

HOUSE OF REPRESENTATIVES*Friday, March 16, 2007*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**PAPERS LAID**

1. Annual financial statements of the National Infrastructure Development Company Limited for the year ended September 30, 2005. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]

To be referred to the Public Accounts (Enterprises) Committee.

2. Annual report of the Trinidad and Tobago Securities and Exchange Commission for the financial year ended September 30, 2006. [*Hon. K. Valley*]

*To be referred to the Public Accounts Committee.***DEOXYRIBONUCLEIC ACID (DNA) BILL****Joint Select Committee Report
(Presentation)**

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I wish to present the second interim report of the Joint Select Committee appointed to consider and report on a Bill entitled the Deoxyribonucleic Acid (DNA) Bill, 2006.

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Well, you know, Mr. Speaker, I was not here. I have to say more questions will be answered, I am not advised otherwise.

Brian Lara Stadium

5. Mr. Manohar Ramsaran (Chaguanas) asked the hon. Minister of Sport and Youth Affairs:

- (a) With regard to the Brian Lara Stadium, could the Minister 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?

Hon. Member: Welcome back.

The Minister of Sport and Youth Affairs (Hon. Roger Boynes): [*Desk thumping*] Mr. Speaker, may I just simply ask for this matter to be adjourned for one last occasion?

Mr. Speaker: Yes, all I can do is to urge the Minister to answer this question. Part (b) of this question relates to: Could the Minister state what would the stadium be used for in relation to the Cricket World Cup, the Brian Lara Stadium; and it is really becoming irrelevant, but perhaps the first part may be relevant. So I am urging you; it has been on the Order Paper since October 27 last year. You are assuring this House that it will be answered on the next occasion?

Hon. R. Boynes: I am indeed trying to ensure that all efforts will be made for it to be answered on the next occasion. [*Crosstalk*]

Hon. Member: No!

Mr. Speaker: Order!

Question, by leave, deferred.

Aluminium Smelters (Emissions from and Water Required)

20. Dr. A. Nanan (Tabaquite) asked the hon. Minister of Public Utilities and the Environment to state:

Could the Minister 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?

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): Yes, thank you, Mr. Speaker. In the next two weeks I will have the answer. I need some clarification based on some information provided. There are some other questions on the Order Paper, some have already been submitted for approval, and I am asking for a two-week extension please.

Question, by leave, deferred.

University of Trinidad and Tobago (UTT)

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

Hon. K. Valley: Mr. Speaker, obviously that Member is not here and I will have to ask for a deferral of that question for two weeks.

Question, by leave, deferred.

Hon. K. Valley: And perhaps with questions relating to Members of the other place, that is: questions Nos. 41, 44, 45, 56 and 59, I asked for these to be deferred also.

Mr. Speaker: May I ask the Government which questions they are prepared to answer today?

Hon. K. Valley: Mr. Speaker, as I mentioned, I have no information with respect to questions to be deferred, so I would have to assume that the questions are to be answered.

Mr. Speaker: All right, what I would do, I would call all the questions.

**Transportation of Prisoners
(Details of)**

41. Mr. Subhas Panday (*Princes Town*) asked the hon. Minister of National Security to indicate:

- (a) how many prisoners were due to be transported to Magistrates' Courts throughout Trinidad on December 22, 2006;
- (b) whether any prisoners were transported to any Magistrates' Courts on that day; and
- (c) how many prisoners should have been brought to court to determine their requests for bail?

Mr. Speaker: You are asking for deferral of how much?

The Minister of State in the Ministry of National Security and Minister of State in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds): Two weeks.

Mr. Speaker: Two weeks. So is it that questions 41, 44, 45, 56 and 59, deferral for two weeks.

Questions by leave, deferred.

The following questions stood on the Order Paper:

**Community Development Fund
(Status of)**

44. With respect to the Community Development Fund (CFD), could the hon. Minister of Community Development, Culture and Gender Affairs inform this House:

- (a) what is the present status of the fund; and
- (b) the number of recipients and quantum of money disbursed and the purpose of the allocations for fiscal 2005/2006? [*Mr. M. Ramsaran*]

**Community Development Bursary Programme
(Details of)**

45. With respect to the Community Development Bursary Programme, could the hon. Minister of Community Development, Culture and Gender Affairs indicate to this House:

- (a) the number of recipients of bursaries under the programme; and
- (b) the quantum of moneys disbursed for fiscal 2005/2006 and for what given purpose? [*Mr. M. Ramsaran*]

**University of Trinidad and Tobago
(Submission of Audited Accounts)**

56. Could the hon. Minister of Science, Technology and Tertiary Education state:

- (a) whether the University of Trinidad and Tobago has submitted to him or his Ministry any audited accounts since its inception; and
- (b) if the answer to (a) is yes, could he provide same to this honourable House? [*Dr. H. Rafeeq*]

**Post of Solicitor General
(Appointment to Position)**

- 59.** Could the hon. Attorney General please state:
- (c) where and on what dates applications were invited for the vacant position of Solicitor General since the retirement of the last substantive holder of that office;
 - (d) whether any person/persons is/are performing, either individually or collaboratively, the duties of the Solicitor General;
 - (e) if the answer to (b) is yes, could the Minister state:
 - i. the names, substantive positions of any such person/persons and the dates on which he /they commenced such extra duties;
 - ii. whether such persons are in receipt of additional remuneration or benefits for performing these extra duties and the amount of such compensation;
 - iii. the number of legal matters, contracts for state organizations and other documents that these persons have (a) advised on, (b) vetted, and (c) approved since assuming these extra duties?
[Mrs. K. Persad-Bissessar]

Questions, by leave, deferred.

**Turner Construction
(Services to Scarborough Regional Hospital)**

- 53. Dr. Hamza Rafeeq** (*Caroni Central*) asked the hon. Minister of Health to state:
- (a) the method by which Turner Construction was contracted to provide services at the Scarborough Regional Hospital;
 - (b) the value of the contract awarded to Turner Construction; and
 - (c) the services which Turner Construction was contracted to provide?

The Minister of Health (Hon. John Rahael): Again, Mr. Speaker, I ask that it be deferred for a week.

Question, by leave, deferred.

**SWMCOL/CEPEP Investment Club
(Money Market Account)**

58. Mrs. Kamla Persad-Bissessar (*Siparia*) asked the hon. Minister of Public Utilities and the Environment to state:

- (a) the purpose of the fund established in the form of a money market account in the name of SWMCOL/CEPEP Investment Club;
- (b) the signatories to that account;
- (c) the current balance of that account;
- (d) the average monthly balance of that account since its establishment; and
- (e) the total amounts contributed annually by SWMCOL to the SWMCOL/CEPEP Investment Club?

The Minister of Public Utilities and the Environment (Hon. Penelope Beckles): I asked for two weeks, please.

Mr. Speaker: Okay, Sorry about that.

Hon. P. Beckles: I also have No. 60, Mr. Speaker.

**SWMCOL
(Contracts from 2006 to date)**

60. Could the hon. Minister of Public Utilities and the Environment provide:

- (a) the names of any consultancy firms employed by SWMCOL during the period 2006 to date; and
- (b) the duration of the contracts and the contract amounts? [*Mr. S. Panday*]

Questions, by leave, deferred.

Mechanisms for Stabilizing Food Prices

61. Mr. Subhas Panday asked the Minister of Agriculture, Land and Marine Resources:

Could the hon. Member state:

- (a) whether any mechanisms are in place to stabilize and maintain food prices; and
- (b) if the answer to (a) is in the affirmative, could the Minister state what are those mechanisms?

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Mr. Speaker, on the last occasion, I think that the Leader of the House asked for a two-week extension on that question.

Hon. Member: [*Inaudible*]

Hon. J. Narine: No, that was last week.

Question, by leave, deferred.

Mr. Speaker: Now, this is indeed extremely disappointing that so many questions on the Order Paper and apart from not one being answered, we are no better off in knowing what is going on. I would urge the Government Members to take note of the questions on Order Paper and as promised by your good selves, have them answered within the time frame in which you indicate that these questions will be answered.

Mr. Singh: Mr. Speaker, written questions.

Mr. Speaker: Yes, there are also some written questions that have been on the Order Paper for some time. Likewise, these questions ought to be answered in a timely fashion.

**DEFINITE URGENT MATTER
(LEAVE)**

**Adequate Medical Facilities
(Failure to Provide)**

Mr. Chandresh Sharma (Fyzabad): Thank you very much, Mr. Speaker. Let me thank you for granting leave to discuss a definite matter of urgent public importance, namely, the failure of the Government to provide adequate medical facilities for treating persons suffering from severe burns.

This matter is definite as it relates to specific incidents of patients suffering from severe burns due to industrial and other accidents and not being able to access appropriate treatment; the recent case of five persons who were severely burnt in an industrial accident at Petrotrin, is a case in point. I know the manager of HSC is next to me here and they may try to tell me he should answer.

The matter is urgent since patients suffering from burns can either lose their lives or become disfigured as a result of the lack of appropriate medical facilities and treatment.

Definite Urgent Matter (leave)
[MR. SHARMA]

Friday, March 16, 2007

The matter is of public importance since it is in an increasingly industrialized environment, greater numbers of people have been exposed to increased risks of suffering from burns, chemical and other similar accidents.

Thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, I have considered the Motion as moved by the hon. Member for Fyzabad and it does not in fact qualify under Standing Order 12, but certainly would qualify under Standing Order 11.

Hon. Members, I have also received a Motion by the hon. Member for Princes Town. I have considered this Motion and I have also considered it in light of Motions previously filed within the last three weeks. This Motion today by the hon. Member for Princes Town is really a variation of Motions previously filed within the last three weeks, and as such, I would not allow it. Proceed.

BAIL (AMDT.) 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 a Bill to amend the Bail Act, 1994, be now read a second time.

Mr. Speaker, it is well known that the prevalence of kidnapping in this country and the commission of other serious offences against our citizens and visitors have subjected the citizens of this country to serious intimidation and fear. If this state of affairs is allowed to continue, there would be effectively an encouragement of this category of crime obviously for financial gain. This will have serious effect not only on the personal comfort and the psychological well-being of our citizens, but certainly, on the nation as a whole, with particular reference to the financial institutions and sector.

Mr. Speaker, the Government recognizes that the implementation of certain administrative and legislative measures are urgently required to further reform the criminal justice system, to treat with discipline, crime and justice and to improve the ability of the State to respond to the undesirable levels of criminal activity across Trinidad and Tobago.

Mr. Speaker, hon. Members would indeed recall that during the last two years, with this as a backdrop, the Government introduced numerous amendments to various pieces of legislation, attending therein, to certain substantive and procedural criminal legal issues. These measures were necessary, in our view, to further our

fight—when I say “our” I certainly do not mean the Government; I mean the Government on behalf of all of the people in Trinidad and Tobago—to enable us, empower us, to further the fight against crime and the enemies of law and order, the comfort and the psychological settlement and well-being of the citizens as individuals. The various procedural and substantive amendments sought to reduce the delays in the criminal justice system and to plug loopholes in the enforcement of areas of substantive law. We passed those, as I have said, over the last two years. Some of these included:

- The Summary Courts Act, amendment to the Summary Courts Act, Chap. 4:20;
- The Criminal Procedure Act;
- The Indictable Offences (Preliminary Enquiry) Act, where we revised the paper committal system;
- The Corporal Punishment (Offenders Over the age of 18) Act, to provide that a sentence of flogging be carried out after a sentence is affirmed on a convicted person;
- The Evidence Act. And most recently as an amendment to the Evidence Act, we brought measures to allow the State to admit into evidence, hearsay evidence, what would ordinarily be hearsay in documentary form in criminal proceedings.

Mr. Speaker, we also amended:

- The Larceny Act, Chap. 11:12;
- The Bail, Act, 1984 was also attended to;
- The Forgery Act.

Mr. Speaker, the central focus of these amendments was to expedite the trial process in the Magistrates' Court and in the High Court and to implement radical changes to key areas of the Criminal Justice System. It is beyond doubt; it is beyond argument; it is even trite, that we need to take action to hasten, to quicken the pace of justice in Trinidad and Tobago. It is important for Members to recall in this regard from an administrative and to some extent legislative posture, the Government under the then Attorney General, Sen. The Hon. Glenda Morean as she then was, introduced an administrative/legal measure to increase the number of judges in the High Court. I am aware that this is being further contemplated, because we need more magistrates; we need more judges; we need more courts.

We need all together more productivity of all the people who operate in the administration of justice process, from police right up, probation officers, social workers in order to quicken and to make more efficient the whole system of the administration of justice.

It also goes without saying, that we need to continue to encourage the citizens of Trinidad and Tobago; to observe the measures that we have put in place and to give them an opportunity to participate in the criminal justice system. Not only as members of the jury, not only as witnesses, but most of all as informants, people who would be active citizens to give the police information, to assist the police in dealing with the issues that surround us.

Mr. Speaker, often criminals have been able to use delays inherent in the existing criminal justice system in an attempt, and sometimes with success, to frustrate the administration of justice. The Government is fully aware of its duty to ensure the safety and welfare of its citizens, and to ensure that the rule of law is completely and wholly applied to all citizens, all persons present in Trinidad and Tobago and for it to be applied equally; even to those who seek to undermine and destabilize the very criminal justice system. In fact, as I have said before, democracy in general must be so big and so bold and so all embracing, that it must even embrace those who are opposed to the very democracy. Notwithstanding their anti-democratic or illegal conduct threatening the administration of justice as a system, but there are still protections in the system, and a civilized system with an established criminal justice apparatus must still accord even those who threaten the very system, the protection that it offers. That really is the point.

The system of criminal justice must also ensure, to the extent that this can be provided for, that witnesses can and must give evidence without fear; and the laws must also allow the systems involved to function fairly and expeditiously so as to convict the guilty and to acquit the innocent. It takes a little courage, but I venture to say this. I know of no case in Trinidad and Tobago to date, where a witness was so afraid to give evidence that he or she did not, when the matter involved a spouse, a brother or a sister or someone close to the witness. I say so, to say further that there is a lot of talk in Trinidad and Tobago about witnesses being afraid to give evidence and I am saying that every day as we speak, every day of the week, witnesses go to the courts across Trinidad and Tobago and give evidence. Witnesses in fact, informers are calling 555 and 800 Tips and giving very valuable, potent, information to law enforcement.

I am saying these things to demonstrate further that all this talk about witnesses being afraid, while in some cases it is real, in many cases it is exaggerated for political and other reasons. And I repeat: there is no case that I know of, where a husband or wife or a brother or sister refused to give evidence against an accused where it involves their spouse. Maybe, we must take note of that, that there is still a decision to be made and when it concerns us directly, we lose the fear, but once it has to do with a virtual stranger, we then talk about fear. It is something that Trinidad and Tobago needs to take stock of.

Mr. Ramnath: What is the point you are driving at?

Hon. F. Hinds: The point is made. You may not grasp it given your circumstances, but the point has been well made in my view. [*Desk thumping*] [*Crosstalk*]

Mr. Speaker: Order!

Hon. F. Hinds: Mr. Speaker, it is submitted that the goal of the criminal justice system must be to arrest perpetrators, to punish the guilty, acquit the innocent and set examples by so doing to deter potential perpetrators, and of course, to rehabilitate those who can be rehabilitated.

The Bill before us this afternoon seeks to further these goals. Our legal system seeks to strike a balance at all times, between the principle that no one should be deprived of his liberty unless and until his guilt is properly proved on the one hand, and the community interest, the public interest, that persons accused of criminal offences, should not easily avoid trial on the other.

Our Constitution guarantees, as a right, the accused being granted bail. This right is also well established in international law, especially in the domain of human rights conventions and charters. Section 5(2) of our Constitution states *inter alia*, and I quote:

"...Parliament may not deprive a person charged with a criminal offence of the right ... to reasonable bail without just cause..."

Mr. Speaker, prior to the enactment of the Bail Act, 1994, actually Act No. 18 of 1994, the law relating to bail in criminal proceedings was to be found partly in the common law and partly in various statutes. There was no single piece of legislation dealing comprehensively with the subject of bail. There was a dearth of statutory guidelines governing the exercise of judicial discretion for granting bail in such criminal proceedings. Whilst it is indeed clear that the bail decision must ultimately be discretionary and one for the court, the Bail Act, 1994 was so enacted

that the identification of relevant criteria in legislative form would provide assistance to our judicial officers in making an informed and rational decision about bail when the application came before them.

Mr. Speaker, murder, treason and piracy or hijacking and any other offence for which the death penalty is fixed by law, justifies the need to deny the accused the entitlement to apply for bail in these offences. The consequences of a remand in custody are great, as it means the loss of liberty of the accused with the resultant negative consequences for him, and of course, very often for his family who must suffer his absence, because of what he is alleged to have done. Nevertheless, this infringement is to be balanced against the benefit derived for the society in the public interest from the removal of these persons who are accused of these serious offences from the general public, so as to provide safety to the general public. It also has a deterrent effect on those who may consider committing such crimes.

Mr. Speaker, today, the offences of kidnapping and kidnapping for ransom specifically, have reached proportions that in our view—in the view of the Government and certainly in the view of those on the other side—that have necessitated the denial of bail in those circumstances. Furthermore, the increasing levels of other violent offences cannot be ignored. Before I turn to address specific clauses in the Bill, I wish to indicate that this Bill will seek to amend the Bail Act, 1994 directly, rather than the Bail (Amdt.) Act, 2005, that is, Act No. 32 of 2005, as was done on the previous occasion by the Bail (Admt.) Act, 2006 which has come to be known as Act 30 of 2006. I now turn to deal specifically with the provisions as proposed in the measures before us.

Mr. Speaker, in summary, we are seeking here to make the offences of kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, 2003 non-bailable offences for a period of 60 days. Thereafter—[*Interruption*]

Mr. Ramnath: Make it permanent.

Hon. F. Hinds: Ah?

Mr. Ramnath: Make it permanent and you will get the support. [*Inaudible*] have no problem making private deals.

Hon. F. Hinds: That is a useful matter to contemplate, but I have come to learn now that various Members of the UNC speak, but they do not speak for the whole party. A former fired Senator, is recent testimony to that. So I cannot take what you are saying for granted, the UNC is now all over the shop; all over the place, I do not know what you are saying. [*Crosstalk*] Let me get on with it,

Mr. Speaker, and not be distracted. Thereafter, as I was saying, after the denial of bail for a period of 60 days, bail may be granted at the discretion of the court.

This Bill will also make certain violent offences. The possession of a firearm or ammunition without licence, certificate or permit under the Firearms Act, Chap.16:01; or indeed, trafficking in dangerous drugs or being in possession of a dangerous drug for the purpose of trafficking under the said Act, or as well, kidnapping of common law or assault occasioning grievous bodily harm, non-bailable offences, where a person has been convicted on two prior occasions for any of those offences or a combination of those offences arising from a single incident. The Act is intended to remain in force for a period of three months from the date it has come into force.

Mr. Speaker, I think it is proper to direct Members' attention to a clause in the Bill that may seem inconsistent with what I just said. Clause 7 says:

“This Act shall continue in force for a period of two years from the date of its commencement.”

This was initially what the Government intended. It was printed, but based on reconsideration of the matters and certain collaborative discussions among Member of this House, it has been settled that it will be proposed three months. So Members need not be alarmed by the proposal there.

Mr. Speaker, it is also to be considered, as I have been advised, that the measures that we speak about refer specifically to kidnapping for ransom, and therefore, we may have to look at clause 7, not only in terms of an adjustment as I have just identified, but in terms of its general purport, whether it applies to the entire Act or whether it applies specifically to the provision that deals in 5(a) with kidnapping for ransom and those offences.

2.00 p.m.

We shall return to that, either in the course of the debate or at the committee stage. I rather suspect that we would have little difficulty in dealing with it, if it poses a problem for Members. I signal that in advance.

Hon. Members would have noted that the Bill, of course, is inconsistent with sections 4 and 5 of our Constitution and is, therefore, required to be passed by a special majority of three-fifths of the Members of this House. Let me take the opportunity, against the backdrop of all that I have said, to urge all Members to let their wisdom, love—and in cases where it is not genuine but pretended—for the people of Trinidad and Tobago guide their thinking this afternoon.

The measures that we propose are serious; they offend, if I may say so, sections 4 and 5 which are entrenched provisions of our Constitution, and as result of that we need special majority support. All that is constitutional, all that is legal, all that, perhaps, in some ways, is linguistic; what is more important is that all Members of this House demonstrate to the national community that they are worth the votes that put us here. Those votes were designed to give the people of Trinidad and Tobago comfort and protection through legislation, and where you are a part of the Government, through governance, all that they need.

I urge Members, with this in mind, to think clearly and show their love and support for the people of Trinidad and Tobago. Do not, for a minute, think that if you give support, it is for the benefit of the Government; we are but a few citizens of this country; minor, miniscule in number. It is the citizens and visitors who are at risk, particularly some of your constituents who are in business and who have been, and it cannot be denied, the target of the nasty and evil ways of kidnappers. We want to join you as their representative in protecting and defending them. We see this, not as an out and out, full scale, blanket coverage, because this is only one legislative measure. I have identified many others and there are many more to come.

We have already told you that we are taking action, spending a lot of money to improve the effectiveness and efficiency of the major crime fighting organization in this country, the Trinidad and Tobago Police Service. We have also demonstrated in action that we went in addition to the police service and established a Special Anti-Crime Unit. We have demonstrated in diverse ways, in keeping with the law and the Constitution, all that we could do and we want your ideas. We are prepared to do more. We want your support to do more to protect the citizens of this country.

Mr. Speaker, clauses 1, 2 and 3 are, to my mind, self-explanatory. It would be useless to really attend to them in any great detail. *[Interruption]*

Mr. Ramnath: What a pity to lose you after the election. *[Crosstalk]*

Hon. F. Hinds: Mr. Speaker, I need your protection.

Mr. Ramnath: He may not be there to protect you either. *[Crosstalk]*
[Laughter]

Hon. F. Hinds: Interestingly enough, you too may not be here! *[Laughter]*

Clause 4 proposes to amend section 5 of the Bail Act, 1994, by inserting two new subsections after subsection (3). These will be the new subsections (4) and

(5). These two new subsections will provide that the court will not grant bail where a person is charged with a violent offence listed in Part III of the First Schedule and has been convicted on two prior occasions for any of those listed violent offences. A person, who has been twice convicted for a listed violent offence on separate occasions or a combination of any such offences arising from a single incident, will not be granted bail. However, these prior convictions must have occurred within the last 15 years.

Mr. Speaker, students of law, particularly those who did some jurisprudence, would easily accept that even in the harsh realm of criminal law there are some soft, social concerns. This provision speaks to that. The offences that I spoke about should have occurred within the last 15 years, simply saying that if an individual would have kept good character, at least, not have committed those kinds of offences in the last 15 years, his commission of them now should not cause us to hark back to those beyond 15 years and penalize him in this way for that. I think it is a useful provision.

I wish to draw to the attention of hon. Members, the proposed inclusion of numerous new offences under Part III of the Schedule. These include: assault occasioning grievous bodily harm; possession of a firearm and/or arm ammunition without licence, certificate or permit; trafficking in dangerous drugs or being in possession of a dangerous drug for the purpose of trafficking; kidnapping; kidnapping for ransom and the offence of knowingly negotiating to obtain a ransom. The effect of these under this Part is to ensure that persons who seek to repeatedly commit any of these offences would be punished by the denial of bail in the circumstances.

The criminal justice system must also deal firmly with repeat offenders. This Bill seeks to send a strong message to potential offenders and potential repeat offenders as to the posture of this Parliament and the country we represent in respect of their antisocial and criminal behaviour.

Let me state as well, from an operational standpoint I can share with the national community, that the police service, under the direction of the hardworking Commissioner and his team, established what has come to be known as a Repeat Offenders Unit, a specific unit that is designed to focus on, gather intelligence on and target repeat offenders, and these are known. It has often been said, and we have often had to deal with such suggestions, that the Minister of National Security told this country that based on intelligence he received there were 66 gangs and it was estimated they numbered a certain amount; the figure does not now come to me.

I have heard parliamentarians and citizens who are less informed than they probably ought to be, comment scathingly on comments made by the hon. Minister. They say, "If he knows 66 gangs and X number of criminals, what has he been doing about it?" I simply want them to know that many of those persons have been arrested and charged since the Minister made that statement. [Crosstalk] Many of them have matters pending in the courts. The Repeat Offenders Unit, of which I just spoke, is giving attention especially to them.

Mr. Speaker, none of our friends in this House can be considered among the 66 gangs and their members; I know that as a fact.

Mrs. Persad-Bissessar: What about your side?

Hon. F. Hinds: I feel confident about that; no Member of this House present today, as now constituted, are members. "Doh" force me to give names, because I might. [Crosstalk] The point I want to make is simply this: In respect of the question of the 66 gangs, the fact is that since then many of them have been locked up and many of their homes and cars have been searched when the police considered it necessary, as they carried out their independent duty.

It is really foolish to think that these 66 gangs and their members have stood still and nothing else has happened; it really is trite to think that. While I can tolerate that from members of the national community who may be less informed, it really pains my heart, it is greatly disappointing when I hear it coming from persons on the other side. I really want to conclude on that point by saying that it is these criminals who understand the effect of police activity since then; they could tell you. They on that side would not know, but these criminals would know, because I am sure from information I have and from my own observation in the newspapers, as a citizen and as the Member of Parliament for Laventille East/Morvant, they are feeling it, and there is more to come, because the police service is getting better by the hour. The training is seeping in; the resources are at work and they are getting better and better and better.

You just have to look over the last few weeks. You could see how quickly they wrapped up a kidnapping case recently. They are really doing great. Even though the situation is not and will never be perfect, not in Trinidad and Tobago, not in the United Kingdom or not in America, because there is crime in every single country in the world, and the police come from behind to detect the crime or to solve it. Even with those inefficiencies in mind, we as parliamentarians who represent the people should be encouraging the Trinidad and Tobago Police Service and encourage us to provide them with the resources and the wherewithal to continue doing what I consider to be an increasingly impressive job.

Mr. Speaker, just to revert to measures before us. The criminal justice system must deal with repeat offenders. I note this to demonstrate what we are doing, to put the hearts or, at least, the minds—because some of them have difficulty with the heart—of those on the other side at rest.

Clause 5 seeks to amend the Bail Act by inserting after section 5 a new section 5A to make the offence of kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act 2003, non-bailable offences. These two offences were found under sections (3) and (5) of the Kidnapping Act 2003. However, where the preliminary enquiry in relation to a charge has not commenced within 60 days of the date of the charge being read to the person who is so charged, the person so charged is entitled to apply to a judge in chambers for bail.

There was some difficulty in the last amendment with when the proceedings in the preliminary enquiry would have started. That was a point made and a point taken into account. In order to clarify that even further, the section will now say that the charge had to be read to him, whether any evidence has been taken or not. So the preliminary enquiry would be deemed to have started when the charge would have been read to the accused. Once the charge has been read to the accused, the matter would be deemed to have started.

In a preliminary enquiry, as it is well known, a person is not required plea. Furthermore, very often after the charge is read to the accused the matter is adjourned without any evidence being taken; sometimes that happens. For the purpose of this Bill, once no evidence has been taken within 60 days of the charge being read to the accused, then he would be entitled to make his application for bail. We are saying that the charge must be read and if within 60 days no evidence is taken, in other words the matter does not get on the way, then he would be entitled, reasonably so, to apply for bail.

Clause 6 seeks to amend the First Schedule of the Act. The existing Part II would be repealed and a new Part II would be substituted. By this clause also, a new Part III would be inserted in the First Schedule to provide the list of the violent offences that I had gone through earlier. The Bill seeks to introduce six new violent offences, essentially to address firearm, drug trafficking and kidnapping offences. Clause 7 provides that this Act shall continue in force. We will make an adjustment for the three months, based on the arrangements that are now well known to those of us who were involved.

I just want to deal briefly with the constitutionality issue. In fact, as we know, the Constitution enshrines a right to bail that is consistent with international

treaties, charters and agreements. It is not to be overstated that for the most part bail is an entitlement, because it is only an allegation against the accused and he should be at liberty until he is proven guilty; so it raises the constitutionality argument. I do not have to persuade anyone on the other side, because we are all familiar with it. But for the benefit of those who might be listening to this debate, I will like to deal briefly with the constitutionality issue around bail.

The Bill before this House is inconsistent with sections 4 and 5 of our Constitution and requires a special majority of three-fifths. Section 13(1) of our Constitution provides:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

Although we may pass legislation, knowing it to be inconsistent with sections 4 and 5, and we may even pass it unanimously, put aside three-fifths or two-thirds, it is open to the courts of Trinidad and Tobago, exercising their independent constitutional role as a check and balance on the legislature, to find that the measures that the parliamentarians agreed to and passed unanimously, was not justifiable in certain circumstances, “in a society that has proper respect for the rights and freedoms of individuals”. [*Crosstalk*]

We still have to bear these things in mind as we proceed.

Section 13(2) says:

“An Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament 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.”

Accordingly clause 2 of the Bill declares that it is inconsistent with these sections and requires the majority as I have described.

Clause 3 of the Bill seeks to deny persons charged with an offence under sections 3 and 5 of the Kidnapping Act 2003, pending the final determination of the charge laid against him. To achieve this, clause 3 will amend the First Schedule of the Bail Act to provide that those offences would be non-bailable for a period of 60 days. In other words, a person charged with the offence of

kidnapping for ransom or knowingly negotiating to obtain a ransom would not be granted bail for the period.

Clause 3 infringes specifically section 5(2)(f)(ii) of the Constitution, which gives to a person charged with a criminal offence the right not to be deprived of reasonable bail without just cause. Additionally the right of the individual to liberty and the right not to be deprived thereof, except by due process of law, are enshrined. Hence, the case of *Barry v. Jack and the Attorney General of Trinidad and Tobago*, High Court Action No. 3129 of 1987, Mr. Justice Hamel-Smith, as he then was, made the following observation:

“The Constitution provides that a person is entitled to the right not to be deprived of reasonable bail without just cause. The Constitution did not attempt to interfere with the discretion vested in the magistrate to grant or not grant bail. It left that discretion intact. It meant that once the magistrate decided to grant bail, unless he had good and substantial cause to fix an extraordinary amount for bail, the bail was not to be in such amount so as to be tantamount to no bail in effect.”

Those were the words of Justice Hamel-Smith.

Mr. Speaker, it is the duty of the Government to adopt and put in place necessary measures to ensure and to afford the citizens comfort and protection. Therefore, the Government must be prepared, at all times, to respond to the needs, hopes and aspirations of the people of this country as the occasion arises. The growing crime problem, of which the problem of kidnapping has emerged as a major issue, is one such instance and, therefore, it requires stringent measures as a response to it. The Government must adopt and propose measures to this House to promote the rule of law, equity and justice to all citizens and visitor and, therefore, to encourage public confidence in and adherence to the rule of law.

I know those words, as I spoke them, would have titillated the minds of my friends on the other side to speak on issues that are extraneous to the matters before us, but I felt the principle was necessary to be stated notwithstanding.

The Bill which is now before us is one such measure. Other measures such as the breathalyzer and DNA legislation so-called, are currently before this Parliament; in fact, specifically before joint select committees. I am happy to report, given the astute chairmanship in both committees of the Member for Diego Martin East, they are very much at an advanced stage, almost ready within time for a report back to this House. It will be before us again. I must say, *en passant*, not to take

anything away from the Chairman, but there was a strong contribution in both packages from the Member for Pointe-a-Pierre. [*Interruption*] When she was there? I will not add that. [*Laughter*] She made a strong contribution, as all the Members of those committees sought to do, to prepare a package that was worthy for consideration of this House.

I think it needed to be stated; prompted by my friend, the Chairman and Member for Diego Martin East. It was really a pride and joy to see the multiparty approach; it was genuine; Members of the UNC; Members of the Congress of the People, their long lost brothers and friends and, of course, Members from this side from both Houses, and Independent Senators—[*Interruption*]—yes, the DNA as well—really working assiduously and genuinely together in the interest of this nation. I hope that kind of spirit would prevail in this debate as well.

Public confidence in the system of justice is being eroded daily. I want to repeat that. [*Crosstalk*] This is very important: Public confidence in the system of criminal justice is being eroded daily and we as parliamentarians owe it to the people of this country to do nothing or say nothing that in any way furthers that erosion. I know the temptation to score political points is real, particularly in an election year, but this is the reason we all have to be very careful. This is the reason with current matters before the courts that are being discussed in the nation, we too have our views, but you will notice that we have reserved them; not because we are in government, but because we respect certain institutions and we understand the importance of drinking our porridge cool and if it is hot, we know we have to sip it; take our time.

Everybody is piling on to give their views and everything in a virtual cacophony of Trinidadian noises, but we will reserve our views because of the high principle of doing nothing and saying nothing to erode public confidence. The decisions to make are not ours and we leave them to those who have to make them. [*Crosstalk*]

Mr. Speaker: Order!

Hon. F. Hinds: There is no doubt that our system requires improvement. The measures that we present today are a small attempt to improve them. I have demonstrated earlier in my contribution a number of other legislative measures that we have taken. I can highlight a number of other measures that we have taken as a government in this country, whether it is in health, whether it is in housing, whether it is in community development, whether it is in education or whether it is in social development and tertiary education, all these are administrative

governmental action to address the issue of crime, because when someone has a home, he or she can have a family. The family is the bedrock of the society.

Hon. Members: You are opening the debate!

Hon. F. Hinds: I understand that. I do not intend to open the debate. I can highlight all these things. This is a simple legislative proposal to advance the improvement in the administration of justice. I commend it to hon. Members and look forward to your useful, serious contributions on it. We have an open mind; we have an open heart; we will hear what you have to say and we will attend to your concerns as we proceed.

Mr. Speaker, I beg to move.

Question proposed.

Mrs. Kamla Persad-Bissessar (Siparia): Mr. Speaker, I take the opportunity to welcome you back and to also welcome back the Member for Diego Martin Central from your travails or travels, whichever they were; Minister Boynes as well.

We are here today to discuss, for the third time, a matter that lingers like the suffering of the citizens of this country. It lingers like a bitter recurring decimal, because of the lack of commitment, the dishonesty and the ineptitude of the Government to deal with crime. We are here because the Government continues to treat with what all citizens say is the most disturbing of problems in Trinidad and Tobago, the matter of crime. They treat it flippantly. They display no serious commitment to implement solutions. We are here because the Government continues to lie to the population; to show contempt for them; to make promises they have no intentions of keeping. This is exactly where we were about 90 days ago, when the Government brought the 2006 version of this Bill. They got the support for that Bill from the Back Benches, the COP [*Crosstalk*] in exchange for many, many promises; more and more promises.

The UNC had seen through those promises early, because we had witnessed the same government ministers coming to this House time after time, promising the world and consistently failing to deliver. We know of the historical hypocrisy and insincerity of the PNM and so we wanted no part of that.

Speaking on behalf of the UNC, we are not prepared to support any gimmickry, any political puppeteering in the fight against crime. We will not be part of attempts to mislead the population into thinking that this Bill before us will make any serious impact on crime. We cannot, in clear conscience, condemn the Government for

not doing something and then give them support to cover up their failure to doing something. [*Desk thumping*] That would be immoral, to say the least, but at the lowest level, that would be hypocritical and would be a sign of hypocrisy; to condemn the Government for their failure to deal with crime, to implement the promises relating to crime fighting solutions and then help them to cover up their failure by giving them the support.

The Minister in piloting the Bill came to this House again with empty hands, because he failed to give us any statistical information. He told us about statistics for gangs, and that many persons are charged, are before the courts, in jail and so on. I would have thought that the Minister would have been gracious enough, in the interest of transparency and accountability, to come to this House and say, "There are 20 persons; 15 persons; 30 persons", whatever number they may be, and go further to give an account with respect to each of those gangs he talked about.

I would have thought that the Minister would have come with the statistics, because it is in his Ministry, to give us an account with respect to the numbers of kidnappings, the number of persons that are actually in jail without bail, as a result of the previous versions of this Bill, and how many of those after the 60-day period, were allowed to apply for bail, because they had failed to do what they should have done within the 60 days, while the person was on bail. How many persons? Who are those persons?

Therefore, to come and say that this is the solution, this is very important in fighting crime, is nothing but mere rhetoric, empty words, unless you can support it with statistics. You must be able to say that there are five, 10, 15 or 20; you must tell us who they are; who were the kidnap victims in those cases. Then we could say, "Well, it is working."

That was the very reason, when we met with the Government, that the sunset clause was inserted. It was inserted because we said that if this thing worked, the Government would be forced to come back to the Parliament and give an account of the workings of this legislation. They have not done that. [*Crosstalk*] It is nonsense now to say, "You will get it." When you stood to pilot the Bill, that was what you should have done; give an account of how this Act has worked in the two previous incarnations. [*Interruption*] I am going to get it when; after the debate? [*Crosstalk*] That is not going to be of any use to me. We should get that information and we would say, "Yes, this Bill has worked."

The truth of the matter is that the Act has not worked. Immediately we passed it last year, I believe it was the very same day Vindra Naipaul-Coolman was

kidnapped. This year, the brother of TV6 reporter Sasha Mohammed, Rennie Mohammed, was kidnapped. [*Crosstalk*] The purpose of the Bill was that it was one of the tools in the crime fighting package. You need to account in what way it has worked. To John Public and to me out there, we do not have the statistics; we do not know how many persons are inside or outside. What we do know is that the kidnapping continues unabated; that we do know.

Up to today, as I stand and speak, whilst family members assisted in having the persons who kidnapped Rennie Mohammed, those persons were allegedly caught by the police—[*Interruption*]

Hon. Member: Allegedly?

Mrs. K. Persad-Bissessar: That is my information. You will have to tell me if it is so or not; I can only say that it was alleged they were caught by the police, but up to today they have not been charged. It is not a question of bail or no bail; you have to bring them, charge them and then the issue of bail arises. It is totally deceptive to say that if this Bill is not passed, 40 persons will go free, because the system does not work like that. When a man is charged, there is the provision to make an application for bail; the Minister read it out. So it is totally deceptive to say that if you fail to support this Bill, 32, 34 or 40 kidnappers will walk the streets; that they will be given bail.

There is no guarantee that they will be given bail and given the situation in this country, you are then saying—and you have demonstrated it in other ways—that do not trust your Magistracy; you do not trust your Judiciary; that these 30 persons will come for bail before them and all 32 will go. It does not work like that. You have a Judiciary; you have brought them into disrepute, it is true, but they sit on those benches and they determine whether to grant or not grant bail. It is a check and balance, because to deny a man his liberty without having the right to be heard, without being able to prove his innocence, is a very, very dangerous thing.

We see here you put in “perverting the course of justice”, no bail. I recall that the Chief Justice was charged with perverting the course of justice. So when they went down there with the gunmen and policemen to his house, and the police picked him up, absolutely no bail for 60 days. If this was existing, and it could happen again, when cocaine was planted in the tank of Sadiq Baksh, missiles were planted; you could pick him up, no bail, because he would be in possession of dangerous drugs and ammunition; no bail. [*Crosstalk*] And they attempted with the Member for Caroni East too; that is true. So they could plant things on you and then no bail for 60 days.

Firstly, it is deceptive and incorrect to say that if this Bill is not supported, kidnappers would walk free; it is totally false. There are magistrates and judges. The person has a right to apply for bail, not to get bail. If that person is a risk in the various ways that it is framed within the Bail Act, the magistrate or judge will not grant the bail, but you have a check and balance. Somebody cannot just pick you up, plant something in your yard or your water tank, whatever the case may be, and for 60 days you just sit inside there and at the end of that time you are allowed to make the same application for bail. It is deceptive; it is not true to say that persons are going to walk out of the jail, because this Bill has not been supported.

When we talk about the information, we are asking for information that should have been brought to this House on this occasion. We asked for it last time. They did not have the information today again in piloting the Bill; that information has not come. They have had three more months from last December to now and before that they had one year; so one year and three months. We are asking the Minister to tell us how many persons have been denied bail, based on this measure; how many alleged kidnappers actually applied for bail after the 60-day period to a judge in chambers; how many of them actually got bail; how many of them were repeat offenders within that time. We need the statistics so that you can show that there is strength and teeth in this.

It will show that these persons were repeat offenders and would not have been given bail, in any case, before the magistrate. Based on their history, that would have been one of the criteria. That is how you could convince the nation that this Bill is so important. Where are the statistics? Where is the groundwork? Where is the proof that this bail amendment has made any difference?

Once more Government has come unprepared to foist this legislation on this House, knowing well that they are seeking an avenue to blame the UNC for the PNM's failure to deal with crime. [*Desk thumping*] Like the rest of population, I am absolutely fed up of the antics of this Government. We are fed up of the public relations and the propaganda. We are fed up of the statistical conmanship. We are fed up of the red herrings; the childish smokescreen distractions that they put forward from time to time. More than all this, we are fed up with the repeated promises of this Government. [*Desk thumping*]

The nation is crying out; it is begging for safety from the criminals stalking this land. The Minister has the gall to come here and claim that crime is on the decline. The senior Minister in his post-Cabinet briefing tried to convince the nation that things were getting better. We wonder in which country he lives.

Where does he live? Why did the Minister of National Security not come to pilot this Bill? Why does he not come and give an account with respect to the criminals under lock up and the ones still walking the land? People in this country are living in perpetual fear: rape, murder, kidnapping, assaults and robberies; these are things that are daily occurrences.

On Wednesday I was in a restaurant together with some colleagues having lunch and a young student, wearing a QRC uniform, ran into the restaurant. He was sweating, drenched; he looked about 15 years old. His father is the chef in the restaurant. He came running for his father; we are talking about 2 o'clock in the day. He said that he was on Warner Street together with a friend of his when a man came up with a gun in his waist; he put it against his friend and said, "Give me your cellphone." The young man just ran. Two o'clock in the day; two young students in the heart of Port of Spain held up at gunpoint. Everyone is living in fear. The mood of the population is one of intense fear, especially among women, because they are targeted for kidnapping.

The country is in crisis. Every single survey done by every single entity shows that crime is the number one area of concern for the citizenry. It is not foreshore development; it is not LNG; it is not gross domestic product (GDP); it is crime and the failure of Government to deal with crime. And this Government continues to be flippant about it. They play word games, while people are dying; families are being destroyed. We have become a nation living in deadly fear of being raped, robbed, kidnapped or murdered. Every one of us sitting here knows someone who has been a victim of crime; someone who has been robbed, raped, murdered or kidnapped.

The criminals have no fear. They no longer wear masks. They come without masks; they come armed. They come with sophisticated weapons; they have no value or care for a life. You are not safe in your car; you are not safe in your home. You are not safe in a crowd; downtown Port of Spain, two young students as an example, only on Wednesday, and there are many others. Those do not make the newspapers; those daily occurrences of robbery and assault do not make the newspapers. When we try to get the information, we write for the statistics, they are not forthcoming; they cannot give this and they cannot give that.

For months we have been trying to get an update of the statistics with respect to crime, and we cannot get them. You are not safe whether night or daylight; we are a nation under siege. While the criminals are free and roaming up and down the place, we are petrified inside our own homes like we are in jail with all the burglarproofing. Houses are totally burglarproofed. We are inside the jail while

[MRS. PERSAD-BISSESSAR]

the criminals are outside running up and down free. I ask you, Mr. Speaker, do you feel safe? I do not. Every time my son, daughter-in-law or husband goes out, I am terrified that something will happen. If one of them is outside, every time the phone rings I am terrified and it is the same for everyone in this country. I am so scared that it will be bad news that some relative has been kidnapped, robbed or murdered, and it is the same for all of us.

I am positive that Members opposite would also agree they have that fear of being robbed or kidnapped. [*Mr. Valleys shakes his head*] You say no and I will tell you why. The Prime Minister himself is petrified; he recently beefed up his entire security detail. His son was given a firearm in record time; they are scared too. That is why his spouse, the Minister of Education, also has a large security detail; they are scared, but unlike the rest of us, we have no security detail. [*Crosstalk*] The Prime Minister himself acknowledges that the regular police service is unable to protect him from the criminal element, so he beefed up his whole security detail.

What about the average citizen who cannot afford the luxury of a 24-hour protection paid for by the citizens of Trinidad and Tobago? What about the businessmen and women who do not have firearms to protect themselves and their families? What recourse do they have? They have to play Russian roulette every time they venture out of their homes.

Two years ago the residents of the Chaguanas business community begged the Minister of National Security for firearms to defend themselves; he refused and these businessmen continue to be targeted. We are fed up with the flippant manner with which Government is treating the affairs of the nation. We have had enough promises. They have made enough promises to last a lifetime, but they have also developed the lifetime habit of breaking these promises.

On the last occasion when this Bill was brought to the House, I said then that it was a cosmetic public relations exercise designed to fool the population into thinking that the Government was serious about crime, when nothing could be further from the truth. I said that it would accomplish nothing in the fight against crime. They managed through subterfuge to get an extension of 90 days to put their house in order; the 90 days have passed and nothing has happened to change my view. My position remains the same; in fact, my position now is reinforced. I trust that my colleagues have amended their position now that the PNM has used them and treated them with contempt. It is clearly no secret that the PNM has not met even the extended deadline and that, as usual, their promises have been broken.

It is clear that it is in the public interest that we must put aside partisanship and must take together as a parliamentary opposition and unite to force this Government to take decisive action against crime. [*Desk thumping*] We must come together as a parliamentary opposition to force the Government to take action against crime, because they have failed in every regard. We have enough mamaguy, rhetoric and promises; the fact is that we cannot trust the words of the Government.

When the Attorney General presented the 2006 amendment, this is what he had to say:

“It was our intention to enact, not only the Bail (Amdt.) Bill, but to lay every piece of legislation agreed to with the Opposition UNC at the crime talks.”

This is like a year and a half later; he said that was the intention. Ninety days later it still remains an intention. This Government is the most promising government we have ever had. It is always an intention and a promise that never materializes.

They had 90 days more; they have done nothing about it, and when they come back again, they want another 90 days. Well, you have asked for two years; I do not know, you have made your deals and, perhaps, you would get another 90 days. The head of the National Security Council, the man in charge of matters of crime in the Government, Mr. Big in the Cabinet, the chief, that is the Prime Minister, promised in his last budget address that not a single kidnapper would escape. He was breathing fire when he said:

“And we make bold to say that anyone who kidnaps someone for ransom would be caught.”

This was in his budget speech of December 2007; a desperate population, anxious for hope in dealing with kidnapping breathed a sigh of relief. These were the words of the Prime Minister who is the head of the National Security Council, who had spent hundreds of millions of dollars to acquire fancy spy ware, who brought retired British policemen and the consultant with the name very difficult to pronounce, Mastrofski. All these moneys being spent. It did not take us long before we realized that this budget promise was just another untruth or a promise that was not kept.

Again in December during the Bail Bill debate in 2006, the Attorney General boasted that the detection rate for kidnapping over the previous two years was 60 per cent. He repeated himself, 60 per cent, and this petrified population, anxious to believe that there was still hope in government, that government was achieving

progress and turning the crime spree around again, breathed a sigh of relief. We now know that this too was a simple, cheap version of how to lie with statistics. It was another attempt to hoodwink an increasingly desperate population. These are two senior Government officials making promises and broad statements. I challenge the Minister and the Attorney General to come and tell us about the 60 per cent detection rate and kidnapping falling.

I have today a complete list of all the kidnapping for ransom victims in Trinidad and Tobago for 2005 to 2007. I ask the Government, out of these, to tell us how many kidnappers have been caught; tell this House how many persons have been charged with kidnapping; tell the country how many have been convicted of kidnapping since you have been in office. In the interest of getting to the truths and using the data they have at their disposal, I would like the Minister to advise the country of exactly how many persons have been arrested, charged and convicted for kidnappings which occurred during the period 2005 to present.

These are some of the victims. Has the kidnapper been caught? In January 2005, Robert Maharaj was kidnapped. Have you caught the kidnappers? Are they in jail serving sentences? What about Rupert Ramrattan? Where are his kidnappers? Ramkerrath Parray; has his kidnappers been found? In February 2005, Iman Azizul Baksh; in March 2005, Dr. Azizul Rahaman; March 2005, Tamen Abraham; Robin Ramadhar; Nadie Harripersad; Ravi Kalipersad Maharaj; Vishan Singh; Brian Bachan. Have their kidnappers been caught? Are they in jail without bail?

Mr. Ramnath: Only Indians “allyuh” kidnapping!

Mrs. K. Persad-Bissessar: In April 2005, Davan Bharratsingh; Terence Dick; Balram Maraj; Imran Hosein; Daniel Lopez; Beulah Vera Lopez; Michelle Arvelo. May 2005, Ronald Bidassie; Kazim Rahim; Brandon De Montrichard; Narendra Maharaj; Anthony Ramcharan, Navin Maharaj; Vandana Ali. Have their kidnappers been caught? Are they in jail without bail? June 2005, Videsh Mohan; Amit Mohan; Sherwin Moonsammy; Ian Colin Ruiz; Seeta Ragoonanan; Krishna Dass; Ronald Nath; Richard Nath; Chaitlal Singh; Pretam Singh.

Mr. Ramnath: What; no Indians left in “de” country.

Mrs. K. Persad-Bissessar: July 2005, Gerald Gopaul; Nicholas “Pony” Mahabir; August 2005, Candice Harrigin; Kevin Henry; Vanessa Sookhai; Dwayne Paladee; Imtiaz Razack; September 2005, Kenny Harry; Justin Raymond; Edward Koury; Avinash Rattan; October 2005, Anil Singh; Nigel Dindial; Richard Balgobin; Tessa Ramdath-Maraj; Sham Mohammed; Nandlal Singh.

Mr. Ramnath: I would have never voted for you all. [*Crosstalk*]

Mrs. K. Persad-Bissessar: November 2005, Samdaye Rampersad; December 2005, Jade Solis; Kenny Harry; Raphael Seebarath; Rajiv Changroo; Sharma Basdeo. Are the kidnappers of these persons in jail without bail? Have they been caught? Have they been brought to justice? Tell us; give us the statistics. Do not come and say that many have been caught; tell us how many of the perpetrators of these kidnappings have been held. We no longer want to hear you talk about the detection rate or the manipulation of figures. [*Crosstalk*]

Mr. Ramnath: You are a mischievous one.

Mr. Valley: I saw you in Balisier House.

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: Tell us about the kidnappers of these victims. Several of them were subsequently murdered; several others remain missing. It does not end there; victims 2006. I will like the Minister to advise us of how many persons have been caught for the 2006 kidnappings. The Minister of National Security is on record in the other place during debate on the Bail (Amdt.) Bill 2006 as having claimed that members of the business community were, in fact, to blame for the kidnapping, assaults on themselves.

Previously the Prime Minister alleged that many of the kidnappings for ransom were fakes. Tell us, Mr. Minister, have the kidnappers of Clive Allen been caught as Mr. Manning promised? What about those responsible for the 2006 abduction of Joey Alexander; Ramesh Mahabir; Dave Rattan; Bradely Persad; Roger Gumbs; Christopher Taylor; Eva Alexander; Riaz Khan; Rehanna Ramlochan; David Ramkissoon; Debbie Singh-Ali; Candice Beharry; Vindra Naipaul-Coolman, are these kidnappers in jail without bail?

The absolute failure of the State in regard to Mrs. Vindra Naipaul-Coolman is the single most telling indictment against this Government and its performance in regard to kidnapping. [*Desk thumping*]

Hon. Member: Shame on you!

Mrs. K. Persad-Bissessar: Last year, on the day before the Senate met to debate the Bail (Amdt.) Bill, and that was after we had passed it here in December 2006, Vindra was kidnapped. It took more than two weeks before the might on the protective service was brought to bear. Valuable days before, the highfalutin blimp, multimillion dollar equipment, was introduced in a search for this goodly lady. To date, there has been nothing. Not only have Mr. Manning's words been put to lie, they have not been able to recover her.

To make matters worse, there have been reports that three men have confessed to their lawyer that they participated in the kidnapping of Mrs. Naipaul-Coolman; they asked him to arrange for them to tell their story to the police, and what happens? The Commissioner of Police called a media conference and said, "No persons have given confessions to him in this matter." Nonsense; ridiculous; the lawyer said that they came to him; the Commissioner calls a media briefing to say something else. It is plain and simple English; the people wanted to talk to the police; they have not done so, and the Commissioner makes, in my respectful view, the most foolish statement and sends these "fellas" back into hiding.

Every Monday morning they are blocking off a street and digging a hole and telling the public that they leave no stone unturned. The people want to talk to the police; the police are doing nothing. I always must restrict this argument that there are many policemen in the service who are good officers of the State, but there are those who are doing nothing to hear what these men have to say. The Commissioner wants everyone to believe that he is working so hard on this case, that he is willing to talk to everybody and to look everywhere, when his conduct is saying otherwise. It is any wonder that the public has lost confidence in the protective services.

The saga continues in 2007, when this Bail Act is in place. The Minister boasted of success in the case of Rennie Mohammed, brother of TV6 reporter, Sasha Mohammed, an officer in the Office of the President. Even here, I am advised, that much of the work was done by relatives who showed ingenuity and unity in defeating the would-be kidnappers. I am advised that after one week the persons who are being held are yet to be charged, so the question of bail and the proposed amendment does not even arise. This is unacceptable; one week later. You have the perpetrators; they have not been charged. Why?

What of the kidnappers of Govin Massie and Annalee James, have they been caught? The answer is no. It is easy for ministers to come here and talk about detection rates and crime falling, when we have all these persons who have been kidnapped and we have nothing in terms of information as to whether the perpetrators of those crimes are in the hands of the police. The facts prove that the Government has failed absolutely in dealing with the crime of kidnapping. The kidnappers are not being caught.

Recent evidence indicates that there are sophisticated, professional gangs involved. I read the harrowing experiences of kidnapped victims, as you may have Mr. Speaker, that have been carried in the newspaper via the articles by Anand Ramlogan. I have read them and felt their pain and humiliation. One woman

stated that they had stolen her dignity and, in fact, had kidnapped her life; so that even though she came back to her family, she was robbed of her dignity. She felt her life had been kidnapped and would never be the same again. We cannot support the Government in their flippancy and in their failure to deal with crime.

This Bill, before us for a third time, is a potent example of the mindset of Government. We recall with anger the comments of the Minister of National Security at the height of kidnapping, when he stated that crime was not as bad as Trinidadians were making it out to be. This was in April 2005 when he said that crime was not all that bad. We also recall the distasteful comments, some 90 days ago, when that Minister also said that businessmen were the cause of their own kidnappings.

I recall that when we brought the issue to this House of extortion, how quick the Minister was to blame the victims for their plight. He was blaming the businessmen for the fact that they were being extorted. Government is not serious about kidnapping. It neither understands the fear among the community, especially among women, nor do they care. They continue to make the same promise, after promise, after promise and what makes it worse is that when the Government fails to act on these issues, lives are lost, families are broken apart, strangers are engulfed in fear, criminals become emboldened.

3.00 p.m.

I recall in the 2004 budget presentation the Prime Minister unable to dismiss easily the numerous newspaper reports of kidnapping for ransom, made another promise of the provision of counseling by trauma specialists for victims of kidnapping and their families. That was in 2004. Three more budgets since then have come and gone and more than 100 persons have been kidnapped for ransom and the Government has not seen it fit to provide this very basic support of the trauma specialist to counsel victims and their families. Where is that commitment? What has happened with respect to the promise? Another broken promise, Mr. Speaker.

In that same budget the Prime Minister promised to work with the Opposition to increase the penalty for kidnapping and other types of crimes. In 2005, as a result of the crime talks that the Opposition UNC held with the Government, we had proposed a Gun Court and a Kidnapping Court. We are in 2007 and the Government agreed to establish a Kidnapping Court and a Gun Court because it said that many of the crimes are being committed with guns and, therefore, it was essential to have a specialist court dealing with the gun crimes so they can be expedited and bring the perpetrators to justice.

In 2005, the Government agreed to that, the Prime Minister stood in this Parliament and made a big, fancy statement saying that the Government and the Opposition have agreed that we will do 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10. We are now in 2007, what has happened to the Gun Court and the Kidnapping Court? You come back again to fool the population by saying you are passing the Bail Act and this will fight crime. Where is the Gun Court? Where is the Kidnapping Court?

Mr. Hinds: [*Inaudible*]

Mrs. K. Persad-Bissessar: All this mouthing and shouting from the Back Bench will not change the situation. You have failed to keep your promise! You have failed to fight crime!

Mr. Hinds: We are protecting the people.

Mrs. K. Persad-Bissessar: The Minister talks about protecting people. It is a shameless thing when the Minister would rant about protecting people in this country. Everyone in this nation is living in fear of the criminals. What have you done to protect them?

Mr. Hinds: They are afraid of you.

Mrs. K. Persad-Bissessar: Yesterday at the post-Cabinet press briefing the Minister of National Security joined his colleagues in misrepresenting the state of crime in the country. I wonder how many persons really believe the song that crime is on the decline. I have sad news for you, Mr. Minister, and I suggest you stop the trumpeting. You are either being misled, or you believe that the people in this country are fools.

Mr. Speaker, we have said previously that there are in fact a lower number of reported kidnappings for ransom this year when compared to last year, but have kidnappings dropped? Has the crime gone down? It depends on what you are comparing the figures to. It is statistical conmanship in our view. In 2001, there was no kidnapping for ransom in this country when the UNC was in office; under the PNM this changed as Government's policy encouraged kidnapping of certain groups. It reached a climax in 2004.

Mr. Hinds: How?

Mrs. K. Persad-Bissessar: I will tell you how in a minute; when there was a calypso encouraging kidnapping of businessmen and the performer was embraced on stage on the night the song was performed by none other than the Prime Minister. [*Desk thumping*] He sings a song saying kidnap businessmen, and the Prime Minister hugs him on stage. I strongly suggest if the Minister wants to be

taken seriously, he should compare the crime rate including kidnapping—not from last year to this year, these were periods for which he was responsible for the crime rate—for ransom in 2007 with what happened in 2001 when he and his Government were not in charge. If he wants to compare the number of murders, he should not compare last year to this year, but 2007 to 2001 because this is where there was a change of Government.

One would find that in 2001, there were 151 murders too many, that is what he should compare to the 368 murders in 2006. That has been the effect of the PNM Government's policy. It means that under the PNM, murders have increased by 243 per cent. So what decrease is the Minister talking about? It is a fact that there were no kidnappings for ransom under the UNC, but an incident of 19 kidnappings in 2006 under the PNM. This represents a 1,900 per cent increase in the number of kidnappings under the PNM. So what is the decrease?

A similar analysis can be done about food prices. Controlling inflation in year six to 7 per cent is nothing to celebrate when there is runaway inflation. I am talking about the statistical conmanship with which you are dealing. There was runaway inflation in the preceding years under the PNM. It is a fact that under the PNM, food prices have increased substantially by more than 150 per cent, and murders have increased by 243 per cent.

Under this Government, Trinidad and Tobago has developed an international reputation as a haven for kidnappers. This was a crime that was unknown to this country under the UNC, but it was born, bred, and fed into adulthood by the PNM. Government's version of dealing with criminals is having breakfast at an expensive hotel at taxpayers' expense, giving gang leaders access to money in various ways.

Why are the numbers in kidnappings lower in 2006? Such reduction in kidnapping incidents exists because businessmen are paying the extortion money demanded of them. Many others have hired private bodyguards and security guards for themselves and their family, and many are taking extra safety precautions including closing early, and, of course, the burglar proofing and so forth.

Sometimes Mr. Speaker, very early in the evening around 7.00 or 8.00 p.m. when you are driving through streets that are usually very busy, towns and cities, the place is deserted; businesses are closed everywhere. It is the most amazing thing, people are so scared. What is more instructive are revelations that many kidnappings go unreported as persons try to deal with the matters themselves without publicity. The Member for Caroni Central reminded me of that and I

know of several victims who have not reported the matter and dealt with it privately to get their loved one back.

In a newspaper report published December 2006, Christine, the mother of a kidnapped victim lamented the fact that many abductions go unreported. She knew of several persons who were victims of extortion and left the country, the State would not be able to comment on that because it is unreported. She added that a number of persons she had met indicated that their families and neighbours had been abducted or had been affected by crime. When she told them she had never heard of it in the news, they say they never reported it, or they kept it low-keyed.

Mr. Speaker, there exists a tremendous distrust as in the extortion cases where victims have no faith in the police service's ability to protect them from the criminal elements or to penalize them and so they do not report them. They have lost faith in the protective service in the administration of justice.

The other promises that were made had to do with the beefing up and improvement of the Forensic Science Centre. We came here for the DNA Bill and the Minister boasted of all the great things about the forensic centre, and a week or two later when the joint select committee was dealing with the matters relating to the Forensic Science Centre, they said they were totally unprepared to implement the DNA Act.

On the last occasion when this Bill was debated, the Minister of National Security spoke at length of the developments at the Forensic Science Centre. At that time he claimed that there had been a 25 per cent reduction in the backlog of cases. If this is true, it is amazing to say the least because the Minister's demonstrated ability to manipulate figures does not support his files. I would prefer if the Minister would provide us with the raw figures to allow us to determine for ourselves what the truth is. It speaks about a 25 per cent reduction in the backlog of cases at the forensic centre, but there is no truth to that until you see the raw data.

Minister Martin Joseph in the Senate on December 20, 2006 said:

“Cabinet agreed to the construction of a DNA facility in June 2005. Officials from the Ministry of National Security visited DNA facilities in the United States of America in April 2006 and design drawings for the laboratory have been completed. Construction is expected to begin in early 2007. To facilitate the speedy introduction of DNA typing in Trinidad and Tobago, Cabinet also agreed to the purchase of a temporary facility. This

modular building is being retrofitted with all the necessary requirements of a DNA laboratory. This facility would be ready for use in February 2007.”

What month are we now in? We all know it is March. Is the facility ready? Can the Minister in his winding up indicate with the same verve when that commitment had been made whether this facility is in fact ready for use, or whether this is another example of promises that are not kept? As far as we are aware, that facility is nowhere ready and will not be ready even though the dates given have come and gone.

Mr. Speaker, I was also shocked to learn that the Minister is boasting of a functional Witness Protection Programme and he is very proud of that. The Minister is on record of boasting about that and I quote.

“There is a note that says since the establishment of the Witness Protection Programme in 2003, we have not lost a witness by way of death. People could walk out the programme and do other things because of the nature of the programme. To say that there is no witness protection programme because of the fact that the Act has not been proclaimed is not correct. There is a witness protection programme and it is up and running.”

Minister Martin Joseph in the Senate in December of 2006.

Mr. Speaker, I say that the Minister’s standards are obviously very low, maybe he is unaware of the general collapse of evidence in the courts at present, or perhaps, like the junior Minister, he is in denial. This Minister told us today that he knows of no case where a witness was afraid to give evidence. The entire country knows—

Mr. Hinds: I said that?

Mrs. K. Persad-Bissessar: Yes, you said I know of no case where witnesses were afraid to give evidence.

Mr. Hinds: That woman is sick.

Mr. Imbert: He said no husband and wife.

Mrs. K. Persad-Bissessar: Mr. Speaker, the entire country knows that the Chief Magistrate was afraid to give evidence in the Magistrates’ Court. He would not attend the court and failed to give evidence.

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

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

Question put and agreed to.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker, and I thank my colleagues.

Mr. Speaker, the Minister is on record as saying there is a functional witness protection programme and in passing I say everybody knows where the Chief Magistrate has failed to give evidence in the court. It seems that the Minister needs to check out what has been happening.

The recent murder of kidnap victim, Chaitlal Singh, who was due to give testimony against his alleged kidnappers who included police officers, his murder took place the day before he was due to testify. To date, his murderers have not been found although they wore no masks. One wonders if the relatives who witnessed the execution—for that is what it was—who were forced to beg for protection were included in the witness protection programme, or is it reserved only for convicted criminals who are willing to testify against selected targets?

So here it is witnesses are being murdered and the Minister is boasting about a functional witness protection programme. The UNC government piloted through this Parliament, gained the support and passed in 2000, the Justice Protection Bill. This is the year 2007 and the Government has failed to proclaim that piece of legislation. Why? It keeps making promises that it will put all these things in place, breaks its promises year after year, and continues to fail to deal with crime.

There are several instances where witnesses' testimony failed to secure convictions and they vanish taking the case with them. How can Minister Joseph stand in the Parliament and boast of a functional witness protection programme? There are numerous cases which I will not repeat, but I cite this one with respect to Chaitlal Singh.

When we come to the administration of justice, again we have serious cause for concern. Despite the Minister's firm belief that criminals were afraid of the proposed Bill; in other words, many were involved in staging well-planned, executed armed kidnappings, they are petrified that they will not get bail for 60 days so therefore, they will not commit the offence. This Bill coming into law will do nothing to deal with kidnapping and the Government knows it. It has done nothing and will do nothing.

If this Government were in fact truly serious about dealing with crime, it would have introduced the Gun Court and the Kidnapping Court that it promised; it would have brought the money laundering legislation which it promised to make sure that kidnappers could not deposit their ill gotten gains which they got from ransom money in the financial institutions. The Government promised when

we met with them to bring that money laundering legislation. We have not seen anything coming from them.

There is legislation which would seriously impact on kidnapping and crime generally, but the one consistent underlying fact in this Government's fight against crime has been the repeated failure of every crime initiative and the demonstrated lack of commitment of Government's repeated failure of every crime initiative from A—Anaconda to Z—Zero tolerance. My colleague is reminding me that a new one was launched yesterday—doomed to go to the same place.

[MR. DEPUTY SPEAKER *in the Chair*]

In this Parliament, we dealt with the package of Police Reform Bills, now Police Reform Acts. This legislation was hailed as absolutely critical to the Government's crime-fighting initiatives. Government spent time, effort, and above all, over \$5 million in attempts to get the Opposition to support that package of legislation. Those bills were debated and supported by the UNC and to date, they have not been implemented. They were so critical but they had been abandoned and left on the shelves for over a year now while crime continues to affect every citizen in this country.

Mr. Deputy Speaker, I am forced to wonder if the reason they have not implemented it is because of the real fear of the Government of certain Government Ministers that the legislation will have a positive effect on crime and affect some of their vested interest.

Yesterday, I met with the President, His Excellency Maxwell Richards in a very enlightening session. One of the things we discussed was this police package of legislation. You will recall we passed the Constitution (Amdt.) Bill here that would allow for the establishment of a new Police Service Commission, that was proclaimed in January this year, and the President had consulted with me in my capacity as Leader of the Opposition for recommendations and suggestions of persons to serve on the new Police Service Commission.

Mr. Deputy Speaker, we gave those recommendations sometime ago but we have seen nothing happening further with respect to establishing this new Police Service Commission, so I met with His Excellency yesterday and he said that—

Mr. Valley: I do not want to know what you all discussed.

Mr. Ramnath: I want to know.

Mrs. K. Persad-Bissessar: Mr. Deputy Speaker, I am very interested in this, if he does not want to know he can turn a deaf ear. The President indicated that he

had sought consultation with the Prime Minister to get those names forwarded because he has a duty to consult, but they had not been forthcoming. That is all the President said with respect to that.

Mr. Panday: So this Bill is a farce!

Mrs. K. Persad-Bissessar: First, you bulldoze; you harass the Opposition; spent \$5 million to pass the police service package; took one year to proclaim it and one year and three months later, you still fail to demonstrate your commitment to implement the provisions; one of which is the establishment of a new police Service Commission and the Government delays on that as well.

So how can you say you are serious about fighting crime when the package of legislation which is so important in terms of prevention and detection of crime—we must remember the fight against crime is a holistic one, it has to do with prevention, detection and conviction and the police are very vital in the first two. [*Crosstalk*] And so the package was to upgrade and reform the police service so they could do their job better. That was the whole thrust of the legislation and this Government failed to implement it.

Mr. Deputy Speaker, they boast about legislation which the Attorney General has refused to take steps to implement. This remains a very important point as I read of children being exploited. [*Crosstalk*] Mr. Deputy Speaker, I think I need some protection from these two who seem to want to have fisticuffs, I guess. If there is a point of order, you are free to raise it on your legs.

Mr. Speaker, every day we are reading of children being exploited and being scarred by sexual abuse and being murdered. Why does the Attorney General and this Government not act? Do they not care about the suffering of the children? Why have they not brought the Childrens' (Amdt.) Act, and the Childrens' Authority Act into effect? The last time when a child was brutally assaulted, raped and murdered they set up a task force very quickly. Since then nothing has happened, we are waiting for more children to be brutalized and more to be abused and murdered and it will not take the simple step of proclaiming the package of legislation that would seek to protect children and you want to tell us that you are serious about fighting crime? So support this Bail (Amdt.) Bill, we are fighting crime, when with every crime-fighting initiative and protective measure the Government continues to fail.

Mr. Deputy Speaker, the Prime Minister has steadfastly ignored the requests to get him to implement the Police Service package of legislation in the Parliament. I repeat, I had asked the Prime Minister when we debated it to put an

implementation committee in place, we gave the support and they failed to put that in place and you come here today and will not tell us why. What is the problem? Why can you not implement the package of legislation when you have spent so much time, effort and money to put it in place?

Mr. Deputy Speaker, the Prime Minister has the time to travel all over the world but will not deal with a single issue that is of concern to every man, woman and child in Trinidad and Tobago, crime. Why does he not call the Minister in and ask him why he has not implemented the package of legislation? What is wrong with it, is it defective too? When we passed the DNA legislation it was said that it was defective, so you took five years to look at it. When we passed the Equal Opportunity Bill, you said it was defective, you spent a next five years looking at it. But you brought the package of police bills here, we gave you the support, is that also found to be defective that you cannot implement it? What is the problem? Come clean; tell the country why you are not implementing that package of legislation, because that is so vital in the fight against crime.

Mr. Panday: Political gimmick.

Mrs. K. Persad-Bissessar: Mr. Deputy Speaker, on the last occasion we pushed for the introduction of the equal opportunity legislation, this Act as you recall had been passed previously but had been struck down by the courts because it did not have the special majority that was required.

Government promised that that would be the next piece of legislation to be debated two years ago. It has been laid in the Parliament but the debate continues to be postponed because Government has a totally different priority, its priority is to bring visiting forces here and grant them carte blanche immunity. Bring this Bail Bill, which is cosmetic to make people feel it is dealing with crime, bring anything in the Parliament but no priority whatsoever to giving every citizen equal opportunity and to protect them. The Government has absolutely no priority. So when it made that promise that that would be the next piece of legislation, once again it has broken that promise.

Mr. Valley: Mr. Deputy Speaker, the equal opportunity legislation had been laid in this Parliament since January 09, we were about to debate it in February and the Opposition Chief Whip informed me that the Member was going on the CPA conference in India—[*Shouting across the floor*] would prefer that we deal with the other Bill we then—

Hon. Members: No, no.

Mr. Valley:—dealt with the DNA, and that is the fact.

Hon. Members: No, no, no.

Mr. Panday: “You said no, yuh not doing it.” When we asked to debate it, you said no.

Mrs. K. Persad-Bissessar: No, no, Mr. Deputy Speaker, that is totally incorrect and I can prove it right away. He mentioned DNA, so this conversation took place when?

Mr. Deputy Speaker: Hon. Member—

Mrs. K. Persad-Bissessar: No, I have to put my point.

Mr. Deputy Speaker: The rate at which we are going, the hon. Member is here.

Mr. Ramnath: But we are not going to get involved with that.

Mrs. K. Persad-Bissessar: Mr. Deputy Speaker, that is totally false. At no time did we ask for the postponement of the debate—

Mr. Valley: Ask the Chief Whip, he told me that you were going to India, he told me that.

Mrs. K. Persad-Bissessar: I would give way.

Dr. Rafeeq: Mr. Deputy Speaker, I thank the hon. Member for giving way. That was a conversation that the Leader of Government Business had with the Leader of the Opposition. It was a conversation that both of them had at the back of the Speaker’s Chair and the Leader of the Opposition would explain what was said on that occasion.

Mr. Valley: You told me that.

Mrs. K. Persad-Bissessar: Mr. Deputy Speaker, I want to put on record—

Mr. Singh: Now we understand why the fiasco take over the—

Mrs. K. Persad-Bissessar:—he has put on the record a conversation he had with the Chief Whip, and the Chief Whip is saying he had no such conversation. So Mr. Deputy Speaker, let us get back on track. [*Crosstalk*]

Mr. Imbert: They are not easy; you cannot trust them.

Hon. Member: He spoke with you at the back there?

Mr. Deputy Speaker: Allow the Member to continue.

Mr. Imbert: That is wickedness!

Mrs. K. Persad-Bissessar: Mr. Deputy Speaker, we did the DNA, they have brought other legislation but not the Equal Opportunity Bill, we were here last Friday, we are here this Friday, we were here the Friday before, and you have had several opportunities—

[*Hon. K. Valley stands*]

I am not giving way again, you will respond after if you wish.

Mr. Valley: Why you do not want to give way?

Mrs. K. Persad-Bissessar: Because I just have a few minutes left. You can speak after me. You can join the debate, you will have 75 minutes.

Mr. Valley: I will.

Mrs. K. Persad-Bissessar: So I am saying we have had several opportunities for the Equal Opportunity legislation to come to the Parliament but it had not been given priority for debate, and so we are saying that the Government has failed to deal with crime in every regard; it has failed to implement the legislation that has already been passed; it has failed to bring legislation that has been promised and we are saying that we cannot support the Government in covering up its failure.

We are of the view that the Bail (Amdt.) Bill is a deception being put forward to the people of the country that if this Bill is not supported, that 30 or 40 persons would walk out on the streets, and kidnappers would walk out is totally false. If the Member is so serious and committed in giving priority to the Equal Opportunity Bill, we say to him bring it now, we will deal with it.

Mr. Valley: Mr. Deputy Speaker, the Equal Opportunity Bill is there to be debated. We have a deadline with this Bail (Amdt.) Bill for March 22, 2007. It has to pass—listen; we will meet on Monday to do the Equal Opportunity Bill. Do you want to do it on Monday, on Wednesday?

Mrs. K. Persad-Bissessar: Bring it on Monday. Monday we will deal with it.

Mr. Valley: On Monday.

Mrs. K. Persad-Bissessar: We will be here on Monday at 1.30 p.m.

Mr. Deputy Speaker: Both Members cannot be standing at the same time.

[*Mrs. K. Persad-Bissessar sits*]

Mr. Valley: This Bill has to be passed because it has to go to the Senate on Tuesday for the deadline on March 22. The Equal Opportunity Bill is there, and it would have been done in February if not for you, and I will never listen to you all again.

3.30 p.m.

Mrs. K. Persad-Bissessar: That is not true; that is totally false. So Monday is what date?

Hon. Member: The 19th.

Mrs. K. Persad-Bissessar: Monday, March 19, we will do the Equal Opportunity Bill. Do we have your agreement on that?

Mr. Valley: Yes—

Mrs. K. Persad-Bissessar: It is a public agreement so no one can say differently—Monday, March 19. We thank you.

Mr. Valley: At 1.30 p.m.

Mrs. K. Persad-Bissessar: So we are saying they keep rehashing every failed plan to deal with kidnapping and crime. There are a few ideas which I would like to share with the Government that certainly a United National Congress government, and they are as follows:

- We would put in place an effective DNA database of everyone arrested.
- We will have public accounting of all kidnapping, murder and rape cases available online to the public.
- We will have mandatory minimum sentences to make sure serious criminals get serious time.
- We will hold parents liable for crimes of minor children.
- We will have mandatory hard labour for serious crimes so that they will build the country's infrastructure.
- We will keep a registry of where all serious criminals live, available online, so that people can know if there is a serious offender in the neighbourhood.
- We will present monthly statistics on the numbers of crimes reported and solved by district and numbers of convictions, including sentences received. It is important that the population be advised of how many cases and which cases have been resolved and have not been resolved.
- We shall establish a special commission to report on why so few arrests in kidnapping and murder cases have been made.

- We will set up a special victims division to help them through the process and be their advocates.
- We will allow for victims and their families to testify at sentencing.
- We will have a special advocacy unit for female victims of crime.
- We will report on how much the cost and impacts are on the economy and society.
- We will increase penalties for crimes committed as part of gangs or criminal organizations.
- We will increase penalties for corrupt police and for people who corrupt the police or bribe them.
- We shall establish mandatory minimum penalties for drug and weapons crimes.
- We shall legislate deadlines to implement all the prior laws that have not yet been implemented or explain why they have not been implemented.
- Most important in the fight against crime, a United National Congress government will reduce crime by introducing in all public areas CCTV staffed 24 hours a day. CCTV will be for crime hotspots and surveillance.
- We shall have mandatory sentences for everyone caught bringing drugs into the country.
- We shall introduce classes for parents of children and juveniles who have been found guilty of criminal offences.
- We shall introduce a community pay back scheme with respect to criminal offenders.

These are some of the steps that we would implement in the fight against crime when the United National Congress forms the next government.

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

Miss Gillian Lucky (*Pointe-a-Pierre*): Mr. Deputy Speaker, today, of all days, one would have thought that the Members of the Government would have tried their best to be prepared and to look their best, but when we began this afternoon's session, what we saw was a government that is in total disarray. Question time that comes before any debate on any Bill is a time when a government is expected to be

responsible, accountable and transparent, and today what the nation has seen, one by one each of the delinquent Members had to stand up and admit that they are not ready; they need more time.

The Government needs no assistance in showing that it is not serious about the country's business! They are doing that on their own. [*Desk thumping*] So that when people make accusations about who is in deal-making and clandestine meetings at rendezvous points, it is nonsense! The Government is showing it is incapable of dealing with the nation's business, and all I can say—and I want to be so cautious because I am not likening anybody to any particular animal or so—is that there is a saying that when the cat is away, the mice will play and I notice that the Member for San Fernando East is, in fact, away today. So the whole country has seen that a system that is fundamental to the Parliament, a system called “Question Time”, when a government is supposed to be accountable and transparent, the Government has failed miserably. [*Desk thumping*] It is there for the whole country to see.

But I want to go one step forward as I make this point, because extensions of time—because that seems to be a big issue this afternoon—have been given to the respective delinquent Members who were unable to answer their questions. Does it mean there has been any compromise of process? No, because the bigger picture has to be looked at, and that is, the answers to the questions are important. Therefore an extension of time is given on condition that Members come back and they answer the questions so that they can account. [*Desk thumping*]

It is no different to the position that we face here today. So much has been put in the public domain about the Back Bench Opposition and Congress of the People supporting the Government. It is not blind support; it is not about receiving a telephone call from somebody who is not even a Member of this House who dictates what has to be done! [*Desk thumping*] It is about putting country first. And when I speak with this passion, it is not that I have gotten lessons in drama, because I make no apology for saying—none whatsoever and my track record proves it—I have always put country first. [*Desk thumping*]

Total floundering on the part of the Government! I mean, I would admit, it is almost a shame to say that we have to join forces with them in the fight against crime because we cannot allow the welfare of the nation to be compromised. [*Desk thumping*] But we do not lose our identity! And that is what people do not understand in this country. We talk about maturity in politics but we are not ready to mature and unless somebody, or bodies, start setting this maturity by example, we are going to get nowhere.

I have said it openly, you know, I am not like some persons before me who have said that they are leaving politics with the hope that 10,000 people will come and say: "Please 'doh' leave; we need you." I have said that if I have to leave I will leave, because I recognize that politics is bigger than I am, and if it is that there are others who are better or who are more suited to play the game of politics, let them go ahead. I do not have to beg for a seat; I do not have to worry about the fact that this is an election year and I want to come back here! [*Desk thumping*] I am making my decisions for country and so be it! I do not have an insecurity complex. I am not saying I am perfect; I am sure I have complexes, but one of them is not insecurity. Because when you are acting in good conscience and when you are being guided by your oaths of office and God, you have nothing to worry about.

That was the quandary I found myself in, and I do not speak on behalf of the Back Bench Opposition because this is a personal thing now. I am saying—Member for Tobago East, I am sure you would appreciate this point—that when this particular piece of legislation was to be debated, it came as no surprise. We knew in December that in three months' time, which put us now in March, we would have to revisit this legislation. We knew that! This is not a surprise the Government gave us, because the Government only had 90 days. And when the time was approaching, I asked myself straight: What do I do? Do I support the Government and say: "Well, listen, you are not performing at an optimum; you have not done everything you said you would do"—and I am going to deal with the Member for Siparia because the Government has done things; they have not done enough, but they did some things and I will come to the specifics, because it means that Members in front have not read the Bill properly, because the Bill that we debated in 2006 is fundamentally different from the Bill that we are debating today. [*Desk thumping*] 2006 was a mere request: "Give us more time." This one has serious changes going all the way back to the parent Act, 1994.

I asked myself: What was I supposed to do? I remember when the Member for San Fernando West was speaking some time ago in a contribution, the Member for San Fernando West was making the point that she was concerned about all the deals and so; that when you are dealing with legislation of a country there must be no deal-making; no sort of behind-the-scene operation. When I responded, not just to what she said but in that contribution, I had pointed out that we on the Back Bench are not into deal-making; we are in to seeking to find some kind of resolution so there is no conflict when it comes to the interest of the nation. [*Desk thumping*] Perhaps that is the cliché phrase I will have to keep saying: interest of nation; welfare of state. Because that is what this afternoon's debate is really about.

I asked myself: “Gillian, what do you do?” Mr. Deputy Speaker, I am putting it in the context in which I spoke so no disrespect even to myself. The first thing I said was: “You pray about it.” Am I to be ashamed because I say my prayers to ask for guidance?

Mr. Singh: You are a good Catholic.

Miss G. Lucky: I am a proud Catholic.

Mr. Valley: Nobody is saying anything.

Miss G. Lucky: Member for Diego Martin Central, I know you are enjoying this contribution, specifically.

The next thing I went to, for those who may have different religious persuasions—I think that is one of the things that makes our country so dynamic and so versatile—is the oath of office that we all took. I made the suggestion last time—and I speak to myself first—that I think we should all read this before we walk into these august Chambers, because the oath of office which is stated in the Constitution, that we all raised our hands and took, is an oath that says:

“I...having been elected a Member of Parliament, do swear by...that I will bear true faith and allegiance to Trinidad and Tobago,”

Not to PNM, not to UNC, not to Congress of the People; to Trinidad and Tobago:

“will uphold the Constitution and the law, and will conscientiously and impartially...”

Without any kind of political partisan or receiving telephone instructions outside to run and make sure you do the right thing:

“discharge the responsibilities to the people of Trinidad and Tobago upon which I am about to enter.”

So even if the PNM had sent its greatest delegate bearing whatever great gifts, that would not persuade me to support or not support a bill. It is what is consistent with the oath that I have taken. If I give no support, it is because I feel something is fundamentally wrong, and if I give support, it is because I feel that something is fundamentally right.

What is fundamentally right this afternoon is that we are dealing with the welfare of the State; we have not compromised our position. In my contribution I intend to show how the Government has not done all that it was supposed to do; the hypocrisy of the Government in saying that it is dealing with crime; the fact that we hear there is a 41 per cent decrease in murders. But has anybody looked at

the statistics which I have gotten which shows that our detection rates are still very, very low? And when it comes to murder, we are under 10 per cent with respect to the detection rate. I have the statistics because I do not want anybody to accuse me of hearsay.

So when this kind of legislation comes, again I am saying people had three months to work it out. The UNC, without apology I say, could have had its own meeting with the Government and said: "Listen, you are not doing your job. These are our suggestions." [*Desk thumping*] Why wait to come and score political points here? For what purpose? Put in writing and show the country: "Look, we told the Government in January, these are the things we want you to do, but it is not doing them." And show the country that the Government did nothing.

But we, in the Back Bench Opposition, did it the correct way. We constantly kept staying on platforms and in Parliament. Every time we got a chance to speak we said: "Listen, the deadline is approaching and you have not done certain things." How else was the DNA legislation laid? It is because of the Back Bench Opposition! [*Desk thumping*] How come the Breathalyzer legislation was laid? Because of the Opposition in the back! And the Equal Opportunity legislation, just in case kudos are going to be taken by the Member for Siparia, understand, that is item number one in the conditional support we have given. [*Desk thumping*] All that has been set is the date. And let me tell you, even setting the date is not good enough. We have it better put here: You set a date and you could start a debate and what do you think the Government could do? Adjourn! Never bring it back up again! Not us in Back Bench Opposition! What we said was: "You are bringing it in the first 30 days of the 90; you are debating it, not in this House alone, both Houses, and you are making sure it is assented." That is what you call tight! [*Desk thumping*]

So I want to make it clear just in case—because you see, I recognize it is all about in this election year for some people—not all; on all sides; I am not saying Government side, front bench; I am saying on all sides—deciding: "I need to continue warming the seats inside here. Let me see how I could play up." But there will be no Lucky playing up this afternoon. [*Desk thumping*] I am calling an ace an ace and a spade a spade.

We in the Back Bench Opposition, those of us who are Members of Congress of the People—and I keep deliberately using that phrase because it was the Member for Barataria/San Juan—and the *Hansard* shows it—who, in his first contribution, after the 18/18 deadlock, made the point that the only way this country could move forward is if we had the passage of the Equal Opportunity legislation and its implementation. He made that point over and over, ad nauseam, saying that the

problem in the country was a political divide manifesting itself in a racial divide and therefore what was happening was that the country is being torn apart. But I do not know why—maybe that is why he sits alone. They say a prophet in his own land is never recognized. Even though he may not get the recognition he deserves, at least his statement with respect to that legislation has been proven true. [*Desk thumping*]

When you are in Opposition—and many of us have sat on the Government Benches and Opposition—there is really limited things you can do. Are we to go with our backhoes, cement trucks, gangs and crews and build new police stations? We would be charged with trespassing; we would be charged with many offences. We would be in jail, hopefully with an opportunity to get bail. What are we supposed to do? Go and fix the courts? Notice that in one of the courts in Trinidad and Tobago you do not have proper accommodation; the desk is falling apart. Am I to go one day and just bring in a desk and say: “Okay, fellow colleagues at the bar table, let us remove this table and put in a new one?” You cannot do those things.

So what you are expected to do in Opposition is to keep proving time and time again that you are really the alternative government and that while you sit in the Opposition you are going to make the Government account, and the Government this afternoon—even by the manner in which the Member for Laventille East/Morvant presented the legislation this afternoon, it reminds me of that Bible scene where Pilate said—I know he likes to quote biblical scripture: “I could find no fault with this man.” I could say this afternoon that I can really find no fault with what the Member for Laventille East/Morvant presented.

Hon. Members: Whooo! [*Desk thumping*]

Miss G. Lucky: I know it is because he does not want to feel the wrath of me. But, unfortunately, Member for Laventille East/Morvant, in calling an ace an ace and a spade a spade, you know I am going to have to be showing that when you make statements like: “Tell us what to do, we will do it”; I will show you how when we told you what to do and you still have not done it. But I am saying to you that I cannot find fault because you have put it squarely and fairly. I do believe that you should have brought some statistics and I do believe that might have made the point stronger, but at the end of the day maybe there are Members on your side who will be dealing with that, and so be it. What could be done perhaps next time, mention that you would not be doing it; others will be doing it so we are not left in a state of suspense and err on the side—this is just a suggestion—that you let us know it is coming.

So much has been placed in the public domain about the position that has been taken by the Congress of the People. So much has been said by Members—not

all—of the Front Benches. Last night I was appalled and I took umbrage at a statement made by the Leader of the Opposition, the Member for Siparia, when she said, amongst other things, that COP is supporting the legislation because there is a team A of the PNM and there is a team B, and COP is team B of the PNM. Let me put it on formal record, because you notice it was not said here. You see games going on again; pick and choose where you make the comment because Lucky is not next to you on the microphone to make sure I clear it up there. But I have my chance now and a neglected opportunity will never return.

I am no part and to the best of my knowledge—and Mr. Deputy Speaker, you might remember this phrase used—and I do verily believe, based on whatever information is available to me, that no Member who sits on these Back Benches—the Member for Barataria/San Juan included—is a part of any team of the PNM. [*Desk thumping*] In any event, on a personal note—and those who want to join me—if I am joining any team, do not put me in team B; I want to be part of an A team. That is me. I aim to be part of an A team. [*Desk thumping*]

So I took the insult at all levels and I waited here with bated breath to see if the Member would say it, and very nicely, the Member for Siparia—because the Member for Siparia—and this is a compliment to her—is no fool—I have not said anything unparliamentary—but cleverly knows to stay away from that. We do not make deals like that. We are not part A, B, C, D, E or F. What we want to make sure is that we remain a responsible Opposition. [*Desk thumping*] But you see, the truth hurts and the absolute truth hurts absolutely.

Hon. Members: Ahhhh.

Miss G. Lucky: An adapted statement. The UNC is caught in a catch 22, so it is obvious in December they did not support the legislation.

Mr. Hinds: You mean they are either drunk or steering mad.

Miss G. Lucky: No, I do not go into personal attacks, Member for Laventille East/ Morvant. No, no, let us not go there; we are not going there.

How now could the UNC turn around and support this legislation? Because their fear is they will make those of us in the Back Bench Opposition look good. [*Desk thumping*] So what they do is they have releases saying—one member saying that as far as she knows at the COP meeting on Sunday they have her down to speak but she is really not speaking. Again, I do not even know when she became anybody who was going to be a guest or a surprise. But you see, those are the kinds of games that will take place. [*Interruption*] Member for Caroni East, I am surprised you did not read the article where the Member for Siparia had to

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[MISS LUCKY]

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deny that she was ever even asked. To me, I do not even think that was necessary, but these are the games going on because people who make those kinds of accusations are usually people who play those games.

So UNC is in a catch 22 and without any homework—and this is when I am going to deal with it properly. Do not come to the Parliament and fool the nation because the Bill in 2006 was basically saying: “We want an extension (that is the Government) of what was debated in 2005.” When we contributed in the Back Benches, we pointed out we were dissatisfied with many things that we did not see reflected, because the Bill of 2006 really did not ask for anything more than an extension.

I am asking rhetorically today, when then I am confronted with a piece of legislation that shows me all the suggestions—not one, not two, but all the suggestions—that I made with respect to improving the Bill when it comes back in March and is part of the Bill, what am I supposed to do? I suppose if I was in the Front Bench Opposition I would find a way of getting out of supporting it. But I will not do that. If I see that the Government has taken on board the suggestions that we made, then my point of view is that we support it. But the Government is still delinquent and we have set even more stringent time-lines. We recognize we cannot depend on them. [*Desk thumping*]

Speaking of those guidelines—and let me just set it straight—I heard the Member for Siparia talking about what the UNC, if it got in government, will do this and will do that. But, you know, I feel that we are meant to do what we could do right here, right now. That is what I believe. [*Desk thumping*] Again, the Member for Laventille East/Morvant loves quoting scripture and this story is from the Bible. The story of the talents reminds me of—I am sure you know it; a Master giving everybody different amounts and the one who got one talent decided to bury it and boast to the Master: “Well look, you know, what you had really was not yours, but look, I kept it and I give it to you.”

When you are in Opposition people expect you, with whatever resources you have, however limited, not to say what you “woulda, coulda, shoulda”—like what Shadow sang. He deserved higher than where he came, you know. That really bothers me. But then that is another matter. But he made a good point: “Woulda, coulda, shoulda.” I like Shadow. There are some calypsonians I like: Black Stalin, Shadow, Black Sage. I know I am not a veteran; I am a little amateur and I must have some mentors. [*Desk thumping*] Should I not have mentors?

But what I want to show: Show with documentary evidence—to the Member for Siparia. You do not need to go into government—and I am using this as one

example—to then say what you will do. Do it now. I have three documents in hand, Acts that need proclamation that the Government has not proclaimed—1996—2006 dealing with the criminal justice system. I have it. I have Acts relating to crime and criminal matters for the period 1995—2006 which list every single piece of legislation. So do not wait until you go into government to try to fix it. You could go through it now. And finally I have Acts that did not need proclamation. You have it here. This is what you call doing your homework in Opposition so you could perform as lecturer in government.

So enough said on that. I must say that from the Member for Laventille East/Morvant we got a lot of nice words, a lot of promises, but as I keep saying, nice words are just not enough, because so much more has to be done by this Government. It is only because I know for a fact the Member did, in his piloting, state that the Government was willing to take on board all the suggestions, but later in my contribution I am going to very quickly go through some of the things that the Government needs to do right now in order to upgrade the criminal justice system. Let the debate not be whether it is collapsing or not. I would say people have said it is virtually collapsing; the Member for Laventille East/Morvant will say that was never said and then we lose focus of the real issue. What do we need to do to ensure that it is upgraded? Because nobody could deny it is in need of upgrade.

I want to deal specifically with some of the issues raised by the Member of Siparia. I want to point out, starting with the fact that the Member for Siparia said that we are exactly where we were almost 90 days ago when we debated in December, and that is a great untruth. To me, that is a misrepresentation that cannot be allowed to go unaddressed. How can the Member say we are in the same place when because of what Congress of the People did in giving its support in December, we now have reached the stage of two critical pieces of legislation: the DNA legislation and the Breathalyzer legislation are at the joint select committee stage? We were not there in December.

The Equal Opportunity legislation, as I mentioned before, only became a live reality of it being laid because of the position that we took in December. [*Desk thumping*] We pointed out—because you see, when I come to contribute in this Parliament—I know sometimes I cannot always do it; I know sometimes I, too, have to ask for extensions—but I did my homework. I did not do it personally so let me not take accolades for what I did not do. But someone went through all the contributions for me and in point form indicated what we in the Back Benches said and what our expectations were so that we would be able to really determine how much has been done and what progress has been made. Even though the

progress has been small, we have reached, with those two pieces of legislation, in any event the DNA and Breathalyzer—not just because I am a Member of the committee, but I must say that the chairperson of both committees, the Member for Diego Martin East, has us on a tight rope; we are setting our time-lines and we are being made to come here and give our suggestion so that we can hurry back.

It was the Government who said it did not want the DNA to go into committee stage. I was one of those who said the legislation had some significant flaws; send it to the Joint Select Committee. So the Government could easily stand up and accuse somebody like me and say: “Well, you are the one keeping it back.” I am just saying, if we get into that kind of petty kicking the ball around, we will get nowhere. But we have been able to get two critical pieces of legislation and what has happened now is that the Government is finding itself in a bind.

The Member for Siparia went on to say that she was not going to mislead the population, but that is exactly what she has done, with the greatest respect. Because here you have the Bail (Amdt.) Bill, 2007, with clauses that relate to making a correction from the 1994 parent Act—and when I heard that, I immediately pulled the Bill that we debated in December—in fact, this is my exact copy; it has my writing on it and in 2006 all that was done, there were three clauses and the third clause was the clause that was adjusted. The Government was asking for two years and we said no, it would be 15 months; that was giving the three-month—

Here you have a Bill that we are debating—and I will go into the details of the Bill shortly—amending the parent Act of 1994 and there was a particular lacuna in the 1994 legislation that we realized, when I was in the office of the DPP as a prosecutor, remained on the books until now, 2007. We are actually going to get it changed. Am I to lie and tell the population that this Bill really is not going to do anything? That would be a lie. I am not calling anybody a liar, but I am saying that would be a lie. [*Desk thumping*]

And I am happy that in the year 2007 when I sit in another place, not as state prosecutor, not in Government but in Back Bench opposition, not even on front bench, that this change is taking place because this caused a lot of problems for those who operate in the criminal courts. This was a clause from 1994. The way it was drafted and then represented in the Act, it caused trouble and I would come to that later.

4.00 p.m.

Last year in my contribution—I pointed out the offence of kidnapping itself was left out from the Schedule, and when I see it now reflected in the specified offences, Part III violent offences, am I to pretend that it is not there, and to make the population feel, no, they really did not listen to me? I am not going to do that.

I am not going to be a part of that and maybe that is why I sit on the Back Bench and not on the Front Bench. [*Desk thumping*] They always say when you have important events you must have celebrations.

Mr. Deputy Speaker, it is almost two years ago that I had to inform the Speaker of the House that I would no longer be under the control of the Chief Whip, April 11, 2005. We are nearing April 11, 2007, and after nearly two years the Front Bench Opposition politics has not changed. I do not want to go back to Front Bench politics if that is what it is about. And I make no apology and I know there will be speakers after me. There are more dynamic speakers after me sitting in the Front Bench who will whip everything I have said. My back is broad, my shoulders wide, say what you want. I do not think there is any other thing one could write or say about me that has not been said or written before. Maybe, this afternoon I am particularly brave because I just feel and I could understand maybe for the first time when you really genuinely, not superficially act in the name of God and country, you really have nothing to be afraid of. Be not afraid, the words of the late Pope John Paul II.

Mr. Deputy Speaker, I understand what the Member for Siparia was saying. The Member for Siparia was pointing out that the interpretation or misconception being given was that if the Bail (Amdt.) Bill is not passed this afternoon, it would mean that people—the complaint by the Member was people would walk out and that is not true.

Mr. Deputy Speaker, I do not doubt that the Member for Siparia probably did not listen carefully to what people were saying who were supporting the Bill because no doubt she was busy accounting to people who are no longer here why, maybe, she genuinely felt they should support it. But I do not know. I am not here to criticize her. I think if anybody gets a distinction in an MBA that is something to be proud about. But I am concerned as to what kind of marketing tools one is expected to use because when you are doing this thing without a doubt, I am saying that you are not supposed to fool people. You are supposed to see how best you can convince people based on truth.

And Mr. Deputy Speaker, what really concerns me is what was being said is that there are persons who, because of the legislation, would not have been granted bail. For example, a person charged with kidnapping for ransom. If the Bail legislation is not passed it would mean that such a person could go before the Magistrates' Court and then a judge in chambers and make a request for bail. It does not mean the person will be granted.

The point that the Back Bench Opposition was making is that whereas you had that 60-day timeframe, within which that person would have been denied bail and hopefully everything could have been put together, even witnesses who might

have been afraid could have been told do not worry, the person is behind bars, the problem you would now run into is that those persons would be entitled to make the application. We will not compromise the exercise of the discretion of the Judiciary or the Magistracy. But we are saying in order to try to mould us into that so that one would get an argument that is sustainable, you would make allegations that are unfounded. We never said that. The complaint was the Bail Bill has not had any effect. So you get a list and say 32 persons at least, because of this legislation who committed the relevant crime coming within the legislation were denied bail. That is what we said. And, therefore, if the Bail Bill is allowed to lapse it would mean that they could now come before the court and apply for bail. I am going to come to it in my contribution when I point out that the problem—and I do not think I have heard anybody saying this is the only tool that will solve the problem. We did not say that and you cannot afford when you are fighting crime because the Government is not doing what it should and because there is a tool, not the only tool, but an important tool in terms of fighting crime, so you know what, we are not giving support to them. That would be a negligent act on the part of any Opposition. Mr. Speaker, that is why I have them and I want to put it on record what were the conditions because, I think that is important. We recognized in the Back Bench that the Government undertook to do certain things some of which were done, many of which remained undone.

The UNC has adopted the approach, nothing was gained. That is not true but you cannot give a Government that is incapable of dealing with the problem too much homework because they will suffer from burnout. So we have to give in to them, spoon feed, tell them what to do so that they could now go and do it.

Maybe I have been lecturing for too long in my life. I began lecturing actually when I was 21 years old, and very soon I would be turning 40. I think if I am not the youngest, I am one of the younger Members of the Parliament.

Mr. Speaker, what depresses, me—I am saying I am no longer young, they say the future generation, now, well it does, it is in the hands of young people but when young people try to create positive change, and older persons—and I am not saying the Member for Siparia is an older person—want us to stick and remain with old time things which are not working, what are we supposed to do? You tell young people go out there and change and when they seek to change they are getting in trouble. Six of one and half a dozen of the other.

These are the conditions which we said and this was the thinking. I am just putting it in this kind of crude form so to speak. We said the Government is not

doing what it is supposed to do, 90 days are passing, they have done some things; I went through it, the DNA legislation, Breathylyzer, some of the suggestions have been taken on board. I know that the Member for Laventille East/Morvant—I was quite surprised he did not boast about the five police stations that are now the model police stations. Sorry to take the wind out of your sails. But you could explain to me in your closing why you chose those five, I am not in any way suggesting that they should not have been chosen. But I really would have preferred if all could have been model police stations. I feel the Government has the resources to act simultaneously and I thought it would have done that—I give you your kudos and you are not even talking. If you were sitting on the Front Bench you would say, look how they are colluding. They are even giving each other compliments.

Mr. Speaker, we said to debate within the first 30 days of the 90-day extension period, the Equal Opportunity Bill—the debate to commence by April 2007. I am so happy the Member for Siparia read that carefully, that she jumped up and got the Member for Diego Martin Central who really sometimes likes to please, to say we are debating it on Monday at 1.30 p.m. because it is an achievement of all of us in the Back Bench Opposition. I saw the Member for Diego Martin East saying, this is homework given. I thought we would have more time but he releases he would not be seeing much cricket and completed in both Houses within the three months. So understand what we did. As I said before, and I do not want to be guilty of tedious repetition. We made sure, we made it so tight—do not try any tricks on us, you are going to have to debate it, not just here, up there too, and just do not leave it. Bring it. We know the proclamation has its own procedures, but bring it and I am sure the Member for Barataria/San Juan will be happy.

Secondly, we saw the passage in both Houses of the DNA legislation and the Breathylyzer legislation. As was said before, both are before the Joint Select Committees and based on reports already laid in the Parliament they will be coming soon and that too within the 90 days. Then the laying in Parliament of three pieces of legislation because we are informed the Police Reform Acts cannot be properly implemented because there is some problem. We said if that is the problem bring the legislation to amend your problem, you have to bring it again, within the ninety days and, more importantly, these police service regulations, we need to see them and a deadline was set for those regulations to be laid in the Parliament. What more do they want? But we did more.

Fourthly, the proclamation of the Justice Protection Act, 2000 and the laying of the regulations of that Act by April 06, 2007. So the Government has been

made to now recognize that we cannot leave them on their own to live up to their word, we now have to set time lines and give them little reminders. Again and this is not my own research. I really have to thank the Parliamentary staff who are always very helpful when we call them to ask for things, the Criminal Injuries Compensation Act, 1999 yet to be proclaimed. Chap. 11:08 of 2005, an Act to amend the Offences Against the Person Act—this is a piece of legislation dealing with harassment and one would recognize that there is really nothing dealing with stalking and so forth, yet to be proclaimed.

Mr. Speaker, you would remember I have been talking about the fact that we need to consider whether we should have categorization of murder, because I think if there is categorization of murder, we would better be able to confront the issue of the death penalty. Too many Governments including Trinidad and Tobago are skirting around the death penalty problem because they do not want to tread on the toes of voters who may be upset. There are some people who are staunch abolitionists and there are others who believe one has to hang. Unfortunately, it has become a political issue.

I believe if this legislation was proclaimed because it is in the law, Act 90 of 2000, if you could categorize and the death penalty being imposed for those who are really the cold blooded killers as opposed to those who are not on that spectrum and do get the sympathy of the jury, we would better be able to deal with this death penalty. It would be a step in the right direction and then the Justice Protection Act which we have been told because of Congress of the People and the Back Bench Opposition, the Government will be proclaiming in a few days. These are the things that the Government should be addressing its minds to because it is not a matter of re-inventing the wheel. I have given you the four pieces of legislation and I am subject to correction but I know that I am accurate.

Mr. Speaker, during the presentation by the Member for Laventille East/Morvant, the point was made that this Government is making significant strides in the fight against crime. But under the watch of the Government the reality is that the criminal justice system is facing virtual collapse. The fact is that people who operate on a daily basis in the system and within the system are saying —some of them have seen enough to say it just stinks, others have said it is crumbling, do something fast. Therefore, I am hoping I can rely on the good faith of the junior Minister in the Ministry of National Security, the Member for Laventille East/Morvant, when he indicated that the Government would be prepared to take on board views and suggestions and, therefore, if I might indicate these are just some views and suggestions that have been made before—and I think it is important.

I want to relate it to a particular section in the Bail (Amdt.) Bill. Clause 5 (2) says:

“Notwithstanding subsection (1) where a person is charged with an offence...and brought before the court but no evidence has been taken within sixty days of the reading of the charge, that person is entitled to make an application to a Judge in Chambers for bail.”

Mr. Speaker, you would remember and the Member for Laventille East/Morvant did point out that in the 2005 legislation there were certain wordings used and that is, a person was not brought to trial within 60 days.

I remember in 2005 when we debated it—not brought to trial meaning what? Do you mean that the person, the indictment, has not been laid? Do you mean that the person is in the High Court but the evidence has not been taken? I am really happy to see that there has been a specific indication as to what it means. So we do not go into the courtrooms and have a level of ambiguity that makes the proceedings take even longer in terms of sorting it out.

The good news—because there is bad news—is that it now reads that a person who comes within the category and one of the categories here, a person charged with kidnapping for ransom knowingly negotiating to obtain a ransom, under the Kidnapping Act 2003, such a person will not be granted bail. However, if evidence is not taken within 60 days of the reading of the charge, the person can make an application for bail. So the bad news is that if such a person is charged after 60 days in the Magistrates’ Court—because it talks about the reading of the charge—if evidence has not begun the person can make an application, there will be exercise of the discretion by the judge in chambers and, unlike what was suggested by the Member, we are not going there now. That is the function of the judge. But what we are pointing out is the person would be guaranteed bail.

Mr. Speaker, I will tell you why I am particularly concerned about this, and I am saying it knowing full well it is going to be put in the public domain, and it could be used to the advantage of persons but I will quickly say how we could stop it. What prevents a person accused of one of the offences for which he will get bail from coming to court and deliberately delaying knowing full well—this is the accused—that after 60 days he can now make an application to a judge in chambers? If the evidence has begun he will be precluded because once the evidence has begun, until the end of that matter when the issue of bail will be raised again, and that is something else that the Bail Act does not consider, so homework again. I hope somebody is taking notes. I am not seeing any note takers on that side; anyway, *Hansard* is there. [*Crosstalk*]

Mr. Speaker, the concern I have now is—we talk about a person at the end. So there are two things that I am raising here. Firstly, a person could decide to tell the accused I am not ready, consent to a longer date and if nobody is keeping proper track, 60-days pass, no evidence is taken, the person goes to the High Court. So the quick solution is when we charge a person and bring him before the court, make sure you are ready to proceed. At least make sure—

Mr. Speaker: The speaking time of the distinguished Member for Pointe-a-Pierre has expired.

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

Question put and agreed to.

Miss G. Lucky: Mr. Speaker, and I did hear the Member for Laventille East/Morvant say that is the way it happens—not on that point, I am sorry. The concern is, and my experience is both as prosecution, especially in the role as prosecutor, because without disclosing the cases, I have gotten fiats to prosecute in matters and especially in kidnapping matters. I want the House to understand that in kidnapping matters in many instances—the Member for Laventille East/Morvant will be aware—you have multiple accuse. So what happens is that even though one accused or two may be ready, the others are not. He gets an adjournment and, therefore, what could transpire if not properly monitored is that the 60 days expire and then to me, the whole purpose of this piece of legislation could be defeated.

Mr. Hinds: Thank you very much for giving way. I take your point, it is real. Do you think that there is a legislative solution to that? I know you suggested that somebody has to be monitoring and paying attention to it but I cannot imagine a legislative solution to it. Could you?

Miss G. Lucky: There is a legislative solution and the solution would be that you could mandate that—and I am talking about the second problem first. The fact that we have not catered if the person is committed to stand trial, as being a person who would not be granted bail. I am saying we have to address our minds to something that we have not yet looked at. With respect to starting the matter within 60 days, I do take your point you really cannot legislate for that. You cannot legislate for that. But you have as a Government and this is a solution and you all have not done it, you have to make sure your Magistrates' Court could operate at an optimum and you all have gotten report after report after report and it has fallen on deaf ears. So later in my contribution I will show you how you can

do it. Because that is part of our job. In fact, bearing in mind that the Magistrates' Court would be the court where the matters are first heard, you have to crack the back of the backlog in the Magistrates' Court. So Member for Laventille East/Morvant, take the point no legislation, take my point there is a solution that the Government has to have the political will and so far they have shown they do not have the political will to solve the problem.

I will just change the structure of my contribution and let us jump there right now. I find if a point is made we must get them right away. This is how it is done.

The address delivered by Justice Roger Hamel-Smith, Acting Chief Justice of the country on the occasion of the ceremonial opening of the law term of the Supreme Court of Trinidad and Tobago on Monday, September 18, 2007, among many other things had this to say.

It deals with one of the most important problems faced in the Magistrates' Courts today. It is faced also by citizens who get motor vehicle traffic offence tickets. This is what the hon. Acting Chief Justice had to say and I quote:

“A pressing issue that needs to be addressed is the question of ticket cases. As far back as the year 2000 a recommendation was made to the Commission set up to enquire into the Administration of Justice that ticket cases be removed from the Magistrates' Court and be placed under the direct control of the Transport Authority. It seems to have remained a recommendation. If this idea were implemented, however, it would free up many magistrates from having to deal with 70 to 100 ticket cases on a daily basis where the defendants are willing to pay the fine. He would instead be able to proceed immediately with his regular list.”

And these matters would become part of the regular list. The Acting Chief Justice went on:

“If the Transport Authority were to arrange with banks throughout the country to collect moneys payable under the system (in the same way WASA and T&TEC bills are paid), we may find that persons are more inclined to pay the fine sooner rather than later under an order of the court. As the law stands, if one is ticketed for speeding, say in Mayaro, the ticket has to be paid in that district whether you live in Tobago or Port of Spain. This is certainly a disincentive to anyone, law abiding citizen or otherwise, with the consequence that a person is hauled before the court only to plead guilty and take up precious judicial time and resources.”

And this to me, Member for Laventille East/Morvant, is really a solution and that is why I am not going to be blaming your government alone. The Acting Chief Justice recognized that this was a suggestion that was made as early as 2000. I can even go further back and by documentary proof show that in a report by magistrate—he is now a former magistrate but at the time, he was a magistrate of the court and that was one of the things that was considered removing, and that is 1994. So think of all the governments that came in from 1994 to now, and that is why I am saying you cannot play the blame game, because this is something that did not occur overnight. Why is it that there is no separation?

I want to go one step further. This is an afternoon, I do not know why; I just love being put on the spot this afternoon. This is my practical suggestion that will not call for legislation.

Mr. Speaker, attached to every court is a Clerk of the Peace or a Justice of the Peace. Could there not be some system? The Government would be wrong to implement this system. It would have to come from the Judiciary and, by extension, the Magistracy. When a magistrate has a list why there can not be a separation of the motor vehicle traffic offences and what one would call the regular list?

The Clerk of the Peace could then go through the traffic offence list. People who want to plead guilty, that is noted; people who want to challenge, it is a matter now the magistrate will have to hear it because the person is challenging he did not deserve the ticket. And those who want to pay, because the Clerk of the Peace and the Justice of the Peace have powers, and those who want a guilty plea, the magistrate sometime in the day, let us say 11 o'clock or 12 noon takes a break from the judicial function of hearing a matter and brings all those persons who, on that day, said they would plead guilty and so forth and deals with it. Or, as the Acting Chief Justice said, let it be removed completely from the Magistrates' Court. In other words, the challenge is, and I have been thinking about this for years. I myself did not come up with the solution overnight, but I think if one were to be asked, how do you crack the back of the problem of the criminal justice system, there must be a separation of the administrative function and the judicial function. Because too much time has to be spent by those who are dispensing and administering justice in the administrative aspect.

Mr. Hinds: Thank you very much for giving way. I am following your thoughts with great interest. Are you saying that those persons on the traffic list, they would not actually plead before the Clerk of the Peace? They would indicate what their position is and put the plea before the magistrate. I thought about that too, and part of

the solution might very well be making many more traffic offence ticketed offences because with the ticket system you are able to accept liability and pay immediately—to the extent that it works, but there are problems with that too, as you know.

Miss G. Lucky: Good point Member. But you will still come back to the crux of the matter even if you made more ticketed offences, but you did not solve the backlog. You will just be creating and putting further pressure on the Magistrates' Court. So your suggestion has to come after you solve the initial problem. Get the separation and then go towards making more of the offences ticketed otherwise, more people are going to come before the courts.

The Acting Chief Justice did point out why that sometimes happens. Mr. Speaker, you could imagine if I were in Tobago, a place I like—and I do make mention Members for Tobago West and East—and I got a speeding ticket and for some reason there would be opening hours to collect cash, and I had to come back to Trinidad, due to my schedule the 14 days passed, because there is a time line, I could not go back to Tobago to pay it. It would mean that I would be brought before the court and now I am taking up judicial time. Suppose the summons was served—sometimes you can have people hauled before the court who really did not even know that they had been summoned. It is a big problem, so to me the acting Chief Justice has given a solution. He said, people who get tickets allow them to pay for these tickets in any place in Trinidad and Tobago and if that is done it means many people who are caught up in the system really do not want to be caught because there are some people who come before the courts and they would say I did not realize it, in counting the 14 days.

Mr. Speaker, sometimes when you are counting the 14 days, people include days that they should not include and sometimes you do not recognize that you have to include the day in which you got the ticket. So one day you are off or that day you were supposed to pay the ticket and, of course, typical Trinidadian—I do not like to include Tobago in this—waiting last minute, the day you go to pay—it reminds me of the Government with legislation at the 99th hour coming to think of it. Like the Government bringing legislation late to us, you wait until the 99th hour to pay and find out that day maybe the person did not come out or they closed the cash early. You get caught up in the system.

To me this is where a government that really cares, but more than cares, understands this is what the Government should do: that these recommendations that we are making go back to 1994, go back to 2000, 2002, 2004, and I really

believe if we crack the back there, then this Bill, to me when it becomes an Act will be better effected. Because if you do not deal with the Magistrates' Court backlog, this 60 days will come back to haunt us and the solution will not be to extend the days.

Mr. Speaker, I want to make this point. I heard the Member for Siparia talk about hypocrisy. And I will tell you what I find. In 2005 when we debated this Bill for the first time, the point was made by a Member is no longer here, that if you did not put in a timeline it would have been unconstitutional, even if one got the constitutional majority because somebody will be wasting away in prison and maybe, never get their case heard. It was a valid point because that is what to me the 60 days are about.

Member for Laventille East/Morvant, you did make that point too. You said it would ensure that even though you were denied bail, at least your matter would begin and to me it is hypocrisy by the members of the UNC having recognized that was something that had to be included to come two years down the road and say, even though you included this and this was put in to deal with that point, this defeats the legislation. So you ask for something to be put in to make it justifiable in a democratic society and when it is put in you say it is put in, but this is going to spoil the whole effect of the legislation. That is intellectual indecency and obscenity. You want to make things constitutional because—[*Crosstalk*] I am not going down that road. I am making my point. You want to joint my contribution now. You find it is going good.

Mr. Speaker, secondly, when one takes positions, nobody is saying one cannot change one's position. My challenge is to the Member for Siparia and her team, having gotten the Government, in accordance with what we in Congress of the People got them to do, to give the date through the Member for Diego Martin Central even though the Member for Diego Martin East is a little scared about the date, to debate the Equal Opportunity legislation on Monday, March 19, 2007. I look forward to them adopting the position that is in the welfare of the state and coming through any one of their Members to speak and say we got that, that is our concern and they will support this legislation.

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.*

Miss G. Lucky: Thank you very much, Mr. Speaker. Before I continue, can I just ask how much more time I have.

Mr. Speaker: You have 18 more minutes.

Miss G. Lucky: Mr. Speaker, I give the assurance that I would not be using all my time.

Just before we went to the tea break, the Member for Laventille East/Morvant interjected with what would be a very important issue, that is, what could be done to deal with the backlog. One of the suggestions we have made is the separation of the administrative role from the judicial role and we have gone into sufficient detail with respect to the motor vehicle traffic offences that seem to bog down the magistrates.

There is another piece of legislation and I am asking the Member for Diego Martin Central to make sure that the relevant Members take it on board. It is an undertaking that the Government had given in 2005 when the bail amendment legislation was first brought. The piece of legislation the Government had undertaken to bring back to the Parliament, having repealed it, was the Criminal Mediation Act.

The Criminal Mediation Act was passed under the United National Congress regime. That legislation was also very important because it enabled persons charged with petty and non-violent offences to have an option. There were very strict criteria, the first, of course, being the consent of the virtual complainant to go to a mediation centre. There were designated mediation centres in the country manned by very skilled persons, experts in the field.

I had the opportunity only once to see the process in action. The indication is given to the magistrate that this is a matter being sent to mediation. The accused and the victim, or the virtual complainant, would enter a room. The interesting thing is that attorneys-at-law were not allowed to enter and the parties, from what I understand, would seek to see if the matter would be resolved along the lines of what is done in the civil arena with ADR—alternative dispute resolution. Of course, this kind of mediation would not apply to rape cases or violent cases such as assault occasioning actual or grievous bodily harm, but it would apply to petty offences.

For example, a neighbour might have gone to his neighbour's property and taken a little animal, a chicken. I am not trying to make that offence seem significant, because praedial larceny of crops is a big thing, but it is a means by which the accused could say he or she is guilty and attempt to compensate. It was

a system that was working and the hope was that criminal mediation would extend to more offences. However, there was a major lacuna in that law.

The problem was that the Office of the DPP was totally left out and, according to section 90 of the Constitution, the section from which the DPP gets his powers, the DPP, amongst other things, had the power to discontinue a criminal case at any stage. The parties would resolve the issue through criminal mediation; they would report to the court that the matter had been dealt with or, if not, it would remain on the list, but in the matters that were dealt with, the DPP's office was never informed.

The present Attorney General did tell the House that the legislation would have to be repealed, but gave an undertaking that it would be brought back. There is going to be another 90-day period. I know the Government has been given homework and that there are many things to be done, but even though they have enough homework, I am giving them the next stage. Look at the criminal mediation legislation. It, in itself, is not bad; it is just a matter of incorporating the particular provisions that would deal with the problem. Criminal mediation will work.

Member for Laventille East/Morvant, you were not here when I started, but I was following on the point you were making of how to break the backlog of the Magistrates' Courts in relation to a magistrate now being able to focus on those matters coming within the ambit of persons who would not be given bail in matters, such as those charged with kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, 2003.

Another piece of legislation really close to my heart is the drug court legislation. This was drafted when I was in the Office of the DPP. We had tweaked it, made suggestions and sent it back to the Office of the Attorney General at the time. I know it exists. The drug court will be able to separate those with a problem with drugs. I am talking about first timers or young people found with a joint or spliff who need rehabilitation, but who could be dealt with adequately through community service, who could be put on bond, who can go to rehabilitation centres and who would not get a criminal record, as opposed to drug traffickers. So it could be the drug court, in tandem with the Criminal Mediation Act, in tandem with a system whereby we separate the motor vehicle traffic offences that people want to plead guilty and that system together with all that now exists will assist in making the Magistrates' Courts lists more bearable. These are things that have to be done.

Mr. Speaker, I know that in the civil arena, case management works well. In the High Court, there is a system of case management and at the end of the day that is something that the Magistrates' Courts will now have to address. I

understand that there is a pilot project—my friend the Member for Tobago West will be happy to know—that is actually taking place in the Scarborough Magistrates' Court, Tobago. It is good to see that Tobago was the chosen location to begin a pilot project. I understand fully that some of the things that can be done cannot be done by the Government because then you run the risk of wrongful interference and Executive action. The Government has to give the resources.

Member for Laventille East/Morvant, you did speak about the Government bringing all the legislation that now allows witnesses' statements to be tendered into evidence, even though the witness would not be going into the courtroom. England had it, we debated it and it was passed. Mr. Speaker, we all would remember the legislation dealing with paper committals. The problem we still have is that State Counsels are bombarded with work, many of the advocates who should be in the courtroom dealing with the cases may find themselves typing the statements, running down the witnesses and getting the necessary statutory declarations. So, what you have is a bungling of prosecutorial and administrative functions. This is where these departments must be given the staff they need.

Mr. Hinds: I thank you for giving way. I genuinely would like to hear your thought—very briefly, of course—on the effect of inefficiency generally on the administration of justice as a process—general lethargy and inefficiency on the part of workers in this country in terms of its application to the administration of justice.

Miss G. Lucky: I will answer as wide as I can. There is normally demoralizing and a poor work ethic when persons feel they are working very hard and they are very committed and they are going nowhere, or the terms and conditions are particularly bad. That is why it is important to have the passage of the Equal Opportunity Bill, for example, whereby people do not feel discriminated against. There definitely is within these departments and in the State generally, not just in the law offices. There must be meritocracy.

Over and above that, the problem in the State Department—I worked there for nine years—is that there are very committed officers; not just in the Office of the DPP, but the Law Commission, the Solicitor General, CPC, Chief State; all the departments. I hope that I have left out none. There are officers who are really going the extra mile, but just do not have the resources.

You say no, but I can tell you that the work has gotten to be more. The more legislation you pass, the higher the expectation and workload. I was in the Office of the DPP when the first legislation dealing with paper committal was passed and

it was abominable when one thinks of what we went through as State Counsels. Unless you are in it, you would not be able to appreciate it.

There are certain benchmarks and things that have to happen to make you think your work is not in vain. When you feel that when you go to a courtroom, there are good conditions, you are not working in a deplorable building; nobody seems to care, it demoralizes you. In the case of police officers, that is why you have the five model stations. You would expect the officers who go there to understand that the Government is giving them all the resources, technology and so on to perform at their optimum. You recognize that they have to protect and serve and you are giving them the resources they need. In the same way, you have to look at it holistically, but you have to give people the resources. That should be done with the magistrates and the judges.

The Member for Laventille East/Morvant talked about the legislation that was brought by the former Attorney General, Mrs. Glenda Morean to increase the numbers of judges. I remember speaking on that Bill; many of us in the Back Bench Opposition spoke about it. We had said then that instead of increasing by two and three, you should increase some more and increase immediately because we are a division.

Another problem is that if you are visionless or if you are limited to Vision 2020, you may have a problem. We said you will need more judges. You will need more magistrates. I went on to say that you will need more State Counsels and more legislative drafters because you are giving the system more work. If you give more work, you need more competent personnel.

I remember the former Attorney General, now in London, saying we should be happy for the little bit we get. So we took the crumbs, but we are still starving. We realized that we would need more but I do not think the point was appreciated by the Government. When you increase the number, it does not mean that you have to fill it right away. At least you would have them and at the opportune time the Judicial and Legal Service Commission could have done what it had to do.

Another problem, which I understand still exists—I saw you looking in a bit of disbelief—with respect to State Counsel, I understand that there are those appointed, like I was, through the JLSC, but there are those on contract. That was an interim measure I had recommended when I was president of the Association of Legal Officers, when we wanted more and the vacancies did not exist. It was never meant to continue in the year 2007. I left that department in 2000. That was a system used by a former Attorney General, Mr. Ramesh Lawrence Maharaj, again, to deal with the increased workload.

Now you have contract officers some of whom are working just as hard as those appointed by the JLSC, but there is disparity in their terms and conditions. So what kind of impetus are you giving them? It is not good enough to say that they must be civic minded. When you have this disparity, you must deal with it. Bring the legislation and increase the number of State Counsels.

We have pointed out what, at the end of the day, the Government has to look at. I conclude with something I said I would be making mention of and that is the statistics. I had an opportunity to get the formal statistics on total serious crimes detected January 01 to 31, 2007. Mr. Speaker, good news and bad news. If there is good news, I want to be able to say it.

The detection rate in 2006 was 22 per cent and every time I got an opportunity I would talk about 22 per cent. I have done the calculations based on the January and February statistics. For January, the detection rate for serious crimes is 28 per cent. It is an increase from 22 to 28, but still not significant enough. There is bad news coming up. For February, overall detection rate is 23.8 per cent. So you cannot get happy in January and go back down. It is still too near 22 and not above where it is supposed to be. It should be 50 per cent and above.

This is what I found worrying. With the greatest of respect to the Minister of National Security, I do not think he ought to be taking comfort or trying to make people feel a sense of comfort by telling the nation that with respect to murders it has decreased by 41 per cent. When I look at these reports, in January, there were 27 reported murders and would you believe only two detected? The detection rate is 7.4 per cent. Murders from February 01 to 28 were 13 and only one detected. There is a 7.6 per cent detection rate. This could never be good. Even though your numbers of murders are decreasing—people are taking better care of themselves; they are locking themselves up at home—your detection rates are not increasing. Telling the country that the numbers are less, we are doing well, show us the detection rate. Is it at an all time low?

It reminds me—and I always guided myself with this—of when I was a State Counsel prosecuting at the High Court level. In many instances, I would get a conviction and, in particularly difficult and complex matters, colleagues would say, “Well done, Lucky; you did well.” I would say that it is not finished because the accused is going to appeal and he may win an appeal. If he loses in the Court of Appeal, he may go to the Privy Council and he may win there too. So until you get a conviction upheld at the highest court of the land, the Privy Council, I really do not think there is any need to feel good about something.

Again I am saying that your numbers are down, but your detection rates are particularly low and this must be causing trouble. So do not take any delight, we are still facing a plight here with respect to crime in Trinidad and Tobago.

Mr. Hinds: I thank you again for giving way. I bring to your attention that any reduction in the numbers of serious crimes might, to my mind, be a function of the police's preventative capacity and the function of a number of other things. While I take your point, we must diminish the significance of a reduction in the number of serious crimes. In my response I would deal more fully with that.

Miss G. Lucky: I take your point on that, but you do not understand my point. That is why I was open enough to show that the detection rate had increased from 22 per cent to 23 per cent in one instance and 28 per cent in another instance. My point is different. You say that the reduction could be because of the preventative measures that are being implemented. I can easily say that it is because people are not exposing themselves to anything right now. They are locking themselves in their homes. They are not being as free as they would want to be. I am saying that we should look at the indicators and I am not going to engage in that debate.

Mr. Speaker, I am coming to an end now by saying that the remand centre is something we have spoken about—prisoners who are in remand. Set up quarters at the remand centres so that magistrates can go through their lists. Make sure they are not left out of the system. This is something that can be dealt with at another time.

With respect to bail, we have to move now from the bail system that we have. Maybe we have to go into bail bonds because the bail system is abused. It has become corrupt with the use of professional bailers who are sometimes using the same piece of land as security for more than one accused person.

At the end of the day I wish to reiterate that we, the Back Bench Opposition, and those of us who belong to the Congress of the People have supported the legislation. We have told the Government our expectations. We have set time lines; we have even gone further and given other things the Government might wish to consider.

The Front Bench Opposition, through the Member for Siparia, might be happy they have gotten the debate on the equal opportunity legislation set for Monday. All I wait for is for the United National Congress sitting in front to do the honourable thing, consistent with their oath and with the interest of the State; to put the welfare of the country first and say, "We have changed our position because we have gotten what we want—the equal opportunity legislation to be debated—and we, too, support the legislation."

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Mr. Speaker. This afternoon, we have witnessed yet another shameless display by the Leader of the Opposition. She should know better but does not for some reason. I do not know if the reason is the point made by the Member for Pointe-a-Pierre, that the Leader of the Opposition has to get a telephone call from someone who is not a Member of this House in order to speak. In this call the hon. Member is told what to say and do. It really appears so. There does seem to be some credibility in this theory that the Leader of the Opposition is really not the leader.

Mr. Valley: [*Inaudible*] got fired while she was in India! Whilst she was in India!

Hon. C. Imbert: True! That is true! That is complete disregard for parliamentary procedure, Mr. Speaker, as you very well know. The selection of Senators is the purview of the leaders of the various parties in the various Houses. The point is quite correct that a Senator from their party was fired while the Leader of the Opposition was in another country, and fired by a person who is not even a Member of Parliament, of any House.

That explains to me why the Member for Siparia engaged in such political dishonesty here today. I will read into the record the facts. These are the official statistics given me by the Member for Laventille East/Morvant and I am advised that these are valid up to March 15, 2007. I am speaking of kidnappings.

In 2004, there were 28 kidnappings for ransom and in 2005, 52. After the passage of the Bail Bill, which, by the way, I wish to report was passed with the agreement of the Front Bench Opposition. One got the impression today that at no time had the hon. Members opposite ever supported any Bail (Amdt.) Bill which deals with the matters before the House today. I would like to correct the record.

The Bill that expired in December 2006 was passed by 30 Members of this House, including the UNC. They voted for it then, but it was not politically convenient for them to vote for it in December 2006, that is why I congratulate the Members of the alternative opposition—not the Back Bench—for putting country first. [*Desk thumping*] We can take the criticism in terms of what is the perception of Members of the alternative Opposition as to what the Government has done and/or not done. They can call us all sorts of names and accuse us of being delinquent, but at the end of the day—this is the important thing—they are supporting the people's interest. [*Desk thumping*] That is the point that the Member for Siparia has missed.

Let me go to the figures again. In 2005, there were 52 kidnappings for ransom; in 2006, after the passage of the Bail Bill, it was 17; from 52 to 17, a 67 per cent reduction. [*Desk thumping*] That is in the public domain; that is in the courts; that is a matter of public record that kidnappings for ransom had been reduced in 2006 by 67 per cent. That did not happen by accident. There were a number of reasons why, but the primary reason was that the kidnappers were out of circulation as a result of the passage of the Bail (Amdt.) Bill. The Members on the Front Bench opposite can live in their own fantasy land if they wish.

Let me give the statistics for 2007. So far, up to March 16, 2007, there have been two kidnappings for ransom; from 52 in 2005 down to 17 in 2006 and then down to two so far for 2007. I wonder if “stick break in their ears”. They cannot hear. Do they not understand or are they just wicked? Is it that the Members of the UNC want the perpetrators to come back outside and commit crime? Do they want the country to descend into chaos so that they can go on platforms and say that the Government cannot manage crime? I say that is what they want because in the face of these statistics it is obvious. Even a child in primary school can see that the Bail (Amdt.) Bill has worked. There are no two ways about it.

One of the things that the Congress of the People asked of us is to provide them with some information with respect to persons incarcerated—and there are 32 persons incarcerated who have been denied bail for a variety of offences, including kidnapping. The UNC knows that and they know who the people are. They know that they have been charged; that there is a body of evidence to show that these persons are perpetrators of kidnapping yet they want these people to come back outside to terrorize the citizenry in their own heartland. They want these criminals to be let loose on their own people.

When you look at the statistics, when kidnapping went from 56 to 17 to two, who were the beneficiaries? They were from the business community; people from the heartland of constituencies represented by the UNC. They have been the beneficiaries of this fantastic reduction in kidnapping for ransom. I wonder if hon. Members opposite have any real morality. Clearly they have some kind of political morality as the Member for Pointe-a-Pierre would say. They do one thing today and another thing tomorrow. They would be willing to sacrifice the peace and security of their own people just to score narrow political partisan points. This is why I congratulate the hon. Members opposite.

We met with them on Monday. They told us there were a number of things we had to do; that on the last occasion in December the Government had undertaken to do them; some had been done, some had not been done. They gave us another

90-day timetable. They rolled over the conditions; all in the people's interest. They put us on a very tight time frame.

We asked them to consider extending the legislation for maybe 120 days or 180 days and they made the point that they have a responsibility to ensure that the Government is put under a certain amount of pressure to deal with these issues. Notwithstanding that, they are prepared to give another 90 days because they understand the tremendous adverse consequences of letting these criminals back out on the street. Those are the facts.

5.30 p.m.

What the UNC wants is a campaign issue. They want to go into the election at the expense of their own people, the business community and the country. That is what they want.

Let me also give some other statistics. Again, this information has been given to me by the Member for Laventille East/Morvant, the Minister in the Ministry of National Security. It is a spreadsheet looking at a number of hot spots in the Port of Spain, Western, Northeastern, Central and Northern Divisions, which looks at homicides in these areas. While I take the point of the Member for Pointe-a-Pierre about detection, one also has to look at the absolute numbers. There will always be the issue with detection, but all things being equal, between 2006 and 2007, in the Port of Spain Division, the number of homicides has dropped by 47 per cent. When you compare month-on-month for the period January, February and up to March 13, 2006, there were 21 homicides in the Port of Spain Division. For the same period in 2007, there were 11, a 47.6 per cent reduction. As Minister Hinds has reminded me, we wish to congratulate the police for doing their work.

In the Western Division, for the period January, February and up to March 13, 2006, there were 14 homicides. For the same period, January, February and up to March 13, 2007 there were four homicides, a 71 per cent reduction. In the Central Division there has been a 40 per cent reduction and in the Northern Division, 33 per cent reduction. The total reduction, when you consider all the Divisions, it is an average of 42 per cent, with 62 homicides during the period January, February and up to March 13, 2006. In January, February and up to March 13, 2006, 36; a reduction of 42 per cent. They do not want to hear that. It damages their campaign. They would prefer that the murders and kidnappings go up. They are heartless. Here are the statistics you have asked for.

I wish to repeat, you heard it on the television last night. I heard the Member for Caroni East making the point that 32 persons have been incarcerated for offences and denied bail, including kidnapping. You did not have to come into

this Parliament today. I do not know if you were at home last night, perhaps not. Perhaps you were somewhere else, but I heard it myself. It was a feature item on the news where the COP made the point that there were 32 persons who have been incarcerated and denied bail and would be allowed to go before a judge and make an application for bail. Everybody knows that. That is tripe law. Do not think that you are the only person who knows about these things inside of here. Everybody knows that. That is the point the Member for Pointe-a-Pierre made; you do not want to give them the opportunity to make an application. It is a lottery system. You do not know. You cannot predict the result because there is no certainty—if one of these criminals goes before a judge or a magistrate and makes the application—of what will happen or whether the person will be let out or not. You do not want to get it to that point. This is what the Members opposite understood. The Member for Siparia cannot fool us with that foolish talk. We on this side put people first.

I heard the Member for Siparia said last week, when we adjourned the House and we scheduled the debate for the Bail (Amdt.) Bill for today: “We are not supporting that Bill.” We do not need your support, and that is evidenced by the support that we have received from the COP. I have to thank the COP. The UNC is fast becoming irrelevant. When we were in Opposition—[*Interruption*] yes, they are a threat to the security of the country—and important legislation required a special majority, we gave it to them. How many times did we give it to them?

Mr. Hinds: 17 times.

Hon. C. Imbert: The PNM gave UNC a special majority 17 times, during the period 1995 and we did not cross trade. We did not say: “We will give you our support and you give us that. We need this and we need that.” We did not say that. We analyzed each case on its merits and established whether it was in the national interest to provide the special majority vote that was needed to pass the legislation and did it 17 times from the Opposition Benches. That is why we are here and they are there. The UNC is fast becoming irrelevant, dangerously irrelevant; destructive and malicious. I do not know what to call them.

Let me repeat for the record what the PNM, in a meeting with the COP, agreed to. We have already met condition one, which is a debate on the Equal Opportunity Bill. That should have commenced within 30 days, which would have been April 22—we have met that already—and be passed within 90 days. We have already met condition one. We have scheduled the commencement of the debate for Monday. We have met the first condition, established by the COP. As the Member for Pointe-a-Pierre pointed out, it is not just the scheduling of the Bill, it is the passage of the Bill. That is what is important.

Condition two is that the police reform legislation be implemented within 90 days, which may include any necessary legislative action, the laying of regulations and so forth. That is condition two, which we on this side are committed to. I am advised that the regulations are almost ready. There are some amendments that have to be made to the police reform legislation. I want to state at the outset that, again, this is a condition established by the COP. It will require a special majority, in order to pass these regulations and make the necessary amendments. Once again, we do not need the UNC. We will pass the police reform amendments without you and we will implement the legislation without you. You stand against the people of Trinidad and Tobago.

Let me go to condition three, which is that the Justice Protection Act be implemented and regulations laid within 14 days, if required. I am advised that the Justice Protection Act will be proclaimed very shortly. That is the first stage in the implementation of justice protection and witness protection.

The fourth condition was the passage of the DNA and Breathalyzer Bills. Today, the Second *Interim Report of the Joint Select Committee appointed to consider and report on the Deoxyribonucleic Acid Bill* was laid and it is now a matter of record. This report indicates that the committee has completed examination of the DNA Bill. There are just a few issues on which we are seeking expert guidance and we expect that would be resolved within the next two weeks. Within two weeks, barring unforeseen circumstances, the report should come back to this House to allow the passage of the DNA Bill. With respect to the Breathalyzer Bill, the consideration by the committee is almost completed. We are well on the way to meeting the fourth condition. Those are the COP's conditions. I see the Member for Tabaquite laughing. You could block the DNA and Breathalyzer Bills if you want. Stand against the people, no problem. That is fine. We do not have the COP. We have a united Parliament, united in the service of the people of the country. We do not have them. They are in opposition to the Members on this side but, today they are supporting the people's interest. That is what is happening in this Parliament today.

Let me look at some of the foolishness uttered by the Member for Siparia. She said: the Bill has done nothing and it will do nothing and it is cosmetic. The Member repeated this ad nauseam. She engaged in tedious repetition ad nauseam—the Bill has done nothing and it will do nothing. I want to repeat that there has been a 67 per cent reduction in kidnappings for ransom and abductions. When one looks at the totality, there has been a 25 per cent reduction, generally, in abductions between 2005 and 2006. In terms of kidnappings for ransom, there has been a 67 per cent reduction. “Kidnappings continue unabated,” this is the

kind of arrant nonsense that we have to hear from the Member for Siparia. There have been two kidnappings for the year—unabated. I do not know how the Member got that MBA; somebody else must have sat the exams. God alone knows. Someone else must have sat the exams.

Mr. Speaker: I think your good friend, the Member for Laventille East/Morvant, is taking objection to that. Obviously, the Member sat the exam and passed with distinction, please continue.

Hon. C. Imbert: Mr. Speaker, “You mus’ be know something!” If that is so, she learnt nothing. To make these kinds of statements such as: the Bill has not worked and kidnapping continues unabated, is simply not true. It is untrue. If it were true, do you think the Members on the Bench behind would support this legislation? Be serious. If it were true that the Bail Bill had not worked and that kidnappings continued unabated, despite the Bill, do you really think the Members behind you would be supporting this Bill? They are supporting this Bill because they know it has worked.

Let me deal with the recent attempted kidnapping of Rennie Mohammed. I am advised that three persons were arrested and one has already been charged. I am correcting the misinformation put in the system by the Member for Siparia, that no one was charged. She is a stranger to the truth. I am advised that the police have been highly commended by the family for the manner in which they have dealt with this matter. Within three days, they were able to arrest the persons for the offence and already one of these persons has been charged. Of course, those persons will now be associated with this legislation and will remain inside until— We like to say many things in this country but we need to deal with the issues. The police are doing their work. They are getting things done and they are getting better as the Member for Laventille East/Morvant had indicated.

It is convenient for some irresponsible politicians to keep knocking the police everyday. We have to work with them. While justified criticism could never be adverse to anything, we have to work with the police but we cannot keep knocking them everyday of their life, attempting to demoralize them and undermine their morale, which is what the Members opposite do all the time; calling their names and accusing them of all sorts of serious crimes and of killing people. Yes, there are good policemen and bad policemen. Anybody who says otherwise would be naive. There are bad eggs in the police service. There is no two ways about it.

When I listened to the Member for Siparia, a word came to my mind “schizophrenia”. I heard the Member for Siparia saying, on the one hand, in all

sorts of emotional language, that they feel the pain of the victims. Five seconds later she said: “We are not supporting this Bill.” Then, five seconds after that: “We feel the pain of the victims.” The word that came to me was “schizophrenia”. As the Member continued, I decided schizophrenia was not the correct word. It was common or garden hypocrisy, as the Member for Pointe-a-Pierre has pointed out.

In the contribution of the Member for Pointe-a-Pierre, on a previous occasion, the Member asked for a number of improvements to the legislation and she has pointed out that all of the suggestions made on that occasion have been incorporated into the legislation.

I remember the Attorney General pointing this out to the Members of the COP, that the Bill had been redrafted. The Bill before the House today is quite different from the Bill that was debated in the Parliament in 2006. The Bail (Amdt.) Bill, which was passed on December 21, 2006 had three clauses. Essentially, all it did was extend the time. The first clause was the title. The second clause was the statement that was inconsistent with the Constitution and the third clause was the changing of the period of validity of the Bill from one year to 15 months. It is a one-page Bill with three clauses. We have before the House a Bill that has that has 10 pages and seven clauses. There are serious amendments to the Schedules and there are a number of offences in the Third Schedule which are violent offences. I will now read the offences in Part III:

“VIOLENT OFFENCES

- (a) manslaughter;
- (b) shooting or wounding with intent to do grievous bodily harm;
- (c) robbery, robbery with aggravation, armed robbery;
- (d) assault occasioning grievous bodily harm;
- (e) possessing and use of firearms or ammunition with intent to injure;
- (f) possession of a firearm or ammunition without licence, certificate or permit;
- (g) trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking;
- (h) rape;
- (i) grievous sexual assault;

- (j) sexual intercourse with female under fourteen;
- (k) sexual intercourse with female between fourteen and sixteen;
- (l) sexual intercourse with male under sixteen;
- (m) buggery;
- (n) sexual intercourse with an adopted minor, etc.;
- (o) sexual intercourse with a mentally subnormal person;
- (p) incest;
- (q) kidnapping;
- (r) kidnapping for ransom;
- (s) knowingly negotiating to obtain a ransom; and..."

The effect of this is in clause 4 of the Bill, which is before the House today.

Clause 4 states:

“Section 5 of the Act is amended by inserting after subsection (3) the following new subsections:

“(4)A Court shall not grant bail to a person who is charged with an offence listed in Part III of the First Schedule and has been convicted—

- (a) on two occasions of any offence arising out of separate transactions; or
- (b) of any combination of offences arising out of a single transaction,”

Here are some of the serious offences which I have read: manslaughter; assault occasioning grievous bodily harm; possessing and use of firearms or ammunition with intent to injure; possession of a firearm or ammunition without licence, certificate or permit; trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking; rape; kidnapping; and kidnapping for ransom.

Members on the Front Bench, somebody who has been convicted twice for these offences is now being charged for the third time for rape and manslaughter—

Mr. Speaker: If you are referring to the former Member for Couva North—are you?

Hon. C. Imbert: No.

Mr. Speaker: Okay, sorry go ahead.

Hon. C. Imbert: Mr. Speaker, I must say you really went to a very funny place there. Let me make the point. I read out the series of offences from Part III of the Bill, which included manslaughter, shooting, assault, trafficking in a dangerous drug, rape, sexual assault, buggery, incest, kidnapping, negotiating a ransom, et cetera. That is the list of offences. The point I made is that the Members on the Front Bench do not care if somebody, who has been convicted twice for these offences, and is now charged a third time for these offences, is allowed to roam free on the streets and commit one of these horrible violent crimes again. They do not care.

Listen to the list of offences. That is why they do not want me read it out. I will read it again: manslaughter, shooting, robbery, assault, trafficking in drugs, rape, sexual intercourse with a minor, kidnapping, incest and kidnapping for ransom. They do not care if somebody has been convicted twice and is then charged for the third time. It is not a first-time offender we are talking about.

This Bill states very clearly that in Part V—they could say what they want, they do not want the country to know the level of their treachery. This Bill is very clear. The person is charged for an offence in Part III and has been convicted on two occasions for any offence arising out of separate transactions. On the third offence, we are saying that they should not be entitled to bail. That is very reasonable. They would not support that. How many times do they want the person to be convicted, 1,000 times? You want somebody to be convicted for rape 1,000 times and then you might consider whether that person should be denied bail. I think the country needs to understand, if somebody is convicted for kidnapping for ransom twice— they kidnapped one of their associates, friends or their family members, God forbid—for this heinous crime, and is now being charged for the offence for the third time, they do not want that person to be locked up. They want that person to go free and roam around the streets and kidnap again, so that they can use that in their campaign.

I understand why the Members in the alternative Opposition have gone in the back. I understand why they have parted company with them. The Members in the Back Bench must have been sick to their stomach having to deal with the likes of the Members on the Front Bench. The Members on the Front Bench could say what they want, do what they want, carry on how much they want, make as much noise as they want and make every possible effort that they wish, to undermine the public interest. They can abandon the country to the criminals, all in the quest

for cheap, partisan political points, but we are passing this Bill today, on behalf of the people of Trinidad and Tobago, to ensure the safety and security of the good people of this country. Whether we are on this side or that side, the serious, decent, committed Members of Parliament will be passing this Bill today, so that persons who have been convicted twice of a heinous crime and are charged for the third time, will be denied bail, incarcerated and prevented from wreaking havoc on the innocent people of this country.

I thank you, Mr. Speaker.

Dr. Roodal Moonilal (*Oropouche*): Thank you very much, Mr. Speaker, for the opportunity to participate in this debate on this Bill, which occupied our attention in December last.

Mr. Speaker, this afternoon I would like to take the opportunity to reinforce the position of the UNC on this matter, but before I do that, as is customary in a debate, I would like to take the opportunity to respond to the speakers before me, particularly to the contribution of the Member for Laventille East/Morvant—50 per cent of the most incompetent national security team we have had in the history of the country.

The Member for Pointe-a-Pierre spoke at times on behalf of the COP and ventured the Member's own view on these matters and, of course, the very recent circus act that went before I stood from the Member for Diego Martin East; no stranger to making outrageous comments and no stranger to being at the centre of controversy, by making statements that cannot be validated, as the Elections and Boundaries Commission knows very well.

This matter engaged the attention of this House in December last and on this occasion the UNC took a position and indicated that enough is enough. The PNM failed to deal with crime and they will fail again; giving support or not would not help. They had failed to live up to their expectations arising out of the meetings between the Opposition and the Government one year before. The UNC held that position in December. On that occasion, the Government secured the support of Members of the Back Bench and indeed, succeeded on that day. Today, we are back here for an extension to look at the same Bill, with some changes, and the Government is, of course, in glee, a state of joy and delighted because their COP runneth over. They have been able to secure the support again of Members of the Back Bench.

The Member for Diego Martin East said in a flash of honesty that lasted for approximately two seconds: “Clearly, the PNM Government will not need the UNC’s support again.” Because of matters involving the passage of Bills that

require a constitutional majority, the Member for Diego Martin East speaking on behalf of the Government, indicated that they will not require the support of the Front Bench of the Opposition UNC. They have all reason to take that position and be very happy today with the developments in the House.

I want to begin by saying that if you listen to Members on the other side, you will believe that the UNC has never supported this Government to protect the rights of citizens to deal with the criminal elements in Trinidad and Tobago. You will believe that the UNC, as an Opposition, has never supported them.

Mr. Speaker, after raising several Motions in this House and grabbing them by the collar kicking and screaming, we got them to introduce and pass the Occupational Safety and Health Act to protect workers. The UNC came and one person spoke on that day, the Member for Couva North, and we gave them support to protect the interest of the workers and people of Trinidad and Tobago. Today, years later, several sections of that Act cannot be implemented, put to use and operationalized in the interest of workers who are being burnt to death, falling off scaffolds all over the place and who are the victims of industrial accidents, but the UNC had the courage and decency to say that this is a matter that affects workers. We supported the Government on that day.

The Member for Point Fortin, then Minister of Labour, stood in this House and congratulated the former government and the Member for Nariva, who drove that process to get OSHA to the House.

In 2005, I believe it was their leader, the Prime Minister and Member for San Fernando East came to this House on Friday, November 18, 2005 and read a statement. I would quote a couple of lines. If you listened to the Member for Diego Martin East and the level of dishonesty, you would believe that the UNC is against the people's interest, we have never supported progressive legislation and we never did anything to help to deal with criminals and the underworld—we never did.

In 2005, the Prime Minister said, I quote:

“I therefore believe it to be incumbent upon me to indicate to this honourable House and to the public at large, that our discussions over the past week...”

Discussions with the Opposition.

“were conducted in a similar spirit of co-operation, the victory being increased effectiveness and efficiency in our national battle...addressing the scourge of crime.”

That was Prime Minister Patrick Manning, speaking about the co-operation and role of the Opposition in coming to the table with the Government to deal with the criminal elements and crime in 2005.

The Prime Minister went on:

“I would therefore like to thank the Leader of the Opposition—”

The Member for Couva North.

“for making the progressive step of agreeing to this new round of meetings aimed at addressing the scourge of crime that has been occupying national attention for several years, but more so within recent times. It is therefore fortuitous that we have had an opportunity to meet on this matter of urgent national importance.”

That is the Prime Minister congratulating the Member for Couva North, Mr. Basdeo Panday, for the position that he and the party took in dealing with crime in Trinidad and Tobago, not too long ago. We are dealing with the end of 2005, not too long ago. What happened now that the Member for Diego Martin East and others will portray this UNC as supporting crime, criminals and having no heart, passion and compassion? What went wrong that you will turn like a scorpion on the back of the alligator and now bite us this way?

I have a few comments to make about the COP in a while. What happened? We gave support. In this measure of supporting the Prime Minister, he made certain commitments. On page 4 he said:

“Consequently, within this framework nine pieces of legislation were identified as follows:

Crime legislation

- (1) Police Service reform legislation;
- (2) Amendment to the Bail Act;
- (3) Introduction of a Bill to establish a Gun and Kidnapping Court;
- (4) Revision of the DNA legislation;”

I know I will not be the recipient of the beautiful compliments on the other side.

- “(5) Amendment of the Criminal Injuries Compensation Act;
- (6) Strengthening of the money laundering legislation;”

I do not know where that is.

“(7) Protective services compensation legislation;

In respect of road safety,

(8) Amendment to the Motor Vehicles and Road Traffic Act;

(9) Introduction of new equal opportunity legislation.”

By December last, the Government had failed to live up to their promise of delivering on these matters. Jump high, jump low, when the UNC came to the House we debated the Bail (Amdt.) Bill. The Government, again, secured the support of Members on the Opposition Back Bench. On that day, I also contributed to the debate, as I am today. I indicated to the House that it was quite an interesting day. This was December 18, 2005, when we had seen and picked up the dichotomy.

Today, and the UNC owes a duty to the national community to spell out its conditions and to indicate why, under no circumstances, it can support the PNM. I pointed out that, unlike Members on the Back Bench, the Members on the Front Bench had no faith and confidence in the Government to implement their promises. I said that Members on the Back Bench, while giving their support, expressed confidence that the Government will live up to their promise on certain matters.

On that day, the Leader of Government Business, the Member for Diego Martin Central, was high in praise for the Member for St. Augustine, who, on previous occasions, he had well and properly condemned. I indicated that praise would be short-lived. They gave thanks to the Congress of the People and said that they were responsible and partners. A love affair has now emerged. Sometimes I feel that I am in the middle of two lovers. The PNM and the COP is now teaming up. Today I had to sit, not clear of where the attack on the UNC was coming from, because it appears that the PNM has contracted out the attack on the UNC to the COP. We have freelancers who are now attacking the UNC. We do not have to look at the Members for Diego Martin Central or Diego Martin East, we need to be very cautious because Members on the Back Bench will indeed attack the UNC.

The Member for Siparia, in speaking, placed on the record the facts of the matter that in December last, the UNC did not support this Bill. The COP did. It was just a few weeks ago that the Leader of the COP, the Member for St. Augustine, indicated via press conference and a statement to the media, that they were disappointed and felt betrayed that the PNM did not live up to their promise and the conditions that they set out in December. It was not the UNC. The UNC said nothing. The COP exposed the fact that they felt betrayed; not the UNC. I

read that in the newspaper. I was clear on December last, that the PNM would betray them. Some people do not know about the beast of the PNM. You play games with the PNM thinking they are your friends; they are not your friends. The PNM has no friends. I say this with respect to the Members on the Front Bench. I am speaking about the PNM as an entity and not one Member. They have no friends.

On a previous debate, they were happy to point out that Members on the Back Bench told them when the mails were delivered to Members of the COP and Members of the UNC. They took the Member for Siparia to task about when she received the mail and when she did not. When a Member on the Back Bench got up to talk they all heckled him, booed him and made sure that he cut short his presentation. They were giving support, but you were playing footsie with a beast. They have no friends and Members have to discover that the hard way. They are looking to take your seat. They are not interested in playing games.

As we said in December, I want to place on record, my position and that of the UNC was vindicated. The PNM did not live up to their promise to the COP. They made no promise to the UNC because we gave them no support. We were very clear on that. Today, this country can separate the UNC and the PNM clearly. They have been in power six years. How much more time do you need to deal with crime? Do you need another five years or 10 years? The UNC has said enough is enough. This is not the time. We have had, in this country, since they came into power—the Member for Diego East said that they are there and we are here because of national commitment. They are there because of Abu Bakr and the Jamaat al Muslimeen. They are there because of the will of the people. They are there because they secured the services of criminal elements at the polls. That is why they are there. Today, they want to tell you that they are there because they support the people's interest. Barrels of blood have poured on to the land of Trinidad and Tobago. Mr. Speaker, indeed, this country cannot tolerate five more years of blood. The PNM has proven to be a failure.

The Member for Laventille East/Morvant, who is normally so bitter, hostile and dirty in some cases, is today high in praise—[*Interruption*]

Mr. Hinds: Mr. Speaker!

Mr. Speaker: No. You can sit. I am sure that you have misspoken and you would want to withdraw that statement and apologize.

Dr. R. Moonilal: Mr. Speaker, I withdraw the statement. The Member for Laventille East/Morvant, who is normally so aggressive in his condemnation of Members on this side, today was so high in praise for Members on the Back

Bench and engaged in almost a flirtation, discussing issues. For the Member for Laventille East/Morvant to stand and ask a question, I nearly fell off my chair. He asked the Member for Pointe-a-Pierre: "Could you give me your thoughts on the effects of the inefficiency on the administration of justice?" What thoughts do you want on the inefficiency of the administration of justice? If there is inefficiency, there will be a breakdown in the administration of justice. You are playing to each other in this theatre of almost making some type of manoeuvre and flirtation, that you are concerned and taken up by the contribution of Members on the Back Bench. The Member for Laventille East/Morvant, will know by now that he cannot fool people on the Front Bench. We have made you out. We make out incompetence and comical behaviour, and the people of Trinidad and Tobago make it out. Any poll, whether it belongs to A or B, will tell you that the people have no confidence in the PNM to deal with the crime menace of Trinidad and Tobago.

The Member for Pointe-a-Pierre, I believe sincerely, attacked the UNC and Members on the Front Bench. I listened carefully to the Member for Siparia. I thought it was most unprovoked. The Member for Siparia pointed out the fact that the Back Bench supported the Government in December and they did not live up to their promise; a point made by the Member for St. Augustine.

I must admit that there are times when I became confused as to what exactly they were saying. Is it that the Government is doing a bad job; a good job; a good and bad job; or a bad job, but with help from the Opposition, they could do a good job? I am not sure of what exactly is the position. I have heard the Member for Pointe-a-Pierre indicate that there were things that the Government were doing and they are very good. Particularly, the Member for Pointe-a-Pierre indicated that the Government included some points that she had made and that it showed that the Government is open to ideas and criticisms.

Then the Member for Pointe-a-Pierre went on and gave some condemnations into other matters. Quite interestingly, the matters which the Member for Pointe-a-Pierre was pointing out are matters that have been there years now. They are issues such as the backlog in the Magistrates' Courts and the failure to construct and maintain police stations. When is patience going to run out with the PNM? If they could not do it in six years, will they do it in six months, six weeks or 90 days? We have been hearing and getting all the data on the chaos at the Magistrates' Courts for years. In fact, the reports that are normally so late are still pointing out the backlog problems with thousands of cases. The classic problem is the lack of resources, magistrates, clerks and no Chief Magistrate. Technical and technological equipment cannot be had.

This is a country where the United States Embassy donated equipment to the Magistrates' Courts in Trinidad and Tobago. Last week they gave dogs and CAT scans—everyday dog and cat. They are now supplying the Government of Trinidad and Tobago. The Government has money and resources. When are you going to deal with the problem; is it in 90 days? The Government is on a public relations campaign. They want to influence and drive persons to believe that they are serious about dealing with crime, but they cannot be, after six years. This is why I was a bit confused as to what is the verdict of the Member of Parliament for Pointe-a-Pierre.

The Member used an interesting analogy and indicated, of course, that she is a lecturer with several years experience. She used the methodology of dealing with the Government and giving them homework, but in doses. I have been lecturing for some years and I would put them out of my class. That is my approach. I threw them out of my class for incompetence and failure. I have no homework for them. I need to give them no homework. I will throw them out of the class. At the election this year, the people of Trinidad and Tobago will throw them out of the Government.

This is the last year for sugar and the PNM. The people of Trinidad and Tobago understand this. I cannot stand and betray my constituents by saying that I support the PNM and that they are doing a good job. They are not doing a good job. You cannot do a good job when last year the murder rate was more than one person per day. Everyday one or more persons—they have come with statistics. It is really risible, laughable and comical, the way they have used statistics today.

I want to go to these statistics. They will want to convince you that, of course, they are dealing with crime and that the statistics are showing that. I want to tell you several points about those statistics. First of all, the Government will not accept that there are citizens in Trinidad and Tobago, businessmen who, on a regular basis, pay coward tax and they are the victims of extortion, not once. Why do you believe when a criminal takes coward tax once he does not want it again? There are business persons who are paying coward tax more than once. They have lost faith in the PNM and the Government and are not waiting for ransom and the anti-kidnapping squad. There are business persons today, who live in Miami and run their factories by Internet and computer. Do you know that there are business persons in Miami who, through the Internet on-line, would have cameras hooked up at their place of work in Trinidad and monitor their work? This is because they will not come here; they are scared of kidnapping.

Mr. Khan: Nothing is wrong with that.

Dr. R. Moonilal: Our friend from Ortoire/Mayaro has a lot of time on his hands to be reading all these Internet-driven books. I will come—With all the adjournments, I am sure you would have some extra time.

Kidnapping data cannot represent the reality of kidnapping in Trinidad and Tobago. That will factor in extortion and coward tax and migration, where business persons now operate outside of Trinidad and Tobago.

They came again with homicides to show data. The truth is, without dealing with that, there is no citizen in Trinidad and Tobago who would feel safe walking the streets at any time. Today, when you work in an office in Port of Spain or San Fernando, workers car pool. They leave the office at one time or in a group because they are scared of crime.

During the Carnival period, the Government admitted that they increased rapidly and dramatically, the police presence in Trinidad and Tobago because it was, of course, our international show with tourists coming to Trinidad and Tobago. They increased security and the police presence and then declared that crime was down. We had figures dealing with robbery, burglary and pickpocket, which demonstrated otherwise. You cannot accept these statistics. If last year, on a particular day, today is March 16, there were no murders or one murder and today there is none, that is a 100 per cent drop in the murder rate between last year and this year on one day. They are “grapping” the figures because they are groping for some type of statistics to come to their rescue. Last year there was more than one murder per day. They understand that the election will come before the end of the year, so they cannot deal with annual figures anymore. They have to deal with month-to-month data. That is why there is this new concentration on month-to-month data. They cannot wait annually. It will be too late to wait for an annual figure. They have to show that things are happening month-to-month. They can bring the data and talk how much they want, they are not fooling anyone. It is like the Government celebrating the drop the decrease or increase of inflation.

The last year the Minister of National Security stunned the world.

Mr. Valley: Boring!

Dr. R. Moonilal: He said that the murder rate dropped by 4 per cent and that it did not reach 400. If you reach 299, you are okay but once we do not reach 400, we are okay. That is the Minister of National Security saying that. Last year there was a 4 per cent drop and they were celebrating. No problem.

We have the Cricket World Cup at this moment. Bandits broke in and robbed the Cricket World Cup Centre at UWI. It was in the newspaper. That made international news and that is the state of the situation with crime. They have

boasted that the figures are down and that they are so happy about that. They do not need the UNC, of course, we have established that.

The Member for Diego Martin East, in his normal coy and mischievous way, wants to tell us that we do not support the Bill. The Bill said if you are charged for the third time and you have two convictions for kidnapping, then you will be denied bail. The Member for Diego Martin East seldom thinks about what he is saying. If someone is convicted once for kidnapping, how many years would he be jailed? Is that 15 years? If you come out and kidnap someone again and is convicted, you have to go back for 15 years. That would now be 30 years. When you come out and you are charged again, you are denied bail. Are you planning for criminals when they have reached age 80? That is where they will reach and how they will stretch the argument to support their belief that they are doing a good job.

The Minister of National Security said 66 gangs have been identified. How many of these gangs have been neutralized and are not in operation anymore? Does anybody care or know? I want to assure the Member for Laventille East/Morvant that the criminal elements have been photographed with his leader as well, so he should be very careful of that type of statement. There are criminal elements around Balisier House. In fact, you may find some of the ransom money around there.

A warning to the other side, they must be careful about calling people felon and convicted felon, because it will hurt them more when they are removed from power because of the political work of that person. They must really watch themselves with that.

I want to, again, make this point that the UNC's position on this matter is clear. What about the Kidnapping Court and the Equal Opportunity Bill? It was the Leader of the Opposition, whether you like it or not, that forced the Government to bring the matter on Monday. Yes, they would have brought it after cricket, in the summer or before election. It would have been debated at some time, but the Member of Parliament for Siparia, today engaged the Member for Diego Martin Central and he was huffing and puffing and he said: Monday. It was unplanned, but he made the commitment and the Opposition got the Government to bring the Equal Opportunity Bill on Monday. You may not like it, but that is the reality.

6.30 p.m.

Mr. Speaker, I want to address this matter here with a link. It is important for us to link legislation with the people. We do not come here to pass legislation in a vacuum. We come here to represent the people; to participate in law making; and

to give the views of our constituents on important matters. We are here for that purpose. Legislation means nothing, if it cannot improve the lives of citizens.

On February 12, 2007, the Member for Diego Martin West said in another debate and I quote:

“We have to be able to respond and, unfortunately, I am saying that the State is not responding; the State has some guilt in this matter.”

We were dealing with the Evidence (Amdt.) Bill. The Member for Diego Martin West said:

“We can make the best laws, we can make a basket full of new laws; one of the main problems we are suffering from in Trinidad and Tobago is an absence of enforcement of the existing laws and a general lawlessness in the country. That lawlessness is not confined to any stratum or any location, it is all pervasive.”

That is the Member for Diego Martin West, not a Member from the Front Bench of the Opposition. He confirmed that we are in a state of lawlessness, and that passing laws would mean nothing if we cannot implement these laws. The record of this Government is to come to this House and secure the interest of the Opposition, and not implement the laws.

Mr. Speaker, we know that the Member for Siparia exposed the Government today. They spent \$500 million on a public relation gimmick, to convince the population that the Opposition was irresponsible in not supporting the Police Bills and related matters. They spent about \$5 million. I remember even the Chamber of Commerce calling on the Opposition to support the Government. We helped the Government on that matter. The Member of Parliament for Siparia confirms today that the Government has been lackadaisical, idle, delinquent and irresponsible in not supporting and implementing these pieces of legislation, and not giving the cooperation to give effect to that law. [*Desk thumping*]

The Member for Siparia said: “What is the excuse now?” Quite frankly, I am fed up of excuses. I want to tell you that I am not naive to feel that you will pass legislation and implement anything. I am not naive at all. You all are trying to hoodwink the population. Where is the kidnapping court? The DNA legislation should have been debated and passed, but now on the doorsteps of the election, they come with all the legislation under their arms—running on the doorstep of the election—to say what they are doing—the DNA and the Breathalyzer legislation. They could not do it for six years.

Mr. Speaker, we are not naïve and simplistic in this matter. We are very clear on their level of incompetence which we have highlighted. It is the duty of the Opposition to highlight the incompetence of the Government. That is our duty. It is our duty to support progressive measures, as we have done. Do not let anybody in the national community believe that the UNC has never supported the Government. We have done so on several occasions to give the Government the teeth to implement the law, and to deal with the crime situation in Trinidad and Tobago.

Like the Member for Pointe-a-Pierre, I also deserve a moment for a personal statement. I am thankful for the opportunity to be in this House and to have served over the last six years or so, to the best of my ability. I am thankful for the opportunity that has been given to me to serve the people of Oropouche. If for one reason or another I am not returned to this House, I will go on to something else and something that will give me equal achievement, opportunity and reward. [*Desk thumping*] I will not leave this Hall kicking and screaming. I will not leave here bitter or fed up or feeling scorned or anything like that. If it is the will of God, as expressed by the will of the people that I am not returned, then so be it. I have made my contribution and I am going to move on to something else. There is no need to kick and scream; there is no need for moaning and groaning. We are very clear.

Mr. Speaker, let me deal with another related matter. I sometimes hear Members—I now have to make a little marriage here—of the PNM and the COP talking about issues of morality, integrity and decency and so forth. I get the feeling, and I may be wrong, that the PNM and the COP are in some way casting aspersions on the integrity of Members of the Opposition on the Front Bench as to our integrity and principles.

Mr. Speaker, I want to tell you something. The highest integrity that I can display consistent with my oath of office is to represent the people of Oropouche. [*Desk thumping*] That is the highest integrity I can display.

Mr. Valley: To collect two salaries.

Dr. R. Moonilal: I cannot display any other integrity consistent with my oath except what the people of Oropouche tell me. I will come here and give expressions. That is what I do. When I am in office every Thursday I meet my constituents. When they come to me and complain I listen to their complaints and I give them an assurance that when I go to Parliament and I have an opportunity to speak, I will give expressions to their views and their pent-up anger. That is the highest integrity that we have, and that is what Members on the Front Bench are doing.

We do not create and invent issues of criminal activities. We do not speak as if we are happy with the state of criminal activities. When we speak about discrimination, we did not invent it. This is what our constituents complain about regularly. When our constituents are crying out about the lack of police vehicles; the lack of the authority to deal with their plights, we give expressions. That is the highest level of integrity for a Member of Parliament, as I see it. This is just my view.

I am very concerned that Members opposite to me and behind me—Members of the PNM and the COP—always assert this self-determined platitude of exerting some level of integrity and decency of beyond mortals and beyond Members of the Front Bench. I want to tell them that we do the people's business. We keep faith with our oath, and we demonstrate our integrity to represent our constituents. That is what we do.

Mr. Speaker, we believe in God. Sometimes people quote the Bible, and I will now have to start quoting the Ramayan and the Bhagavad Gita and talk about some of the stories that I know. We believe in God, and we believe that service to man is service to God. That is a sacred principle in our religious tenets. To convey this opinion that Members on the Front Bench lack decency, integrity and principle, I want to indicate something here. There is something that says that self-righteousness is normally the first step towards dishonesty.

We are human beings with our failings and so forth like anybody else. We do not pretend to be self-righteous and to be holier-than-thou. We represent our constituents to the best of our ability. I am picking up from both the PNM and COP that there is this undercurrent of some superior—well, to go back to that phrase of moral and spiritual values—that exists outside of the Front Bench. I took note of that. Mr. Speaker, we may go back to that matter of moral and spiritual values in a few months' time.

On the matter of the Bail (Amdt.) Bill, I want to indicate that last December the Government made certain commitments which they did not keep. They come now, as I understand it—I just want to refer to the Member for Diego Martin East's statement. He indicated that the COP had made agreements with the PNM, so the COP/PNM agreement had certain conditions. I just want to revise the COP/PNM agreement and conditions. I think they met on Monday and, of course, we were not privy to those discussions. Mr. Speaker, forgive me, but I did not see any commentary in the newspaper suggesting what the COP/PNM agreed to. So, the COP/PNM agreement, as the Member for Diego Martin East suggested, included the fact that the Government will seek to bring to the Parliament the

Bail (Amdt.) Bill
[DR. MOONILAL]

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Equal Opportunity legislation and they will seek to implement the Police Reform Bills and so forth.

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

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

Question put and agreed to.

Dr. R. Moonilal: Mr. Speaker, thank you very much and also Members of the House. [Desk thumping] I was referring to COP/PNM agreement, which I am now hearing some detail on from the Member for Diego Martin East which involves the PNM bringing to the Parliament certain pieces of legislation, not only to this Chamber, but in the other place as well—pieces of legislation that will be debated and passed within a particular time frame. I would like to get much more information on the COP/PNM agreement as it relates to the other matters, and whether or not COP/PNM dealt with the matter of the kidnapping and gun court, the money laundering legislation—

Mr. Valley: It is not your business.

Dr. R. Moonilal:—and whether or not the COP/PNM agreement dealt with the protective services and the compensation injuries legislation. We would like to know the full ambit. If the COP/PNM would like to disclose the conditions that were agreed to, we would like to know whether or not the COP/PNM agreement had, in fact, dealt with the money laundering issue and the matters that were raised by the Prime Minister.

Mr. Speaker, the Member of Parliament for San Fernando East is away from the Chamber today, and we are not sure whether the Member for San Fernando East and Prime Minister participated in the COP/PNM agreement, on those conditions, because the Member for San Fernando East would have taken note of the Motor Vehicles and Road Traffic Act; the Protective Services Compensation legislation; and he would have given an account. Today, we are hearing that the Prime Minister did not live up to his side of the bargain, vis-à-vis the appointment of a new committee to appoint the police commissioner and so forth. We want to know whether or not that was also part of the COP/PNM agreement, or is it that in the Parliament today the PNM will give a supplemental agreement on conditions. Should we have a supplemental agreement on conditions outside of that agreement made between the COP and the PNM on Monday last? How would the PNM be addressing these issues? That is the point.

Mr. Speaker, you heard the Member for Diego Martin East speak about Members on the opposite side, meaning the Front Bench. He said that we have no heart and compassion. In my very constituency, a gentleman was murdered three or four years ago. He was a teacher and he was murdered in St. Augustine, and to this day his wife, represented by the Member for Siparia, has not received benefits because of the failure of the PNM Government to give effect to the Criminal Injuries Compensation legislation. They did not give effect to it, and you have widows and children at schools who cannot benefit from this piece of legislation. They have never given effect to the legislation.

When we talk with passion, we talk because we have heard the plight of the widows and their children. They do not know because they are not on the ground. They are on the air with their public relations.

Leon Jackman was killed in an industrial accident two years ago and the young children in the family do not have the money and the resources to go to school. They have spent billions of dollars in dealing with crime and there are nine pieces of legislation on related matters to be implemented. And you are asking me to trust you, and to have faith in you! No.

As I said in December, your support would come from the Back Bench, not the Front Bench. If it is that parties decide to support the PNM, the electorate will be the final arbitrators on that matter. The electorate will determine those issues. Unless and until we have the verdict from the electorate, we have to take the views of our constituents, when they tell us to come here and expose the PNM and its incompetence.

These pieces of legislation and related matters were critical to the fight against crime. They were agreed to between the Opposition and the Government and, today, 165 days or so before an election is due, nine pieces of legislation have not been implemented. When they got into power through the backdoor, they had the Occupation Safety and Health Bill, the Equal Opportunity Bill, the DNA Bill, the Breathalyzer Bill, the children legislation and the Justice Administration Bill which deals with witness protection.

The Member for Pointe-a-Pierre also took note and responded to the Member for Siparia when the Member for Siparia sought to indicate to this House and to the national community the thinking of the UNC—the strategies of the UNC and the policy direction that the next UNC government will take after the next general election. The Member of Parliament for Siparia took the opportunity to indicate to the country that the UNC is serious, and that these are the measures that we are contemplating. The Member for Pointe-a-Pierre indicated that it was a “coulda,

woulda, shoulda” and maybe we should not indicate what we would do. There is where you get the “coulda, woulda, shoulda” and so forth.

Mr. Speaker, subject to any negative comments from Members on the Back Bench, I want to say that the UNC has a proud record in office for dealing with crime in Trinidad and Tobago. [*Desk thumping*] I really do not think that Members on the Back Bench would express any contrary opinion. I do not think so. We have a history and we are proud of it. We are proud that in 1999 there were 99 murders, 99 too much—

Mr. Valley: Too many.

Dr. R. Moonilal: You are talking too much rubbish. We are proud of that. [*Interruption*] Do you know English? Under this Government the English language has collapsed. Every single thing for this Government is criminalizing and cannibalizing the English language. [*Desk thumping*]

I received a VIP picture pass for Carnival events. I was so thankful to get it, but when I looked at the back of it and read the terms and conditions, the people who did it did not know how to spell the word “privilege”. They are promoting the breakdown of the English language in the primary and secondary schools. No child today could spell properly after this PNM Government has passed through. If you look at their slogans for anything it is always some broken English phrase. No child would be able to spell after the PNM is finished with him or her. That is why they will relegate everybody to CEPEP and URP; that is why they would destroy the work ethics of Trinidad and Tobago.

I am getting back to the point of the track record. We are proud. They have nothing to be proud of. I am sure that if they have a track record on crime they would be proud and they would rattle it off at every opportunity, but the UNC has a track record.

It was the UNC that built 41 police stations. [*Desk thumping*] The UNC took harsh actions against drug lords. We passed legislation to deal with the proceeds of crime so that the money from drug lords would be returned. [*Desk thumping*] It was the UNC that introduced the E999 Rapid Response Unit. [*Desk thumping*]

There was a picture on the *Express* newspaper during the term of the UNC when we were in office. I have it on a wall. There was a criminal act and the report stated that five police vehicles assembled within five minutes, and the headline on the *Express* read: “Panday’s police”. That is how we were fighting crime in an aggressive manner. That is how we were fighting crime. We are proud of our track record.

We spent millions of dollars introducing legislation, policies and programmes to seize the assets of drug lords. We strengthened the coast guard with anti-drug aircraft and ships. Mr. Speaker, I told you about the E999 Rapid Response. We introduced the LEAP programme which made the police accessible 24 hours a day. Serious crimes and murders fell to an all time low during the period 1995 to 2000. If you graph the murder rate, you will see it increasing in 1994 to 1995, and then it took a dip when the UNC was in office. That is our record on crime. It is a proud record that they will not want us to bring to the attention of the national population.

Mr. Speaker, under the UNC, we passed the domestic violence legislation to protect women. We were concerned with crimes that were being committed against women, and we passed legislation to deal with that. I do not have to tell you about the number of police stations we rehabilitated and furnished. We introduced a computerized system in the law enforcement agencies. The UNC did that. We established the National Domestic Violence Hotline 800 Save. We signed the Shiprider Agreement with the United States of America to strengthen the capability to fight the drug lords. We introduced the community policing and we strengthened the community policing so that there would be more and more officers on the “block”.

Under the next UNC government—and we have the right as of today to tell the country what we intend to do about the most serious problem facing Trinidad and Tobago, crime. We have that right. [*Desk thumping*] We want to assure this country that under a UNC government serious crimes and homicides will decrease. [*Desk thumping*] We did it before, and we will do it again. They had six years and they could not do it—one year or 90 days—and they still will not do it. [*Desk thumping*] We are clear on that. The UNC is willing, ready and able.

Under a UNC government, if you are walking in Port of Spain, 10 minutes will not go by before you see a police officer. We can assure the country that if you are walking in Port of Spain, San Fernando, Arima or Point Fortin, you will see a police officer. Ten minutes will not go by. [*Interruption*] When they come looking for the PNM, we will guide them to a building on Victoria Avenue.

Mr. Speaker, we can assure the people of Trinidad and Tobago that the UNC will set up a circle of steel around the capital, the cities and the towns to ensure that the latest technology like CCTV and other related technologies track criminals on the roads. The UNC believes that the criminals, who commit these harsh offences like kidnapping and murder, also commit smaller offences like drug trafficking, possession of drugs, and even breaking the speed limits at the traffic light.

The experience in the United States of America and in the United Kingdom has shown that if you deal with those offences like possession of drugs, trafficking, the breaking of traffic lights and so forth, you are likely to catch kidnapers and murderers as well. That is the experience, and the UNC will bring this initiative to crime fighting. We will do that.

We all know that the police service requires more manpower and more human resource, and the UNC will take steps within six months to increase the manpower level in the police service. We all know that, but they are not doing it, because they do not have the political will and the leadership to do it. It is really too little too late to save the PNM—the matter of crime and other issues as well.

The UNC will bring its well-known history of fighting crime. I want to ensure the Member for Diego Martin Central that the only persons who have to fear a UNC government are the criminals. If for one reason or the other you are connected with criminal elements then you must fear the UNC government, because it is going to be hell for criminals under a UNC government. The only people who must fear the UNC are the criminals, and anyone else would be happy.

Mr. Speaker, I want to tell the parents of Trinidad and Tobago who cannot sleep at nights when their teenage children go out for recreation and education, that the time is coming when you can facilitate your children going out on evenings. The time is coming when you could go back to the church, the mandir and the mosque. Do you know that in this country people cannot go to church in the night? They cannot go to a place of worship because they are scared that they would be robbed, held up and beaten.

Mr. Speaker, a vehicle belonging to the Anti Crime Unit was held up at gunpoint and the vehicle was stolen. [*Laughter*] I think that is horrible but I think it really demonstrates, summarizes and epitomizes the incompetence of the PNM Government in dealing with crime.

The UNC position is very clear and very consistent. Whether you like it or not, we are consistent and we are clear. We are not changing our minds; we are not flip-flopping; we are not saying one thing today and something else tomorrow. We have indicated that the Government had an opportunity in 2005 and it failed by 2006.

In December 2006 they got another opportunity—we did not give them that opportunity, but they got it—and they failed by March 2007, and now they are crying for another opportunity. If all indicators are correct, they will get it, but we are convinced that they will fail. The people of Trinidad and Tobago will determine

whether we are right or wrong. They will determine whether we stand for citizens, the victims or we do not. I do not know how you can make a statement that the UNC are not concerned with victims when we passed legislation to deal with injuries arising from criminal actions—compensation for persons. I do not know how you can say that. You have to be dishonest to make that statement. I do not know how the Member can accuse the UNC of being non-supportive of crime fighting measures when the Prime Minister himself is on record as praising the Opposition UNC for support for our vision in giving support on the Police Reform Bills. I cannot see how the Member can accuse the UNC of absconding its responsibility on the matter of dealing with crime. I cannot see that. To do that is really a shameless act by the Member for Diego Martin East who, again, demonstrated that he has absolutely no integrity in the proceedings today.

Mr. Speaker, it is well known that crime in Trinidad and Tobago and criminal activity is also linked to matters involving the police service. Had the Government moved with haste to implement the legislation dealing with reforming the police service, we would not have had the chaos on our hands today, where we have accusations about the integrity and misbehaviour of police officers.

As the Member for Siparia rightly said, there are police officers who are genuine and hardworking but, regrettably, we also have police officers who are not. If today we have a situation where police officers involve themselves in criminal activities, this is because of the failure of the Government to implement and operationalize legislation that has been passed. Do you know that members who head state enterprises and who were appointed by the PNM are now complaining and saying that they have the worst human resources and the worst incompetent staff? When they complain to me I say, well, who put the staff there. They were appointing people because PNM MPs were recommending people who are not qualified for jobs. That is why today you cannot get water; you cannot get electricity; you cannot get public services; and you cannot get any sense of service. When you take incompetent people without merit and give them jobs, they will not be able to deliver the professional service that the citizens require. This is their record.

We tried to help in the passage of the Police Reform Bills and related matters; we tried our best to help the Government and they have not taken action to implement them. So, I want to indicate to the House and to Members on the Back Bench that the UNC really is in no catch-22 position. We are very clear in our position. They bowled and we swiped them away. We are not giving the Government homework, because we know that they will not do it. We fire them

and we throw them out of the class. It is not a catch-22 position; it is a position that is very clear.

I want to indicate that if we took the same position today like we did in December, how can we be politicking? It is the same consistent position that we have taken all the time. This is not politicking. We have no faith and we have no trust in them. You may question our sense of faith and trust, but we have no faith and no trust in the Government to implement their promises and so does the country. Others may have, and that is their legitimate right to give support if they have faith, and if they have confidence in the PNM, as an administration to deal with crime, but we will not. The UNC has stated clearly that it will not have this faith and confidence.

I want to alert the House immediately that while we rap the table and so forth, because the Equal Opportunity legislation is coming on Monday, and we are going to debate it and pass it with the support and so forth, I am clear that this PNM Government will never implement the Equal Opportunity legislation. I am clear on that. We can pass it in both Houses and you can do what you want, I am very clear about that. If they could not implement OSHA and the Police Service Reform Bills, they will not implement the Equal Opportunity Bill, as happy as I am that we will get an opportunity to debate it and, hopefully, pass the Bill. They will not implement it, because equal opportunity is like a cross.

Hon. Member: Leave that for Monday.

Dr. R. Moonilal: Mr. Speaker, I will end on the equal opportunity note, by saying that it is like a cross that they cannot bear. They cannot bear it without themselves being destroyed.

On the matter of support for the police service, I want to take the opportunity to indicate that this Government has treated the police service in the most irresponsible, reckless and crude manner. They have had no respect for Members of the Police Service. If, today, we have a conflict in the country and we have a crisis with crime, this is because they have never given support to the police service.

Today, when you talk to police officers, they complain that foreign officers get better treatment than the local officers. Their first grouse was that members of the elite Special Anti Crime Unit were the VIPs and the aristocrats of the service. They were getting all the benefits, and the normal hardworking police constable, corporal and sergeant could not get equal terms and conditions. Today, they have heard of foreign officers getting good treatment and the Government has not

provided local hardworking police officers with decent conditions of work; decent terms for their contracts. It is not just wages.

Mr. Speaker, when police officers in Gasparillo, Toco, Point Fortin and Arima pack up and go—how do you think workers feel when there are rats on the ground, there are no air conditioning units and proper equipment? Those are the views of police officers. They treat the police service with scorn and expect the police service to respond with great morale and commitment, when they treat their own police officers with a lack of respect.

I often speak to officers and they would tell me that this Government has no respect for them. They do not treat them with decency and dignity. I make a call on the Government to treat your own police officers first, and treat them well before you go treating others. Treat them with the kind of courtesy that they deserve.

In conclusion, I want to indicate to the Government that they can bring statistics to demonstrate what they want, convenient statistics; they can participate in statistical conmanship, but the average ordinary citizen of Trinidad and Tobago—without the guards and police of the Ministers—is afraid to go out at night. The average citizen is scared for his or her life, and the average citizen is living in a state of paranoia as a result of the incompetence of this Government.

Mr. Speaker, they are in a state of “cold sweat”. When you talk this way they “cold sweat”. They know that the average citizen, including PNM members and supporters, are up in arms against them because of their incompetence. The family members of Ministers of Government have migrated, because they are scared of crime, kidnapping and burglary. While they declare support for the PNM, they have shipped their children off to Miami, New York and Canada. That is their faith in the People’s National Movement.

Mr. Speaker, as I said, maybe we are right and maybe we are wrong, but the electorate will determine in the final analysis, what really is the verdict on this incumbent Government that has failed to deliver in terms of security and crime fighting.

Thank you very much. [*Desk thumping*]

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I want to thank you for recognizing me. I enjoyed the contribution of the Member for Oropouche—

Hon. Member: That is not true.

Dr. F. Khan: Of course I did, as I enjoyed all the other Members contributions in this House today. I enjoyed, more so, the Member for Pointe-a-Pierre. [*Desk*

thumping] I enjoyed the Member for Siparia; I enjoyed the Member for Laventille East/Morvant; and I enjoyed the Member for Diego Martin East, although I heard him on TV whilst I was in the TV room.

Mr. Valley: You enjoyed everything.

Dr. F. Khan: Mr. Speaker, this is no fairy tale, and I stress on the word “fairy”. I would like to bring this debate back on track. You see, my take on this matter is that I have to stand in this honourable House and represent all the constituents of Barataria/San Juan—those that voted for me; those who did not vote for me—

Ms. Seukeran: They are going to do so again.

Dr. F. Khan:—those who did not vote and those who may vote. Unfortunately, maybe to my detriment in political life, I see myself as a representative of all the people. [*Desk thumping*] I do not see myself as a representative of the UNC. I am an independent UNC, and I make reference to that. [*Interruption*] I could stand here and say that my position is for the people of Trinidad and Tobago, and I am not supporting the PNM. I did not have any meeting with them. I did not have any meeting with the Front Bench. I did not have any meeting with the Back Bench. I had many meetings with my friend, the Member for Pointe-a-Pierre who, together with myself on April 11, 2005—our second-year anniversary is coming up soon—we freed ourselves, and I mean no disrespect, from emotional abuse. Mr. Speaker, this goes for everybody sitting in this House because we are all big people in this House. We have reached a certain position in our lives and in our professions, and we should never, in a matter such as this, take a political partisan approach when the lives of our citizens are at stake.

Mr. Speaker, I looked at this legislation—I would normally read the social legislation—which is the Bail (Amdt.) Bill and one thing came to my mind and this is whether to support it or not to support it. Those are my two options. You could abstain if you want. The first option is that if I support the legislation, what happens. I would be called a “neemakharam”. I would get a call that I am sleeping with the PNM; and I would be called the worst things on the political platforms if I support the Bill, because I am sitting on this side. If I do not support the Bill, I would not be called those names, and the legislation would not go through, because I have counted the numbers here already. If I do not support the Bill, I am going to be a good guy for a short time until election time and my neck would be cut. So, I decided to look at it totally.

When I understood that persons are going to be freed who are delaying court cases to run out the time so that they could go out and do whatever is necessary

and what they have done before, I decided to look at something on the Internet as I came in today. There is something called “Measure 71 in Oregon”. These are arguments that people are putting on. I am quoting from “Measure 71 Arguments” and it says:

“How would you feel if your child, spouse, sibling or parent were assaulted, raped or murdered?

Now, how would you feel if you learned that the person who committed this crime was previously arrested for a serious crime, held in jail, and released by our criminal justice system?

Some of your fellow citizens know this feeling.

The family of Donna Louise Smith knows this feeling. She was murdered by a person with a lengthy criminal record who was released on bail awaiting trial for kidnapping, sodomy and rape!

The family of Robert Holliday knows this feeling. He was kidnapped, tortured, and buried alive by a man who was released on bail awaiting trial for previously kidnapping and torturing him!

The family of a 13 year-old Oregon girl knows this feeling. She was kidnapped, raped and sodomized by a person with 49 arrests and at least 15 convictions who was released on bail awaiting trial on burglary!

Sarah Zimmerman knows this feeling. Her finger was shot off and her eye was shot out by a man who was released on bail awaiting trial for attempted murder in a previous attack on her!”

Mr. Speaker, I choose these examples for the simple reason that I do not want to call names in this Parliament, because of jeopardizing court cases, but we could parallel exactly what I have read with what has occurred in Trinidad and Tobago in the form of violent rapes, violent kidnappings and violent sodomizations. We have read about each one of them in every single newspaper within the last three months. [*Desk thumping*] Articles have been on front pages about kidnappings, rapes and it goes on ad nauseam.

Mr. Speaker, if I were to say to myself that I will not support the legislation, because the Government has been a delinquent government and it has not brought the legislation that they were supposed to bring—they have not brought the Equal Opportunity legislation and they have not brought this or that. I called for the Equal Opportunity Act with the 18/18 scenario.

Mr. Speaker, If I have equal opportunity right now, and if I walk outside with equal opportunity—and the Act was assented to, so I could get equal opportunity—

and somebody out on bail shoots me, what would it do? If one of the 30-odd persons they are holding there says that I am going to shoot the parliamentarians who did not do whatever, I may be the first one to get it. I have equal opportunity. At the end of the day, I want equal opportunity as anybody else in this country, because we could then take care of CEPEP, house-padding, et cetera. It does not mean to say that you have to be partisan to the extent to lose your soul. I will never lose my soul in this game. [*Desk thumping*] I have to be objective.

Mr. Speaker, on April 11, 2005, I took a decision that my political life could die and it could go anywhere but, at the end of the day, I knew that I had to do the right thing. When I hear my colleagues that I ate, drank and went out together with attack each other unnecessarily—we all belonged to one party at one time. I think that we still do. We have the same ideology. The PNM is the political enemy; not the enemy, but the political enemy. They do good things; we do good things. They do bad things; we do bad things, politically. This is an argument on issues and ideology. This is not an argument as to whether you are a PNM, UNC or you are a racist and I am not. This is an argument of what is best for 1.35 million people in this country and not what is best for 16 or 36 persons, or eventually 41 persons in this country. There is where we forget the distinction. [*Desk thumping*]

Mr. Speaker, I am going to tell you something. In the psychology of kidnapping and hate crimes, do you know that eventually people would start to trust, believe in and protect an abuser?

Mr. Imbert: Say that again.

Dr. F. Khan: They do that. In domestic violence and so forth, in the psychology of abuse, people who are abused emotionally, physically or otherwise, after a while when it is happening all the time, they tend to protect, argue for and start to come to love or even marry an abuser. [*Desk thumping*] We have to guard ourselves against this because we are all human beings in this country. We have to understand the direction that we have to take. Is the direction to get rid of the PNM and put whoever in power? So, you would say, you would never let the PNM look good in this legislation, because they need me to get the support, but that is a short term thing. We are looking at the long term.

I think the people of Trinidad and Tobago are mature enough. They are mature enough to stand and listen to us on the TV—I am waving to my constituents. [*Member waves*] They said that they see me on television all the time. [*Laughter*] That is an aside—we are here for you, and we are not here for you to get a “next”

seat in the Parliament because somebody is trying to get my seat, if you want the seat, take it and go with it. [*Desk thumping*]

Mr. Speaker, there are so many persons fighting for the Barataria/San Juan seat, they could take it if they want it. [*Desk thumping*] I know to myself that I have done the best for my constituents and I have always done that. [*Desk thumping*]

Miss Lucky: Correct. [*Desk thumping*]

Dr. F. Khan: If they want to take it and give it away, they could go right ahead. People have opened offices in my constituency, and I was not even invited. At the end of the day, it is going to happen to all of us. Everyone here would be gone, and do you know why? When the Member for San Fernando East calls an election date everything equates to zero. But until that day, you will “love-up” everybody.

Mr. Speaker, I know my place and my position. I know what could happen and I accept it, but while I am here, I speak for the 1.35 million people outside there. [*Desk thumping*] I do not want to say that I am not supporting this legislation and then go home—if this piece of legislation is not passed—and tomorrow morning read an article in the newspaper that my best friend’s daughter was kidnapped and raped, I do not want to hear that. Mr. Speaker, I should not bring you into this, but if the Member for Diego Martin Central is driving home and something happens, or one of the UNC Members in the Front Bench, I do not want to hear that. I know what the criminal mind is capable of.

We have no witness protection programme. If anybody sees any of those criminals coming back out of jail and doing any one of us anything, nobody is going to say that they see anything. We would not have any witnesses. At the end of the day, they are going to kill the witnesses because they have nothing to lose. I say to keep them where they are until we could give them the right penalty. [*Desk thumping*] I am here to protect my colleagues on both sides of the House and the 1.35 million people in Trinidad and Tobago.

It is easy to say that you did not do this and I did not support the Bill. It is very easy to say that, or I am on the PNM B team, so I cannot support the team. I took the opportunity to read the book written by the father of the Member for San Fernando West, Mr. Lionel Seukeran. Do you know what history déjà vu is? In the early days, when Lionel Seukeran was going against the action of Rudranath Capildeo because of his ideology, and what he was doing, Rudranath Capildeo left the Parliament. He kept himself as political leader and, I think, he put—I forget who it was—as the Leader of the Opposition.

Mr. Singh: Mr. Steven Maharaj.

Dr. F. Khan: He had split the Leader of the Opposition into two. He was the political leader and he was in England, and the Leader of the Opposition was here. That was occurring, and I saw history repeating itself. That is not all. When Lionel Seukeran asked Rudranath Capildeo—he was a very good debater—if he wanted to stay in England or if he wanted to return and assist the people, Rudranath Capildeo went all over the country and people like Lionel Seukeran children and families that he assisted financially and economically, were turned by Rudranath Capildeo because of cult worship. The words that Rudranath Capildeo said struck me, and these words were: “They are agents of the PNM.” Does that sound familiar? That was in 1961. He said that those people who were against us are agents of the PNM. The word “neemakharam” was also used.

Mr. Speaker, when I read this, I could not believe it. I feel I was living in the same time. I said to myself that this seems to be a tactic. The thing about it and what is unfair is that I remember sitting in this very House when the Member of Parliament for Pointe-a-Pierre and myself had just moved away from the Chief Whip, hoping to be called in for some discussions—we were cursed vehemently—the Member for Pointe-Pierre was indicating to the Prime Minister, the Member for San Fernando East, that she and I were willing to have discussions and to give proposals to pull back criminal activity. Do you know that the Member of Parliament for San Fernando East was about to accept it, and the Member for Couva North got up and said that he would have discussions? It is in the *Hansard*.

Mr. Speaker: I am not hearing you, speak up.

Dr. F. Khan: What I am saying is that the Member for Pointe-a-Pierre was calling for discussion, because we were called by the business community in our respective constituencies and told to do something about crime, and in a contribution by the Member for Pointe-a-Pierre—we were sitting as independent UNC Members then—indicated to the Member for San Fernando East that she and myself were willing to partake in talks so that we could apprehend, prevent, detect and prosecute the criminals. It was only then that the Member for Couva North stood and said to the Prime Minister that they were ready for crime talks, and that is what started the crime talks, and the Member could bear me out.

When one side of my colleagues is accusing another side of my colleagues, and they cannot find a unity ground because of some problem—saying that one side is colluding with the PNM and the other side is colluding with the PNM—what happened to the budget debate? Who colluded with whom to prevent the Member for St. Augustine from talking? It is okay to have discussions with the PNM when it suits them, and it is not okay if it does not suit them.

Mr. Speaker, I do not subscribe to that type of thing. I looked at the Bill as it is supposed to be looked at. There are criminals who are in custody, and they have to be kept there until a decision is made pending their bail. There are certain criminals who are firing their lawyers and so forth in order to delay the process, but we have to make sure that this does not continue. At the end of the day, and after the brilliant contribution by my friend, the Member for Pointe-a-Pierre, I would be supporting the legislation. [*Desk thumping*]

Mr. Speaker, one has to understand that there are certain factors that will allow the police service to catch criminals. We talked about the Magistrates' Court and the breakdown and so forth, but I would like to make a plea that for certain sensitive cases that we bring in foreign jurors. [*Desk thumping*] If you bring in foreign jurors then we could make sure that they cannot be intimidated, and we will get the best jury service for that crime as it is supposed to be. So, I am asking the Member for Laventille East/Morvant and the PNM to take that on board; foreign jurors and a proper witness protection programme.

We need to computerize the police stations and link them to the Licensing Office. If we do that we can apprehend people in road blocks faster than what currently takes place today; not only can we do that online in such a manner, but we should also equip police vehicles with wireless systems so that they could punch in the names into the system so that they would know exactly who is what by the picture on the database which is in the Licensing Office, or on a general database in the Police Station. This is what we should be talking about.

7.30 p.m.

We should also have on an online system, an intelligent transport system, where cameras could detect—as the UNC said, it is called an intelligent transport system—where cars are breaking red lights and we could follow vehicles by vehicle numbers, et cetera and send policemen to apprehend them, but we are asking the police to do many things.

With this online system, you could also pay your tickets online using your credit card. If I commit a misdemeanor, I can pay my ticket online using my credit card. It goes straight into the Consolidated Fund or the Treasury, wherever it is, via whatever system, whatever access. We need to upgrade our police stations into the technology of the 21st or 22nd Century, wherever we want to go; 2010, 2020. We need to send it there.

On the use of firearms, I said last time and last day that you cannot expect a policeman or policewoman to apprehend a notorious criminal and then lodge their

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firearm in the station and go home unarmed. I am calling for the Member for Laventille East/Morvant to take back to his Ministry to allow policemen and policewomen to have their firearms 24 hours a day, not to lodge it inside. You were a police at one time; you are supposed to understand that.

We are talking about the Yardies and compensation. I think there should be more scholarships given to policemen and policewomen so that they could do law and paralegal studies to increase the efficiency of the prosecuting system. [*Desk thumping*] Give them scholarships once they have done a couple of years' service in the system, if necessary, but they have to sign a bond to become police prosecutors and police whatever it is—[*Desk thumping*] legal and paralegal, both sides, so you cover both angles.

I am also calling in this wave of crime and criminal activity—directed to the Member for Laventille East/Morvant and I want you to answer this. Businessmen who are targets of kidnapers, violent crimes, robberies with aggravation and murder are being denied firearms to protect themselves and this legislation—the Bail (Amdt.) Bill—speaks about unlicensed firearms and ammunition resulting in a non-bailable offence. If you are going to implement this, people need to protect themselves, rather than getting unlicensed firearms to protect themselves; they are there. People are held with unlicensed firearms all the time on the newspapers. They have to get it to protect themselves.

Mr. Hinds: [*Inaudible*]

Dr. F. Khan: No, no, but I am saying it is there, but they are using it to protect themselves. Take consideration and put a system in place where not just the Commissioner of Police grants firearms, but have a team, have a whole commission or something, rather than just one man, because it is delayed and denied, so it has to be looked at. Those are things, Mr. Speaker.

When policemen and policewomen are killed or injured in the line of duty their spouses, children who are at home, obtain not much compensation. I am calling for an insurance scheme for personal accident insurance for policemen and policewomen, as well as a death benefit properly paid out to the spouses and children, so that they could keep their lifestyle together until they could do otherwise and at the same time, if their children are in school, et cetera, they could continue. So, I am calling for that proper insurance payment system, which could be done. They have to pay for the insurance system themselves. You are putting these dedicated officers in the line of fire and they could die as a result of it; I think we need to show them that we do care.

Another thing, Mr. Speaker, the children of incarcerated parents under the age of 18 years are allowed to visit only once or twice a year. These children suffer from pains of inadequacy, loneliness, separation, foster care, hunger, abuse, et cetera; they have no connective bond and they become a high proportion of the criminal element that we have from these dispossessed places.

I am calling upon the Minister, once again, if you want to start on the social aspect of crime and we do a lot of social work in this country and spend money left, right and centre—upgrade the prison system in such a manner that parents could see their under 18 children and babies and bond with them and at least they could see something. [*Desk thumping*]

I remember two occasions; two women came out of prison after spending two and three years. They were acquitted and they left. The first thing they said on the Hall of Justice steps, when they were interviewed, “I miss my young children, I have not seen them”. As a result of that, I call upon the Member for Laventille East/Morvant to put something in place where children of incarcerated parents can see their parents and bond.

When there is a police road block and when the police are going on raids into areas of criminal activity, they sometimes and most times come up empty-handed. Simple reason, because these gang members utilize cell phones, which are given to people in the surrounding areas, housewives and other young people. They pay their cell bill and they are given information that the police and the police vehicle are on its way up the hill or down the hill. Simple way of doing it, shut down the GSM system in that area; start thinking about crime. Think out the box, I said, Mr. Speaker.

So this debate has been on what the Government did not do; what the COP should have done; what the UNC should have done; what the UNC did not do; what the COP did not do and what the PNM did not do. I stand as an independent thinker this evening, not attacking anybody; enjoying all contributions and saying to them, think about the 1.3 million people outside there, who are subjected to the 20 or 30 odd thousand people who commit criminal activities; think about them. Think about if you do not support the Bill, what is the outfall? The outfall is that people get off. They would go back out there and commit crimes; that is simple. We could damage these people. Politically we could damage the PNM on CEPEP and the corruption in CEPEP; we could damage them on housing and voter padding; on equal opportunity; lack of meritocracy.

Mr. Hinds: What corruption on CEPEP?

Dr. F. Khan: You want me to start on that? We could start that. But why should we use this Bill, which is a social Bill, to have partisan politics played? I

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urge the Members from the Front Bench; I know you took a stance; we have gotten the Equal Opportunity Bill on Monday, we will go with it; reconsider your approach; there is nothing wrong with it.

Mr. Speaker, I would like to end here and say I will be supporting the legislation.

Thank you.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that this House continue to sit until the completion of the matter before us.

Question put and agreed to.

BAIL (AMDT.) BILL

Mr. Kelvin Ramnath (Couva South): Thank you very much, Mr. Speaker. It is not very often that I participate in debates especially at this late hour. I think it is such an important piece of legislation that no one should allow it to pass without making some contribution. And as I suspect that it will not be too long that I will not be seeing most of my colleagues—[*Laughter*] [*Desk thumping*] [*Crosstalk*] On the contrary, I was not speaking about my own demise, Sir. [*Laughter*] When I return, Sir, I will certainly miss a whole lot in front of me and behind me.

As the Independent Member of this House, the Member for Barataria/San Juan indicated a few minutes ago, it is important to look at the Bill as it impacts on the situation in the country, as it impacts on crime and what is best for the society. I want to ask him to look at this in a historical perspective and really try to convince himself that what they are proposing to do with this piece of legislation will really be done, having regard to the history of the PNM.

I know they are asking in this Bill for two years and I am not aware as to what arrangements have been made, but I am told that there has been some discussion about extending the provisions of the Bill to 90 days. The question I want to ask is, what will you do in 90 days to change the present situation? What have you done within the last 90 days that has impacted on the kidnappers and repeat offenders? And whether in the next 90 days or so, whatever is given to you by this House, what will you do to make a difference?

I will come to that because I will come to your history of non-performance. It is clear to me that the electorate will be looking at you with respect to these

matters and that you will not be blaming Members of the House for not supporting legislation, so that you could have achieved certain things. You have had all the power to achieve certain things.

You have no problem in hounding the Chief Justice out of office; in ridiculing the institution of the Judiciary. You had no problem in calling him to the Prime Minister's Office and threatening him by saying; if you do not resign I will lock you up. You had no problem in having the police in this country go to his home with machine guns and so on to arrest him and you had no problem in taking him to court; charging him—and in his case he got bail—and have him before the courts of the country.

That energy you devoted to the Chief Justice, if you had devoted that level of the police administration to dealing with the issue of crime in the country, I am quite sure you would have made a lot of progress. You know you wasted a lot of time in going after the Chief Justice, because the records are there to show that you wasted the country's time; you wasted money; you destroyed the reputation of the Judiciary and the Chief Justice.

You did nothing about kidnappers in the country. You did nothing to protect the citizens from being kidnapped. But in effect, what you did was to kidnap the Chief Justice. You know what is going to happen? It is very clear that no matter what steps you take to further persecute him, you will end up losing, because justice will prevail.

We have to be very grateful to the authors of the Constitution and the people who went to Marlborough House and those who do not know the history should try to read the history and not pieces of it, of what Seukeran did. He went to Marlborough House and with Capildeo insisted that there were going to be certain sections of the Constitution that will not give people the power to do whatever they wished. Even up to today, those provisions of the Constitution are important in protecting our democracy. If we did not have those entrenched provisions of the Constitution, we would have been worse than the people of Zimbabwe today under Robert Mugabi.

So those who want to support the Bail Bill, support it. I am not against anybody forming political parties. I am not opposed to anybody belonging to political parties. These are my friends, they may have different views and they may wish to go in different directions. I am not going to get into any quarrel with anybody; I have enjoyed the kind of history here that is very unique.

In 1978 we had a Back Bench and we had a Front Bench, so I lived through that. In 1988 we were in the Front Bench, they were in the Back Bench and none

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of them were there. It was Muriel Donawa, Morris Marshall and Mr. Patrick Manning, who was the best of the worst, emerged as Leader of the party and subsequently Prime Minister. [*Laughter*] He is a man of great luck.

Mr. Valley: I was there.

Hon. Members: You came after.

Mr. K. Ramnath: No, no, you were appointed by the grace of the Prime Minister.

Mr. Valley: I won the by-election in 1990.

Mr. K. Ramnath: You were appointed in the Senate.

Mrs. Persad-Bissessar: After "all yuh" kill Morris you took the seat.

Mr. K. Ramnath: You will have a chance to speak; I do not want to be distracted by this. The point I am making, it is nothing new to me, I am immune to front and back benches. I was in the back then I came to the front. I went across there for a little while; I did not last very long, I came over here. So I would not hold any grudges against anybody. I will not vote for this Bill. I will not support them in anything they do because they have failed this nation. [*Desk thumping*]

I asked in crosstalk, the Member for San Fernando West, one of my favourite politicians, did you go to Orange Valley when Sean Luke was murdered? Did you accompany the Mayor of San Fernando in a spiritual ceremony, because it was a very shocking incident? I am sure she visited Annamunthodo's family as well, coming from San Fernando when the little child was murdered, raped and so forth.

The reason I asked that is because I wanted to further ask all Members of the Government, why is it that the Children's Authority Act, which was passed in this House, has not been implemented? So crimes against children continue unabated and nothing has happened. They continue to rape and murder little children. There has been no let up, Mr. Speaker.

The Member for Oropouche referred to the Health and Safety Act, the OSH Bill, and we continue to have workers who are exposed to all kinds of situations which are unacceptable. If you look in the newspaper you will see a young boy was electrocuted and while they were performing the ceremony to send him to the great beyond there was another person electrocuted in the country. [*Interruption*] No.

But what I am saying is that legislation is not going to solve your problem; it is important to have legislation. Members on this side have indicated, and you

know very well that a judge can decide not to give you bail. A magistrate can decide not to give you bail. Mr. Basdeo Panday was refused bail by his Excellency, the Member for New Grant, Sherman Mc Nicolls, the man who is in the midst of all kind of controversy. Then he went to the High Court and obtained bail. If you are not granted bail at the magistrate's level you can go to the High Court and the High Court may not even decide to grant you bail.

The criminals know that. They laugh at us when we say, we are going to have a Bail Bill and we are going to extend it and if you are charged with kidnapping for ransom, you will get no bail. That has not made any difference, Mr. Speaker, as the Leader of the Opposition took pains to point out.

So this debate is not about Bail Bill, it is about politics; that is what it is all about. [*Desk thumping*] We will settle the politics on the streets when the time comes. [*Desk thumping*] I am sorry many of you would not be there. [*Crosstalk*] The politics will be settled on the streets because that is where the campaign will be my dear and the people will have a chance to vote.

Mr. Valley: Three persons will be there, Bas, Warner and Ramesh.

Mr. K. Ramnath: I will not get into a debate because I understand you will be the first to go. [*Laughter*] I am not seeing one, Mr. Speaker, including you, who will be returning here. [*Laughter*] In the case of the Speaker, they are usually one-term Speakers; but anyway.

In Couva, almost every single business place has been robbed at gunpoint. There is one businessman, a jewelry store that has been robbed on seven occasions; the last count. We built a beautiful park next to the police station; it was lit up; the Member for Diego Martin Central has visited there, he is very close to the Chamber and he knows what I am talking about. I want to inform this House that you will not find a soul in that park after 6.00 p.m. Women and children cannot go out at nights to involve themselves in social activities in this country; that is a great pity; that is a tragedy that you cannot leave your home and go out.

This Bail Bill is not going to stop that because the people who are committing these crimes are all over this country. They have been allowed to do so because of the ineptitude, the carelessness and the incompetence of the PNM Government. [*Desk thumping*]

So, those who wish to appear to be the protectors of the society; those who wish to support the Bill because they feel it will put them in a certain light, they will look responsible; let us face the truth; let us look at what the performance of

the Government has been. You had a year; was that not a year when you all gave—

Hon. Member: One year.

Mr. K. Ramnath: One year, then you got 90 days and I understand you are about to get another 90 days. So it is 365 plus 180—

Hon. Member: Five hundred and forty-five.

Mr. K. Ramnath:—545; and tell me within that 545 days whether you can explain to the family of Debbie Ali of Roystonia in Couva and you can explain to the families of all those who have been murdered and raped, and Vindra Naipaul's family and so on; I met with them on several occasions. You tell these people that you have had 545 days during which nobody could have gotten bail and whether you made any impact on the lives of the citizens. Of course, the answer is that you have made no impact and the kidnapping will continue. Sometimes I wonder whether a certain group of people is not being targeted; whether it is not planned in such a way that a certain group of people is being targeted.

I want to caution my friend from Barataria/San Juan about why it is important for us to ensure that the Equal Opportunity Bill is in fact implemented. He must ask Davant Maharaj—who I think he knows very well—why he has been a victim of discrimination by Louis Lee Sing and company. He must ask Sat Maharaj—

Hon. Member: Who?

Mr. K. Ramnath: Sat Maharaj from the Maha Sabha, why it took the Privy Council to direct the Government that the Maha Sabha should get a radio licence; something as simple as a radio licence. When Louis Lee Sing was thrown out of one of the radio stations, in less than 48 hours he was given a licence to operate under a different frequency. Ganga Persad-Kissoonsingh—

Hon. Members: Kissoon.

Mr. K. Ramnath: Ganga Persad-Kissoon who was by-passed. The Acting Commissioner of Transport, Pundit Maharaj—

Mr. Sharma: Removed.

Mr. K. Ramnath:—removed and a person four levels below him—

Mr. Sharma: Junior.

Mr. K. Ramnath:—junior to him was placed above his head—

Mr. Sharma: Only a week ago.

Mr. K. Ramnath:—just a week ago; and the list goes on. Because the kidnappers are perhaps following in the footsteps of the Government and how the Government behaves, [*Desk thumping*] they are getting a message that you must go after certain people. It is important that hand-in-hand, but it is more important when you consider that the support that we gave the Prime Minister, with respect to this and other legislation, was contingent upon the introduction of other pieces of legislation, so that we can have a balanced approach to dealing with problems in the society. I want to refer to that.

We keep hearing about “being introduced”. I will see before this Parliament term is complete that none of the legislation they plan to introduce, with respect to the agreement between the Prime Minister and the team of Members of the Opposition will be implemented; we will see.

The legislation agreed upon, introduction of a Bill to establish a gun and kidnapping court; revision of the DNA legislation, well that is what was proposed by us and it came to the Parliament; it is before a Joint Select Committee; amendment to the Criminal Injuries Compensation Act. The Member for Siparia took the Government to court in a private action—

Mrs. Persad-Bissessar: Judicial review.

Mr. K. Ramnath:—judicial review, so that the Government will appoint a board.

8.00 p.m.

The court ruled in favour of the Member for Siparia and her client. It was agreed, that we will amend it to increase the compensation to victims of criminal acts from \$50,000 to \$250,000. I am sure that all the residents of Barataria/San Juan will be happy to hear that the UNC made an agreement with the Government, as a result of supporting the Government on certain pieces of legislation, to raise the benefits from \$50,000 to \$250,000 for those who were victims of criminal activities, if the Government today had decided to raise it from \$50,000 to \$250,000—

Mr. Valley: Please, if you will just give way, I would like to inform the House that, in fact, the Criminal Injuries Compensation (Amdt.) Bill, 2007 has been introduced in the Senate.

Mrs. Persad-Bissessar: In the Senate?

Mr. Valley: Yes, it is in the Parliament.

Mrs. Persad-Bissessar: How long is it sitting there? They have not enacted any of it; that is the problem.

Mr. K. Ramnath: The point I am making, Mr. Speaker, is that it would have been nice for the country to hear today that victims of crime can get up to \$250,000 as a result [Interruption] of injuries, and as a result of the UNC's intervention. There will be no joy after you pass this Bail Bill. There would have been joy if the victims of the criminals were to have received compensation up to \$250,000. [Desk thumping]

Mrs. Persad-Bissessar: The protective services, they increased compensation.

Mr. K. Ramnath: We also agreed for protective services compensation legislation so that members of the protective services who are injured would have received improved compensation. [Interruption] Have we introduced that in the Senate as well?

Mrs. Persad-Bissessar: No.

Mr. K. Ramnath: Strengthening the protective services compensation legislation?

Mr. Valley: I never heard about that.

Mrs. Persad-Bissessar: It is in your Prime Minister's statement as part of the agreement.

Mr. K. Ramnath: And there was an agreement about which the Leader of the Opposition spoke with respect to strengthening of money laundering legislation. A lot of people would have been in jail.

Mrs. Persad-Bissessar: Kidnappers too.

Mr. K. Ramnath: A lot of people would have been in jail. Not only kidnappers, politicians too, [Laughter] would have been in jail and the long arm of the State would have been stretching to find them wherever they are hiding. So what is this? What is there to celebrate with respect to this amendment of the Bail Bill? As one Member put it, keep them there.

This House has not been informed as to how many people are being held without bail under this law and for what crimes. What is wrong in disclosing to the House that certain persons have been held and they have been charged and held without bail so that the country will feel satisfied that certain actions are being taken to protect the citizens. Somebody told me in a private conversation, the Government indicated that they have 32 people on bail.

Hon. Member: No, incarcerated.

Mr. K. Ramnath: Incarcerated and refused bail. I do not know that! The country does not know that! [Interruption] Is it wrong to say that these people

have been in fact charged for kidnapping Mr. “X” or Mrs. “Y” and so forth? If you want to tell the country that you are dealing with these criminal elements and you are successful in at least apprehending them and holding them without bail, and that we are working very assiduously to find these people and do something about them, then the country will rejoice that you are doing something. But where is the evidence? Do you have these discussions in private to the exclusion of other Members of the House? Are you informing your own Members of the House?

Mr. Sharma: It does not seem so.

Mr. K. Ramnath: It does not appear that way.

Mr. Sharma: Jarrette not here; Frankie “eh” no and Larry, neither, “eh” here.

Mr. K. Ramnath: And look, it is absolutely no comfort to me that you have gone after your own two Members; [*Laughter*] that you have gone after your own two Members and up to today, the justice system cannot even finish a preliminary enquiry with respect to a person who was a Minister of Government and charged for some offence. You are proud of that; that you have a justice system that works, but you can go and lock up the Chief Justice. You think it is any comfort to us?

Mr. Valley: *Rambling Rose.* [*Laughter*]

Mr. K. Ramnath: No comfort. [*Laughter*] I am very relevant because I am here to speak to you for the next 65 minutes. [*Laughter*]

Mr. Valley: No, you need our permission. You are entitled to 45—

Mr. K. Ramnath: It does not really matter to me. The Prime Minister, Mr. Speaker—

Mr. Valley:—and move the other 30.

Mr. K. Ramnath:—said:

“An examination of the statistics relating to violent crimes indicates that many homicides and crimes of violence are perpetrated using firearms. In addition, there is need to address and arrest the apparent ease with which guns are accessed by criminals and those who may be considering committing an offence. Of particular concern are those guns that are falling into the innocent hands of our youth.”

Have we done anything in the last 545 days? Have we experienced the possibility of some piece of legislation coming to Parliament or introduced in the

Bail (Amdt.) Bill
[MR. RAMNATH]

Friday, March 16, 2007

Senate so we could deal with this scourge of guns falling in the hands of the wrong people? He went on to say:

“This indiscriminate use of guns by criminals has introduced a new level of urgency to address the matter of confiscation of illegal firearms and ammunition. The introduction of the Gun Court therefore, assumes greater priority.”

Mrs. Persad-Bissessar: That was November 2005, you know.

Mr. K. Ramnath: In November 2005 the hon. Patrick Manning speaking on a round of talks with Members of the Opposition on a matter of crime, Red House, Parliament, Friday 18, November, 2005. Nothing was done!

Well I thought that one way of dealing with the issue of kidnapping is not only holding the kidnappers, but preventing kidnappers from flourishing in the country. He went on to say:

“So too, does the crime of kidnapping. Taken together, kidnapping and violent crimes perpetrated with the use of arms have forced us all to consider new dimension in our battle against crime...It was agreed that legislation would be brought to the Parliament to establish a Gun Court which would have Summary and High Court jurisdiction to deal specifically with gun crimes and kidnapping offences.”

Is the Member for Diego Martin Central saying that we have introduced a Gun Court Bill in the Senate as well?

Mr. Valley: Mr. Speaker, I just find it rather interesting that the last time that position was that Equal Opportunity legislation was not introduced, now that that is introduced, of course, they are looking for straws; they are looking for Gun Court and all kinds of things. [*Laughter*]

Mrs. Persad-Bissessar: It was an agreement. You have not implemented it, it was an agreement. [*Crosstalk*]

Mr. K. Ramnath: Clearly, the Member is not considered senior enough to be included in discussions, so he does not know. And the Prime Minister, obviously has enormous contempt and contumely for him [*Interruption*] that he will not be—[*Interruption*] No, no, I bow to my superiors and my senior colleagues. I do not claim to be on the right hand side of anybody. [*Interruption*] [*Laughter*]

But Equal Opportunity, I will come to that, I am talking about the package; the package that you promised to bring the Gun Court since November 2005. Criminals are roaming the country with all kinds of modern weaponry that will

make the military look foolish and you cannot bring the Gun Court. Then, of course, I refer to the Criminal Injuries Compensation Act to increase—

The Prime Minister said he is going to increase it from \$25,000 to \$250,000. Tell the husbands, the wives and the children of those people—

Mrs. Persad-Bissessar: Victims.

Mr. K. Ramnath:—victims at the hands of criminals in this country why you have not brought this legislation so that they could have benefited.

Mr. Valley: But I just told you.

Mr. K. Ramnath: Tell them that, Mr. Speaker?

Mr. Valley: I just told you it was submitted to the Parliament.

Mrs. Persad-Bissessar: Not the gun court and the kidnapping court, no?

Mr. Valley: [*Inaudible*]

Mr. K. Ramnath: With regard to trafficking of illegal narcotics—Do you know what is very interesting, Mr. Speaker? They found in a house owned by a financier of the PNM down the islands about \$1 billion street value of cocaine. I think it was subsequently reduced to \$700 million. [*Interruption*] They picked up some “fellas” who are fishermen with little pirogues and they charged them for trafficking cocaine.

Dr. Moonilal: They charged the watchman.

Mr. K. Ramnath: The watchman got charged. At the same time somebody’s warehouse burnt down the next night; [*Laughter*] [*Interruption*] shortly afterwards a lot of donations to institutions of higher learning in the society. [*Laughter*] I was watching the news and I was looking at the newspaper and I saw some, four stragglers, “fellas” who could hardly buy a shirt for their backs being charged for \$700 million [*Interruption*] worth of cocaine. I said to myself, these “fellas” cannot even buy a boat or a pirogue, where would they get the money to finance this cocaine?

Mr. Speaker, it is clear that the drug trade is not operated by pirogue owners or fishermen. You are dealing with people at very high levels of the society! [*Interruption*] And the Government is closing its eyes to the perpetrators of illegal trafficking of narcotics and their police are looking for the operators of pirogues to bring them before the court. If even you were to find these people guilty they would not even have any money to pay the fine. So what did the Prime Minister say? He said:

“With regard to the trafficking of illegal narcotics we are all of the view that money laundering legislation is one of the measures which must be robust in its enactment (robust in its enactment) and its treatment of individuals who are found guilty. As a consequence we have agreed that this legislation must be strengthened taking into account the economics of this activity.”

Where is the money laundering legislation? November 2005!

Mrs. Persad-Bissessar: Five hundred and how much days?

Mr. K. Ramnath: Five hundred and forty five days have elapsed and we have not seen it! Money laundering is a major scourge in this society. Ask the Governor of the Central Bank! Poor fellow, he has been trying to introduce all kinds of measures to deal with inflation but there is a lot of money around. He is not going to be able to deal with inflation once you have that underground economy that is competing with your official economy.

I went to Jamaica in 1978—Mr. Michael Manley was the Prime Minister—and I remember the Leader of Government Business in a Commonwealth Parliamentary Conference said that the underground economy in Jamaica, at that time, was bigger than the official economy. *[Interruption]* The Government can take comfort in the price of oil at being \$57—

Mr. Manning: Solace.

Mr. K. Ramnath: Solace! In the price of oil remaining fairly high, and for the benefit of my friend, I think it will be there for quite a few years, and it will be sad that you will not be there to enjoy it. *[Laughter]* But it is a problem and in the context of this Bail Bill extension, all of these things were promised and have not been introduced. *[Interruption]* He went on to say:

“In addition, in short order there will be the introduction of the Financial Intelligence Unit Bill and the Financial Obligations Regulations. These Bills and the Regulations will give statutory and administrative authority to the Financial Investigations Unit of the Counter Drug Crime Task Force. The Regulations will ensure that banks and other financial institutions are guided appropriately as to the mechanisms for compliance, disclosure and monitoring.”

They spent years going after Mr. Basdeo Panday!

Hon. Member: Yes.

Mr. K. Ramnath: They spent years; they spent millions; they sent the top hierarchy of the police, everything possible; including giving Glenda Morean a

massive mansion, repairing it for millions of pounds, putting hot water heaters in the pool so in the winter she can swim in comfort. *[Laughter]* *[Interruption]*

Mr. Manning: Right now I would not tell you what to say. *[Laughter]*

Mr. K. Ramnath: The Prime Minister just came from abroad and he is very happy today, he has to stay away from these people in his Cabinet. *[Laughter]* I understand his difficulty. All of these things would have come to pass if we had an efficient Government.

Dr. Moonilal: If they were principled.

Mr. K. Ramnath: The Ministers can only say behind his back that he does not allow them to do certain things. They cannot say it in front of his face! *[Laughter]* They are unlike me, when I say certain things I get fired, I get rehired and so forth. *[Laughter]* *[Crosstalk]* Because, Mr. Speaker, I have value! So let us look again.

Mr. Valley: You gone this time, Ramesh in your waist. *[Laughter]*

Mr. K. Ramnath: Ramesh is a very able man. When he was here—*[Interruption]* Whatever sins he might have committed, while he was here he was a model Attorney General.

Hon. Member: And the old sins. *[Crosstalk]*

Mr. K. Ramnath: But you know as a Christian, Mr. Speaker, I do forgive people as I expect them to forgive me. *[Laughter]*

So we are talking about discussions with respect to the rules of safe driving. *[Interruption]* Every day, and the Prime Minister admitted in his address to the Parliament, we have criminals on the roads. They no longer pass you on the right; they pass you on the shoulder, and for those of us who come to Port of Spain—

Hon. Member: No bail for them.

Mr. K. Ramnath:—we do not even see a policeman on the road to help motorists and protect them against these indiscriminate drivers—people who take pride in killing other citizens. Have we amended the Motor Vehicles and Road Traffic Act, with respect to the use of timing devices in metric units; that is kilometres per hour to record and provide evidence of speeding in cases of speeding offences? Have we done that? I know what we have done is to introduce a Bill that went to a Joint Select Committee with respect to the breathalyzer.

Mrs. Persad-Bissessar: Not this one.

Mr. K. Ramnath: Why have we failed, Mr. Speaker, on basic things like the provision of high speed cars for police in the country? The police cannot catch up with their little motor cars that they have—

Dr. Moonilal: Scalextric cars.

Mr. K. Ramnath:—with the powerful vehicles that are imported by criminal elements in this society. [*Interruption*] I have not seen the recent acquisition for the police service. I have not seen it! I do not think anybody has seen it.

Mr. Manning: “Doh make joke nah man.”

Mr. K. Ramnath: Well you probably have it somewhere in the back of your residence in St. Clair. [*Interruption*]

Mr. Manning: Toyota Camry V6, Mr. Speaker.

Mrs. Persad-Bissessar: How many?

Mr. Manning: In excess of 3.0 cc; go ahead.

Mrs. Persad-Bissessar: How many? How many?

Mr. K. Ramnath: Mr. Speaker, the hon. Member for Caroni Central [*Interruption*] drives a Toyota Camry and he has great difficulty in exceeding the speed limit.

Mr. Manning: Because he cannot drive. [*Laughter*] [*Crosstalk*]

Mr. K. Ramnath: What you need are V8 engines with 5 litre engines.

Mr. Manning: You mean the Cherokee jeep.

Mr. K. Ramnath: No. We need that too! That was a novel step that the UNC took.

Hon. Member: Yes it was.

Mr. K. Ramnath: It was a success. [*Desk thumping*] But the point is, I do not know where the Camrys are! I would like to hope that they will be on the roads.

Mrs. Persad-Bissessar: How many?

Mr. K. Ramnath: And how many have you brought on the roads? The important thing here is that there is crime on the highways of this country. There are now policemen—this is the only country—I know when I am driving in the US, when that light comes on, you pull aside, and if you do not pull aside, the siren comes on. Here they advertise themselves on the highway saying, we are coming. They are driving

up and down, day and night with blue lights. I could not understand! Nowhere in the world you see these blue lights; the blue lights are there to tell that you have to get off the road and you have to stop. But the important thing is, let us hope that the Toyota Camrys are not going to be used by the hierarchy of the police force when they should be on the highways of this country [*Interruption*] in order to deal with those people who consistently commit crimes.

Let us go back to the issue of the timing devices. What prevents Government from bringing legislation in this country to introduce timing devices so that police can actually use these instruments to detect the speed at which you are travelling? These instruments compensate for a lot of things. They are scientific instruments. They compensate for a number of factors, so it is very difficult to go to the court and argue with a policeman. What is causing that, Mr. Speaker? You are anxious every 90 days to come to ask for an extension for the Bail Bill provisions but you cannot bring the timing devices, you cannot have police on the streets.

Every day—I come to Port of Spain twice a week, if that many, and there is a traffic jam from NP to the Parliament; there is a traffic jam from NP to the lighthouse and that has nothing to do with the construction that is taking place at the Government Plaza. Not at all! It is just that we do not have enough and proper traffic plans, and we do not have policemen. You cannot find a policeman on Independence Square in the midst of all that traffic.

The Minister of National Security—I should not really blame him, he comes here to read Bills. The Minister of National Security is parading in some part of the country. He should be in here today, Mr. Speaker! This is the second day in a row we are having our friend from Laventille East/Morvant coming to represent the Minister while he is in the country.

Mr. Sharma: He is trying his best.

Mr. K. Ramnath: Statistics on the road take: Traffic accidents reveal that a combination of alcohol and excessive speed, drunk driving, can be deadly.

Very laudable statements and I have spent time in this House to read sections of the Prime Minister's speech on Friday 18 November, 2005.

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

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

Question put and agreed to.

Mr. K. Ramnath: Thank you very much, Mr. Speaker. You noticed I have kept clear of the politics. [*Laughter*]

Mrs. Job-Davis: So far.

Mr. K. Ramnath: So far and I propose to do that—[*Laughter*]

Mrs. Persad-Bissessar: Continue.

Mr. K. Ramnath:—continue in my next 10 or 15 minutes. We are not opposed to the Government, or we are not supporting this Bill because we have some vendetta against the Government. We are concerned that the Government continues to fail with every opportunity afforded to it and then comes back to the Parliament to seek additional support. Could you imagine if, by a simple majority they could have passed legislation in this House, what they would have done? [*Interruption*] What they would have done with important legislation that affects the freedom of citizens? There would have been wanton abuse, and it is very important that you satisfy the Legislature. I will have a lot to say about your new Constitution at the right time.

Mr. Imbert: From outside.

Mr. K. Ramnath: I will have a lot to say, because I know, Mr. Speaker, that when you get rid of—I do not see any one of them coming back here, except, probably the Member for Tobago West.

Mrs. Job-Davis: East.

Mr. Manning: You like Tobago East? I am taking note of that, “eh”.

Mrs. Persad-Bissessar: He said Tobago West.

Mr. K. Ramnath: Tobago West.

Mr. Manning: No, no, is east he means. [*Crosstalk*]

Mr. K. Ramnath: And the propensity of the Prime Minister to acquire personal power. [*Laughter*]

Mr. Imbert: He is just tired.

Mr. Manning: You are talking dotishness.

Mr. Valley: *Rambling Rose*.

Mr. K. Ramnath: You know they are not accustomed to this quality of debate. [*Laughter*] I sat here and I listened to the Member for Diego Martin East for 75 minutes, I do not recall a statement of substance.

Mr. Imbert: Because you are deaf.

Mr. K. Ramnath: But the point I want to make is that we gave you, by agreement, [*Interruption*] a year, and 90 days subsequently to correct things. I want to return to the question, what would you do in the next 90 days? Because if you have made an agreement to have 90 additional days you certainly would have agreed on a plan of action, and what constitutes that plan of action that will prevent you from coming back here asking for further extension.

In fact, if you wanted two years and you could have justified to this Parliament, based on your performance, that would have been something worth considering. But you have not stopped the kidnapping by your actions. You have not stopped the suffering of families by your actions. In fact, you really have done nothing! People who see the—what do you call it?—

Hon. Member: Blimp.

Mr. K. Ramnath:—blimp in the sky, ask the question what are these people doing up there? What is that doing there? Do you not think without going into any details, because information might be confidential—I have seen them over my house—[*Laughter*]

Mr. Manning: Talk to me after the adjournment, we will tell you what they see. [*Laughter*] [*Inaudible*] Lock your window.

Mr. K. Ramnath: I see them hovering [*Interruption*] over my house. [*Interruption*] I do not know whether he is spying on Malcolm Jones. [*Laughter*] Because these days the first victims of people in power are their friends, you know. [*Laughter*] But the population expects to hear that when you are introducing these expensive programmes that these programmes are bearing fruit. I do not expect you to tell them how many calls I made to the Leader of the Opposition. [*Interruption*] [*Laughter*] But even though you get it from—

Mr. Manning: I do not know how many she made to you. [*Laughter*]

Mrs. Persad-Bissessar: Or how many he made to Ramesh or Ramesh to him. [*Laughter*]

Mr. K. Ramnath: And I am quite sure you will be hiding information from your dear ones with respect to who calls you and who you call on your cellphone, and the nature of the conversation. [*Laughter*]

8.30 p.m.

Mr. Speaker, what does the Government have to say to the population with respect to value for money? What has been the success of this programme? There

has been more than one blimp. I really do not want the Government, with respect to matters of National Security, to be discussing details, but I want people to be assured that something is being done to allay my fears, and that we are going to see results. The Minister read out a presentation—which I imagine Cabinet would have approved. It is a technical presentation—and has not assured this Parliament and, through us, the country, that the steps you are taking to deal with crime are, in fact, working.

The population wants to hear these things. They want to know that. If I support this Bill, I have to go and tell my constituents in Couva South and across the country where I will be campaigning in a very short time—people whom I am asking to vote for us and not them and you—[*Laughter*]

Mr. Manning: You catch yourself in time.

Mr. K. Ramnath: No, I am serious. I have to be able to tell people whom I am asking to vote for us, why I supported these pieces of legislation, and what have they done. Because in this country, people believe that if you are a Member of Parliament—whether you are in the Back Bench in the Government, or you are in the Front and Back Bench of the Opposition—you have the power to do things. Ask your own Ministers and they will tell you. They believe every Minister has a big budget, and he can take up money from his budget and go and fix things all over the country. They have to take blame for the failure of the police and other institutions of the State for not dealing with crime. What hurts me is when they ask me, what are you doing about it, and I say that I have voted with the PNM. It is a crime to even talk about the PNM in Couva South as the Prime Minister knows. He went to open a pavement in Dow Village, and a fellow came out with a child and say: “Prime Minister, this is a ‘dougl’a’ child”. You know that. [*Laughter*]

Mr. Manning: I do not remember all of that. [*Laughter*]

Mr. K. Ramnath: Nobody came to meet the Prime Minister. He was very lonely. [*Interruption*]

Hon. Member: He tell them do not run.

Mr. K. Ramnath: You know, if he had the courtesy of inviting me, at least I would have been one of those who would have gone and helped him there.

Mr. Manning: Mr. Speaker, just for the record, I was very warmly received by the residents of Dow Village when we visited there some time ago, in large numbers. [*Desk thumping*]

Mr. Imbert: Thousands.

Mr. K. Ramnath: Mr. Speaker, the *Guardian* was there. [Laughter] The *Guardian* said no one came. [Laughter] It is not that because I was there the night before that I set it up. [Laughter] To give the Prime Minister some degree of comfort, others have tried to come in as well. [Laughter] Their success rate has been very low.

Mr. Manning: Probably worse than mine.

Mr. K. Ramnath: Very much. But, anyway, people are asking us—
[Interruption]

Mr. Imbert: Ramesh will succeed at anything.

Mr. K. Ramnath: He is a good man. Ramesh is a good man, do not worry about that. I know he instilled a lot of fear in your bones. [Laughter] So, when you ask us to vote on a particular piece of legislation, do not go around the place and tell people that we are against the Government's fight against crime. You must go and tell them that we met with the Opposition in 2005. We made a commitment in the Parliament through our Prime Minister to do certain things, and we have not done them, and the Opposition has said that they do not trust us, so they are not going to vote with us to pass the legislation.

Mr. Speaker, to tell you the truth, the legislation will do nothing. When we come back here again, if some of us are here, and we have the same legislation before us, we will have to make the same speeches again, and those include that the Government has not done anything about kidnapping and about crime. So, do not ask me to support you. Normally, I would not have said anything, and I would have either left here by 4.30 p.m. to do other work, or I would have remained quiet. But I think it is very important for my constituents to know that I am against kidnapping; I am against rape; I am against murder; I am against the criminal activity on the highways in the country; and I am against all those people who come into Couva and are unprotected by the police, and who raid every one of their businesses and who rape them. I cannot vote on a piece of legislation that is intended only for the purpose of public relations, and giving the impression that you are doing something about crime when you are doing absolutely nothing.

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

The Minister of State in the Ministry of National Security and Minister of State in the Ministry of Trade and Industry (Hon. Fitzgerald Hinds): Thank you very much, Mr. Speaker. Having presented the measures in this Act to amend the Bail Act, 1994, earlier today, I sat and I listened to the various contributions

made, and the time has come to wind up, as it were. There are few matters raised from the other side that demand some response.

Mr. Speaker, I would like to begin by responding very directly, of course, to the Member for Couva South, who has just completed his contribution. He urged us to say to his constituents and the country that it is not that he is against rape and against kidnapping and other such offences but, yet, he wanted us to understand the reason for his and the UNC's not supporting the measures.

The offences listed here, violent offences include:

- (a) manslaughter;
- (b) shooting or wounding with intent to do grievous bodily harm or serious bodily harm;
- (c) robbery, robbery with aggravation, armed robbery;
- (d) assault occasioning grievous bodily harm;
- (e) possession and use of firearms or ammunition with intent to injure;
- (f) possession of a firearm or ammunition without licence, certificate or permit;
- (g) trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking;
- (h) rape;
- (i) grievous sexual assault;
- (j) sexual intercourse with a female under the age of 14;
- (k) sexual intercourse with a female between 14 and 16;
- (l) sexual intercourse with a male under 16;
- (m) buggery;
- (n) sexual intercourse with an adopted minor, et cetera;
- (o) sexual intercourse with a mentally subnormal person;
- (p) incest;
- (q) kidnapping;
- (r) kidnapping for ransom;
- (s) knowingly negotiating to obtain a ransom; and

- (t) an attempt to commit any offence listed in this Part or, of course, in Part I.

Mr. Speaker, indeed, those are all very serious offences. The measures that we offer today are intended to refuse bail in certain circumstances for 60 days, where these offences have been committed, or a combination of them, within the last 15 years.

How will the people of Couva South understand that we have offered the UNC, this evening, an opportunity to join hands as Parliamentarians to protect them from the perpetrators of this? I find it impossible. I am being asked by the Member for Couva South to try to convince his constituents and the country, his reasons, twisted as they are, illogical as they are, to explain and to justify why he could not support this.

Mr. Speaker, listen to the words of the Member. I do not have the *Hansard*, I am only paraphrasing them. He said: “I will not support them”, and he pointed over here. He will not support us, the Government. I want to say to him, we did not ask him for support for our sake; we did not ask him for support for the PNM. We have about 70,000 registered members and something like 450,000 people supported us and will continue—[*Interruption*—in Couva South, in Fyzabad, all over the country. We did not ask for support for the Government. We came here today and we made it very clear that we, as Government, as we are obliged to do, are proposing measures for the benefit of the people of Trinidad and Tobago. [*Desk thumping*] That is the point that escaped this very experienced parliamentarian. I suspect it had to do with his 10-year hiatus from this House—

Mrs. Job-Davis: The kick of a dying horse.

Hon. F. Hinds:—when he was in a political cemetery in Couva North—[*Interruption*] He was buried in Couva North.

Mr. Ramnath: But I was reincarnated, unlike you. [*Laughter*]

Mr. Rahael: Ramesh taking over.

Hon. F. Hinds: He is but a skeleton of his old self. [*Interruption*]

Mr. Speaker, the Member for Couva South asked the question, what will we do in the next 90 days? I will simply tell him more of the same. And I say “more of the same” with pride, because it was the Member for Diego Martin East who, using the official statistics from the Ministry of National Security garnered from the police service, pointed out that in 2004 there were 28 kidnappings for ransom; in 2005, 52; in 2006, 17; and in 2007, two, yet to date. So, when I am asked by

the Member for Couva South, what will we be doing with the 90 days, I want to point out two things: we are not doing anything with it; it is the courts of Trinidad and Tobago who will, and they will be refusing bail to persons who offend in accordance with the measures that we have. [*Desk thumping*] We are not doing anything. [*Desk thumping*]

Hon. Member: Where?

Hon. F. Hinds: The second thing that I have to point out to the Member for Couva South is that insofar as our responsibility is concerned—providing resources, encouragement and policy directions for the police service and for law enforcement, it will be more of the same, because the statistics show that there has been a substantial decrease in kidnappings. His constituents and the business community in this country could feel a lot better, and it would be more of the same. We will simply continue.

The Member also asked what we have done in the last 90 days. Well, we have said that over and over ad nauseam. We have pointed out that we recognized when we came to Government in 2001, that the main crime-fighting platform, the police service, needed reorganization and we set about to do that. It needed far more resources, and we set about doing that

I heard the UNC said that we spent \$10 billion, the cumulative figure since 2001, directed to national security. I simply pointed out to them as public servants that something like 55 or almost 60 per cent of that allocation goes to salaries and emoluments. The balance goes on resources and all the other things. A tremendous amount of money has been spent on cutting-edge technology; very useful. A substantial amount of money is being spent on training police officers.

It is a joy to observe members of the Forensic Science Centre and members of the Crime Scene Investigation Unit of the police service, how they approach crime scenes now, in an attempt to resolve crime. As you know, Mr. Speaker, I used to be a police officer. It is a million light years away from what it was in my time. Just the way they are attired; the way they go about their business; it is a complete rehaul of the way they do things, and that partly explains the new confidence that the police service is experiencing. That partly explains the reason the criminals appear from the statistics which we have read, to be receding, as law enforcement advances in modernity with the resources that we provide, and with the encouragement and motivation that we share and offer. And, again, I am obliged to demonstrate it, although the Member for Diego Martin East did it quite succinctly and thoroughly even.

Mr. Speaker, we identified the hotspot areas. We said that our approach to dealing with this will be intelligence driven. So, we looked at what happened in a previous period and we looked at certain patterns, and we applied resources in accordance with our observations. No country in the world—big, medium or small like Trinidad and Tobago—will have all of the resources to meet all of its needs and aspirations immediately. It is always about balancing and applying resources as you see best fit.

So, we have identified the hotspot areas, the areas that were responsible for over 70 per cent of the homicides nationally, and that included Port of Spain. Of the nine police divisions, we identified Port of Spain Division, Western Division, North-Eastern Division, Central Division and Northern Division. We applied resources. We recalled from the contribution of the Member, substantial decreases in homicides.

We established, in the police service, on recommendation from the same Professor Mastroski—that the Member for Siparia found difficulty in pronouncing—and on the advice of that very powerful team, the police service established a homicide prevention working group. Specially trained officers increased the size of what was the Homicide Unit to 136 officers, men and women, specially trained and the thing is working. Look at the figures. In Port of Spain Division, a 47 per cent decrease; in Western Division, a 71 per cent decrease; in North-Eastern Division, the same thing, a decrease; in Central Division and in Northern Division, Mr. Speaker, it has to be more of the same.

The thing is heading south and we expect that the police will keep the pressure on—continue to get on top of the situation to regain the peace, safety and security that we knew. This is all this measure today was designed to do. As I indicated, in my introduction, a small measure, in a big programme, designed to bring about the safety and security in this nation that we have been talking about.

Mr. Speaker, the Member for Couva South raised the question of the Children's Authority package. Again, asking the question, why the Children's Authority legislation is not proclaimed; legislation which was passed under the UNC government when they were in office. And he used that as well, as justification for failing to support his constituents and the people in the Parliament today. But God is great.

Mrs. Job-Davis: All the time

Hon. F. Hinds: God is mighty and great. Notwithstanding their recalcitrant position, we still have won the support of those who have chosen not to be recalcitrant and those who have indicated clearly from their contributions, that they are not in support of the Government, per se, they are in support of the

people and, therefore, support positive measures to protect them. [*Desk thumping*]
Simple as that.

Mr. Speaker, there is very good reason why the Children's Authority package has not yet been proclaimed, and I can share them privately with the Member anytime. I would not detain the entire House with this. I consider that the measures that we have proposed are quite simple and I do think—well, there is a long list that I have here. I will have to reserve it, because while the Leader of the Opposition outlined a number of items that the UNC will put in place when they form the government, that will be a very, very, very, long time from now.

I just want to touch on one of the points; one of them. Hear what the Member for the Siparia, the Leader of the Opposition said. She said that when the UNC gets into power, “we will keep a registry of where all serious criminals live, available online so that people can know if there is a serious offender in their neighbourhood”.

Mrs. Job-Davis: She got a masters degree for her MBA.

Hon. F. Hinds: I mean, I could not have found something more watery. I do not know from where she would have come. There is a view that when a man or a woman commits an offence in this country or in any country, and he would have served his time, paid his fine and met his obligation to the society. In England, there is an automatic rehabilitation of offenders provision, where, if you did not commit the offence again—and that was passed since 1984 or 1974, in that ten-year period—ten years went without committing it—it was automatically obliterated from your record.

Mr. Ramnath: In America?

Hon. F. Hinds: In England. So, we have in law in this country a sex offender's registry, because a sex offender, a particular type of offender, has an obligation to report to the police; and they have an obligation to report a change of address to the police, so that the police could monitor them. But could you imagine putting a man's house online saying that he is a sex offender? So, when he moves out now and somebody innocent goes to live in that house, what is going to happen? The mob would come and burn down the house. It is a reckless and unthinkable proposal, and that is just one of many like it, but in the course of time, we will have an opportunity to deal with the balance to show the “feebility”, if I may say so. [*Interruption*]

Hon. Member: Is that a word?

Hon. F. Hinds: Yes, yes, if I may say so, and I wanted to use it definitely. Mr. Speaker, there is much more to be said, but it is late now. As I said, the measures

we proposed are quite simple and quite straightforward. Several Members of the House grasped it and they have all indicated their positions. There is no doubt that the UNC, the Front Bench Opposition, understood clearly what we were about, but they have taken a deliberate decision not to support their constituents and the people of this country, and they will pay greatly for it in the course of time, no doubt. [*Desk thumping*] In the meantime, Mr. Speaker, with these simple observations, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 6 ordered to stand part of the Bill.

Clause 7.

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

Miss Lucky: Mr. Chairman, this is the particular clause that will have to change, if I understand it correctly, because it speaks of “two years”. If I am correct, we will now have to say “three months”, because unlike the last piece of legislation, we are not referring it to anything. This exists on its own, so to speak. We are looking at three months. Are we saying “three months” or “90 days”?

Mr. Hinds: Ninety days.

Miss Lucky: Could we say 90 days?

Mr. Hinds: I am sorry, three months. I was advised “three months”, Mr. Chairman.

Miss Lucky: Three months is fine.

Mr. Speaker: Clause 7 is amended in the first line thereof by deleting the words “two years” and substituting the words “three months”.

Question put and agreed to.

Miss Lucky: Just to point out at this stage, Mr. Chairman, I am in favour, just because this clause now and, rightly so, is only applying to this Bill which is changing the schedules in the parent Act of 1994, and just to let Members know the reality that when this 90-day period is over, remember we would now have affected the parent Act, where fundamental changes here have been made. This is

Bail (Amdt.) Bill
[MISS LUCKY]

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just something for us to bear in mind that did not happen in December, because in December we were dealing with the 2005. This now is changing the parent Act of 1994 fundamentally. So, in 90 days, make sure we come back in good enough time—I am just asking for it to go on record—for the indulgence, because if things are not done in a timely fashion, the entire Bail Act, the parent Act of 1994 is the one that would be in jeopardy.

Mr. Hinds: [*Inaudible*]

Miss Lucky: No, because in this particular piece of legislation, there are changes to the parent Act that were not done. The parent Act was not changed when we last debated it in December but, this time, we are changing the parent Act, and the parent Act is changing for a period of time. Remember, that would now be repealed, and when this is about to elapse, remember that does not revive. It is like a counter offer, it destroys an original offer—[*Interruption*]

Mr. Hinds: [*Inaudible*]

Miss Lucky:—which is fundamental. Also clause 5, which changes the clause 5 that exists now, the section 5, I am just pointing out to Members the importance of getting it right when we come back, because whereas the last time, we just went for an extension, this time we have touched the parent Act and, therefore, in the 90 days, bring it back in sufficient time. Congress of the People is asking—the Back Bench Opposition and I include my friend, who also agreed with the point—that we do not wait until the last minute, because this time we will be shutting down, if we are not careful, the parent Act. That was not something we ran into jeopardy with the last time.

The sections we have changed are not revived because this lapses. We have changed, fundamentally, the parent Act, in terms of changing the schedules, and also in terms of changing a particular clause that gives you the two-strike and three-strike rules. This is just something that I wanted us to note, but we support it.

Mr. Chairman: Do you want to say anything?

Mr. Hinds: No.

Clause 7, as amended, ordered to stand part of the Bill

Preamble ordered to stand part of the Bill.

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

9.00 p.m.*House resumed.**Bill reported with amendment.**Question put, that the Bill be now read the third time.**The House divided: Ayes 25 Noes 8*

AYES

Valley, Hon. K.

Manning, Hon. P.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Narine, Hon. J.

Boynes, Hon. R.

Beckles, Hon. P.

Rahael, Hon. J.

Roberts, Hon. A.

Bereaux, Hon. H.

James, Hon. E.

Hart, Hon. E.

Callender, Hon. S.

Seukeran, Hon. D.

Job-Davis, Hon. E.

Hinds, Hon. F.

Khan, Hon. F.

Achong, Hon. L.

Williams, Hon. E.

Singh, G.

Dookeran, W.

Yetming, G.

Ramsaran, M.

Lucky, Miss G.

Khan, Dr. F.

NOES

Rafeeq, Dr. H.

Persad-Bissessar, Mrs. K.

Ramnath, K.

Sharma, C.

Partap, H.

Nanan, Dr. A.

Baksh, N.

Moonilal, Dr. R. [*Crosstalk*]

Question agreed to.

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

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, as I rise to move the adjournment, the Government wishes to express its appreciation for the Back Benches. [*Desk thumping*]

Mr. Speaker, I had also mentioned that the House would meet on Monday to do the Equal Opportunity Bill. We have had representation, again from the Back Benches that they would need a bit more time; therefore, the House will meet on Wednesday. I therefore beg to move that this House be now adjourned to Wednesday 21 March, 2007 at 1.30 p.m. [*Crosstalk*]

Mr. Speaker: Before I put the Motion on the Adjournment, there are three matters to be raised. [*Interruption*] At this time, the House will be suspended for dinner and will be resumed at 9.45 p.m., at which time we will do the three Motions on the adjournment.

9.05 p.m.: *Sitting suspended.*

9.45 p.m.: *Sitting resumed.*

**Customs and Excise Division
(Questionable Recruitment Practices)**

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, this has been with us for several weeks, so I thank you for allowing us to raise this matter on the adjournment, the questionable recruitment practices at the Customs and Excise Division of the Ministry of Finance, where persons who have been acting as customs and excise officers for over two years have been sidelined for confirmation in their positions in favour of persons with little or no experience from outside the public service.

The Customs and Excise Division is part of our border patrol system. They are stationed at points of entry where we screen for drugs, weapons and other prohibited items as persons enter our country. They are at the gateway and play a vital role in national security. We need the best and most experienced individuals to be at these checkpoints, so nothing gets past that should not. Apart from protecting ports of entry, Customs and Excise is also involved in the valuation of imports for taxation purposes, so once again we need to have the most competent persons there to ensure the Treasury is not being robbed. I have been informed, and I call upon the Government to give us clarification, about the following allegations: About three years ago the Customs and Excise Division advertised for interested persons to fill the positions of customs and excise officers. The criteria for the job was that candidates must be appointed Clerk I, which itself had a prerequisite of five O levels. The Ministry was in a rush, at that time, to fill the positions and sometime after, instead of taking the applications, they pulled staff from other departments, such as Inland Revenue, the VAT Office, port authority, Treasury and so on. They made these persons Acting Customs Officers I. They pulled about 70 persons in all, we are told; that was two years ago in January.

The acting customs officers were told that in order to be confirmed in the positions they would have to pass an exam and be interviewed just like other persons who had applied for the job. These workers had to have been performing well in their jobs, because they stayed there for two years after given the acting appointments. The workers started studying hard when they were told that they had to pass an exam and after one year they wrote the exam along with the new applicants. In all, 312 persons passed; out of the initial 70, 60 remained; that is to say, they passed the exam. That was announced in February 2006.

Thereafter, interviews were held in March; out of the 312 persons interviewed, only 178 passed the interview. The Ministry said that it would take 78 out of the 178 persons, according to the order of merit list. Out of the 78 persons identified for

confirmation, only 13 were from the original batch of acting Custom and Excise Officers. The other 57 or so persons had to go back to their previous departments. All their studying, acting stints and training had gone down the drain; but it does not stop there.

We are advised that these acting customs officers are being relieved of their duties and being sent back to their substantive jobs. The workers had seen a copy of the merit order list from the Public Service Commission and most of them had done very well and placed very highly at the top of the 78. When they ask now, they see a list where persons who were in the top 78 suddenly reached down below to 100 and something and the names are not randomly dispersed, but the original acting persons' names are placed in a block down below.

We are also advised that the persons coming in to replace persons who had been acting for two years, who passed the exam, were within the original order of merit list. We are told that the further list now excludes some of them. We are told that they are being replaced by persons who do not have the kind of training or experience. For example, a clerk typist is replacing an individual who has had 16 years in the public service, spent the two years doing the customs officer job, wrote the exam, passed it and was on the original order of merit list. They are saying that this clerk typist is better qualified to replace these acting customs officers. We are told that another young man to enter the department is a temporary worker at the Office of the Prime Minister and the workers who are still there are being made to train the new people. So they are training persons to replace them, to take their jobs.

I am advised that the manner in which it is being done as well is most insensitive; that when the new people are coming in, the acting person is just told: "Pack up and move your things out", so that in addition to the allegations being made of discrimination against these workers, there is that added insensitivity in the manner in which the replacements are taking place.

On behalf of these officers I have been asked to raise this matter. Some of the workers are considering taking legal action with respect to this. Many of them are very scared to speak out; they are terrified to speak out, because they fear that they will lose their jobs. Remember they are in this public service from other departments; they are being replaced, sent back and so forth, so they are very, very petrified to raise the issue. I am told that today the Comptroller of Customs and Excise in the presence of the workers wanted to know how the matter had reached the level of the Parliament; so the workers remain very, very frightened and very worried for their jobs.

I ask the hon. Minister to clarify the situation there; let us know what the criterion is and what has happened with respect to these acting customs and excise officers.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, for this matter there is a short answer and a long answer. I am going to give the short answer first. [*Crosstalk*] The Customs and Excise Division is not responsible for the recruitment of staff, but rather the Service Commission Department. No officer who has been acting for two years or more was reverted and no person from outside the public service was recruited as Customs and Excise Officer I; that is the short answer.

The long answer: By circular memorandum dated October 11, 2003 and December 23, 2003, the Director of Personnel Administration (DPA) advertised the office of Customs and Excise Officer I within the public service, with the deadline dates being December 11, 2003 and January 31, 2004, respectively.

Applications from staff of the Ministry of Finance were forwarded to the DPA by the Permanent Secretary, Ministry of Finance. Applications from the officers of other ministers were sent directly to the DPA by those ministries. Subsequently, by memorandum dated November 03, 2004, the DPA advised that the entire exercise of conducting examinations and interviews would be time consuming and the ministry may, as an interim measure, recommend for the consideration of the Public Service Commission, the acting appointment of the most senior officers in the Ministry of Finance who applied for the office of Customs and Excise Officer I and satisfied the requirements.

The DPA also advised that it should be noted that the officers recommended must be made aware that the acting appointments would be of a temporary nature and they would be required to be examined and interviewed along with the other persons who had applied for and satisfied the requirements for the office of Customs and Excise Officer I. Accordingly, by memorandum dated December 10, 2004, the Permanent Secretary, Ministry of Finance, recommended the acting appointment of the 70 most senior officers who satisfied the requirements and who had applied in response to the advertisement.

The DPA by memorandum dated January 12, 2005, conveyed the approval of the Public Service Commission for the acting appointment of 54 officers as Customs and Excise Officer I from date of assumption to March 31, 2005, and decided that the officers should be informed that the acting appointments would give them no claim to promotion to the office and that they would be required to be examined and interviewed along with the persons who had applied for and

satisfied the requirements of the office of Customs and Excise Officer I. The letters issued to the officers contained this information.

Mr. Speaker, 49 of the 54 officers appointed assumed duty as Customs and Excise Officers I and five declined the appointment.

Mrs. Persad-Bissessar: That is the acting?

Hon. K. Valley: Yes. The DPA was informed, and six other persons were recommended for acting appointments. By memorandum dated March 14, 2005, a recommendation was sent to the Director of Personnel Administration for the continued acting appointment of the officers for three months with effect from April 01, 2005. In a memorandum dated June 30, 2005, the DPA advised as follows: 2,508 applicants responded to the advertisement; 1,290 satisfied the requirements of the office; the Public Service Commission decided that an examination be held to shortlist candidates; examination papers were being set; the Estimated scheduled date of the examination was the end of July 2005; officers successful at the interviews would be subsequently interviewed to determine their suitability for the office of Customs and Excise Officer I.

The DPA on July 07, 2005 and August 09, 2005, conveyed the approval of the PSC for the acting appointment of 27 and 15 officers respectively from other ministries as Customs and Excise Officer I, from the date of assumption to October 10, 2005. By memorandum dated August 24, 2005, the PSC extended the appointment of five of the officers from April 01 to August 31, 2005, and advised that they would not be considered for any further acting appointments as they did not satisfy the requirements of their office. The other officers continued to act.

The qualifying examination was held in August 2005 and successful candidates were notified via publications in the daily newspapers. Interviews for the office of Customs and Excise Officer I commenced on March 29 and were completed on August 29, 2006. The interviewing panel comprised the following persons: senior Human Resource Advisor of the Service Commission Department as chairman; the Deputy Comptroller of Customs and Excise, a member, and the Acting Director Human Resources, Ministry of Finance, another member.

Following the interviews, a report was presented by the panel and the Public Service Commission established an order of merit list from which the 78 persons who were highest on the list were appointed to act Customs and Excise Officer I with effect from December 01, 2006. At that time, none of the officers who had been appointed to act had accumulated two or more years' service. It should be noted that no person was appointed to act as Customs and Excise Officer I from outside the public service. Further, the Comptroller of Customs and Excise has

advised that the officers who were appointed to act as Customs and Excise Officer I were only required to perform clerical duties and were not allowed to sign any documents on behalf of the Comptroller.

I thank you, Mr. Speaker.

Mr. Speaker: There is a Motion by the Member for Chaguanas and I understand that there was agreement to have that postponed for the next sitting day.

**Goocharan Trace
(Emergency Repairs to)**

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, the matter engaging our attention as a Motion on the adjournment deals with a crisis that has developed over the recent past involving the plight of hundreds of residents at the Goocharan Trace, West Debe, who have been seeking the assistance of the Ministry of Works and Transport to undertake emergency repairs to their road and to construct a retaining wall to stop a major landslide that has already caused serious damage to the property and homes of residents in the area.

There are occasions in the House on debate on several matters when Members would, of necessity, seek to politicize and score political points in the normal cut and thrust of the debate; this is not an issue of politics and of scoring political points or anything like that. This is an issue where residents have had to incur very serious hardships and inconvenience in their daily lives.

The road in the Goocharan West and East areas has deteriorated over a period of time. The Minister of Works and Transport on a visit to the Oropouche constituency a few months ago had asked the Member of Parliament (MP) for Oropouche to compile a list of the roads that he would like repaired. I did that and the Minister further asked that the list be in the prior in the order of the roads I would like to be dealt with first. The Goocharan Trace West Road was actually the second on the list.

The roads are in a horrible state, but probably more important than that, as bad as that is, a landslide has developed over a period of time that has now left the road looking almost like the Grand Canyon. Apart from the hazard to vehicles, pedestrians and residents of the village, that landslide has already done damage to homes and properties in the areas. Poor people in that area have worked for many years, saved money and invested in their homes. They have their children and, in some cases, extended family living in their homes and it is really a sad plight when you see the structural damage, the homes collapsing, the ground floors, the walls and posts cracking up; clearly, damage is done to the property. I am appealing to the Minister of Works and Transport to assist us in this matter.

The residents on January 15, 2007, frustrated then, took protest action on the streets and engaged in peaceful protest on January 15. On January 15, I wrote the Minister of Works and Transport drawing to his attention the problem and asking him to assist. Incidentally, I had written to the Minister of Works and Transport a few days before, on January 11, 2007, also asking the Minister to assist with this matter.

I had communication with the Minister of Works and Transport, both in the Parliament and outside, and I had the assurance that the Ministry would look into the matter. The Minister indicated to me that there were only so few contractors that could undertake that type of job and that one had to wait because contractors were not readily available to do that kind of work.

After two months of waiting, the residents have seen absolutely no indication that there is anything happening to address the problem and, again, the residents took protest action on March 12, 2007, on Monday last. It was a very fiery, vociferous protest. It was interesting that when the residents were interviewed on the radio one affected resident said, "Look at where we reach, that to get the attention of the authorities we must stay home from work, bring out our children and our family, stand up in the hot sun in the morning and confront the police, to draw the attention of the authorities to our plight." And there was a problem with the police that morning.

I thought that was most instructive, because the residents themselves do not want to take protest action. They are not protest oriented; they are not people who like protest action. But it demonstrated the level of frustration, the level of anger, in some cases, that the residents felt. I am sure if anyone from either side of the House was living on that street, he or she would also be passionate about it.

In the morning period, because of the state of the road, when children walk to school, invariably they dirty their shoes, socks and clothes, having to walk through the dust on the road. When it rains, the children then get to school all muddy with their uniforms soiled because of the state of the roads. The repair needs to be done, but the landslide is really the critical problem there. We have acknowledged before that the road is the responsibility of the local government corporation. [*Crosstalk*] That matter has developed over three or four years and the local government corporation is well aware of it.

The local government corporation has advised me, as MP, that they do not have the resources to undertake repairs to the area. I have communicated with the regional corporation on several occasions. I came to the Ministry of Works and

Transport almost as a last minute, ultimate door. The corporation has assured me that they simply do not have the resources. Dealing with the landslide, as in Mayaro and so on, requires extra resources that the corporation does not have.

I am appealing to the Government that while we acknowledge the corporation's role in the matter, that does not change the suffering of the people. The people's suffering does not change by knowing that it is the corporation as opposed to central government responsible. They are aware, but they are also asking the central Government to intervene and come to their assistance. I would like to use this opportunity to ask the Minister of Works and Transport to respond in a positive manner, because it is not only money that the poor residents would lose, but the road is in a state where no one in this Chamber would drive through; it is so bad. While I acknowledge that not only in Oropouche but also in other areas we have bad roads—areas have bad roads and that is how it is—but this is a critical problem, because of that landslide.

On the morning of the protest the Minister of Works and Transport was reported in the press, and it was carried later in the evening, to have made a statement to the effect that he would like the residents to write him a letter and bring it to his attention. I have absolutely no difficulty with that, notwithstanding that I wrote the Minister on behalf of the residents on January 11, January 15 and so on; but the Minister asked the residents to write him directly. The residents have, indeed, drafted a letter which I have in my possession. I will not read it; it summarizes the situation and brings to the Minister's attention the deplorable state of the road, the landslide and so on.

The letter was signed by two residents: Inshan Dubray and Mr. Russell Balgobin, both affected by this crisis on the area. They drafted a letter to Hon. Colm Imbert, Minister of Works and Transport. They have also attached an extensive document which gives the estimates for the job, as compiled by the regional corporation, to fix the landslide and to take care of structural damages of five houses in the area, at a cost of \$2.2 million. They have asked me to present to the Minister a copy of their letter and the estimate and they are asking the Minister to respond. [*Letter handed to Hon. C. Imbert*]

Mr. Speaker, I am asking that the Member deal with this matter, because we are now in the dry season, as you know, and the problem will get extremely difficult for residents when the wet season comes around. When you have the rain, you have water running off different lands. It is an area where water comes down to the road; you already have this landslide in the area and you already have the horrible road conditions. The Minister has asked the residents to write him directly; they have now done so and presented a copy of the estimates.

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I am asking the Minister to be very conscious of the coming wet season; the plight of the people in the area, particularly the children; the plight of the five landowners; the owners of the homes who have already incurred damage. This is not going to start, it has started already and it will get much worse if it is allowed to deteriorate. I am hoping that the Minister would give a favourable response to the villagers and intervene, given that the Ministry can find resources to attend to this matter in the quickest possible time.

Mr. Speaker, thank you.

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, it is interesting that in the entire monologue not once did we hear about any correspondence between the MP for Oropouche and the Chairman of the Penal/Debe Corporation, Mr. Sammy; not once did we hear of anything done by the Penal/Debe Corporation; not once did we hear about any proposal coming from the Penal/Debe Corporation. It is amazing; it is simply pathetic. The corporation is controlled by the UNC; it is an area dominated by the UNC for years. They were in government for six years; what did they do in Goocharan Trace? Nothing; it is pathetic.

My understanding is that the problem was caused by unauthorized excavation by one of the local residents, while the local government corporation just stood there, oblivious, and allowed the unauthorized resident to destroy the infrastructure in the area. They took no action whatsoever; allowed the road to disintegrate; made no proposals; this MP did absolutely nothing and now call upon the Minister of Works and Transport, who has absolutely no responsibility for this road. Where did the millions of dollars given to the Penal/Debe Corporation over the last 12 years, from the time the UNC was in office, go? Certainly not in Goocharan Trace; maybe in wild meat, alcohol and other things, but not in infrastructure required by the poor people of Debe. It is a disgrace.

What I find particularly upsetting about all this is that the MP also conveniently did not advise the House and his constituents—who I understand will not be his constituents for very long again; he is already bidding them farewell—that he asked the Minister of Works and Transport to repair Suchit Trace, which we did at a cost of \$2.4 million; he also asked the Minister to repair Debe Trace, which we did at a cost of \$3.3 million; over \$7.5 million spent in that area.

What happened to Goocharan Trace? When you asked me to spend the money on Debe Trace and Suchit Trace, what happened to Goocharan Trace? It is typical of the pathetic representation that is symptomatic of that side, the Front Benches and, in

particular, the Member for Oropouche. It is only when this thing becomes an embarrassment, when the dismal failure of a UNC-controlled corporation which has had millions of dollars available to it—they send back millions of dollars to the Treasury every year; pathetic. But the caring PNM will solve the problem. [*Laughter*]

I told the residents to write me directly. I told them that their MP was a waste of time. [*Laughter*] I told them that for the last three months, while they had been suffering, not once in this Parliament has their MP brought up that issue; all the opportunities that the MP for Oropouche had to raise this matter with the Minister of Works and Transport. The Members opposite do it all the time, if they have an issue. Just today the Member for Barataria/San Juan raised with me certain roads in his areas and asked for assistance; the Member for Caroni East, all the time making representation.

Mr. Singh: I got so much work done this time.

Hon. C. Imbert: The Member of Chaguanas, making representation; even the Member for Nariva speaks to me about roads in his constituency. But will the Member for Oropouche do it? No; he is a pathetic, waste of time. This is why I asked the residents to write me. I do not need any copy of any letter from the Member for Oropouche; I have mine already. They wrote me directly. I do not need your copy. [*Hon. Imbert throws document aside*] [*Laughter*] I have the original.

Now that the residents of Goocharan Trace have written to me, the Ministry of Works and Transport will schedule the work to be done on the road; we have already assessed it. [*Crosstalk*] No, it is not my responsibility, but I cannot leave the poor people of Goocharan Trace to suffer without representation. [*Desk thumping*] I cannot leave them to suffer in the abyss of UNC representation. [*Crosstalk*] I will not return the favour as when the UNC punished the PNM areas during their six years. [*Desk thumping*] I will come to the rescue of the people of Goocharan Trace.

Now that they have written me, the engineers of the Ministry have already done the assessment. The Civil Engineer II in Victoria West visited Goocharan Trace on March 14 and has already presented the Ministry with an estimate. We shall schedule this work to be done within the next couple weeks; within a month, work will be done on Goocharan Trace, as a result of the caring PNM. Nothing to do with you!

Mr. Speaker, I thank you.

Question put and agreed to.

House adjourned accordingly

Adjourned at 10.19 p.m.