

*Leave of Absence*

*Monday, December 18, 2006*

**HOUSE OF REPRESENTATIVES**

*Monday, December 18, 2006*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from Mrs. Camille Robinson-Regis (Arouca South); Dr. Adesh Nanan (Tabaquite) and Mr. Harry Partap (Nariva), all of whom have asked to be excused from today's sitting of the House. The leave which these Members seek is granted.

**ORAL ANSWERS TO QUESTIONS**

**Dr. Hamza Rafeeq** (*Caroni Central*): Mr. Speaker, in the absence of the Member for Tabaquite, he has asked me to pose the following questions.

**Forest Fires  
(Steps taken)**

**21. Dr. Hamza Rafeeq** (*Caroni Central*) on behalf of Dr. Adesh Nanan (*Tabaquite*) asked the hon. Minister of Public Utilities and the Environment:

Could the hon. Minister state:

- (a) How many hectares of forest on the Northern Range have been destroyed by fire for the years 2005—2006;
- (b) What steps have been taken to deal with the problem of forest fires and do those steps include the purchase of an airplane with firefighting capability?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I know the Minister of Public Utilities and the Environment will be here shortly; I wonder whether we can defer this item for a bit later on.

**Mr. Speaker:** We will defer the questions for later on in the proceedings.

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**DEFINITE URGENT MATTER  
LEAVE**

**Failure of Government  
(Implementation of Police Reform Acts)**

**Mrs. Kamla Persad-Bissessar** (*Siparia*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of this House of today's sitting for the purpose of discussing the following matter as a definite matter of urgent public importance, namely the failure or refusal of Government over the past 12 months to implement the package of legislation collectively referred to as the Police Reform Acts, which was passed by this Parliament with the support of the Opposition.

The matter is definite as it pertains specifically to inaction on the part of Government to implement these Acts of Parliament.

The matter is urgent because crime continues to wreak havoc on the lives of citizens and residents.

The matter is of public importance because these Acts were the subject of great debate and the continued inaction or ineffective action by Government to deal with the issue of crime undermines our national security.

**Mr. Speaker:** Hon. Members, this Motion by the hon. Member for Siparia does not qualify under this particular Standing Order and would qualify under Standing Order 11.

**STATEMENT BY MINISTER  
Arrangements for Carnival 2007**

**The Minister of Community Development, Culture and Gender Affairs** (**Sen. The Hon. Joan Yuille-Williams**): Thank you, Mr. Speaker, and thank you Members of this honourable House for the opportunity to make this statement.

When Trinidad and Tobago's Carnival first emerged, more than 100 years ago, it emerged as a creative, artistic response to prevailing social conditions. It is precisely—and indeed, Mr. Speaker, only—because of that creativity and that ability to respond to existing and changed social realities, that Carnival has been able to survive and to grow over the generations since then. Creativity, flexibility, adaptability, these are the cornerstones of the festival we know and love as our Carnival.

There are in this country today, those who—for reasons both genuine and otherwise—have apparently come to forget that fact. Today the Government of

Trinidad and Tobago reminds the national community of it. It was Dr. Hollis Liverpool, one of the foremost proponents of the calypso art-form another of our Carnival's beloved cornerstones, who, in immortalizing the national penchant to be difficult, sang that to live in this place, you have to learn to laugh.

When self-styled commentators, criticize Government in one breath for not moving fast enough to build our nation's artistes a decent Cultural Centre, but turn around in the other, and complain that Carnival cannot adapt to new surroundings while that Centre is being built, Chalkdust's words seem acutely relevant. Such persons behave as if Carnival was born in the Queen's Park Savannah, and, more to the point, that it will die if it does not remain there. In so behaving, they do themselves and our peoples' creative abilities a great disservice. None of what we today celebrate as the core of our Carnival had its origins in the Queen's Park Savannah; not the calypso, not the steel band, and certainly not the mas.

The centralization of Carnival in the north is but a recent historical development. Change, dare I say, Mr. Speaker, will not harm our celebration. Rather, the likelihood is that it will encourage it to flourish, both in the short, and equally in the long term. The national community was long informed that Carnival 2006 would be the last carnival staged in the existing facility. The Government wishes to report that during the interim period, work for Carnival 2007 continued at the two levels of: the creation of the Carnival and the management of the Carnival.

Mas makers have been preparing their presentations and information is that many of the bands are sold out and mas players are ready to play mas as indicated by the number of successful band launches that have already taken place. The calypsonians have been preparing their compositions; auditions and rehearsals have already begun at various venues. The pannists are preparing for the preliminary judging which takes place in the pan yards.

Mr. Speaker, the management of Carnival has been left to the National Carnival Commission, an implementer of government policy in keeping with the dictates of the National Carnival Commission Act, but, may I assure this honourable House, that the Minister with responsibility for culture provides guidance, oversight, and all supportive assistance.

Constant dialogue has been taking place with UDeCOTT, the state agency responsible for the construction of the new cultural facilities. However, despite UDeCOTT's best efforts, there has been some delay on the demolition of the

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existing structure and the start-up of construction. During the period of waiting the Grand Stand was allowed to be used for both public and private sector activities. However, the window of usage kept getting narrower and narrower until usage had to be stopped entirely.

Mr. Speaker, any further delay in proceeding with the demolition which is now scheduled for early next year, will set back the project significantly, incurring additional and unacceptable cost. The demolition is not a case of destruction of a facility but rather a dismantling of valuable physical structures including wooden planks, steel beams and furniture, which will be made available for building structures in communities all over the country.

This in effect is an economic and effective reuse of raw material. It will be a veritable cultural regeneration as that resource redistribution will spawn not only new and more creative artistic and cultural expressions, and in all likelihood economic benefit as well. Nothing has been lost in the Queen's Park Savannah, save and except the physical element which will be replaced by a new and improved structure even more reflective of the cultural soul of this nation and will be more efficient and more user-friendly to every artiste than before. Carnival and indeed our cultural heritage will have then come of age.

At a meeting of the National Carnival Committee involving the Chairs of the special interest groups, the following decisions were taken:

- The Jean Pierre Complex was deemed appropriate for Mas and calypso presentations including the Dimanche Gras Show.
- Mas will return to the street as the area for portrayals on Carnival Monday and Tuesday. Judging points for Carnival 2007 will be Downtown Port of Spain, Adam Smith Square, Piccadilly on the Green, and Queen's Park south, in the vicinity of the Princes Building grounds. Victoria Square will no longer be a judging point but the said facility will provide seating as well as shelter and other amenities for the viewing patrons. Mas on the streets will provide the organizers with the opportunity to address the problems articulated by masqueraders over the years, including the slow pace and the long delays.
- In terms of the Panorama Shows judging of the preliminaries will continue in the pan yards.

After considering the logistical arrangements needed for the staging of the Semi-Finals it was agreed that the event will take place at the south-western end of the Savannah. The bands will proceed along Victoria

Avenue into the Savannah in the vicinity of the Paddock and will exit on to Dundonald Street. The Finals of the Panorama competition will be held at Skinner Park, San Fernando.

The Government is ever mindful of the financial and logistical challenges that the new arrangements will cause, but we are committed to providing all that is necessary to make this possible as we assist the participants.

The calypsonians are the least affected by the new arrangements. The Calypso Fiesta Semi-Finals will continue to be held in San Fernando at Skinner Park. The Finals of the Calypso Monarch Competition remain part of the Dimanche Gras Show. This competition along with the Limbo and Extempo Competitions will be held at the Jean Pierre Complex.

The Board was informed that calypso competitors will now be required to perform only one song instead of the traditional two. It is expected that this will heighten and sharpen their competitive skills and presentations.

As Minister with the responsibility for Culture, I am satisfied that all is being done by Government in association with the relevant stakeholders, to meet the needs of the aficionados who have made life-long contributions to the development of Carnival, to their fullest satisfaction.

The Government wishes to convey its sincere gratitude to the Board of Directors of the National Carnival Commission, the competitors and special interest groups and all those involved with the Carnival, on the work that they have done in wrestling with the complexities and challenges of the situation and proposing probable solutions. We can only feel most proud and grateful of their efforts.

Let me specially thank Mr. Kenny de Silva for his yeoman service. He continues to lend support and assistance to all the work and preparations for Carnival. The Government would also like to thank all of the Chairs of the special interest groups—mas, pan and calypso, they have not let up on the work needed to make the transition a smooth one. They have not been distracted by all the other cultural activities which validly require attention, but they have devoted their energies to providing the most useful opportunities for the best possible Carnival in 2007.

I have spent the last few months listening, consulting, asking questions and paying attention to the pursuit of all that is required to make Carnival 2007 enjoyable with minimal problems. The Government remains focused and I as the Minister will continue to be so focused on the task of facilitating the most successful Carnival possible.

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Let me, again, thank all the contributors in the various aspects of Carnival, the vendors, the judges, the media, the security personnel, the sponsors and all those local, regional and international persons who have commented, shared their opinions and given us their predictions, proposals and never-ending flow of ideas. We see all these as wishing us well.

On behalf of the Government and those involved in planning for a new-style Carnival, I express our hope that the general populace will cooperate with the good intentions that abound everywhere, to make this Carnival an enjoyable one and certainly a learning experience. Let us therefore collectively embrace the change that is upon us.

I wish to thank you, Mr. Speaker and Members of this honourable House, for your kind attention. May we all have a Merry Christmas, a Happy New Year and a great Carnival 2007.

Thank you.

#### **PERSONAL EXPLANATION**

##### **Apology**

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, on Friday last when the hon. Member for Diego Martin East was speaking, I made a comment, which at the time, was intended to be in political fatigue—as they would say. However, you asked that I withdraw and I withdrew the comment. However, on reflection I realized it was in bad taste and I want to apologize to the Member for Siparia for having said that. I apologize.

#### **DEOXYRIBONUCLEIC ACID (DNA) BILL**

Bill to repeal and replace the Deoxyribonucleic Acid (DNA) Identification Act, 2000 [*The Minister of National Security*]; read the first time.

#### **BAIL (AMDT.) BILL**

Bill to amend the Bail Act, 1994 [*The Attorney General*]; read the first time.

*Motion made*, That the next stage be taken later in the proceedings. [*Hon. J. Jeremie*]

*Question put and agreed to.*

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Trade and Industries and the Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, by agreement, I think the questions are deferred for two weeks.

*The following questions stood on the Order Paper in the name of Dr. Adesh Nanan (Tabaquite):*

**Forest Fires  
(Steps taken)**

- 21.** Could the hon. Minister of Public Utilities and the Environment state:
- (a) How many hectares of forest on the Northern Range have been destroyed by fire for the years 2005—2006;
  - (b) What steps have been to deal with the problem of forest fires and do those taken steps include the purchase of an airplane with firefighting capability?

**Status of Legislations**

- 22.** Could the hon. Minister of Public Utilities and the Environment advise:
- (a) On the status of the following legislation:
    - i. the Beverage Container Bill;
    - ii. the Air Pollution Rules;
    - iii. the Water Pollution Rules;
    - iv. the Oil and Hazardous Waste Rules; and
  - (b) Identify the timeframe for introduction in Parliament?

*Questions, by leave, deferred.*

**HERITAGE AND STABILISATION FUND (NO. 2) BILL**

[Fifth Day]

*Order read for resuming adjourned debate on question [November 10, 2006]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Manohar Ramsaran (Chaguanas):** Thank you very much, Mr. Speaker. I want to thank you for allowing me to enter this debate, notwithstanding the lateness. This debate has been continuing for a long time. However, if I did not, I

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would have believed that I would have assisted in squandering our heritage; the heritage that should be for the future generations of our young citizens of Trinidad and Tobago and those to come.

Why this Bill is before this House by now is well known. I remember as if it was yesterday—2000 to be exact—when the then Minister of Finance announced, due to the expected increase in revenue, that there should be the establishment of a Revenue Stabilisation Fund, where of course, money should be stashed away for future use.

The Member for Diego Martin West, when he participated in this debate, went on to chastise the former administration about every possible act that he imagined was corrupt. Despite the fact that he has been a Cabinet Minister for the last five years, he still comes to this Parliament and accuses persons, without any shred of evidence, those who are in the Parliament and those who are outside.

All I wish to say at this juncture, is that if the authorities have any information to convict anyone, seeing what I am reading in the newspapers, I say openly this afternoon, arrest them and stop coming to this Parliament, because I believe these accusations that we make without any evidence are not helping Trinidad and Tobago as far as the Perception of Corruption Index is concerned.

When we say these things without any evidence just to gain political points, it is recorded and our value as a nation is becoming worse and worse. I say once more, you have evidence, do what you have to do; what you think is proper and let us move the country forward without this. I do not think we need this at this time; we have things in place; Anti-corruption Bureau and whatever we have. We have to stop coming here and making these suggestions and accusations that will only destroy Trinidad and Tobago and our heritage.

When one examines the quantum of money spent since this Government is in office—in excess of \$140 billion, the last count—the average family would have seen no benefits coming their way. All they would talk about is the neglect of basic needs. There is a problem in Trinidad and Tobago where the basic needs are not being looked at; are not being kept and promises are not kept and we keep looking at the large projects which are not helping the poor man—so to speak—on the streets.

With so much money being squandered and none of the heritage promised us has so far been delivered, I speak of course of the skyline projects in Port of Spain. When I drove pass Wrightson Road recently I saw project completion date March 2005, but yet nobody will come here and tell us why the delay. This is



what has been happening all across; no delivery of promises that were made to us in budgets gone.

We look at the Scarborough hospital, which I do not know what the people of Tobago are thinking about this hospital project. I remember when we were in government and certain attempts were made to start that project, the Opposition would come and make so much noise in this House that you believe when they get into office that it will be hospital for Tobago. What has been happening since? Nothing! And the people of Tobago are waiting with bated breath for their hospital, and I ask them that please, do not hold your breath too long, because I know this Government; its track record is one of non-delivery—and I say it bold without any apology.

We had the question of the Chaguanas health facility. I remember coming to this Parliament at least three times with questions; with Motions on the Adjournment, asking the hon. Minister of Health when this promise of a health facility will be delivered to Chaguanas and every time I would get a starting date and nothing has happened. Even today as we speak and I know the other date of starting this facility has passed and when you talk to the Minister we hear that there are certain problems and we cannot yet start the Chaguanas health facility.

I am asking the Government once more, our heritage; our Revenue Stabilisation Fund; our revenue that we collect today, must be spent and not only promises. Because I sometimes sit and wonder when these things are budgeted and we talk about a surplus at the end of the year, what is happening with the money that was voted for these facilities? Has the money been spent? Or is it somewhere sitting, because the people are waiting. I made the point more than once that Chaguanas is in need of a health facility. The hon. Prime Minister spoke to me once after another debate when I mentioned the Chaguanas health facility and he agreed with me then, that Chaguanas is growing and we need a much bigger facility. I am still waiting.

As we move on; the Brian Lara Stadium is another—in my mind—disaster. I have asked a question in this Parliament more than a year ago; it lapsed when the last term of Parliament ended and up to this date that answer has not come to the Parliament. I was just asking about what is taking place with the Brian Lara stadium? Have there been cost overruns? What is the delay? When will it be delivered? Would it have been used for Cricket World Cup 2007? If you take so long to answer a question, no wonder we will not get the Brian Lara Stadium in time for anything. Maybe a tsunami might be here before the completion of that facility.

We talk about the small man; I recently spent a few days in New York and decided to compare the cost of living in the United States, which is quite high at

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this time with that in Trinidad and Tobago. I looked at the lowly paid worker who you could compare with URP or CEPEP with that kind of salary to take home. Maybe the minimum wage will give them about \$800 per fortnight and in Trinidad and Tobago the URP worker receives \$576. When I look at what this person could buy with that sum of money, it is amazing. For example, in New York onion is 39 cents a pound; Trinidad and Tobago, \$2 a pound. When you look at the end of it, potatoes, 29 cents and cheaper in New York; \$3 in Trinidad and Tobago; dollar for dollar. At least when a person from New York or North America receives a salary, you bet your bottom dollar he could feed himself for that particular period. In Trinidad and Tobago, when we look at it, I wonder how these people with inflation as it is, with \$576 per fortnight would feed themselves and their families.

I wonder with the cost of living; chicken today—and I called this morning—frozen chicken, \$10.99 per pound; live chicken, \$5 per pound. When you look at this accumulating into a basic bag with tomatoes, \$10 a pound; garlic, \$5 a pound and we could go on. When you compare it, how could these people survive? I want to let the hon. Prime Minister know that despite the fact that he talked about the unemployment figure has dropped and it is now 5 per cent and he got applause; he said that when it reaches 5 per cent it will be full employment. I want to remind the Prime Minister that even in slavery—I might be borrowing somebody else phrase—there was full employment and that is happening today in Trinidad and Tobago. When you look at the wages that our people are receiving, especially those that—

**2.00 p.m.**

**Mr. Manning:** Thank you very much, Mr. Speaker and I thank the hon. Member for Chaguanas for giving way. Are you suggesting that the conditions operating in the labour market today are equivalent to the conditions that existed during the times of slavery? Are you suggesting that? [*Interruption*]

**Mr. Speaker:** Order!

**Mr. M. Ramsaran:** Mr. Speaker, I was making the point that I got a visit from some people from the Laventille area who came to talk to me recently, when they talked to me then I really realized that this question of full employment is but to fool the nation. They told me that they cannot remember when last they worked for a decent salary, something to take home. Of the five persons who were in my office, two told me they had nothing to eat for the day, they had no breakfast and this is what is taking place—yes, there is URP floating around but unless you do not belong to a certain party you cannot get URP employment. Also, they claimed that the money that is allocated to URP is not being spent in a way that will reach the people on

the ground; it is intercepted somewhere, some place and these people, when they asked me, what could we do, we have to get money to eat and to survive?

If a country cannot feed itself, and I have been saying this all along, Mr. Speaker. Whenever we get up to speak in this Parliament—and you read in the papers recently “SOS for food”. Mr. Speaker, could you believe Trinidad and Tobago sending an SOS to Caricom asking for cheap food. Let us think about this carefully, let us understand— [*Interruption*]

**Mr. Manning:** Who sent the SOS?

**Mr. M. Ramsaran:**—“Government to Caricom—we need cheap food” and of course the Minister of Trade went on to announce some measures and I have them right in front of me.

**Mr. Singh:** Guyanese food.

**Mr. M. Ramsaran:** Mr. Speaker, before we go into details, I remember going to Guyana—and I said it previously and I will say it again—in the late '60s and 1970s to play cricket and when I went there, there were no imports. Imports were banned [*Interruption*] there were no chickens in the market; chicken was something that you had to smuggle into Guyana; apples, grapes, what have you. Now we have come full circle when we could ask Guyana to supply Trinidad and Tobago with chicken.

When we look at the whole question of heritage, of revenue stabilization and we cannot provide for our country, where is the heritage? I cannot believe I would have lived after I experienced those days in the '60s and '70s where chicken was something you would dream about in Guyana, now to come full circle that we have to depend on Guyana for chicken for Trinidad and Tobago. And, Mr. Speaker, another untruth; the Minister said that he is looking at Guyana and Belize and he is going to reduce the surcharge of 40 per cent and the duty. Let me correct it for the record, that imports from Caricom countries we do not pay duty nor do we pay import surcharge. So that is a total untruth and to talk about it is misleading the nation, and our Prime Minister said it last when he spoke. When we in the Parliament speak things we want people out there to believe us and when we feed them with the untruths they believe. Let us, let the people know that yes, if you bring it from extra Caricom you have the authority to reduce, or get in touch with the Caricom and remove surcharge and remove duty.

As it stands today, Mr. Speaker, there is no surcharge, there is no import duty. And when we add to that and hear more untruths being peddled, we wonder. I

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want to recommend to this Government that rather than “SOSing” our Caricom neighbours for cheap food why do we not do that home? Why do we not do that in Trinidad and Tobago? [*Interruption*]

**Mr. Speaker:** I think you said that point which is not quite relevant to what is before us, so could you move on please.

**Mr. M. Ramsaran:** Mr. Speaker, sometimes I wonder, I sat here and listened and I have the *Hansard* to support, where our dear Prime Minister attacked our leader of the Congress of the People about certain things, I do not want to go into it but I will move on; I will listen to you.

**Mr. Speaker:** I do not think—

**Mr. M. Ramsaran:** I will listen to you.

**Mr. Speaker:** Okay.

**Mr. M. Ramsaran:** But the fact is that it is our heritage and our Revenue Stabilisation Fund that we are talking about. We are talking about the future of Trinidad and Tobago. I would want to be the first to help the Government into reducing food bills; I talked about it all over and if we cannot feed our people now what is the use of a heritage? If we cannot live and if we cannot survive what is the use of a heritage? What is the use of the future of Trinidad and Tobago, if we die by the bullet, we die by the sword, we die all over the country like—Mr. Speaker, I do not know a word to compare—chicken and then we come here and talk about our future and our heritage? We got to fix it now before we think about our heritage and without our future this is what we have to talk.

So when I am talking about food I would love our country to get it right and let us reduce the duty on feed for poultry and when we do that our heritage will be well taken care of. We would not have to go to other countries and say “SOS send food for us”. I see the Prime Minister laughing, but this is not, to me, a joke [*Interruption*] because we need to put the country right because we, as adults, if we want to take care of our heritage we have to do that. As we go on and we talk about heritage, even in today's paper now, Mr. Speaker, “Shortage hits Guyana” “Chicken shortage in Guyana” and the article went on to talk about, they cannot see Guyana recovering in the short term in the production of chicken for their own country, how could we get it here.

Mr. Speaker, I just touch on that to show what is taking place [*Interruption*] and when I listen to the Prime Minister and I mentioned that in slavery days there was full employment; I mean everybody was at work. I am not comparing the

conditions. I dare not! But the fact is that when we have people receiving \$560 per fortnight and facing today's world, I shudder. What is happening? How could they manage? When I look at the inflation and my own arithmetic, I started in 2001 with their figures, and my calculation was that—and this is only in the inflation as reported, 10 per cent this year, it would mean, Mr. Speaker—from 2002 to now, \$1 then what that could have purchased in 2001 you would need \$1.60 at least in today's market to buy or the buying power of that dollar. It could be more, because when you look at property, look at houses, look at land and you see it has doubled, it has tripled and it has quadrupled, I understand that our heritage is being squandered. I, as a parent, would want to know what of our children, how could they afford houses in open market and we talk about heritage.

Mr. Speaker, I also heard during this debate the talk about moving to 2020; getting things right, putting things in place for them. I was reading an article recently and want to just quote with your permission:

And as Europe entered the 20th century scientific discoveries came in quick succession; industrialization and urbanization proceeded apace, communications were greatly improved; public education spread far afield and old traditions crumbled under the blows of technological progress.

So here we are in this century and you could paraphrase that to mean this century. What I am assuming, Mr. Speaker, is that we are living in a dream. Everything would have happened to guide us, but yet, this Government and the country believe that Trinidad and Tobago is the start of everything. That is not so, Mr. Speaker. We must learn from our neighbours, or the countries that developed before us to see what they went through and we should not repeat.

I am making these quick points to show that this Government is about trying to hoodwink the population in that they care. They are delivering mass transit rail for the future generations of Trinidad and Tobago; for our heritage, but what is happening now? Between now and then, Mr. Prime Minister? Mr. Speaker, through you, what would our commuters suffer? How will they continue to reach to Port of Spain, to Chaguanas or elsewhere? The traffic jams sometimes now take two to three hours. Would we just sit and wait and say, okay, transit rail is coming in 2015 and we will be okay by then? But in the mean time what is happening? I always when I speak in this Parliament—not only criticize but to make recommendations and maybe I want to repeat some of the recommendations I made to the hon. Minister of Works and Transport and I will say publicly this evening, Mr. Speaker. I wrote the Minister of Works and Transport about two or three years ago, Minister Franklin Khan was the

former Minister and I wrote to him suggesting that we have a park and ride kind of concept and I offered to have negotiations with the Minister and the Divali Nagar owners to see if we could park cars there and offer public transport into Port of Spain and Chaguanas. The Minister, to be fair to him, he responded and said it was a good idea and he will look at it.

Now when we see a third lane—and this is another recommendation—on the Uriah Butler into Churchill Roosevelt into Port of Spain, I would recommend that we use it as a sort of priority route as the bus route is being used. So we could encourage public transport, maxis and buses and so on to use that third lane on the left. But what we are doing today is making three lanes and everybody fighting for three lanes and going nowhere, and going nowhere slowly. If we use that third lane on the left, to say we are going to use it for public transport and as a bus route, maybe that would help, maybe between the hours of 6 a.m. and 10 a.m. and maybe equal time in the afternoon. So you are going to have the people who will be encouraged to use public transport, will be encouraged to use maxi-taxis and so on and they will reach home quicker. I want to say that even the private car owners who drive to Port of Spain, they have assured me time and time again if public transport is reliable they will use that, but we are not offering any incentive; we are not giving them anything to believe that they could talk about.

I heard the Prime Minister, and again, this is about our heritage; what are we going to leave for our future generations? And he is talking about a new Constitution and I hear him say that the Opposition is not supporting him with his new Constitution. And again, reading recently, Mr. Speaker, I came up with this; the Prime Minister said he was not getting Opposition's support in his purpose. I want to answer him, this country needs safety; we need affordable food; we need quality education; we need support for the disabled and we need reliable transport system, not necessarily a Constitution at this time. Our priorities are wrong. We have people out there who are suffering daily and we keep talking about this sort of squandermania continuing.

When you look at the country as a whole and I would like to talk about the constituency of Chaguanas a bit, to zero in on what is happening at the macro level and how it affects a constituency, and I could choose my own to talk about [*Interruption*] the squandermania and let me start to show the neglect. We are moving forward; we talk about involving people; we hear all kind of talk about people centered, what are we going to do and all that, Mr. Speaker. And when we talk about leaving our heritage for our children; I do not want to concentrate on

heritage because my friend from St. Joseph talked about the entire Bill and how it should be corrected and so on, and I commend him for his guidance there, [*Desk thumping*] so I would not go there.

I want to just come back to you and show how I believe the heritage for Chaguanas is not being looked after by the authorities today. When we were in Government; the last administration, a library for Chaguanas was approved by the Parliament of Trinidad and Tobago in the 2001 budget, to leave a heritage for our young people. We have many young people in Trinidad and Tobago living in Chaguanas; [*Interruption*] we have now, six secondary schools in the constituency; the education force, so to speak, is growing, and the library was established and the site was approved; it was paid for by the Government of the day. And, Mr. Speaker, I asked the hon. Minister responsible for NALIS, the Hon. Dr. Lenny Saith—Chaguanas boy, in 2005—about the library in Chaguanas and his answer was, at this time he does not see a need for a library in Chaguanas. And this is something I feel worried about.

I remember the hon. Prime Minister, in his first response to the then Heritage and Stabilization Fund, talked about let us spend the money. I would not be so reckless to do that, but I would want to say that with the 40 per cent being ploughed back into the Consolidated Fund that certain development programmes be made to deal with the future of our country. When you talk about heritage you have to be serious about heritage because we cannot just come here in one voice and talk about heritage and what are we leaving for our children and on the other hand you neglect a library.

Mr. Speaker, there is another question of farmers in central Trinidad and again, I want to speak about my constituency because I know about it, but it happens nationally, it happens all over. When you look at the carelessness in Chaguanas—and I wrote the hon. Prime Minister asking him, how could 2,000 acres of lands be given to one owner and I asked for an investigation. I said it again and again how could this happen? Why would this happen? We have an agricultural area in central Trinidad which could produce enough small crops to feed Trinidad and Tobago, but you neglect them and there is no process. I would stop speaking when somebody could get up in the Parliament and speak to me, the truth that, yes there was a tendering procedure, this has happened, the land has been given so many years, and who that land was given to so we could know how to move and move on.

Those people from the area complain to me on a daily basis of their whole heritage now has been blocked off. When we believe that village could have

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expanded to improve the agricultural space in Trinidad and Tobago that has not happened. Caroni lands have been given willy-nilly to people without any sort of transparency and I will keep saying that in this Parliament, as I believe something is wrong there. And the Minister himself admitted that I am angry because some chairman of some party group from the Government side got the land and I am jealous. I am not! Two thousand acres to be given to one person when there are hundreds of farmers cannot be right.

Mr. Speaker, when you look at the whole question of farming in Trinidad and Tobago, our heritage, our future and we have to SOS for food, let us get the agriculture sector right; let us look at it. If we have short term crops in this country, in three months, six months or one year we could put food on the table, and I keep saying that if a country cannot feed itself we are in trouble. I am not against the whole question of technology or of industrialization, I am not against that but you cannot do it at the expense of agriculture. When you talk about heritage, Mr. Speaker, you got to feed yourselves first. And I say if that \$560 that the URP people receive they could go to the market and get their basic food at a cheap price, maybe the criminal activities in this country would stop. Because you hear the old saying, an empty stomach could make you do strange things, because if you are hungry you are looking for food to eat, you want to survive. *[Interruption]* “A hungry man is an angry man.”

So, Mr. Speaker, we have to look at our heritage, we talk about heritage and we are talking about a fund to secure our future. Let us start now! The future begins today and if we cannot do it right today we can never do it right tomorrow. And when I talk about that, there is this question of heritage, when I was doing some research for this debate I came across this paragraph and I want to share and compare—even the Prime Minister talked about conditions under slavery. I am not going so far back and I want to quote from this document that was submitted by Mr. Claude Reid from the Sugar Welfare League.

It was during 1947 when several commissions of enquiry were held regarding the development of and the productivity in the sugar industry of the then colony Trinidad and Tobago. One of these commissions, the Salisbury Commission recommended that one of the elements needed to improve productivity was improving housing conditions for sugar workers. 1947, Mr. Speaker.

In this light and as a pilot programme two parcels of land, Kumar Village, Williamsville in south and Frederick Settlement, Caroni in north were donated for housing purposes by Usine Ste. Madeline and Caroni Limited...

**Mr. Singh:** Tate and Lyle.



**Mr. M. Ramsaran:** respectively, to Government. These lands were then vested with the Subintendant of Crown Lands now Director of Surveys. As recommended, sugar workers and cane farmers were allocated these lots that became available. These lands were again divested or vested in the Director of Surveys.

Mr. Speaker, what happened since then? This was 1947/1948; of course, people got 25-year leases; this is now part of the constituency of Chaguanas and these people came to me around 1997 and said to me that their leases have not been renewed and they want me to do something about it. I went to the then Cabinet and presented a case for these workers and in 1998 in a Cabinet Note—if the Minister of Housing is listening—

**Mr. Singh:** He has other matters on his mind.

**Hon. Member:** You too.

**Mr. M. Ramsaran:**—9815 and I want to read what took place on April 09, 1998. Cabinet agreed that the two parcels of state lands situated at Kumar Village, Williamsville and Frederick Settlement, Caroni which are leased to sugar workers and cane farmers be transferred with effect May 15, 1998 from the State to the Sugar Industry Labour Welfare Committee (SILWC). With effect from May 15, 1998 the SILWC entered into new rental/lease arrangements with the tenants of Kumar Village and Frederick Settlement on the same terms and conditions under which building lots are currently leased to bona fide sugar workers, namely, an annual rent of \$10 becoming payable in advance on January 01, in each and every year, the first of such payments to be made on the execution of the deeds of lease. All leases being a period for 99 years.

Mr. Speaker, what has happened from then to now? I did a survey of the village and I have all the tenants, so to speak—

**Mr. Singh:** You are a hardworking MP.

**Mr. M. Ramsaran:**—recorded here and what we find is that most of these people have died, most of them and their children are now residing in the lots. Mr. Speaker, you know, this Government went in there recently and they said that if the original occupier of the lands is not there the people who are living there cannot get the leases.

**Mr. Singh:** They want war.

**Mr. M. Ramsaran:** Mr. Speaker, could you believe that! So the people who survived and who had proper wills and so on, they have received their plots but those who just—and we have to understand that sometimes people would forego

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these things but they build houses, and even worse than that, people who now sublet their lands, as we all do, and I want to say it here this evening, that good parents provide for their children and would give them a piece of land to build a house. But this was done, now they are going to break down the houses that were added. So what are they trying to tell the people in Caroni, that they have no heritage? Tate and Lyle donated these lands free of cost because they wanted the people to remain in the sugar industry, they put them near to the sugar industry. Now this Government—how many years later—50 years later would come and say you have to break down what you built.

Mr. Speaker, is this heritage? Is this keeping the land for our children? I want to ask the Minister of Housing, again, to look at this question. I have raised it on a number of occasions in this Parliament as you would know yourself. I will come here and I would talk about it from time to time and nothing would happen. I remember the last occasion a date was set to hand over leases, December 15, 2005 or was it 2004? The Member for Diego Martin East was the person who deputized for the Member for Diego Martin West and talked about when these leases would be handed out. We are still waiting, hoping and praying that this would really come to pass. Of course, so far, nothing has happened and I really believe that it is not at all fair to the people of Trinidad and Tobago, who have lived their lives; who have built Trinidad and Tobago and they expect a heritage and it is not coming.

And as we move on again in that whole question of the constituency and see how it is happening; I recently visited an area that we refer to as Bejucal in Chaguanas, and again, when we talk about Heritage and Stabilization Fund and we have a young farmer amongst many people who were held up and robbed over the last two weeks in a most horrific pattern you could find. And before I go into this one, even the Chaguanas Main Road, Christmas now, people coming and snatching your bags. A young girl spoke to me this morning, said that as she went to pay the cashier, somebody snatched her bag, her money and ran away through the crowd. When you look around, there is nobody to protect the young people, the old people and senior citizens of this country because, apparently, there are no police officers on the beat. I want to know what is happening in Trinidad and Tobago? We have \$38 billion—and again, my friend from Diego Martin Central and I visited Colombia recently and we saw the police presence there. You could feel safe, not only where we were but when you drive through the city you see them all over the place and you could see their visibility and we know the history of Colombia and what is happening there, but at least, there is that feeling of safety. What do we see in Trinidad and Tobago?

Nothing! The visibility of a police officer is absent and I want to put this one on record, because I believe this one is reckless, the person wrote me:

Dear Mr. Ramsaran,

On December 13, 2006 a robbery took place at my residence...this person is 31years old, Mr. Speaker...approximately 12.30 a.m...I would call his name...which lasted for about 40 minutes. During that robbery I was beaten and robbed by my assailants who went ahead to relieve me of the following items and equipment.

A 31 year old person, who of course, was assisted by his parents to be an agriculturalist, he has a Caroni Limited badge and he lost: One Nissan B13 Super Salon motorcar, \$35,000 which was, I understand donated by his father to him; jewelry; a Sharp stereo set; a mist blower—we, in the agricultural industry will know what a mist blower is—valued \$3,800; a Suzuki water pump valued \$4,500; \$1,000 in cash and a battery. His pick-up that he uses to go to the market, as he was about to load his pick-up at that hour in the morning to reach a wholesale area. He must leave Bejucal around 1 o'clock to reach wherever he is going to sell his produce, Mr. Speaker. *[Interruption]*

**Mr. Speaker:** Order!

**Mr. M. Ramsaran:** Without protection again! When these people go there they would have to line up in the night.

**Mr. Singh:** Where?

**Mr. M. Ramsaran:** Macoya, Port of Spain, anywhere; it is a wholesale market and be there at the mercy of anybody and we are talking about developing Trinidad and Tobago; we are talking about caring for our people and we are talking about agricultural safety net.

Mr. Speaker, if these things continue to happen, are you surprised that the prices of food would never be cheap to the future of our country; to our heritage that we are trying to create? And he continued:

At present I am very weak and experiencing a lot of pain which is hindering me from resuming my duties as a farmer. I will greatly appreciate whatever assistance that will be given to me.

Yours respectfully,

Sunil Ramoutar.

And in case people believe this is one of those letters that you read from time to time, his ID card is attached; 19750922017.

Mr. Speaker, I wrote the Commissioner of Police asking him for a meeting in the area; I wrote to him that there should be some police presence. Bejucal is about five miles from the nearest police station; whether it is Caroni, whether it is Cunupia or whether it is Chaguanas and when there is a crime in that area and now there are many crimes in that area, no police response. We asked for a police post in Charlieville [*Interruption*] for the last three years. Police visited, the Minister spoke to me on the telephone, yes, it is a good idea; I even found a property, but up to this day nothing has happened. Is this neglect or is it that the Government does not care about the citizens of Trinidad and Tobago?

As I said I went into the village—was it Thursday night or Friday night, Mr. Speaker—over the weekend, it was Saturday evening and there was a meeting of the villagers, would you believe that an agricultural village—I almost say poor but they are rich in their minds, very upright citizens—they had to purchase alarms for their houses, they had to pool their money together and when I went there they read their financial statement for me to hear; they have to buy their own sirens. Mr. Speaker, in 2006 in Trinidad and Tobago we have people now wanting to form themselves into groups—is it neighbourhood watch groups? I do not know, maybe their anger will make it another kind of group which I do not want to encourage, but the fact is that the reality must be spoken about.

These people pay taxes, Mr. Speaker, and I want to remind this Government that they believe that they are the owners of the wealth of Trinidad and Tobago. They are not! You are the facilitators; I say that all the time. People out there from Bejucal and from Trinidad and Tobago they create the wealth which you must manage. You are the people to facilitate what is taking place in this country and if you cannot look at the safety of our people which is enshrined in our Constitution then you are not governing Trinidad and Tobago properly. In 2006 people will have to buy sirens and put in their houses, people will now have to walk the road at night patrolling—men would do that for the safety of their children and wives.

Is this what we call creating a country that will improve our people so that we will have a heritage left for them? This is not so, Mr. Speaker, and I am calling on the Government, if the police service is not large enough, do something about it; billions of dollars. I was doing some mathematics recently and when I heard the cost of the Blimp, I said, if we brought motor vehicles and provided our people with the equipment on the ground we would have had solution to the crime situation in this country but instead we have this blimp floating about. And yesterday there was a Christmas treat somewhere

and I understand a Ministry of National Security helicopter brought Santa. I mean, PR cannot stop, it is getting worse by the day. The blimp will come sailing across—and I spoke recently to a person who actually got a ride in the blimp and he said, “Boy, to tell you the truth, that is a waste of time”. Waste of time and money in Trinidad and Tobago.

**2.30 p.m.**

My colleagues will tell you that when they call there the police said, I am alone here.

**Miss Lucky:** True.

**Mr. M. Ramsaran:** I am alone here in this station, I cannot leave.

**Miss Lucky:** Have no cars.

**Mr. M. Ramsaran:** So what are we doing? No personnel, no cars, no equipment, but here we are talking about developed country by 2020; we are going to make this country one when you fly in the sky you are going to see skyscrapers. You are looking at everything, but you are not putting the politics right; you are not doing it right. And if you do not deal with the people's problems, we are not governing Trinidad and Tobago as per our Constitution.

Here we have this village under attack, under siege, when you hear them speaking to me recently, you have to feel sorry for them because they are attempting to buy their own sirens; they are attempting to walk the roads to protect their wives and their children and I admired them. But at the same time is this fair to them, and I say the State is culpable and should make an effort, not only to protect Bejucal, but all the villages of Trinidad and Tobago as a top priority. Without that, there will be no future and we will not be debating any heritage for the future of our population.

Mr. Speaker, nobody could deny this. Everywhere we go in this country crimes are reported here, crimes are reported there and it is only what you read in the newspaper we know about. But hundreds of crimes are being committed in the neighbourhood of all of us on a daily basis and nobody has the guts to come in this Parliament from that side and talk about it; they bury it under the carpet. They hope that people will forget and everything will be okay, but I want to tell you out there, not only the murders are increasing, but every other conceivable crime. Mr. Speaker—

**Mr. Singh:** Like the farmers in the market.

**Mr. M. Ramsaran:**—today and I said I want to repeat it to the hon. Prime Minister, Police Reform Bills, the Government does not have the political will to

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solve crime in Trinidad and Tobago. We will give them everything they want and they would not do it; I said it a year ago and I will repeat myself today because you do not have the political will. You are flying jets all across the world; you are looking at the skyscrapers, but you are not looking at the people.

Another example of that, the Butler Highway was paved three times over the last two years. Paved, upon paved, the road has now become so high that you feel it will not flood at all. It is so high over the Caroni because of paving and paving. As you turn off, potholes galore. Back to the days of potholes; back to 1995 when you have to brakes the good part; you have to choose a pothole to go in. I wrote the Minister of Local Government which most of these roads would fall under and pointed out to him a list of the roads that I believe should be repaved or fixed or even the potholes filled. I do not believe you should spend all the money in Chaguanas, but his reply to me was to consult with the councillor. The councillor who gets \$25,000 a year, I must consult—you know that is the arrogance with which this Government would treat our heritage.

I want to just talk about crime a bit in today's *Guardian*, "Pilot pleads for wife's release." Debbie Singh-Ali, mother of two young children, kidnapped for 13 days and nothing—it is as if the Government is uncaring for these young people who are being kidnapped. Again, what are we to do?

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

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

*Question put and agreed to.*

#### PROCEDURAL MOTION

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I want to ask for the indulgence of the Member and that the House suspend debate on this matter so as to allow for the debate on the Bail (Amdt.) Bill.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

**BAIL (AMDT.) BILL**

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, I beg to move,

That a Bill to amend the Bail Act, 1994 be read second time.

The Bill is not consistent with section 5 of the Republican Constitution. For it to become law, we must enact it pursuant to section 13 of the Constitution.

Mr. Speaker, I rise in this House this afternoon on behalf of the Government to speak yet again on a matter which has engaged this House, this Government and our people with great anxiety over the past three years. But I do so this afternoon, not in a time of present crisis as we did on the last occasion, but in an atmosphere of hope. There is no spate of kidnappings which pulls the Government here to bring the Minister of National Security and the Attorney General to address you on behalf of the Government on urgent and critical national business this afternoon. That was so on the last occasion.

The Government speaks this afternoon in a context of relative calm. Since last I was here, we have managed to move kidnappings from in excess of 50 a year to the single digits, for when I last checked we had had nine for this year. We have had no bombings for this year. The Ministry of National Security has managed to pull the rate to numbers which are in single digits by a mix of legislative work and hard policing. When the Minister said on that day some two odd years ago, that the gloves had come off, he signalled a drive on the part of this Government, a resolve to do all within our power to treat with this problem, as a people.

Last year, this House agreed to enact the Bail (Amdt.) Bill into law for one year. We on this side, the Government, wished at that time to have the law enacted for two years. We argued then that one year was too short for us to see any results.

**Mrs. Persad-Bissessar:** Have not seen any.

**Sen. The Hon. J. Jeremie:** Mr. Speaker, hon. Members, we have seen results and the results we have seen have been extraordinary. I do not for one second say that the results are only the product of this one law, but the law has without doubt been a lever. The Ministry of National Security has been using a heavy hand to detect and to apprehend, and to bring before the courts, persons charged with the kidnapping offences. The Ministry has changed the landscape of Trinidad and Tobago and has saved the reputation of this country as far as kidnapping is concerned. That is not to say that we have eradicated the problem of kidnapping.

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We have not and we shall not rest until we do so. The courts have done their bit and I note with satisfaction this afternoon, the 47-year sentences passed on the accused a fortnight ago in the Permanand kidnapping.

Mr. Speaker, it is not the Bail Act alone which has enabled us to change this landscape; it is the help of our Scotland Yard allies; it is the vigilance of our own police service and our armed forces in general, and their growing confidence. It is also the vigilance and support of our own citizens who have drawn a line in the sand and are keeping eyes and ears at the ready to assist law enforcement. But it is also due to the support of every single Member in this House and in the other place who for a moment in time last year, agreed to put our differences aside to enable us to pass this legislation.

In April of this year, this Government, in fulfilment of its oath given during the crime talks, sent to the Opposition a bundle of legislation which we had agreed would be passed along with the Bail (Amdt.) Bill, not contemporaneously with the Bill, but along with the Bill as a series of measures. The bundle comprised the proposed Breathalyzer Bill; the proposed Criminal Injuries (Amdt.) Bill; the proposed Criminal Injuries Regulations; the proposed Equal Opportunity Bill; and the proposed DNA Bill, among others.

The Government waited and heard nothing from the Opposition, but this is not a time for recrimination and we lay no blame today. But, Mr. Speaker, at Cabinet, we have now passed the Criminal Injuries (Amdt.) Bill and the Regulations which support that Bill—

**Hon. Member:** In Cabinet?

**Mrs. Persad-Bissessar:** You cannot pass a Bill in Cabinet.

**Sen. The Hon. J. Jeremie:** The Bill has passed the Cabinet; [*Crosstalk*] it is now for passage, for enactment by the House. The DNA Bill, and of course the Breathalyzer Bill, which is before as we speak, a Joint Select Committee of the Houses; and this afternoon I am authorized by the House Leader to say that we shall bring all of these measures to this House along with the Equal Opportunity Bill, properly certified and properly compliant with the Constitution within 60 days. The Equal Opportunity Act has proved to be a challenge as it has not once, but twice been ruled to be unconstitutional by the courts of Trinidad and Tobago, and even as we speak the matter is on appeal to the Privy Council.

**Mrs. Persad-Bissessar:** That is why you are doing what you want.

**Sen. The Hon. J. Jeremie:** Mr. Speaker, we know that legislation alone will not solve crime, but the Bail (Amdt.) Bill has been as I have said before, a powerful



lever. Archimedes, in demonstrating to his friends, the principles of a lever told them, give me some room and I will show you how I can move the world.

Mr. Speaker, hon. Members, I urge all of you here this afternoon to give us the room we need so that we can show you how we can move Trinidad and Tobago even further.

Mr. Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

**Mrs. Kamla Persad-Bissessar** (*Siparia*): Thank you very much, Mr. Speaker. We were sitting here last Friday, I think we left around 8.00 p.m. or close to 8.00 p.m. and tempers were somewhat frayed, I want to publicly acknowledge the apology given by the Member for La Brea and to thank him to see that in this very holy season and blessed season, that good sense has prevailed. I thank you for your spirit of goodwill, Member for La Brea.

We were sitting in Parliament on Friday and we were told then, that once again the Government had failed to plan; had failed to put in place measures that they needed to put in place, and therefore, we will be convening this Parliament today, so the Government will come on the eve of the setting of the sun and this legislation. The Bail (Amdt.) Act as you would recall, we passed in this House one year ago with a sunset clause that it will expire within one year from that Act coming into force. That one year expires on December 22<sup>nd</sup>.

**Mr. Valley:** Just a correction, Mr. Speaker. The Member would know that we were sitting today in any case for the Heritage and Stabilisation Fund; the House is not convened today for the Bail (Amdt.) Bill. The Bail (Amdt.) Bill is an adjunct to the Heritage and Stabilisation Bill which was supposed to be done today in any case.

**Mrs. K. Persad-Bissessar:** In the spirit of goodwill, you know, Mr. Speaker, I hear your explanation, but we suspended all other business to deal with what, the Bail (Amdt.) Bill. So you are being facetious with due respect. You are being facetious in terms of the explanation; that you did not convene the House for this Bail (Amdt.) Bill today.

Mr. Speaker, the legislation expires on December 22, and therefore, the Government has come, again, at the last minute to rush this legislation through this House and they would probably convene the Senate this week, I do not know, before December 22. I understand the Senate said goodbye to everybody and took their Christmas recess, so when they are done here, they are now going to be calling the Senate back to say, come and do this.

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Therefore, just to start from there, the first point with respect to this Bill is that, once again Government is demonstrating its incompetence, its failure to plan ahead; to put measures in place. As far as I am aware, this is one of the first pieces of legislation with a sunset clause and that sunset clause was put in there for a reason. As the sun sets now on this, I would have appreciated the Attorney General coming to this Parliament to tell us that given the year that you had with the operation of the law, how many persons have you arrested and charged for kidnapping, and therefore, did not get bail under this legislation.

**Hon. Jeremie:** Mr. Speaker, I thought I made the point that with a mix of measures, we moved kidnapping from 50 to nine, the legislation also possesses a critical deterrent effect [*Desk thumping*] and we have had nine kidnappings for the year. In any language—it is being called the Trinidad model now—that is success.

**Mrs. K. Persad-Bissessar:** I am asking the Attorney General whether he knows how many persons have been charged and refused bail under this legislation.

**Hon. Jeremie:** I have been provided with a list from the Ministry of National Security, of that nine, two persons.

**Mrs. K. Persad-Bissessar:** Two persons what?

**Hon. Jeremie:** Two persons who have been denied bail.

**Mrs. K. Persad-Bissessar:** Denied bail?

**Hon. Jeremie:** Right, but that is of nine. We are not looking at the sort of kidnappings which we had running into 50 and 60 last year, we have had nine this year.

**Mr. Valley:** What is the percentage with that?

**Mrs. K. Persad-Bissessar:** Well, you can repeat the nine as often as you like—

**Hon. Jeremie:** We have had 80 per cent reduction.

**Mrs. K. Persad-Bissessar:** Please, you will respond, Attorney General. You have the opportunity to respond eventually, so we do not need a long speech repeating yourself, nine and nine and nine. I have asked you, you said you think it is two out of the nine have been denied bail under this legislation. I asked the question, you provided an answer that you have been given.

When we sat together in the meetings for the anti-crime talks, we had put the sunset clause in for a specific reason. The Member for St. Augustine was in that

meeting with us and we had put the sunset clause because we were all of the view sitting in that meeting, that the denial of bail, simpliciter, was a fundamental breach of a person's rights under the Constitution. Indeed, that is why this legislation requires the special majority. We had said that we will support the package of legislation, but that we had to put in place measures to ensure certain things would happen and we had therefore—one is, to make sure there is no abuse of fundamental violation of rights. We had said the package of legislation, we should make sure that there is no use of state funding in any way with respect to criminals. We must put in place measures that would be dealing with the protection of the citizens of Trinidad and Tobago that we will be putting in measures that will ensure that each person has an equal place and an equal space in Trinidad and Tobago.

Those were some of the principles underlying our agreement. And in that agreement, the main purpose of us going to those meetings had to do with the package of Police Reform Bills as they were called, the Police Reform Acts as they are now called because the Opposition gave the special support that was needed and those Acts were passed in this House.

There was a five million dollar campaign, public advertising campaign by the Government, “call your MP now; tell your MP to support the Police Reform Bills” and so on. There were meetings held all over the country by the Government and one of them in fact, I believe it was at the Maha Sabha Headquarters when you had a meeting of the PNM at which Members who are officials of Ministries attended that meeting and were speaking in that meeting. So there was an entire hype and pressure put on the Opposition to get that package of Police Reform Bills, now Police Reform Acts, through the Parliament and into the statute books of Trinidad and Tobago.

Mr. Speaker, this Bail Act that we are now seeking to amend again, it was in December last year that we were here all of us doing exactly this. We were here in December last year, amending the Bail Act to put in this one-year period for no bail to be given to kidnappers. And at that time, around the same time we passed the package of Police Bills. Now one year later after all the “ramajay”, all the publicity, all the millions spent in advertising, those Acts are on the statute books, but they have not been proclaimed. So Government took us there, we made agreements for certain things to be done; you pressured the entire population to have this legislation passed and one year later you have not proclaimed the package of Police Bills. Why? I think the nation deserves an answer.

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We were pressured; there was a hype; we must get this done and we must get it done now and one year later, nothing, no proclamation. What is happening out there? This Government is not serious about dealing with crime. The hon. Attorney General is totally correct when he says that this Bail Act of itself cannot really stop any kind of crime. He is correct and that is why the package of Police Bills which were in fact, it was a UNC initiative just before we went out of office where we had the Bills drafted, we put them out for discussions and so on. We came back here, there were things in it that we were not happy with; when we met with the Government we sorted out those things; we made amendments to them; we passed them. And one year later, you want to tell me when murders in this country have reached 353 murders and we have 352 days in the year, you have not implemented, the Police Bills. Why?

You have complaints against police officers. What has happened to the Police Complaints Act that we passed in this Parliament which is part of this package with the Bail (Amdt.) Bill? Why it is not in force? What has happened to the Constitution (Amdt.) Bill to amend the Constitution to set up the police service in a particular way, to get accountability and transparency and for the police to do their job? Why it is not proclaimed? And then you want to come to us again and say, I want your support to pass this Bail Bill, when it is when we gave you the support for others you have failed to do—this is cosmetic. This is a PR exercise to come in this Parliament on the eve of Christmas, the week of Christmas, Christmas week present.

You know if we continue in this way, Christmas week future is going to be a nightmare and so Christmas week present, murders at 353, 352 days you came and told the entire nation, Opposition is the obstacle. The Opposition is holding you back from dealing with the police force; with modernizing the police service and so on; we gave you that support and you have failed. You have failed to put the law on proclamation. Why? Tell us when are you going to do it? Tell us what is the problem when you spent a year pressuring this Opposition to give support to the Police Bills; why have you taken a further year now and you still have not proclaimed that legislation? You know what will happen, you will say give me your support, that is what you are saying. Within 60 days you are going to do all you say you would have done and it has taken a year and you have not done it. You have not done it. You had a year and you have not done it and so we have the Constitution Reform Act; we have the Police Complaints Authority Act; and then you have the Police Service Act, those three well part of this package. Where is it? So it is sitting there and it is not just those, Mr. Speaker. We see witnesses

walking out of court; we see out of 1,000 murders, only one man will pay for his crime, the other 999 walking free.

This Parliament passed the Justice Protection Act which was to deal with the protection of witnesses. You want to come and tell us it is fraud; we passed the DNA legislation, it is fraud; we passed the Equal Opportunity legislation, it is fraud; all fraud and five years later, you sat there and you have not done a thing to make them not fraud. And so today, you bring the DNA, you table the DNA, well I am not satisfied with that. That was one in the package, but there were many others, there were many, many others in the package. You mentioned them and you said that you sent them to me. I acknowledge I have received them.

The Member for Diego Martin East as he is wont to do always—as they say, “open your mouth and story jump out”—was out there long ago saying, you sent them to me and it is my fault, they sent it to the Opposition. I do not table Bills in the Parliament, I will table Bills in the Parliament when the UNC forms the next Government. I will, I will do it. But now it is your turn and you keep failing the people of Trinidad and Tobago. So to say you sent it to me, I acknowledge it, I said yes, we got it.

We held consultation on the DNA; on the Breathalyzer; on the Equal Opportunity, remember we were at Saith Park, Member for Princes Town; we said we were ready. I cannot invite myself to come and meet you. I cannot invite myself to come and say I am coming to meet the Prime Minister. So to say you sent it to us and we kept it there—the crime talks proceeded in a particular way and that way was, you sent us a package and then you made an appointment that we could come and see you and sit and talk. I do not make those appointments and I said that openly and my colleague has reminded me that the Member for San Fernando East said that is in fact the situation; right here in this Parliament. It is in *Hansard* on record, but they had not contacted us; he had not contacted us in order for us to take the talks further.

So what happens next? And to show that that is just a game, to say that it was in my hands and we did nothing, DNA is in my hand too. How come you lay this one here? How come you laid this one today and you cannot lay the Equal Opportunity legislation? You cannot lay the others there, why? Why can you not do it? You do not need us. I asked you; I asked the Member for the Diego Martin Central. Yes, I asked him, I said lay them; show your good faith and lay them. Now you tell me you want 60 more days and you are going to lay it in 60 days. Well, I do not believe you because you had over a year; a year has gone by and I

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am not prepared to take any of your false promises any more—[*Interruption*] No, you would have your turn, Sir. You will have your turn.

I am saying therefore, Mr. Speaker, this Government is not serious about dealing with crime. This amendment is a cosmetic, public relations exercise on the part of the Government to give the public a false sense of hope that the Government is performing, the Government is functioning when indeed and in fact, the total opposite is the truth. And so we look in every regard, the entire justice system is under collapse. I am saying out of 1,000 murderers, only one gets convicted out of that; 999 murderers walk free because the justice system has collapsed. And so, we have in this country a murder rate of 30 per 100,000. That is higher than Haiti and Guyana combined. Thirty per 100,000, that is 19 times the rate of England. I have said these things in Parliament here before; we are 1,600 per cent higher than the murder rate in Canada. Mr. Speaker, as I said, basic infrastructure of the system of justice is, not is anymore, has collapsed.

**3.00 p.m.**

If we look at the courts, repeatedly we come here and say that there are over 432 cases pending in the Magistrates Courts with 40 magistrates. Has anything been done? The Government knows that every year the number of cases pending in the courts outnumber the number of magistrates; put some system in place to deal with the backlog; bring in some temporary magistrates; set up some systems. You cannot have any confidence in the system of justice in this country, when you have a case in the Magistrates' Court among the 432 cases; this means that for five or 10 years that case would be pending. It would not be determined.

That is why this Bail (Amdt.) Bill is important, because you are denying a fundamental right to freedom and to liberty. Liberty could only be taken away with due process. What is due process? It is the system of justice, the administration of justice. So you are denying a person who may very well be innocent; that person may never get bail; the case would never be determined, because of the backlog both in the High Court and the Magistrates' Courts and that person would be denied his liberty for years.

As you know, Mr. Speaker, this happens now with persons on the inside who cannot afford to pay or take bail on their own, but, at least, they have the choice to raise the money somewhere. When you deny a person, when you say, "He is a kidnapper," have you become judge and jury to determine that the person you have picked up is a kidnapper?

We gave an example before when we debated this amendment. We were very, very concerned to put in the sunset clause, because we see it as a fundamental breach, a violation of the liberty of a citizen. You have persons out there in the service; there are some persons who have problems with other people, they could pick up anybody. They could pick me up; they could pick up any Member of the Opposition. They could pick up anybody and arrest them and say, "Listen, you are a kidnapper." You are judge and jury; the police are judge and jury; that person will never get bail and could be left in jail for years.

People are saying that, "Kamla and the UNC do not want to support this legislation to extend it," because we want the kidnappers to walk free; totally untrue. That is furthest from the truth. Given the rate at which the courts operate, more injustice will be caused to an innocent person than dealing with the situation to solve kidnapping. When you take that man and lock him away for years inside there—ask the Members for Ortoire/Mayaro and Port of Spain South how long their cases have been in court or when they will be determined; they go on year after year. Supposing they were not given bail, do you know what would happen? They may be innocent, but if they are not given bail, they would be locked up. This Government treats everyone who has a different view from theirs, as dotish, foolish, rubbish and nonsense, where we already have fears that there are elements in the police service that operate under the influence of officials in Government, they could send them to pick you up.

Do you know that they fired the Speaker before? With due respect, Mr. Speaker, I do not want to bring you into the debate, but if they do not like you they could have certain elements in the police service pick you up and you will not get bail. It is too dangerous a power to place in the hands of this Government. That is why we put the sunset clause; that is why we wanted to see the good faith of the Government, the bona fides of this Government. We gave them a year and we wanted them to perform and help this country and protect its citizens. The package of Police Bills was the main piece of legislation to break the back of the crime situation in this country. The Equal Opportunity Bill, which is the main piece of legislation to ensure that every citizen has an equal place and space, has not been brought one year later.

If you come from Laventille, you are discriminated against, because Laventille has the poorest citizens in the country. Up to today, if you are from Penal and you are flooded out, there is not a drop of water for you, not a grain of food. So where there are situations where you discriminate against persons, that is what the equal opportunity legislation would deal with; citizens would have a

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place to go, whether they are discriminated against by reason of race, gender or geographic location, wherever they are. Each one must have a space and a place that is equal, but the Government is not interested in that.

Mr. Speaker, with this Bail (Amdt.) Bill, you could pick up anybody and throw them in jail to rot forever. That power is far too dangerous. You are saying that Kamla wants the kidnappers to go free; no, that is not so. The existing system of justice, the law of the land, is that for every criminal offence in Trinidad and Tobago, the court has a discretion to grant or not grant bail. Do not fool people by saying, "If we do not pass this legislation, kidnappers will go free," that is not so. The court will look at the individual, so a person will have a right to make an appeal to say, "Listen, I must get bail; I have no previous record; I am not a flight risk; I am not this or that." Their bona fides would be established and their liberty would not be deprived.

Equally, the court can assess all the criteria and say, "No, I am very sorry; you cannot get bail." So to say that the kidnappers will go free if this is not passed, is totally untrue. As it does in every other offence, except murder and treason, a court of law in this land has the discretion to grant or not to grant bail. That is why this is totally cosmetic. Why do you not put in place the legislation that will really deal with crime? Why do you not give the police the technology they need? What is wrong with their cars? I understand that the majority of police cars are not functioning. Mr. Speaker, if my memory serves me right, 522 are out of commission. Then you want to say that the police are not doing their job? But you do not give them the tools or training.

I was talking to a police officer recently and he said, "We do not have training." There must be updated, ongoing training of every workforce. You do not pay them on time when they work overtime and then you treat them with disrespect and disregard, yet still you expect to make a dent in crime in the country.

I want to quote here from the *Hansard* of December 16, which is the day we dealt with this Bill. Mr. Panday had spoken in the Parliament on that day; he said:

"Having passed the law, it is necessary that we do other things. We should deal with the question of the administration of justice. We pointed out to them that, in the first place, this Bail Bill is going to be meaningless unless they so reorganize the administration of justice so they can bring people to trial within 60 days. I think the hon. Attorney General admitted that; so in order for this Bill to have meaning, we will have to do a lot



about the courts; that is the part I want to come to. The former Attorney General on our side said that there are 465,000 cases pending before the Magistrates' Courts. I found that to be unbelievable." [*Crosstalk*]

I had said that it was 432,000, at the time. I will show you the report, Attorney General. The Member for Diego Martin West did not believe it when I called the number. I got the report of the Judiciary and it is within that document.

You know, Mr. Speaker, a very interesting thing has happened. That report of the Judiciary tells you what is happening in the High Court and Magistrates' Courts; it also gives you a breakdown of estimates of expenditure that they had requested from Government and then the actual amounts. I quoted from that document where it said that the Judiciary had requested "X" dollars, but the actual amount received was "Y". The report the following year completely left out the requests; it just had actual expenditure; what they were given.

We talked about the number of cases and the backlog, but we need to talk about the infrastructure of the courts. Is the San Fernando Magistrates' Court still operating out of that—[*Interruption*] You see, despite all the deadlines and assurances. When you said that you would bring all these things in 60 days, I cannot believe you. The San Fernando City Corporation went in and looked at that building and said that it should not be used, that it was uninhabitable.

**Mr. Panday:** They are putting buckets to catch water.

**Mrs. K. Persad-Bissessar:** They are still using that courthouse down there. Courts all over the country are totally dilapidated; you are not serious about dealing with crime.

Mr. B. Panday said that then and it is now one year later and we also say that, first of all, you have to repair the courts in San Fernando and everywhere else. We have to deal with the courts. We cannot have a magistrate coming to a court which is so hot that after 12 noon or 1 o'clock it is impossible to work. In any case, they spend the first half day reading out the list of 300 cases.

Hon. Attorney General, when last did you go to a courthouse? I mean no disrespect. You may want to go and see what happens at the Magistrates' Courts. The magistrate comes in; the court is crowded and cramped; people are all over the place; the place is dilapidated. If rain falling, "yuh" getting wet and if rain not falling, it is a sweat house. You are really hot and you cannot function properly. The magistrate spends the whole part of the morning just calling cases: "Jeremie v. Bissessar." [*Interruption*]

**Hon. Jeremie:** You lost that one already; you have money for me for that. [Laughter]

**Mrs. K. Persad-Bissessar:** We have lost nothing, Sir. We will talk about that in the courts.

So we have "Rowley v. Sharma"; you call the list of cases. [Crosstalk]

**Mr. Panday:** "Licks for Sharma!"

**Mrs. K. Persad-Bissessar:** By the time that is done, it is half day and then the magistrates because of the conditions of the courts cannot sit after lunch. Hon. AG, I really would like you to go down to San Fernando and see the Magistrates' Court. You really need to deal with that.

We need to build about 20 more Magistrates' Courts. We have the money, because we are building billion dollar tsunami stadiums and mega projects all over the country, but we are not doing anything to fix the administration of justice; no wonder it is in a total state of collapse.

My colleague is asking about the High Courts. Are they functioning? No; persons are afraid to come out in the night. The country is so unsafe, nobody feels safe. So their answer is that they will not put up the night courts. While we were there we had proposed that we would begin to have night courts in order to deal with some of the backlog; that is another suggestion, and more magistrates to come in; of course, you would need more courthouses. The night courts would use the same courthouses, so you could still deal with matters, in that regard. What have you done five years later with respect to the administration of justice, hon. AG? What has your Government done? You cannot fight crime if your justice system is broken. The justice system in this country is totally broken and in a state of collapse. [Desk thumping] What are you doing?

You come here during the Christmas week to ask me to give you 60 more days, "Pass this, please; give me 60 more days and I promise you I will bring legislation"; you have made promises for five years and you have kept none of them. This Government has not kept its promises to the people of this country and, therefore, we do not believe you. When you keep your promises then we will give you the support, but as it is, we cannot support you. It is too dangerous to put that power in your hands.

The prisons are also in a state of crisis. The Member for Laventille East/Morvant could probably tell us a little more about that. The prison officers have taken legal action alleging that the prison commissioner is compromising

their authority and is, in fact, supportive of the prisoners. That is what we have been hearing; I do not know. There are reports of several pieces of homemade knives in the prison. For the first time in this country there are two Ministers of National Security and a separate Minister in charge of the National Security Council, yet we cannot seem to get any security in this country.

There are several national security advisors. I think there are about three or four of them.

**Miss Lucky:** A think tank. The tank is closed.

**Mrs. K. Persad-Bissessar:** A whole think tank, all these advisors, including former PNM ministers. [*Crosstalk*] Yes, you extended their lives when they retired and then you extended them again. I read that you extended the life of the brigadier, the same way you now want to extend the life of this Bill here. [*Crosstalk*] Nothing is wrong; Government makes policy; Government takes certain decisions. When asked why they had extended the life of the Brigadier, they said that they were pleased with his performance. How can you be pleased with his performance when we have a murder rate of 353, when we have banditry all over this country? How can you be pleased with that kind of result?

When this Government had come into power, you were given five years to do something; look at what has happened: In 2001 the number of murders was 151; in 2002, 171; in 2003, 229; in 2004, 260; 2005, 387; and in 2006, 353 and climbing. The Member said that there were only nine kidnappings for this year; I do not know what was his source of information, but from our records, as far as we know, there were 95 kidnappings. That was the information given to me, so when he repeats the figure nine, I will be very grateful if he tells us where that nine came from. [*Crosstalk*] Tell us the source of your information.

**Mr. Sharma:** Was that nine only for December?

**Hon. Jeremie:** The Ministry of National Security.

**Mrs. K. Persad-Bissessar:** You have failed to deal with crime in this country. You have failed to deal with the infrastructure in the courts; you have failed to deal with personnel; you have failed to deal with police officers; you have failed to give the police what they need to fight crime. I believe the ratio of police officers to citizens is higher, so it is not that you have a lack of personnel, but you do not give them the tools they need to properly combat the criminals.

We need to put into place something to deal with the backlog of cases in the courts. How can we lock up a man indefinitely, when he will not get justice?

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When you deny him his bail, you deny him his liberty. He will not get justice in the court, because justice delayed is justice denied. We resisted this Bill. You will recall that the Government had no sunset clause in it initially when it gave us the draft. In an effort at compromise, in the spirit of the season and goodwill last year, we gave them the special support. They do not need it from us today, because they have those on the Back Benches that will give them the support. We represent the persons who have voted for us as UNC representatives and we have a duty to the people of this country. We cannot place this dangerous power in the hand of this Government; a government that keeps breaking its promises, that failed to keep its promises and came today to make another promise, offering in 60 days to give me the legislation.

This Government has demonstrated the most dictatorial tendencies in any government of Trinidad and Tobago. It has shown an abuse of power when we see what is happening with respect to the Basdeo Panday matter. I am talking about the administration of justice and the police, which are related to this Bill and the whole anticrime package. In April of this year, evidence was given in the court before Magistrate Sherman McNicolls **Nicholls**. On the basis of that evidence, they came to speak to Mr. Panday and his wife. The police interviewed them. Everyday we hear, "The file is with the DPP; they are going to charge him." It is total harassment.

There are two things there; harassment. If you are going to charge him, charge him; that is the point. If you can put no bail on that too, I am sure you would. You would say, "Deny bail; no bail." Mr. Speaker, there is a swiftness with which justice moves in this country when it comes to one set of citizens, but when it comes to the PNM it is a totally different system of justice.

We have made complaints to the Integrity Commission for years now concerning officials of the Government. One situation happened right here in this House. When the matter of Landate was brought up in this House, I remember that I was on my legs when the Member for San Fernando East asked me to give way. He stood and said very clearly that he would put in place a commission of enquiry and that he would refer to the Integrity Commission. How long ago was that? What has happened with that? We visited the Integrity Commission on Monday. As I said, Landate was one of the matters we sent to the Integrity Commission; we have about 11 allegations; one with respect to SuperPharm; allegations with Cudjoe and Company getting contracts from Petrotrin that were in breach of the integrity laws; allegations with respect to the University of Trinidad and Tobago (UTT) and Prof. Julien.

We asked the Integrity Commission, "What has happened since these complaints came to you?" They sent us a letter which said, "Your complaints of so and so date are acknowledged." What have you done with it? What has happened with it? Where does it go? They said that they could not tell us whether a file had been referred to the DPP or not. Do you know why? They said that it was because they did not want to damage the reputation of anyone. After we visited them, we told them that if we did not get some status update with respect to these complaints, it was either the investigation was ongoing; they have completed it and referred it to the DPP or they have completed it and there is no wrongdoing; three options. They must give us a status update or we will take them to court.

That was just over a week ago. I read in the newspapers that the Landate file is with the DPP, the anticorruption and so on. So they moved quickly, in one week, after we lit a fire under them with respect to that matter; it is being investigated. Whilst we are on that point, Mr. Speaker, we made a complaint with respect to Prof. Julien and the hon. Attorney General quite rightly said that there was no wrongdoing.

**Hon. Jeremie:** I said so?

**Mrs. K. Persad-Bissessar:** It is quoted in the newspapers; if you did not say it, you have all rights to correct it. I read it in the newspaper; I do not have the article with me, but I have quoted before where you said, "No wrongdoing." But then the Anticorruption Bureau is under your portfolio and you have said that you referred it to them for investigation. [*Crosstalk*] How can you be investigating and there is no wrongdoing? You are being judge and jury in the matter.

**Hon. Jeremie:** Do you want me to stand?

**Mrs. K. Persad-Bissessar:** You became judge and jury in the matter. [*Crosstalk*] No wrongdoing, that is bad enough, but the Prime Minister also came out and defended Prof. Julien. How can himself be investigating himself and making pronouncements? When you make those pronouncements, what do you expect the employee in your Ministry to do? What is the signal you are sending to him? No wrongdoing, so why are you investigating? Send it to someone else; send it to the police. [*Crosstalk*]

**Hon. Jeremie:** Do you want an answer?

**Mrs. K. Persad-Bissessar:** Take it out of your Ministry. [*Crosstalk*] You will answer when you have your turn to reply at the end of the debate, Minister.

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Christmas week and we were brought here by you. We did not come here voluntarily. We came on the invitation of the Order Paper which was issued on your instructions; so do not complain. We can be here until whatever time; we are here to do the people's business. The Government must tell this country why it did not meet with the Opposition to continue the discussions. [*Crosstalk*]

**Mr. Speaker:** Order!

**Mrs. K. Persad-Bissessar:** The hon. AG told me that he sent the package of Bills to us, the ones they have been promising to bring. Why did you not meet with us to continue the discussions? Why was there no call for us to meet? [*Interruption*] My love, that is about six to eight months ago. [*Laughter*] I withdraw that remark. It is in spirit of goodwill. That was so many months ago. [*Interruption*] Yes, you have to send the Bills to us. [*Laughter*] He is so shocked.

You sent us the Bills. Why did the Government fail to meet with us, to call us to find out or to discuss, yet they saw it fit, on more than one occasion, to rant and rave in the public domain to say that it was our fault again, when, indeed, the power was in their hands.

The Government must tell us why 50 per cent of the police vehicles are down; then they want to blame the Commissioner and the police. [*Crosstalk*] The Vehicle Management Company of Trinidad and Tobago (VMCOTT) is buying Israeli equipment. That is a very important point.

What jurisdiction does VMCOTT have to buy Israeli equipment? It is a vehicle management company. I suppose you will say that a helicopter is a vehicle too? [*Crosstalk*] Why are they buying spy equipment and 50 per cent of the police cars are down? [*Crosstalk*] There is a legal issue there, AG; maybe you could answer that for me. Does VMCOTT have jurisdiction, legally, to be doing that? I am of the view that they do not; it was set up and incorporated as a State company and they had a mandate to fix cars, to look after the police cars. Mr. Speaker, 50 per cent of the cars are down, but they are finding money to buy spy equipment.

Mr. Speaker, why is the police service understaffed at this point in time, if you are serious about fighting crime? The Attorney General mentioned the Scotland Yard officers; you see how we do not like our own at all. He was there talking about them and singing their praises. He said, "We have been able to bring kidnappings down to nine." Do you know why? It was not because of this legislation; this is just a lever. He said, "Scotland Yard officers, that is why." [*Crosstalk*] Please, tell us exactly what is the role of these Scotland Yard officers. [*Crosstalk*]

**Miss Lucky:** They are not Scotland Yard officers. The Attorney General has to correct that.

**Mrs. K. Persad-Bissessar:** That is very true, Member. The hon. AG does not know that, apparently, because he gives credit to the Scotland Yard officers. They were not Yardies at all; you want to praise them for bringing kidnappings down to nine. I do not agree with the number at all. What about our officers; they have not been working?

**Hon. Jeremie:** I said so.

**Mrs. K. Persad-Bissessar:** Yes, but your praises went to the Yardies who are not Yardies, in the first place. Mr. Speaker, I cannot say lie, because that is unparliamentary; it is not true. They are not Yardies. What is their role within the police service? Why are they being paid such high salaries and our officers here cannot get money? What is it that we have with foreigners? Why do we put the foreigners above our own? What is it that our own cannot do? It has nothing to do with our officers being unable to deal with crime; you do not give them the support they need.

**Mr. Valley:** We are giving them the support.

**Mrs. K. Persad-Bissessar:** No, where is the package of Police Bills? That is where you will give them support, structure and organization? Where is it? Fifty per cent of the vehicles are down and those are the resources you are giving to them to fight. Where is the DNA Bill? You brought it today; it might take another year before you get busy enough to put that as number one on our agenda. Number one on your agenda is to come here to give information on advance passenger information and cricket and cricket and cricket. That is your number one item. We come here to do those and other Bills that are of priority to deal with the quality of life of the citizens of Trinidad and Tobago. There is no priority on your list; none for Scotland Yard officers within the police service? [*Crosstalk*] He said that they have Scotland Yard officers. With due respect, the hon. Minister said in his piloting of the Bill that there were Scotland Yard officers. Please, Sir, can you tell me which Scotland Yard officers were on, how many of them and what is their role within the police service?

How did you decide how much you were going to pay them? We hear of huge sums; we do not know. We hear of huge sums of money being paid to these officers; whether Yardies or not. That is why we need equal opportunity legislation; you must bring it. If you had equal opportunity legislation then you could not discriminate

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against local police officers and pay these "fellas" so much money, while ours are getting peanuts. You would not be able to do that.

As we are in the season of goodwill, what is happening with our pensioners? You promised to give them an increase of \$200. [*Interruption*]

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

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

*Question put and agreed to.*

**Mrs. K. Persad-Bissessar:** Thank you, Mr. Speaker, and Members of the House.

How are police officers chosen to go on training and scholarships overseas? What is the criterion? Again, you discriminate; you select your few friends and family and you send them away. There is no fairness; again we call for equal opportunity legislation. We are being discriminated against; you could have used that legislation. [*Crosstalk*] You have a high level of frustration when you discriminate, when you do not use transparent criteria with respect to training and scholarships overseas. Why is the police service not recruiting more women officers? There is a very, very high incidence of domestic violence matters in this country; we need to bring more women into the service. Why do we not recruit more women?

Recently, together with the hon. Member for Diego Martin and some others, a clerk of the Parliament, Mrs. Maharaj and the Member for Chaguanas, we visited Colombia for a parliamentary conference. I was amazed to see the police officers there. They were all as short or as tall as the Member for Caroni Central. They were as tall as the Member for Caroni Central. [*Laughter*]

**Mr. Panday:** As tall as the Member for Diego Martin East.

**Hon. Member:** What does that mean?

**Mrs. K. Persad-Bissessar:** Member for Arouca North, they were smaller than you. [*Crosstalk*] I was asking why we do not bring more women into the police service. You might say that women are weak, but it is not just about brute strength; it is about your ability to perform; that is the point I am making. A police officer does not have to come in as a tall strapping person or a huge person; women can come into the service. So bring more women in, so they could help with the domestic violence matters.



Certainly, in this season of goodwill, I know you will not begrudge me, maybe some would, when I say that when you get a woman to do a job, you get a job done well. [*Crosstalk*] So bring more women into the service.

**Mr. Valley:** Tell Mr. Panday that. [*Laughter*] Tell him to stay home.

**Mrs. K. Persad-Bissessar:** I have told him that already.

What is the status of the mobile units? How many of them are down and why? How many of them are functioning? We are also talking about conditions in the police stations. You bring a Bail (Amdt.) Bill here, a two-word Bill really, because you just want to change the words "one year" and replace them with the words "two years". You bring this Bill within the Christmas week. It is a kind of deception, in my respectful view, to say you are serious about dealing with crime when everything relating to crime is in crisis; the entire administration of justice. I spoke at length about that and now I am talking about the police service and conditions at police stations. [*Crosstalk*]

**Hon. Member:** That is not true.

**Mrs. K. Persad-Bissessar:** At the Oropouche Police Station, a police officer fell through the floor. We can build stadiums and smelter plants for a zillion dollars and buy Bombardier jets, but a police officer fell through the floor in his office at the police station. He is still on sick leave. And you want to tell me that you are really serious about protecting people in this country?

So you do not give the support; you do not put the infrastructure in place; you do not give the training and then you tell me that you want to lock up people who are suspected of kidnapping? They are not kidnappers, but are suspected of being kidnappers. You are saying that he must stay in jail, no bail? I wonder if any one of you understand how dangerous that power really is. You are a suspected offender. [*Interruption*]

**Hon. Jeremie:** Of kidnapping.

**Mrs. K. Persad-Bissessar:** You are charged because you are a suspected kidnapper; no bail. You have an entire justice system that will not take the offender to justice. [*Interruption*]

**Hon. Jeremie:** Now I really vex.

**Mrs. K. Persad-Bissessar:** The last time you got angry your language in the Parliament was very obscene, so do not get angry.

**Dr. Moonilal:** Then my own will be obscene. [*Crosstalk*]

**Mr. Speaker:** Order! Order!

**Mrs. K. Persad-Bissessar:** We were talking about kidnappers, Mr. Speaker. The wife of Ashmead Ali who was kidnapped two weeks ago is still in the hands of kidnappers. Did the bail "ting" stop them? She was kidnapped on her birthday. She has two children, seven and four years old. [*Crosstalk*] Our sympathy is with the children and the husband because they are praying and crying. Kidnapped two weeks ago and still in the hands of kidnappers. This Bill was then in existence and it did not help. It will not help, because you still have to deal with the basic infrastructure of the court system, the justice system and the police officers; that is where you need to go and you will not do it.

In some stations we see dilapidated conditions. I will ask, through you, Sir, how many police guns have been used in crime? I am sure that they have those numbers. Is it safe to say that too many police guns are being used to commit criminal offences? What is being done about it?

How many police guns are being used to commit crimes in this country? What are you doing about it? Why do you not bring on the Police Complaints Authority Act, the Police Service Act and the Constitution (Amdt.) Act? Do you know all they require? All they require is a Cabinet approval which says: "This Act shall come into effect on the 19th", a two-second decision. When we passed that package of laws in this Parliament, you all remember that I had stood up and told the Prime Minister, "Set up an implementation committee, because you will never get this thing done; it will never happen." We had the original set of Bills drafted, so it was our initiative. You could have done all you wanted, if you did not put in that implementation committee with an action plan, so we would do this first, second, third, fourth, so within a reasonable time you would have the law proclaimed. Of course, they never took our advice and today those Acts still remain unproclaimed.

Therefore, the Bail Act and Bail (Amdt.) Bill are cosmetic; public relations gimmick in an effort to make the Government look good; to make people feel that they are serious in dealing with the justice system in the country; to make people believe that the Government is serious about crime.

How many officers on charges have been promoted? We would like to know. While on the one hand, I am asking you to give the support, technology and protection to your officers, at the same time, where you have officers who are rogue cops, basically, you need to get them out as well. So we need you to tell the

country how many officers on charges have been promoted. You have dedicated police officers; they are being denied promotion, but then you go and promote others like that. They must tell us how this Bail (Amdt.) Bill is going to improve what is happening within the service.

When you discriminate on the basis of friend and family, the level of frustration is tremendous. You will not get optimum performance out of anyone. Tell us how many officers on charges have been promoted, while others who are dedicated and hardworking are left out of the loop.

I come again to the equal opportunity legislation. If we had equal opportunity legislation, we would have somewhere to go; citizens would have a right and an equal space and place. They would not have to go through a collapsed justice system. You would have an equal opportunity commission where you could lay complaints in a formal way and you would not be tied up in these courthouses. They have taken no steps in order to deal with the backlog of cases. They have done absolutely nothing for five years. [*Crosstalk*]

We had planned to bring into place the night courts, the remand court, so you do not have to transport prisoners all over the place. Maybe somebody is making a lot of money with that prisoner transport; I do not know. Why if you know the cases are not going to be completed that day, you put these prisoners in the prison van and drive them all over Trinidad and Tobago to go to the Magistrates' Courts? Why can we not have a remand court located right in the prisons? [*Desk thumping*]

If you know those cases are not going to be heard, you do not have to carry them all over the country. You drive them down there and park them in this van in the hot sun. You do not care about prisoners, then you say, "Oh, Kamla is talking for prisoners." These are persons who do not have bail, because they probably cannot afford it and they are not necessarily guilty. If you drive in one of those prison vans, you would know what it feels like. By the time prisoners get to court, the cases are called and postponed and they want to mash down the courthouse. It has happened in San Fernando; "dey fighting; dey cursing", because they lock them up in these vans, take them to San Fernando, Arima, La Brea, Point Fortin or wherever the courts are all over the country.

Why can we not set up a remand court? What would it take to do so? You are a good lawyer, hon. Speaker; I know you know that it will not take much to do it. You do not need a big building. The people in the prison already; you just need an office space where the magistrate can sit and you can bring them out. Bring on the

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remand courts. A UNC government will do it, when you fail to do it now; we will do it. Bring on the night courts; we will do it. [*Crosstalk*]

You are too concerned with fighting the Chief Justice; that is your concern, so you have no time to look after the administration of justice in this country. You want to cut off the head; go ahead; the courts will determine that. You must do your duty with respect to the administration of justice in this country.

I was talking about ways that we can improve the administration of justice; these are things we talked about when we met. It was not just about passing the package of legislation; it was about putting the infrastructure and support into place.

So you take this man; he is a suspected kidnapper; you charge him; you carry him to court; no bail; he "lock up" inside there. What is happening with respect to the shortage of staff and lawyers in the office of the DPP? I am very, very concerned, Sir. I understand that for one year now you have had no Solicitor General.

**Hon. Jeremie:** Two years.

**Mrs. K. Persad-Bissessar:** Two years? I understand that you have taken four young lawyers to do the functions of the Solicitor General. How could you do that?

**Hon. Jeremie:** No, no, no, no. [*Crosstalk*]

**Mrs. K. Persad-Bissessar:** You will respond eventually, but that is our information. We asked you to clarify it, Sir, through the Speaker. We asked if it is true that there has been no Solicitor General for two years in the Attorney General's Department. You have confirmed that it is true. Why?

**Hon. Jeremie:** I corrected you.

**Mrs. K. Persad-Bissessar:** I said one year, you said two years. [*Crosstalk*] What does it matter? You are right; one, two or three; the point is why? The Solicitor General is the legal advisor for the Government. The Solicitor General vets all these contracts you are signing, all the memoranda of understanding.

**Hon. Jeremie:** You should spend a little more time in the office; you will understand how it works. [*Crosstalk*]

**Mr. Speaker:** Address me, hon. Member.

**Mrs. K. Persad-Bissessar:** You see what happens, Mr. Speaker? I will address you. The truth offends and when it offends they start to behave like the Member for La Brea did. Fortunately, he came back and apologized.

Did you hear what the AG said? I should have spent a little more time in the office, so I will know better what the Solicitor General does. When they cannot answer allegations, they attack you personally. [*Desk thumping*] They have a different view from you, "yuh dotish", but the truth is the truth. You have had no Solicitor General in the office for two years.

**Hon. Jeremie:** It is a whole department.

**Mrs. K. Persad-Bissessar:** There is a department. The Solicitor General is the officer appointed through the Judicial and Legal Service Commission. Why is that so? That is a statutory post. You have a department of juniors; you are correct, but the juniors have to send it to the Solicitor General, who will then send it to the Attorney General. The Solicitor General would sign off for it. I am very disturbed to hear you say that there is a whole department, so I do not need a Solicitor General.

That is a post created by statute in this country. It is a vital post; therefore, it is important that you get a Solicitor General in place. What is being done for the shortage of lawyers in the DPP's Office? If you have to take a man to court now, you need lawyers to get the thing to work. You have to get lawyers to convict him. What is being done with respect to the shortage of lawyers, not just in the Director of Public Prosecutions Office, but, generally, to deal with the cases that are backed up in the court. [*Crosstalk*]

Mr. Speaker, we are in the Christmas week. In the spirit of goodwill, we say, suspend this debate, lay the equal opportunity legislation, and lay the compensation for victims of crime, because you promised it over one year ago. We will deal with it, as we have done with the DNA Bill; you brought it and we debated it. We asked you to lay that legislation in the Parliament. [*Desk thumping*] That is the only way we would give you this extended support. We have of the view that this is a dangerous piece of legislation, that is why we put the sunset clause. We are of the view that you do not need this; you need to get a reformed police service going, to have the Police Complaints Authority functioning; that is what we need. Therefore, I say, suspend the debate; lay the Bills and we will give you the support.

You do not need our support; you can go ahead and pass it with the support you have, but we take strong objection to the manner in which the Government is proceeding and the failure of Government to deal with the real issues in this country, to give the support and protection to all the citizens of Trinidad and Tobago.

I thank you, Mr. Speaker.

**Mr. Winston Dookeran** (*St. Augustine*): Mr. Speaker, I was very amazed by the comments of the Attorney General when he said that one year ago there was a crisis in our country with respect to crime and that today there was a sense of hope. That was really a hope which started with the deliberations between the Government and the Opposition. It was a hope in which we had expressed great confidence that we could deal with the issue of crime in a manner that was reflective of what our public interest was.

The most important public interest is trying to provide a safe and secure environment for our people. [*Desk thumping*] Such an environment must not only be crime free, but kidnapping free. Even one kidnapping is too much for Trinidad and Tobago. [*Desk thumping*] In order to be able to create that environment, we agreed that we should do a number of things. The Government undertook to do many specific things to provide that environment.

The hon. Attorney General, in his very brief introduction of this Bill, could have taken the opportunity to tell this honourable House, especially since this is the seat for accountability, what really happened during the last year so as to provide the confidence that the Government had taken the bull by the horns and was no longer soft on fighting crime in Trinidad and Tobago. [*Desk thumping*] I thought that this was a golden opportunity coming before us, at this eleventh hour. I agree with the Member for Siparia that once again the Government has come at the eleventh hour, as it did with the Cricket World Cup Bill, in order to seek support on a critical issue, without providing assurances to this Parliament that it can, in fact, deliver what the spirit of this Bill is all about.

When the Attorney General said that there was hope, I recollected a comment that was made very recently, because the issue here really is regarding the criminal justice system. Is the criminal justice system working or not working? Would the Government give us the assurance that the system is, in fact, working? The extension which it requires is part of this process of making it work. That, to me, would have helped in persuading us that there was legitimacy in dealing with the Bill in such a manner.

What do we have? Very recently, I believe it was Thursday 23 November, there was an article which talked about the criminal justice system in Trinidad and Tobago. With your permission, Mr. Speaker, I will like to put it on the record, because this was the hope of which the Attorney General spoke:

"For the first time, Director of Public Prosecutions Geoffrey Henderson has stated that the criminal justice system is in serious danger.

At the heart of it, the DPP said, was the number of cases which were being surrendered by the State, due to witnesses disappearing or simply refusing to give evidence.

'You only have to look at statistics to realize that many witnesses seem to be intimidated, to the point where they refuse to come to court. It is a serious cause for concern. There are even police officers who are afraid to give evidence,' the DPP explained.

Insisting that he was not referring to any matter which might be before the court, the DPP said it was clear that something had to be done quickly.

He said: 'I will be making a more comprehensive statement on the matter in a couple of weeks, but what I will say at the moment is that the system is, in the words of Justice (Alice) Soo Hon, under siege; and the problem is related to the fact that we rely heavily on eyewitness testimony and we do not have sufficient objective evidence in the form of fingerprints or DNA.' [Desk thumping]

The DPP said it was unfortunate that the state had to rely 'almost exclusively on either the account of eyewitnesses or on confessions.'

Henderson said that on most occasions the State attorneys are not to blame for the failure to get convictions, as they rely on the police for the quality of their cases and on the witnesses.

He said: 'At the end of the day, your case is as good as the facts you have to work with.'

Henderson added: 'When you look at the number of cases which have collapsed, where witnesses withdraw or are afraid, even the most skilled attorney will not be able to coax witnesses out of their fear and it is that which is leading to the problem we face.'

He said witnesses had to be assured that if they give evidence they will be able to return to the comfort of their homes without the fear of reprisals.

The DPP told the Guardian he had made proposals about ways in which the issue can be addressed and was awaiting a response.

Asked what those proposals were and to whom they were made, the DPP said: 'I cannot tell you that at the moment. To do that would be to leak information and I am not about that. I do not leak information.'

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He said that, as a country, T&T had to consider if other tools like wire-tapping and recorded information should not be admissible in court.

Henderson pointed to the American system in which, perhaps, accused persons were sometimes faced not only with accomplices turning state witnesses but also recorded conversations which severely strengthen the hands of the State."

I must commend the DPP for his forthright comments on a critical issue facing the country. He raised the issue of witness protection.

This Government has had, since our discussions last year, more than a year to put into place what was necessary for the protection of witnesses and it has not yet done so. It now comes to extend this particular Bill. That is only one aspect of the criminal justice system. [*Desk thumping*] There are many other aspects that have not been dealt with. I thought that the Attorney General would have given us an account, because the purpose of the sunset legislation was for two things. In fact, he said it himself in his submission on the last occasion. It was to ensure that the legislation was reviewed to be kept up-to-date and not to be left on the statute books after it had served its purpose. Sunset clauses are particularly appropriate for measures which extend the power of the State, while reducing civil liberties and also where there is regulation that responds to the particular crisis.

This is really an issue about the system of criminal justice. We have had no assurance from this Government that there was anything done to put into place a system of criminal justice after one year and prior to that a year of discussions. Two years almost would have elapsed since then. I was a member of the team to hold discussions on this critical issue to deal with it in a bipartisan way and the Government has simply ignored the seriousness of the effort. Today, the commitments that we had undertaken have not been realized by this Government. [*Desk thumping*]

It has thrown away this opportunity to have a bipartisan approach and then come to the Parliament with a brief comment that kidnappings have gone down from 50 to nine.

**4.00 p.m.**

Mr. Speaker, that cannot be a justification for the amendment before us. There is more to account for because there are essentially three issues for which the Government must account. One of course, is the issue of could we now believe the Government's assurances? That is the first issue; and it is one of legitimacy of trust in



the Government's commitment. This was a golden opportunity for the Government to be able to restore this trust in an issue which was put together in a bipartisan manner.

Mr. Speaker, how can the Government restore the trust of the people in dealing with the issue of crime in this country? The most important and primary responsibility of the State is to ensure that there is a safe and crime-free society in Trinidad and Tobago—[*Desk thumping*] but a year and a half would have passed and there are no such assurances, rather we hear a person of the standing of the Director of Public Prosecutions (DPP) saying that in fact the criminal justice system is in serious danger.

The second issue is the accountability of the Government, which is the sacred responsibility of this Parliament to ensure that it can account and account for the performance in this respect. Today, throughout this country, notwithstanding the partial statistics that have been put to us, there is an increased fear in the society. There are people in all walks of life still in a state of siege about the criminal situation. Not only has the Government not accounted in terms of what plans it wishes to put in place, it has not accounted for in putting whatever plans it has in place to ensure safety of the people of this country. There are numerous cases many of which are not even reported and every day you hear of them. So how can the hon. Minister come here and say there are now signs of hope and bring a Bill before this Parliament to ask us to approve it without accounting to the people for the very primary function of the State which is the protection and safety of our people? [*Desk thumping*]

The third issue that this matter raises is the one of the abuse in the process that protects civil liberties, that was the fundamental issue of the debate at the time that we did not want to introduce draconian measures in our legislative machinery that would threaten the fundamental right of civil liberties. We took some steps—and I remember the debate very well—where we indicated in the negotiations that we should include a time limit to which those who were denied bail could be given the right to appeal in a court of this land within 60 days. That was a positive step which we took at that time, but it is still necessary for us to keep at the forefront that civil liberties will in no way in this country be affected by a process which everybody sees now in serious danger and we needed further assurances. The Minister said two out of nine but that is in connection with the nine current cases.

We had no information, no accountability on this situation in the total justice system and if he therefore was treating this Parliament with the seriousness which it deserves on behalf of the people, he would have come here with a full picture to

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assure us that civil liberties are not in any way being threatened by this legislation. [*Desk thumping*] But he refuses to do that. It is part of the Government's approach to dealing with serious issues affecting the people's lives and the people themselves. It is reflecting itself in so many different ways; it has reflected itself in the continuing controversy with respect to the aluminium industry; it has reflected itself in the new controversy with respect to the rail project; in the entire issues with respect to the University of Trinidad and Tobago (UTT); and in every major aspect of public performance in Trinidad and Tobago and we must not allow this to continue in this Parliament. [*Desk thumping*]

Those are the issues I said are critical to this debate, but then the Attorney General who today comes to us with this very brief statement to support a major issue in which we need assurance and civil liberties being protected, in which we need accountability of the Government to this Parliament and through this Parliament to the people, that they have a handle on this and it does have in fact the will power to handle the problem, and it is not everybody's business that the Government has the primary responsibility to deal with the issue of crime in this country.

Apart from that, this is what the Attorney General said on December 07, 2006.

“Time for better laws

Attorney General John Jeremie is supporting a call from the Director of Public Prosecutions, Geoffrey Henderson, for better laws which will lead to more victories by the State in criminal cases.

Jeremie, however, did not specifically comment on Henderson's suggestions for more United States-type evidence-gathering laws, a comment he made after the State lost its conspiracy to murder against Jamaat al Muslimeen leader Yasin Abu Bakr.

‘What we need to do is perhaps look at enacting laws which are more favorable to the prosecution and that is part and parcel of a holistic system of reform,’ Jeremie said yesterday.

Asked if this included the yet-to-be proclaimed Justice Protection Programme Act, which was passed by the United National Congress administration in 2000, Jeremie said, ‘Yes.’”

Six years after this Act was passed, it is not yet proclaimed. Could we take this Government seriously in dealing with the issues of crime?

**Hon. Member:** No.

**Mr. W. Dookeran:** And this does not even require parliamentary approval because it had gone through that process. I believe the Leader of the Opposition raised a number of other Acts which we passed recently and they are yet to be proclaimed. How can we trust this Government to deal with the safety of our people when it is given the right and the room to pass the legislation and refuses to simply proclaim the Acts? Those are the issues, Mr. Speaker. I had hoped that the Attorney General would have addressed the confidence of this Parliament and through this Parliament the country.

Among those things, when we debated this particular set of legislation which was a major departure from the normal adversarial relationship between Government and Opposition, and we have always taken the position that there is no need to be adversarial once public interests are solved we shall support the public interest and in that sense, this was a great opportunity but what had happened since then?

We decided to delink the debate of the Police Reform legislation from the issues of constitutional reform and change, but in order to be able to delink that with integrity, and the hon. Prime Minister will know this, we insisted that the Equal Opportunity Bill must be the first order of priority in this Parliament after that Act was proclaimed. That was the condition of that delinking.

I remember that discussion very well because to me that was the breaking point in the new relationship in the departure from the past. To date, that remains a matter still on the agenda. [*Desk thumping*] What is the priority of the Government in this matter that it will take a further year for the extension of this Bill and yet leave that important legislation which was part of the agreement between the Government and the Opposition at the time? I was very pleased to have been associated with that dialogue, I am just disappointed that what the Attorney General refers to as hope today is no hope because he has left everything unattended and expects this country to hope in vanity. [*Desk thumping*] That is what is happening and this is the opportunity to do so and he failed. So could we trust any assurances on the part of the Government? That is the key issue now.

Should we today, in light of the fact that we had also had an undertaking that the level of victims' compensation—there are so many victims in the country today—there was a time we were keeping count and we said that victims' compensation was the key issue not only in the sense of trying to provide support for the victims and the families and the trauma in a psychological and health

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manner, but also in a financial manner and we raised the issue, Mr. Prime Minister, that the levels which the laws allowed were in fact inappropriate and no longer relevant and we had proposed that the figure be raised—if my memory serves me well—to something to the order of \$250,000 subject of course to the case.

Mr. Speaker, there has been nothing on that. I do not recollect hearing the Government acting on that decision and that was another condition that we imposed because we went into that negotiation to protect the public interest which could only be done if we dealt with the real problems facing the victims. The victims' compensation needs to be addressed. No word on that. How can we take the Government's views seriously? Could we trust it in these arrangements? Could we in any way be able to say that witness protection is something that we are working on or that we have effected victim compensation?

Not to mention that there are other pieces of legislation which the Leader of the Opposition made reference to and which we also agree and in fact, the Director of Public Prosecutions made reference to it, the DNA Act. Not to mention some other Acts that were referred to by the hon. Minister himself which are not yet on the agenda. The legal response we know is not the real solution, it has only facilitated it and we were well aware of that and began discussing how to ensure that we can now use the new legal framework for which the Government had bipartisan support in order to find the real solution, and the real solutions would be in the management system that they would put in place to ensure that the prevention rate, detection, and conviction rate would increase from the levels which they are today.

I remember in this Parliament the Member for Pointe-a-Pierre went to great lengths outlining the statistics as they have evolved in Trinidad and Tobago on those critical issues of crime management. You cannot come here today and tell us that there is a ray of hope when the statistics are showing that it is in the opposite direction. [*Desk thumping*] So where is the sense of objectivity in handling this matter? The Attorney General erred for a moment in trying to give this hope without supporting it, and perhaps he could, but refused to do so in this House, and those management issues remain important ones as well and, therefore, we have not had the assurances from this Government. Our job here is to ensure that the Government does what it is required to do, protect the public interest and it can only assure this Parliament, and through the Parliament, the people, that there are in fact results in terms of the prevention rate, the conviction rate, and the detection rate which have been the source of debate.

In the end, you have to measure your output by whether it is creating more confidence and since these things are not there, our people remain today in a state of constant anxiety, fear and stress. Many doctors have told me that the biggest problem in this country is just stress of being here. [*Desk thumping*] And this comes out to a large extent because of the criminal and transport situations, daily stress and they say that is what they have to always address. Perhaps now the Government today is also suffering from extreme stress in office. [*Desk thumping*]

So as we address these issues, we must be able to acknowledge that the fundamental issue of commitment the Government gives must be able to be honoured. We cannot simply leave it now for the Government to say that it will bring this legislation in 30 or 60 days. Or it cannot simply say that it is working on these things and it is seeing it and flagging things like Scotland Yard and so forth as symbols of change. The real benefits or measure of it is what it is doing on the ground. It is not what you put into it, but what you are doing on the ground. Let us find out for sure what the state of affairs is. True, kidnapping may have fallen but I keep saying we must not ever become complacent of the fact that a kidnapping is admissible because we are working towards it and in the year 2020 it would be achieved.

Today there are people—and there is one right now who is on the newspaper every day—asking to find a solution. These are real human problems in the society, we cannot be immune to them and pass them around and say that the statistics are falling, wait until 2020. [*Desk thumping*] We need more assurances from the Government that it can, it will, and it is happening. That is what they need and nothing of that came in this legislation which, as indicated by the Attorney General, is a time to review. He said that when the Bill was in fact being put forward.

Mr. Speaker, this raised the critical issue as to whether or not two critical areas must be addressed urgently. There are issues of evidence I think the Attorney General and the Government have at their disposal, the expertise to handle and I am not in the position to comment on what is good and what is bad but they have to be handled because they have been acknowledged publicly by the DPP and the Attorney General himself. I would like to know what the proposals of the DPP were. He said he was not about to say, and that is something that should be addressed.

The issue of witness protection is one of the critical issues in the criminal justice system and that is one which should be addressed not only in terms of

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laws, but the entire management of that process, because this is why the system cannot be brought under control. These are some of the issues and we can handle, that, the law is there, the system ought to be there, and that should be handled.

Mr. Speaker, in addition to that we should look, not only at those who are affected by crime, but we should not play politics with the situation. We should not allow ourselves to use crime, safety, and bail as a political tool if we are to build something new. I have always said that I have come here not to blame or complain to others, but to build the country to something better. [*Desk thumping*] And, therefore, whatever we say or do is always aimed at building the country but we have to take cognizance of the fact that the Government has reached a point in which it does not seem to be able to handle these problems in confidence.

Maybe it will use public relations, but that will not work for long because the people understand what is happening, they know and feel it and I am sure that every Member of this House would have had occasions when the people expressed to them their fears in meeting late, and in doing things. There is still that siege in the country and, therefore, this is one year and a half later.

At one time it said the legislation was the problem; it got the right to put it in place and nothing happens and we are still where we are in terms of a real solution. Something is wrong with the method by which they are finding the solution. The answer must lie somewhere there, the method of utilizing, it is not solving it because it has not reflected itself in the figures that are before us, and we would talk about that later in the debate because we have been doing our own research and trying to force the Government to act and that is precisely what we are doing here today.

Mr. Speaker, I recognize that there is a concern by the population at large that they would not like to have additional risks because of the Bail Act not being extended because there is that feeling out there that we must not go back, we must go forward and, therefore, when this Parliament is called to talk about amendment to the Bill before us, and they say instead of one year, it wants to now substitute the word "two years" I say today that two years is too long to allow this Government to do what it has to do. We have already given them two years and before that, it had its own chance and we only came into the picture when we saw they were unable to handle it and come and see how we can solve it together.

Before that, it had three or four years and now to ask for another two years, is to add too much to the credibility of what we are doing in this Parliament. The hon. Minister said that he is addressing the detection, apprehension and bringing people before the courts, but he is not saying what the results are, he is not saying

what the management approaches are and whether they are working. This is a forum to account for performance. He is talking about the bundle of legislation and he is talking about an atmosphere of hope, that is what he said here today, but his own evidence would suggest that none of these things can stand up to scrutiny in this country.

Under normal circumstances one will say that the Government has had its time and, therefore, we should not accede to the request to extend this by two additional years, but I am mindful that the only interest we serve in this country is that of the public. [*Desk thumping*] And I am mindful of the fact that the public's interest requires us to build more confidence so that we can handle the matter. I am going to give the credit to the system that there is as of now, no significant abuse in the process of the liberty system which is one issue that was raised at the time, but we want to monitor that even more closely because as we move closer and closer to an election year we do not know what is likely to happen in the name of politics.

I am prepared and ready for it all, but we do not know what is likely to happen so we would have to monitor that very closely to ensure that there is in fact, no abuse whatsoever in the process that affects civil liberties. That was the issue. Evidence has come up within recent times that the Prime Minister made certain statements which were on the borders of attacking civil liberties in this country. He knows about it and he responded to it, but we will be monitoring that even more closely as we know we take on the responsibility now to protect the public's interest on behalf of the citizens of this country now that the Government has relegated that to some other authority.

The last time I said that they were moving in retreat and he spent an entire speech saying that I was wrong. Well, with the cut and thrust of politics we accept that but now, let us not relegate our responsibilities of accountability for the crime and safety of the people to some kind of flimsy excuses and blame for anyone. I think I even gathered that the hon. Minister was trying to blame the Opposition for not continuing this discussion. I do not know the dynamics of the discussion, but I even thought the idea of doing that was wrong because if I were in office, I would know that I have the responsibility to make it happen—[*Desk thumping*] not to blame anyone and I would do what I have to do to make that happen.

We recognize that the fundamental issue is one of confidence of the people, and although the Government has had enough time and has not honoured its commitments that it had made, and today remains somewhat reticent about expressing its will to be strong on this issue, it is in fact the Government. So therefore, I would suggest that the most reasonable thing for us to do at this stage is to implore upon this Government

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to get cracking on these issues of legislative changes, the proclamation of the laws, the enactment of the Equal Opportunity Commission and to do so with the greatest urgency and haste that we can have in this Parliament to restore that element of trust and hope that we had once tried to create in our Parliament, and they should be given that opportunity for doing so notwithstanding the fact that it has not done so in the past and there is no excuse to put into second priority the issue of the safety of the citizens of Trinidad and Tobago. [*Desk thumping*]

That must and should remain the primary and most fundamental principle of governance in the country and if there is the need for priority in the legislative agenda, it must not be done at the expense of legislation to deal with safety of our citizens. That is the rationale for Government as its first primary function, and this Government has simply ignored that and come to this Parliament without any clear accountability in dealing with it or the results of it in spite of the fact.

I know that it will try to blame the Opposition as it would tend to do but it will not be able to blame those of us sitting on these Benches and I hope it will not be able to blame anyone in the Opposition because their responsibility is to make sure that it happens. So in the context of what is taking place, I suggest that we allow the Government a maximum of 90 days to put its house in order to put the legislative machinery in place, to bring to this Parliament the accountability for crime. Let us make this an urgent situation and give them a maximum of 90 days, keep the status quo in place for that period of time so that they can in fact, do these things and not be able to have us believe that our criminal justice system is in serious danger. These are serious times and we cannot sit here as parliamentarians holding the trust of the people and hearing our Government officials, or officials of the State saying that our system of criminal justice is in serious danger and just simply ignore it. This is a time for action and I would say in the interest of reasonableness, notwithstanding the fact that they ought not to have put us in this position that they will come this morning with a Bill for this afternoon although they had indicated it verbally, I understood, on Friday, but even that is not the way you would treat parliamentarians on an issue as important as this.

Notwithstanding that, I think the most reasonable thing to do is allow them the opportunity. I say within 90 days, I am even saying, hon. Attorney General, let us be serious and in 90 days come to this Parliament with everything done so that we can feel assured that the system of criminal justice is being restored. [*Desk thumping*] This is not a political partisan matter; it is a matter at the heart of the survival of the people of Trinidad and Tobago.



You have not done your work, you have not been able to grasp the opportunity that was granted to you by the bipartisan approach, but in the interest of getting the job done, let us agree. I would be prepared to support the extension on the condition that at that time we would have a full accountability by this Government on all the issues we have raised today. Only on those conditions because as I indicated to you, the public interest of safe crime-free environment is of paramount concern and we would not let little things interfere with that concern.

There are many other things of which the Leader of the Opposition, they are legitimate, but they are a part of the bigger picture. I have no problem with it, it is just that they must not dominate my thinking in my performance of my duties here. [*Desk thumping*]

Mr. Speaker, I would say at this point if the Government were to respond in the way I am suggesting and if it were to take up the offer to give us firm assurances and come back to this Parliament to account to the people for all I have said to restore the system of criminal justice and the confidence of the people of this country and to be real about it, not to be public relations about it, then in those circumstances, we would allow an extension of this for a further 90 days at which time we would hold the Government accountable for its performance on this critical issue of safety and the security of our people.

Thank you.

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

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I want to start this afternoon, really, by congratulating the Member for St. Augustine for what I consider to be his finest hour in this House since coming in. The truth must be the truth. The Member for St. Augustine got a wide ball and he sent it to the boundary. That is the reality. The Government would accept the Member's compromised position because we feel certain that, in fact, as the hon. Attorney General has said, within 60 days we would be able to come to this Parliament with the required legislation.

I mentioned to the Leader of the Opposition earlier that, in fact, most of the legislation—most of the items in the package—have already been approved by the Cabinet. There is one, that is the Equal Opportunity Bill that is still before

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FGP on a minor matter and, therefore, we have no difficulty whatsoever in accepting the proposal that the Bail (Amdt.) Bill be extended for a three-month period. What I think Members are, in fact, saying is that the Government must show its credibility and we would, in fact, do that by honouring our promises and coming to the Parliament with the legislation.

Mr. Speaker, in passing, I think Members should note that the DNA legislation is on the Order Paper today and the Breathalyzer Bill has already been sent to a select committee.

**Mr. Sharma:** Minister, would you consider bringing it back by the 21st and we treat with it?

**Hon. K. Valley:** I understand the view of the Member for Fyzabad, but the 21st is simply three days away. This legislation also requires the approval of the Upper House—the Senate—and, therefore, it is impractical, *moreso* since it is unlikely that we would be able to do what is required with the Equal Opportunity legislation by that time. That is why we find the compromise offered by the Member for St. Augustine appealing, because I think it serves the purpose of ensuring that the legislation is there. The Member made the point that the first order of governance must be the public safety of our citizens. I think that is what it is. Yes, we are late on this legislation and we admit that, but we have to ensure that there is no gap. That is the reality. We will accept the three-month compromise; we will come to the Parliament within the 60 days promised by the Attorney General.

I thank you. [*Desk thumping*]

**Mr. Subhas Panday** (*Princes Town*): Mr. Speaker, it is really distressing that the Attorney General was here when the parent Bill was passed and became an Act. He knew since then that there was a sunset clause in that Bill. He knew it would have expired on December 21, yet he showed this House such great discourtesy and contempt by not bringing this Bill to the Parliament before.

**Hon. Jeremie:** None was intended.

**Mr. S. Panday:** But if none was intended, it shows a certain amount of incompetence on your part, because you knew this had a sunset clause. Why did you not come some time before so that we could have treated with it? Why did you not come with it about two or three weeks ago so that we could have put our position on the table? Why did you come today to hijack us, to collar us and make deals with us to have this thing passed?

We are really disturbed about what is taking place in this House; a Bill coming to the Parliament being laid on the Order Paper the same day in the House and everything is cooked up already. This is really funny and intriguing.

**Mr. Valley:** Mea culpa, mea culpa, mea culpa, mea culpa!

**Mr. S. Panday:** I know you “culpa; you culpa; you culpa”; you will continue crying that “you culpa, you culpa, you culpa” so that you may make deals. We are not making deals with you! No deals with you! You had time! You tried to come here at the last minute; you knew that when you come here at the last minute you will come and say you want time. You are the architect of your own destruction! You cannot be at fault and then come and ask for favours. You cannot do that! You cannot come late and then say: “I do not have time; give me time.” Not at all! This is a government you are running. We are saying that you came late and you should have known that a serious Opposition would have stood up against you—

**Mr. Valley:** Mr. Speaker, as a lawyer, I am sure the Member would have had cause from time to time—

**Mr. S. Panday:** Is that a point of order?

**Mr. Valley:** You gave way. I thought you gave way.

**Mr. Speaker:** You gave way.

**Mr. S. Panday:** Okay, let him talk and I will deal with him.

**Mr. Valley:** I am sure that from time to time you would have to ask for the mercy of the court and this is all we are saying. We are saying, yes, we are late, and so on. That is all.

**Mr. S. Panday:** Mr. Speaker, it is not difficult to give mercy to people, but when you have a vindictive and an oppressive Government as this one, you cannot give them any chances! We are saying that when they came to this Parliament today they knew that they were going to pull wool over the eyes of the Opposition; they knew that they were coming today and they thought that we are softheads; they thought that we would give up; would give in and give them that opportunity to further exploit people. No! This is a serious Opposition you are facing; a very serious Opposition!

We are saying that since they came so late they must know that they are meeting a wall and that wall says: “You have time; you have 72 hours.” We give you 72 hours; we give you three days to lay the equal opportunity legislation in the Parliament. We give it to you! If you lay that equal opportunity legislation in

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the Parliament—you just lay it, and when we feel that the public interest is protected and we know that there is a Bill in the Parliament to prevent this PNM Government from taking advantage of people and exploiting people; when we know that the interest of the people could be protected by us, we will, indeed, deal with it.

But how can we give you 90 days again? To do what? To exploit and take advantage of people? Listen to how flippant you are; listen to how you take us for nothing, as though we have no sense! Like the Member for St. Augustine said, you are running a government; you cannot come to the Parliament and say: “There are certain things we have to do and what we have to do cannot be done within 72 hours.” You brought this Bill today at 1.00 p.m. and you want to have it passed by 3.00 p.m. Within four hours you want to have this Bill passed and you want 90 days to put things in order? We are not going to condone your lethargy, your incompetence! Never shall we!

We are saying if you are serious about getting our support, let us come back here on the 21<sup>st</sup>. We are willing to come back here on the 20<sup>th</sup> and 21<sup>st</sup> and have that Equal Opportunity Bill on the table. When we have that, then we could talk. Then you will know that this Opposition is standing in the interest of the people; that we are standing to protect the rights of a people; as the Member for St. Augustine said, the civil liberties of the people. We have to protect that. We cannot give you one day more than December 21 to deal with that issue of the civil rights of our people.

If you cannot bring everything together, it is okay. But tell me something. It has been passed in Cabinet already. The Attorney General said it has been passed in Cabinet already. What about the Bills that we passed? You said you wanted time. You had three years before, then you came and the Opposition gave you the support and you passed the Bill. It became an Act and it is going on two years now and you have not proclaimed it! You want more time? How much more time than that do you want? You want the people’s blood! That is what you want. You want the people’s heart and soul to abuse it!

We ask you: Why have you not proclaimed it over this length of time? Tell us why you have not done it. Why? Are there regulations to put in place? Over a year and a half you could not put regulations in place and you believe you would do it in 90 days? You had 500 or 600 days to do it and you never did it. Do you think you will do it in 90 days? Or you will bring some flimsy regulation before the Parliament just to say: “You know, we have fulfilled our obligations.” Let us hear you on that. If there are no regulations, tell us what you have to put in place.

As we stand here today, why can we not have the Police Service Act proclaimed? Because, you see, the Police Service Act was to reorganize the police service and after that Bill was passed, do you know what this wicked Government did? It brought down Scotland Yard but it tried to send home 4,000 Special Reserve Police Officers (SRPs). They called them and wanted to send them home. The Bills were passed and we gave you the opportunity to reorganize and the way you tried to reorganize the police service was to destroy it. On February 01, 2002 all the persons who were SRPs at that time became regulars. Last year, after this Bill was passed, they called in all the SRPs—I think it was the week before Christmas—into the police headquarters to hear that they wanted to issue new contracts and send home half of them.

This is what this Government is doing. Could we trust them?

**Dr. Moonilal:** No!

**Mr. S. Panday:** Bring the regulations; promulgate the Act; proclaim it, so that those 4,000 SRPs could stand up there and go out and protect the rights of people! But you come here today to mamaguy, not only the Parliament, but the nation, to talk some foolishness that kidnapping went down to nine; a passive approach to dealing with problems. You want to give the nation the impression that you are working and, therefore, you are calling upon us today to be a part of that charade in which you are involved, to fool the nation. We shall never be a part of that charade where the Police Service Bills have been passed, have not been proclaimed and our police officers are being brutalized by this Government! We shall never be a part of that.

Up to today, those 4,000 police officers who are SRPs have no contracts. You are working your own people like dogs, but you come here to boast today that you are paying Scotland Yard big, big sums of money!

**Hon. Jeremie:** I said so?

**Mr. S. Panday:** How much are you paying them?

**Hon. Jeremie:** I am not the Minister of National Security.

**Mr. S. Panday:** You know that the SRPs in the police service are trained only to direct traffic, but when you look at the police service, the SRPs are doing investigations, are acting as court clerks and operating like ordinary policemen and this Government has not had the kindheartedness or the sense to make those SRPs permanent. We ask you: Why have you not done that? Will you do that in

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90 days? You want 90 days to play the fool! That is what you want the 90 days for. You want the 90 days to gallery; nothing more than that.

We want to protect the public interest. You know that they want to replace the police prosecutors with lawyers to prosecute in the Magistrates' Courts so you would have a more efficient system. Those Police Bills were passed and the aim of the Police Bills was to reorganize the police service. Do you know that there are many policemen who, as a result of their dint of hard work, have passed the law examinations and they are prosecutors? The San Fernando Magistrate's Court has two or three; Rio Claro has one; Couva has one. Those police officers are doing a good job. They were given the opportunity, when those Police Bills were passed, to reorganize the police service so we would keep those policemen who are qualified, who would have both training in the police service and in law, to prosecute. Do you know what they did? Not a single policeman who passed his law examination has been promoted or given some special position so that he may prosecute. As a matter of fact, they are being paid less than other officers who are on the outside.

You want time? You do not know things like these are taking place in the country? Time will be of no benefit to you. You are too lethargic and incompetent and time is of no value to you. Do you know what those policemen had to do? One left and went to the Integrity Commission; another one is going somewhere else; another one is going into private practice.

We have given them the opportunity; we have given them the chance; we have given them the vehicle to deal with the police service, but instead this Government sits there and has done nothing. Regardless to how much time we give them, hardly anything will take place. I say we are not going to be a party with you to pull any scam on the nation. Crime has been on the front burner. Everyone has been crying; everyone has been complaining about crime. Crime is not something that we are not concerned about. All this time you had, why did you not deal with these issues? Why come here today to ask for two years? Why have you come here today to accept a measly 90 days? You never worked for a year and a half, you will work now? Do you want us to tell the nation that you have not worked for a year and a half and you are going to work now? We cannot trust you!

During that time look at what happened. Files came from the Integrity Commission; files flew left and right, to the Director of Public Prosecutions, but where certain people are concerned the file left the Director of Public Prosecution's office and went to the police since September and today nothing has

been done. This is the way the PNM is operating. You want 90 days to fix that up? What will you do in 90 days to fix that up? Or is it that the system is so designed that the Commissioner of Police is allowing the trail to go cold so that certain people will be set free?—not fortunate as the Member for Ortoire/Mayaro.

We are here in Parliament today. People are asking these questions. People are asking why it is a file which went to the Commissioner of Police since September, and we cannot hear anything about that—on the Landate? These are questions that we ask.

**Mr. Valley:** Oh!

**Mr. S. Panday:** Oh? You cannot get away with this “Oh” this time. It might be “ah, ah”, but you cannot get away with this.

We are saying we cannot trust this Government.

**Mr. Valley:** We are glad to have you back in Parliament.

**Mr. S. Panday:** Thank you, Sir. Unless mechanisms are put in place immediately so that there would be equality before the law, that some people would not be having preferences in the law, that the Government and the police would not be soft on certain people and hard on others, we say giving you more than the time allotted in the sunset clause is creating a situation where you can take advantage of the population.

I come back to the point again. Lay the Equal Opportunity Bill in the Parliament on the 21<sup>st</sup> and come for our support. We are not unreasonable. We shall bear the political price for what we are doing, but we are firm because this Government has had the opportunity and it has not acted. We ask you now: Do you want the time? Do you want until the 21<sup>st</sup> to lay one Bill to get our support? Do you want it? All the time you are jumping up and jumping up, do you want that time? We say we will give you that time because we feel that that time is sufficient merely to lay one Bill. Forget the others for the time being. Lay that one Bill which would protect the rights of the people.

When one looks at the parent Act, you have—as the hon. Member for St. Augustine said, that is serious legislation; this legislation is where you shift the burden of innocence in criminal matters; you shift it away from the defence. He cannot go before the courts and say: “I am innocent; I want bail.” You have the special majority. You shift that away from him, that right of innocence until proven guilty.

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We ask the question today: Of the number of persons who have been charged and have not received bail, how many of their cases have been determined? Tell us. You must have the information. When you come into the Parliament you must come with clean hands. Tell us how many people have been languishing because of the Bail Bill and have not had their day in court as yet to prove their innocence or to give the State the opportunity to prove the guilt. This is what the Bail Bill is about. You are taking away people's civil liberties.

You came so late that you could have had a better contribution from me, but I will still try. If I remember clearly, the Bill says if you do not bring the man before the court within 60 days, the man has the right to go to a judge in chambers to apply for bail. The point is, as the Member for Siparia has indicated, that the judge has the discretion to refuse. So that person may have committed other crimes, or this person may have had other charges pending—scheduled offences under the Bail Act—but in this matter that person probably would have been innocent and we in this Parliament sat here and we legislated that regardless to what is your position, you stay inside.

It is a serious thing. It is as serious as the police not pursuing the Landate issue. It is as serious as that. It is as serious as how we could almost anticipate what would be the result of the Landate issue. I cannot say the same for the Member for Ortoire/Mayaro. Therefore, we are saying we gave you the time; we gave you the opportunity to pass the Bill; we have assisted you to keep innocent people who may be guilty or may be innocent in custody, and you come to this Parliament today to ask for an extension and you cannot tell us how many people have not obtained bail and have not had their matters tried as yet.

Where are we going? You want a 90-day extension to keep them there again? You should have come to the Parliament and told us things like that. Then we would say: “Yes. Take your time; take whatever time you want, because we know that the rights of people are not being trampled upon.”

So we look at the whole system, because the hon. Attorney General has admitted today that legislation is not the panacea to deal with crime. Therefore, you are telling us to give you this so we will telescope to the legislation that: “Look, we have the panacea.” You are trying to—I would not say mislead, but to telescope a position that because the Act was in place, crime has reduced. We ask you: What about the other things which you should have done and which you have neglected to do? Tell us what other functions have you done to ensure that the criminal justice system is in place? You have been there. Your predecessor was there when we passed the Justice Protection Act.



**5.30 p.m.**

How have you and your Government been able to ensure that worked, so that the Bill which you are trying to get an extension for now and you are holding people in custody, when they come before the court to have that there, whenever that time is, the witness does not turn up and he walks? What has this Government done? In any society a government like this would have been kicked out of office instead of coming here to beg for two years. We feel that we cannot give you more than the 21<sup>st</sup> because so to do is to encourage you in laziness, lethargy and incompetence.

We come back to the Witness Protection Programme. Tell us why the Witness Protection Programme is not working. What have you done? You said that you are putting things in place. You want 90 days for that too? Do you want 90 days to put the Witness Protection Programme in place? You have the Witness Protection Programme and a week or two before the case, you go to court and say that the witness walked out and you cannot do anything about it. Do you want 90 days to keep people in custody when such a situation is taking place? Imagine this Government had a witness in witness protection, a person who should have been charged for the capital offence, permitted him to walk out and then say it could do nothing about that.

How did the UNC deal with problems like that? How many people have been sentenced to hang and have not been executed as yet? Do you remember Levi Morris? You charged him for murder and accepted the plea for murder, so he was a prisoner. You keep him in custody and when he gives the evidence you let him out. You do not have to be a rocket scientist to know that. In your case you take accomplices, the trigger men who take the gun and shoot, give them immunity and put them in a safe house. That is why the criminal system is collapsing. The Director of Public Prosecutions was right when he said that the criminal justice system has fallen.

Will giving you extra time on this Bail (Amdt.) Bill save the criminal justice system? It could not be. In your argument you said that this is one facet of it. You want one facet where the legislation is being passed and the other facet, you are doing nothing. In order to stir you on to perform the functions which you have been elected for we say, "No more time! Do your work!" I will not be rude to say that you have been spending too much of your time attacking people who should not have been attacked. That is not my business. You had enough time. Do your work! Giving you more time is not in the public interest. However, the sun is setting, not the UNC. You

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have enough time from now to the 21<sup>st</sup> to come back to Parliament with that Equal Opportunity Bill.

Do you want to have the criminal justice system going good? We have compensation for injuries. Why have we not proclaimed that? That is where you are protecting public interest. If someone's father, mother or relative is injured or killed, that Act gives the person the right to have compensation. That is a right to protect the public interest. This PNM Government has failed to promulgate that in the public interest. I want to ask something about the police service. Is a police officer who is driving a police vehicle insured? That lawyer is sleeping. When a police officer is injured in the execution of his duty, what compensation does he receive? Do you want to answer? Do you have legislation in place to ensure that police officers are adequately compensated when they suffer injury in the execution of their duty? This is what we should be doing and not coming to beg for 90 days and two years.

The quickest thing they do when a poor policeman is injured in the execution of his duty is to declare him medically unfit and send him home. I know a very hardworking and efficient police officer who was working when there was a melee in the cell block in San Fernando and a prisoner kicked out his kneecap. That poor officer got nothing and went home on half or two-thirds salary. We must deal with these things. They are necessary to have the criminal justice system operating. No compensation for police officers who are injured in the exercise of their duty. You buy a blimp for millions of dollars; it is flying in the sky and policemen are afraid to go in Laventille. I do not give them wrong. I am not encouraging them not to go. If they go up there and are shot, what do you have for them? What do you have to encourage police officers to be aggressive in their work? That is why police officers are saying, "Metropolitan police who retired come here posing as Scotland Yard, and they getting huge salaries and me, I going to get myself killed?" These are the things that you must deal with.

Do not fool us and tell us that you want time extended for the bail so you would deal with crime. How many kidnappings were there and how many have you solved during the last two years? What is the detection rate? You will see the detection rate is 2 per cent.

**Sen. Jeremie:** Sixty per cent.

**Mr. S. Panday:** Sixty per cent. I will check it out.

We have to encourage our policemen to go out there. There are police officers who are lawyers and you refuse to promote them. You talk about management

and forward planning. The system is so bad that a Member of a Joint Select Committee of Parliament had to ask in the presence of the nation: Is there a way for us to deal with a delinquent commissioner of police? How could you allow that? You removed the Police Service Commission; you put persons whom you thought could have worked; you got the Bill passed to re-organize the police service and what an indictment and shame on this PNM Government to have a member of a service commission ask: How could we discipline a commissioner of police? How many days you want to deal with that problem? Time run out!

You brought DNA legislation. The legislation will pass in Parliament and never be proclaimed. How many people have you sent abroad to study forensic science to ensure that when the Bill is passed and becomes law, it could kick in immediately? I want to tell you something today. There is a girl who went to one of the best universities in England, Portsmouth University and she has a first degree in forensic science. When she went to the Forensic Science Centre she said, "I am available; take my name." They said, "No. We are not taking any names. When we are ready we would put out advertisement and you would apply." She could not get the highly specialized job. She has gone back to England to do her Masters and somebody would take her. This thing about coming for time is a superficial application and we shall not be a party to that type of skullduggery and scam on the people.

You have the courts. Over 1,000 serious cases fell through. Why did you as Attorney General and Minister of Legal Affairs permit that to happen? Answer to the people! *[Interruption]* You will get time to answer. Do you think giving you time would solve that? You have Justice on Time which is never on time. How much money do you pay Justice on Time? Court sits at 9.00 a.m. and Justice on Time never reaches San Fernando, Princes Town, Rio Claro and Siparia before 10.30 a.m.

The Member for Siparia spoke about remand in jail. The situation as it obtains now is that a magistrate sits in court; sometimes when he or she goes through the list he or she has to wait for prisoners. When prisoners arrive they have to be offloaded, processed and they reach upstairs 11 and 12 o'clock. By the time they come upstairs you cannot do one case. Do you know what happens? If 37 prisoners come to court there would be 37 complainants and 37 policemen sitting in court all morning. I will never say doing nothing, but patiently waiting to have their cases heard and being frustrated.

Policemen who worked all night, the night before and because of their commitment to duty, they come off night shift and immediately to court and they have to sit there and suffer. He may have another policeman as a witness and sometimes there are 80

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and 90 police officers sitting in a courthouse doing nothing all day and having nothing done. These things obtain. As the Member for Siparia said there is a magistrate with hundreds of cases on the list and by the time he or she goes through the first half, he or she has to wait until the prisoners come. When they come it may be one hour or so after, the court sits again and has to go through that other list. Nothing is taking place in the justice system.

The Chief Justice tried something. He had a system of accounting where you had to say how many cases were on your list in 2003, 2004 and 2005. Magistrates said that they could not help and they were not going to lie. When you look at the data you would be surprised to know how many young boys are in custody; they cannot get bail and are there for four years. There was a client who was kept in custody for 12 years before he got a trial. This is a matter which I had brought to the attention of the hon. Prime Minister.

**Mr. Valley:** What were you doing in 12 years?

**Mr. S. Panday:** I was fighting PNM oppression to try to get him before the court. PNM's incompetence is what I was fighting to get him before the court. When he came before the court I brought it to the attention of the hon. Prime Minister.

**Mr. Valley:** He should have had a new lawyer after year one.

**Mr. S. Panday:** Sure. I came in the eleventh year. [*Laughter*]

When one looks at the justice system; using accomplices to nail people; how the system has not developed and the bail system one would have thought that—for minor offences young boys are in prison for a long time—we would have revamped the bail law to have companies doing bail like the United States of America. They would ensure that these people are covered while they are out. Instead of that the jail is overcrowded. The other day I heard somebody say that the Royal Gaol was designed for 264 persons and there are about 1,500 persons there; eight and nine persons in a cell. You may have a right to keep them there, but you also have a duty to ensure that their human dignity is protected. When we extend this Bill for you we would be giving you 90 days to further humiliate them. We cannot do it. We are humbly telling the Government that we have worked with you and shown you our bona fides.

As the Member for St. Augustine indicated, we gave you three years to deal with the problem. When we realized you could not deal with it, you blamed us. You said talk to your MP; embarrass your MP whatever. We decided that enough was enough and we would give you that support. Having given you that support

we indicated to you that we wanted a sunset clause. Therefore, you were put on guard and notice from the first day that matter was debated. It is not that a surprise has been sprung on you. You knew it from the day the first Bill came to Parliament. In a year and a half, you could not put your house in order? We wish to tell you something today, like a little child you need some penance. Work overnight; work overtime; kneel down and bring it for us on the 21<sup>st</sup> and we would support it. To give you more time is to encourage you.

**Mr. Speaker:** Are you about to wind up?

**Mr. S. Panday:** Yes, Mr. Speaker. I could go on and on.

**Mr. Rahael:** Go on.

**Mr. S. Panday:** You want me to go on?

We want to make it clear to the country that we are a serious opposition. We do not intend to give in where the rights of people are concerned. Time has not run out as yet. You have enough time and the ball is now in your court. Come with equal opportunity and we would give you what you want.

Thank you.

**Miss Gillian Lucky (Pointe-a-Pierre):** Mr. Speaker, before hearing the unreserved concession given by the Member for Diego Martin Central, I was quite minded to say especially since we are in the Yuletide season that the approach of the Government reminded me of a Santa Claus that had behaved very badly for a year and recognizing that Christmas time was approaching, depended on the hardworking elves of the Opposition to get together to work so all the toys would be delivered to the deserving children of Trinidad and Tobago. But having heard such a concession and bearing in mind that time is of the essence and the interest of the public can never be compromised, I do not intend to take that particular analogy any further.

I know that not many persons in this honourable House have had the opportunity—one way or the other and I do not mean it facetiously—to enter a courtroom. The Member for Diego Martin Central acted like counsel—Member for Diego Martin East you could learn something from this—and put forward a plea in mitigation. We on the backbench of the Opposition act like the court. I know that the Member for Diego Martin Central alluded to the important phrase that is often used in the court after a genuine plea of guilty. This Government has pleaded guilty because of its delinquency and incompetence and the court says it must now temper justice with mercy. [*Desk thumping*] That is exactly what the

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backbench Opposition has done because the scales of justice must always be weighed evenly. It does not mean that the Government gets away scot-free. This is not the first time that we have this kind of Cinderella legislation with a hopscotch attitude. We cannot let that continue.

What the court goes on to do—[*Interruption*] Member for Diego Martin East you would have to try to catch up with me; I cannot stay back because of you. You must continue being a hardworking—when I say that I include myself in the category because I do not like these personal asides when we take people’s sizes and heights and put them into categories. I detest it and I would not descend to that level. The Government does not get away scot-free because you now have an indictment against you; you have a bad mark. What the backbench Opposition has done is the equivalent of community sentencing. We have said that we would not impose a custodial sentence upon you; we would not let the public suffer, but we would give you homework. The matter does not end there. What the court goes on to do is what the backbench Opposition has done. We have put you on a bond of good behaviour for three months. A court would have gone on to say that during such time if you commit anymore default you would come back before us for sentencing. Your work is cut out for you. [*Desk thumping*]

During the three months we do not want to see you “hopscotching” all over the place. When we see you, you must be working and working very hard. When the matter comes back before the honourable backbench Opposition, we want to see results. You are not being given a section 71. You are not being reprimanded and discharged. You are being given a chance because the interest of the public must never be compromised. That is what a court would have told you.

In that vein I go on to point out that a serious opposition has as its primary duty to monitor the government and ensure that it is transparent and accountable. In performing this task, a very onerous task, it must never compromise the national welfare. That is what the Member for St. Augustine was mindful of. The Government came in for a good tongue lashing. In fact, the Member for Diego Martin Central said that it was the Member for St. Augustine’s finest moment. Hearing the Member for St. Augustine, he spoke with the passion that I speak with when it comes to fighting crime. I thought it was me and at one point I said, “Well, nuff said.” That shows a genuine interest in ensuring that the backbench gets it right. Never let mercy that is given in the public interest be seen as unhealthy compromise.

The Member for Princes Town, in fairness to him, did not say it, but for those who may feel that it was being insinuated, we want to set the record straight. This

was one time the backbench Opposition would have been tempted and rightly so to say, you have created your mess; you are the author of your confusion; solve it! We could not do that. The country is looking at all of us live and direct. We have a discerning public; they recognize that the Government has been delinquent and incompetent in this regard and they have seen that the Members on the backbench have put them first. What better Christmas present for the people of Trinidad and Tobago.

I want to indicate that in fairness to the hon. Attorney General, there are times when I feel that the Office of the Attorney General independent of its holder is made responsible for things that are out of the gamut of control of that office. I would like to think that the granting of immunities remains in the purview of the office of the Director of Public Prosecutions (DPP), whether right or wrong. Any accusations or allegations should not be levelled against the Office of the Attorney General. There are times when the Office of the Attorney General is given the responsibility of the Minister and the Ministry of National Security.

One has to ensure that we keep the points very distinct and clear, because the hon. Attorney General as the holder of the Office of Attorney General under the Constitution has the overall and ultimate responsibility for all legal affairs in the country. That is why the hon. Attorney General had to come today to face the music. We should not have to debate this at the 99<sup>th</sup> hour. There must be other support systems in place to give the level of assistance. We are recognizing that that level of support and assistance is not there. We cannot expect any Member on the other side to stand and be bold and independent enough to agree with that statement.

In their heart of hearts and mind of minds they know that what I am saying is true. Many of us who sit here now have sat across there and many who sit across there have sat here. It is just unfortunate that somehow we still cannot seem to get it right. The backbench Opposition is trying to ensure that in our contributions we get it right so innocent people in Trinidad and Tobago would not suffer unnecessarily. On the backbench we get it right so we do not have innocent people in Trinidad and Tobago suffering unnecessarily.

The Member for Caroni East made a very good point, that even if the suggestion made by the Member for Princes Town and those who may share his view in the front, if three days were to be given to the Government, let us face the reality, that would really be too short to do the work that has to be done, we would be coming with piecemeal legislation. If one looks at it in a lighter note,

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even three days is not enough for a good and enjoyable honeymoon. That is a reality. There would be nothing fruitful to be served. We need to use the time that we have as efficiently as we can to get it right.

The hon. Attorney General was right when he said to the Member for Princes Town that the detection rate for kidnapping is 60 per cent.

**6.00 p.m.**

I love mathematics, Mr. Speaker, I did it at A levels; it is actually 57.41 per cent. You are not that badly off. Where you are wrong, Mr. Attorney General, is this, I read from the serious crimes reported/detected for the period January 01 to October 31, 2006. Under the rubric of “Kidnapping”, for which I had given the percentage of detection 57.41 per cent, for that time period, which is the year ending October 31—I am agreeing that it does not include November and December—there were 162 reported kidnappings and 93 were detected. Therefore I want to show—they are the official figures; they are not made up figures. For the year 2006—I think where you might have gotten the figure 9, and I am really shooting from the hip and speculating here, hon. Attorney General, maybe the figure 9 that you quoted is really kidnapping for ransom and they would be seen as distinguishable crimes. I am giving you an automatic defence for which you do not have to pay.

What continues to concern me is that in the presentation by the hon. Attorney General, what we did not get is a reflection of the very meaningful suggestions that had been made the last time the amendment was brought before the House. I was not a part of the crime talks but I remember—during the committee stage I had pointed out when I was sitting next to my good friend the Member for Barataria/San Juan, and we were sitting as Independents—making the point that clearly in 1994 in the Schedules of the parent Act the offence of kidnapping had been left out. I think it was just a matter of an inadvertent omission. In fairness to the hon. Attorney General he did say in committee stage—looking across at the front bench Opposition—that the point being made was a valid one and he was prepared to include it in the Schedule at that point. The Opposition said at that point that they did not agree and they wanted it to be passed in its form and they would think about it again.

I am saying that I am disappointed that the Attorney General, having agreed that it was a valid point, with the greatest respect to the hon. Attorney General, has not found it fit and proper at this point in time, one year later to at least give me some kind of satisfaction to get it right. [*Desk thumping*] That is the truth, Mr.



Speaker and, therefore, homework No.1 is when we come back in the 90-day period as suggested by the back bench Opposition, at least, let us get it right in the Schedule.

Mr. Speaker, it is really ridiculous that we are passing legislation primarily aimed at dealing with kidnapping for ransom, bearing in mind we see an obvious omission and because we either do not want to appear as though we are conceding—although I do not really think that is the reason—we do not include it. If that could be done at the next stage—*[Interruption]* At the committee stage? Well then I would move on. Mr. Speaker, I understand the hon. Attorney General has said that at the committee stage that will be contemplated.

Hon. Attorney General, there was another point that concerned me and it is this phraseology used that where the person is charged with the offence of kidnapping for ransom he is not brought to trial. Mr. Speaker, I had made the point that we pass laws here and we sometimes take it for granted that it is understood in other places what the Parliament means. We have that problem right now. The matter is sub judice so I am actually warning myself; I am not going to go into details. When the legislation was brought with respect to the passage of paper committals, there the phraseology used, words to the effect that the Act relating to paper committals, would not apply to any criminal proceedings that had already begun before the passage of the Act. The big issue now is: What do we mean by “already begun”? Is it when a person is charged? Is it when the person is charged and before the courts and the charge is read? Is it when the person is charged, brought before the courts, the charge is read and then there are submissions made and the magistrate at that point gives a decision? I am not going into more details but I am saying that when the issues are raised they are flippantly dismissed at times.

I remember being told that will be sorted out in the courts but it is now the subject of judicial review. I am saying that we need to get the terminology right and say what we mean. If trial in this case means when the person is indicted, then let us say that. If trial means when the person is indicted their matter is listed in the High Court, then let us say that. If it means when the person is before the High Court and evidence is received with a panel, jury having been impanelled, then let us say that. It really defeats the entire intent of a bill when we get caught up in the legal technicality.

Mr. Speaker, I have also realized that during the debate what occurred, and we heard it from the Member for Siparia and of course very comprehensively put forward by the Member for St. Augustine, was this issue of the virtual collapse of

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the administration of criminal justice. [*Interruption*] Member for Laventille East/Morvant, the Member for St. Augustine quoted extensively from an article which he had in his possession and one which I have in my possession, in which a learned trial judge, a puisne judge, and the Director of Public Prosecutions himself admitted, not that it had collapsed beyond redemption but literally saying, listen, wake up, red flag, it is a virtual collapse. [*Interruption*] Member for Laventille East/Morvant, you could blindly defend; in the Congress of the People we have to deal with reality so that we can get it right! That is the difference between how you would approach it and how we would approach it. If our approach is wrong the people will tell us come next general election. [*Desk thumping*] But I will not change my approach! What I have done this afternoon—Mr. Speaker, I hope I am not violating any Standing Order—I am saying inasmuch as it has been subject of the debate I would like to include it in my contribution so that I would literally be saving the House half an hour, 15 minutes of my time and 15 minutes for the response, because I will make it a part of my contribution. I formally withdraw it, that is the matter on the Adjournment of the House.

I just seek to go into one other aspect, hon. Attorney General, before I go into the points. It is really the Ministry of National Security that would have the statistics that deal with what is happening in crime. You did concern me, hon. Attorney General, when you began by saying that we speak from a platform—these are not your exact words, but you were speaking from a platform of relative calm.

Mr. Speaker, this country is not in a situation of relative calm when it comes to national security. What people have done, and there have been experts who have presented at the University of the West Indies who have said that we are becoming a country of gated communities. She was actually lamenting that what was taking place was that the days of wanting to own a house with green grass and a backyard, with a swing to play on, that was being removed from a person's dreams. Now it is a case of getting into a gated community where security firms were actually springing out of everywhere because that is the way society has become. It is no exaggeration to say that churches, temples and mosques have actually adjusted some of their worship times because—I can say that speaking as a Roman Catholic—in some churches the decision has been made not to have the traditional midnight masses at the relevant seasons because of the danger. One would have thought that criminals would think, look, it is a church; have respect. Criminals have no respect for anybody whatsoever and that is a reality that we are living in.

Mr. Speaker, to say that we are speaking from relative calm, understand that criminals may not be committing the offence of kidnapping right now, even though we do have one outstanding. A young woman, a mother of two, has been taken away and we do not know where she is. With the blimp, the eyes in the sky, and the Special Anti-Crime Unit, we are not getting value for our money. I do not doubt that the Government is spending money but we are not getting value for money when it comes to fighting crime and that is the problem.

There are some people on the other side, the Member for Laventille East/Morvant wants to pretend it is not happening, so be it.

**Mr. Hinds:** Thank you very kindly for giving way. I was merely taking objection to a suggestion that the Director of Public Prosecutions is on record as saying that the system has collapsed. Even if he did, I am confident enough, bold enough to say that it did not. The courts of this country were in session today, as every other day. I read the Director of Public Prosecutions as saying that the system was in danger and I agree with that. I agree that we must fix it but to say it has collapsed is simply not the case and he did not say that either.

**Miss G. Lucky:** Through you, Mr. Speaker, Member for Laventille East/Morvant, if you are going to quote me, quote me correctly, please. To stand and say exactly what I said—I never said the Director of Public Prosecutions said it had collapsed beyond redemption. Those were my words. I said they had red flagged it. The reason I am going to ease you up today is that in your absence I did commend you, in the true tradition of being a law abiding citizen, for taking care of the Member for Tabaquite. I felt that was a good thing that you did. I would have spent more time saying that it is not right for a Member to stand and misquote me completely when I even went on to explain—I will take the notice that I should just calm down—just to say that it was a red flag and it was such an important red flag that we have to address the matter seriously.

The judge did not say that it had collapsed; we are not saying that it has collapsed. We are saying to put things in order so that it will not collapse. There is a difference between virtual collapse, actual collapse and irreparable collapse. We are reaching to the stage where if we do not do what we are supposed to do there will be problems and I am not going to change my statement. I am not going to bring in the office of the DPP which I respect tremendously, not only because it is meant to be independent because I worked there and it is an office that would always have a soft spot in my heart. It is an office that I will always look out for, without apology; because it is there I began my legal career.

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Mr. Speaker, I will deal with this issue with respect to statistics that even though, hon. Attorney General, I was making the point that maybe you do not get the actual statistics before you. You were right to say for kidnapping—not kidnapping for ransom—as I have it here is 57.41 per cent, I wanted the hon. Attorney General to be aware that the statistics, and I am now quoting the detection rate overall for every month, January to October. I will read it through. January to October for the commission of serious crimes reported:

January	25.32 per cent
February	20.33 per cent
March	22.70 per cent
April	23.32 per cent
May	20.50 per cent
June	(Something bad happened) 17.65 per cent
July	23.73 per cent
August	20.16 per cent
September	24.77 per cent
October	20.67 per cent

Giving an overall percentage detection rate of 21.92, taking two decimal points and rounding of to decimal places after the point. We are 21.92 overall. I am saying that is really not enough to say—I read it from January to October to show that when we say significant strides and we are the beneficiaries of all the things that have been brought; people who have come; blimps in the sky and everything, that that is not really true; that the detection rates are not reflecting it and therefore we need to look at it seriously.

Mr. Speaker, I will jump forward to the points that we need to look at if we want to ensure that there really is no collapse in any form of the criminal justice system. Mr. Speaker, any point that has already been dealt with adequately by any of the speakers before me, I am not going to go into details. The first point is the Witness Protection Programme, even if it is implemented it is not going to solve the problem in itself. I take pride that I was the most junior prosecutor on the prosecuting team of Dole Chadee. I had interactions with Clint Huggins, now deceased. I know the system that was used with Levi Morris and therefore I was very alarmed when I actually read that somebody—whose name I refused to call

here so as not to embarrass him—was able to point out Levi Morris and to state where he was, not the country but the territory. Witness protection is not supposed to operate like that and I say no more on the point.

What really worries me, hon. Attorney General, is that we have the Justice Protection Act, No. 78 of 2000 and it is not yet proclaimed. When we talk about witness protection in an ad hoc manner, what accounts for six years of inactivity? The Member for St. Augustine dealt with it but it does not end there, Mr. Speaker. I was going through some legislation and I am very happy that it was pointed out to me—for years in this Parliament I have been saying that we need to have categorization of murder. I have said if we categorize murder it is going to assist. It means that some persons who are charged for murder when they go before the courts, because of the various defences, details of which I will not go into now, murder is reduced to manslaughter. Unfortunately, however, when you are charged for murder—I use the word “unfortunately” in the context of those limited few who would have been entitled to defences of provocation, diminished responsibility, insanity, the absolute defence of self-defence, would have been denied bail.

I have been saying that you can actually ease the system without compromising the justice if we have categorization of murder. I was very impressed when a student at the Hugh Wooding Law School, where I tutor, pointed out to me that there is an Act that did that, Act No. 90 of 2000. In this Act murder was categorized. I never pretend to be the repository of all knowledge. I did not discover this. But I am saying that imagine this got lost; it slipped through the cracks.

Maybe it is not perfect, but we do not have to reinvent the wheel. We have enough to start; go through it and let us see if there is merit. I was one of the advocates for categorizing murder; Act No. 90 of 2000, why do I bring this to the House’s attention? You see, hon. Attorney General, when in 1995/1996, that period, there was also the accusation that there was the virtual collapse of the criminal justice system. That was an accusation made then. This is nothing new; let us be honest about it.

I was working in the DPP’s department and the then Attorney General in 1996 had asked of members of the office of the DPP whether we had any suggestions as to what could be done. One of the suggestions that we made—the UNC was in power at the time—is that we have a committee of attorneys, representatives from the DPP, pointing out all the time through their experience in the courts,

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legislation that was flawed, bringing it to the attention of attorneys in the CPC where there is the drafting of legislation, and then making suggestions as to what could be done.

Also, in the office of the Attorney General there was something called tracking and all legislation that had not been proclaimed; all legislation that was still in the drafting stage; all legislation that had been agreed should be drafted and were not yet drafted; there was a chart made and time lines were set and therefore one had a very aggressive legislative agenda at the time. So it was not the work of one man or one woman, or two or three people, it was a collaborative approach. That is what I am saying is the way to solve the problem. There must be the collaborative approach when it comes to issues that affect the entire public. That is exactly what the Congress of the People has done today. The Congress of the People has said listen, we need to give the time—not just a rap on the knuckle—to put these things in order. The suggestion is, Attorney General, to let us get it and let us see what other legislation there is.

I will jump to another one I know. The drug court, Mr. Speaker, if it is one court I would like to see established before my exit from the political arena, which might be sooner than I think, is the establishment of a drug court. *[Interruption]* And I will miss you too, Member for Laventille East/Morvant. You will see me around, do not worry.

Mr. Speaker, the Bahamas implemented it. Hon. Attorney General, in 1998 or thereabouts, I was involved in assisting in the draft. It was not something new that I had put forward; the draft actually came from the Dade County Miami Drug Court. Again, that legislation is somewhere in the office; find the people; go back a bit and see who last knows about it. People tell you when you lose something two things could be done, pray and just go back to the last place you remember seeing it. Let us see how we get the drug court established. The drug court is going to ease the burden on the Magistrates' Court; separating your drug users from your drug traffickers. It is going to force any government in power to ensure that all the rehabilitation centres get the resources that they need. You would actually be turbo-boosting all the social services involved. That is the way to go! *[Interruption]* Exactly.

That is the other point I want to make, Mr. Speaker. We have a Family Court—the Member for San Fernando West is very concerned with the whole issue of family matters and domestic matters. The Family Court has worked and I really think for it having worked there should be commendation for the judges, the administrative and support staff and all the stakeholders. It has worked but there is a need to expand.

Mr. Speaker, last week a learned magistrate made the point in court—again I call no names but I want to share the point—that we need a juvenile court in the country. Many people may not realize that when you are in a criminal court and a juvenile comes before the court, everybody has to clear the court. The court has to be cleared, the juvenile matter is heard and in many instances it may not be able to proceed, you might be waiting on a probation officer's report; people go outside; there is not enough accommodation. The learned magistrate made the point that in England—I think she referred to Marlboro as the district—when you go to the criminal courts you see the youngsters going to their juvenile courts and the adults going to the criminal Magistrates' Court. Mr. Speaker, if we get a juvenile court that is going to help. It is not going to be difficult because we are in the days of specialized courts.

The other point is and we are speaking about how we could solve the problem with the administration of criminal justice. The Forensic Science Centre, hon. Attorney General, for the longest while we have been making the point that we cannot be operating with just one forensic science centre opening from 8.00 a.m. to 4.00 p.m. even though officers may work much earlier and stay much later. Member for Tobago East, I hope you would agree with me that we need a forensic science centre in Tobago. We need to have forensic science centres especially if we are going the way of breathalyzer and DNA because one place is not going to be enough.

The third point, and hon. Attorney General, I want to remind you of something that you said you would do and you have not done it. Early in your tenure you had pointed out the need to repeal the Criminal Mediation Act. You had correctly stated that in that Act, which was practically working, there was a fundamental legal error that is, that the Office of the DPP—the DPP's office under section 90 being the only office that could initiate, or stay or stop had been left out completely from the procedure. You had promised that you would have brought the reviewed and redrafted legislation because you were mindful that the mediation in the Family Court was working. It was in that regard, hon. Attorney General, that was several years ago. I am saying to you that criminal mediation, not of all matters, is going to work. There were centres; there were personnel—it was sad to see that some of the very qualified personnel have now left our shores. Mr. Speaker, if we could get criminal mediation that is going to help. Hon. Attorney General, I hope you would be able to honour that promise, please.

Another point is the need for more state counsel. I know the Member for Siparia spoke about it. For years when I was a state counsel I fought vociferously

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for better terms and conditions. Quite recently, I heard the terms and conditions of State Counsel who were appointed through the Judicial and Legal Service Commission. But, Mr. Attorney General, with the greatest respect, the problem now is with the contract officers, from what I have been told. The disparity between what a contract officer gets and what a State Counsel gets is now fundamentally different. Therefore, if the route that is being used to attract persons is by way of the contract officers then something has to be done to prevent that disparity.

My next point is one with which you are going to have a serious problem very soon, hon. Attorney General. I am bringing it to your attention only because it is going to cause a collapse. I do not care what anybody says, it is going to cause a collapse. I have done it in very diplomatic ways—not anything clandestine—pointing out that I had made the suggestion when the Police Reform Bills were being debated that we could not remove police as prosecutors but there should have been some compromise.

As the law stood then a constable could be a police prosecutor in the Magistrates' Court. I made the point and it was accepted by both sides that it should not be below the rank of a sergeant; in other words sergeant and above could prosecute. It was accepted. Mr. Speaker and hon. Attorney General, in the Magistrates' Courts—there is a problem different to what the Member for Princes Town spoke about—there are still police prosecutors who are below the rank of sergeant prosecuting. Now, this is not to say that they should be removed because many of them are very good. The problem is that the day that legislation, which we have passed and assented to is proclaimed—whatever is done to make it law—it would mean from that time you can have no police prosecutor below the rank of sergeant in a courtroom prosecuting. You do not want to run the risk of somebody keeping it; not saying anything and then down the road seeking to have the proceedings deemed null and void because a person not under the ambit of the law was prosecuting.

Mr. Speaker, allow me please—because I am reaching to the end of my contribution—to say this because I promised the police officers that I would say it in a way that could really be given meaningful consideration by the Government. Police officers who are prosecutors should be given the opportunity to pursue their LLBs and of course the equivalent LEC; the five-year training in all. They should be put on sabbatical and some system be worked out whereby their study is supplemented financially. Once they succeed they give mandatory service in the very institution, the police service. [*Desk thumping*] The police service would



now become the beneficiary. Let us face it, the system of going to the DPP to draft or suggest charges is done; it was done in my time too but it is not mandatory; it is really the police who have to charge, unless it is a charge for which you need the consent of the DPP.

If we start building that cadre of competent police officers who are also attorneys-at-law, think of the kind of police service and the morale that would be boosted in Trinidad and Tobago. We would always welcome foreign assistants, but we would welcome them not to take us to an acceptable level, but to take us even further in the upgrade. That is a suggestion I want to make, please, because once that law is enacted—I feel almost personally responsible bearing in mind that I made the suggestion that sergeant and above. There are officers who are waiting on promotion. Each one should be assessed as to how they have been performing and magistrates will be able to assist, because police officers are assigned to various Magistrates' Courts. What better independent person to say this is a good officer; this officer has been doing his job. Let us get rid of the bureaucracy of police officer prosecuting; no case submission made or other submission; go to the office of the DPP and bring in a state counsel. Mr. Speaker, I really think we need to move to the situation in which we have a state counsel in every magisterial district doing the prosecutions.

Hon. Attorney General, I would not belabour the House more than to say that there is a document called *Public Administration International Study Programme, Access to Justice, Strategies for Change in London, United Kingdom*. That document is available. I am prepared to give you the copy that I have because it does speak about what is happening with the administration of justice in the United Kingdom. They are not speaking about witness protection programmes. They are talking about reviewing it because they already have it, and make sure witnesses are given a little status report as to what is happening. That is how advanced they are. We cannot reach there overnight but we have to make sure that we turn around the rudder of criminal justice; get it moving in the right direction so we would not have to face any virtual collapse.

Mr. Speaker, I do not think that there is anything I have omitted, but I must say that as a responsible and serious Opposition, Congress of the People has performed its duty. We have suggested what can be done. I would go one step further and use the words of the Member for San Fernando East, who when commenting on the approach taken by the Member for St. Joseph, and the hon. Minister in the Ministry of Finance, Mr. Conrad Enill that there be a collaborative approach that that be extended to what we are about to do.

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You have the homework over the next three months; you are the ones responsible to bring the legislation. We are prepared even though we are the markers and we will decide whether your “F”, which you have right now, is upgraded in any form or fashion. You can always consult with us; consultation fee is free because as far as we are concerned when you act in the national interest you are doing service to God and service to God is priceless.

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

**6.30 p.m.**

**Dr. Roodal Moonilal** (*Oropouche*): Thank you very much. Mr. Speaker, I will now begin to do service to God. I join this debate on the matter before us, the Bail (Amdt.) Bill, 2006.

Mr. Speaker, as the debate progresses it is interesting to note not just today, but within recent times, that the debate is really taking place on the Opposition Benches. The Government’s strategy within recent times has been to come with a measure before the House, present it by the Minister and stay quiet and allow the Opposition front and back benches, as we call it, to speak and to really put all the points and perspectives on the table and then the respective Minister will reply. That is an interesting format for a debate when one considers that a debate is really an exchange of ideas, a battle of ideas, of policy, of law debating issues. So one expects Government and Opposition to debate this way, face to face. But this strategy of the Government is really to leave it for the Opposition to say and the Minister will wind up and pick and choose which points he or she would like to address. The other strategy, of course, is to bring these never ending ministerial statements and allow a Minister to present a statement for an hour with no debate.

I reminded them on the last occasion that this is the Parliament of Trinidad and Tobago; it is not the Government Broadcasting Unit. We expect when we come to the House that there will be a debate between Government and Opposition, not a speech under Statements by Ministers which is a new strategy they have—because there is the Government Broadcasting Unit and all the public relations ads in the newspaper—then put it for a debate on the substantive matter and not the one hour and one and a half ministerial statements that within recent times the Government has been abusing the House and, indeed, abusing the citizens in that way.

**Mr. Manning:** Mr. Speaker, I thank the Member for Oropouche for giving way. The agenda item Statements by Ministers was not a creation of the PNM. That has been there, we met it so. I imagine it derives from the Westminster

system and it is an opportunity for the Government to state in the Parliament of the land matters of policy and, in fact, we have been accused in this House by hon. Members opposite of not indicating what our policies are on certain matters and the Government is properly using Statements by Ministers to do that.

If hon. Members opposite now wish, they can file motions and we can debate, and the Government has no problem with that, but it is entirely in order for the Government to come and make statements before this House, however long those statements may be.

**Dr. R. Moonilal:** Thank you very much. Mr. Speaker, I do not want to dwell on this matter but to remind the Prime Minister that on the last occasion the Speaker saw it fit to indicate that really, Statements by Ministers could be 10 to 15 minutes, and brief. Under no circumstances I want to draw the Speaker into any discussion here. I will leave that matter there for the moment.

Mr. Speaker, another introductory point I want to make is that today is another watershed day, another historic moment, because we are seeing what we suspected all the time would happen, the separation of the groups in opposition. The official Opposition, the United National Congress has clearly outlined its position on the matter and we have had the benefit of hearing the Congress of the People. So today on a very critical matter of national importance both the groups in the opposition have gone their way and while the PNM will consider the Congress of the People to have acted responsibly—[*Interruption*]

**Mr. Manning:** How you know that?

**Dr. R. Moonilal:** In your absence when you absconded, the Leader of Government Business stood—I must tell you these things because you are not always in the House, and whereas in the past he has been beating the Member for St. Augustine to a frazzle, today he was in high praise of the Member for St. Augustine. He gave praise and the Member for Diego Martin Central praised the Member for St. Augustine. He gave thanks and indicated that the Member for St. Augustine and the Congress of the People acted in the most responsible way towards the PNM. I indicate that, because today the Back Bench of the Opposition has given support to the PNM on this critical matter of public importance—and you all may want to tap the desk in praise for the Members on the Back Bench—and to you, the Minister of Health, they are responsible.

Mr. Speaker, the point I am making is that we are picking up this dichotomy today and the UNC owes a duty to the national community to spell out its condition and to indicate why under no circumstances it can support the PNM.

**Mr. Speaker:** Order please!

**Dr. R. Moonilal:** Mr. Speaker, I know one thing, you are clear, and when I speak I have the interest of all Members. Today is a historic day in light of the Congress of the People, for the People's National Movement. But I am not concerned with that. I am saying that whichever party supports whichever party, that is their business and they will pay the political price or face the political consequences of support.

**Mr. Speaker:** Can we allow the Member of Oropouche to speak, and as I said on the last occasion, if we do not have order, the Hansard reporter will not be able to write what you say. Try and let us give her some regard too.

**Dr. R. Moonilal:** Mr. Speaker, I can speak because I know on the last occasion I was creating the problem, but I am sure you would permit me to speak near the Hansard reporter today.

Mr. Speaker, whatever political parties do in the House, whoever they support, they will pay the political price and face the political consequences of that. The matter today of the Bail (Amdt.) Bill came as we agreed at the eleventh hour. The UNC is on record as stating that it cannot and will not support this incompetent, malicious PNM administration to extend the life of this and to get the amendment passed in the House today because it has no confidence in them.

I make the point, for us to give 90, 60 days or whatever days, it suggests that we have confidence that they will live up to their expectations. [*Interruption*] I support three minutes. He is free to do that. And on that note, as the Prime Minister reminds me, could I take this opportunity to congratulate the Member for Princes Town who has returned to the House after quite a bit of leave under difficult circumstances and has made a courageous statement, a bold statement full of energy and vibe in this House in his attack and condemnation of the PNM.

Mr. Speaker, unlike Members on the Back Bench I have no confidence in the PNM, in their integrity; I have no confidence that they will live up to their word; I have no confidence that they will implement the Equal Opportunity Commission or any other commission. The Commission of Enquiry into the airport is the only Commission they ever appointed. So we will not be giving any 90, 60 or whatever days. In our book we want the Equal Opportunity Commission legislation now, tonight, if it is possible. We are not giving 60 or 90 days. We will not give this Government a day more. Their time is running out and election is due within 12 months. The people of Trinidad and Tobago will not give them a day more. The

people of Trinidad and Tobago will not give them 90 days, and 60 days more, they will not give them one day more than the day of that general election and the UNC believes that this Government will not change its way.

I am not naive enough to believe that during the Christmas and Carnival period this Government will come with all the legislation and make good on its promises which it has not kept for one year. We have in this country the most incompetent Attorney General in the history of Trinidad and Tobago. While he should be coming to the Parliament and tendering his resignation, he comes to the Parliament and wants to boast that the murder rate in 2006 may not reach the murder rate of 2005. It might be off by about ten murders and he is so happy about that. That, Mr. Speaker, is shameless. That you will boast and want to take credit because the murder rate may not reach 386, it may reach 380. That is the credit that he wants to take. Mr. Speaker, this is an Attorney General who collected a prize because his Ministry put a classroom for children on the ground floor. In another decent country, in a mature democracy, the Attorney General would collect a prize because the crime figures have been reduced by 50 per cent because they have been dealing with murders and kidnapping and so forth. In Trinidad and Tobago he collected a trophy because they put a kindergarten in the Ministry. That is what he got a prize for. That is the job of a contractor, of a facilities manager, not an attorney general. An attorney general is there to ensure that the justice system operates and works effectively.

Mr. Speaker, we on this side have stated that the criminal justice system has collapsed and the Member for Laventille East/Morvant can say what he wants because he has to say it in the corridors, as an aside as he is seldom given the opportunity to speak here. He can say what he wants. It is the view of the public, the independent commentators, the newspaper, media, the professions in the legal fraternity, the Law Association, Members of Parliament of the Independent, Opposition and so forth; it is their view that the criminal justice system has collapsed. Where in the world there are 1,000 cases thrown out because the policemen and women are not giving evidence? The matter before us today deals with justice—this is an opportunity for us as a national Parliament to reflect on the performance of the Government as it deals with justice and what has been the result of the passage of the police legislation and the Bail Act as we call it. What has happened in the country? Did it get better? Did it get worse?

The Prime Minister at a meeting of the Port of Spain businessmen asked if anybody thinks they are worse off today than they were before, put up their hands. And out of respect for the Prime Minister and his office, people will not put up

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their hands and tell him things are worse off. What the Prime Minister should have asked: Are you feeling safer today than you felt five years ago? Because no one in their right mind can feel safer today in Trinidad and Tobago than before, no one, and this is the argument.

Mr. Speaker, Sir John Compton—and on that note, I do not know in the Parliament if we have done this, but we also extend congratulation to Sir John Compton and his United Workers Party on their recent election victory in St. Lucia. Sir Compton made a very interesting point on the night of the election victory. He said the first duty of any government is to protect its citizens. And that is why in his view the former regime of Dr. Kenny Anthony failed although the poll said they were going to win, because they did not protect the citizens. And if you take that one duty alone—although a government has several responsibilities—of protecting citizens, can you say without a doubt that citizens of Trinidad and Tobago feel protected by this Government of Trinidad and Tobago? You cannot. You could be the most rabid PNM wearing five ties around your neck, you cannot say that you feel safe in this society.

Mr. Speaker, I saw the tragic news this morning: PNM Councillor shot in Laventille. Peter John, a councillor for 25 years. He apparently runs a business place and was robbed on several occasions but this time it was much more serious. And we extend our best wishes to the councillor, as an elected official, for a speedy recovery, but this is the state of the nation.

What happened in the last year when we gave support? Very few would care to remember that the UNC Opposition gave critical support to the Government on several matters over the last five years. What happened to OSHA? To this day they do not have the institutions in place. We gave support. The Member for Point Fortin, his short stay as Minister of Labour, came to this House and presented that matter. We gave support after much dialogue and the Police Administration Bills, we gave support on that. What happened to the state of the country, and the Prime Minister, whether intentionally or not, he stands today guilty of deception.

**Mr. Speaker:** I think you are bordering quite dangerously there. You are accusing the Prime Minister of deception. I do not think that is very parliamentary. I ask you to withdraw that.

**Dr. R. Moonilal:** Mr. Speaker, I withdraw it. Let me say the Prime Minister can be accused of inadvertently misleading the Opposition over the last year or so as it relates to these matters because the Prime Minister gave a commitment to the nation and the Opposition that within one year legislation will come to the House

and be dealt with on the Equal Opportunities Commission. It has not happened, and do you know why I am passionate about this? I will explain.

Mr. Speaker, I will leave political and public life easily the day equality comes to this country. The day equality comes to the country is the day there will not be really much need again, everything beyond that is to provide water, electricity and so forth. We have said the reason for the UNC is the struggle for equality and the day equality comes, you have light, water and so forth to give people but we will struggle for equality because we believe that that is the problem that the society faces. You look today at what is happening in the society, it is pulling apart; the tension taking place as a result of allegations of racism, of discrimination at all levels in the society. Persons without state supported institutions and policy, persons must go to the High Court and be represented by Anand Ramlogan and others to get justice because the Government presents no mechanism, no institution, no policy to deal with that burning matter of discrimination. Discrimination did not start in this society today, it did not.

Discrimination is part of our colonial legacy. Many colleagues who would have studied Crown Colony government and public administration would know that when the British inhabited the Crown Colony system it was the descendants of slaves and the new educated class who first complained about discrimination by the British in appointment, selection, recruitment and promotion. These are matters even before independence. But when you have more and more groups in these types of diverse societies, you will have more and more allegations and more and more claims. Some may be true, some may not be. It is the role of the Government to present institutions.

Mr. Speaker, in the United States the civil liberties legislation on civil rights and so forth, the US dealt with that in a frontal way by the early 1960s. In the United Kingdom, they set up a race relations board and equal opportunity legislation in the 1970s. In 2006, a country like Trinidad and Tobago that has enormous wealth, that has enormous strength, that has a human resource capacity, our naturally endowed wealth and so on, we cannot deal with this bothering question of equality of opportunity and this is why the society is tearing apart. You read the judgments—and I do not want to draw the Government and Prime Minister into the matter from the courts where they deal with discrimination, they deal with the role and function of important state institutions, the Public Service Commission, the Police Service Commission, the functions of permanent secretaries and so forth, and it points in one direction, that this is a country badly in need of equality legislation.

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This is why today we have the difficulty in giving this support to the Government when we read in the newspaper a statement by the Attorney General. The Attorney General, reflecting on the state of the justice system said recently we need better laws in Trinidad and Tobago. I ask the Attorney General, when did he discover this? Last week? Your administration has been in place for six years and today you are telling the nation we need better legislation. What happened in six years? Parliament has been running for the last six years and you come today, 11, 12 months before a general election saying we need better legislation. That simply is not good enough. And unlike Members in the back of this side who have attacked the Government for 90 per cent of the time before supporting finally, we will not support. We stand firm in that commitment to defend the rights of the people.

It pains us when we hear first-hand of the discrimination taking place in the society and we propose to the Government to introduce the equality agenda. They did not do it and having failed at this point, we cannot support. Furthermore, in the matter of kidnappings and murder and dealing with the administration of justice a lot has been said. In fact, we are in agreement with everything but today, the Attorney General came to this House and could not give us a comprehensive account of where are we in terms of fixing the criminal justice system.

There is an acknowledgement universally that we have a problem, whether at the Magistrates' Court, whether with the different branches of the system, the police. Mr. Speaker, this is dear to me because I also wanted to present myself here and raise a few matters on behalf of my constituents.

My constituents do not come to Port of Spain too often. I have constituents who live very quiet, private lives, they work very hard, they take care of their family, they are very rural and family oriented; they stay in their village for recreation and so forth but the duty of the Government is to protect my constituents. That is not a local government function, that is a central government function and it pains us when residents in the Oropouche area call the police station in Penal to be told that they do not have vehicles, they cannot come to the scene of a crime, and we ask ourselves, what does the Bail Act have to do with that? What about the police Bills we passed for better management, that today the Penal police station does not have a vehicle to respond?

Mr. Speaker, within recent times a resident in Penal, Angenie Bridgemohan had an experience where three masked men broke into her home. She was awakened by barking dogs. She was awakened in time to see the bandits coming. She called the police station in Penal. The gunmen broke down her door while she



was literally on the phone begging the police to come and save her. The bandits were shouting police, police, open up! Imagine the response of the police to the distress call was, "We cannot come now, we do not have any vehicles." This lady's son was dragged and severely beaten and pistol whipped. She was actually on the phone with the police when the bandits ran into her bedroom and snatched the phone from her hand. She was robbed of \$30,000 in jewelry, \$5,000 in cash which she had been saving for her Christmas groceries and so forth. I say this because it must touch us—the provision of vehicles, when the UNC was in power, there was a time you called a police station and about six police cars will reach the same time. In fact, the next day the newspaper had a headline, 'Panday police.' The response was so quick, but they had vehicles. Today, vehicles are gone. More resources, you call on the police, equipment, manpower, human resources, they have the most scientific human resources people, intelligent professionals and so on managing the human resource of the police. Do you know what their big problem is now? A conflict between the HRM people and the police officers over who has authority and who is really real police and fake police. But you cannot manage. I want to tell the Government and the Government would know that crime is the issue.

And our good friend in St. Lucia, the former Prime Minister had economic growth, 5 to 6 per cent and he thought economic growth would trump crime, it did not. Crime trumps all and the Prime Minister will consider that with his 11 months of thinking that when you think you might be running against the UNC, you are really running against reality. There is a reality awaiting the Prime Minister and on judgment day as they say, we would see the manifestation of that reality but crime would be the issue.

Mr. Speaker, in all fairness to the Government I, on a rare moment could praise the Government. They expended good energy. It is not a good government completely without energy. They chased down the Chief Justice, they chased down the former Opposition leader, they chased down former UNC officials, they have expended some good energy. The problem is after all of that, the only people who feel safe in this country are the criminal elements. The people who could go out in the night are the criminals because they have spent all their effort and time chasing down political opponents or perceived political opponents. When they got into Government they decided that their very first task was to stay in Government. It was not the protection of the people; that may be a high priority now, but it was not the protection of the people. That was their approach to dealing with the problem.

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Mr. Speaker, I remind the Government of a related matter because I am explaining the position of the United National Congress and why we find it impossible to support the Government on this matter.

The International Labour Organization of which this country is a Member and to which this country has signed numerous conventions and other international instruments, the ILO has had cause to call upon this Government since 2003 to implement elimination of employment legislation and on several occasions. At least once per year, the ILO has published in its proceedings a call on this Government to implement the equal opportunity legislation. So bad is it, that in one report the ILO noted that on the occasion of the passage of the equal opportunities law by the UNC Government it was most welcomed by the international community.

**7.00 p.m.**

Having found that there are provisions that may be flawed, it was the duty of the Government to clean it up to ensure passage and bring the measure back to the Parliament to protect the working people of Trinidad and Tobago. The International Labour Organization (ILO) has spoken on that and this Government can easily be dragged before the ILO, to their Standards Committee, to stand with other renegade nations like North Korea, Taiwan and some of those other banana republics, in condemnation of their own policy and their own approach. *[Interruption]*

**Mr. Speaker:** Order!

**Dr. R. Moonilal:** I am sure that the thought of embarrassing this country at the UN building in Geneva bears no fear for the Government at all. It is a government like that, defined by what I call the Kenny Anthony arrogance. I know you have no fear of being embarrassed in Geneva. I do not mind if the PNM embarrasses itself, it is really the country I am worried about, not necessarily the party.

Mr. Speaker, I continue to indicate that there are several matters in which—and I am only speaking over the last year. I have data only for 2006. I do not have before. At the beginning of January a prominent doctor in San Fernando, Ravi Maharaj, businessman and medical doctor, was brutally murdered in San Fernando. To this day, not one person has been arrested for that crime.

We all remember, with grief, the murder of the 26-year-old engineer, Utam Deomaraj, who was gunned down on June 30. To this day, absolutely no one has been arrested. Worse, it was reported that the gun that killed Deomaraj belonged to a police officer. To this day, absolutely nothing has been said about this.

While all this is happening, the Commissioner of Police is involved in his own bacchanal with the Police Service Commission, where the commission chairman

reported recently in the public domain that they have had cause to write the Commissioner of Police on several occasions and the Commissioner of Police has not had the decency to respond. I am very concerned with this because it is one thing for the commissioner not to respond to the average citizen who is writing to him on some matter of importance to himself, but it is something else when the Commissioner of Police does not respond to the Police Service Commission. That is a grave matter. It was raised in the public domain.

It is the culture. Really, the Commissioner of Police is not alone. On several occasions, as a Member of Parliament, I have written to senior officers in the police service on different matters. You will not get an acknowledgement. Maybe in their training, they have not had training in management and office protocol. They probably need some help with business administration. *[Interruption]*

Mr. Speaker, I will give way to the Member for Laventille East/Morvant if the Member for Diego Martin Central will permit me, but I am sure that he will not because there is a ban on him on that side. Let me continue undaunted, but if he continues to provoke me, I will tell him what his family is saying about him. These cases demonstrate—I know it is *saarobhai*. I will explain that later.

Mr. Speaker, I am relating these cases to tell you of the sorry state of the criminal justice system of policing in Trinidad and Tobago. We are relating this to tell you that the Government has lost all legitimacy in dealing with crime. The people of Trinidad and Tobago do not want the United National Congress to support the PNM. When we go to all the villages of this country, do you know what they say? They say: Tell us how you are going to move them. They are concerned with moving the PNM, not supporting them. That is the concern of the people of Trinidad and Tobago today. *[Interruption]* I assure you that it is not moving the PNM forward; it is moving them out.

The Prime Minister would have us believe—he is on record, so I am not going to misquote him—that things have never been so good in Trinidad and Tobago. It took a commentator in the press to tell him that things have never been as good for him, not for Trinidad and Tobago. That is their approach to dealing with this problem.

We have given the Government five years and more to deal with the issue of crime. It is no coincident—

**Mr. Speaker:** Hon. Member for Tobago East and hon. Member for Arouca North, there are two doors here: *[Points]* one there and one there. If you need to converse to disturb the Member who is on his feet and the Hansard reporter, you have a choice—there or there! You can always come back after.

**Dr. R. Moonilal:** I do not want to beg for the Member for Laventille East/Morvant, but he has limited time in the House. I would not like to see him leave prematurely. His time is limited, so I really do not mind this. I also will miss him.

There is a statement by the DPP, Geoffrey Henderson, who said that the system is under siege and that the problem is related to the fact that we rely heavily on eye-witness testimony and we do not have sufficient objective evidence in the form of fingerprints or DNA. It is not a coincidence that today, as we come to debate the Bail (Amdt.) Bill, we also have before us, laid in the House today, a very comprehensive measure dealing with DNA. The Government realized that they were trapped; that the Opposition would accuse them of doing nothing, so they thought that today was a good day to lay the DNA Bill as well. They came with the breathalyser before, that is why they have come today to show that they are doing something. However, the DPP has already said last month that we do not have it.

The Member for Princes Town, in that energetic, intensive contribution, dealt with witness protection. Do you know what happens in this country? Two killers get together, one killer tells the other killer: I will scream on you and become a witness. I will be the chief and only witness for the State. You go and spend some time. The matter is called. One is in jail in protective custody and one goes on the Witness Protection Programme. The one in the Witness Protection Programme escapes. He goes free and they cannot convict the other killer in jail, so he goes free too. Even the criminal elements have found their own way to undermine the efforts of this Government. They have found the incompetence in the system, with the inadequate Witness Protection System.

When they started their administration a few years ago—I have to repeat all of this here and elsewhere—they were protecting someone called Richard Bickram, who was a key witness in voter-padding. They sent him somewhere under protection. He came back in this very House one day sporting a beard. He said that he was looking for Sen. Dr. Lenny Saith. He owed him money and he needed to borrow \$20 to go back. To them, Richard Bickram was the chief person to protect in witness protection; not others to deal with murder. So we have not had a proper functioning Witness Protection Programme. We have not had the benefit of DNA. We have not had the breathalyser. We have not had these important tools for crime fighting.

In this very House, we asked a question when the Member for St. Ann's East was Minister in the Ministry of National Security about examinations for police officers—corporals and sergeants. It took one year to have an exam and to mark

the papers. At one time, they said the person to correct it got sick. At another time, he died and they could not promote persons to corporal and sergeant. That is the effectiveness of the administration. A justice administration works well with an effective political administration. If there is effective political administration, there will be effective justice administration. You cannot separate the two.

In the developed countries of the world where there is good data on crime fighting, more likely than not there will be an effective political administration. You cannot have weak politicians and strong sub-systems under the politicians. It does not work that way.

Today, with some of these matters, Mr. Speaker, the Government stands accused of failing to deal with crime. Do you know what they do well? They threaten citizens well. In fact, vendors in this country, if you have the sorry experience of vending on the San Fernando pavement or somewhere in Tunapuna or Port of Spain, are in trouble. They will break down a “doubles” stall and remove a soup vendor with lightening speed. That is where justice is directed. It is not directed against killers and kidnappers.

They go on TV regularly. I took a note of it. On Tuesday, October 03, 2006, the Chief of Defence Staff and the police commissioner had a joint press conference in which they warned the criminal elements that they were getting tough and that they will deal with the kidnappers. Any time they warn criminal elements, you can bet that the next day somebody will be kidnapped or murdered. This is an unlucky Government in that way. That has been the sorry experience of this Government.

So, it is the DNA, the justice bill, the Occupational Safety and Health Act, the Children Authority Act, the Justice Protection Programme Act, 2000, the Criminal Injuries (Compensation) Act and, of course, the Equal Opportunity Act that we speak about. These are the matters we raise today in the context of what the Government is asking for.

We raise the matter because when you go to the length and breadth of Trinidad and Tobago, the people are calling for an end to discrimination and for the promotion of fairness. With that in mind, a team of Government and Opposition met. That was the basis of the meeting. I am hearing about 90 days and 60 days and 30 days. Let me say that if the Government would come in good faith to bring the equal opportunity legislation that is ready to be debated and passed, I have no problem coming here on Christmas Day to participate in that debate. To me, that will be more important than Christmas. That will be a gift to the nation.

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Mr. Speaker, as the Member for Pointe-a-Pierre said, service to man is service to God and if we would serve our citizens in that way, then we serve God in that way. We cannot give support to this measure in the absence of the other important matters. To me, it really does not matter. You call the Parliament to debate and pass the equal opportunity legislation and we will give our support. In the absence of that, do not try this smart thing of coming for support today to extend life and then tell us that in 90 days you are coming back. I have my doubts about whether you will come back after Christmas and carnival. By then, we will have to extend again.

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

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

*Question put and agreed to.*

**Dr. R. Moonilal:** Thank you, Mr. Speaker, and thanks to Members on both sides of the House for the support. I assure them I will not be much longer. I know, on a day like this, Members would have their activities in which to participate. I assure them that I will not take longer than that which is allotted to me.

This matter of the Bail Bill is also related to another issue. It is related, not only to our justice system—and many have spoken about that—but also to our call for social legislation. The Member for St. Augustine pointed out earlier that it relates to the profiling and to the report card—to continue that analogy—of the Government. I want again to tell the Attorney General that he has lost a golden opportunity to indicate to the House the report card on crime.

It was stated in the press, in an article entitled “UNC withdraws support for Bail Bill” that the Government intended to do some research and bring to the national population data on crime so that the country would be apprised of crime. We are awaiting this data. We do not have any confidence that the Government will find and bring data, but we await whatever they bring that suggests that under their watch crime has gone down.

We also believe that it is almost offensive to be renewing and extending the life of a person who heads the Special Anti-Crime Unit when we have no results to show. The Government says they are very happy with the efforts of Brigadier Peter Joseph. I always confuse his name with the other Joseph, the comedian. The Government has said that they have confidence. I have nothing against the brigadier. I do not know him. I have never met him in my life, but I believe that

when persons hold high public office, they must account for it. At the end of a year or other time period, they must come to the table and say: Under my watch we have had 80 murders; we now have 40. All high level public officials must account. Do you know why they do not account? Because there is no culture of accounting. There is no culture from the Member for Diego Martin East. He is not accounting for flooding, bad roads, lack of proper bridges, the stadium in Grenada—he is not accounting for anything.

Do you know why persons in positions below Minister do not account? Because the Ministers themselves do not account. I am sure that Mr. Joseph will not see the need to account because he is not seeing that culture of accounting by Government Ministers, whether it is the Attorney General or the hapless Minister of National Security or the hapless junior Minister of National Security. He is not seeing that culture of accounting to the public as it relates to murder, kidnapping and other serious offences. That is what the Attorney General should tell us so that we can give support to their efforts. If we see that their efforts are working, we will give support. Can we continue to support what is not working? How much money did the Government spend on the blimp? About \$50 million and after that we do not know whether it works or not.

There is another escape valve in the Ministry of National Security. They say they cannot tell us if something works or not; that is a matter of national security. If we feel that it is not working, that is all right, but they cannot use what is working. That is how they treat the population in this country.

What is amazing is that right now we have cable TV on and people are watching the Parliament. Also on cable, there are all these reality shows and you see in the developed countries—in Europe, the United States and elsewhere—policing technology and reporting. In some jurisdictions, senior police officers go to the press and account every morning for a particular murder or a particularly atrocious crime. They keep the public abreast. What do we do here? We leak something to the media when it is politically expedient.

In the United States, a sheriff or his assistant would go to the press and explain something about the crime and what is being done and take questions from the press.

**Mr. Hinds:** The police commissioner does that.

**Dr. R. Moonilal:** On a rare occasion, the police commissioner would address the nation and “bouff up” the “doubles” vendor and the soup vendor and tell them he will not accept breaking the law by vending on the pavement. That is the response. It is a

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lack of compassion. The reason we have excess crime in this country is that the Government lacks compassion. I asked the Prime Minister, the Member of Parliament for San Fernando East—persons have been kidnapped and murdered, some in violence—How often do you see the Minister of National Security and the very wordy junior Minister of National Security extending a hand to a family to say that they feel sorry for their loss? How often does the Attorney General present himself to the home of a victim and introduce himself as the Attorney General and say that he is extremely sad for their loss or their pain? They cannot because they lack human compassion. If a government has no compassion, it cannot deal with social problems. When we speak on this side, we speak with emotion—we speak with passion. We did not wake up this morning after dreaming. We meet and speak to our constituents.

We have constituents waiting for help from the Self-Help Commission for two or three years now—a lack of compassion. We meet the victims of crime. When I meet my constituents who have been robbed, who have been the victims of kidnapping and the victims of all type of robberies, I feel hurt. I have had to go to the homes of relatives of kidnapped victims. I have had to go to the homes of persons who have been the subject of all types of brutal assaults. That is why you feel the emotion on the benches of the United National Congress. There is a limit to how much, as Members of Parliament, we can take.

Last week, when I launched the attack on the Minister of Health, it was because my constituents were suffering. Had I not raised the matter, my constituents would not have had their money back. You must always remember that. He did not dream of the response. It was there because I raised the matter.

If you do not have compassion, Mr. Attorney General; if you are smug and arrogant in the discharge of your public duties, you will never convince anyone that you are genuine and sincere about dealing with crime in Trinidad and Tobago. You cannot do that.

As the Member for Princes Town said, time is running out. The days of this Government are numbered. Clearly, the administration is coming to its last 10 months or so in office. A lot will be happening—Christmas, carnival, World Cup Cricket—and the Prime Minister and his Government will be straining to demonstrate some achievement and, in the remaining days of this administration, all we on the Front Bench ask is that they seek to do their best to fix the justice system.

No democracy can exist with an inadequate justice system. If you do not have the rule of law in any nation state, you do not have democracy. Democracy is rooted in the rule of law and the rule of law has certain fundamental principles.



One of the principles of the rule of law is access to swift justice. You cannot have the rule of law—as much as the Member for Laventille East/Morvant promotes himself as a philosopher and speaks about the rule of law—if you are delaying justice and if you are promoting a system where persons take forever to get justice. This is beyond the horrible transport system and it is beyond the normal plight we hear of prisoners and so on in San Fernando.

Sometimes I feel that if the Attorney General, the Minister of National Security and the DPP get together and say they are working and giving 100 per cent of energy, effort and resources to deal with crime, they cannot be that incompetent. However, they spend all their time doing something else. If they decide to give 100 per cent to deal with crime, they may make a dent, but they spend a lot of their time doing something else. You just have to go to the courthouse and read all those lengthy statements by the Attorney General, the DPP, the Prime Minister and the Chief Justice to know that they are spending a lot of energy elsewhere. The energy is not on fighting crime. That is where I humbly suggest there was a difference between the UNC and the PNM administration. Persons in the UNC spent their time addressing and fixing some of the social problems. This is why, in 1999, the murder rate was, how much? Does anybody remember how many people were murdered in that year? 92. Today, it is 357 and counting. Does anybody remember the first major case of kidnapping for ransom to make the headlines?

**Hon. Jeremie:** I am going to talk about it in winding up.

**Dr. R. Moonilal:** Good! I will give you some more things to talk about. Let me finish. I do not know if people remember Clint Arjoon, the first major case of kidnapping for ransom in this country. This phenomenon of kidnapping for ransom started and increased in its incidents after 2001. I do not want to talk about another matter but to flag it in passing. The controversy involving the legal matter before the courts in which the Government is seeking to strike off an affidavit by an insurrectionist, who claims that the Prime Minister made a deal with him to support the PNM to win the election in exchange for writing off a debt to that terrorist organization. I say no more on the matter. I know that it is before the courts and there are legal actions being taken by the State through the Attorney General and also by the lawyers for the individual in question.

**7.30 p.m.**

That is a fascinating revelation. The fact that it is before the court does not mean that it is less startling. The fact that the Attorney General is fighting to strike

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it off does not mean that it is less startling. In any serious democracy, you will not find these types of activities. If this is how your government started, if that is the foot upon which your government started, are you not surprised that today we cannot deal with all of these social problems, and the escalation in crime? We cannot be surprised that these are the matters.

As someone who has also studied political science and different political models and administrations, there are signs of dictatorial governments. You know dictatorial governments by certain signs, you do not have to call the country or the leader, look for where they attack peaceful protestors, where they seek to smother civil society and the NGOs—[*Interruption*]

**Mr. Speaker:** I think I have given you a wide—you are straying. Come back, you may have something important to tell us and you have only 15 minutes more.

**Dr. R. Moonilal:** Thank you for indicating that I have 15 minutes more. Let me come back to the issue of crime because I think we are all comfortable there. Do you know what a crime is? To drag a journalist by the name of Burton Sankeralli like a bag of “aloo” down in La Brea. That is the crime—a bag of potato. That is the crime I am talking about; the brutality on protestors. That is what I am talking about. Inflicting— [*Interruption*] I am not giving way. I have only 15 minutes. I am sorry. I will answer him in the corridor later. That is the crime I am speaking about and the lack of compassion and sympathy by this administration.

I want to indicate—because I am sure that there are other speakers in the Front Bench who will also join the debate—that our position is very clear. The Government has done nothing in the last year to indicate that they are genuinely serious about dealing with crime. They have failed miserably to implement legislation to deal with DNA. They have failed to implement legislation to deal with the breathalyzer and the most troubling question facing the people of Trinidad and Tobago, that is inequality and discrimination. They have failed on every count. They have failed to reduce the murder rate, the kidnapping rate and the serious crime rate. They have failed. If you have failed, then the UNC will have no mercy upon you. The electorate will treat with you next year, but today the UNC has no mercy for you. We will “heng” you high today. You cannot expect any salvation from the United National Congress.

We are very clear that, Mr. Speaker, if they cannot shape up, they should ship out. If they cannot run the country, they should get out. If they cannot deal with crime then allow the incoming United National Congress government to return this country to stability and security. If they cannot deal with crime—I do not

want to talk about any other area—and security of the citizens of Trinidad and Tobago, indicate that to us, but do not come to beg for 90 days, two months, six months or two years. Do not seek to beg for that.

As much as I may sympathize with the PNM, I have eyes to see. I see what you are doing. I see the vindictiveness, the malice and the racism, so I will not be able to support you. I cannot support you, not one day more, maybe less. I cannot give you three days, far less three minutes, nothing I want this evening to say in support of this Government in any measure.

Mr. Speaker, I thank you.

**Mr. Ganga Singh** (*Caroni East*): Mr. Speaker, in the aftermath of the contribution of the Member for Oropouche, I will be failing in my duty if I do not respond to some of the matters raised, especially since he cast certain allusions with respect to the motivation by Members of Congress of the People for supporting this piece of legislation with the necessary time constraint.

When you contemplate the scenario that would take place if this legislation is not supported and, therefore, maintain the status quo, what you will be doing is that you will be facilitating kidnapping in Trinidad and Tobago. If you do not support the maintenance, by the extension of the time period of this legislation, you will be soft on crime.

It is agreed by all present here tonight that crime is rampant in the society and that responsibility, that primary responsibility, is that of the Government and that the Government of the day, led by the hon. Member for San Fernando East, has that primary task of securing the safety and security of the people of Trinidad and Tobago. That is well established.

Arising out of discussions over a two-year period, with one year of discussions with Members of the Opposition, the amendment to the Bail Act was part of a package of legislation. That was agreed upon: the concept of crime. Crime is not a partisan, political issue. Crime is of national concern. To address crime is in the national interest.

There are those who believe that when they are in Opposition, the best approach for the displacement of a government is to allow chaos to reign and that, therefore, in the promotion of chaos, you promote the unravelling of the society, regardless of the consequences to the national way. I do not, and we on this side do not share that point of view. There are those who believe in that unravelling that they would become the beneficiary and that by becoming the beneficiary, that will catapult them into government.

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We on this side speak of the new politics that transcends that kind of narrow and parochial approach. We say on this side of Congress of the People that you cannot carry—because that is a zero-sum game. It means when you lose government and you come in, as a result of that kind of game, by the then Opposition, and you perpetuate that, it is a zero-sum game for the society. The society would never move forward. Therefore, what you will be doing is attempting to carry the society forward by looking in your rear-view mirror.

Our approach is that this is a piece of legislation. What is the scenario, if you do not have an extension of this piece of legislation? We heard the extent of kidnapping by ransom. Who wins from such an approach in the non-support of this extension? Who wins? Who are the winners? It is the kidnapers. The criminals will win if we do not support this legislation. Who will suffer? They are the hundreds of persons who have already been affected and their families. They suffer and continue to suffer today. One kidnapping is one too many. The non-support of this amendment to the Bail Act today, would, in my view, precipitate a spree on kidnapping for the Christmas, into the carnival period.

I have my own constituents. Last Christmas a young lady went into the Trincity Shopping Mall, dangling her mother's car keys, and she was kidnapped and a ransom of \$5,000 was paid. I cannot live with that, because if those perpetrators are caught I want to ensure that they remain inside for this whole period.

That is what this is about. In the contribution of the Members for St. Augustine and Pointe-a-Pierre, all the issues were dealt with; the whole question of the protection of civil liberties and the lack of competence, commitment, legitimacy and lack of trust on the part of the Government in dealing with this issue. I refute any suggestion whatsoever that our support of this legislation is not in the national interest of the people of Trinidad and Tobago.

Who have been the victims of crimes of extortion and kidnapping in this society? It is primarily the small business class and medium size business class. When they made one attempt to go into the conglomerate arena, the response was such that the criminal element never went back into the large conglomerate arena in Trinidad and Tobago. So it is, the business community that has assets that can translate into a measure of liquidity, very quickly, in terms, of payment of ransom moneys.

One of the problems that we face, as a result of kidnapping, in particular, in Central Trinidad, is the wholesale removal of indigenous entrepreneurs in this country into Miami, Toronto and New York, whole families. One family, the

Roopnarine family from Chaguanas, over 20 members of that clan moved out. They still maintain their business but they have gone back into the colonial plantation mentality where you have an absentee owner living in the metropole and you have the business running very efficiently down here. That is what is happening. If you send a message to the kidnappers in the society, that the value system allocation is one in which it is okay to kidnap persons in the society, and to kidnap those persons, as certain Members would want us to participate in, that value system will then precipitate a continuation of kidnapping in the society.

Now the kidnapping has reached the stage where they are targeting professionals and the family of professionals. Today's *Guardian* states:

“Pilot renews plea for wife's release”

I am very happy that the Member for Oropouche spoke about compassion, because it is our sense of compassion and empathy with victims like that of the spouse and the family of unemployed BWIA pilot, Ashmeed Ali, husband of kidnapped victim Debbie Singh-Ali. When you read this story you understand why there is the compelling necessity to support this legislation. I would read this into the record of the House. This is from the *Guardian* of Monday, December 18, 2007, written by Adrian Boodan.

“Pilot renews plea for wife's release

Ali spoke with the *Guardian* on Saturday afternoon, when reporters visited his home at Latania Drive in Roystonia Park, Couva.

A worried, unshaven Ali said his two primary school-aged children were suffering more than he was.

He said the children were extremely worried since their mother was snatched from their home 13 days ago.

They were not eating or sleeping, and it pained him immensely to see the distress on their faces, since they are unable to do anything about the situation.

Ali did not comment on the \$1 million ransom demanded for the safe release of his wife or the fact that he had sold his vehicles to raise some of the cash to meet the demands of the kidnappers.

Ali appealed to his wife's abductors to accept the ransom he had offered and release Debbie, since this was her favourite time of the year.

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He said Debbie was cleaning her home when the abductors entered the house and took several items before making off with the 30-year-old woman.”

It is clear that we in this Parliament—

#### PROCEDURAL MOTION

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Thank you very much, Member for Caroni East. Mr. Speaker, in accordance with Standing Order 10(1), I move that this House continue sitting until the completion of the current debate.

*Question put and agreed to.*

**Mr. G. Singh:** Mr. Speaker, we have a duty in this Parliament, to send a clear message to the criminal element in our society. That message is crystallizing legislation. If it is that the Government has abdicated and abandoned their responsibility, and they have been lethargic in their responsibility, do we, as Opposition politicians, participate in that abdication, lethargy, laziness and incompetence? No. We ought not to allow the public to suffer and be within the embrace of the criminal element, for whatever period, whilst the Government, in its tardiness, tries to get its house in order. The political leader, the Member for St. Augustine, made it very clear and I congratulate him on an excellent contribution to the public debate on this issue in this country. I also congratulate the Member for Pointe-a-Pierre. That is the kind of sense of public duty that we have in Congress of the People.

We have a duty to send a message and a value system. The approach we are taking is practical and reasonable. When I listened to a three-day period for the Government, I must tell you that is impractical. It is impractical for several reasons, but I certainly do not want to go in that. Certainly, it should be a three-month period to get your package of legislation. The hon. Member for Diego Martin Central has given an undertaking that they will come within 60 days. It is part of the hypocrisy in this Parliament, that when you support legislation you support a particular political party. That is not true. What you do is that you support what is in the national interest and what is in the public interest.

When we supported the Occupational Safety and Health legislation, we supported that in the interest of workers of this country, not in the support of the UNC or the PNM. This is in support of the proper protection for workers of the country. That is why we have been unrelenting in pursuing the collapse of the

scaffolding issue. If you do not send a proper message to the employers—if you send a message to the employers that they will get away with the injury of workers—then OSHA goes in the dustbin and it is not worth the paper it is printed upon.

Mr. Speaker, we do not take the approach that when we support legislation in the public interest, we are supporting any other political party. We have our own clarity of purpose in this House. To say that we support a particular political party, because we support legislation which, if you do not support it, will facilitate crime, is sheer hypocrisy.

We on this side do not take instructions by telephone. We do not take instructions. We take the approach, what does the public interest demand? That public interest is an interest of an appreciation of the plural and diversified nature of the society. We take the approach that part of the problem that the Government faces is because they took an approach whereby they were linked intimately with criminal elements in the society and that gave rise to the social “embeddedness” of criminal activity in the larger society, whether you call them community leaders, members of the various make-work programmes, whatever you call them, you brought about that intimate connection that gave rise to criminal activity being embedded and being sent as a value allocation for the larger society.

What is it we in COP are saying? We are saying that in order to ensure that kidnapping does not take place in the society; we must maintain the status quo. We are saying that there must be a time constraint for the maintenance of that status quo and—in the words of my colleague, the Member for Pointe-a-Pierre—that there is a report card, homework for the Government to do. By this we are saying that criminals must be put under pressure. We are saying that the Government, within a limited time period, must bring legislation back to the Parliament.

We are saying this and it was enunciated by my colleagues, the Members for St. Augustine and Pointe-a-Pierre, that there are credibility, legitimacy, and validity issues. There is a whole question of the lack of trust on the part of the Government. Keeping that in mind, we have placed a reasonable time constraint of 90 days to come back to this Parliament. The sunset period is very clear.

What comfort does it give to our national community? The comfort it gives is that the kidnapers will be placed—there will be no relenting of the pressure on kidnapers, we will not be soft on crime and that we will send a value system allocation that if you kidnap, then you run the risk of not getting bail—kidnap for ransom.

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If you do not support this legislation, what is the message you are sending? They are sending the message to kidnapers, we have you in our embrace and you are now part of an approach in which we will facilitate kidnapping. That is not acceptable. That cannot be acceptable, having regard to the nature of what is emerging in the society.

Mr. Speaker, my colleague spoke about the contamination, collapse and pre-collapse of the justice system. My colleagues spoke about the necessity for action. We in COP are interested in deliverables and solutions to the people's problem. Our action today, in the support of this legislation, for a 90-day period is reflective that the people's interest must be put first before any kind of partisan consideration.

Mr. Speaker, with these few words, I thank you.

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, the contributions this evening have been long and varied. They have varied in substance, tone and effect. The Front Bench has failed the country miserably today. I say so as a visitor to this House and as one who came to this House with a modulated tone as I spoke. I came to this House with a modulated tone today. *[Interruption]* I was not begging. I came to this House with a modulated tone. Mine was a call to action on behalf of the people of Trinidad and Tobago.

I did not want combat, but to be met with words from the Member for Siparia such as “deception, crisis, VMCOTT, bombardier jet, Professor Julien, UTT and pull wool over eyes”, my patience ran out very quickly and it was heartening to hear patriots speak in this House this evening.

I am new to this business. I came into this business three years and two months ago. When I came, I came with blinkered views. I felt that we were about doing the people's business. What I can say here this evening is that none of them in the front there have done their constituents proud and have done the business of the people of Trinidad and Tobago this evening.

Take for example, the Member for Oropouche, who is not a law student, so I forgive him—*[Interruption]*

**Hon. Member:** He is a law student.

**Sen. The Hon. J. Jeremie:** He is a law student? Okay. He said that we have come into Government—the Member for San Fernando East, the Attorney General, the DPP and others, I suppose, because the conspiracy widened as you listened to it—bent on destroying certain persons and that if we were not bent on



destroying those persons, we would have been focused on dealing with the criminal justice system. He said that the first task that we set ourselves on was to destroy. I want to tell him that the first task that we undertook on this side was to return the rule of law to this country and, unlike what his conception of the rule of law is, which I do not understand—I sat and tried to listen to what he was saying, but I do not understand it.

The first principle of the rule of law is that there is one law for all, rich or poor, big or small; one law for all. It does not matter whether you are a former Prime Minister or a present Attorney General, there is one law for all of us, and so if I break the law I would make a jail. If the former Prime Minister breaks the law, he should make a jail.

Much of what was said this evening related to the Ministry of National Security. I am not passing the buck with respect to figures. I take responsibility—the Minister is not here this evening—and the Government takes responsibility for all that was said. We take responsibility for the drop, the dramatic drop, in kidnappings which every citizen in this country today feels and knows about on the streets.

Yes, we have problems. We have problems in relation to homicides, but you know what, we on this side accept the challenges of those problems. We welcome those challenges because we are serious people and we are about fixing problems. We are not about blaming people and taking on what positions we should take this evening, by telephone. We welcome our responsibility and we will treat with our responsibilities seriously.

One issue which was raised this evening by speaker after speaker, which I think I need to address, is that of the criminal justice system. Our criminal justice system finds itself—not for the first time as the Member for Pointe-a-Pierre fairly pointed out in her contribution—in a moment of difficulty. That has been said from the Bench. It has been said from the Director of Public Prosecutions and by my own words; we find ourselves in a moment of difficulty.

Why are we in a moment of difficulty? You have a country which has come out of five years of being led by a man who is a convicted criminal. They cannot pull me up on the Standing Orders today because he is no longer a Member of this House. He is a convicted criminal. He has led for five years. The Prime Minister of this country was a convicted criminal for five years and you ask me why the criminal justice system in this country is in trouble. If you have problems at the top, they will permeate into difficulties at the bottom. That is what happens.

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I am speaking about the administration of criminal justice in the face of what is Standing Order 36(10), which, by its terms, prohibits the conduct of judges or other persons engaged in the administration of justice, to be raised, except upon a substantive Motion moved for the purpose. This is not any such thing. I cannot deal with that plank of the criminal justice system but it is an important plank.

We have had a difficulty in terms of the leadership in the justice system in this country. The Government has been faced with a crisis. Instead of running away from it, we have run towards it with resolve and without care for what the consequences, political or otherwise, might be for us.

Mr. Speaker, I could easily have come here today to point fingers but, I am not about that. The criminal justice system comprises several elements, which work together. It is easy to throw up your hands and say that the justice system has broken down and point fingers at some state agencies or another, or to place the blame on the Government or the Judiciary, which are the two main planks of the criminal justice system. The reality is that the criminal justice system has been in trouble for a long time in this country. The trouble was not caused by this Government. I have said quite openly here today, what caused it, as it is proclaimed by those who take a simplistic view and seek to gain political mileage for it. The trouble originated from those who have chosen to attack the heart of the criminal justice system by those who orchestrated the mysterious disappearance of files, or have witnesses somehow meet an unfortunate end or be terrified to the extent that he or she refuses to testify.

Their former Attorney General, Ramesh Lawrence Maharaj, while on a criminal charge of conspiracy to pervert the course of justice, was freed after the files from the preliminary enquiry in that case went missing in mysterious circumstances. Then you talk about the criminal justice system being in trouble? Yes, it is in trouble.

The criminal justice system is in trouble because of those who abuse our fundamental rights and freedoms, so that the balance between the rights of the individual and the rights of the many lose equilibrium. These persons view the Constitution as a suicide pact, which keeps us from enacting effective laws by performing the role of the recalcitrant Opposition.

It is in trouble because there are those who call for change but ensure that it does not happen, lest it may somehow appear to support the efforts of the Government in power.

It is in trouble because of those who call for performance and accountability, but who ensure that every attempt of the Government to ensure precisely that, is thwarted.

It is in trouble because of those who call for promotion on the basis of merit in our police service, but who strive to ensure that it is never allowed to happen. That is why our criminal justice system is in trouble.

Our criminal justice system is in trouble because of those who, for the benefit of their own pockets, as I have said before, ensure a multitude of court appearances and the inapplicability of paper committals.

It is in trouble caused by the mysterious domino deaths of Kelvin “Bacchanal” Williams, Lizard “Cutty” Charles, Bunny Bran, Clint Huggins and Imran Ali, whose only claim to fame is that he was a witness for the prosecution in the perverting the course of justice matter against the former Attorney General, Ramesh Lawrence Maharaj. That is all Mr. Imran Ali did.

In that case, there was evidence that the former Attorney General met with Frederick Brown and Kumar Ali in a Chinese restaurant on Coffee Street in San Fernando and the former Attorney General told him that he was prepared to pay any kind of money to kill Errol Spencer.

The criminal justice system is in trouble because of the abuse by those who have used technicalities and shun substance.

It is in trouble because of those who believe that it is someone else's problem, when, in fact, it is our problem as a society.

Mr. Speaker, a weakened criminal justice system is not someone else's problem; it is a problem for every citizen of Trinidad and Tobago. It will require all of us, working together to rectify.

It cannot be one-upmanship. No citizen who lives in this country will smile if crime statistics go up, or if a criminal is set free, due to a technicality. I thank the Member for Pointe-a-Pierre for making that point here today.

Mr. Speaker, the goal of our criminal justice system must be to arrest the perpetrators, to punish the guilty, acquit the innocent, send messages to deter any potential perpetrators and to rehabilitate those who can be rehabilitated.

To do this, we must have a good police service, which is well trained; strong on investigation and evidence gathering, which uses good systems and which is conscious of the need to have the confidence of the people. That is the responsibility of the Ministry of National Security but, ultimately it is the responsibility of all of us on this side. It is a responsibility of the Government.

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To do this, we must have a good state prosecution service, which is well resourced, well trained and uses good systems. That is the responsibility of the Attorney General and I am working on it.

To do this, we must have a good court system, which is properly resourced, which has the appropriate tools, procedures and systems and the public's trust and confidence. That is a responsibility, in our system, of the Judiciary. We have a new Chief Justice. I am not going into anything. He is now finding his feet and I suggest that we leave him to build good systems.

To do this, we must have a good criminal Bar, the members of which recognize their duty to the court and their country, as well as to their client. It gives me no pleasure to see that we have criminal lawyers now who are before the courts charged with conspiracy to pervert the course of justice offences, along with notorious criminals in this country. That is why the criminal justice system is in trouble.

To do this, we must have a good forensic science resource centre, which recognizes the duty of the court and to this country. We must have a good prison service, which focuses first on rehabilitation, but which is conscious of the need to protect the society. That is the responsibility of the Ministry of National Security, but is a responsibility of us all.

A good citizenry, which recognizes its role in the well-being of the nation and as such continues to do its civic duty without fear; witnesses who can give evidence without fear; and laws which allow the systems involved in the criminal justice system to function fairly, efficiently and effectively so as to convict the guilty and to acquit the innocent. All of those things are required to build a good criminal justice system.

Whether we like it or not, the effective administration of the criminal justice system requires certain national security secrets and systems which sometimes cannot be transparent, working with other governments and also innovation.

I make no apology this evening that I have used the resources and continue to use the resources of the United States on every occasion that I can do so, to bring wrongdoers to justice. This is what this Government has to do; faced with the realities on the ground with our criminal justice system.

Whether we like it or not, the administration of criminal justice requires having to grant immunity sometimes and plea bargaining with criminals because those criminals are the witnesses to hard core criminal activity. But the chance of a plea or an agreement for immunity is diminished when the alternative to that is

less sure. Then criminals begin to hedge their bets. If we want to control crime we must detect, convict and duly sentence the guilty quickly and correctly. Our courts must function well and all of the adjunct agencies, which comprise the criminal justice system, must function well.

We as a people have a role to play in this. Unlike the civil courts, where matters are between two parties who bring witnesses, the criminal court system cannot function without jurors who take their oath seriously, witnesses, including victims, who speak truthfully and lawyers who take their oaths seriously. The prosecutors' burden of proof is higher than any civil case and defendants in criminal cases have certain absolute rights.

Mr. Speaker, we have been doing a number of things in relation to the criminal justice system. The Ministry of the Attorney General has been working with a criminal court committee, comprising persons from the Judiciary and other agencies. This sub-committee includes judges, magistrates, the DPP and certain members of the Criminal Bar. It also includes certain senior police officers, certain senior prison officers and the Director of the Forensic Science Centre, as well as the Administrative Secretary to the Chief Justice.

We have also been looking at the creation of a drug users' court as was pointed out by the Member for Pointe-a-Pierre. We are soon to pilot several changes in how the Magistrates' Court operate. The pilot site is in Scarborough, Tobago. It was already identified and should be off the ground in the next three months.

It is common knowledge that the Justice Protection Act, which the Ministry of National Security has responsibility for, has not yet been proclaimed and there are those who would hold on to this fact as a sinister failing of this Government in the administration of justice. The Act provides for the establishment of a comprehensive system for the protection of witnesses.

Mr. Speaker, the Ministry of National Security is in the final process of drafting the regulations under the Act to facilitate the establishment of the various agencies established hereunder, but this does not mean that there is no comparable programme in place at this time. In fact, there is a fully functioning system for the protection of witnesses which, in all important respects, mimics the system which is prescribed under the Act, except to say that the present system allows for a measure of flexibility, which allows to adjust to the dynamics of every particular situation. In fact, this flexibility may be lost after the implementation of the statutory regime.

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Some years ago, Chief Justice Sharma lamented the fact that state attorneys needed better pay. We have done that too. He also lamented the fact that they were often mismatched with quality counsel. We have addressed that problem and we shall continue to address that problem.

Mr. Speaker, at the heart of the abuse of the system lies a gang of thugs, joined together by a common history of violence, which reached its nadir in the attempt to overthrow a government in 1990 from the death and silencing of Sumairsingh to the assassination of Des Vignes, former Member of Parliament, to the kidnapping of citizens and demand for extortion moneys and now to witness intimidation. There lies a common thread. It can be summed up in one word, "Mucurapo".

Mr. Speaker, the Member for Oropouche made passing reference to an affidavit, a sorry affidavit, which attempted to be put in evidence by a gentleman from Mucurapo. What I have to say to that is that Tuesday, March 17, 1998, for 42 seconds that individual went on Power Radio 102, as it was then known—I do not know if it is the same thing today—and this is what he said:

"What is Theodore doing talking about the law? He is the lawyer. Is Ramesh Maharaj who is the Attorney General. What is his position on this matter? I have heard nothing from Mr. Maharaj. You know, but like everything else, you know everybody denies. You know until you present a tape and very soon I will be telling the nation about what Mr. Panday knew about the 1990 coup and he could deny it until we present the tape."

The tape was subsequently presented.

"If the race is on, that is it. Just remember that they initiated it. They started it."

This is the gentleman from Mucurapo talking at a different time for a different purpose.

"And I am prepared now to tell the nation what I spoke, when and what I spoke to Mr. Panday about the coup. I am going to tell the nation now, among other things."

That is all that I have to say about the creditability of that gentleman from Mucurapo, whom the Member for Oropouche spoke so glowingly about.

Mr. Speaker, with those few words, I beg to move the amendment to the Bail Act, 1994.

*Bail (Amdt.) Bill*

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*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

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

*Clause 3.*

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

**Mr. Valley:** There is an amendment.

**Mr. Singh:** Consistent with the proposal made by those on this side, where we substitute the words “two years” with the words “three months”.

**Mr. Valley:** No, it is fifteen months. If you read it you will see that it is fifteen months. We are deleting the words “one year” and replacing it with the words “fifteen months”.

**Mr. Singh:** Which will incorporate the three-month extension you seek.

**Mr. Valley:** That is right.

**Mr. Singh:** So that the sunset date for this legislation will be when?

**Mr. Manning:** Three months hence.

**Mr. Singh:** From today?

**Mr. Singh:** From the date of assent.

**Mr. Manning:** It is a continuation of the existing legislation. The existing legislation should have expired in one year. Therefore, it is three months from December 22.

**Mr. Singh:** That is what we agreed upon, so that you have accepted our proposal.

**Mr. Valley:** Yes. We are changing “two years” to “fifteen months”.

**Mr. Chairman:** Clause 3 is amended by deleting the words “two years” appearing in line 2 and substituting those words with the words “fifteen months”.

*Question put and agreed to.*

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

*Bail (Amdt.) Bill*

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*Preamble approved.*

*House resumed.*

*Bill reported, with amendment.*

*Question put, That the Bill be now read a third time.*

*The House divided: Ayes: 24 Noes: 6*

**AYES**

Valley, Hon. K.

Manning, Hon. P.

Rowley, Dr. K.

Imbert, Hon. C.

Robinson-Regis, Hon. C.

Narine, Hon. J.

Boynes, Hon.R.

Beckles, Hon. P.

Rahael, Hon. J.

Roberts, Hon. A.

Bereaux, H.

James, Hon. E.

Hart, Hon. E.

Callender, Hon. S.

Seukeran, Hon. D.

Job-Davis, Hon. E.

Hinds, Hon. F.

Khan, F.

Achong, L.

Singh, G.

Dookeran, W.



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Yetming, G.

Ramsaran, M.

Lucky, Miss G.

**NOES**

Rafeeq, Dr. H.

Persad-Bissessar, Mrs. K.

Sharma, C.

Panday, S.

Baksh, N.

Moonilal, Dr. R.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, as I rise to move the adjournment of the House today, I am conscious of the fact that this is most likely to be our last sitting for the year 2006. [*Interruption*] You never can tell. It is in that connection that I want to pay tribute to all Members of the House and Members on the Back Bench. The Government owes a debt of gratitude to the Members on the Back Bench.

**Mr. Manning:** The country, not the Government.

**Hon. K. Valley:** And the country, of course. On behalf of the Government and the country I want to offer my thanks to Members on the Back Bench. It indicates a maturity in the politics that seem to be unknown to the Front Bench of the Opposition, who continue to—[*Interruption*]

**Hon. Member:** The debate is over.

**Hon. K. Valley:** Yes. I nearly got carried away. Let me do what I stood to do.

#### Seasons Greetings

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** I wish all Members compliments of the season and wish that we would all be back here in the New Year and that we would all

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enjoy the camaraderie that we have enjoyed now for approximately five years. I wish you all the best for 2007 from all of us on this side.

I beg to move that the House do now adjourn to a date to be fixed.

**Dr. Hamza Rafeeq** (*Caroni Central*): Thank you, Mr. Speaker, I also would like to join with the Leader of Government Business in wishing all Members of this House and their families, the staff of the Parliament and their families and your family, members of the protective services, the national community and, of course, those who regularly join us in the public gallery, a happy and safe Christmas 2006.

As for 2007, we would like to wish Trinidad and Tobago a happy, safe and secure 2007 and we would also like to wish Trinidad and Tobago a new Government in 2007.

Thank you very much.

**8.30 p.m.**

**Mr. Ganga Singh** (*Caroni East*): Perhaps it is timely I rise at the call of the faithful. On behalf of the Congress of the People and for those of us associated here, I wish to take this opportunity to wish you, Mr. Speaker and your family; the Clerk of the House and her family and members of staff; members of the protective services; members of the media all the best for the yuletide season and may the joy, warmth and religious period of the Christmas season be brought to bear and blessings and benedictions be brought to bear upon each and every one.

For 2007, I want to take the opportunity to wish my colleagues, their families, all gathered here, all the best for the New Year, and we know that it will be blessings for all of us as we have embrace of all the faithful patriotic citizens of this country. It is an eventful year next year; it is Carnival; into ICC World Cup Cricket; into an election campaign, no doubt, whenever the Prime Minister chooses to call it. I really want to wish each and every one a happy, joyous and safe Christmas season.

I thank you.

**The Prime Minister and Minister of Finance (Hon. Patrick Manning):** Mr. Speaker, I too would like to join all my colleagues on all sides of this honourable House who this evening marked the conclusion of what I think has been a very successful year of work in this august Chamber. As we approach Christmas and the end of the year, as we approach a new year, I think that the Parliament has every reason to want to celebrate in some way, because I think we have done reasonably well; of course we can always do better.

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I too would like to join the voices that were raised on all sides expressing to you in the first instance, Mr. Speaker and to your family, a holy Christmas and a bright and prosperous New Year and the felicitations of the season to my colleagues, hon. Members on all sides.

Thank you very much.

**Mrs. Kamla Persad-Bissessar** (*Siparia*): Thank you very much, Mr. Speaker. I join with my colleagues in the Chamber to wish to all for this holy blessed season; may we have a safe and merry Christmas and a holy one as we enter into the New Year. We know that the New Year will bring some good things for all of us; we live in hope. I would like to say since you began—I am not trying to drop blows—not because we do not vote on a particular Bill, does not necessarily mean we do not have the interest of the nation at heart. So, as with all of you, for the nation, we continue to work for the benefit of all and may we continue to do so in the New Year. Merry Christmas, Happy New Year.

Thank you.

**Mr. Winston Dookeran** (*St. Augustine*): Mr. Speaker, I guess it will be appropriate protocol for me to join with the hon. Prime Minister, the Leader of the Opposition, as well as the Leader of the Government Business and the respective Chief Whips, in sharing the gracious words that have been expressed here today at the end of this calendar year. And to hope that during the course of next year we will be able to continue in spite of our major differences to always serve the collective interest of all the people of Trinidad and Tobago. Merry Christmas and Happy New Year to all of us.

**Mr. Speaker:** Hon. Members, I wish to thank all of you for expressing felicitations to my family and myself for the season. I in turn would like to express to all Members and their families a safe, happy and joyous festive season. Make sure it is a holy one; let us reflect in the New Year. We do have a hectic year ahead of us and I wish all of you the best in the New Year.

To the staff of the Parliament; members of the media; members of the police service who protect us here when we come to Sittings of the House, I wish to extend to all of you and your families a very happy and holy Christmas season and let us look forward to a bright and exciting new year.

Before I put the Motion for the adjournment, hon. Members, I had issued invitations to all of you Friday last to join me for some festive drinks and I am expecting and hoping to see all of you in the tea room. Now, this is not a threat; those of you who I do not see, well perhaps the goodwill may not extend to next year.

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I hope you will all join me for a festive drink and if at least you can spend five or ten minutes, it will be appreciated.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.36 p.m.*