

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FOURTH SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON OCTOBER 17, 2002

SESSION 2006—2007

VOLUME 21

HOUSE OF REPRESENTATIVES

Friday, January, 26, 2007

The House met at 1.30 p.m.

PRAVERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence: the hon. Camille Robinson-Regis, Member of Parliament for Arouca South for a period of six weeks from today; the hon. Eric Williams, Member of Parliament for Port of Spain South for the period January 22 to February 12, 2007; and the hon. Nizam Baksh, Member of Parliament for Naparima from today's sitting of the House.

The leave which these Members seek is granted.

PAPERS LAID

1. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Regional Health Authorities Pension Fund Plan for the year ended December 31, 2001. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
To be referred to the Public Accounts Committee.
2. The Immigration (ICC Cricket World Cup West Indies 2007) (CARICOM Special Visa) Regulations, 2007. [*Hon. K. Valley*]
3. The Value Added Tax Act (Amdt. to Schedule 2) Order, 2007. [*Hon. K. Valley*]

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, the Government is today able to answer the following questions on the Order Paper: question Nos. 7, 16, 25, 27, 31 and 40.

Mr. Speaker, I feel certain that the answers to those questions would take us beyond 2.15 p.m. Nevertheless, to make assurance doubly sure we are asking for a deferral of the other questions for a two-week period.

The following questions stood on the Order Paper:

Brian Lara Stadium

5. (a) With regard to the Brian Lara Stadium, could the hon. Minister of Sport and Youth Affairs advise:
- (i) the status of work being conducted;
 - (ii) the expected completion date; and
 - (iii) the cost overruns to date?
- (b) Could the Minister state what would the stadium be used for in relation to Cricket World Cup 2007? [*Mr. M. Ramsaran*]

**Deshifting of Government Secondary Schools
(Status of)**

17. Could the hon. Minister of Education advise:
- (a) how many government secondary schools have been de-shifted annually from 2005—2006; and
 - (b) the time frame for the completion of the said de-shifting exercise? [*Dr. A. Nanan*]

**Construction of Schools
(2005—2006)**

19. (a) Could the hon. Minister of Education list the pre-schools that have been constructed annually for the years 2005—2006;
- (b) If no pre-schools have been constructed, could the Minister outline reasons for the delay in construction? [*Dr. A. Nanan*]

**Aluminium Smelters
(Emissions from and Water required)**

20. Could the hon. Minister of Public Utilities and the Environment state:
- (a) what is the annual estimated total level of gaseous emissions from the proposed three (3) aluminium smelters; and
 - (b) the annual total volume of water required for the operation of the said smelters? [*Dr. A. Nanan*]

Status of Legislation

- 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 time frame for introduction in Parliament? [*Dr. A. Nanan*]

**Trinidad and Tobago Electricity Commission
(Demand for Electricity)**

- 29.** Could the hon. Minister of Public Utilities and the Environment state the following:
- (a) what is the current demand for electricity in Trinidad and Tobago and the projected demand by 2010;
 - (b) what measures are being put in place in order to meet the current and projected demand;
 - (c) what is the current status of the implementation of Trinidad and Tobago Electricity Commission's proposed Automated Meter Reading System? [*Mr. G. Singh*]

**Alescon Sporting Facility
(Information on)**

- 30.** Could the hon. Minister of Sport and Youth Affairs inform this House, with regard to the Alescon Sporting Facility, Charlieville, Chaguanas:
- (a) when will work on the facility begin;
 - (b) what is the scope of work to be done; and
 - (c) when will the work be completed? [*Mr. M. Ramsaran*]

**National Chutney Foundation
(Subventions by the Government)**

- 33.** Could the hon. Minister of Community Development, Culture and Gender Affairs indicate whether any subventions have been given by the Government

to the National Chutney Foundation of Trinidad and Tobago for the propagation and development of this art forum? [*Mr. N. Baksh*]

**Special Purpose State Enterprise Companies
(Information re: directors)**

- 34.** Could the hon. Prime Minister and Minister of Finance state:
- (a) the names of all existing Special Purpose State Enterprise Companies; and
 - (b) the names of the directors of these Special Purpose State Enterprise Companies and their respective occupations? [*Mr. G. Singh*]

**Ramleela Groups
(Funding Received)**

- 35.** Could the hon. Minister of Community Development, Culture and Gender Affairs provide a listing of the Ramleela Groups that received funding in 2006? [*Mr. G. Singh*]

University of Trinidad and Tobago (UTT)

- 36.** Could the hon. Minister of Science, Technology and Tertiary Education list:
- (a) all the contracts entered into by the University of Trinidad of Tobago (UTT);
 - (b) all consultants whose services are engaged by UTT and the fees paid to them;
 - (c) all legal fees paid to attorneys-at-law for and on behalf of UTT; and
 - (d) all foreign personnel of UTT and their respective salaries?
- [*Mr. G. Singh*]

Questions, by leave, deferred.

**Early Childhood Care and Education Centres
(Chaguanas)**

- 7. Mr. Manohar Ramsaran** (*Chaguanas*) asked the hon. Minister of Education:
Could the hon. Minister indicate whether there are plans to construct Early Childhood Care and Education Centres in the constituency of Chaguanas?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I am sorry, but I understand that question No. 7—I will have to ask for a deferral of one week.

Question, by leave, deferred.

Mr. Speaker: Okay. I know you indicated earlier on that the answers for the other questions will be forthcoming. Just to indicate that some of these questions have been on the Order Paper for quite some time, and I ask you to use your best efforts to have them answered as expeditiously as possible.

Dr. Moonilal: This is his best effort.

Disbursement of Moneys

16. Dr. Adesh Nanan (Tabaquite) asked the hon. Minister of Education:

- (a) Could the hon. Minister advise how much money was disbursed by the International Development Bank to the Secondary Education Modernization Programme during the period 2005—2006; and
- (b) How much interest has been paid by the Government on the undisbursed amount of the Secondary Education Modernization Programme loan for the said period?

Mr. Ramnath: You again?

The Minister of Education (Sen. The Hon. Hazel Ann Marie Manning):

Yes, I think you all love me here.

Mr. Speaker, the disbursement from the Inter-American Development Bank to the Secondary Education Modernization Programme (SEMP) for the financial year ending September 30, 2005 was US \$1,862,219,000 and the interest and commitment fee on the undisbursed balance for the same period is US \$220,843.

In the financial year 2005, the Ministry of Education via the SEMP trained 2,472 teachers in the new core curriculum, developed by the Ministry of Education under the SEMP. Additionally, 208 education professionals received training at the tertiary level in the following programmes: Diploma in School Management and Leadership, 40 candidates; Certificate in School Management, 40 candidates; Masters in School Administration; 30 candidates; Diploma in Technology Education, 40 candidates; Diploma in Visual and Performing Arts, 34 candidates; training in the trainer workshop in Technology Education, 24 candidates; a total of 208 candidates were trained.

Oral Answers to Questions
[SEN. THE HON. H. MANNING]

Friday, January 26, 2007

The loan resources were used in fiscal year 2005 for development of the national CORE curriculum and its distribution to Forms 1 to 3, for piloting the National Certificate of Secondary Education Level 1 Examination; for implementing the pilot phase of the local school boards for secondary schools; for conducting workshops and stakeholder consultations; to clarify and define education standards; and finally to supply approximately 63,000 Forms 1 to 3 secondary school children with textbooks.

With respect to part (b) of the question, the answer is the disbursement from the Inter-American Development Bank for the year ended September 30, 2006 was US \$10,167,691, the interest, commitment fee on the undisbursed balance for the same period was US \$78,380.

Mr. Speaker, this brought the total amount disbursed under the loan to US \$24,780,745 with a total interest paid on the undisbursed balance of US \$2,522,818.

Please note that the commitment fee on the undisbursed balance is getting smaller as the programme draws on loan resources. It should be noted also, that accumulative disbursements since fiscal year 2002 is US \$19,354,677 as compared to a mere US \$1,338,413 under the previous regime.

In financial year 2006, the Ministry of Education via the SEMP trained over 600 education professionals in areas such as educational leadership; educational technology; visual and performing arts and school management. Additionally, 40 ministry managers completed training in the area of modular leadership.

Textbook loan programme was expanded to include Forms 4 and 6 students. Approximately 84,000 Forms 1 to 4 secondary school children received textbooks. Additionally, Form 4 students were provided with CXC specific material.

Following the successful pilot of the NCSE 1 in 2005, it was implemented nationally in 2006. Local school boards were also implemented nationally.

The Ministry of Education in 2006 was able to host its first education exposition which showcased and communicated to its stakeholders for the first time the magnitude of work being performed by the ministry including its reform and modernization initiatives. At this exposition, secondary schools were able to see and experience the new education technologies being planned for implementation at their schools. School management teams were also able to view and select up to 3,000 library books for their respective schools.

Thank you.

Dr. Nanan: Mr. Speaker, the Minister in her reply pointed out the 2005—2006 the disbursement from the IDB of US \$1.86 million and an undisbursed amount with interest of US \$220,000.

Could the Minister advise this House with respect to 2005—2006 what was the actual figure disbursed by the IDB?

Sen. The Hon. H. Manning: Mr. Speaker, that is another question and I would have to do the research to bring the answer here.

**Biche Presbyterian Primary School
(Opening of)**

25. Mr. Harry Partap (*Nariva*) asked the hon. Minister of Education:

Would the Minister state what plans the Ministry of Education has for the opening of the Biche Presbyterian Primary School, now that the Presbyterian School Board has made a formal request for the school to be opened?

The Minister of Education (Sen. The Hon. Hazel Ann Marie Manning): Mr. Speaker, the records show that the Biche Presbyterian School was vacated on Wednesday, February 07, 2001 by a decision of the Presbyterian Primary School Board. There was no consultation with any representative of the Ministry of Education when this decision was effected.

The reason for the relocation was eventually given as the presence of an unpleasant and offensive odour. This decision and subsequent action were taken during the term of office of the United National Congress. Following the closure, the staff and students of the school took up residence at the Cuche Government Primary School and remain there up to the present time.

The Cuche Government Primary School had a capacity of 250 students, and at the time in 2001, enrolment was 112. The enrolment of students at the school in 2001 was 151 students and the staff included a principal and eight teachers.

Even without permission sought for closure, the Ministry of Education as a responsible organization did not shirk its responsibilities to these young charges, but provided daily school bus transport for the children, breakfast, meals, lunches, textbooks and screening for vision and hearing in conjunction with the Ministry of Health.

The Government continues to meet these obligations to the students and staff of the Biche Presbyterian Primary School. The records of the Southeastern Education District show that the population of both schools has dwindled significantly from

Oral Answers to Questions
[SEN. THE HON. H. MANNING]

Friday, January 26, 2007

151 to 35 students in the case of Biche Presbyterian Primary School, and from 112 to 61 in the case of Cuche Government Primary.

The Ministry of Education did not change the teaching staff of the Biche Presbyterian Primary School which still remains at nine, including the Principal. This gives a pupil/teacher ratio of 1:4 as against a national standard of 1:25. More importantly, our records show that the school has a serious and negative record of teacher absenteeism and unpunctuality which seems to have affected the students' academic performance as can be seen from the results of the National Test and the Secondary Entrance Assessment Examination over the last three years. There is much here for the Presbyterian Board to consider.

Mr. Speaker, the point I am making is that there is a shared responsibility for deciding on the future of this school and the ministry will welcome proposals from the Presbyterian Primary School Board of Management on this issue and we await same.

Mr. Sharma: Minister, can you quickly say what is happening at the Siparia Union Presbyterian School? Are the works on schedule?

Sen. The Hon. H. Manning: Mr. Speaker, that is a different question.

Mr. Imbert: Silly!

**Evolving Technologies and Enterprise
Development Company Limited
(Investments made)**

27. Mr. Ganga Singh (*Caroni East*) asked the hon. Minister of Science, Technology and Tertiary Education:

Could the Minister provide this House with a list of the investments made by the Evolving Technologies and Enterprise Development Company Limited (eTecK) for the period January 2005—October 2006?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, eTecK Reports come to the Ministry of Trade and Industry and, therefore, it falls under my responsibility to provide a response to the question filed by the Member for Caroni East.

Mr. Speaker, the list of investments made by Evolving Technologies and Enterprise Development Company Limited (eTecK) for the period January 2005 to October 2006 is as follows:

Medical Data Caribbean Limited (MDCL) was incorporated on October 20, 2005 in Port of Spain. It is engaged in the training of medical transcriptionists and the sale of medical transcription services abroad.

Expenditure to October 2006 represents the purchase price of the necessary hardware and software; furniture and fittings, leasehold improvements to the working capital.

Roughly 60 per cent of expenditure to date; \$15,547,895 is with respect to medical transcriptionists training. Seven hundred and fifty persons have been trained to date using qualified trainers. The total amount invested from January 2005 to October 2006 is \$25,913,158.03.

Company No. 2, Vallio, was incorporated on March 24, 2005 in Port of Spain; it is engaged in the development and sale of software and hardware for use in the health care industry. The company is a joint venture with Interfix/llc, and eTecK which has a 51 per cent interest in Vallio. The total amount invested from January 2005 to October 2006 is \$5,072 million and represents eTecK's capital contributions as per the shareholders agreement.

Company No. 3, Interfix/JV, was incorporated in Atlanta, USA for the marketing, distribution and sale of hardware and locally developed software for the health care industry and locally provided medical transcription services. The company is a joint venture with Interfix/llc; eTecK has a 49 per cent interest. Interfix/JV serves as the opportunity marketing arm and window to the world for Medical Data Caribbean Limited and Vallio.

The total amount invested from January 2005 to October 2006 is \$6,719,113.98 and represents primarily eTecK's capital contribution as per the shareholders agreement.

Company No. 4, Bamboo Networks is an international technology solutions provider to a variety of industries with offices in Hong Kong, China, Japan, New York, Singapore and a subsidiary in Trinidad and Tobago. It is engaged in high-level development and software testing. Bamboo is a CMMI, level 5, certified company and provides solutions for clients using proprietary methodologies; eTecK acquired a 19.7 per cent interest in July 2005.

As part of the investment agreement, Bamboo Networks would reinvest 70 per cent of the amount spent by eTecK to acquire its 19.7 per cent shareholding i.e TT \$22 million stake in Trinidad and Tobago and has partnered with eTecK to accelerate the development of the local ICT sector.

The total amount invested from January 2005 to October 2006 is \$31,500,100. This is all part of eTecK's effort to develop the ICT area.

Mr. Singh: Could the hon. Minister indicate whether or not a due diligence was done on Bamboo Networks Limited?

Hon. K. Valley: That said question I am aware of, the answer is yes.

Mr. Singh: Could the hon. Minister indicate to the House what was the finding of the due diligence?

Hon. K. Valley: At some subsequent time I can. [*Interruption*]

Mr. Singh: Will the Minister give an undertaking—having regard to the investment of \$22 million—that he would provide this House with a copy of the due diligence?

Hon. K. Valley: I have no difficulty, Mr. Speaker.

**Lengua Presbyterian School
(Details of Construction)**

31. Dr. Hamza Rafeeq (*Caroni Central*) on behalf of Mr. Nizam Baksh (*Naparima*) asked the hon. Minister of Minister of Education:

With regard to the construction of the new Lengua Presbyterian School, could the Minister inform this House:

- (a) the commencement date for construction of the school;
- (b) the estimated time for completion of construction of the school;
- (c) the estimated cost of construction; and
- (d) the name and address of the company that was awarded the contract to construct the school?

The Minister of Education (Sen. The Hon. Hazel Ann Marie Manning): Mr. Speaker, I need to inform this honourable House that there are different school types within our education system.

At the primary level, there are denominational primary schools which are owned by the respective religious boards, there are government primary schools which are owned exclusively by the government and there are private primary schools.

In the case of denominational schools, when there is a request for school building to be replaced, the respective board writes to the Ministry of Education, requests are considered by the Educational Facilities Management Division (EFMD) after site visits and consultations with the respective board where it is determined

that a school in fact needs to be replaced, the EFMD forwards the information to the Educational Planning Division which in turn prepares a brief for the replacement school. This is forwarded to the respective board which engages consultants to prepare preliminary drawings and submit them to the Ministry of Education for approval.

In the case of Lengua Presbyterian Primary School, in 2000, the Presbyterian Primary Schools Board of Education requested that this school be replaced citing its dilapidated condition. The Education Facilities Management Division verified that the school did in fact need to be replaced and passed the request to the Education Planning Division for preparation of the brief for the replacement school.

The preliminary drawings were submitted by the Presbyterian Primary School Board in May 2000 and approved in writing by the Ministry of Education in June of 2002.

Final designs were submitted to the Ministry of Education by the Presbyterian Board in October 2002 for which approval was granted in January 2003. The board was then asked to request tenders; the evaluated tender was then submitted to the ministry in April 2003. However, by that time, the education brief for the construction of primary schools had been revised, the curriculum had been changed, and this made it necessary for the process to restart and for the board to prepare a new design for the school in keeping with the newly developed brief to be submitted to the ministry in 2006.

Since 2006, the ministry has been engaged in negotiations with the Association of Denominational Boards of Education and a memorandum of agreement which would formalize the arrangements that govern the Ministry of Education and the respective boards for the construction and maintenance of primary and secondary schools.

It is anticipated that that agreement would be reached shortly after which the Ministry would authorize the board to invite tenders for the construction of the school. Therefore, no date is yet set for the construction of the new Lengua Presbyterian Primary School, the estimated time for the construction of a school of this type is 12 months, and there is no estimate of the cost of construction since the new designs have not been tendered, and there is no contractor for this project as it has not yet been tendered.

Thank you.

Dr. Nanan: Is the Minister aware that there are still MTS guards posted at the dilapidated building of the old Lengua Presbyterian Primary School?

Sen. The Hon. H. Manning: Mr. Speaker, I am not aware, but I can provide information at the next sitting.

Dr. Rafeeq: Mr. Speaker, the Minister mentioned that the Lengua Presbyterian Primary School is not being constructed as yet because discussions are ongoing with the denominational boards. Do you know how many schools are affected by these discussions and are not being constructed at this point?

Sen. The Hon. H. Manning: Mr. Speaker, I can get more details for this particular question—

Mr. Ramnath: A simple question you cannot answer.

Sen. The Hon. H. Manning: I do research. I do not come here and make up stories Mr. Speaker, but what I can tell you off the bat is that over 70 per cent of the schools are denominational schools. I do not make up stories.

Installation of Streetlights (Completion Dates)

40. Dr. Roodal Moonilal (*Oropouche*) asked the hon. Minister of Public Utilities and the Environment:

Could the Minister inform this House of the start and completion dates for installation of streetlights from:

- (i) Ste. Madeline to Debe; and
- (ii) Philippine to Debe on the SS Erin Road?

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): Mr. Speaker, on March 03, 2005 Cabinet approved a National Streetlighting Programme to be implemented by the Trinidad and Tobago Electricity Commission (T&TEC) over the period 2005 to 2007 at an estimated cost of \$626,927,400, the said programme having been designed inter alia to:

- (i) Install approximately 82,000 new streetlights;
- (ii) Upgrade approximately 36,000 lamps from 70W to 150W luminaries;
- (iii) Illuminate approximately 80 km of new highways and primary roads;
- (iv) Address the streetlighting needs of new housing developments;
- (v) Ensure that high risk areas are adequately lit.

2.00 p.m.

The initiative was aimed at illuminating every shared community area, highway and major roadway throughout the Republic of Trinidad and Tobago so as to:

- (i) Improve visibility on our roadways which would help in the reduction of night time accidents;
- (ii) Facilitate traffic flow, particularly at nights;
- (iii) Promote business activity and positive social interaction, and
- (iv) Promote safety for pedestrian and other citizens.

The National Streetlighting Programme was launched in December 2005, and as at November 30, 2006, the deliverables in the Programme as regard the installation and upgrades of streetlights were as follows:

- New streetlights - 58,265
- Upgraded - 25,484

Further, in 2006, T&TEC completed illumination projects in the following areas:

- The grounds and peripheral areas at the University of the West Indies
- The grounds at the Praesto Praesto Youth Camp in Couva
- Chapman Park in Oropouche
- Yoland Pompey ground in Princes Town
- St. Stephen's College sports ground in Princes Town
- David Williams grounds in Penal
- Felix Farrier ground in Arima
- The Eddie Hart jogging track in Tacarigua
- 101 pan yards and environs throughout the country, as well as routes for the Parade of the Bands for Carnival.

For 2007, T&TEC's work priority under the National Streetlighting Programme is as follows:

- The Diego Martin Highway
- The M1 and M2 Link Roads
- Reform Link Road

Oral Answers to Questions
[HON. P. BECKLES]

Friday, January 26, 2007

- The South Trunk Road between Gulf City and Mosquito Creek
- The Southern Main Road between Fullerton and Cedros
- Illumination of the Aranguéz Savannah and Palmiste Park.

The programme is on course to complete all outstanding elements of work by December 2007.

With respect to the installation of the streetlights from Ste. Madeleine to Debe, the preliminary works—[*Desk thumping*]

Mr. Panday: She “now reach” the question.

Mr. Speaker: Order!

Hon. P. Beckles:—which included the survey, preparation of estimates and award of contract, were concluded over the period August 21, 2006 to December 10, 2006. Actual work on the project, that is, the planting of poles, commenced on December 13, 2006. This project is targeted for completion at the end of April 2007.

Preliminary works for the installation of streetlights from Philipine to Debe on the SS Erin Road were conducted between October 16, 2006 and December 10, 2006. Actual work on the project commenced on December 28 and the project is targeted for completion by the end of May, 2007.

Thank you.

Mr. Panday: Mr. Speaker, a supplemental question. Could the Minister state when the M1 Link Road from Ste Madeleine to Craignish Village would be supplied with streetlights?

Hon. P. Beckles: I cannot give that answer off the top of my head, but as I said, all the projects are supposed to be completed by the end of this year. [*Crosstalk*]

Mr. Speaker: Order!

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Mr. Subhas Panday (Princes Town):

Roy Joseph Housing Scheme

(Details of)

- 38.** Could the hon. Minister of Housing provide:
- (a) the commencement date of the refurbishment of buildings in the Roy Joseph Housing Scheme, Prince of Wales Street, San Fernando;
 - (b) how many tenants were relocated to new premises;

- (c) the monthly rent paid for each tenant by the National Housing Authority and/or by the Housing Corporation of Trinidad and Tobago at their relocated premises; and
- (d) the monthly rent if any, paid by tenants to the National Housing Authority and/or to the Housing Corporation of Trinidad and Tobago for occupation of new premises.

**Roy Joseph Housing Scheme Finder's Fee
(Details of)**

- 39.** With regard to the relocation of tenants from the Roy Joseph Housing Scheme, Prince of Wales Street, San Fernando, could the hon. Minister of Housing indicate:
- (a) whether a finder's fee was paid to anyone for locating tenancies;
 - (b) if the answer to (a) is in the affirmative, could the Minister identify to whom the finder's fee was payable; and
 - (c) if paid, who authorized the payment of the finder's fees?

Vide end of sitting for written replies.

**DEFINITE URGENT MATTERS
(LEAVE)**

**Misuse and Abuse of Police Powers
(Allegations of)**

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, in accordance with Standing Order 12 of the House, I hereby seek your leave to move the adjournment of the House for today's sitting for the purpose of discussing the following matter as a definite matter of urgent public importance, namely, allegations of state misuse and abuse of police powers to silence critics of Government's policy, conduct and performance.

The matter is definite as it pertains specifically to the infringement of the constitutionally enshrined rights of citizens of the Republic of Trinidad and Tobago.

The matter is urgent, because such matters reek of political influence of the police service.

The matter is of public importance because the alleged misuse of powers of the police by the political directorate may have negative impacts on our domestic and international reputation as a democratic country. [*Desk thumping*]

Definite Urgent Matters (Leave)

Friday, January 26, 2007

Mr. Speaker: Hon. Members, I will defer my ruling on the Motion by the hon. Member for Siparia. There is another Motion and I will call on the hon. Member for Caroni East.

**National Shutdown
(Government's Inability to Deal with Crime)**

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter of urgent, public importance, namely, the failure of the Government to deal with crime has led to the call for a national shutdown on January 25 and 26, 2007.

The matter is definite because it relates to a specific call for a national shutdown on January 25 and 26 by businessman/activist, Inshan Ishmael.

Mr. Valley: By you; by COP!

Mr. Speaker: Order!

Mr. G. Singh: The matter is urgent since yesterday, the 25th, the first day of the call for a national shutdown, businesses throughout the country responded to this call and closed their businesses. [*Crosstalk*] Further, the closure of businesses throughout the country continues today.

Mr. Valley: Shame on you! I had respect for you!

Mr. Speaker: No, please, hon. Leader of the House, you need to set a better example. [*Crosstalk*]

Mr. Speaker: Order!

Mr. G. Singh: Mr. Speaker, the matter is urgent since yesterday the 25th, the first day of the call for a national shutdown, businesses throughout the country responded to this call and closed their businesses. Further, the closure of businesses throughout the country today, continues.

The matter is of public importance because it represents a democratic and civic response by the national community against rampant crime and a recognition that their fundamental rights of life, liberty and security are threatened. [*Desk thumping*]

Mr. Speaker: Hon. Members, both these Motions have troubled me greatly. It is very unfortunate that they do not qualify to be debated under Standing Order 12, but as I have indicated to the Opposition Benches before, please use the appropriate Standing Order because these matters are really worthy of discussion. [*Desk thumping*]

Definite Urgent Matters (Leave)

Friday, January 26, 2007

Mrs. Persad-Bissessar: Mr. Speaker, may I crave your indulgence? These things occurred yesterday. If we are to give a three-day notice and a 12-day notice, I give notice of my intention to file my Motion to go under Standing Order 11.

Mr. Speaker: One minute, please. When you want to discuss something like that, come and see me in my chamber, please.

Mrs. Persad-Bissessar: Very well.

**MISCELLANEOUS PROVISIONS (MINIMUM AGE FOR ADMISSION TO
EMPLOYMENT) BILL**

[Second Day]

The committee of the whole House resumed its deliberations on the Bill.

[Chairman: Mr. Sinanan]

Clause 4 reintroduced.

Mr. Speaker: Hon. Members, there is an amendment to clause 4 which has been circulated, so we will now resume the consideration of clause 4 in committee. The amendment is as follows:

Clause Extent of Amendments

4(b) In proposed section 91, insert the following new subsection:

“(3) In this section “family” means parents, brothers, sisters, and other lineal antecedents and descendants.”

4(c) In proposed section 92A(2), delete the word “An” and substitute the words “Subject to section 92B an”.

4(g) In proposed section 96, insert the words “for which there is no penalty specified” after the word “offence”.

Mr. Sharma: Mr. Chairman, considering that time was given for this, it is surprising that the Minister cannot come with proper legislation. For instance, we made the point on the last occasion—and it is a disservice that the Government does—this could have been emailed to Members; we could have replied by email and you could have come with the corrective measures this afternoon. For instance, we talked about stepchildren, adopting children; we talked about where people are guardians of children and your provisions this afternoon do not cater for them. Can you say how you intend to accommodate same?

Mr. Montano: Mr. Chairman, we had not intended to deal with that. The definition is as narrow as it is because we intended it to be as narrow as possible. This is a very serious issue that we are dealing with, the employment of children. I am not trying to widen it, but we are trying to make it as narrow as possible. The employment of children can be an issue that can be seriously abused and this legislation is designed to protect that. The Member is looking to widen the scope of exemptions here and that is not the scope of this legislation. The purpose of this legislation is to be as restrictive as possible. I gave the undertaking on the previous occasion, which remains, that we will continue to look at opportunities where we might make certain exemptions and we will take our time and do so. I was not prepared to rush the steps towards that and, therefore, the policy of this legislation is to be restrictive and we intend to leave it so. I gave the undertaking that we will look at the possibility of trying to widen both who might be involved and the circumstances in which a child under the age of 16 might be employed, and we will do so, but I do not think that it is appropriate for us to do so without the appropriate consideration.

Mrs. Persad-Bissessar: Mr. Chairman, the undertaking given by the hon. Minister—first of all, when the legislation came to us on the last day it was clear that it was defective because it dealt with the word, “family” within the body of the Bill, but in the interpretation section there was no definition of family. So the Minister took on board our suggestions that there should be a definition of “family” for the purposes of this Bill. The undertaking the Minister gave with respect to the widening or restricting of children, had to do with another section, not with the interpretation section. As you yourself may know from your own experience, in this country children of the family are considered to be part of the family. Those children may not necessarily be lineal and your definition is only lineal, antecedents and descendents. So you are talking about bloodlines. But in this country, the law of the land recognizes those who are termed children of the family under the Status of Children Act, and other legislation that has given protection to children who live with parents as children of the family. Therefore, this definition cannot be sufficient to take into account what is the existing law of Trinidad and Tobago.

Sen. Montano: Mr. Chairman, the CPC's office is advising me now that the use of the word, “lineal” in this definition includes stepchildren.

Mrs. Persad-Bissessar: If that is so, I would be very happy if you could point us to where in our legislation such a connection is made. It may be in one of the other pieces of children's legislation.

Sen. Montano: Well, I am advised by—

Mrs. Persad-Bissessar: No, but we must see the evidence, with due respect, Sir.

Sen. Montano: This is not a court of law where I come with evidence. I come with advisers.

Mrs. Persad-Bissessar: And I am asking if you could please give us the advice where “lineal” includes “step” and other children of the family.

Sen. Montano: I cannot bring you evidence of that at this point.

Mrs. Persad-Bissessar: I am not asking for evidence, I am asking you to seek advice.

Miss Lucky: Mr. Chairman, I agree with what the Member for Siparia is saying and I am saying that the technical expertise is there, so if we could be guided accordingly. But I want to raise a point that we had raised on the last occasion—and because I feel when it is raised by a colleague we must not just try to run away with it ourselves. It was actually raised by the Member for La Brea, and if you look at the wording of the proposed section 91, we had pointed out that it is ambiguous, in that it says:

“A child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed;”

And I had pointed out that the ambiguity that exists is this: If the child in question is named Jason Smith and the undertaking that Jason Smith wants to work with—and Jason Smith is under 16 years. All the members of the Brown family are running that undertaking; if I understand the Minister’s policy correctly, Jason Smith ought not to be allowed to work in the undertaking. But your legislation is not saying that; it is saying members of the same family. So the argument will be, on behalf of the Brown family, that our undertaking is run only by Brown family members and we hired Jason Smith.

Clearly, what you wanted, as you explained, hon. Minister, was that it must only be Jason Smith’s family and, therefore, subject to the technical advice, you will have to change the word “the” to “his”; and already masculine includes feminine, so “his” would also include “her” and therefore your reading should be:

“...other than an undertaking in which only members of his same family.”

I am asking that that be considered.

Sen. Montano: The Member is quite right. We had made that, and I have my note here. We had overlooked that in the drafting of this but, yes, we had agreed to that. To deal with the issue of the definition of “family” the use of the word “family” here is defining what the business is; it is not defining who the child is. The child in the person we are talking about here who can work, and in that context a “child” means an adopted child; it also means a stepchild, and there is ample legislation on that, that explains what that is.

In terms of the members of his family, again, that relates to the type of business, not to the person who is employed. That is where we are. I do not think that we need to change this any further at this point.

Miss Lucky: Mr. Chairman, are you prepared to delete the word “the” and replace it with “his” as we had agreed on the last occasion?

Sen. Montano: No. Delete the word “same” and insert “his”.

Mrs. Persad-Bissessar: Yes, that is what I am asking; “of his family.”

Sen. Montano: Yes.

Mrs. Persad-Bissessar: You have to keep “same”; “his same family”.

Miss Lucky: Mr. Chairman, there was another point, and, hon. Minister, I have listened to you very carefully and you have repeated and, understandably so, that you are going to go back and we are going to come back and have the legislation even more finely addressed. I am still asking for your consideration for the purposes of the committee stage; I just want to make sure I ask it again: I am looking at subclause (2) now, of the very provision that we are in:

“This section shall not apply to work done by”—

And there are exceptions. I had asked you to consider on the last occasion a power that really would be given to yourself. You had explained your position with respect to policy, but again I am asking you to reserve unto yourself, in addition to the three exceptions as given, exception four, drafted along the lines:

“A child and young person who has obtained consent from the Minister to work in any public or private undertaking.”

The reason is, Minister—and two things came to mind: An example that was given in Jamaica where several years ago a 13-year-old prodigy—he was a computer wiz—was hired in order to fix all the ministries’ computers. He was 13 years old but clearly a prodigy. The second thing is, we are a country in which we do not appreciate the culture that we have; culture meaning, I am talking about the talent. And if you get a musical prodigy, for example, a young child—and we

have had the Natasha Wilsons and the Machel Montanos and there is a young Goddard I see now singing, and Choc'late Allen; I am saying all these young people who are under the age of 16—and I am using music because you go to a recording studio, for example, and whereas we have seen the entertainment business booming in countries like North America and we are downloading their culture, and from so many other continents, I am just asking that you are not a Minister who is going to, in a willy-nilly fashion, grant that consent. But why stymie an industry and young people, because timing is everything. I am really asking, because you are going to stick to your policy. Therefore if the application is made by such a child, or parents of such a child, you are not going to say, “Well, okay, I will give it.” But give yourself that power until you come back. If for some reason, God forbid, you cannot come back in your time frame, you will be depriving the development of these young people who may just get frustrated, lose lucrative opportunities and we as a people suffer as a result.

Sen. Montano: The Member for Pointe-a-Pierre is quite right and on the last occasion I did indicate that. You have an extremely valid point. We are not sure if that is the best way to achieve what you are trying to get at and we need a little time to look at that; we need to do a little research and find out what is happening in other jurisdictions. We are certainly taking that on board and looking at that. The intention is that hopefully we will be in a position to come back here within a very short space of time and, in fact, hopefully, we can include it as part of the bundle of legislation with the other children's Acts that are coming through.

Miss Lucky: Minister, I take your point, and if I could just put on record, because the Member for Chaguanas reminds me—I spoke about music and so, but he is very passionate about sport so he makes the point about sport. If I could just say that I did some of the homework myself, because I, too, went back. You said that you all want an opportunity to look at what other jurisdictions have done; this is exactly what other jurisdictions have done. I am not misleading the House. The other jurisdictions ensured that they reserved unto the Minister—in fact, they just went so far as to say:

“...from the Minister in accordance with the policy.”

So that even the Minister was given it. I take your point; I am not belabouring it. After this, on that particular issue, I would not go anymore, but I am just saying, you are saying you will come back in a couple months, but you know a lot of things could happen, and I am just saying why stymie it because it is not automatic that the application will be favourable. But I have listened to you and if we have to agree to disagree, so be it.

Sen. Montano: I would rather take my time on it. What I would ask is that if you have any information or specific advice, please send it. We will take it on board and if you would allow me, we can always call you and say, well, have an input here. I think the objective is to get it right, so I would be happy to take whatever you have on board.

Dr. Moonilal: Mr. Chairman, during the debate I also pointed out, in addition to young persons involved in sport and entertainment, we have a particular culture and history here where young persons who are in the school system would take the holidays, whether it is Christmas or the summer holidays, and so on, to work in private business, private enterprise, and so on. That arrangement is not part of any formal system with the Ministry of Education and/or the Ministry of Science, Technology and Tertiary Education, and so on, and the law as it stands, if this is taken and implemented, would outlaw young persons working in a bookshop, in a supermarket, wherever, during their holiday period at school.

After giving that some thought and understanding, the restrictions of the Minister and what he is intending to do, it could well be that you may consider, apart from the authorized programmes and training instruments of the Government, that the Ministry of Education in collaboration with the business communities, through chambers, through associations, would also authorize the business community—as they are a collective as well—to introduce training programmes that would take care of those young persons who wish simply to work during their holiday period, which is something that should be promoted.

Sen. Montano: The Member is quite right and I think that we really dealt with that on the last occasion. One of the major things that we really want to try to get at is to fix that little anomaly. But there are issues there. The issue is how young should we allow it; the issue is how much should they be paid; should there be a separate minimum wage; what are the conditions and the hours of work. So there are a number of things that we need to think about before we just do it. But you are absolutely right. Again, if you have any information that you can help us with or guide us with, I would be very happy to receive it.

Mr. Chairman: Let me just confirm the amendment proposed by both the Member for Pointe-a-Pierre and the Member for Siparia that deals with clause 4(b). On the seventh line; we are deleting the word “the” and substituting it with the word “his”.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

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

House resumed.

Bill reported, with amendment, read the third time and passed.

DEOXYRIBONUCLEIC ACID (DNA) BILL

Order for second reading read.

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

That the Bill to repeal and replace the Deoxyribonucleic Acid Act 2000, be now read a second time.

I have the honour to present this Bill so entitled, to this honourable House. While it is, indeed, an honour, it is not without its pitfalls. This regime has a colourful parliamentary history. This Bill is being presented in the context of allegations of delays on the part of the Government, significant trauma in the population as a result of the criminal behaviour of some of our citizens and those who visit our shores. It is being presented in the context of very recent high-profile criminal matters involving the shooting and killing of elected officials, a soldier, the kidnapping of a very beautiful and significant contributor to our economic and social life in the person of Mrs. Vindra Naipaul-Coolman and, of course, more recently, the murder of a woman police officer, two members of her family and a friend of that family.

This Bill is being presented in the context of a situation where the players in the criminal industry display no fear or respect for the law, the police, law enforcement officials generally, magistrates, judges, other state officials; no respect for women, children, men and women of the cloth nor, indeed, the old and/or the infirm in our society. This Bill is being presented in the context of very clear evidence that we, as parliamentarians, as state officials, as citizens, must stand up and do so together, to defeat this criminal onslaught, by a relatively small group of ruthless criminals, who believe that they can beat the system and, indeed, they often have beaten the system and get away without any serious consequences for their evil deeds.

They threaten Justices of the Peace at the beginning of the criminal justice process; they threaten the police; they threaten witnesses; they kill witnesses; they throw chairs at magistrates and judges; they curse them in the courts; they lie for

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

each other in the courts in order to save each other; they suffer selective amnesia, that is to say, they conveniently forget evidence—

Mr. Singh: You are sounding like an Opposition politician.

Hon. F. Hinds: Yes, we are in opposition to the criminals! They intimidate and sometimes unfortunately co-opt lawyers in some of their behaviour, into complicity in some cases, and support. They use their guile and their wickedness to intimidate and tamper with juries and they have learnt to withdraw previously stated evidence by use of affidavits.

At the end of the criminal justice process, if they are imprisoned, they attempt to beat the system even in the prison, by importing cellular phones and other contraband and illegal items; threaten prison officers; create upheaval in the system. So the reality is that given Trinidad and Tobago's current constitutional and legal position, the criminals are beating us too often at every stage of the criminal justice process.

2.30 p.m.

Today, we are here to offer measures that will raise the bar as it were and consequently, make it more difficult for them to beat the system, as I have just described. This will necessarily involve the balance between the interest and security of the State and the society as a whole, vis a vis the interests and rights of the individual. When we debated the Act that we are repealing and replacing in 2000, I made a contribution to that debate. This is not about self-serving but for obvious necessity, permit me to say very briefly a few things that I said on that occasion for the benefit of hon. Members and to demonstrate consistency of thought in this important matter. On that occasion I said,

“Mr. Deputy Speaker, I sat here this morning and listened to the Member for Couva South...”

The then attorney general.

“and perhaps for the first time I found myself, not in total agreement... that he presented his case in a very apolitical manner. And he impressed upon us that this was not a partisan issue, this was a matter that was being sought to improve the circumstances of the criminal justice system and the other systems in our country.

We are not seeking to make this any political issue and to attack the Government and they must in return, attack the...Opposition. I must give wholehearted support...As I say, this is not a matter that we are going to create any divides over...”

And so I continued. That was the approach that we took, all my colleagues in Opposition at that time, because we understood the importance of that, in the context of the circumstances in 2000 and today we understand it better.

DNA is an acronym for, as I stated earlier, deoxyribonucleic acid. It has emerged as one of the most powerful tools used in the exercise of crime detection. It is indeed the most modern approach to crime solving. In Trinidad and Tobago, no doubt it would help to better manage and solve the crimes with which we have to contend, the crimes with which we are confronted. The past decade has seen tremendous breakthroughs in the use of DNA in crime solving initiatives. DNA can be used to identify criminals with incredible accuracy when biological evidence exists. By the same token DNA can be used to clear suspects and exonerate persons who were wrongly or mistakenly accused and/or convicted of crimes. In general, DNA technology has become increasingly vital in ensuring accuracy and fairness in the criminal justice system.

DNA is the genetic material found in the nucleus of all cells in living organisms. DNA is the building block for the human body, in that it contains the information needed to give us our physical characteristics and functional abilities. DNA does not change throughout a person's life and the DNA in a person's blood is the same as the DNA in his saliva. What makes the use of DNA a powerful investigative tool, is that no two persons have the same DNA, except identical twins. When DNA evidence is collected from a crime scene it can confirm a link to the suspect or eliminate him from suspicion. At a crime scene, biological evidence is usually recovered in the form of hair, body tissue, bones, teeth, blood and other body fluids. It is incumbent on the State to be able to match the evidence at the crime scene with the sample of the suspect. This match will be deemed evidence, which in turn, increases the detection rate; brings more persons to justice and depending on the circumstances would certainly reduce the need for eyewitness testimony, a major problem that ours and other jurisdictions without this technology would encounter often, to devastating effect to the society as a whole.

As I alluded to a while ago, a previous administration had brought these measures before the House. Debate commenced in 1998 and the Bill was sent to a joint select committee. In 2000, the Bill was assented to with the support of every Member of this Government, who was at that time present in the House. We gave it full and wholehearted support. Regulations were required, if I may use the body metaphor, to put flesh on those dry bones. That government went out of office without having so done. Government is about continuity and it fell to us to

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

provide that continuity and to put flesh on those dry bones. In so attempting to do, we took the opportunity to avail ourselves of the expert forensic advice for the formulation of such regulations. It was in an effort to make those regulations and to bring them into effect, that we sought expert advice.

In 2004, we solicited this advice from the United Kingdom Forensic Science Services, which at that time had 25 or more years in this field. They conducted an assessment regarding not only the regulations, but also the general state of affairs of our Forensic Sciences Centre. The analysis which was undertaken with a view to increasing the detection rate of crimes and bringing more offenders to justice brought to the fore, very patently, a number of challenges that would have arisen if the Act were to be implemented, as we had passed it. We were operating on the basis of expert advice.

More specifically, there were significant concerns regarding the operation and effectiveness of a substantive number of provisions within the DNA Act of 2000, which was assented to in that year. These related to the following: inadequate definition of samples to be taken; procedure for obtaining the samples; the taking of the samples; establishment of databases; statutory limitations for the destruction of such samples and managing the forensic DNA data bank. Paternity testing was the last of those challenges that was brought to our attention as we sought to put the regulations in place and give effect to the legislation that we had passed. *[Interruption]* This matter is far too serious for me to engage my friend in trifling issues. There would be more time for that.

In addressing these concerns, the Ministry incorporated the contributions of various stakeholders as well as policy and legislative experts based in the United Kingdom Home Office, the equivalent of our Ministry of National Security. I remember that very early in our time in Government, I convened a meeting and invited all the lawyers on both sides of this House and of course, the other place, with the view of putting hearts and minds together for the benefit of Trinidad and Tobago. It came off. Contributions were made and for that we continue to be particularly grateful.

To remedy the deficiencies and create legislation that was more practical, contemporary and modern, it was necessary to completely overhaul the present legislation. To this end, this Government caused to be drafted the Bill before this honourable House today. This Bill as I indicated seeks to repeal and replace the existing Act. The Bill requires a three-fifths majority of the Members of the House and there are certain provisions in this Bill that are clearly inconsistent with sections 4 and 5 of the Constitution. It was so in 2000. We gave it

wholehearted and voting support in this House. It remains so today. Commendably, and proudly there has been some agreement on all three sides of this House as to the need for the measures we present here today.

Mrs. Persad-Bissessar: Will the Member give way?

Hon. F. Hinds: I will give way to the Member for Siparia.

Mrs. Persad-Bissessar: Could you be so kind to point us to the provisions in the Bill that are different. You said you got advice and you made changes to the 2000 Act. Would you be kind enough to point us to the changes in the Bill of 2007 as compared with the 2000 Act?

You mentioned the regulations that you were working on. Are those regulations ready? Have they been done?

Hon. F. Hinds: In respect of your second question, the way this Bill has been drafted we did not consider that regulations would have been necessary and therefore, that is not an issue. *[Interruption]* Take your time.

In respect of your first question, I ask you to be patient. It is coming.

The Bill before this honourable House will depict material differences from the present Act that is to be repealed and replaced. I will now share with this honourable House some of the salient changes or differences. In respect of samples, definition of samples, under the 2000 Act, the types of samples that were to be taken from an individual were described as bodily substance or tissue samples which were defined as

“bodily substance includes a tissue sample or any other substance containing genetic material including a swab taken from any part of a person’s body which when subjected to DNA forensic analysis may give DNA data;”

Tissue sample was defined as:

“a sample of blood, saliva or hair taken from a person, and includes a swab taken from any part of that person’s body.”

The challenge we faced in that was that the 2000 Act was modelled on the Australian legislation. However, it was felt that if the samples were distinguished in a different manner it would facilitate a faster and more efficient process for the collection of samples by police officers and where applicable, qualified persons. Qualified persons will be defined later. For clarity and to facilitate the intention of having police officers obtain non-intimate samples, the samples in the legislation to repeal the DNA Act are grouped into two categories, intimate samples and non-

intimate samples. It is very similar to what is done under the Barbados legislation in accordance with the Barbados forensic science procedures and their DNA Identification Act, 2005.

The new Bill, the one before us today, as demonstrated in clause 4 of the Interpretation section for the “intimate sample”, the DNA sample would be derived from the following:

- “(a) a sample of venous blood;
- (b) a urine sample;
- (c) a sample of semen or other tissue fluid obtained by breaking the skin;
- (d) pubic hair;
- (e) a dental impression; and
- (f) a swab taken from—
 - (i) any part of a person’s genitals; or
 - (ii) a person’s bodily orifice other than the mouth;

“Non-intimate sample” would include and mean:

- “(a) a sample of hair other than pubic hair;
- (b) a sample taken from a nail or from under a nail;
- (c) a swab taken from any part of a person’s body other than a part from which a swab taken would be taken an intimate sample;
- (d) saliva; or
- (e) skin impression.”

The current Bill in clause 29 makes provision for the taking of a tissue sample or bodily substance only by a qualified person. A qualified person was described as a registered medical practitioner or person registered under Part II or Part III of the Nurses and Midwives Registration Act acting under the supervision of a registered medical practitioner. The challenge with respect to that was because the DNA Act provided for the taking of a sample only by a qualified person, there would be an amplification of the extent of burden placed on medical professionals and facilities. It is a matter of ordinary human common sense from observation of

what is happening today in Trinidad and Tobago that we could least afford any unnecessary details. We need to quicken the system. This certainly would have imposed the burden of delay.

In the United Kingdom, non-intimate samples are taken by police officers and intimate samples by medical practitioners, a group who also qualifies as qualified persons. The majority of samples collected and analyzed—this is from the British, Barbadian and United States of America experience—would be non-intimate samples, bottled swabs. You would see that demonstrated at a later stage. These are non-intimate, non-invasive and non-intrusive. I have with me two of the kits that are used for this. While we are talking about a very modern and exacting science, this is what is used for the extraction of a non-intimate sample by way of a buccal swab.

It is a simple procedure. The swab is put in the mouth; a small scrape on the inner side of the mouth; refrigerated in this case, because we have two separate models. The more antiquated of them must be refrigerated. In some cases, because we live in a tropical climate we are giving very serious consideration to another product similar to the last. I can demonstrate it. *[Interruption]* Just a moment. Be patient. *[Minister gives demonstration]* This simple object is to be inserted in the mouth, the same procedure. This does not require refrigeration. It is more convenient to be used in our tropical circumstances. When this is taken it is merely rubbed on the pink part of the packet. Once the sample is properly done this turns up white and it would be folded like this. *[Crosstalk]*

Mrs. Persad-Bissessar: Who will put it?

Mr. Speaker: It is an important piece of legislation. Everybody will have their 75 minutes. It makes no sense cross-talking. Whatever question you want to ask you can ask it in your contribution. Please continue.

Hon. F. Hinds: Thank you very kindly, Mr. Speaker, for maintaining some order and sobriety in an important debate.

This can be disposed of and this is what is taken for analysis. It is as simple as that. That is a non-intimate sample that could be taken quite easily by a police officer. It is so done in the United Kingdom. You want me to give way?

Mr. Singh: Having regard to the intrusion into an open mouth, it is regarded as a non-intimate sample. I think that it ought to be classified as an intimate sample.

Hon. F. Hinds: You are entitled to think. It is for that reason God has given you wisdom. However, those who have been operating this regime in the United Kingdom for over 25 years do not think so. In Barbados, they do not think so. In many states in the United States of America they do not think so. As I tried to demonstrate a while ago, this is a non-intimate, non intrusive, non-invasive approach which is done routinely in the world. We are submitting that it is far less complex and easier to administer in the totality of things than the other approach we have had. We would debate that and continue. This process involves taking a sample of skin from inside the suspect's mouth—

Dr. Nanan: Would you give way?

Hon. F. Hinds: Yes. You are my friend.

Dr. Nanan: Could the Minister explain why the dental impression is classified under the intimate sample and taking a swab from the buccal area of the same mouth is classified as a non-intimate sample? [*Desk thumping*]

Hon. F. Hinds: Mr. Speaker, I am not a dentist. I am not a medical doctor. I am not a forensic scientist. I am guided by what the experts have shared with us. If the experts on that side have another view they are entitled to share it. They will have the opportunity. I have very generously given way, but it is breaking my trend of thought, so be gentle.

The collection of these swabs is considerably cheaper than the collection of blood samples which are intimate samples. Sterile DNA sampling kits are provided to police officers and the use of this kit ensures the integrity of the samples at all times.

Clause 6 seeks to empower police officers to take non-intimate samples in some instances which would involve the sample being taken in a simple manner that would be completed as I have demonstrated in minimal time. Clear procedures would also be implemented to ensure that any sample taken is carefully stored. Officers will be and in fact officers have been trained in the procedure and the services of qualified persons would only be required when an intimate sample is needed in very rare and under very special circumstances.

In respect of the current Bill Part II outlines the procedure by which a police officer can obtain a tissue sample. The police officer must obtain the consent of the person and this must be done in the presence of a Justice of the Peace. If no consent is forthcoming the police officer is obliged to obtain a court order. The challenge we face in this regard is that it is most unlikely that the majority of

persons in police custody will give consent to the taking of a DNA sample. Put colloquially, it is a rare occasion that a chicken will vote for chicken stew. The police officers will have to approach the courts on a multitude of occasions. This procedure would as well result in unnecessary delays and further add to the current burden on the court or the judicial process.

In the United Kingdom a police officer can take a non-intimate sample on specific occasions without the person's consent. This arrangement has contributed and is statistically demonstrable, as having contributed to a significant increase in that country's crime detection rate, a matter on which those who are responsible for crime detection in Trinidad and Tobago, find themselves under substantial criticism. Any power that as legislators we can give the police to improve their crime detection rate would not only be good for that organization but good for all of us. Certainly, we would no longer be heard to say that murder, rape and other serious crime detection is as low as 25 and 30 per cent. This is a technological advance and way forward. We need to empower them with the presentation, acceptance and passage of this legislation.

In clause 5 of this new Bill provision is made for the collection of a non-intimate sample without consent in authorized circumstances by specially trained police officers. This is for the Member for Caroni East. Throughout the Trinidad and Tobago Police Service officers, will be specially trained like with the breathalyzer. Officers have to be trained to administer that blow into the equipment for later analysis to prove drunken driving. It is as simple, ordinary and flat as that. The officers would be trained. Clear procedures would be implemented to ensure that any sample is carefully stored. The services of qualified persons would be required in a few cases.

A non-intimate sample will be taken from a suspect without his consent where he has been charged with an offence; where a stain derived from a crime scene exists and there are reasonable grounds for suspecting that the person was involved in the offence and for believing that forensic DNA analysis could confirm or disprove such suspicion; or where he has had a non-intimate sample taken, but that proved to be either unsuitable or insufficient for forensic DNA analysis and where he has been convicted of an offence and is serving a term of imprisonment. In all other cases, the non-intimate sample should only be taken with the written consent of the person.

With this new procedure clause 7(1) mandates that a police officer shall notify the person from whom the non-intimate sample is to be taken, of the reason for taking a sample and that this DNA profile may be the subject of a search or a

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

matching with that which is already on the particular database. A search simply means a check against DNA profiles held in the forensic databank. Where a sample is taken and this proves to be unsuitable a police officer will give the person at least seven days notice to present himself at the police station to have another sample taken. If there is non-compliance, such a person can be arrested without warrant. With respect to an intimate sample this would only be taken by a qualified person with the consent of the individual or upon an order of the court.

I would give way to the Member for Pointe-a-Pierre.

3.00 p.m.

Miss Lucky: Thank you very much. I did not mean to interrupt your trend, but I was interested in if you could assist me. The provision you are speaking about and I am following you with respect to where a non-intimate sample was taken, but for some reason it could not be used and, therefore, a police officer shall give the person at least seven days within which to attend a police station to give another sample. Could you indicate why the period of seven days? I was a bit concerned about that length of time. I found it was too lengthy and I do not know if there is a reason behind it.

Hon. F. Hinds: This was a matter that we contemplated. We are bearing in mind all along the rights of the citizen. The matter may have transpired in Port of Spain and the person is living and working in your constituency in Pointe-a-Pierre. One has to consider people's ordinary operations and their daily lives. At this stage he is merely a suspect and you give him time and in any event, I think, the critical issue is that unlike in the sample for consumption of alcohol over the limit, for example, for drunken driving, there is no possibility that his DNA profile will change. So time is not really of the great essence except that if he appears to be staying beyond the seven days or two weeks if we chose, then we have the authority in this legislation to go and enforce it.

Miss Lucky: I take your point and I thank you very much Member for giving way. My concern was, and I agree with you the person would be a suspect. I was not concerned so much with the DNA changing but when he or she is being asked again, and being given seven days, I am looking at a flight risk, a person who might recognize they are on to me. I am following what you are saying, and I am saying with the legislation, I think these are the kinds of measures that you need. I found the seven-day period was a bit lengthy because arrangements could be made now for the suspect, who would know whether he or she was, in fact, guilty of the offence, to disappear. I am just asking whether consideration could be given about shortening that time period.

Hon. F. Hinds: I am gratified, because I like you, and you have obviously implied by your comments the need for us to be far more exacting on these persons who are doing crimes against us law abiding citizens. I am quite prepared to give deep consideration to that at the committee stage. Thanks for the suggestion.

Mr. Speaker, I want to move the question of obtaining DNA samples from volunteers. Similar to fingerprints, for law and enforcement to effectively rely on DNA, there will be need for the collection and analysis of elimination samples which will help to distinguish the DNA of the victim, the suspect or indeed, someone else who may have for any reason deposited some profile on that particular scene. For these purposes victims and other persons may volunteer their samples by virtue of Part IV of this Bill, a scenario that was not catered for in the 2000 Act.

We recognize clearly here that there are many occasions when you would need people to volunteer a sample, and the history of application of this technology is replete with cases where you need persons. For example, a woman may be the victim of a rape and her husband may volunteer a DNA sample to assist the police in eliminating him from their concerns; a vaginal swab having been taken to determine that any semen found was his or perhaps, that of the perpetrator of that nasty crime in those dirty circumstances. And, therefore, he would want to volunteer.

Mr. Speaker, I know of another case where there were a number of rapes and murders in a certain part of England and in order to eliminate themselves young men of the age group and the general description of the attacker, were invited by the police who had moved in a mobile DNA unit to assist in their enquiries. Many volunteered and it was in that process that a certain criminal was detected. So volunteering is very important to assist in these investigations to eliminate and, the 2000 legislation did not make provision for this.

Another practical example of a person who wishes to volunteer—I need not detain us. I think the point has been made and I will proceed. As a protective measure, clause 9(2) ensures that consent must be provided by the parent or guardian, if the volunteer or victim is a child or incapable person, and “incapable person” is defined in the legislation before us. But where the volunteer or victim is a child, and for these purposes “child” means under the age of 18 years or an incapable person, the consent must be provided by the parent or guardian. I think, for reasons that are obvious to lawyers, when we say “incapable person” as I indicated, we are talking about “a person in whom there is a condition of arrested or incomplete development of mind or body, whether such condition arises from

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

inherent causes or is induced by disease or injury and who is incapable of indicating whether he consents or does not consent to give an intimate or non-intimate sample”.

Persons who attend a crime scene in the course of duty will be expected by virtue of clause 11(1) to provide a DNA sample for elimination purposes and that sample will be stored on the volunteer database. Samples taken from police officers will be stored on the police elimination database. Volunteers will consent of their own right or through a parent or guardian on a prescribed form so that this could be quite easily and effectively demonstrated when litigation ensues at a later stage.

Obtaining the intimate sample with consent. It is not anticipated that there will be a great need to revert to obtaining intimate samples. The experience has been around the world that it is in a very few cases that you need an intimate sample. As I indicated earlier, saliva or that swab, those cells from inside the mouth are as good as blood, semen, hair or any other part of the bodily tissue. However, in instances where intimate samples might be necessary, there are far more stringent mechanisms in place and these have been designed with a view of protecting the citizen since the manner for obtaining the sample may be deemed invasive or intrusive.

Mr. Speaker, before making a request of the alleged offender for an intimate sample, a police officer with reasonable grounds to believe that an offence has been committed by the alleged offender, shall seek the written authorization of a police officer of the First Division, a senior police officer. This written condition—you can see subclause (1) only facilitates the request being made of the alleged offender for the provision of an intimate sample. The First Division officer will consider whether there are reasonable grounds, so having approached the First Division officer, he will now put himself through a certain kind of mental process. He will now have to satisfy himself that there are reasonable grounds for suspecting the involvement of the person from whom the sample is to be taken in an offence. He will have to satisfy himself that he believes that the sample will tend to confirm or disprove the involvement of such person. Authorization may also be given for the taking of a sample where two or more intimate samples from the person from whom they were taken have proved unsuitable or insufficient, but, Mr. Speaker, as I indicated a while ago, with the advancement in the technology, and this particular technology which we propose to use.

In the other technology, you can take the swab and it is now taken for analysis and it is at that point you will then decide whether you got skin cells on it or not.

So you can have more examples of failures with this. But with this, as soon as you take the sample and you pass it alongside the pink area on this card, it will tell the police officer or the person taking the sample, whether he got the cells on this and it is suitable for DNA. And this substantially reduces the possibility of failures, rendering the provision that we have notwithstanding put in, perhaps, otiose, but notwithstanding and because of our concerns to balance, protecting all of us from encroachment by those who are opposed to law and order; those who would rape us, kidnap us, steal from us, murder us, shoot us; we still feel in finding this balance that we must put this provision in for their protection. As has been said, democracy must be so big and all embracing, it must even embrace those who are opposed to democracy.

If the authorization is given, the police officer can then make a request and that is the authorization from his First Division officer; he can then make the request before the alleged offender conveys approval. The police officer must fulfil certain responsibilities with regard to the person he is requesting a sample from as stipulated under clause 14(4), and this says the police officer shall:

- “(a) show him a copy of the authorization and where necessary read it to him;
- (b) inform him that if he consents, the sample may be the subject of a search;
- (c) advise that if he does not respond within a period of two hours after the request is made, he is deemed to have refused to consent to the taking of the sample;
- (d) inform him of his right to withdraw his consent before the sample is taken;
- (e) inform him that he has the right to consult with and have present an attorney-at-law, or an adult of his choice, before consenting to the taking of the intimate sample; and
- (f) inform him that he may waive his right under paragraph (e), in the form as set out in Form 3 in the Schedule, in the presence of an officer of the First Division.”

Mr. Speaker, all of these provisions are put in as different layers of protection for citizens as we approach the possibility of extracting from him such an intimate sample. To protect both the officer and the alleged offender information relating to the authorization, the consent and notification that the searches conducted will

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

be logged in the DNA register, it should be underscored that a consent form must be signed by the parties and the alleged offender will be allowed to withdraw the consent before the taking of the sample by a qualified person who will be a registered medical practitioner, a dentist registered under the Dental Profession Act, or a person registered under the Nurses and Midwives Registration Act as the circumstances may apply.

Mr. Speaker, in relation to the creation of DNA databases, DNA databases have been established in many countries such as the United Kingdom, United States of America, Canada, New Zealand. The main purpose of a DNA database is to provide intelligent information to investigating officers in unsolved cases.

Searches are made to find matches between new profiles and those existing on the databases. Section 39 of the DNA Act allows for the establishment of an index of DNA data records, derived from the samples submitted for analysis. The challenge that poses is that the samples submitted for analysis are however limited to victims, persons associated with the commission of the offences and persons who have consented, though not convicted. The Bill before us seeks to increase the ability to solve more crime.

Clause 33 of the Bill provides for the creation of various databases from which more searches could be conducted thereby increasing the possibility of matches, namely, and these databases are as follows:

- “(a) crime scene database;
- (b) volunteer database;
- (c) police elimination database; and
- (e) non-intimate and intimate sample database.”

The crime scene database. This refers to DNA profiles derived from a crime scene. The DNA Act makes provisions for the storage of DNA profiles obtained from tissue samples and bodily samples. However, no provision was made for the storage of crime scene samples.

Another way to reduce the time spent on investigations is the power to treat with volunteers' samples, as I already explained. In this instance, persons will be invited to provide the police from which to obtain a DNA profile. This profile would then be used as a means of elimination where there are mixed profiles in a crime scene area.

The police elimination database. It is the intention through the proposed regulations for the Police Service Act, No. 7 of 2006—let me repeat that—it is proposed through the regulations for the Police Service Act, No. 7 of 2006, that DNA testing of all police applicants will be mandatory at any given time. [*Desk thumping*] Any officer may be involved in the investigation of a crime, and is therefore likely to be on a crime scene and may contaminate same. From the first response, 999 gets a call and they approach the scene or a police officer is at home and his neighbour calls and tells him somebody got stabbed down the road. He goes and he clears the area to make space for when his colleagues would come, his presence could contaminate the scene. So all police applicants will be made to put a profile on the database and those who are already in the service on a needs basis as they go along, once they are on a crime scene they will be made to submit such a profile so with the effluxion of time that issue will be resolved, if it is an issue at all.

Mr. Speaker, at present in relation to fingerprinting, when police officers investigate crime scenes, those who may have applied a fingerprint on the crime scene are made on a needs basis as I have said, to submit—they have their fingerprints for matching for the purpose of elimination. So it is the same general thrust that we will use in relation to this in accordance with the police regulations.

Profiles from police officers will be kept on a police elimination database which will exclude any genetic DNA contamination of evidence originating from the officers themselves. The creation of this database will prevent the need for police officers to repeatedly submit samples for DNA thus providing savings. Every time a police officer from the CID or crime scene investigators or the Homicide Bureau goes on a scene, if he has to give a profile on each occasion it is going to be monotonous, it is going to be costly. So he gives one, it stays there and they simply match it in each case.

The non-intimate and intimate sample database. The title of this database is self-explanatory. It refers to an index which contains DNA profiles derived from non-intimate and intimate samples of alleged offenders. It is anticipated that the establishment of databases would allow for greater matches between a crime scene profile and that of a suspect which will result as I have said, in an improved crime detection rate.

Mr. Speaker, under the current Act, the director of the Trinidad and Tobago Forensic Science Centre is the person charged with the care and control of the forensic DNA database. This, therefore, means that the supplier of services is the same person managing the forensic DNA database. So the Forensic Science

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

Centre—in the case of the UK, their forensic science services provide a service to the police who would come to them with profiles seeking matches or elimination as the case might be. What we did in the existing Act, was to cause the same supplier of these services, that is to say, the Director of the Trinidad and Tobago Forensic Science Centre, to be the same person who must manage the database. There was need to ensure a level playing field and confidentiality of any commercially sensitive information provided by suppliers to the manager of the DNA databank.

In furtherance of this requirement, clause 34 of this Bill requires the appointment of a custodian of the forensic databank which will allow for a clear separation of the roles of custodians and the Forensic Science Centre as a supplier of these services. I particularly like that. It smacks of good governance.

This custodian will operate and work independently and will be appointed by the President.

Mr. Singh: I thank the hon. Minister for giving way. I am trying to understand your management structure. You are saying with this new legislation your management structure there is the existing Director at the Forensic Science Centre and they would provide services. One of the services they would provide is DNA profiling and that DNA profiling will be in the hand of a custodian. Is that what you are saying—and the storage?

So basically the custodian will be acquiring services from the Forensic Science Centre. Explain it.

Hon. F. Hinds: I understand what you are getting at and I think it requires some explanation. Where you have the database, the four of them as I have identified, the custodian is the person who would be appointed to hold these databases, on the other hand, the Forensic Science Centre is the actual service provider. So the Forensic Science Centre having analyzed it, because they will do the analysis on what they call the profiling and then having done so, they will then send that to the custodian for the match to see whether there is a profile on the database that matches the one they would have analyzed. That is exactly how it works.

Mr. Speaker, paternity testing. The DNA Act as it now stands makes provision for paternity testing. The challenge is, in criminal cases, strict procedures should be imposed governing the handling of DNA profile and biological samples to ensure that privacy interest are protected. Accordingly, information held in the databank should be strictly used for law enforcement purposes and paternity testing. It has been recommended and we have accepted—should be prohibited.

There are private agencies and other agencies in clinics around Trinidad and Tobago, and indeed, around the world because I read a case today, the case of—it is a case that came out of Nevis and I read interestingly enough that having picked up a DNA sample in that island they sent it to Barbados for analysis. Then Barbados sent that to the UK Forensic Science Centre for further analysis, so that in this globalized experience, it is not unheard of to do that and, therefore, anyone can access paternity services in clinics locally and abroad with little trouble. We have taken the position that we will not engage, at least, our Forensic Science Centre will not engage in that kind of thing and will retain its services purely for criminal procedures.

Mr. Speaker, in relation to destruction of samples, clause 43(1) of the DNA Bill stipulates that DNA samples and data are to be destroyed as soon as they have fulfilled the purpose for which they were taken, subject to approved instances when they would be retained for a longer period.

Suffice it to say, that is the position, the challenge with that is that the deletion of data from a database would negatively affect the use of DNA as a crime solving tool as it would deprive law enforcement of a significant avenue through which a potential database may be obtained. In this new Bill, samples are to be destroyed after three years, subject to a court order directing otherwise and the DNA profiles would be maintained on the database without elimination or deletion.

Mr. Speaker, this has very grave implications. In the case of *R v Weir*, a case that was settled in the United Kingdom, a man was convicted for say, sexual offences and having been so convicted he went to appeal. At that time, Mr. Speaker, in the British context, once the person was not convicted, a DNA sample having been taken when he was a suspect and charged, they had a duty on the law to destroy the sample. In that particular case, the authority, the forensic science centre in the UK did not.

The man committed a later offence and they tendered into evidence a matching between the profile from the crime scene and the old profile they had from a previous offence for which he was not convicted. On appeal, of course, his good lawyers argued that this was wrong and that the tendering of such evidence was tantamount to an injustice and the Court of Appeal upheld that contention. The House of Lords when the matter came before it, took the position that the decision was to be left up to the trial judge, leaving it open. As a result of that, the Government of the United Kingdom sought to clear up that ambiguity and passed

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

amendment legislation to their Police and Criminal Evidence Act under which their DNA regime is housed to allow the forensic services to maintain on the data those profiles.

Mr. Speaker, as a consequence of that decision, the records will show that there are many, many cases, and I have the statistics where there have been matches of persons who would not have been convicted and whose profiles ordinarily would, according to law, have been destroyed. They would have escaped unscathed later on because you were not able to match that with previous interfaces with the law.

We are learning from the British experience. We do not have to walk that inefficient road. We are putting it in place now to permit the Forensic Science Centre to keep those profiles on the database so that matching could continue down the road.

In the case of the United Kingdom, within one year of their amending the legislation as I have just described, they were able to solve another 422 homicides, 645 rapes, 256 other sex offences, 1,974 other violent crimes and 9,000 burglaries. That alone is testimony to the wisdom of the provision as I have just explained.

Mr. Speaker, forensic science and the other provisions of the Bill are before us. I do not want to go through all of them. I think I should do a couple more.

Forensic science is the application of the scientific method used in the judicial process. It is used to investigate and to establish facts for legal purposes. If we are to seriously address the present crime situation we must employ the appropriate mechanism where the reality of proof is overwhelmed. Successful passage of this DNA legislation will no doubt make a significant contribution to detecting and to solving serious crimes.

3.30 p.m.

Mr. Speaker, it will increase the likelihood of solving these crimes and will act as a deterrent. At the moment, many of our home-grown criminals and terrorists believe that they can beat the system with impunity. So when they realize that we are catching up with them technologically, legislatively and in practice, then that would act as a bit of a deterrent.

The reason I said in practice is that when we passed the legislation in 2000 we did not have the capacity to practise genuine, modern DNA analysis. *[Interruption]* Yes, we do. The experts told us as much. If I may be permitted, yet again, to quote, not for self congratulation, what I had said in 2000 when we debated it;

commenting on the same situation of putting legislation in place without the other prerequisites for its successful implementation, I said:

“It is almost as if we will be embarking on a situation where the mind will be making appointments the body cannot keep.”

Now I am happy to tell this honourable House that mind and body are in harmony. It took us quite some time. We had to go at the pace of the experts. They had to do a complete overhaul of the system when they went in to deal purely with regulations. We had to consult far and wide. We had to train police officers, and we did. Members, you would have read over time that dozens of police officers—I think about 120 so far—have been trained as crime scene investigators.

I had an opportunity—and God forbid that we should have any more—when we had the bombing at St. James at the end of 2005, I went to that scene and I was absolutely impressed. I can see them now. Our police officers, our forensic science experts, all clad in white, head and hands covered, white suits and appropriate shoes, on their knees going through the crime scene professionally. That was a marked improvement, in my view, on what subsisted before.

That is not the only example. Journalists and members of the public are routinely commenting on the obvious improvement and professional approach of our law enforcement officers. They are now trained to deal with this and more will be trained to take these samples. The equipment for doing this we have obtained at great expense to and on behalf of the taxpayers of this country because national security in no country comes cheap. We spent a tremendous amount of time, but more specifically, a tremendous amount of taxpayers’ dollars to import the technology, and I want to warn you that more has to be spent. Technology is ongoing. It is a dynamic advancement and to keep pace as we would like to do in the context of Vision 2020, we must do that. We have done that.

By September 15, we are happy to inform you, the centre, the capacity for such profiling and analysis will be fully operational. I put the emphasis on fully because, as it now stands, I am happy to inform this honourable House that our Forensic Science Centre has been undergoing intellectual, technological and professional upgrade. This is necessary and quite serious.

The staff of the Trinidad and Tobago Forensic Science Centre has undergone in-depth training in analysis of DNA using DNA PCR-STR analysis. I will leave that for the experts to explain. This is a more modern and sophisticated approach to the system. All the pieces of state-of-the-art equipment to be used in the analysis of DNA have been procured, paid for and ready. We had to do that.

Deoxyribonucleic Acid (DNA) Bill
[HON. F. HINDS]

Friday, January 26, 2007

The Forensic Science Centre has been engaged in DNA proficiency testing programmes developed by Collaborative Testing Services, USA, and has successfully completed 24 tests to date. That is to say, our local forensic experts and our Forensic Science Centre tapped into an internationally renowned body which does testing to see how proficient we are. We have done 24 tests and have passed all of them. We are ready. That deserves something; not for me, but for our public servants. [*Desk thumping*]

To tell you how we have gone off the ground, a population database containing 231 samples has been developed. A staff database containing 70 samples has also been developed and is consequently being upgraded. In other words, they have begun to do the business. The sum of 2,381 profiles of exhibits pertaining to old and cold cases has been done from October 01, 2005 to September 30, 2006. That means that while we do not yet have the passage of this Bill and its application from a legislative standpoint, since 2005, because of their training, members of the Forensic Science Centre and its agents have been putting together profiles and storing them for cold cases, a very important aspect of this system.

Mr. Speaker, I rather suspect that my speaking time has come to an end. I think I have said enough.

Mr. Speaker: You have three more minutes.

Hon. F. Hinds: Thank you very kindly, Mr. Speaker. I will give way to my friend.

Mr. Singh: Mr. Speaker, I thank the hon. Member for giving way. I would like to read two lines from the presentation of the hon. Minister in 2000.

“In Trinidad and Tobago as far as DNA analysis is concerned, the Forensic Science Centre presently has the capability to do DNA analysis. This came about over the last two years and the centre has been engaged so far in proficiency testing on samples submitted to the centre by Collaborative Testing Services Inc. of Virginia, United States, and a database of the population has also been compiled and this should be completed by June of this year.”

This was in 2000.

Hon. F. Hinds: I do not think that deserves an answer. I have comprehensively explained what our circumstances were in 2000. I have comprehensively demonstrated how far we have come. I have told you with great pride that we are

now ready to do business. It is no longer a case of the intellectual mind of parliamentarians in Trinidad and Tobago making appointments that the forensic body could not keep. Everything has now conglomerated and I am proud to present this Bill to the House for consideration.

I beg to move.

Question proposed.

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, today the Government Benches applauded loudly when the hon. Minister in the Ministry of National Security admitted that this nation is under siege and that the criminals are in charge. He gave a very graphic description of the criminal activity. This is six years under the incompetent management of the PNM. [*Desk thumping*] They applauded their admission of failure.

This Government is guilty of gross criminal negligence when it comes to protecting law-abiding citizens. The Government has had access to all the tools it needed to fight crime. It spent \$12 billion over the years they have been in office to fight crime. In their fight against crime, they asked for our support for the package of police bills. We gave them that. They asked for our support on the Bail Act in 2005. We gave them that. Yet today the Minister painted a most horrendous picture of a nation under siege and in the hands of the criminals.

The Minister admits that in 2000 the UNC piloted DNA legislation, which was supported by every Member, including him. They supported the Bill—because it needed a special majority—and yet he sits and tells us that in the years since then his Government did absolutely nothing to put that legislation in place. [*Desk thumping*] He sings the praises of DNA—he gave us a long academic lecture about its benefits; that we can use it to select, type or identify parentage, bodily fluids and so on to identify criminals. He knows all these things yet, from 2001 when they went into power to today, they have failed to take advantage of that same technology. He boasts about statistics in England when he said that when they brought in DNA legislation they were able to catch so many criminals and rapists. He knows all that, yet for six years they sat upon an Act already in place while women and children were being brutalized, raped and murdered and did nothing to implement it.

I was most flabbergasted to hear the Minister say that regulations are not necessary. That was one of the reasons they have been giving repeatedly that they did not bring the UNC legislation into force. He comes to this House and he is not telling the truth when he says that they do not need regulations. Why then are

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

they asking us to pass this Bill, which, in clause 45 talks about regulations. The Government has a history of passing legislation and not bringing the regulations to give force to the law.

Today, this DNA Bill before us—and I will give other reasons—is really a smokescreen, scam, sham and PR to hoodwink the people of this country; for people to believe that the Government is doing something about crime when we know that they have failed. They have done nothing and will do nothing. We have given them the support. We have given them the funding under the Appropriation Bills, but they have come with piecemeal, cosmetic, public relations gimmickry, instead of a concrete plan and targeted approach.

The result is as the Minister described. The *Trinidad Guardian* headline yesterday was: “Bandits rule”. The *Express* talked about silent witnesses. This is where the Attorney General of this country comes and says our Witness Protection Programme is working perfectly, when witnesses are scared and will not give evidence. They are being intimidated and harassed. We have a Justice Protection Act, 2000 to protect witnesses, but that Government has failed to proclaim and implement it. Are they serious in their fight against crime?

The front page of every newspaper yesterday was very clear in giving—and they continue to give—a horrendous picture with respect to crime on the rampage in Trinidad and Tobago. They are all saying the same thing. Under the PNM, crime and criminals have taken control of Trinidad and Tobago. It is in that context that the Minister comes to us and says that they now realize what citizens have known for years—that they are not dealing with the crime. He admits that crime is totally out of control. Do you know what we are going to do now? I have brought this really beautiful piece of legislation. This will cure the crime problem, this DNA legislation. He brings the Bill and says: Support this for me.

Let us look at what the Bill intends to do. The preamble is very clear. It says:

“Whereas it is enacted *inter alia* by section 13(1) of the Constitution that an Act of Parliament to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by section 13(2) of the Constitution that an Act of Parliament to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:"

Mr. Speaker, what are sections 4 and 5 of the Constitution? Section 4 is what is known as the Bill of Rights provision. He brings a Bill that provides for an infringement and the trampling upon rights that are enshrined in this Constitution. So whatever powers that are being given in this Bill to officers and other persons to exercise duties are extra-Constitutional—outside the Constitution; contrary and inconsistent with the Constitution.

Section 4 says:

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

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) the right of the individual to respect for his private and family life;"

This is particularly important in the context of this DNA Bill where privacy is being invaded with these samples.

"(d) the right of the individual to equality of treatment from any public authority..."

Yes, police officers, forensic officers, whoever is taking all the samples.

"(e) the right to join political parties and to express political views;...

- (g) freedom of movement;
- (h) freedom of conscience and religious belief...
- (i) freedom of thought and expression;
- (j) freedom of association and assembly; and
- (k) freedom of the press."

Some of those rights and freedoms the Bill attempts to contravene. In a society that has proper respect for the rights and freedoms of individuals, we must balance those rights against other rights so that we can have peace and harmony.

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

Here the Government is seeking to get the special majority support of the Opposition to pass legislation that will contravene the rights of citizens. They are saying, given the crime situation, it is necessary. Before we get to that, however, this Government needs to understand. They have shown time and again that they have no respect, no honour whatsoever when dealing with the constitutional provisions and upholding the Constitution and the law of the land.

It is a basic expectation that governments will respect and uphold the constitution of that country; that they will respect the rights of the citizens. The Constitution is a social contract between the State and the citizen. That contract translates into mutual respect between the State and the citizen. The citizen agrees to fund the State through taxes and the State agrees to provide good governance, good social conduct, protect the citizen from security threats and in every regard uphold their rights and freedoms.

It is a legal and constitutional provision that the enjoyment of your rights must not be infringed or contravened. The law says what the police can and cannot do. It says what the politician can and cannot do. It says what every citizen can and cannot do and so there is the doctrine of the separation of powers. You separate the protective services from the political directorate, the Legislature and from the Judiciary. That is the pillar of democracy on which we stand. If we do not understand that, this society will collapse.

Today, I am saying that the PNM has never understood. They have blurred all the lines by interfering into the Judiciary and the police service. They have shown that they have no respect for the fundamental pillar of democracy. When those with power refuse to exercise that power responsibly, there must be legislation to ensure that there are checks and balances so that they do not violate the civil liberties of citizens.

I raise this matter because only yesterday we saw yet another example of abuse of power that came from the political directorate infringing on the civil liberties of citizen Inshan Ishmael. We saw it yesterday. This morning there was a poll on Radio 106FM and 99.9 per cent of the persons out there said they believed that the action taken yesterday was political pressure. It had nothing to do with congress, they wanted to silence the voice of the people raised in opposition to them. If there is anyone with whom this Government does not agree, they say it is "dotishness". We saw their high-handed behaviour in Chatham when citizens were protesting by raising their voices. What did they do? They beat up and arrested the protestors. We saw it in Barrackpore when poor citizens raised their voices in disagreement and in a request for roads. They beat and locked up the

protestors. So they abused their powers to prevent citizens from exercising their constitutional rights of freedom of expression, freedom of movement, freedom of assembly and freedom of association. In Fyzabad the same thing happened.

What we saw yesterday is just the latest example of Government trying to silence citizens because they are taking action with which the Government does not agree. Whoever disagrees with the ruling party, the Government comes for them. It is abuse and misuse of power in every regard.

When people were talking about the smelter in Chatham, the speaker said not to listen to them; that is “dotishness”. I ask the others who are here to tell the nation, when a kidnapped victim is being raped and murdered, is that “dotishness”? When the nation screams of a murder victim being gunned down—we heard of WPC Sutherland and her family—is that “dotishness”? When we hear of the pleas of a woman as she is being raped in front of her family, is that “dotishness”? The Government does not want to listen to the anguish that has come from the people.

Citizens and visitors are tired being victims of crime. They are tired of being raped, robbed and kidnapped. They have come with the DNA legislation and we support it. We support the DNA legislation. [*Desk thumping*] I will come to the provisions. The genesis of the legislation is the UNC, so we support it, but we must remember it is *ex post facto*. You use DNA only after the crime has been committed. The lady has already been murdered or raped. So do not come here today and boast that you have finally brought the DNA legislation which will deal with crime. You are not dealing with crime; you are dealing with what happens after the crime. What about the package of police Bills which was passed in this House. That can help us prevent crime. That had to do with the management of the police service. Why are they still not implemented?

Mr. Valley: It is proclaimed.

Mrs. K. Persad-Bissessar: It is proclaimed but not implemented. It was proclaimed in January, one year later and not a single part has been implemented. Again, that is PR smokescreen. You come in January because in December we were complaining during the debate of the second Bail Bill that it was not proclaimed. So in January, I received a phone call from the President that the law was proclaimed and that we will have to appoint new commissioners. Since then I have not heard one single word about putting in certain provisions in which we are involved.

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

Bring the DNA. We support workable DNA legislation, but we must say to you that the people of this country have lost trust and confidence in this Government. [*Desk thumping*] The frustrated, law-abiding citizens of this country have lost trust in this Government. They have shown us repeatedly that they are abusing and misusing power and they come with this DNA Bill asking us to give further powers to agents of the State over which they have political control. We say put the safeguards and the checks and balances first. [*Desk thumping*] Therefore, we ask you to honour the promise that you made. Let us have those checks and balances *in tandem* with the DNA Bill because it cannot stand on its own.

On March 15, 2006, I was on my legs in this very Chamber and we were speaking on the Constitution (Amdt.) Bill—that is the amendment that changed the Constitution—I indicated as follows:

“The Prime Minister indicated that he was very pleased to announce nine pieces of legislation which were identified. These were: the Police Service Reform legislation which is this package; an amendment to the Bail Act, which we have already done. We talked about the introduction of a Bill to establish a Gun and Kidnapping Court; revision of DNA legislation; amendment to the Criminal Injuries Compensation Act, strengthening of the money laundering legislation; protective services compensation legislation; amendment to the Motor Vehicles and Road Traffic Act; and the introduction of new equal opportunity legislation. With respect to the last one, the teams have agreed that would be the next item on the agenda, but what has happened with all these others. I know that there is no linear progression; it must be that there would be multiple progressions. Therefore, what is happening with all these pieces of legislation?”

When I said that, the hon. Prime Minister, the Member for San Fernando East, asked me to give way. I gave way and now quote from what Mr. Manning said:

“I thank the Member for Siparia for giving way. We were just dealing with the Bills seriatim. As we deal with one, when we get it out of the way, we are going to deal with the next one. We have dealt with the Bail (Amdt.) Bill in relation to kidnapping and now that is out of the way, we are now dealing with the police legislation.”

This is the Prime Minister speaking on March 15, 2006.

“When that is out of the way, we are going to deal with the Equal Opportunity Bill...”

[*Desk thumping*]

“and when that is out of the way, we would agree on a schedule for the other Bills.”

That was the promise he gave to the nation when he brought it to the nation.

4.00 p.m.

Hon. Member: Repeat it.

Mrs. K. Persad-Bissessar: Mr. Manning said:

"We were just dealing with the Bills seriatim. As we deal with one, when we get it out of the way, we are going to deal with the next one. We have dealt with the Bail (Amdt.) Bill in relation to kidnapping and now that is out of the way, we are now dealing with the police legislation. When that is out of the way, we are going to deal with the Equal Opportunity Bill, and when that is out of the way, we would agree on a schedule for the other Bills."

Mr. Speaker: She is not ready yet.

Mr. Valley: I think she is ready now.

Mrs. K. Persad-Bissessar: No, I am not ready now. Thank you very much, Mr. Speaker.

Mr. Valley: Mr. Speaker, she is aware it is on the Order Paper and it is the next Bill we will be doing here.

Mrs. K. Persad-Bissessar: "When that is out of the way..." This was March 2006.

Hon. Members: Sit down! Sit down!

Mrs. K. Persad-Bissessar: So we had given the assurance to Government; that was the compact we made. That was the compact; this Government does not keep its promises. This Government makes a compact with the Opposition who represents the people and they break the compact. How do we expect them—? How can we trust them? How can anyone trust them in this country? We must put the checks and balances in place to constrain them now. [*Desk thumping*] We do not believe them. With due respect, they are dishonest in their conduct, in their promises. This is January 2007 and you want to tell me it is on the Order Paper. You know that is a great thing. Mr. Speaker, we are prepared to suspend this debate and deal with the Equal Opportunity now. We could deal with it Saturday, Sunday, any day; it is on the Order Paper. We will deal with it. [*Desk thumping*]

Mr. Valley: Would you give way?

Mrs. K. Persad-Bissessar: I will give way, certainly.

Mr. Valley: Would you give way?

Mrs. K. Persad-Bissessar: Certainly.

Mr. Valley: Mr. Speaker, last week I had a conversation with that Leader of the Opposition and she was informed that we were dealing with the DNA and immediately afterwards we will be dealing with the Equal Opportunity. [*Crosstalk*] As matter of fact, as you are aware, today was supposed to be Private Members' Day. They asked that we do this Bill today. They asked that we do this Bill today! And now you hear this, Mr. Speaker. The Equal Opportunity Bill is on the Order Paper. It is the next Bill the Government will be debating in this House.

Mrs. K. Persad-Bissessar: Mr. Speaker, the Opposition has no say in terms of the order of business in this House. [*Desk thumping*] That is long established, long standing. We have no say. We asked the Government to exchange the Private Members Day for next week, but in terms of what—

Mr. Valley: You told us! You told me.

Mrs. K. Persad-Bissessar: We asked you.

Mr. Speaker: Please, please.

Mrs. K. Persad-Bissessar: No, no, no, Mr. Speaker.

Mr. Speaker: Let us hear the Member please; everybody will have their 75 minutes. [*Crosstalk*]

Mrs. K. Persad-Bissessar: Mr. Speaker, we asked them to exchange the Private Members Day; that is correct. I said: What will you do? He said: DNA. I said: That is a very difficult piece of legislation, we may need more time. He said: Okay, he can then do the Accreditation, but he will come the following week with the DNA. I sat here when I said to him: You go ahead and do what you have to do, and he put the DNA—

Mr. Valley: You said to do—

Mrs. K. Persad-Bissessar: No, Mr. Speaker, I never asked him to put the DNA before the Equal Opportunity. I put that on the record. He said he will do DNA and then do Equal Opportunity. I am saying no! [*Desk thumping*] We want the Equal Opportunity now. We want it now!

You have broken your promise here. But I am saying in light of what happened yesterday. You pulled a man out of his house; you took him down to the station; you stripped him naked; you had him squat and you know what he charged him for? Distributing pamphlets. So when this Minister comes to me to tell me under this Bill, they have changed the provision where it is; the section for an authorized—

Mr. Speaker: Please. Hon. Members on both sides of the House; Member for Laventille East/Morvant, hon. Member for Princes Town; I am interested in what the Leader of the Opposition is saying, so stop the crosstalk. [*Interruption*] Stop the crosstalk, please! Hon. Leader of the Opposition.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker. The hon. Member tells us that one of the changes made from the UNC 2000 Act and now is in this Bill that is different, is that they have changed the person who is to take the samples. There was an authorized person and now they are changing it. You know who they put now? A police officer. A police officer can take the non-intimate samples. I am saying the people of this country do not trust the police officers. [*Desk thumping*] They do not trust them. You need the checks and the balances and that is why I am saying yesterday and the night before you pull a man off. You said it is about anti-terrorism and so on.

Mr. Sharma: Twelve police officers; 12 vehicles.

Mrs. K. Persad-Bissessar: Police officers under control and you send them to somebody's house. You know what the message was? Get him at any cost. First it was anti-terrorism; when you realized it was nothing, what did you do? Distributing pamphlets. You mean for distributing pamphlets you have to let a man strip naked? You had to have him squat and search him for distributing pamphlets and keep him overnight? That is abuse of power! And that is the very abuse of power we are saying we will not condone; we want you to bring the protection; bring the Equal Opportunity now; bring it first; let us put the checks and balances. [*Desk thumping*] Minister you will reply, because we do not have as much time as we normally do. I am saying that is the first thing.

Firstly, we will support this DNA legislation. We will make changes to it, of course, because there are many things in it we do not agree with but we will support the DNA legislation, but we will want to get first, the Equal Opportunity.

The second thing we ask, is that if this Government is serious about the fight against crime, if they have taken into account the frustration of law-abiding, civic-minded citizens in this land, I call on the Prime Minister, through you, that he

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

must immediately take steps to remove the incompetent Minister of National Security. [*Desk thumping*] If you are serious about dealing with crime, you must take steps and show that you are serious; the Minister of National Security must go. He must go now! That is the second thing we look forward to, because if it is that after this five years or whatever—there was somebody else there, the guy from Pier I, he went his way.

Miss Lucky: Chin Lee.

Mrs. K. Persad-Bissessar: Yes, yes. That is the guy with the common sense or—

Miss Lucky: Level head.

Mrs. K. Persad-Bissessar: Level head or whatever; he has gone level headed now; he is gone.

Mr. Ramnath: Where is he?

Mrs. K. Persad-Bissessar: This Minister of National Security, after all these years the crime rate continues to soar. They have come now; they have gunned down two PNM councillors; one died; Bert Arlette. All of us I think knew Councillor Bert Arlette; a man of such gentle soul. It pains when you think the brutal death that he met, because of the incompetence of this Government. Another constable gunned down; WPC Sutherland; a national hero who gave her life in the fight for justice. Her life must not go in vain.

Mr. Sharma: Threatening mayor, threatening security 24 hours.

Mrs. K. Persad-Bissessar: So many persons being threatened. The murder rate continues; the kidnappings. Vindra Naipaul-Coolman still not yet found; so many other kidnapped victims still not found. We are saying if that is the result of having this present Minister of National Security presiding over national security in this country for so many years; if this Prime Minister is serious about fighting crime, he must get rid of the Minister of National Security. [*Desk thumping*] He must show that he is serious.

Mr. Ramnath: Resign and call an election, Valley.

Mr. Valley: You want me get promoted or what?

Mr. Ramnath:—get your own seat because you would not be a candidate.

Mr. Valley: [*Inaudible*]

Mrs. Persad-Bissessar: In any event we have seen what this Government did and said—you do not be worried about that; that is within our house; you seem more worried about yourself.

Mr. Valley: I am talking to my friend, not you.

Mrs. Persad-Bissessar:—how they voted. What makes the treachery of this Government all the worse is that you can reveal how hypocritical they are being in terms of dealing with crime in this country. I have said DNA legislation is vital; we support DNA legislation. I have suggested before that with little exception this Bill is very similar to the 2000 Bill, except they have now put some provisions in there that give too much power, in our view, without proper checks and balances.

That was six years ago we passed this DNA legislation. Sen. Montano, now a Government Minister said in December 1999:

“This, above anything else, is going to bring our police service, if not into the 21st Century at least into the 20th Century and this is what we need. It is long overdue.

The Member for Diego Martin West prior to his problems with the Landate scandal and the Attorney General and so on, he commended the UNC DNA Bill to the House on May 12, 2000. He said:

“We should pass it, but I am warning the Attorney General that on passage, it ought not to be assented to in the very near future. A lot of good work has gone into creating the legislation. We have what is called the Trinidad model here, yes.”

Perhaps the most verbose of them all who contributed then, was the Member for Laventille East/Morvant.

Mr. Sharma: Who prepared your brief then?

Mrs. K. Persad-Bissessar: Mr. Speaker, he said on that same day and I quote:

“We consider the implementation, the establishment of DNA testing in our system of justice to be very important.”

This is in 2000.

“We consider the implementation, the establishment of DNA testing in our system of justice to be very important. We consider it to be a very good thing, and we support it for that reason.”

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

This is the same Minister who now sits and condones his bosses and himself for not bringing DNA Act 6 of 2000—

Mr. Speaker: Member, I am sitting here.

Mrs. K. Persad-Bissessar: Yes, Sir. I am sorry, Sir. I am getting lost talking to him. [*Interruption*] I am talking to all of you, Sir. Thank you, Mr. Speaker.

This is the same Minister who six years ago, said this is such a great thing, who now comes today to give all the excuses why it is that they did not implement that piece of legislation. So, you really have to wonder what they care about and who do they care about.

This Member went further to caution the UNC not to implement the legislation until everything has been put in place to ensure functionality. He says:

“We are simply, sensibly saying that it appears that mother Trinidad and Tobago is, at this point, unable to cope with the burden that this responsibility will carry, and we simply call on the Executive, the Government of the day, to ensure that foolishness is not made of this or any other legislation and get the right elements in place first, otherwise we will be wasting all our time.”

This was sensible advice then, but that was clearly another incarnation of the hon. Member for Laventille East/Morvant. Every PNM Member who spoke then indicated that the legislation was necessary and commended it to the Parliament; that was 2000.

On Friday, May 12, 2000 when the Bill was offered to the House the votes were as follows, on the UNC benches, everyone voted; on the PNM benches, everyone voted. A division was taken, of course, Mr. Speaker.

“AYES

Valley, K.

Rowley, Dr. K.

Imbert, C.

James, Mrs. E.

Bereaux, H.

Boynes, R.”

With due respect—

“Sinanan, B.
Hinds, F.
Joseph, M.”

So, I remind you for the record, both Ministers of National Security in 2000 voted in support of the 2000 Act and it took them seven years later to come with a Bill where they have admitted now, they have no regulations for; absolutely none, and in which we will find, as my colleagues will explore, that those changes that they have made have damaged the legislation instead of improved the legislation. The only reason they made those changes is to come to say this is not the UNC Act, this is PNM; it took seven years.

Not that the number of clauses matters, but the UNC 2000 Act contained 58 clauses; the 2006 Bill, 47 clauses. You have made some changes, maybe there are some that are good, but in the large, that was nothing that you have done there to change it, is such as to condemn the 2000 Act that it could not be proclaimed and could not be implemented.

These two persons who voted for that legislation in 2000 were the ones responsible for coming forward if they saw flaws in bringing it; not seven years later. It is very sad that when they had the opportunity to implement the legislation to give drastically needed support to the justice system, they chose to turn their backs on the citizens of this country. Mr. Speaker, you will recall, as I said, without drawing you into the debate, you were here and also gave your kind support to that Bill, and yet it took six years to get to this point. They express fabrications.

This Bill before us seeks to replace the previous piece of legislation that was introduced, as the Minister said, in 1998; a mere two years after we went into office. That DNA legislation did not start in 2000, its genesis went back further in 1998; 1999, Joint Select Committee, came back to the House and in 2000 passed by this Parliament in both Houses.

From 2001 to 2002, to January 2004 absolutely no effort was made towards proclaiming the legislation or towards implementation by that government. It sat on that Minister's desk, ignored by that Minister. The Minister was prodded into action by a question that was asked in the Parliament. The question the Minister of National Security was asked and he assured that regulations and forms were forthcoming and that all would be ready by April 2004.

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

This Minister is now telling us—and it seems contradictory—in 2004 they got some experts who came and told them, you know what, you do not need regulations, you do not need this Bill, you need a whole new Bill. But here it is this Minister was saying that regulations and the forms will be forthcoming in April 2004. April 2004 came and went without the forms, without the regulations and no explanations.

In October 2004, the Minister was prodded again by another question asked of him, and the Minister again promised that the regulations were almost complete and by December the legislation will be fully in place. So who do I believe? This Minister or the substantive Minister of National Security? In October 2004 the Minister promised the regulations were almost completed and by December the legislation will be fully in place.

So, when in 2004 the Minister is saying experts came and said, you see this Act you all passed before, throw it away, we need a whole new one. Whom should I believe, when in October 2004 the Minister of National Security told this country in the Parliament that the regulations were almost completed, by December the legislation will be fully in place? December came and went without the forms, without the regulations, without any explanations.

We come to May 2005. Diana Mahabir-Wyatt, the Chairperson of the Trinidad and Tobago Coalition Against Domestic Violence, chastised the Government for not implementing the DNA Act 2000. At that time she was speaking at the launch of Akiel Chambers' memorial; remember that heinous case, Mr. Speaker, which up to today remains unresolved because of lack of the DNA legislation. Akiel as you all remember was smothered and bugged; his body dumped in a pool; his killer has not been identified, yet another case went unsolved because we did not have this DNA legislation.

By this time—this is May 2005—Government had decided that the legislation needed to be amended. By the time of the crime talks in November 2005 the Government had decided the best way possible was to replace the Act. The history the Minister has given, I do not know who to believe, because I am giving you the *Hansard* record of what took place during their tenure in office, from when we went out with respect to this.

Up to May 2005, because of Akiel Chambers, people started coming out again about the DNA. People came and said, okay, the Government said at that point, you know what; we need to amend this legislation. When Minister Hinds says to us in this Parliament that in 2004 the experts told them that a whole new Act was

needed, whom do I believe, because Government indicated that they were going to amend the 2000 Act? By the time of the crime talks in November 2005, Government had then decided the best thing to do is to repeal and replace it; bring a whole new Act, a whole new Bill.

Mr. Manning in reporting on the crime talks in the House of Representative on November 18, 2005 said and I quote:

“We have also agreed that the DNA Act which was passed in Parliament under the previous administration and which Government supports in principle is evidence of commitment on both sides to the development and use of crime-fighting strategies and solutions which are at the cutting edge of crime-solving technology. In attempting to implement the DNA legislation however, the Ministry of National Security encountered several challenges including issues relating to the taking of intimate samples and the need for clarification of the procedures for the taking of samples which have made the legislation unenforceable. Consequently, we have agreed that the Act needs to be re-examined and replaced by more effective legislation.”

This was November 18, 2005; today we are in January 2007. DNA was tabled sometime earlier this year—let me see the Bill please, is it 2006 or 2007—2006 Bill that was tabled. Legislation had by now been in the PNM Government hands for four years before these challenges were discovered.

On December 18, 2006 a little more than a month ago, after the revised DNA Bill was laid in the House on that day, the House broke for the Christmas recess. After all this procrastinating by Government, it is painfully obvious that the Minister of National Security has done absolutely nothing or very little with the 2000 legislation.

In reviewing this new legislation, it becomes obvious also that changes could have been made easily via amendments, not by repealing and replacing, because the changes they have made are so few. But I come back again, it is the spite and malice; it is like the Biche High School; it is spite and malice, because the UNC built it they do not want to open the school for the children and they put them on shifts working one week on and one week off and send them all hours of the day and night and so on. Spite and malice because it was built by the UNC. In the same way because this was a UNC Bill, the changes, I am saying, any right thinking person would look at them and see, very few; did not need six years to change and could have come here by way of amendment rather than an entire repealing of that legislation and putting a new Act into place.

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

The absence of regulations would certainly have inhibited implementation, but there is no way that regulations should take three or four or five years. The previous promises of start up dates in April 2004 by the Minister, in my view, were expressions of fabrications to satisfy the cries that were coming out there for the DNA legislation. So at each point we were given a different start up date, nothing was being done to implement the legislation.

When we look at operational promises—and my colleague from Caroni East mentioned some of them—I quote on Monday, June 06, 2005, Minister of National Security, Martin Joseph advised this House that:

“Assistance was sought from the United Kingdom to analyze the Forensic Science Centre’s operations and as a result of this:

A new DNA lab is to be constructed by 2006 to ensure that internationally accepted standards are achieved...”

Is a new DNA lab constructed? This is 2007; no new DNA lab has been constructed. I quote again from the Minister:

“The current DNA legislation is being reviewed with an aim to introduce new legislation later this year;”

On June 06, 2005, the Minister said:

“New staff is being recruited to remove backlog, thus facilitating court cases:

- one document examiner and a computer forensic examiner will join the staff to reduce existing backlog and to assist police with digital evidence cases by August 2005;”

Well tell us Minister; tell us, have any of these promises been met? These are the specific details for operationalizing the statute. He said:

- two firearm examiners will join the existing staff of three firearm examiners this month;
- two nationals were selected to undergo training in firearm examination, locally and in Canada, and have already commenced...”

He said again:

“...cooperation, coordination and collaboration have improved substantially. However, this is an area where all of the agencies need to improve the lines of communication, thus providing for the timely dissemination of information and more timely feedback.”

I repeat for emphasis, Mr. Speaker. These glorious developments were revealed in June 2005. One wonders what the staff has been doing there since June 2005; we are now in January 2007. However, it is now history that 2005 ended with no DNA legislation coming; 2006 ended with no DNA legislation, and now that we are considering this Bill I notice, as I said before, no regulations.

If we are to believe the Minister of National Security, it took four years to prepare regulations for the DNA Bill, 2000. The fact that the said regulations have never been seen; certainly sufficient time has lapsed for us to do it, so that the both could have come here, be prepared and come together. If we are to really extrapolate the nations experience with the Anti-crime legislation generally, with the DNA legislation specifically given their track record, they would take another three to four to five years to do the regulations and bring them here and perhaps another couple of years for actual implementation.

Mr. Speaker, in the 2000 debate, the Minister of National Security then advised the House of what has been put in place for implementation of the legislation, which my colleague has quoted and because of time constraints I will leave for someone else.

Mr. Speaker: Hon. Members, the speaking time of the Leader of the Opposition, the 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: So we are saying, first of all, that the Government brings today, tomorrow, Sunday, Monday, Tuesday, Wednesday, Thursday, any day, on the table the checks and balances as contained in their promised Equal Opportunity legislation. It is in the Parliament; it is just a matter for debate. That is our first point. In order for this DNA Bill to work you must put the checks and balances and so bring Equal Opportunity with the DNA.

Secondly, we have said, we as the Opposition, as representatives, we can only express the wishes of the people that we represent. As good representatives of the people we can only take up their voices and give expression to that voice. And the voice of the people on the ground in this country is very clear, that if the Government is serious in fighting crime in this country that the Prime Minister should remove the Minister of National Security.

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

Thirdly, we ask for empowerment of the police through the implementation of the package of Police Bills that was passed so long ago, and that they be given the resources, the vehicles—There are so many places with no police stations; that is not a condition for the DNA, but that must go in tandem; it must go as a parallel track, whilst we deal with the legislative matters here.

Mr. Speaker, should this Government continue to ignore the frustrated, civic-minded, law-abiding citizens, then the Opposition would have no recourse, no other remedy to come on behalf of these law-abiding citizens to move a vote of no confidence in the Prime Minister and his Government. [*Desk thumping*] Because they have failed to deliver on every front, but the greatest issue has to deal with life, liberty and property. That is the right of every citizen! That is the contract that the State has with the citizens! That is the compact, the social contract, that the State must provide that security.

If it does not then the State is saying to the citizens, you pick up your gun, pick up your hammer and pick up your axe and go into self-defense. The State is failing and has failed to provide security for life, for property, for limb in this country, then you are saying go to self-help—

Hon. Member: Vigilante—

Mrs. K. Persad-Bissessar: Go to vigilante; go and defend yourself. In a modern state, in a democratic state that can never, never be the intention, because you will end up back in the days of the wild, Wild West. You will end up back in the days of the Middle Ages when you had lords fighting lords, armies and so on fighting each other. We are in a modern democratic state where the rights and freedoms of individuals are paramount and the State is obligated to give those protections to the citizens of the land.

Mr. Speaker, I say to the Member, there are many clauses in this Bill that we do not support as they stand and needs reworking and therefore I recommend to the hon. Minister that the Bill go to a Joint Select Committee so they can get it workable. I am saying we support the legislation but there are clauses in there that need to be reworked. Finally, I recommend that it goes to a Joint Select Committee of the Parliament. [*Desk thumping*]

In the meantime, whilst that is being done at the Joint Select Committee, bring on the Equal Opportunity legislation. When it goes to the Joint Select Committee we again have a history in this Parliament of the lackadaisical attitude of this Government, of their delay in every single thing. We had the Copyright Bill, if you recall, it was sent to a select committee on December 17, 2004 and they had

to report in six weeks' time. Today we are in January 2007 and the work of that Joint Select Committee has not been completed.

You know what will happen? When they came in December 2004 we were on the cusp of the Carnival season; it was, we must protect our artistes; so come and bring in this Copyright Bill; then it went to the Joint Select Committee—died. We have not seen or heard of it since. The Breathalyzer Bill; just before Christmas, as well, they came, November 03, because the car accidents, the peaking period is December during Christmas moving into Carnival, that is when you have the most accidents from driving under the influence.

So we came November 03 with all the hype and so on; were told, we referred it to a Joint Select Committee; 12 weeks have passed, which is three months later; I hope the Minister would bring that back fairly shortly. When I say we refer this DNA; we support DNA legislation; we want it workable, we are saying to you, send it to the Joint Select Committee, but please, send it there to come back and give a time frame within which it can come back of two weeks; no later than two weeks because we have seen what has happened to the others. I mean from 2004, are we really serious? This is 2007 and that has not come back.

Mr. Speaker, I know it is tea time, I will continue after tea with the extra time I have.

I 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.*

Mrs. K. Persad-Bissessar: Mr. Speaker, the hon. Member in his presentation indicated that when we passed the Bill in 2000 and it became the DNA Act, 2000 that the infrastructure was not in place; the country was not then ready to take on implementation of that legislation and I want to read today, Mr. Speaker, what the position was then as revealed by the then Minister of National Security, hon. Brigadier Joseph Theodore; Thursday, May 11, 2000 and I quote:

“The main consideration that the committee addressed was the rights of the individual...(and that was the select committee)...and the matter of how a sample is to be taken and by whom. There were concerns that specially identified persons should conduct the sample taking. There were also major concerns about how the samples are to be packaged and transported to the Forensic

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

Science Centre. All these matters were addressed in the amendments and the Bill now deals with the issue of the rights of the individual and the care to be taken of the sample, once it has been given.

In Trinidad and Tobago, as far as DNA analysis is concerned, the Forensic Science Centre presently has the capability to do DNA analysis.”

That was Thursday, May 11, 2000. I continue to quote:

“This came about over the last two years and the centre has been engaged so far in proficiency testing on samples submitted to the centre by Collaborative Testing Services Inc. of Virginia, United States, and a database of the population has also been compiled and this should be completed by June of this year.”

That was in 2000, Mr. Speaker, and it goes on:

“The centre has also been stockpiling equipment and chemicals in preparation for the commencement of DNA analysis in its laboratories. The centre has acquired all the reagents, chemicals and physical equipment necessary for DNA typing of blood or body fluids, using the PCA method of analysis.”

So, Mr. Speaker, when the Minister indicated that in 2000, 2001 and 2002 that this country was not ready to deal with DNA analysis and the whole handling of DNA testing, the words of the then Minister of National Security give the untruth to that. The Minister indicated that—

Mr. Hinds: Will you give way?

Mrs. K. Persad-Bissessar: You will have your turn to reply. I just have about 20 minutes, Mr. Speaker. The Minister also indicated that when they went in there at some point, whether it was 2004, 2005 or 2006 that forensic experts were brought in to assist with assessment and analysis of the lab, assessment analysis of the Bill and assistance with respect to the regulations of the 2000 legislation.

I would ask the hon. Minister, is there a report from those forensic experts? If there is a report, what did the report say? Because we have not seen that report and we will be very anxious to know what were the specific findings as contained in the report and what were the specific recommendations made by that team—you will recall that team would have been paid through the dollars of the taxpayers of this country—and if it is that it is their report that is being used as the reason, or one would say the excuse for further delay—and that would have been way down in 2005, in any case a lot of delays would have already taken place—we would like to see what that report has to say.

Further, Mr. Speaker, with respect to checks and balances we would like the hon. Minister in his winding up to indicate to us what are the global checks and balances? If it is you are saying we have taken the model from here, we have taken it from there and from all over and we have come with this, then I think it would be very useful for the Minister to provide us with the global checks and balances as contained within the legislation and outside of the legislation when we come to dealing with breaches of constitutional rights and extra constitutional powers that have been given. If you would point us to those global checks and balances. I have already mentioned that I am very concerned that power is being given different from what we had put into the 2000 Act. *[Interruption]* power being given to police officers to take samples, and I come back again in terms of what we have seen, in terms of the abuse of power under this present regime.

Mr. Speaker, we go back to the example that played out Wednesday and Thursday when Mr. Ishmael was picked up on the frivolous pretext under the Anti-terrorism Act. That was the most blatant and naked exposition of state control, of misuse and abuse of the police. There are magistrates who we have seen, are willing to sign search warrants for anything even when there is no probable cause. We have seen the examples. Remember, there was a “fella” Lenville Small, this is a man who was detained during the investigation in the Port of Spain bombings in 2005. He was held under the Anti-terrorism Act for 13 days. That Act only allows a 10-day period of holding, you have to get an extension, so the police went for an extension; they held him for a further three days, and it was revealed then, there was absolutely no justiciable evidence against the man, they had to let him go.

Mr. Speaker, up to today those bombings, the four of them, remained unsolved and you would recall in this very Chamber, this very House the nation was told by the hon. Prime Minister, the Member for San Fernando East that he knew who the perpetrator was, he referred to a Mr. Big. *[Interruption]* Up to today nothing has happened. No Mr. Big has been found, no one has been prosecuted, and that is why we say we cannot believe what those on the other side have to say. Mr. Speaker, we have to ask the question on what basis was Mr. Small detained for 13 days and then a further three days. Was there any real evidence to justify a warrant and then extension of detention? Was it a case of the authorities just trying to do something to make like they were doing something to look good? Because at that time they were under tremendous public pressure to get up and do something; people were very scared to come into Port of Spain, to be on the streets and so on; people were afraid to pass next to a dustbin; people were maimed in these explosions. Any hope we had of finding forensic evidence was blown away with that PR stunt when they came down with the helicopters and so on and just blew

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

away everything. You would have thought it was an episode of Miami Vice coming down in the helicopter with the Minister on the scene of the crime. *[Interruption]*

The point is after all of that, that bomber, the Port of Spain bomber is still alive and around, he is still out there, he is still at large; they have not kept him. You held a man, you impeached his rights to freedom of movement, freedom of liberty under the law, *[Interruption]* and it is revealed that you had no basis for so doing. This has been happening on many occasions, the most recent as we spoke about before was during Wednesday and Thursday when the media reported that Mr. Ishmael was subjected to the very dehumanizing experience, he was stripped of his dignity, and he was abused by the State in the manner in which they went after him. *[Interruption]*

Firstly, he was grabbed like a common criminal; his family thought he was being kidnapped from the way the police operated. He was taken to CID with no explanation. I am talking about the abuse of power here; abuse of power. He was told he could be held up to 10 days under the Anti-terrorism Act; they could not have said when he would meet the investigating officer to get clarity on the reason for his detention. He was made to take off his clothing and strip searched. That is an invasive procedure. He said he was mocked by officers who conducted the body-cavity search.

Hon. Member: What!

Mrs. K. Persad-Bissessar: Body-cavity search. Then after all of that what happened? They slapped him with a charge—frivolous charge—under the Summary Offences Act to cover up the abuse of power that had been perpetrated, for distributing pamphlets. That is naked abuse of power, Mr. Speaker. So when we have this DNA legislation before us which we are supporting—workable DNA legislation—we must ensure that it is not misused, it must not be abused in the same way that the Anti-terrorism Act has been abused and misused. *[Desk thumping]*

And I remain today convinced that that Act is unconstitutional and the day they charge someone under that law it will go to the courts to be declared invalid. It never got a special majority yet they were invading people's rights; provisions were made within it to invade people's rights. So we have to be sure that our citizens will not be abused, misused; they must not be persecuted because the frustrated, civic-minded, law abiding citizens will speak out. They have reached a boiling point. That was demonstrated over the last few days.

There are no guarantees that the Government, even if they give us their promise, the nation cannot trust them; we cannot take their word for it. They have

gone back on their promises time and time again. [*Desk thumping*] They have gone back so we do not trust them; the nation does not trust them. Bring the DNA legislation and we will support it. As I said it is *ex post facto*, after the crime has been committed, and therefore we want to talk about other measures for prevention of crime because the measure is one of legislative measures designed—as they say—to help in the fight against crime. But as I say, that is only after the crime has been committed; somebody has already been murdered or raped, as the case may be.

So we need to talk about prevention of crime. Crime must be fought on a holistic basis; you must have the prevention, you have the detection and then you have the conviction, Mr. Speaker. In every regard this Government has failed. In terms of crime prevention, in terms of crime detection and in convictions we have seen the statistics and the analysis of Prof. Hood, where he has indicated that out of every 1,000 murderers only one will be convicted. DNA legislation may help in terms of—but first you have to find them. Detection: What are your measures for finding the perpetrators? And you also have to go—DNA will help you with the convictions by providing scientific evidence and so you can go with prevention.

Let us talk about prevention for a moment. Why is there no police station in Manzanilla? When you leave Sangre Grande the next police station is at Mayaro, and I am told those officers are operating out of the post office, so essentially the next real police station is at Rio Claro. Coming through the Central Range, [*Interruption*] very thick, very dense forest there is no police station at Brasso. From Rio Claro to Chaguanas, no station, my colleague is advising. What about Flanagin Town? Mr. Speaker, there are police stations operating from under dwelling houses. Recently I went up to Matura—under a dwelling house. You have a trend where mobile police posts are being used but they have no purposes; if they cannot serve the purpose, they have some use but that is no substitute for a real police station at a time when money in this country is no problem. Money being spent on all kinds of projects; the people are calling for more police stations, that is what they want, but when they stand up to speak, this dictatorial Government, somewhere, someone in high office makes a phone call and suddenly you see jeep loads of police officers they end up at the scene. And what do they do? Brutalize and beat law abiding citizens who are engaging in legitimate protest, who are engaging in exercising their constitutional rights. [*Interruption*]

Mr. Speaker, the police are being used by the political directorate; by you all; the police is being used by the PNM. Some of the police officers are under the direct influence and control of this PNM government and that is what we are talking about—abuse of power, it is an abuse of power. [*Interruption*] Mr. Speaker,

Deoxyribonucleic Acid (DNA) Bill
[MRS. PERSAD-BISSESSAR]

Friday, January 26, 2007

the use of police with brute force to lock up people who are demonstrating, I mentioned to you Chatham, I mentioned to you Barrackpore, in Fyzabad, and in other areas of the country.

I would like to take you back to the October 06, 2003 when the hon. Prime Minister delivered his budget statement and I quote from the *Hansard* of that day:

“The Government recognizes that demonstrations are a legitimate expression of dissent in any democratic society. However, the Government wishes to make it absolutely clear that we will not tolerate acts of civil disobedience and will enforce the laws of the country rigidly and fearlessly. Lawlessness will not be tolerated from either the criminals or from any other persons...who wish to disrupt the society, no matter how strongly they may feel about their cause.

The Riot Squad will be the subject of review...(they talked about setting up a Riot Squad)...and shall be provided with the most modern equipment now used in countries around the world.”

Prime Minister, October 06, 2003. [*Interruption*]

Hon. Member: Riot squad?

Mrs. K. Persad-Bissessar: Yes, riot squad; he stated his intentions right here in this House, he said he was beefing up the riot squad even though he had said that demonstrations are a legitimate expression of dissent; say one thing and do something else. And I quote again, he promised:

“We shall increase police patrols in the main business and residential areas of the country.”

That is 2003; it has not happened.

“The Cabinet will soon be asked to approve an appropriate increase in the size of the Police Service to facilitate the use of higher levels of foot patrols.”

What increase, Mr. Speaker? It has not happened! The Government knew it was not going to deliver on this promise. It prepared itself so that when the public demands these things, more police and patrols and so on, they will be waiting with the riot squad. We saw this naked attack on democracy; we warned this House about the tyranny and dictatorial nature of this regime. The then Leader of the Opposition, Mr. Panday in this House, in his reply to that very budget said:

“I am sure that if I exercise my democratic right to march and protest, then the riot squad, which will better armed, will be better able to brutalize me.”

It has come to pass, Mr. Speaker, where people who have exercised their democratic right to protest have been brutalized. Burton Sankerali of the Rights Action group and UWI lecturer Dr Peter Vine were two residents of Chatham who were arrested on September 12, 2006 whilst they were taking part in a peaceful demonstration against the construction of aluminium smelters in the south-west peninsula.

Mr. Hinds: You call it peaceful the police did not find so.

Mrs. K. Persad-Bissessar: Mr. Speaker, on October 06, 2003 on the same day when the Prime Minister was talking about locking up people who demonstrate against his policies two Opposition MPs, Dr. Hamza Rafeeq whom some people consider as quiet as a church mouse—*[Interruption]*

Mr. Speaker: Order please!

Mrs. K. Persad-Bissessar:—and a handful of citizens, I believe Mr. Manohar Ramsaran, MP as well and UWI lecturer Dr. Meighoo and a handful of other citizens were locked up after protesting in a peaceful march against crime. So nakedly frivolous was this, those charges were dropped sometime long after. They dropped the charges; they never pursued them because they knew they could not succeed with the charges? But at the time to show their heavy hand, to show that they were in charge and their strong arm they went in, sent the police down there in full force and on that day—I recall now—when people were looking at the TV and looking at the debate which was televised indicated that a senior officer was in this Chamber talking to the politicians when it is that the police was in full force down there to lock up Opposition MPs. *[Interruption]*

On that day, Mr. Speaker, I myself, was physically assaulted and I am talking about the power and the abuse of power.

Hon. Member: I saw it.

Mrs. K. Persad-Bissessar: I was at the Chaguanas courthouse in my capacity then as an attorney-at-law, I was going into the court to seek the interest of persons who had been locked up by ACP Allard, we have not heard or seen of this gentleman for quite a while now. I was going to the courthouse and a policeman man-handled me, pushed me in the chest and I would have fallen over if a bystander had not helped me up. He almost threw me over, and as I say a bystander grabbed me that day. We are talking about abuse of power.

Hon. Member: Kidnap money.

Mrs. K. Persad-Bissessar: The Leader of the Opposition then in 2003 asked the question that to date has not been answered; who will be in charge of the PNM's, new heavily armed riot squad? Who will be in charge of it?

Mr. Speaker, we have the answer, they have not given it but the answer is very clear; it is the PNM directorate who is in charge of the riot squad. [*Desk thumping*] They only break up demonstrations when the Government is being criticized, [*Interruption*] so we are seeing as I am saying this abuse of power. We have seen for example, the *Express* September 09, 2006 which tells the world that seven persons from Barrackpore, a neglected rural community, cane farmers, cane cutters demonstrating peacefully for road repairs, eight people claimed they beaten by police and army officers. Fifteen people were standing under a tent, the officers used a backhoe to push the tent down with the persons still there; two men, Mohan Singh, 42 years and Fareed Mohammed, 19 years were injured. Hospital records would show that they were treated for injuries then sustained, Mr. Speaker.

That is the terror that was unleashed and is being unleashed on law abiding citizens of this country, when they say please fix our roads, car repairs will increase the burden we already have from high food prices. But, Mr. Speaker, whilst the Government is doing this, while it is using its power, abusing its power we see that there is not equal treatment meted out to others.

What is the treatment to Prof. Selywn Cudjoe, friend of the PNM? There was no riot squad for him in 2004 when he organized and led a march through the streets of Port of Spain [*Interruption*] without police permission with PA system. Where was the Commissioner of Police then with his lack of tolerance for people who disrespect and break the law? Where was Mr. Allard? Where are these bad john cops and soldiers when people are being kidnapped, when they are being murdered, when they are being raped; police resources to track down a man who is standing of his own rights and so on when you still have the kidnappers of Vindra and so on out there, murderers out there using police resources for two days straight? That is a breach of the law and if the Commissioner of Police said he has no tolerance for that people will not disagree, in fact people have lost tolerance for that, they have lost tolerance for this regime which is incompetent and a waste of time. [*Desk thumping*]

They are saying they are absolutely fed up; law abiding citizens of this country are absolutely fed up. They want changes, they want changes with the crime situation and if the Government cannot change it, Mr. Speaker, as they have shown they cannot do then they want to change the Government. You must move this Government out! Blimps and eye-in-the-sky, Anaconda, Baghdad, all the

fancy gadgets and so on, no wonder the criminals are still laughing out there all the way to the bank, and they are laughing too as they applauded themselves today when that Minister painted a picture of the crime situation in this country; a nation under siege.

So I close by saying we in the UNC support the DNA legislation; we support that legislation but we want it with the checks and balances to ensure that this Government which has repeatedly abused its powers does not continue to do so with free rein and therefore we say we support the DNA with the Equal Opportunities legislation. We say bring the Equal Opportunity first; put those checks and balances; honour your promise that you made in this House, through you, Mr. Speaker, hon. Prime Minister. Honour the promise you made to the nation that the next piece of legislation after the Constitutional (Amdt.) Bill was to be the Equal Opportunity Act. That is the first thing.

Secondly, Mr. Speaker, we are saying that the law abiding citizens out there are so frustrated, I voice what they have been saying and they are saying, if you are serious, Prime Minister, through you, then must immediately fire the Minister of National Security [*Desk thumping*] to show that you are serious about the fight against crime. He must go! The Minister of National Security must go because he has failed miserably.

Thirdly, we are saying that we are being lobbied; the Opposition is being lobbied to bring to this Parliament, because of the failure to deliver by that Government to bring to this Parliament, to table in this Parliament a Motion of no confidence in the Prime Minister and his Government. [*Desk thumping*]

And fourthly, we say for this DNA legislation to be workable it needs to be sent to a Joint Select Committee where it can be trashed out.

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

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Thank you very much, Mr. Speaker. Having perfect knowledge is an ideal situation and because the Member has perfect knowledge, because she knows that this Government's intention to send this Bill to a Joint Select Committee; [*Interruption*] as was discussed before Parliament started today—

Hon. Member: With whom?

Hon. K. Valley: Because she knows that the next piece of legislation that the Government plans to debate in this House is the Equal Opportunity legislation

Deoxyribonucleic Acid (DNA) Bill
[HON. K. VALLEY]

Friday, January 26, 2007

which is on the Order Paper, Mr. Speaker, [*Interruption*] because she knows that, she can say that, look point one, she wants that and point two she wants that. [*Crosstalk*] So she is going to have it.

Hon. Member: She wins, she is smart.

Hon. K. Valley: She is going to have it; we do not have a problem, [*Interruption*] because it is Government's intention—

Mr. Sharma: Adjourn, adjourn then.

Hon. K. Valley:—to have this legislation perfect and we believe that nothing would be lost if it is sent to a Joint Select Committee, with as she said, a specified time—I will come back to that concept in a second—and within that period, obviously, because it is a commitment we have made.

Way back in December after we passed the Bail Bill I was interviewed by Joel Brown, I think he is with the *Guardian* asking me what is the legislative agenda for the Government for the first part of this year. I replied that we had a commitment to deal with that package of legislation. I said that! It was reported in the news, so there is nothing new. I said we would deal with the Equal Opportunity legislation, we would deal with the DNA legislation, we would deal with Breathalyzer which is already here and so on. There is nothing new, Mr. Speaker. The Government keeps its word and that is all we are doing! [*Interruption*]

Mr. Speaker, the bringing of this legislation to the Parliament today is in fact meeting a commitment—

Mr. Ramsaran: A 90-day deadline.

Hon. K. Valley: Meeting our 90-day deadline commitment, [*Interruption*] when we were supported by those Members on the Back Bench and we were thankful for that, Mr. Speaker. [*Interruption*] This legislation provides another arsenal in our fight against crime and criminal activity. [*Interruption*]

Mr. Speaker, as I say that, when this Bill goes to the Joint Select Committee I want to ask Members of that Joint Select Committee—my personal view—given where we are with crime and criminal activities in Trinidad and Tobago, whether we are not at the point where just as an ID card, whether it is not time that we have general profiling. [*Interruption*]

Mr. Speaker, I am asking the Joint Select Committee to consider it.

Mr. Ramnath: Rubbish!

Hon. K. Valley: Mr. Speaker, while the Member for Morvant/Laventille was presenting the Bill I turned to my colleague and I asked, really, why do we not? If the Member made the point that our detection rate is so low and if this is going to help, after the fact that she has said, it is only after a person rapes or so on that he is going to be profiled; consider what could possibly be the result and I am suggesting it, to consider it.

Mrs. Persad-Bissessar: Did you all discuss it in Cabinet before you brought it?

Mr. Ramnath: Is that the Cabinet decision?

Hon. K. Valley: I am asking the Joint Select Committee to consider it!

Mr. Sharma: In what capacity?

Hon. K. Valley: Mr. Speaker, Tony Blair the Prime Minister of the United Kingdom, I simply want to quote him, he says:

There should be no limit to the number of people whose DNA is stored on a national database.

Implying he wants everyone's DNA on police files, speaking during a tour of the Forensic Science Services Headquarters in London this week the Prime Minister said:

Such a comprehensive database will send out a strong signal to criminals that they could be identified and caught from even the smallest trace at the crime scene. [*Crosstalk*]

Mr. Speaker: Order, order!

Hon. K. Valley: Mr. Speaker, I just put that on the table.

Mr. Ramnath: Cabinet did not approve that.

Hon. K. Valley: I did not say Cabinet approved that. [*Interruption*] I said this Bill is going to the Joint Select Committee—

Mr. Sharma: Stick with the Bill you cannot come with two things.

Hon. K. Valley: But if we stick with the Bill there will be no need for a Joint Select Committee. [*Crosstalk*] It is going to the Joint Select Committee.

Mr. Sharma: Are you bringing your own Bill? Get some legal advice “nah”.

Hon. K. Valley: As I understand this legislation, Mr. Speaker, this is what is called a genetic fingerprinting. In other words, it really provides an extremely reliable technique for identifying a criminal. I have maintained, Mr. Speaker, that **5.30 p.m.**

Mr. Speaker, those on the other side cannot say that, because at every turn, they attempt to turn it into a political farce. [*Desk thumping*] We have seen that again, here today, with our Member for Caroni East who I will --4deal with in a while.--+-

Mr. Speaker: Order!

Hon. K. Valley: Mr. Speaker, especially in an election year, Members on the other side believe that with a Government that is outperforming everybody else on every other area, that the one area they can attempt to hold on to is this area of crime.

Hon. Member: No, and CEPEP too.

Hon. K. Valley: They tried that in 1995. Mr. Speaker, you would remember in 1995 what was the theme, “Who do the crime, must do the time”. That was in 1995. What happened subsequently?

Mr. Ramnath: [*Inaudible*] bribe the Magistrate.

Mr. Speaker: Order!

Hon. K. Valley: My colleague speaking in 2004 had cause to quote from newspapers articles subsequently, the *Express* of Wednesday, August 21, 1998. The Acting President, Ganace Ramdial, May God rest his soul, said, “Criminals had the nation under seize and the country needed to be vigilant in the battle against them.” In another newspaper article on Wednesday, November 28, 2001, the Prime Minister at that time, Basdeo Panday, conceded that the Government could not win the battle against crime; “Government cannot win war on crime.” That is what their Prime Minister was saying after campaigning on the theme, “Who do the crime, must do the time.”

Let us understand! I said it last year on the Police Bill after listening to the Leader of the Opposition, that the issue of crime should never be a political matter, that if there is one area in which every law abiding citizen in Trinidad and Tobago ought to coalesce in, is that area of fighting crime and criminal activity; that we must do everything in our power to do that—[*Interruption*]

Miss Lucky: I agree.

Hon. K. Valley:—and let us take it off the political agenda. The Member is making a lot of noise, of the fact that the DNA Bill was passed in 2000—
[*Interruption*]

Mr. Sharma: Just like Ishmael.

Hon. K. Valley: I shall come to that—very inefficient Bill from listening to the officials, that in fact, while they thought that they had simply to deal with regulations, when they got into it, they realized that it was wider than they thought. They had to bring experts from the United Kingdom who told them that the whole thing needed redrafting.

Mrs. Persad-Bissessar: Where is the report?

Hon. K. Valley: The Member quoted from the then Minister of National Security, that in fact everything was in place at the Forensic Science Centre. When you talk with the officials, they will tell you that they were dealing with outdated equipment and technology that had to be thrown away and start afresh.

Mrs. Persad-Bissessar: Why did you all take six years?

Hon. K. Valley: You tell me six years, we are in Government from 2002.

Mr. Speaker: Order!

Hon. K. Valley: Mr. Speaker, they just have to ask the Member for St. Augustine who told us that he spent five years in Planning and after five years he realized he did nothing. But, the fact there are some things which take longer if you have to get it right.

Mr. Sharma: Seven years?

Hon. K. Valley: That is the reality. What is important for us in our fight against crime and criminal activity, I submit, is that the legislation is today before the House, let us get it right; let us send it to the Joint Select Committee; and let us band together and deal—
[*Interruption*]

Mrs. Persad-Bissessar: We agree.

Hon. K. Valley: Well, that is what we must talk about. Stop positioning! We had nothing to do—
[*Crosstalk*]

Mr. Speaker: Order! [*Crosstalk*]

Mr. Sharma: Let us adjourn now.

Hon. K. Valley: I am prepared to adjourn; I am prepared to set up the Joint Select Committee. We will adjourn after I speak.

Mr. Partap: We want to talk.

Hon. K. Valley: We will talk when we come back.

Hon. Members: No.

Hon. Member: [*Inaudible*]

Mr. Manning: Which is impossible.

Mr. Ramnath: Well, I want to go home with you.

Hon. K. Valley: Now, the Member for Caroni East.

Mr. Singh: Yes!

Hon. K. Valley: Honestly, Mr. Speaker—[*Interruption*]

Mr. Sharma: Ken, if you are going to adjourn, you do not need to talk about Caroni East.

Mr. Speaker: Please. Honourable and distinguished Member for Fyzabad, you know that you should not be carrying on this way?

Mr. Sharma: [*Inaudible*]

Mr. Speaker: Good. [*Laughter*]

Hon. K. Valley: Yes, Mr. Speaker, I must say that the Member for Caroni East surprised me this afternoon. This is one of the few Members in the House that I have quite a lot of respect for.

Hon. Member: Who is that?

Hon. K. Valley: The Member for Caroni East. You know, when he came here this afternoon with a Motion, “Failure of Government to deal with crime, call Inshan Ishmael, to call a two-day strike”, even the front bench came out and said we do not support that; who you would expect to be so much more reckless in their utterances, you understand. You really surprised me this afternoon, I never—I was only asking last night, I said how come Winston said nothing about this Inshan—[*Interruption*]

Mr. Panday: Member for St. Augustine?

Hon. K. Valley: No, I am saying what I said last night—how come he said nothing? But when you look at it and you analyze it, you realize that this gentleman is really fronting for the COP, when you hear the utterances and when

you hear the position of Caroni East. But the road to political office would be so much easier if you avoid those types of people, my friend.

Mr. Singh: [*Inaudible*]

Hon. K. Valley: Understand that! Understand! I have to borrow now from the former Member for Couva North, “That when you pull the lion by the tail, it would come back and bite you”.

Mr. Singh: That is what Abu Bakr did the PNM.

Hon. K. Valley: Understand what I am saying. Understand that!

Mr. Speaker: Order!

Hon. K. Valley: Understand that crime and criminal activity are not jokes. Understand that! [*Crosstalk*] Let me make the point also, Mr. Speaker: In 2000, when the DNA Bill came, as the Member indicated this afternoon, there was 100 per cent support—[*Interruption*]

Mrs. Persad-Bissessar: We did not give your 100 per cent.

Hon. K. Valley:—by the then Opposition and also without any consideration. There were no considerations, okay.

Mrs. Persad-Bissessar: I said we agree.

Hon. K. Valley: Great, you spoke for 75 minutes; I shall only speak for no more than 20 minutes. Okay? I am simply making the point, that we, whether in Opposition or in Government, would never attempt to politicize crime; we will be on the side of fighting crime; of providing resources; of providing advice to the Government as needed, if we are in Opposition [*Desk thumping*] because it affects all of us.

Mr. Speaker, yes, it is the Government’s intention to have this Bill referred to a Joint Select Committee; that we would hope that the Joint Select Committee would work with dispatch. But again, I want to come back and speak about committees in general. We have been making the point, the Member made the point that there were some committees appointed since 2004 and they cannot report. I have been making the point in a small Parliament we have to use committees effectively. [*Interruption*]

Mrs. Persad-Bissessar: No, you have to tell your Members to attend.

Hon. K. Valley: We have to use committees effectively. We are in a small Parliament, a 36-Member Parliament and we cannot have 30 and 40 committees

Deoxyribonucleic Acid (DNA) Bill
[HON. K. VALLEY]

Friday, January 26, 2007

because there will always be that problem. Let us realize that this is a most serious issue and let us commit to give the time that is required to have this matter dealt with, definitely by Carnival.

Mr. Speaker, at the next sitting of the Parliament, I think we should name the committee. I think there is an agreement that the Member for Siparia indicated it should go to a Joint Select Committee, we so agreed and I think we should name the Committee at the next sitting of the Parliament.

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

Mr. Winston Dookeran (*St. Augustine*): Thank you, Mr. Speaker. I sat here listening with great astonishment of the direction in which this debate has moved during the course of this afternoon. I listened firstly to the acting Minister of the National Security—[*Interruption*]

Mr. Panday: Junior.

Mr. W. Dookeran:—saying that he wanted to put the debate in context. Mr. Speaker, what was the context? The context in his words was to acknowledge the significant trauma that the citizens of our country are facing in the midst of the siege in our land. The context, he said, was because of the sense of fear that has been generated within recent times in our society by the high profile cases to which he made reference: Constable Sutherland, Councillor Bert Arlette and Vindra Naipaul-Coolman. But he made reference to these high profile cases in the context of the fear that has generated in the society for our safety. He said that the context, in which he was putting forth this legislation, was because the players in the criminal world now display no fear and respect for law. This is an acting Minister of National Security in Trinidad and Tobago today, putting that context.

Is that not evidence that whatever the Government over the last five years has been doing, to discharge that public duty and responsibility of providing safety and security of the people has not worked? Is that context not simply saying that the Minister of National Security is in fact confirming the failure of the Government's national security plan? [*Desk thumping*] And to some extent, he was reflecting a sense of boastfulness that the Government can respond to that context by another silver bullet. Each time that there is a piece of legislation, the Government come here and attempt to give the impression that this is but another silver bullet to handle this distressing issue of crime.

Later on, I heard the Leader of the Opposition and the Member for Diego Martin Central, each trying to outdo each other about their respective efforts in

dealing with crime: 1998, 1999, 2005. I sat here with astonishment that we are debating who is to blame and who has to take responsibility for the failure of crime measures in Trinidad and Tobago.

Mr. Speaker, it is astonishing that this kind of debate will take place when this country is under such a great siege. But I want to raise some of the positive things that are happening in the midst of all this fear, anxiety and trauma. This society has moved ahead of the politicians. [*Desk thumping*] This society has a high level of cynicism of all politicians, and I do not exclude myself. This society has recognized that the politicians of today, who have control over their public life can no longer be trusted to solve the people's problem. [*Desk thumping*] But this society is not going to lay back and remain hopeless.

There were two events that happened within the last month which was signs of some kind of expression of change and hope; small events, but important events in a society on the path of regaining this hope. We first had the event of a 13-year-old, Choc'late Allen, who took upon herself to carry the message that creating a crime free Trinidad and Tobago is a possibility. [*Desk thumping*] In an inspirational stand on the steps of the national library, she brought to the people of Trinidad and Tobago—a 13-year-old—that there is hope if we can find the right way.

Mr. Speaker, this was one event, but within the last few days there was another event which the Member for Diego Martin Central attempted to trivialize, and I will speak to that in little more details. [*Interruption*]

Mr. Singh: Leave him to me.

Mr. W. Dookeran: But a very passionate voice of a humble person in the country—[*Interruption*]

Mr. Singh: Grassroot.

Mr. W. Dookeran:—felt that the time has come for the society to honour the fact, that in a democracy, there is the right of a people to express their outrage on a matter affecting their lives. [*Desk thumping*] This humble person took upon himself—

Mr. Speaker: Order!

Mr. W. Dookeran:—to call within the framework of the laws of this country, an opportunity for the people of this land to express their outrage in a matter of life and death, and there is no doubt that we live in a situation where life and death is at stake for many people in this country.

Deoxyribonucleic Acid (DNA) Bill
[MR. DOOKERAN]

Friday, January 26, 2007

Today, I want to pay tribute to Inshan Ishmael [*Desk thumping*] for what he has done to the consciousness of this society. In the same way that I paid tribute to Choc'late Allen for raising the hope of the society, I pay tribute to Inshan Ishmael for being able to bring to the attention of this country that we as a people can make a stand against crime in Trinidad and Tobago and against the criminal elements. That is what we need to do, not to have platitudes between the Government and the Opposition in front about whether it was the Government responsible or the Opposition responsible, both of them are claiming now the right for the failure of National Security policies in Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, Inshan Ishmael was able to do three things. [*Interruption*]

Mr. Valley: You do not even know the boy name.

Mr. W. Dookeran: He provided an opportunity for the outrage of this country to be expressed in a manner that was democratic and non-violent and gave the people an opportunity to say that we can do something about the criminal elements in the country. No one in the leadership of this country has been able to get that kind of consensus in this country. [*Desk thumping*] It is to his credit, and history will record this in months ahead, that the new hope started by Choc'late Allen in her very polite way and Inshan Ishmael in his very compassionate manner.

He was also able to bring about what people have been calling for here: a call for a national stand against criminals in Trinidad and Tobago. This is why I felt very disappointed when the hon. Minister for Diego Martin Central thought that he was making a major political point when he said that Inshan Ishmael was fronting for the Congress of the People—[*Interruption*]

Mr. Valley: That is what it is.

Mr. W. Dookeran:—as if that is a major point. Whoever he was fronting for, he was fronting for the people of Trinidad and Tobago [*Desk thumping*] in defence of the right to stand up against criminals in the country. That was the issue; and that is the simplicity of thinking on the part of the Member for Diego Martin Central to stand up here and make that as a major point.

Mr. Speaker, I could not be more astonished by the turn of events on a serious issue affecting this country and the triviality with which the Government deals with it; not only with a lack of urgency; not only the fact that we have to push them into action; not only because they cannot account for all the things that they

have to do; but they are now trivializing the entire process and the people of this country are under siege, as pointed out by the acting Minister of National Security.

The third thing that has been brought onto the national agenda by the activities of Inshan Ishmael is one of grave concern and I pre-empt what I am saying by referring once more to the Member for Diego Martin Central, when he said that we must take politics out of crime. I can deal with that, but what has happened in the last 72 hours in this country. Inshan Ishmael and the subsequent arrest and charges and the manner of treatment to which he was subjected in this country, this so-called civilized society, has exposed today, the escalating agenda of political repression imposed by this Government. [*Desk thumping*]

This is a very grave matter. This is not a trivial matter. The exposition of an escalating agenda of political repression because there is absolutely no doubt by anyone who is looking at the series of events that took place over the last week, with respect to the passionate appeal of Inshan Ishmael, that this had to be a link between the politics and the crime free. Instead of coming together to fight crime, the Government is coming together in order to fight those who are fighting crime. [*Desk thumping*] That is the issue here. They have employed political repression and I say that without fear of contradiction because when we looked at the sequence of events and the timing of that decision, there must be political influence.

Whether it was in fact condoned by the Cabinet or the Prime Minister is a matter for them to explain, but if it is not condoned by them it had to be done on the voluntary basis on part of the Commissioner of Police himself. He may have had a political agenda, I do not know, and I call upon him to explain to this country whether or not that was so. The fact of the matter is wherever it emanated from; there was a political agenda at work contrary to the triviality of what the Member for Diego Martin Central has been saying.

By exposing so early the escalating agenda in political repression in this election year, Inshan Ishmael has done a great service to the democracy of Trinidad and Tobago. [*Desk thumping*] For now, we shall be watching every single move, in the name of law and order; in the name of applying laws, anti-terrorism laws, may end up with what I believe the *Express* said, “What a joke”!—

Mr. Singh: Shameless.

Mr. W. Dookeran: And the article goes on to say, “Shutdown activist held under Anti-terrorism Act...then charged with handbill offences”. And you will

Deoxyribonucleic Acid (DNA) Bill
[MR. DOOKERAN]

Friday, January 26, 2007

tell me that that is happening in this country that wants to protect the rights of the people or claim that we are doing so on the part of the Government and we sit silently and trivialize this argument and say he was fronting for the Congress of the People. I want to tell you almost everybody shall soon be fronting for the Congress of the People. [*Desk thumping*]

Mr. Singh: Kamla, flip flop.

Mr. W. Dookeran: But, Mr. Speaker, this is the key issue and that is why I felt compelled. When I saw what was happening two nights ago, I felt compel that now I cannot appeal any more to the Prime Minister or to the Government. That is one of the responsibilities we have, that I thought notwithstanding the limitations on the part of the Head of State, the only recourse that was constructive in my view and could perhaps lead to someone speaking out in defence of democracy in this country; in defence of the rights for our people; and in defence of our freedom and preservation of it, if there is anyone who has that moral responsibility to do so over and above the politicians, it is the Head of State of this country, the President of the nation.

So I took the step of forewarning him that this is an issue that is now going to become even more pronounced. I say it is an escalating agenda. This is only the beginning; it has been happening in little pieces before, but now we will see it accelerating here today that in this Parliament we will stand firm to prevent the political agenda of the Government in political repression in Trinidad and Tobago regardless of the cost, because that is at the heart of the problems in the country; and that is at heart of the problems of criminality as well. I say it, and I am very happy that the Prime Minister is here because the Prime Minister knows very well that when we began discussions some time ago to have a collective and collaborative approach on the issue of crime legislation, I had no problem. I will never bargain even in this legislature on the basic of peace at the expense of the safety of the people of Trinidad and Tobago. [*Desk thumping*] I have no problem with that, and I do not play small politics with that. To me, that is the primary and fundamental function of the State and there is no need to bargain whether this will come first, or that should come first, or that should come second, there must be no bargaining by us, the legislators, on the question of ensuring the safety of the people of Trinidad and Tobago.

6.00 p.m.

The Prime Minister knows very well that when we started this conversation some two years ago we indicated that there were, in fact, two fundamental principles upon which any dialogue must take place, over and above the specific

provisions in the Act. The specific provisions in the Act must reflect those fundamental principles. It is on that basis and by agreement of the hon. Prime Minister that we went on to have prolonged discussion on the package of legislation.

We were able to de-link the gridlock between Members of this Parliament that existed at the time when one was trying to link the legislation for police reform to the broader issue of constitutional debate. While I agree that there is need for both, based on what I said, we cannot negotiate with the safety of our people. Therefore, we de-linked that, but, in so doing, we agreed on the principles: one, that any State funding, directly or indirectly, that has the effect of providing fuel for criminal acts in this country, must cease. [*Desk thumping*] That was one of the conditions.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that further debate on this Bill be adjourned, at this time, and that the House considers Motion No. 1 on the Order Paper. [*Crosstalk*]

Question put and agreed to.

**HOR STANDING ORDERS
(REFERRAL TO STANDING ORDERS COMMITTEE)**

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): I beg to move,

Be it resolved that the Standing Orders of the House of Representatives be referred to the Standing Orders Committee for consideration and report. [*Crosstalk*]

Mr. Speaker: Order, please!

Question put.

Dr. Rafeeq: Mr. Speaker, I was not aware that we were debating this today. The Motion is to send the Standing Orders before the Standing Orders Committee, so is it just a matter of voting on it? [*Crosstalk*] I do not want to preempt the discussions of the committee; however, the Opposition will not support a decrease in the speaking time of Members if it becomes an issue on the committee. [*Crosstalk*]

Mr. Ramsaran: Mr. Speaker, I want say a few words on this. I was here, but we had no notice that this was going to be debated. This is something we should warn against. We talked about this Government eroding people's rights. The debate that ended earlier was about that. As a Member of Parliament, I will like to

HOR Standing Orders
[MR. RAMSARAN]

Friday, January 26, 2007

know which committee will deal with this and what are the terms of reference in dealing with the Standing Orders. [*Crosstalk*] I am not aware of anything. So to stand here and move this Motion without giving us the opportunity to understand what is taking place, I am very much confused. I have a lot to say about the Standing Orders in this Parliament that has affected me personally and Members on this side. I do not know what is happening. I will like some clarification.

Hon. K. Valley: I have no difficulty. I was merely being facilitative. If Members want to debate this Motion, I would gladly adjourn it for some other sitting of the House.

Mr. Singh: Mr. Speaker, we have a situation in the House where the Chief Whip was not aware. Certainly, as Chief Whip of the Congress of the People, I also was not aware. In this situation, basic courtesy was not complied with. If we are to run this House properly, I really think that these basic courtesies ought to be extended. We ought not to set inappropriate precedent. In the future, basic courtesies ought to be extended to the Chief Whip of the UNC and Chief Whip in the Back Bench.

Hon. K. Valley: You are gallerying. I was merely being facilitative. I was simply asking the House to have the Standing Orders sent to this committee. This is not something I am keen on. If you want to debate it; I have no problem with that. You are gallerying; that is all you are doing. I said that before you stood up.

Mr. Singh: I entitled to do whatever I want, in accordance with the Standing Orders, and you are trying to change them. [*Laughter*]

Hon. K. Valley: Mr. Speaker, live television is a bad thing at times. [*Crosstalk*]

Mr. Speaker: Order!

Hon. K. Valley: Mr. Speaker, in the circumstances again, I ask that this debate be adjourned.

Question put and agreed to.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House be adjourned to Friday 02 February, at 1.30 p.m.; that is Private Members' Day. The Chief Whip will, of course, inform us what his plans are for that day.

Dr. Hamza Rafeeq (Caroni Central): We will be continuing debate on the Motion on BWIA moved by the Member for Nariva. [*Crosstalk*]

Question put and agreed to.

Written Answers to Questions

Friday, January 26, 2007

House adjourned accordingly.

Adjourned at 6.07 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Mr. Subhas Panday (Princes Town):

**Roy Joseph Housing Scheme
(Details of)**

- 38.** Could the hon. Minister of Housing provide:
- (a) the commencement date of the refurbishment of buildings in theory Joseph Housing Scheme, Prince of Wales street, San Fernando;
 - (b) how many tenants were relocated to new premises;
 - (c) the monthly rent paid for each tenant by the National Housing Authority and/or by the Housing Corporation of Trinidad and Tobago at their relocated premises; and
 - (d) the monthly rent if any, paid by tenants to the National Housing Authority and/or to the Housing Corporation of Trinidad and Tobago for occupation of new premises.

The following reply was circulated to Members of the House.

The Minister of Housing (Hon. Dr. Keith Rowley): The commencement date of the refurbishment of the buildings in the Roy Joseph Housing Scheme, Prince of Wales Street, San Fernando was August, 2003. Forty three (43) tenants were originally relocated to private houses and twenty four (24) tenants were relocated to the Corporation's apartments. Over time, five (5) of the forty three (43) tenants were relocated to the Corporation's apartments leaving thirty eight (38) in private houses. The monthly rent paid for each tenant by the Housing Development Corporation of Trinidad and Tobago at the relocated premises is as follows:

No. of Tenants	Rent Paid per Month for each Tenant
1	\$ 800.00
1	\$1,000.00

1	\$1,200.00
1	\$1,300.00
6	\$1,500.00
4	\$1,800.00
4	\$2,000.00
1	\$2,100.00
1	\$2,200.00
1	\$2,250.00
1	\$2,300.00
1	\$2,400.00
11	\$2,500.00
1	\$2,600.00
1	\$2,800.00
1	\$3,000.00
1	\$3,500.00 (4 bedroom house for a family of thirteen)
38	-

The tenant continues to pay \$100 per month, the standard rent he/she pays as a tenant of the HDC.

Roy Joseph Housing Scheme Finder's Fee

(Details of)

- 39.** With regard to the relocation of tenants from the Roy Joseph Housing Scheme, Prince of Wales Street, San Fernando, could the hon. Minister of Housing indicate:
- whether a finder's fee was paid to anyone for locating tenancies;
 - if the answer to (a) is in the affirmative, could the Minister identify to whom the finder's fee was payable; and
 - if paid, who authorized the payment of the finder's fees?

The following reply was circulated to Members of the House.

The Minister of Housing (Hon. Dr. Keith Rowley): A finder's fee was not paid to anyone for locating tenancies. Parts (b) and (c) of the question do not apply.