the Members namely: Member, Mr. Roger Boynes; Member, Mr. Hedwige Bereaux; Member, Mrs. Kamla Persad-Bissessar and Member, Miss. Gillian Lucky, agreed with the recommendations that were put forward.

Consequently, as a committee, we are requesting that these recommendations be accepted, and when the new session begins and a new committee is appointed

that the recommendations of the existing committee be referred to the new committee, and the work be saved.

Mr. Deputy Speaker, I beg to move.

Question proposed.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Mr. Deputy Speaker, thank you to those on the other side who participated and those on this side who participated.

Question put and agreed to.

Report adopted.

CHILD WELFARE LEAGUE OF TRINIDAD AND TOBAGO (INC'N) BILL

Order for second reading read.

The Minister of State in the Ministry of Community Development, Culture and Gender Affairs (Hon. Eulalie James): Mr. Deputy Speaker, I beg to move,

That a Bill for the Incorporation of the Child Welfare League of Trinidad and Tobago and matters incidental thereto, be now read a second time.

Mr. Deputy Speaker, the Child Welfare League was established in 1918 and it was first incorporated in 1949. However, because of the times that we are living in and the need to expand its business and to do more, they are now seeking incorporation of this new Bill.

The Child Welfare League has centres throughout Trinidad and Tobago and they are now in a drive to set up parenting centres where they could help single parents and other parents in the line of their duties, and because of all of this, it has now become evident that the need for this new Bill is warranted.

Having said these few words, I beg to move.

Question proposed.

Mr. Manohar Ramsaran (*Chaguanas*): Mr. Deputy Speaker, first of all, I would like to congratulate the Member for Laventille West and welcome her back to this Parliament. We do hope that she would enjoy the rest of her stay with us. [*Desk thumping*]

I had the honour to work with the Child Welfare League and they have been doing good work across Trinidad, especially in the area of helping children who are at risk. I know they have been expanding because they have now moved into

the constituency of Chaguanas. They also promised me that they would be expanding throughout Trinidad and Tobago. They are doing very important work with the community, and if this incorporation could help them, we on this side fully support this Bill. [*Desk thumping*]

The Minister of State in the Ministry of Community Development, Culture and Gender Affairs (Hon. Eulalie James): Mr. Deputy Speaker, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 12 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, as I rise to move the adjournment this evening, as Members know, this is expected to be the last sitting before the prorogation of Parliament which is scheduled for September 08, 2005. In these circumstances, I beg to move that this House do now adjourn to a date to be fixed.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.45 p.m.