

*Leave of Absence**Monday, September 10, 2007***HOUSE OF REPRESENTATIVES***Monday, September 10, 2007*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the hon. Dr. Fuad Khan, Member of Parliament of Barataria/San Juan requesting leave of absence for the period September 08 to 12, 2007. I have also received communication from the hon. Kelvin Ramnath, Member of Parliament for Couva South, requesting leave of absence for the period September 11 to October 15, 2007. The leave which these Members seek is granted.

YOUTH PARLIAMENT STUDENTS

Mr. Speaker: Hon. Members, may I bring to your attention the fact that we have in our presence in the public gallery, students from several schools throughout Trinidad and Tobago. These students would take part in the Youth Parliament, which is going to take place on Monday, September 17, 2007 at 12.30 p.m. All Members of Parliament are invited to witness this youth debate. It is the Sixth Youth Parliament that we are having and I urge all Members of Parliament to come and listen to our young people.

JOINT SELECT COMMITTEE REPORT

**Municipal Corporations and Service Commissions
San Fernando City Corporation
(Presentation)**

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I wish to present the Fourth Report of the Joint Select Committee of Parliament appointed to enquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on the San Fernando City Corporation.

ORAL ANSWERS TO QUESTIONS**University of Trinidad and Tobago (UTT)**

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

Could the Minister list:

- (a) all the contracts entered into by the University of Trinidad of Tobago (UTT);
- (b) all consultants whose services are engaged by UTT and the fees paid to them;
- (c) all legal fees paid to attorneys-at-law for and on behalf of UTT; and
- (d) all foreign personnel of UTT and their respective salaries?

Mr. Speaker: Well, the hon. Minister is not here, but he should have been here because this question has been on the Order Paper for several months.

Mr. Singh: Mr. Speaker, this question has been on the Order Paper since January 12, 2007. It has been adjourned 14 times for a period of two weeks in each instance. These are very simple questions; very simple questions.

Mr. Valley: Mr. Speaker—

Mr. Speaker: You have the answer?

Mr. Valley: No. [*Laughter*] Mr. Speaker, I think the Government is able to answer two questions according to my notes here: questions No. 89 and No. 91. [*Crosstalk*]

Mr. Speaker: Order please. I will come to that. The hon. Member for Caroni Central.

Question, by leave, deferred.

The following questions stood on the Order Paper:

**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*]

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

- 58.** Could the hon. Minister of Public Utilities and the Environment 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”? [*Mrs. K. Persad-Bissessar*]

**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*]

**Allocation of Funds
(Details of)**

- 70.** Could the hon. Minister of Community Development, Culture and Gender Affairs state the allocations made to TUCO, Soca Monarch and Calypso Tents for the period 2005–2007? [*Mr. G. Singh*]

**Trinidad and Tobago Football Federation
(Financial Contributions)**

- 82.** Could the hon. Minister of Sport and Youth Affairs:
- (a) inform this honourable House of all financial contributions made to the Trinidad and Tobago Football Federation for World Cup Football 2006; and
 - (b) advise whether any contributions were made to Government regarding FIFA’s profit sharing for the World Cup Football 2006? [*Mr. M. Ramsaran*]

**Sporting Organizations Coaches
(Financial Assistance)**

- 83.** Could the hon. Minister of Sport and Youth Affairs:
- (a) advise whether financial assistance was promised to coaches attached to various sporting organizations; and
 - (b) if so, would the Minister inform this House of the quantum promised to each body? [*Mr. M. Ramsaran*]

**Indian Arrival Day 2007
(Details of)**

- 88.** Could the hon. Minister of Community Development, Culture and Gender Affairs indicate:
- (a) what official functions were held by the government in observation of Indian Arrival Day 2007; and
 - (b) the amount of money spent by the government in hosting official functions to commemorate Indian Arrival Day 2007? [*Dr. R. Moonilal*]

**Tarouba Sporting Complex
(Completion and Cost of)**

- 90.** With respect too the Tarouba Sporting Complex, could the hon. Minister of Sports and Youth Affairs advise:
- (a) what is the projected cost of the project; and
 - (b) the projected date for completion? [*Dr. H. Rafeeq*]

**Attorneys-at-Law
(Legal Fees Paid by State to)**

- 93.** With regard to legal fees paid by the State and/or its agencies could the hon. Attorney General advise what fees have been paid to the following attorneys-at-law for the period 2006 to date:
- (a) Israel Khan SC;
 - (b) Senator Dana Seetahal SC; and
 - (c) Michael Quamina. [*Mr. S. Panday*]

**Trinidad and Tobago Electricity Commission (T&TEC)
(Authorization of Crew)**

98. (a) Could the hon. Minister of Public Utilities and the Environment state who authorized a Trinidad and Tobago Electricity Commission (T&TEC) crew using a T&TEC truck registration No. TBJ 7331- C70 to put PNM banners, bearing PNM slogans and a picture of the Member of Parliament for San Fernando East on T&TEC poles on Saturday 28th July 2007 at Cocoyea;
- (b) Can the Minister state whether T&TEC had been paid for the service; and
- (c) If the answer to (b) is in the affirmative kindly state the amount paid, by whom and when was it paid? [*Mr. S. Panday*]

Questions, by leave, deferred.

**Preysal Community Centre
(Completion and Cost of)**

89. **Dr. Hamza Rafeeq** (*Caroni Central*) asked the hon. Minister of Community Development, Culture and Gender Affairs:

Could the Minister advise:

- (a) when construction of the Preysal Community Centre will be completed;
- (b) the cost of this project; and
- (c) the reason for the delay in this project?

The Minister of State in the Ministry of Community Development and Culture (Hon. Eulalie James): Mr. Speaker, I do not have the question here with me, but I could remember in the budget—[*Crosstalk*]

Mr. Speaker: Order!

Hon. E. James: I told him in the budget the reason why it had stopped was because—

Dr. Rafeeq: Mr. Speaker, reference was made to this question, but the question was not answered.

Hon. E. James: Well, that was the answer.

Mr. Speaker: Hon. Member, you do not have an answer. Okay. The hon. Member for Naparima.

Question, by leave, deferred.

**National Insurance Board Members
(Expiration of Term of Office)**

91. Mr. Nizam Baksh (*Naparima*) asked the hon. Minister of Finance:

Could the Minister advise:

- (a) whether the term of office of the Tribunal of Members of the National Insurance Board has expired since March 27, 2007;
- (b) if the answer to (a) is in the affirmative, could the Minister state why a new tribunal has not been appointed; and
- (c) how soon a new tribunal will be appointed?

Mr. Speaker: Do you have an answer? [*Crosstalk*] Order! Order! [*Interruption*] You do not need to express your disgust; I can do it for you. [*Crosstalk*] Order! It really is unacceptable. [*Desk thumping*] We are in the dying days of this Eighth Parliament and it is really—it shows some form of contempt to the House, that questions that have been on the Order Paper this length of time, certainly those that have been here for two and three months, ought to have been answered. And the history of this Eighth Parliament has shown a consistent failure by the Government Ministers to answer questions. It is really not acceptable. Proceed.

Question, by leave, deferred.

**DEFINITE URGENT MATTERS
(LEAVE)**

**Mount Hope Medical Hospital
(Critical Shortage of Beds)**

Dr. Adesh Nanan (*Tabaquite*): Thank you, Mr. Speaker. In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance: namely, the failure of the Government to address the critical shortage of beds at the Mount Hope Medical Hospital.

Definite Urgent Matters (Leave)

Monday, September 10, 2007

The matter is definite because Mr. Ramfir Ramadhar of 43 Tenth Avenue, Orchard Gardens, suffered a stroke on Tuesday, September 04, 2007 and was taken to the Mount Hope Medical Hospital, where he remained on a stretcher in the Accident and Emergency area until Thursday, September 06, 2007, before being warded at the said hospital.

The matter is urgent since many patients have to endure extreme pain and hardship because of a shortage of beds at the said hospital.

The matter is of public importance because the said shortage of beds has severely compromised the delivery of quality health care, causing the population to lose confidence in the Minister—Ministry of Health.

Hon. Member: Same thing; same thing.

Mr. Speaker: It is not the same thing, if you want to move a no confidence motion on the Minister, you can do that. Hon. Members, this Motion does not qualify under Standing Order 12, but would have done so under Standing Order 11.

**Water and Sewerage Authority
(Failure to Supply Water to Residents of Tableland)**

Mr. Subhas Panday (*Princes Town*): Thank you very much, Mr. Speaker. In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance: namely, the failure of the Water and Sewerage Authority to supply water to the residents of Tableland and in particular, Tableland Local Road in the constituency of Princes Town.

The matter is definite because it pertains to the lack of a pipe borne water supply to those residents.

It is urgent because the residents and their children who have recently commenced the new school term are experiencing extreme hardship because of the lack of this vital commodity.

It is of public importance because the continued lack of supply of water to the area can lead to an epidemic.

Mr. Speaker: Again, hon. Members, this Motion under Standing Order 12 does not qualify. Again, it would have done so under Standing Order 11.

Children's Authority (Amdt.) Bill

Monday, September 10, 2007

CHILDREN'S AUTHORITY (AMDT.) BILL

Bill to amend the Children's Authority Act, 2000 [*The Minister of Social Development*]; read the first time.

**CHILDREN'S COMMUNITY RESIDENCES,
FOSTER HOMES AND NURSERIES BILL**

Bill to amend the Children's Community Residences, Foster Homes and Nurseries Act, 2000 [*The Minister of Social Development*]; read the first time.

ADOPTION OF CHILDREN (AMDT.) BILL

Bill to amend the Adoption of Children Act [*The Minister of Social Development*]; read the first time.

CHILDREN BILL

Bill relating to the protection of children and for matters related thereto [*The Minister of Social Development*]; read the first time.

INTERNATIONAL CHILD ABDUCTION BILL

Bill to provide for the application on Trinidad and Tobago of the Hague Convention on the Civil Aspects of International Child Abduction and to provide for matters connected with or related thereto [*The Minister of Social Development*]; read the first time.

FAMILY COURT BILL

Bill to vest jurisdiction for all family matters in a Division of the High Court to be called the Family Court and to make provision for matters connected therewith [*The Minister of Social Development*]; read the first time. [*Crosstalk*]

Mr. Speaker: Order!

BAIL (AMDT.) (NO. 3) 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): Thank you very much. Mr. Speaker, I beg to move,

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

It is with great honour and a measure of regret that I am to present yet again, to this Parliament, Bail (Amdt.) (No. 3) Bill, 2007. It is an honour because it reflects the Government's and in fact, since it requires the support of all Members of both

sides of the House, it reflects both the Government and this Parliament's determination to defend the people of Trinidad and Tobago against the criminal actions of those in our society who feel that kind of life would pay and is indeed necessary.

There is a measure of regret, as I have said, if only because I had indicated when we piloted these amendments before that really it should be permanent legislation. Or if not absolutely or wholly permanent, it should remain on our books consistently until Trinidad and Tobago is satisfied that not one single kidnapper operates in Trinidad and Tobago again. There could be no guarantees on that, but in the event we have had the support of the other side for varying periods of time, and as a consequence, due to the effluxion of the last allotment of time that we had negotiated and won in this Parliament with the support of our friends on the other side, we are now here to present this amendment again, to extend effectively, the life of very, very important and critical legislation, as I said, in the defence of the people of Trinidad and Tobago.

The Bill seeks to amend the Bail Act, No. 18 of 1994, to make the offences of kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, No. 21 of 2003, non-bailable offences for a period of 60 days. But thereafter, bail may be granted at the discretion of the High Court. It is a fact that this legislation was first moved and passed in Act 32 of 2005, and we have reenacted these measures on four occasions. We propose to reenact them again today, with the presentation of this Bill for the consideration of this honourable House.

Mr. Speaker, the details are well known to Members on both sides, because as I indicated, we have reenacted this four times. In other words, to put colloquially, we have been here before in terms of these measures. But I am required, for the benefit of the national community, to elucidate upon matters, which I am sure, would not be unfamiliar to our friends on the other side or certainly no one on this side, for the reason or reasons as I have stated. So I would continue.

The Bill will also make certain violent offences including possession of a firearm or ammunition without licence, certificate or permit, under the Firearms Act, Chap. 16:01, trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking, under the Dangerous Drugs Act, 1991, or kidnapping at common law or assault occasioning grievous bodily harm, all non-bailable offences, where a person has been convicted on two prior occasions for any of those offences or for a combination of those offences arising from a single transaction, as we call it in law, or incident.

Bail (Amdt.) (No. 3) Bill
[HON. F. HINDS]

Monday, September 10, 2007

This Bill is identical to those that we have come with before, except in one major regard. The Bail (Amdt.) (No. 2) Act, 2007, Act 15 of 2007, or the amending Act, which was assented to by the President on June 20, 2007, section 7 of the amending Act states that the amending Act would remain in force for a period of three months after the date of its commencement, hence the amending Act will cease to have effect on September 19, 2007. The duration period in the Bill is set as one year from the date of commencement.

On every occasion that we have presented these measures before, we have heard coming from our friends on the other side, either simply to satisfy themselves or to satisfy their constituencies, that “we come late”. Today, September 10, you will hear them say, and we are coming here for a measure to take effect from September 19 or September 20. We will hear them say that, and we will simply remind them that while they say so the world did not stand still. Many other things have been happening. We have been in this Parliament several times since then, passing other important pieces of legislation and generally, as Government, getting the business of the nation done, for the benefit the people.

So when you hear them say that, we are coming on September 10 with a measure to amend a Bill that expires on September 19, just take note that the world did not stand still; the work has been going on. Not just legislatively, in terms of the reform of the police service and making the police service more amenable to the expectations of the citizens of 2020, as we now exist in Trinidad and Tobago. So the question of coming late should be put to rest.

The other thing that you would hear from our friends on the other side, no doubt, and they said it on the five occasions—

Mr. Singh: You are not supposed to anticipate.

Hon. F. Hinds: Mr. Speaker, I crave your protection. On every one of the four occasions that we came to ask their support to protect the people of Trinidad and Tobago from those who are criminally minded, you would hear them say that the Minister was supposed to present statistics to say how many people were arrested; how many people are in custody; how many people are still in custody as a result of these measures, and on every occasion we have provided those statistics. And I want to say to them in advance, the proof of the pudding is in the eating. It is an established, sociological and historical fact in Trinidad and Tobago, that the result of the combination of all of the measures that we have taken, legislatively and administratively, the bottom line is, that crime of kidnapping for ransom has reduced significantly in Trinidad and Tobago. Businessmen up and down the country; citizens

up and down the country are expressing gratitude, not only to the Government, not only to the Police Commissioner; not only to the Director of the Special Anti-Crime Unit of Trinidad and Tobago; not only to Brigadier Dillon, the Chief of Defence Staff; not only to all the arms of law enforcement, including the intelligence agencies, but they are expressing their gratitude to the entire Parliament, including our friends on the other side, without whose support, this important measure would not have been in existence in the first place.

Mr. Speaker, I anticipate the delay argument; I anticipate the statistics argument, but as I said to my friends, the proof of the pudding is in the eating. I just want to say en passant, because I have no doubt, my friends may raise it, over the last 48 hours there was an attempt at kidnapping—well there was a kidnapping actually—of a very prominent citizen in Trinidad and Tobago; it was well reported. And it demonstrates the need for this legislation, because while the crime of kidnapping for ransom has been reduced significantly, it is not gone for good; it is here. Crime, as we know, is a manifestation of human behaviour; the evil aspect of the human being. It is a manifestation of the thoughts of those who are not prepared to pray hard, work hard and earn a living honestly, as everyone in Trinidad and Tobago has an opportunity to do in this rich and beneficent—if I may say so—nation.

Mr. Panday: Bountiful land.

Hon. F. Hinds: Bountiful land; I am guided by my friend for Princes Town, who has assisted me with the selection of a more appropriate term and I am grateful to him. He accepts, in so doing, that Trinidad and Tobago today provides equal opportunity for all the citizens to live, to work, to operate in honesty; he knows. According to David Rudder, you do not have to thief or cheat to be a winner. There are many examples of people in Trinidad and Tobago, and I dare say the world, who have prospered; who have made good and who have succeeded without cheating.

The fact that they robbed and kidnapped the prominent citizen of whom I just spoke, is testimony to the need for these measures to continue. And again, I would say it should be permanent, but we are asking on this occasion to extend its life for one year, and of course, we will come back to the Parliament after that year and ask their support again from the other side.

It is very important that this amending legislation does not lapse, that is, that it continues in force after September 2007. Because if this legislation should lapse more than 25 hard core criminals in this country, those who have been associated with the crimes that these measures seek to contain, would be free to once more roam

Bail (Amdt.) (No. 3) Bill
[HON. F. HINDS]

Monday, September 10, 2007

Trinidad and Tobago and continue their criminal activities. More particularly, this Bill is a very important one in the fight against kidnapping for ransom and these serious offences.

We said here before that the fact that this legislation has kept those who have been charged for those kinds of offences, particularly kidnapping for ransom, the fact that the main players—and I did not decide the main players—based on reports that we have gotten from the law enforcement agencies, the main players in this crime of kidnapping for ransom are safely tucked away for the time being on the inside, pending their trials. They will have their day in court; some have had their day in court; some are having their day in court; others will have their day in court. But the fact of matter is, pending these matters, once they fit the measures as outlined in this Bill, they have been safely kept in the custody of the prison and as such, they are not able to be on the outside to perpetrate this nasty crime against our citizens.

In the matter over the last 48 hours with Mr. Deane, a number of lessons are to be learnt from this.

Mr. Panday: Who is Deane?

Hon. F. Hinds: Mr. Gordon Deane, unfortunately a prominent, hard working manager by training, I rather suspect, the Chairman of ALGICO, I think he was; he used to be the Chairman of the Integrity Commission; a prominent citizen, who has contributed in the private and public sectors. They went to his place in the East, between Sans Souci and Toco—I am advised—and they robbed him as he was tending to his property. I know Mr. Deane personally, I worked with ALGICO as an insurance salesman myself. Having robbed him, they decided to take the body of the gentleman, to kidnap him, put him into the vehicle and began to drive away from the scene of the nasty crime with him.

But Mr. Speaker, as I said, a number of lessons are to be learnt. Firstly and I want to commend the police and the law enforcement agencies, because I was not there, of course, but it was reported to me that as soon as they received the report they put a programme of security and activity in place and they were able to arrest three suspects, who are now in custody under investigations in relation to the offences. And it was a prompt response on the part of the police and I have noted within the last year or so, there were a number of kidnappings or attempted kidnappings that the police and law enforcement generally, including the law enforcement agencies, wrapped up in a very quick time.

This is why I make the point, Mr. Speaker, not only have we advanced with the support of our friends legislatively, but from an operational standpoint, the police

seem to be doing a far better job than they did two, three, four, five years ago. They are improving their technique; that is a fact. And I want to commend Commissioner Paul, Brigadier Joseph, Chief of Defence Staff, Brigadier Dillon and the head of all the intelligence agencies because I know they work together for the benefit of us all as citizens of Trinidad and Tobago; I want to commend them. I also want to commend the citizenry because I was told from the reports we have had that once Mr. Deane got out of the vehicle, the citizens in the neighbourhood rallied to his support, as they always do quite frankly in Trinidad and Tobago. They secured him; they looked after him and they got him quickly to the nearest police station, where he was able to make his report, giving the police an early opportunity to respond in the proficient and professional manner in which they obviously did.

But more importantly, I also want to commend Mr. Deane, as a citizen, because from the reports I have had, he picked his moment and he was able to throw himself out of the vehicle as they were driving away with him. It really is a lesson for all of us. It shows that in dealing and responding to crime the police and law enforcement have a responsibility, which I know they do not shirk. The Government has a responsibility too, which it has not and will not shirk, that is why it presented these measures a long time ago. And we are here again to ask that it be reenacted and the life of these measures extended. But the citizens of the country have a responsibility in responding to criminal behaviour too. This is why we buy padlocks and locks for our doors; this is why we use burglar proofing; this is why we become conscious of our environment; this is why we become conscious of our own personal security and safety. Citizens have a responsibility in this too and in this case, I think that citizens demonstrated that kind of responsibility; thank God. [*Interruption*]

2.00 p.m.

You can say nonsense.

Hon. Member: [*Inaudible*]

Hon. F. Hinds: You can say nonsense.

Mr. Speaker: Order!

Hon. F. Hinds: But, Mr. Speaker, as it stands, that citizen acted responsibly, the police acted responsibly, the people in the vicinity acted responsibly and I think the matter was brought to a swift conclusion. He sustained some injuries from his fall, but thank God, it came to a swift conclusion. I am simply making the point, once we are, and in fact we are, satisfied that there are people in Trinidad and Tobago who notwithstanding all the opportunities that are available to us all, young, middle aged

Bail (Amdt.) (No. 3) Bill
[HON. F. HINDS]

Monday, September 10, 2007

and old; the buoyant economy and all the things that the bountiful—if I may use the word offered to me by my friend from Princes Town—all of the things that mother Trinidad and Tobago has offered and continues to offer to us and we thank her, there are those who are prepared to engage in this kind of activity and we are duty bound as a Government, and we are duty bound as a Parliament, representing the people to pass measures like these to protect them from that sort of thing.

So, Mr. Speaker, the supremacy, I just want to deal quickly with the constitutional point before I retain my seat, because again, you know, you will hear issues—[*Interruption*]

Mr. Panday: Before you break, take your seat.

Hon. F. Hinds: Yes, retain my seat. [*Laughter*]

Mr. Panday: Right word; most appropriate.

Hon. F. Hinds: But I will leave an exposé on that for another time. But, Mr. Speaker, the supremacy of the Constitution, I am really just addressing the constitutional point rather with some brevity because again, this is one of the points that will come from the other side, although we have been here before, we have gone over it ad nauseam but for the benefit of the listening public, I want to make the point that the supremacy of the Constitution of Trinidad and Tobago is well acknowledged, well entrenched and well respected. And any law which is consistent with it, is void to the extent of the inconsistency.

Under section 4 of our Constitution, a person has the protected fundamental right to his life and liberty and the right not to be deprived thereof, except by due process of law. Then, under section 5(2)(f)(iii), Parliament, except by special majority legislation cannot deprive a person of the right:

“to reasonable bail without just cause ...”

This Bill seeks to deprive a person charged with a criminal offence—the offences are outlined—of his constitutional right to bail in certain limited circumstances. The Bill requires a special majority under section 13 of the Constitution; the Bill would be inconsistent with sections 4 and 5 of the Constitution, and is therefore required to be passed by a special majority of three-fifths of the Members of each House.

Mr. Speaker, with those few comments, having, I am satisfied, been brief only because we passed the legislation in 2005, we reenacted it by coming here on four occasions; we have argued the position ad nauseam, the typical and standard objections or some concerns or suggestions from the other side well rehearsed, well

known to us and I responded to them; the delay argument; the Constitution argument; and the argument about the absence of statistics, to that again I say, the proof of the pudding is in the eating and more than 25 of those persons are safely ensconced, set aside in the place where they should better be, rather than roaming the face of Trinidad and Tobago to perpetrate their crimes.

So, Mr. Speaker, with those few words, I propose very faithfully these measures for the consideration of this Parliament. I beg to move. [*Desk thumping*]

Question proposed.

Mrs. Kamla Persad-Bissessar (*Siparia*): Thank you, Mr. Speaker. Mr. Speaker, on the front page of today's newspapers, we read of the ordeal of Gordon Deane. "LNG boss tells of kidnap ordeal," Monday, September 10, the *Trinidad Express*, story by Darryl Heeralal. I think the hon. Minister did mention this in passing, but I will like to quote from some passages of this:

"Convinced that he was going to be murdered by his kidnapers, Gordon Deane, Atlantic LNG Chairman, ran through the forest and jumped down a precipice to escape the men who took him.

Following his ordeal, Deane, former Chairman of the Integrity Commission and a long time businessman, had minor surgery at the St. Clair Medical Centre on Saturday night for a dislocated shoulder and injuries to the back of his neck.

However, yesterday, as he rested and recuperated, surrounded by his family members and friends, Deane was more relieved to escape what seemed sure death."

I continue to quote from the article:

"Deane was at his estate at Angles Road, Toco on Saturday when around 1.00 p.m. ..."

Mr. Speaker, 1.00 p.m., which is what we will call in Trinidad, "broad daylight".

"... three armed men jumped out of the bush and attacked him. He was put into the back of his van and Deane said he was 'driven around on rough roads for about an hour before being taken out of the van'. Deane said he was 'convinced' that he was going to be killed, the statement read. He reportedly made a dash for freedom at some stage, ran through the forest, chased by his armed kidnapers until he came to a waterfall, where he jumped and fell several feet. He was hurt but had managed to escape his kidnapers."

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

Mr. Speaker, I am continuing from the article, another part of it:

"Investigators were noncommittal yesterday about information they had so far from the suspects."

So here we are, Mr. Speaker, on the eve of trying to extend the life of this Bail law, which is to not grant bail to persons charged with the offence of kidnapping for ransom, not to grant them bail for 60 days, I think it is important to remember that these persons are not in jail in perpetuity. Therefore, when the hon. Minister talks about 25 are locked away and so on, from since this was first passed in 2005, that 60 days would have elapsed and when we came back here the second time, the third time and the fourth time, those 60 days would have elapsed. Therefore, none of those persons would be in jail by virtue of this Bill, because when we had agreed to give the Government the support, we had said that because we are breeching the Constitution—I heard the Minister speaking, really putting forward the constitutional principles in terms of not violating rights and so on. I am reminded of a first year law student who for the first time comes upon these entrenched rights and so on, the way that he was advocating them. But they are very important fundamental rights and because of that, when we negotiated with the Government, we had indicated first that a sunset clause be put in, that is to say, this is not in perpetuity, you must come back every 60 days, 90 days whatever the case may be and report to this Parliament how this law has worked.

But, in addition, we had said and that was put into the law, that it will only be for 60 days. That is to say, that if you charge a man for kidnapping for ransom, he is brought on that charge; he will be denied bail; he will not be given bail for 60 days, but thereafter, he will revert to his normal rights under the Constitution which is to say, that you will go forward, go before a judge in chambers and you will apply for bail and be treated as any other person charged withailable offences.

So that if it is that the Minister is saying over 25 persons in custody, when were these persons apprehended and brought to jail? Because if it is under the Bail Act, 2005, then 60 days would have gone, they would have been entitled to go and apply for bail, which is the normal process now forailable offences. You go and you apply, it is the discretion of the Judiciary to say, "No, I am not giving you bail because you have too many things against you. You cannot get bail."

So how many of these persons from 2005 up to today, how many kidnappers have been charged? How many have been in jail without bail because of this law? Every time this Bill has come back, we have asked for that information; we have not got it and we still have not got it. And here it is, this law is in force, but Gordon

Deane, prominent businessman tells of his ordeal at the hands of kidnappers over the weekend. So, is this law working? Is this law assisting anyone?

Hon. Member: No.

Mr. Hinds: [*Inaudible*] the answer to that question. No law is self [*Inaudible*]

Dr. Moonilal: Oh God, that is what you get up to say.

Mr. Hinds: The law is there to deal with— [*Inaudible*] [*Interruption*]

Dr. Moonilal: Do not give way to him again. Do not give way to you again, if that is the rubbish you want to talk.

Mrs. K. Persad-Bissessar: Mr. Speaker, the whole premise of this legislation, the whole thrust of it is to say that it will act as a deterrent to keep these "fellas" from committing the crime and so on, so, what nonsense is the Minister saying? What nonsense is that? We know that the law is there and people break the law and you bring them, but you see that is the point, you bring this Bill and every time you brought it, you are saying this is going to deal with the kidnappers, but we must know this is after the fact. This is only after people have been kidnapped and you charged somebody for the kidnapping. What are you doing about prevention? [*Desk thumping*] Where is your thrust? Where is your fight against crime when it comes to prevention?

Mr. Speaker, let us look at the history of this Bill and we will see that as in every other regard, this Government has failed and failed miserably when it comes to dealing with crime in this country. [*Desk thumping*] They have failed and even when the Minister is speaking and putting forward his ideas, there is nothing that is convincing in it. It does not seem as though he believes himself when he is speaking. This is the state of collapse of this Government that we are experiencing in these end times, that when you come today, and you need a special majority support as the Bill says—as you advocated, it is inconsistent with the Constitution and therefore it requires a special three-fifths majority—look at the contempt of the Members on the other side in this Parliament when you need a special majority, but where are your Members? Where are your Members? You bring a Bill for a special majority and your Members do not even have the courage of their convictions to come and sit here today to vote for a Bill that needs a special majority. [*Desk thumping*]

It is in contempt. It is the same kind of contempt when we look at the questions on this Order Paper, for nine months, some of them have been there for

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

more than nine months. I recall one, hon. Speaker, that you were very interested in, the one with the Tarouba Stadium that was supposed to be ready in time for the cricket, and the cricket came and went and the thing has never been answered. It is a contempt and it is the contempt on the part of that Government which has now led to the collapse of the PNM. That is how I see it.

The implosion within the PNM, the Members—I feel sorry for some of them because they cannot lift their heads. My good friend from Diego Martin Central, when I made that comment, did lift his head, so I give him credit for lifting his head. But you know, here we are to pass a Bill, piloted by this Government, brought by this Government, and where is the Government? Where are the Members of the Government? San Fernando East, Diego Martin West, Diego Martin East, Toco/Manzanilla, I mean we can go along. Look, Laventille West, Tunapuna, Tobago East, Ortorie/Mayaro; well Ortorie/Mayaro is here. And so, Mr. Speaker—
[*Interruption*]

Mr. Valley: No, no. Please, please. Mr. Speaker, they are all here.

Mr. Speaker: The hon. Member is not giving way.

Mrs. K. Persad-Bissessar: The Leader of Government Business is really battling for his life, so he would have to try to get his Members on those Benches.

Mr. Valley: Leader of Government Business battles for nothing, he stands on principle. [*Desk thumping*] [*Laughter*]

Mrs. K. Persad-Bissessar: The Leader of Government Business stands on principle; he is not battling for anything.

Mr. Panday: Unlike the others.

Mrs. K. Persad-Bissessar: He is not battling for anything. Not even for his seat. But you see, he stands on principle unlike his leader and his leader is not here today, so I think he is very happy to stand and tell us that he stands on principle.

Mr. Speaker, let us look at the history of the Bill. This is the fifth time in the space of two years that this Parliament is engaged in what some will perceive to be an act of futility. I am not sure if that is a totally accurate assessment, but we have to consider that this amendment has been like a recurring decimal within the last two years of the life of this Parliament.

There has been the passage of the previous version of the Bill, since then, nothing has changed with regard to the crime situation. That is why I started off with the Gordon Deane kidnapping, just over this weekend. And you know, they

believe the UNC is so powerful, I would not be surprised when the Minister gets up to respond, that he would say the UNC staged this.

Mr. Panday: Oh, oh, oh!

Mrs. K. Persad-Bissessar: I would not be surprised.

Dr. Moonilal: That sounds like him.

Mrs. K. Persad-Bissessar: I would not be surprised that he would say that. So here it is, seeking to go with it, nothing has changed with respect to crime. The legislative changes this Government has promised have not materialized. Let us go back to the 2005 Bail (Amdt.), which is the parent of this one, if we may call it that. Prior to the passage of the Bail (Amdt.) Act, 2005, you will recall that the Opposition led then, by the hon. Basdeo Panday, Leader of the Opposition, met on four separate occasions from Monday 14 to Wednesday 16 November, 2005 at Whitehall.

In those meetings with the Minister of National Security, the Attorney General, the Minister of Planning—and may I say, I am very happy to welcome the hon. Member for Arouca South back and we trust that her health is in good standing. We are very happy to have her back. [*Desk thumping*—the Member of Parliament for St. Augustine was also part of those meetings and myself, Member for Siparia, and those meetings were basically to agree upon a course of action to address the crime problem, because everyone was very concerned, as we still are by the way, the crime has spiralled out of proportions and based on—I have heard so many versions of this. I remember it was then Opposition Leader, Basdeo Panday sitting in this seat, the Member for Couva North, during debate in the Parliament, who said to the Prime Minister, "Look, I am prepared to meet, let us meet", and the Prime Minister agreed. They met firstly behind the Chair and the rest is history. Those meetings took place to see if we could have that joint approach in the fight against crime.

Following upon those talks, Mr. Speaker, you would recall on November 18, 2005, the Prime Minister came to this House and reported on the anti-crime talks and I want to quote from the *Hansard* of that day, the words of the Prime Minister:

“I am pleased to state therefore, that all parties are in agreement that a system of restorative justice and the reform of the prison system are of paramount importance.”

He stated that on that basis, nine pieces of legislation were agreed to. Firstly, the package of anti-crime legislation, directly with respect to crime:

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

- the Police Service Reform legislation, which comprise a package of three pieces of legislation;
- the amendment to the Bail Act, which was the first incarnation of what we are doing today;
- introduction of a Bill to establish a gun and kidnapping court;
- revision of the DNA legislation;
- amendment of the Criminal Injuries Compensation Act;
- strengthening money laundering legislation;
- protective services compensation legislation.

And with reference to legislation intended to reform the police service, it was agreed that:

- the Police Service Commission would be retained as the body to oversee administration of the police service;
- the method and the criteria for appointment and removal of Members of the PSC of the Commissioner and Deputy Commissioners would be changed and a new system legislated.

Mr. Speaker, those were the promises or those were the heads of agreement with respect to legislative matters that would be brought to the Parliament.

But in addition to the legislative initiatives that were agreed upon, out of those meetings it was also agreed, and the Prime Minister did state that there would be non-legislative matters, such as dealing and meeting—in fact, we were supposed to meet with the Judiciary pronto, to meet as soon as possible, asap, to tackle the problems within the administration of justice.

It is now history that the asap meetings with the Judiciary was in fact to lick up the head of the Judiciary, the Chief Justice, that is the only set of meetings that were held. Meetings were held with the Chief Magistrate in order to persecute and prosecute Basdeo Panday to bring in a sentence. [*Desk thumping*] Those were the kinds of meetings that were being held. So, no meetings were held by the Government; up to today, no meetings have been held with the Judiciary with a view to dealing with the horrendous state in which the administration of justice now finds itself. In addition to legislative, in addition to the judicial matters, it was also agreed that there would be administrative, non-legislative administrative changes that would be initiated.

Mr. Speaker, again, we have seen none of those. But then, in the spirit of compromise, in the interest of the nation, we agreed with the Government that we would support those pieces of legislation and that we would support the Bail (Amdt.) Bill, 2005, but that we will put in the 12-month sunset clause, which we did and we gave our support and that Bill was passed. As I said, the purpose of that sunset clause was so that Government will be held to account at the end of the year, for delivering on its promises and the efficiency and the effectiveness of the amendment could be evaluated.

You see, we were very concerned and one of the things we had to guard against is the abuse of power. We have already seen this Government abuse its power when it comes to the public purse. We have seen this Government abuse its power when it comes to every independent institution in our democracy. We have seen that abuse of power unfolding under this sitting Government, and so we knew the right to bail—as the Minister rightly pointed out, that right to bail is a constitutional guarantee and we felt that when interfering with rights, when interfering with civil liberties of individuals, we must do it with extreme care.

There are examples in other countries, ruled by dictators where innocent individuals have been locked up to rot for no other crime, than that they disagreed with the views or the philosophies, the methods of a sitting government. And so, we felt that if it is that we were taking that right to bail, then we should put checks and balances. Those were put, the sunset clause as I said and the 60-day period you could only hold the man in jail for 60 days or else bring him before the courts. We could only hold him for 60 days and then he could apply for bail.

Mr. Speaker, that was the first incarnation of the Bail Act. On December 18, 2006, a mere four days before the 2005 Act was to expire, the Bail (Amdt.) Bill, 2006, was hustled into this House. Members in the other place had already been sent on their Christmas recess; they had already packed up and they had to be recalled when we finished it here for them to do it; it had been brought at the eleventh hour. And so the Minister very well knows what he is saying, that the others on the other side will say we have come on the eleventh hour. I kept asking, but is that not the truth? It is the truth, so what is he complaining about. It is the truth that once again, you come at the eleventh hour, and you come empty-handed because you have not told this Parliament what is the status of all the other promises that you made, with respect to getting support for that Bail Act in the first place.

And so, here we are, they came, they brought again in December 2006, a one-year extension, and in the end, the House gave them 90 days, that was the work of

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

the Members on the Back Bench, they gave them that support. We did not support it. What was our suggestion? That fact is, that up to December 18, 2006, one year after promises were made to prioritize nine pieces of legislation, nothing that the Opposition had requested was done. Nothing had been done one year later, from when we had given our first support to that legislation.

We had given our support to the police reform package; we gave our support to the Bail (Amdt.) law; and nothing else in terms of promises, nothing had been done. No sign of gun and kidnapping court that had been agreed; nothing about Equal Opportunity legislation; nothing about amendment to the Criminal Injuries Compensation Act; nothing about strengthening money laundering laws; nothing about compensation for the protective services; none of those and of course, as I have said before, no meetings ASAP with the Judiciary to deal with the state of the administration of justice. The Government had not kept its word, they that had broken their promises as they have done in so many other areas, and so we—they had no creditability, so we could not trust them. When they came back that second time and said, give us your support, we did not give them that support.

Mr. Speaker, that is not the end. In the third incarnation of this Bill, March 09, 2007, a similar amendment to the Act was brought, the debate took place on March 16. This Government had not delivered, up to then again, any of the promises made, they had not delivered on the promises made to the UNC, nor had they delivered on the promises made to the COP. They had made promises to the COP, but those did not materialize as well, they had given and got support on those promises. And so the Equal Opportunity Bill, they brought it yes, but it was so badly drafted and presented, it has gone into a committee where it remains in a suspended animation and when this Parliament dissolves on or before the October 16, it is dead. It will be dead and that is where the PNM wants it.

They have no interest and they said it publicly in this Parliament, openly, they expressed their view that there was no need for Equal Opportunity legislation, and so, here we are. There was no progress then on the DNA Bill, that was also stuck in a Joint Select Committee; the Breathalyzer Bill was also stuck in a Joint Select Committee; the Criminal Injuries Compensation Act was indeed brought before the other place, but in that Bill, the provisions clearly demonstrated that once again, the Government had broken its promise, had reneged on the promise that they made and they had made. And the promise in the crime talks that we would give our support, but they will bring the Criminal Injuries Compensation Act, they will amend it to have a maximum compensation of \$250,000.

They brought it there; they broke that promise because there they said that the maximum would be \$50,000. [*Interruption*]

Dr. Moonilal: Oh my God.

Mrs. K. Persad-Bissessar: You see why we cannot trust them. We cannot trust anything you say because at every point in time the broken promises, they do not keep their word; they continue to break those promises. And so, they reneged on that promise, that was then, we have come back again. On June 13 2007, this is the fourth incarnation, the Act is about to expire again. The Government comes again seeking this third extension, after 18 months of undelivered and broken promises.

Mr. Speaker, you know people say they are so boldfaced or maybe it is so confident they fool some of the Opposition Members to give them support. They did not even put a sunset clause, the last time they brought this Bill here. They felt so sure that they would get the support to run this through, that protection that had been put in, they came to this Parliament without a sunset clause Bill, of course, they did not get the support and they inserted back the sunset clause which now has us here today, so many days later. What is so amazing, is in spite of all these tactics, these broken promises, they were given another three months.

You will recall on the last occasion, Government had cooked up another smoke and mirror tactic to distract us from the real pressing issues in the hope that we on this side would have let them slip past without that sunset clause. They hatched a plot to wring our hands. At that time they made it look as though we would give our support for some kind of back pay, the rest is history, I would not go into that in any detail on this occasion. The rest of that is history which was so totally not true.

Mr. Speaker, I have already identified, so then as now, no gun and kidnapping court; no money laundering legislation; no legislation for the protective services compensation; no criminal injuries compensation increase; no asap meetings with the Judiciary to deal with the administration of justice; nothing done with respect to the administrative measures to be put in place in the police service, into the Forensic Centre; none of those things, that was then in June 2007.

Here we are now, for the fifth time, today, September 10, 2007, in the end times, in the last days of that Government. They come again now, to ask for this special majority support for a Bill that was predicated upon promises to deal with crime in this country; for them to do specific things that were agreed upon, and yet up to today, which is from November 2005 to 2006 to 2007, we are looking at

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

about two years, 18 months basically, they have broken every single promise and yet, they are so brass face to sit there and ask us to give support to this Bill.

Dr. Moonilal: Never!

Mrs. K. Persad-Bissessar: Mr. Speaker, let us see where we are. Let us take the score card; let us look at the score card: where is the gun and kidnapping court promised two years ago? Where is the gun court? We asked for that. I remember distinctly that I made that recommendation to our group, we went in there and we plugged for that because we said that the majority of crimes in this country, the gun was the most prevalent weapon, so therefore, we needed to set up a gun court.

When we went in there, the kidnapping court was vital as well because kidnappings were at an all time high. Where is it? Not even a Bill. You want to tell me two years later that you have a crime as a priority and yet what you promised, you have failed to bring not a piece, not even a Green Paper, not even a policy document, nothing—any colour paper—have you brought with the terms of what you promised.

2.30 p.m.

What has happened to the police reform package, Mr. Speaker? You will remember the Government pilloried the Opposition and went on a national campaign costing millions of dollars. The Commissioner of Police appeared on a PNM platform down at the Maha Sabha headquarters to talk about the police reform package. They compromised the Commissioner of Police and put pressure on everyone that we must pass this package of legislation. Where is it today, millions of dollars later, years later? And you say that you want to fight crime? You are not serious. You have lost all credibility; there is no hope in this Government. [*Desk thumping*]

The police reform package is still not implemented; the Criminal Injuries Compensation Bill is also in suspended animation in the Senate with the broken promise of \$250,000 compensation; it is only \$50,000 now. It is up there in the other place; it will also lapse and die when this Parliament is dissolved. You have brought nothing for the protective services.

When we talk about the protective services we mean the police, who put their lives on the line, the defence force and all those who go out there to protect us. Where is the compensation if a police officer is killed or injured on duty? What happens to his wife or children? Just like the farming people who get compensation of 49 cents and 29 cents; it is the same thing for the police officers. If we say that crime is a problem, then we must pay the police and give them the compensation, so they know that when they step out in the line of duty, their families will have that

benefit. Where is it? Not one line; not a piece of paper; any colour paper: white, green or blue. Nothing has been brought with respect to the protective services, and you come back and say, "Give me your support."

I notice that the Member did not really ask for our support; he was too busy trying to attack from in front, as they say, "Take front before front take you", he was anticipating that the others would come and say this and that.

What has happened with the money laundering legislation? I pushed to get that gun court piece inside. I will say publicly that the Member for St. Augustine was the one who insisted that we must have money laundering legislation. [*Desk thumping*]

Mr. Valley: What! What! [*Crosstalk*]

Mrs. K. Persad-Bissessar: Mr. Speaker, 18 months later; two years later, not a line; not a White Paper; not a Green Paper; not a Blue Paper; nothing, nothing. Are you serious about fighting crime? It was the international reports which said that because of drug running and money laundering, Trinidad and Tobago was a prime port of entry and was at risk. We all know and recognize that, yet you have brought nothing. You have not brought a piece of paper, not one line. And you come to ask for support again? No, Mr. Speaker.

This Government has a history of broken promises. It has a habit of deception. It has a reputation for a lack of performance. I do not want to go into their internal business of the Bill Johnson poll. The poll is saying that they have basically not performed. [*Laughter*] The Prime Minister commissioned this poll and it said that his Ministers and MPs did not perform. He did not have to pay this Johnson man all this money to say that they did not perform; every one of them has not performed. [*Desk thumping*] Ask the population out there. You do not have to pay for a poll to know that you have failed as a government. You came in here; you took an oath of office and six years later, \$200 billion later, do we feel safe in this country? Did Gordon Deane feel safe on Saturday at 1 o'clock in the day? This Government has failed miserably.

With the fifth incarnation of this Bill, what do we do? Do we blindly support them and hope for the best? Is it that they would grow a conscience between now and the next election, which is around the bend, or do we do our duty and hold them to account for the promises they have broken, for them to tell us what they have done? The Minister did not address these issues. He did not address the quid pro quo, if you want to call it that, on which the support was given in terms of the promises made; maybe it was because he was in those meetings, but he sat here and the

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

Member for San Fernando East, the hon. Prime Minister, outlined all the promises that were made and which they intended to keep at the earliest.

That is one way we can look at it, that in specific reference to this Bail Bill you have broken every promise you initially gave in order to get the support; that is a fundamental point. Secondly, you have failed to deal with crime overall. [*Desk thumping*] Shall I speak about that? It is totally relevant, because if you recall, this Bail (Amdt.) Bill is predicated upon the package that was offered to deal with crime. It was one of the measures that should have been undertaken, initiatives that should have gone through in the fight against crime. Mr. Speaker, watching the Bail Bill and asking me to stay within the clauses, in my view, will not be appropriate because the whole purpose of the Bill was to deal with the fight against crime.

I want to talk about the Government's failure to fight crime in this country; \$200,000 million. Let us look at the performance in crime. Before we do that, I think we should put a dollar tab on it. Let us see what the Ministry of National Security has spent: in 2002, \$1.5 billion; 2003, \$1.7 billion; 2004, \$1.9 billion; 2005, \$2.3 billion; 2006, \$2.5 billion; 2007, \$2.1 billion, and projected to spend 2008, this fiscal year coming, \$2.5 billion. The total from 2002 to 2007 is \$16.7 billion, spent by the Ministry of National Security.

Let us look at their performance now against this backdrop; because we know that it is not just about money. We know that it is not just about legislation. We know it has to do with the political will to fight crime and the criminals. [*Desk thumping*] This Government has demonstrated that it does not have that will. [*Desk thumping*] It will take a UNC Alliance government to fight crime in this country. [*Desk thumping*]

The previous Minister of National Security seemed to have an obsession with the television set. He was so out of depth, but the Prime Minister would not appoint a competent person. The Minister's solution was to have roadblocks all over the country; such a success he wanted it to be, that he advertised on the media. That was the famous Operation Anaconda. I talked about the alphabet soup, from A to Z; from Anaconda down to Zero Tolerance. They started with Operation Anaconda. The Anaconda movie had just been released, so the Minister saw the picture and he named his programme "Operation Anaconda". [*Crosstalk*]

He advertised all over that there would be roadblocks. What happened? "Criminals know roadblocks coming, they have cellphones so they just divert and gone elsewhere." So that failed. He took that same plan and rebranded it. At that

time the war in Iraq was just getting started, so he named it Operation Baghdad, like a US military offence.

As I said, A, B, C, D, we reached down to Z, to zero tolerance. All that really happened was that all their plans were a total zero; none have worked. [*Desk thumping*] None are working.

What about the blimps, because they were millions of dollars of taxpayers' money? On November 10, 2006, the Minister of National Security revealed to this House the expenditure regarding the acquisition of three blimps; two were kept at a total cost of \$48.9 million. The first blimp was bought for \$12.6 million; they sold it. In the first instance, blimp number one had to be sold because after they spent the \$12.6 million, they found that it could not do the necessary job. The Minister:

"...recurring and operational problems."

The suppliers did not provide:

"reliable operational and logistical support."

And there was.

"...difficulty in successfully integrating the systems into law enforcement operations on a continuous basis."

Big words; in local Trini language do you know what they would say, "De Minister buy cat in bag." Before you bought it, did you not check all these things? Did you not have some kind of feasibility study?

It is like the rapid rail issue, with the company Alstom. I think it is in the US, the New York Metro, Alstom provided 184 rail cars. That is one of the companies in the consortium. Out of the 184 rail cars that Alstom provided, 182 were found to be defective and had to be recalled. That is the company they are boasting about that is going to build a rapid rail in this country. Have you done any kind of feasibility studies? The blimp is the same thing like the rapid rail. Mr. Speaker, \$15 billion and a company that has a record of bribe taking, bid rigging and substandard production.

So they parked up this first blimp and leased another one for \$4.79 million for five months; the \$4.79 million experiment; we call it a gamble. The second blimp was bought for \$28.4 million, and they sold the first one.

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

The third blimp was purchased for \$15.75 million. In the recent Independence Day parade there was no blimp on display; all we know is that they are down on the ground and they are not working; millions of dollars later. The Minister in his statement of November 10, 2006 said:

"The airship was acquired to provide a real-time surveillance capability for law enforcement agencies."

That was from the *Hansard* of November 06. It appears that the only real-time surveillance this blimp was doing had to do with real-time surveillance of the PNM MPs on behalf of the Prime Minister. That was a total farce. Have these blimps detected any being planned or crimes in progress? They say that they can monitor phone calls, listen to conversations and see through buildings.

We had these blimps when Vindra Naipaul-Coolman was kidnapped; several others were kidnapped; Gordon Deane. Where were these blimps? Real time surveillance; it should be that from the time you get a call, the blimp should be able to see. They can see us here now I am told, because they can see through buildings; I do not know. They have some kind of X-ray eyes. [*Laughter*] [*Crosstalk*]

My good friend from Diego Martin Central is laughing because he knows that the only building they were watching was the one he was in. They were only watching through his walls. [*Laughter*]

Mr. Valley: What?

Mrs. K. Persad-Bissessar: The constituency office; it does not matter. As they say, "macoing" and spying, whatever it may be.

Mr. Sharma: When you were scoring, they were scoring too. [*Laughter*]

Mrs. K. Persad-Bissessar: On a more serious note, where were these blimps when all those crimes were taking place? How come the blimps did not prevent those crimes? How come there was no real time surveillance? How come they did not lead to the rescue of these victims? How come ransom money was not traced? There are so many cases which have not been solved; the perpetrators are roaming.

What about the Port of Spain bombing? I raised this time and time again? Today may be our last day here, I do not know. The Member for San Fernando East stood here and said, "I know who Mr. Big is." I hope it is not Mr. Barry, with due respect. [*Crosstalk*] I am sure it is not Mr. Bereaux. [*Crosstalk*] Who is Mr. Big? The Prime Minister knows, but he fails to act upon that information.

Mr. Hinds: Mr. Basdeo Panday! [*Crosstalk*]

Mrs. K. Persad-Bissessar: They give the UNC so much power; they think we can do everything. The UNC Alliance will sweep the polls; that is where our power is. [*Desk thumping*] That is where you will see Mr. Basdeo.

How come these blimps cannot prevent crime? Have the blimps made any headway? The answer is obviously no. So all this blimp talk, you put it another way it is a set of hot air; it is just blowing hot air. They have not worked.

Then came sky watch; in 2004, \$1.4 million was spent to buy three sky watch units. Remember the shock the public woke up to when we learned that these were white elephants; they were monuments, because when a serious crime occurred in Port of Spain, there was nobody inside the sky watch. How incompetent can you be? This equipment costing \$1.4 million sits up there in the sky and no one is inside to see what is happening. [*Laughter*]

We come to the whole deception of the so-called Yardies. Millions spent there; this Government shelled out millions to retired has-been former British police officers. When they were coming, they told us that they were Scotland Yard Yardies. The country felt, "Okay, good." I remember people calling in and asking me for a comment and I said, "Anything that will help fight the crime, I will be happy for"; only to find out that we were deceived, that they were not Scotland Yardies. What is the benefit? What have they done? How much crime have they solved? What have they assisted with after millions of dollars? Again, the answer is nothing, zero; after all these millions of dollars. It was another gimmick in all the other public relations gimmicks.

We noticed that when the media went to a crime scene, a few persons stood out very conspicuously in the photo wraps; they appeared to be looking like foreign persons. But where are the arrests? Where is the restored comfort and peace of mind of our citizens? [*Laughter*]

We will remember the International Cricket Council (ICC) cricket security. The eyes of the world were on Trinidad and Tobago. The Member for San Fernando East was in charge of regional cricket security for the ICC World Cup. He still has not explained to the population and the Pakistani team how an active military issue tear gas canister entered the compound of the hotel and exploded; a total breach of security while he was in charge. He has not explained to the country how this national embarrassment could have occurred when we had a 360 degree radar watching our borders and blimps up in the sky. He has not said one word to date as to how that could have happened.

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

The most insensitive remark of all was the one coming out of the mouth of the Member for San Fernando East, the Prime Minister. You would recall when Jilla Bowen was gunned down in the busy Movie Town complex in a drive-by shooting in 2003. He described the gangland murder of this young woman as collateral damage; let us not forget that. Where is the will to fight the crime? "It was not a crime; there was nothing happening; you just happened to be passing and so, collateral damage." But when one of yours get knocked out you will know what it is to hurt; what it is to feel; what the mothers and fathers of this country feel when their sons and daughters are slaughtered in this land. They do not know; to them it is far away, because the Prime Minister drives around with his security detail front, back, left, right and centre; so it does not touch him or his family. That is why he could make a statement about collateral damage.

His ineptitude got the better of him. He attempted to portray this gangster style execution as a situation where there were warring factions fighting against each other and innocent persons getting caught in the crossfire. Ms. Bowen, from the facts available, was, indeed, not the target; that is true. The Prime Minister tried to play down the fact that any of the other shoppers, movie goers, young or older couples, families going there, would have been caught in that crossfire. That collateral damage remark was insensitive and also inappropriate for another reason.

The fact is that every day ordinary citizens are being targeted and being preyed upon by criminals who wait for them to come home in the evening; jack them up at gunpoint by their gates; kick down the doors to their homes; come in and ransack, loot, rob and rape the young women, rape the girls regardless of ages; husbands, sons, mothers made to watch; sometimes they kill. These criminals escape into the night or day; they are never caught again and they roam about over and over. They are not being caught.

As head of the National Security Council, his incompetent Ministers have done nothing to stop this madness except to keep making excuses and playing word games, engaging in public relations to insult the population. [*Interruption*]

Mr. Speaker: The speaking time of hon. Member for Siparia, the Leader of the Opposition, 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: Mr. Speaker, I was talking about the collateral damage remark and the fact that the criminals are roaming free.

From their own statistics the detection rate has fallen even lower. Let us forget about prevention, because they have totally failed when it comes to prevention. When we reach to detection, under this Government that rate has continued to fall, so they are not even catching the bandits.

They come and mislead the Parliament. Only last week or the week before the hon. Member for Princes Town raised the Monteil issue. The Member for San Fernando East got up and said that he had referred the matter to the Commissioner of Police, the Integrity Commission and so on. He misled the Parliament. He came back thereafter and apologized, but it means that we cannot trust their word. Do you know that the hon. Attorney General has now lied to the Parliament? We are talking about crime and the failure of this Government to deal with crime. *[Interruption]*

Mr. Speaker: Are you saying that the hon. Attorney General has lied to the Parliament? You mean misled?

Mrs. K. Persad-Bissessar: If I said "lie" I withdraw it. He has misled, told an untruth, told something that is totally not true, false. I am guided, Mr. Speaker. The point is that he told something that was not true and so he misled this Parliament.

We are talking about kidnapping. Do you remember the Vindra Naipaul Coolman case? Everybody remembers that case. They took weeks before there was any visible action. By the time they found something the trail had dried up. During the budget debate, the hon. Attorney General on Wednesday refuted reports that the State's main witness in the Vindra Naipaul murder had walked out of a safe house and publicly stated his intention not to testify. I want to quote from the *Hansard* of the Attorney General:

"You said at the outset that the witness in the Vindra Naipaul case has walked out of protective custody. That is not true."

These are the words of the Attorney General.

"If you check the report, the State went to great lengths to make the child a ward of the court, his mother wanted to take him out of protective custody. He is now a ward of the court and still in protective custody."

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

That was the *Hansard* of September 05, 2007 where the AG said that it was not true that the witness in the Vindra Naipaul case had walked out of protective custody, that he was still a ward of the court and was in protective custody.

As I said yesterday in another place, everybody in this country knows Tuesday comes before Wednesday. The Attorney General said on Wednesday, "It is not true; the man has not walked out of protective custody." But on Tuesday night on national television, this very same witness said he had walked out of protective custody and would not be testifying. He said that on Tuesday and on Wednesday the AG misled the Parliament and said that it was not true. The man himself gave further interviews and said he had packed up and left the place long ago, since August 28; so he had not been there for a while. How is it that the AG was not aware of it?

He came to mislead the Parliament to make us feel that all was well, when, in fact, the witness was long gone; had flown. The question then comes: When you make these misleading statements to the Parliament, what comes next? I guess my colleagues in the other place would deal with that. I do believe that there are proceedings that can be taken for breach of privilege. I am sure my colleagues in the other place will raise that issue on breach of privilege, where a Member of the Parliament misleads the House and tells an untruth.

We are seeing the untruths and deceptions of this Government very clearly. We saw it with the Prime Minister not too long ago. We saw it also with the Attorney General up there. I will deal with the Minister of Works and Transport on another occasion. I see he is very engaged. I will come to some of his untruths as well. [*Crosstalk*]

Let us deal with statistics; the Minister said about 25 persons. We want to know how many cases have been solved with respect to kidnapping; how many accused kidnappers have been caught; how many are in jail without bail; not just that 25, but from the inception of this law. We have written to the Commissioner of Police twice requesting comprehensive statistics on the level of serious crimes in this country. My first request in March was verbally denied, because it was not practical; the information was too voluminous. There has been absolutely no response to our second request which was dated August 02, 2007.

So the Minister does not give us the statistics; the Commissioner of Police will not give us the statistics. Where are we to get them? How are we to know? But we do know, because thanks to the media, they keep a running commentary; they carry those statistics. Their vigilance is most important in reporting the crime statistics of this land.

We have seen that this Government has failed and broken every promise. We have seen, for example, that supporting legislation has not been brought. I want to raise again, for the umpteenth time, the failure of this Government to put in place the package of legislation to protect the children of this nation. [*Desk thumping*] [*Crosstalk*]

Mr. Imbert: It is laid!

Mrs. K. Persad-Bissessar: Every time we come, "It is laid; it is laid." It has to hatch, you know. When you lay an egg it has to hatch and becomes a live, real, walking, talking something. To say that it is laid today in this eleventh hour, we know you have no intentions. [*Crosstalk*] When will it be debated, before October 16? When will you implement it, before the election? You cannot be serious; you will be gone; it will take a UNC Alliance government to implement this legislation. [*Laughter*] [*Desk thumping*] [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: We come to the Justice Protection Act. When we talked about the witness who walked out of protective custody in the Vindra Coolman case, we have said time and time again this Government has also failed when it comes to the protection of witnesses. That is why they walk out. They have failed to implement the Justice Protection Act.

There was a Debe businessman, Chaitlal Singh, who was a victim and witness in a fraud case and a kidnapping case in February 2006. He was gunned down inside his Freeport furniture store in broad daylight in February 2007. That execution was witnessed by his wife and 14-year-old daughter. Two days later the family made a public appeal for police protection. It was reported in the *Guardian* of February 2007 that they had to appeal, because they had not been presented with an option for protection.

So a witness was gunned down, executed in front of his wife and 14-year-old daughter; they were seeking protection and they got none. So you do not even give protection to the witnesses. Three days after the murder, one full day after the public appeal was carried in the press, they did not have protection. The Assistant Commissioner of Police told the media:

"I cannot speak of this because I have no information at all. I will find out if that will be done and get back to you..."

Meanwhile, Police Commissioner Trevor Paul said he was in a meeting and could not comment on the issue."

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

A man's life was in dire danger and no one could comment on the issue, no one from the entire thousands of members in the police service could provide protection? It comes from the top. What is worse? Three days after the murder, more than 24 hours after the public appeal, the police, starting with the head, are unresponsive and nonchalant. What else do we expect?

In February 2007, the Prime Minister blanked a meeting with 10 business organizations from across the country and flew off to Africa or somewhere. On January 24, the Minister of National Security failed to show for a meeting with a group of 23 nationwide business organizations to discuss crime. The situation was so frightening that business leaders were contemplating closing off roads in the communities. Armed bicycle bandits were terrorizing residents of Lange Park. The Prime Minister and Minister of National Security had no time to meet and speak with those citizens. They have no concern with respect to implementation of the Justice Protection Act.

Mr. Speaker, before I close, I wish to raise on behalf of some very special persons known as the Special Reserve Police (SRP) an issue that was brought to me. It is a very important issue. They have brought it to our attention. We are talking about the fight against crime and every hand, every head, every brain, every pair of legs is needed in the fight against crime. The SRPs are there to assist in that fight against crime.

I want you to recall that in January 2007, WPC Elizabeth Sutherland and three other occupants of her home were brutally gunned down. There were many other police officers killed in and out of the line of duty, but this was one of the most recent chilling reminders of the hazards of being a police officer under conditions created by this Government in the neglect of society and disregard for those police officers.

For example, at Manzanilla they have been waiting for the past six years for the police station the Prime Minister has promised to build in every single budget. They were put in make-shift facilities near the beach. They had to pack up and run when they were flooded out. You give our police officers no dignity. You give them no benefits in terms of compensation for their families. You will not pay them properly. They tell us that they work overtime and you take months to pay them their overtime, and you expect them to run out there to defend persons against criminals.

Police stations at St. Joseph and Guapo had to be abandoned because of their dilapidated state. These are only a few unfit for occupancy. But we are building a

\$148 million mansion, and our schools, our hospitals, our police stations, all the institutions which serve John Public, are in shambles. Where is your priority?

The children in Palo Seco, their school has been split up for years. You spent \$48 million to repair the Beach Camp facilities to go on a weekend retreat and the children of Palo Seco have no school up to today. [*Desk thumping*] What are you doing with them? You take those children and put them into one classroom here, one down the road, one up the road; it is not a school anymore. [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: Where is the priority? The insensitivity, the incompetence, the callous disregard for ordinary people that this Government has shown with billions of dollars, is cause for really painful heartache. They do not care; it is a joke. When you raise it, it is a big joke. The Member for Laventille East/Morvant jokes; he grins from left to right; his whole face is grinning. It is a big joke, when the children are being killed in Laventille. [*Crosstalk*] It is a big joke to him.

Mr. Speaker: Order! [*Minister Hinds rises*]

Mr. Hinds: Mr. Speaker, a point of order!

Mrs. K. Persad-Bissessar: They just do not care. I am not giving way! [*Crosstalk*] He will respond.

Mr. Speaker: He is raising a point of order. [*Crosstalk*]

Hon. Members: What is the point of order?

Mr. Hinds: The Member is imputing—[*Interruption*]

Mr. Speaker: You know as well as all of us. What is your point of order?

Mr. Hinds: The Member did not see me laughing at the point she was making.

Mr. Speaker: Take your seat, please. [*Crosstalk*] Order!

Mr. Hinds: She is dishonest! [*Crosstalk*]

Mrs. K. Persad-Bissessar: The cameras do not lie. The point of order is that I did not see him laughing. I think there is a camera here; you were grinning; if you were not laughing.

Mr. Hinds: You are dishonest! I was not even listening to you.

Mr. Panday: You piloted a Bill and you are not listening to the debate?

Mrs. K. Persad-Bissessar: Mr. Speaker, they say that those whom the Gods wish to destroy, they first make them mad. [*Laughter*] [*Crosstalk*]

Mr. Valley: [*Inaudible*]

Mrs. K. Persad-Bissessar: He was very close to where the UNC congress was taking place, so was listening in on our meeting. He is a good friend. I understand some people want to bring some protesters to assist him in his cause in Diego Martin Central.

Mr. Speaker, I raise this issue of the Special Reserve Police. In 1999 the then UNC government began the process of absorbing the SRPs into the regular police service to address the staffing issues that resulted from the PNM's failure to ensure resources of the service were commensurate with the growing demands of time. We completed that absorption in the year 2000. With the introduction of the Highway Patrol and the E999 Rapid Response by the UNC, it was necessary to source additional police officers; 76 SRPs were recruited in May 2000, on full-time contracts. The arrangement entered into with these officers was that they would be afforded the necessary training to allow them to qualify for absorption in the regular police service within five years.

Subsequently, under this Government, 419 SRPs were hired in 2003 through the Project 1000 Programme. What are the duties of SRPs? Let us get that clear. There was this derogatory phrase that SRP means "Something resembling police". My information is that these SRPs have the same duties as regular police in the service. They have the same duties and responsibilities and face the same risks. They have the same roles and functions.

These officers are responsible for enforcement of law and maintenance of law and order in assigned geographical locations. They have the powers of arrest, search and seizure as any other officer. They undertake traffic control. They undertake the operation of police vehicles. They undertake the recording and service of summons. They attend court as complainants or witnesses. They conduct investigations of criminal conduct involving examining crime scenes for evidence and interrogating witnesses and their suspects.

Mr. Speaker, they also record evidence and warrants. They fingerprint suspects. They provide protective escort services. They guard VIPs and other dignitaries. In fact, I am told that some of them have served as escorts and guards to Members of the then UNC government and the present Government. So they carry out duties that are the same as regular police officers.

Further to that, the Special Reserve Police Act of 1946, section 18(1) states:

"Every member of the Special Reserve Police while on duty in the capacity of a member shall have, exercise and enjoy all the powers, authorities, privileges and immunities, and shall perform all the duties and have all the responsibilities of a member of the Police Service constituted under the Police Service Act."

It is very clear in law, so not only are they being given these duties, but legally they are equal, in terms of duties and responsibilities, with members of the police constituted under the Police Service Act. These SRPs are vested with the same powers and responsibilities as regular officers. They function in the same way; they work the same hours; they are exposed to the same risks as regular police officers.

They are being subjected to discriminatory and unfair treatment. These officers are performing the same duties as regular police officers; working the same number of hours and have the same physical conditions, but their remuneration is substantially lower than the regular officers. Why must you discriminate against them?

Some of them are of the view that it is because they were absorbed into the police service under the UNC administration. Is that so? The Minister must tell us why he is treating these SRPs different from the regular officers, when they are all doing the same things? They are doing them legally, *de jure*, *de facto*. In law and in fact they are doing these duties and carrying out these responsibilities. Why are you separating them? They have been performing the above duties for eight years; they should have been absorbed into the regular police service by now. They continue to perform these duties under these conditions and continue to be disadvantaged every passing day.

I am told that they are being paid and treated differently to other SRPs hired in 2003 under the Project 1,000. The Project 1,000 SRPs were recently granted salary increases and back pay, but the mid-2000 SRPs did not get the same benefits. The Minister must tell us why he is discriminating against them. My colleague is pointing out that if we had been able to get that equal opportunity legislation here, we could have had a simple cheap way to seek redress for these discriminated officers. [*Desk thumping*] But they do not want that; that side does not want it; now we know why. That is another example.

They want to give the view that it is all about race; the UNC is only about race and the equal opportunity legislation is only about race. It is not about that. It is about discrimination in the workplace, whether geographically or wherever you

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

are; any kind of discrimination. That is the legislation that would have assisted with that; but the PNM does not want it.

Despite the established practice, on the authority of Cabinet since 1979, that SRP salaries are pegged to the regular police salaries, these officers did not receive any increment after the last increase to police officers in 2003. Why? These officers are being denied pension benefits, contrary to section 6 of the Sixth Schedule of the Police Service Act, pension and gratuity. The rule states:

"In Sub-rule (3) 'Public Service' has the same meaning as in the Pensions Act and includes service...as a full-time member of the Special Police established by the Special Reserve Police Act." [*Interruption*]

Mr. Speaker: I have allowed you to mention the SRPs, but I think you need to move on from that and come back to the substance of the Bill before us.

Mrs. K. Persad-Bissessar: Thank you, Mr. Speaker, I am guided. I will say, however, that the Bail (Amdt.) Bill is one measure in a host of measures to fight crime. [*Desk thumping*] Our police officers must have the morale, strength and remuneration, whether they are from the regular police service or SRPs, in order to fight crime. [*Desk thumping*] This is why I speak of their plight, Sir, with due respect. They are part and parcel of the fight against crime. I raise their cause for the Minister to answer.

If you have a demoralized SRP service, how are they going to fight crime in the way they should? When we are dealing with kidnapping and these Special Reserve Police have no pension benefits or compensation under the protective services law and they are being discriminated against, do you expect them to run out there and sacrifice their lives? Some will do it, but we must treat them fairly if they are to fight the kidnappers and fight the others in crime. [*Desk thumping*] We must speak of them. My colleague is pointing out that there must be fairness in the administration, in governance. We are not getting this.

I am told that the SRPs have been complaining. They have the training, they have eight years experience, but no effort has been made to absorb these May 2000 SRPs into the regular police service. It goes further; the minimum salary for a police constable is currently \$4,395. According to a memorandum of understanding between the Chief Personnel Officer (CPO) and the Trinidad and Tobago Police Service Welfare Association, the salary scale for a constable goes to a maximum of \$6,250 and there are other benefits. It means that the minimum salary of an SRP should be \$4,395. For the May 2000 SRPs who are not getting equal benefits, they are only just above \$3,000.

Of the 76 officers hired in May 2000, only 46 were referred for a recent training programme. They have not been absorbed, so their morale is quite low.

As I close, I ask the hon. Minister, if he is serious about fighting crime he must treat all officers fairly. They must not be discriminated against. I ask the Minister to answer, because we are all concerned about the fight against crime.

Mr. Speaker, there is something I need to say about the prison service. One of the promises made by the Prime Minister on November 18, 2005, was about restorative justice and reform of the prison system being of paramount importance. Our prisons are overcrowded. At the moment, there are 200 units with four toilets for them outside. At the Tobago prisons there are 25 inmates jammed into a cell measuring 15 by 15 feet. Can you imagine that? What are you breeding? More criminals.

The poor water system at the Carrerra Prison; with the inefficient judicial system, inmates are in the remand yard waiting for several years. What happened to that remand court? We had left moneys when we came out of office. I remember, because I had put that in; moneys were budgeted for a remand court, so you do not have to carry these people all over Trinidad and Tobago. You see all these buses marked "Justice on Time" transporting prisoners all over Trinidad and Tobago.

Their case is not going on; justice postponed; these "fellas" make money transporting prisoners all over the country. When are you going to have remand court right there at the prisons? [*Desk thumping*] You know this case is not going; save a lot of money. What happened to that? There is no classification of the inmates in the nation's prisons, so hardened criminals are mixing with first time petty offenders.

You might say that "all ah dem is criminal", but no. There is what the Prime Minister spoke about, rehabilitative justice, restorative justice as well. You are putting a first time offender for a petty offence with hardened criminals, so psychologically they are being traumatized and may be led down a vicious pathway to more crime.

What about the safety of the prison officers? They are calling for firearms while they are off duty. They believe that the Government lacks the ability to protect them. They feel that they must have some kind of protection. I am told that there is no holding bay. The vessel used to transport prisoners from Carrerra island prison is not suitable for the purpose. Some remedial measures are being put in place, but the officers say that the previous facilities lack a holding bay, so the prisoners are there in between the officers. Where is the safety?

Bail (Amdt.) (No. 3) Bill
[MRS. PERSAD-BISSESSAR]

Monday, September 10, 2007

There are no programmes for treating persons with substance abuse. In fact, there is no rehabilitation programme. I wish the Minister will tell us why, or the junior Minister now saying his final swansong to this Parliament, as he bids us farewell. He may want to tell us some of the things he has done. I understand that dealing with the prisons was part of his portfolio.

All the crime consultations talk shops have gotten us nowhere. Last time I spoke about a UNC Alliance crime plan; I want to repeat that. I am sure my colleagues will go into further details with it.

We have taken the approach that we are fed up of the proposals and plans being made by this Government. The alphabet soup from A to Z has failed. Our citizenry is still living in fear. We come here on this final day or very close to our final days in this House to bring back this Bail Bill with all the broken promises. We are of the view that this Bill is a band aid solution to a very gaping hemorrhaging wound. The evidence is there and there is so much more, but time will not permit us.

All the reports from the newspaper; we see the pain, the suffering and the trauma. Government has been very soft on crime. In spite of all the mouthings, shoutings, bleatings and protestations, this Government has been very soft on crime. They continue to play the public relations game. They spin the numbers. They rearrange the methods of analysis and reporting, but the picture is very dismal and horrifying.

I know that this Parliament will automatically stand dissolved by operation of law on the anniversary date that we were here, which I believe is October 16. So on that date we will be dissolved; whether they want it or not, Parliament will no longer sit. What is going to happen with all these pieces of legislation? You tell me that you have just brought the Children Authority Bill. Since 2000 all these were already on the statute books. Who are you are fooling, seriously? [*Member lifts documents*]

Are you going to pass or implement these before the election? Are you serious? A UNC government will ensure the passage of proper legislation for our children. We will implement it. [*Desk thumping*] We will put our money where our mouth is. We will make sure that we do not just talk the talk, but we will walk the walk.

I thank you.

Miss Gillian Lucky (*Pointe-a-Pierre*): Mr. Speaker, I will start where the Member for Siparia ended, when she spoke about not just talking the talk, but walking the walk. If one looks at the level of performance of the three entities,

and if my friend, the Member for Barataria/San Juan, would say the four entities here, and we were really to use any independent and objective “pollsterer” or independent poll, we would find that based on what was available, in terms of resource, and based on where we sit in the Lower House, it would be the Back Bench Opposition, more so the Congress of the People, that has been able to deal effectively and efficiently with respect to fighting crime.

That may seem to be a very bold statement, but thankfully it is one that can be substantiated to meet and pass, proving beyond all reasonable doubt. I say it using this very simple bit of evidence that is before us.

With the greatest respect to my friends in the Front Bench Opposition; whereas they adopted the approach that it would not support the bail legislation in any of its forms, anytime that it came, because of the delinquency of the Government, that would have led to a virtual collapse of the criminal justice system. It was the COP and the Back Bench Opposition which recognized that in the fight against crime there must be no playing of politics, [*Desk thumping*] and that when you are dealing with a delinquent, incompetent and arrogant government, you have to use creative and effective ways of making the Government do its work, and that is to work in the welfare of the nation.

We in the Back Bench Opposition did not just raise our hands and say, "Well, you know what, let the Government do what it wants; we will just not give support." We did not bargain with them; we gave them time lines. We recognized that if we did not give them these time lines, the Government was not going to produce.

So when the Member for Siparia, Leader of the Opposition, does give a chronology of events with respect to this legislation, it is accurate. But to say that it would have been enough for us to sit back and not support the Government, to me, is a slap in the face of our God-given duty when we accepted our roles here in the Lower House to always work in the interest of the State. [*Desk thumping*] We had no choice. Not like what is happening now on the opposite side, where there are persons who apparently will be having choices as to whether to run or not, and some, unfortunately, whose destinies have already been determined.

Sitting on the Back Bench, we acted as though we were in government and we proved to the nation, "Look what we could do when we are in Opposition; imagine what we will do when Congress of the People becomes the government of Trinidad and Tobago." People want a track record, because it is easy to say that the PNM has a track record and the UNC and the UNC Alliance, if it does exist, does, in fact, have a track record.

Bail (Amdt.) (No. 3) Bill
[MISS LUCKY]

Monday, September 10, 2007

We are going to be judged on what we did with what we had and what we were able to achieve in the Back Bench Opposition. Instead of adopting the approach of, "We are not supporting it", raising our hands, turning our backs and walking out on the country; that was what was done; we said, "You know what, we will prioritize ; we will dictate the legislation; we will set the time lines; more than that, we will not just set the time lines; we will make the Government come back every 90 days and tell us what they did, as opposed to what they were supposed to do."

If Bill Johnson was really doing a polling of the performance of the Government, they would collectively get nothing better than 10 per cent. [*Crosstalk*]

Mr. Valley: Come on!

Miss. G. Lucky: That is a reality. Member for Diego Martin Central, understand. Member for Tobago East, we are saying it like it is. Let us not change because it is election time. [*Crosstalk*]

Mr. Speaker: Order!

Miss. G. Lucky: The good news is that I have already said that I call an ace an ace and a spade a spade. If you adopt that approach, people could say the worst about you, but you will remain consistent. [*Crosstalk*]

Member for Diego Martin Central, this has nothing to do with you. You cannot be held responsible for a non-aggressive legislative agenda, because there is a ministry that is responsible for it. It is not your Ministry, so take the defence while you are getting it free of charge.

If people do not bring you the laws, how can you make sure that you have an aggressive legislative agenda? You cannot win the lotto if you did not buy a ticket, but I know how you feel about gambling, so I will go no further.

We prioritized and we recognized that the DNA legislation and the breathalyzer legislation were necessary, and also reforms to the Police Service Act. Subsequently there were some deficiencies, so it had to be brought back. We will set the time lines and make the Government account, and every time it has been delinquent and failed, we will bring it back again.

The Member for Siparia talked about crime talks. There is too much talking in this country; and performance beats "ol' talk" any time. [*Desk thumping*] That is not a new phrase owned by anybody. That is something if you go throughout the world you will see. People say, "Listen, enough talk; we want action." Therefore, the COP Back Bench Opposition had to act in the interest of the country.

Do you think it was easy for us to recognize that we have to do the homework for people? We have our own work to do. Of course, some of the persons across there will now be without work. They might have some time now to help us with legislation; but let us not go down that route. [*Crosstalk*]

"Doh worry bout me, Member for Tobago East." My cards are looking good. [*Crosstalk*] [*Laughter*]

I remember that the Member for Diego Martin Central, my friend, saying on the last occasion when the bail legislation was brought, "Give us the year; we will be busy in the 90 days; we will be busy out on the field." I remember what I said to him, "Some of us will be fielding and some of us will be sitting on the Bench, but at the end of the day we want you to come back in 90 days; let us see what you have done." I have good news for the Member. This time around you are once again asking for one year, with respect to the sunset clause. We were always saying not one year, 90 days.

Bearing in mind the timing now and what we have achieved, you will get your one year, because we are confident that the COP will be in government. [*Desk thumping*] We are not going to do like what you and past administrations have done, which is why we are in a problem today. A new government comes in, they shelve what some other administration has done before, whether it is good or tried and tested. If you look at the legislation we had to beg for, it was really legislation on the books, in some instances in fluid form, but the approach was, "Shove it; it was not ours", and for six years we heard nothing about it.

The Member for Chaguanas pointed out: The Children's Authority Bill, equal opportunity legislation and criminal mediation legislation, where we were told that it had to be revamped. I agreed that it was flying in the face of the constitutional authority and power given to the office of the Director of Public Prosecutions, because that office was left out. But when you take away something, like a good magician, bring it back. The marvel is not in the ability to take it away. The challenge is bringing it back in its reformed state. This Government has not shown us it has been serious about dealing with important legislation.

That to me is a great failing, because our duty in this Lower House is to legislate. If you look at the Constitution dealing with the separation of powers, you have the Executive, the Judiciary and the Legislature. When we sit here representing our constituents, but also performing our role as members of the Legislative, we collectively have not been able to really perform well because this Government has not honoured its duty of bringing laws for us to actively debate and get right.

Bail (Amdt.) (No. 3) Bill
[MISS LUCKY]

Monday, September 10, 2007

When a government fails in that regard, you do not keep screaming and shouting at them. We have always in the Back Bench acted on behalf of the people and in this instance we will not change our position. Now is not the time to bargain. We are not going to change our approach. We will support the legislation in its present form asking for the one year, knowing full well that when the people have the opportunity to decide, they will decide in favour of those who have always stood by their side, the Back Bench Opposition. Of that we are confident.

We have not had to change. We have not had to do like the Front Bench Opposition, with the greatest respect to the Member for Princes Town—I like to exclude him in this—to flip and flop, see how we could manage it and spin it in a way for politics. We do not do flip and flop at all.

Mr. Valley: He flipped and flopped too!

Miss. G. Lucky: Member for Diego Martin Central! There are other reasons why I have to exclude him. We will be dealing with his contribution, which was very good.

The point at the end of the day is that the Back Bench Opposition, COP, has kept on course. [*Desk thumping*] We have steered our ship in the direction of putting country over politics. COP means Congress of the People; it also means country over politics, and from that we will never change.

3.30 p.m.

Mr. Speaker, when we say that when one is in Opposition, the duty is not simply to oppose or challenge, it is also to see how collectively, we could get it right.

I was not here when the presentation with respect to this Bill was made by the Member for Laventille East/Morvant, but I am saying that I had been informed by the Member for Caroni East that there were certain issues that were raised by the Member and he said—and I stand to be corrected—that there would be certain issues that would be of concern which would include the delay in having matters heard, the whole issue of the constitutionality and the statistics.

Member for Laventille East/Morvant, could you just nod if I have gotten it right?

[*Minister nods*]

Thank you very much. I will miss that nod you know. That is a nod I am going to miss.

Mr. Hinds: Why, you would not be here?

Miss G. Lucky: We both may not be here you know. Notice, I am not pointing a finger in your direction only, I am just saying it is a nod I am going to miss.

Mr. Hinds: But as legal practitioners we will be in touch.

Miss G. Lucky: Well, one never knows. It is a nod I will miss, okay? And keep that smile, it looks quite nice.

Mr. Speaker, my concern is this: If the Member for Laventille East/Morvant was so accurate, and I want to say on the ball, with respect to raising, or at least addressing his mind to what would concern us, I must admit that it is not enough to say, look, I know this will concern you. I think one must go further and lay those concerns that we would have, and that is what is lacking in the presentation. It is not enough to say for example, that there are delays. What is being done? I am going to be dealing with the whole issue of constitutionality because it is not going to be good enough for us to say that we have gotten the special majority and that is the end of the matter.

Let us remember the case of Pratt & Morgan and I have in fact revised this case and looked it over because I have a great concern. I am saying it now for us to think about it, but I will be coming to it in my contribution that even though we may get the special majority, we may still find ourselves subject to litigation if persons raise the point that there is a legitimate expectation that when you are not granted bail by virtue of statute, you are deprived of it, the legitimate expectation is that your matter would be heard expeditiously and if it is not, then you are flying in the face of section 13 of this Constitution.

Every time I have had to debate legislation—Member for Laventille East/Morvant, I understand why you look confused. Bearing in mind you have admitted that you may be at the back of the Bar, I will start to teach you the law now, free of charge. That is not a problem.

Mr. Hinds: I do not need it.

Miss G. Lucky: You do not need it, but you may rely on it one day. So do not deprive yourself.

Mr. Speaker: Order!

Miss G. Lucky: Yes, Mr. Speaker, I will focus. You will have your time to respond to me. You see, you do not understand when people are looking out for you.

Mr. Hinds: I do not want you to look out for me.

Miss G. Lucky: Mr. Speaker, it concerns me that enough is not being done to deal with the issue of constitutionality and the impact of the Bail legislation, and say what you want, even though you may have legislation on your side, it has to be looked at in the entire package.

Mr. Speaker, look for example to what was done with respect to the Equal Opportunity legislation. We pointed out to this Government that the legislation had been on the books since 2000, and the Government was taking too long to bring this legislation in its reformed state to be debated because we recognized that the court had given a decision in the Court of Appeal which had done most of the work for us by pointing out which sections violated the Constitution and pointed out the issues that had to be addressed, the violating sections.

Nothing had been done for years and it is when the bail legislation came to be debated, we in the Back Bench Opposition pointed out that you cannot have legislation languishing for years with a Court of Appeal giving a decision that was very comprehensive, and a nation saying that in some instances it was felt that there was discrimination. I know the Member for Diego Martin Central pointed out that he felt that there was no need for that piece of legislation when we were debating it because he felt people were not being discriminated.

The fact is that there are persons who feel that this legislation is critical and, therefore, it was incumbent on the Government to bring it. We recognized that the legislation—even though it would be brought and debated, and a time line was set the last time—the difficulty in having this legislation become the law before the next general election. That was recognized because there are certain important policy decisions that have to be made which cannot be done overnight because we are not as yet in this frame of mind in this country that when we want to get policy positions, we have to make sure we go out to the people, we have to have referendum, we have to make sure that people are participating and are involved.

Do you know what we have been able to achieve? The legislation has been brought, yes it is before a joint select committee, and I know, Mr. Speaker, I am not allowed to speak about what is happening in the committee but suffice it to say that important issues have been raised and it is recognized that they have to be addressed, and they will not be able to address just by a limited number of persons, the public would have to participate. So already, the Congress of the People has shown that we are going to start getting the people involved in the laws that will be affecting them. [*Desk thumping*] And that is a very important

role of the Opposition—letting persons know that even though you may not be supporting the party in office, you have not been deprived of your right to participate, suggest, and to recommend that you do not have to wait every five years or whenever a next election is called to ensure that you are able to give your level of contribution.

Mr. Speaker, when we talk about laws that are outstanding—and I know the Member for Siparia, Leader of the Opposition did make the point and listed some of the laws that we were promised by this Government would come forward, and we have not seen them, and in some instances they have not even been tabled. I have often spoken about the drug treatment court, and the fact that we need to bring back that Mediation in Criminal Matters legislation. I have often spoken of the fact that we need to bring legislation so that we can remove this bugbear which, right now, if you get a ticket in one jurisdiction, you have to pay it there, and if the person is unable to pay it there because of time constraints or whatever, then the matter gets on to the Magistrates' Court list and gives a great backlog in the court where already there are so many cases. We have made that point over and over and it has literally fallen on deaf ears.

Mr. Speaker, there is one important piece of legislation that the Government must make sure that it brings to this Parliament and at the very least, ensure that it is tabled. The reason I say that—and I am using the opportunity now—is to remind the Government and more so, the Member for Diego Martin Central, and this has nothing to do with the support for the bail legislation before us, but it is in the context of legislation being promised and not being brought by the Government. This is one we are not going to let slip through a crack.

The Prime Minister of this country, the hon. Member for San Fernando East, made a statement in which he indicated that before the next general election, legislation will be brought to the Parliament so that the State would be able to acquire the shares of Home Mortgage Bank that Mr. Monteil acquired from Clico for the same purchase price. [*Desk thumping*]

We are demanding that that legislation be brought, because if the Prime Minister of a country who has had to apologize because he got things a little mixed up as to where files had gone, in other words, this is what was stated and we have had no choice but to accept the apology. He has given a commitment to bring the legislation to Parliament. I have not seen it tabled; I am subject to correction, so I am clear in my mind that this will not be the last sitting of this honourable Parliament, because it should not be dissolved until we see that legislation tabled in the Parliament. [*Desk thumping*]

Bail (Amdt.) (No. 3) Bill
[MISS LUCKY]

Monday, September 10, 2007

That is legislation in which the State's rights will be protected and there must be prioritization and, therefore, consistent with the approach of ensuring that we bring legislation that is urgent and bring it expeditiously and in the people's interest, I am confident that by the next sitting of this Parliament this legislation is going to be tabled. Because this hon. Prime Minister would never have said that he was bringing legislation to the Parliament before the next general election, and he is not going to go against his word because he recognizes if he does, it will be consistent with his conduct which is to make promises and not deliver them. [*Desk thumping*] That has been the story. Make a promise and not deliver it, different to Back Bench Opposition; make a promise and delivers more than it promised. That is performance!

Mr. Speaker, and I do not like during debates and even on platforms—and I know many of us will be on political platforms—to make asides which for some reason would offend, and I notice the Member for Laventille East/Morvant looked a little offended. I do not say things to offend, but I must admit even when the Member and I were discussing statistics, and I was pointing out why we have 100 per cent detection rate in narcotics, the Member did point out to me it extended also to fraud offences and he explained it was because of reports and so forth.

Therefore, I do not want the Member to feel that I am in any way trying to cast aspersions on his legal acuteness, but what I am saying, Member for Morvant East/Laventille, is that we belong to a profession that is adversarial in nature, but it is also one that is meant to get the law right, and, therefore, it concerns me when time after time this bail legislation is brought and the issue of section 13 and its impact is raised and we do not get a level of comfort coming from the Government Benches stating to us in some form or fashion, or at least allowing us to think about it or to churn in our minds to be assured that that we would not be violating any constitutional provision later down the road.

Therefore, Mr. Speaker, I want to go immediately into this constitutionality issue that concerns me. In the case of *Pratt and Another v Attorney-General and Another*, recorded at 43 West Indian Report 340, the Member for Laventille East/Morvant has referred to this in other debates so he knows it. The issue that was raised put very succinctly is whether in fact there was a breach of the Constitution of Jamaica more specifically, section 17 of the Constitution of Jamaica which provided in subsection (1) that:

“(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.”

What had happened with respect to this particular litigant—it was the appellant in the case and it went all the way to the Privy Council—is that he had been

convicted of murder but time had passed, in fact several years and there had been the non-implementation or non-execution of the death penalty. So the issue was whether in fact there was a breach of the fundamental right and freedom dealing with whether this person, having been found guilty and waiting to be executed was being tortured, or being treated unfairly and oppressively and in an inhumane fashion because of the number of years he had to wait.

The Privy Council said amongst other things:

“(2) That the execution of the death sentence after unconscionable delay would constitute a contravention of section 17(1), except where the delay had been the result of some fault of the accused, e.g. an escape from custody or the frivolous or time-wasting resort to legal procedures such as would amount to an abuse of process; but delay attributable to the accused exploring legitimate avenues of appeal did not fall within such exception.”

I know it is very easy for us to say well, that is a different situation, the facts are not an all cause, and I recognize that from the outset. This is a situation where one has been convicted of murder and there has been non-implementation of the death penalty. But I am asking, and more specifically, the Member for Laventille East/Morvant who in his closing would address this issue specifically for me because my concern is that there may be an opportunity for someone, an accused who has been denied bail via the statute, by virtue of the bail legislation, through no fault of his own has not had his matter started.

More specifically, evidence being taken and, therefore, that person can say that he and others are being denied their fundamental right and freedom—not in the Jamaican perspective because we do not have a similar section—but saying that this would be unconscionable because Pratt and Morgan, even though we do not have an exact section to Jamaica, that decision of the Privy Council did in fact, have its domino trickle effect and we are bound by Pratt and Morgan. Not only because of the Privy Council being our highest Court of Appeal, but also because the Privy Council said whether you had that section or not, it was applicable and you can have a litigant saying he had been denied bail because under the Bail Act, because of the offence he committed, let us say kidnapping for ransom, he is not entitled to bail but it has been now one or two years and his matter has not begun.

Even though in the legislation, there is a provision that talks about if it is—because it does give the right of a person to go before a court, this is dealing with kidnapping for ransom. It says:

Bail (Amdt.) (No. 3) Bill
[MISS LUCKY]

Monday, September 10, 2007

“A person who is charged with an offence and brought before the court but no evidence has been taken within sixty days...”

Mr. Speaker, if that is the situation, in other words, no evidence is taken within 60 days, you could make the application. But what about a situation where the evidence of a former witness has been taken and then from that taking of the former, or any witness the matter is just being adjourned and adjourned, statutorily the accused will not be able to apply for bail because the subsection talks about the fact that you could go to the court to apply for bail, provided no evidence has been taken within 60 days.

I am suggesting not that we change it, but we recognize why the Back Bench Opposition and the Congress of the People is concerned that we are supporting the legislation, but we want to ensure that the infrastructure is in place and there is some tracking of these matters, so we do not give litigants an opportunity to use some kind of technicality or some law in this case that will enable them to defeat the very purpose of the legislation.

I am specifically calling on the Member for Laventille East/Morvant and I am putting it on *Hansard*. I know he will do the research and I am saying even at the end of the day if we disagree with what he comes back with, at least we would know we had gotten some opinion on the matter so we have not just acted in a vacuum. So I am making sure it is put in *Hansard* because I do not want to affect any poll rating, or anything that may be your way. I do not want to know—I do not think I am that powerful—I did anything to stop you from reaching where you could reach or maximizing your potential. So it is in *Hansard*, you can quote it. You will be very lucky if you do so.

Mr. Speaker, that has always been the concern that I have had with respect to this legislation and it is therefore in that regard we have always asked: How can we now improve the administration of criminal justice? The first place these matters go to would in fact be the Magistrates’ Court—and just to make sure that I put it in its correct perspective, getting back to that point dealing with the constitutionality, I quote from section 5(2)(f)(iii) which says that no Parliament, unless it gets the special majority can:

“(f) deprive a person charged with a criminal offence of the right—
(iii) to reasonable bail without just cause;”

So there is the recognition that we can pass this kind of law once we get the special majority. The section that concerns me is section 13(1) of the Constitution which says:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5...”

That is exactly the Bail Bill.

“... 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.”

This has always been my concern, and that is what the decision by Pratt and Morgan was dealing with, because when the submissions were made both in the Court of Appeal of Jamaica and the Privy Council, the point was made that in these Caribbean territories including—well, it was not including Trinidad and Tobago, but we would be included that this was the norm that it took years before matters were heard in the Magistrates’ Court and years before they could be heard in the High Court and the Court of Appeal, and this was just as a result of lack of infrastructure and resources.

It was not the fault of the State; it was not a deliberate manipulation on the part of the Executive. The Privy Council made it clear that whether that be the case or not, even though the resources may be limited, the challenge is left for each territory—in this case Jamaica—to do whatever it had to do to ensure that within five years from the date of conviction that the accused was allowed to have his final appeal heard and determined. And if that time frame of five years was passed, then it would mean at the end of the day, the death penalty could not be implemented, and there would in fact be a computing to a life sentence.

In the same regard it could be argued following that spirit of Pratt and Morgan, because what we are finding with legal decisions is that the Privy Council would want to be consistent with its approach and it could easily say that it must be the expectation of a person who has been denied bail that his or her matter will be heard and determined in an expeditious fashion and that must be the expectation.

It was said in Pratt and Morgan, that in England if you were convicted of murder in the days when the English still had the death penalty, within two weeks you knew for a fact that you would no longer be alive, and they were hoping that that would have transcended to all the colonies that once the death penalty was given, you had exhausted your appeals, right after it was going to be implemented, but you cannot have people just waiting.

Mr. Speaker, my information and I would not be so delinquent to go into any great detail, save and except to point out that there are persons who have not had their matters heard in some kidnapping matters for three years and the matter has

Bail (Amdt.) (No. 3) Bill
[MISS LUCKY]

Monday, September 10, 2007

not been heard in terms of evidence being taken. Something is wrong with the system and that is because the Magistrates' Courts are overloaded and that is why we keep making the suggestion that we need to find legitimate, creative ways of easing the backlog and one of the ways is by the removal of traffic offences, meaning motor vehicle traffic offences.

It concerns me that it is almost one year now since the opening of the law term 2006. In other words, September 17 will be the reopening of the new law term 2007, and it concerns me that one year has passed since the opening last year in which very cogent and comprehensive suggestions were made by the acting Chief Justice at the time, the hon. Justice Roger Hamel-Smith dealing with how we could remove the backlog, ease some of the strain and nothing has been done, no legislation brought, no kind of active participation by this Government in terms of how it can be done.

Mr. Speaker, if this Government is finding difficulty with bringing that kind of simple legislation which would really call for the legislation that prevents it to be examined, to see how we could remove the negative that prevents it and put the positive which would allow traffic tickets to be paid in any jurisdiction wherever you may have gotten it, then come this next general election, give the opportunity to a party that can really get it done—the Congress of the People. [*Desk thumping*]

If a party is showing that in Opposition it can get things done, then to me, the next logical step is to get into office and continue protecting the people making sure that national security and the administration of justice is not compromised in any way.

Mrs. Job-Davis: You are the Attorney General, or what?

Miss Lucky: I do not have such great ambitions, but I will take that as an endorsement from you, Member for Tobago East. Member for San Fernando West, I so do not want to make sure that I muddy your waters; I am not even going to be calling your tags as I call them. Let me just say thank you very much for the show of support.

Mr. Speaker, I have been talking a lot about what the Government has to do and the importance of getting it done. I do practise quite extensively and I have practised in the criminal courts and very important in dealing with this whole issue of bail is the fact that we do need that Remand Yard Court.

We keep bringing this legislation and thinking it is all about stopping and preventing persons from coming back on the streets. I appreciate that, but has this

Government really given serious consideration to persons who have been granted bail for sometimes minor offences but they cannot raise the bail? In other words, is it time for us to follow the system as they have in England with respect to the bail houses? Because one of the big problems right now—and I am sure the Member for Laventille East/Morvant would have known it when he practised—is the whole issue of the professional bailor. I see you do not even want to nod now, but you must be aware that there are these persons who—

[Minister Hinds nods]

Thank you, we are back on good steam again. There are persons who are professional bailors and I want to tell you that is a big problem. It is so big that there really seems to be no way of tracing it. There are many families who go to these bailors, pay large sums of money, even more than they would be paying the lawyer, and at the end of the day, it is found that the deed is dirty as they say, or cannot be used. And there are people languishing in our prisons who have been granted bail but cannot raise it.

Even though the Bail Act makes provision for money to be used instead of or in lieu of property, there is not enough infrastructure and awareness with respect to that aspect of the legislation. In other words, there is mention of it but there needs to be not just mention, but a procedure set up.

Think of a person who may have property in his or her joint name, so the person has assets. When you are charged for a criminal offence and you are granted bail, you cannot use property in your own name so what is sometimes done—you will have to convey and when you are doing so, convey it to someone else and at the end of the day even though the property is used, that person may never reconvey to you, and that is a massive problem.

So you sometimes have people who are asset rich but the assets cannot be used and you cannot fly in the face of what would be the presumption of innocence. So you have to make sure a person gets bail yes, but when he/she does, ensure they are able to realistically raise that bail if they have the asset, but unfortunately, it is not in their name. I am saying that is where we should have reached. So it was not simply about bringing the legislation in 90 days or after 90 days, we are supposed to be addressing the whole system of bail.

Mr. Speaker, I am sure you have heard of the concept of touting, professional bailors, people being told this is what we are able to do and so forth, and it has to stop, because at the end of the day when poor people are before the courts, and in some instances we have to remember that some people are innocent, especially

Bail (Amdt.) (No. 3) Bill
[MISS LUCKY]

Monday, September 10, 2007

for minor offences. They are being left in the prison with nobody attending to them and that is why we have said it is important to have that Remand Yard Court. That ability for a magistrate to go to the Remand Yard and do the case management, not necessarily the Magistrates' Court, or to go to persons who cannot for some reason get to the court because of lack of transportation and there are prison riots. So the case management is not just in the Magistrates' Court, but actually at the source, or another place where prisoners are kept.

4.00 p.m.

Mr. Speaker, I do not intend to exhaust my entire 75 minutes. You know I always believe that there should be a curtailment of the speaking time. I think the points have been made. It is clear that a lot of the work has not been done by the Government through its own fault, but at the end of the day I want to end where I started, and that is, with respect to the Bail legislation and to any legislation dealing with fighting crime, the Congress of the People will not sacrifice the interest of the State, and having said that, we are going on to say and to point out that there are things that can be done now; there are things that can be done in the long term, but we have to make sure that the message is sent in a very strong and powerful way that when you are dealing with crime, you have to make sure that you are consistent and this Government has not been consistent.

I want to remind this honourable House—the message must be going back to the Prime Minister—that the Prime Minister has stated he is going to bring legislation to deal with that Monteil issue; that is a promise that was made—a time line. It is one time when we got a time line, because in most instances we do not get time lines, and when we get time lines in some instances, they are wholly unacceptable: Offshore patrol vessels—coming in two years; election date—“in meh back pocket.” But this was legislation we were told would come before the next general election and we are holding the Prime Minister to his word, and if and when he succeeds on his word, we will know that we, the Congress of the People, made him do what he was supposed to do.

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

Dr. Adesh Nanan (*Tabaquite*): Mr. Speaker, I will start where the last speaker left off, which is to deal with the track record. Today we are dealing with the Bail (Amdt.) (No. 3) Bill, 2007 and we heard the presentation of the Member for Laventille East/Morvant and I just want to read what he added. This is the Explanatory Note sent with the document. This is the contribution of the Minister of State in the Ministry of National Security.

“This Bill seeks to amend the Bail Act, 1994 (Act No. 18 of 1994) (‘the Act’) to make the offences of kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, 2003 (Act No. 21 of 2003) non-bailable offences for a period of sixty days, but thereafter bail may be granted at the discretion of the High Court. The Bill will also make certain violent offences (including possession of a firearm or ammunition without licence, certificate or permit under the Firearms Act, Chap. 16:01, or trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking under the Dangerous Drugs Act, 1991, (Act No. 38 of 1991), or kidnapping at common law or assault occasioning grievous bodily harm)...

That is what he added:

“non-bailable offences where a person has been convicted on two prior occasions for any of those offences...”

And changed “or” to “for”:

“for a combination of those offences arising from a single incident.”

That was the contribution of the Member for Laventille East/Morvant on such an important piece of legislation before the House. We are in troubling times; we are in a situation where the Minister of National Security came into this House not too long ago in the budget debate and said that we are under siege; we are at the mercy of criminals; our detection rate is very low, and we have heard nothing about prevention.

How can we deal with this particular amendment and not make any reference to the two aspects, in terms of detection and prevention? The speaker before me spoke about the track record and just glibly passed in terms of a track record. But I want to give you some idea of the track record in terms of the United National Congress government which every Member on this side is aware of the performance of the United National Congress government, and when I hear speaker after speaker on the Back Benches speak about: “It is I who did it”, it is not an independent Member; it is not “I who did it”; it is a collective effort by every Member of the Opposition at that time! [*Desk thumping*] So to become independent suddenly is totally unheard of. We must recognize that you were given the opportunity to serve at the parliamentary level, at the Cabinet level; at the highest level of the land, accepting Cabinet responsibility, and we have to face the fact that when we look at the performance with respect to the United Natural Congress, there is no doubt that that was the best government this country has ever seen! And it must be put on the record! So when I

Bail (Amdt.) (No. 3) Bill
[DR. NANAN]

Monday, September 10, 2007

listen to radio stations and I look at the television and I see Members on the Back Benches continue to say: “I did this and when I was there I did that; it was not the United National Congress; it is me, an independent Member who made the contribution”, it is absolutely false! They could say what they want; it is hon. Basdeo Panday who gave everyone there a chance! [*Desk thumping*] They got the chance! I hear bleatings from the other side, but I do not want to spend my time to deal with them; the electorate will deal with every one of them!

Dr. Rowley: The tiger roars. [*Crosstalk*]

Mr. Rahael: The Tabaquite tiger roars.

Dr. A. Nanan: Member for Diego Martin West, I do not want to go to Scarborough in this debate; I want to stay in Trinidad. I do not want to go to Scarborough and I do not want to have a Privileges Motion brought against me this afternoon, so I will move on.

Mr. Speaker, when we look at the landscape before 1995—and most of those Members were Members of the Cabinet at that time—we have seen a great transformation from 1995—2001, and it must go on the record! Eighty five million dollars was spent on building new police stations in 1997—and I will go through because it is important. We opened the Maraval Police Station; the Four Roads Police Station in Diego Martin—get up and say it is not true—the Erin Police Station; the Ste. Madeleine Police Station; the Princes Town Police Station; the San Fernando Divisional Headquarters; the Sangre Grande—

Dr. Rowley: You lie! John Eckstein opened the Four Roads Police Station!

Dr. A. Nanan: You are accused of lying—Sorry, Mr. Speaker.

Dr. Rowley: John Eckstein opened the Four Roads Police Station!

Dr. A. Nanan: The Sangre Divisional Headquarters; the Freeport Police Station; and in 1999, the Gran Couva Police Station in the constituency of Tabaquite.

Dr. Rowley: No—

Dr. A. Nanan: Why did you not get up when it was said in *Hansard*? We have heard about your reputation, Member for Diego Martin West, so I would not waste time with you; the electorate will deal with you, if you get a chance.

Mr. Partap: Manning will deal with him.

Dr. A. Nanan: The Gran Couva Police Station; the Cunupia Police Station and the annex of the San Juan Police Station.

Before I forget, let me congratulate the Leader of the Opposition on a great contribution this afternoon, because she gave a chronology of events that cannot be disputed. [*Crosstalk*]

Mr. Speaker: Please. Hon. Members, the Member for Tabaquite is making a contribution that his constituents want to hear; the national community wants to hear him and I am sure you want to hear him too.

Dr. Rowley: He lie!

Mr. Speaker: No, no, please. Let us listen to the hon. Member for Tabaquite in silence, please. Continue, hon. Member. Do not make this into a budget speech, eh, please. I gave the Leader of the Opposition a certain latitude, as I would give all leaders, but, please, hon. Members, what is before us is the Bail Bill.

Dr. A. Nanan: Mr. Speaker, let me just guide you—[*Laughter*]

Miss Lucky: Usurping power!

Dr. A. Nanan: No, Mr. Speaker, I just want to point out something in the Bill. Apparently many of them did not read this particular Bill. Part II, “Specified Offences”, Part III, “Violent Offences”. I will go through every one of them because this is relevant; this is part of the Bill.

Mr. Speaker: I am not saying it is irrelevant; all I am telling you is to concentrate on the Bill; exactly what you want to do. Please, proceed.

Dr. A. Nanan: Thank you, Mr. Speaker, because every one of these incidents—in fact, kidnapping took place in my constituency; robberies on a daily basis in my constituency; assault with weapons; every single thing that is on this schedule, and I will deal with every one of them here! That is why I was dealing with the infrastructure; that is why I was dealing with that aspect first in this contribution.

I was dealing with the construction of police stations and the Minister of National Security came in this House and said that there were a number of police stations that needed to be constructed: Manzanilla; Matelot; Maracas Bay; Maloney; St. Joseph; Old Grange; Roxborough; Brasso. I want to deal with Brasso. That is a sore point. In 1995, the Brasso Police Station was an old dilapidated station and eventually over the period it was earmarked for reconstruction. In 2001, the Brasso Police Station was supposed to be designed and by 2002 it should have been constructed. Today, in the constituency of Tabaquite, what we have is a burnt Brasso Police Station—an old building—a new site location, and in the budget debate we heard about “design” in

Bail (Amdt.) (No. 3) Bill
[DR. NANAN]

Monday, September 10, 2007

2007. Every contribution, from 2002 to present, we have heard about designs for the Brasso Police Station. It is a tragedy!

I just want to put on record—because let us look at this linkage. It is relevant because it is a situation where a number of our policemen are in dilapidated buildings throughout the country, in terms of the police station infrastructure. When we look in terms of a disaster and disaster preparedness, God forbid that a hurricane should hit this country, because when you look at the shelters that are being put forward by the Office of Disaster Preparedness and Management before NEMA, we have absolutely no confidence in the shelters being proposed. What will happen to the policemen in these police stations? They will be at the mercy of the elements. Where can they go? These shelters, in terms of their construction, cannot withstand that kind of disaster. So in terms of disaster preparedness, we are going nowhere; in terms of construction of police stations, we are going nowhere, and the Brasso Police Station, again, as I said, is a sore point and it has to be put on the record of the failure of the PNM Government. PNM promises never materialize! That is what it is all about: promises, promises, promises, promises: 2002, 2003, 2004, 2005, 2006, 2007.

I want to go on: Piarco; Arima; Besson Street; Maracas, St. Joseph; Cumuto; La Brea; Guapo; St. Clair; Matura; Oropouche; Moruga. That is the situation with respect to infrastructure.

Let us deal with another area. The United National Congress government built 22 modern police stations and renovated several others, collectively, but we also trained and deployed 1,741 new police officers and put them on the streets. So it was not a haphazard approach to crime-fighting. We also added 241 new police vehicles and implemented an E999 Rapid Response system. We conducted more than 10,000 successful raids on drug blocks that resulted in over 7,000 arrests. The reason I put that on the record is to show what was done from 1995 to 2001.

“Violent Offences

- (a) manslaughter;
- (b) shooting or wounding with intent to do grievous bodily harm;
- (c) robbery, robbery with aggravation, armed robbery;”

This is another area, almost every day our citizens are being robbed at home and we heard the Member for Laventille East/Morvant in his contribution talking about the role of the citizens: lock up your doors! That is the role of the citizen! That is what he said! Lock up your doors and put burglar proof; get security

cameras, all of that! And the price, in terms of inflation, is going up. All those material costs are going up! But no, that is the role of the citizen.

Let me explain something to you, Member for Laventille East/Morvant. That is the role of the State! The State is to protect its citizens! You cannot stand by and say, yes, and spend billions on national security and buying blimps and all those things to help crime-fighting, and in terms of performance you are getting a failed grade. Then you put it upon the citizens that they must protect themselves. That is totally unacceptable in 2007!

Mr. Hinds: My dear honourable friend, I do not know if you were listening or if you were present, what I did say is that as much as the Government and law enforcement has a responsibility, citizens also have a responsibility to assist in protecting ourselves. That is what I said, and I thought that was a matter of flat and simple common sense.

Dr. A. Nanan: I will move on because I thought I was getting a substantive contribution from the Member for Laventille East/Morvant.

But it is a plain fact. Why must we live in a steel curtain in Trinidad and Tobago? We are supposed to be a paradise. Why must there be a steel curtain in this country! It was not there in 1995—2001. What makes the difference between 1995—2001 and present? Our citizens are capable; intelligent; they are critical thinkers, but still we have a problem and we say from time to time it is a matter of smokescreen and mirrors! It is too much PR. As I talk about PR, let me mention that that poll was really to see if PR was working. Apparently it failed in the various constituencies. All that money that was spent on PR has gone to waste. Again, money is passing through the country like a dose of salts.

So we have to get rid of the PNM to get rid of the steel curtain. We must make sure that the Member for San Fernando East's image of a victory in the election must remain a figment of his imagination! It must never come to pass in this country, because we have time after time warned the Government with respect to their approach, not only in national security matters, but in other matters! Why, in this day and age must schools remain closed? The new term is upon us and children are still at home! Why is that so? So we need to remove the steel curtain, and this idea of buying locks and burglar proofing your home is totally unacceptable.

The other issue is:

“(g) trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking;”

Bail (Amdt.) (No. 3) Bill
[DR. NANAN]

Monday, September 10, 2007

From time to time we have heard that our waters are being monitored by radar; we have heard about the purchase of OPVs and helicopter gunships; we are seeing tenders from time to time going out, but we are seeing nothing concrete. All these ideas are just simply ideas. Is it that the Government is hoodwinking the population in terms of crime? Is it that the Government is not serious? Because when you have a Minister of National Security saying he is to blame; he takes the blame for the situation with respect to the police service and infrastructure, what do you expect? The Leader of the Opposition spoke about all the other programmes that were introduced and failed.

The E999 system was introduced by the United National Congress government, a very successful programme, and today in our constituencies, we are afraid! In my own constituency in Tabaquite, we have had two kidnappings and one attempted kidnapping, and to date not one of those kidnappers has been charged. That is why I spoke about detection. So when we have a Bill coming before us in terms of an amendment to the Bail Act and getting bail, you first have to apprehend someone before you can get bail. In that particular part of the constituency it is very difficult because there is no police station for miles. That is why the recommendation was for the rebuilding of the Brasso Police Station. In the budget debate I asked the Member for the Tabaquite police post because citizens are being robbed. In my constituency the bars are being held up regularly, and I am sure it is not only in the constituency of Tabaquite; in almost every constituency. The Member for Fyzabad, there was a constituent that was beaten up and robbed. In every single area you could talk about, these incidents are happening on a daily basis and many of them are not being reported because the citizens have lost confidence in the police service and the Government!

Today, when I brought a Motion to deal with the situation in Mount Hope with respect to the shortage of beds and the suffering of people at that hospital—and if you extrapolate it, to the San Fernando General Hospital—you will see that nobody cares! But I want to give you the assurance that the United National Congress Alliance cares and we will make a difference, because we have been there; we have had the experience and when the country calls on us again, we will do it again for them, because they have suffered under the PNM for this period 2002—2007!

The time will come when once again we will bring our country back to the respectability that it had before! We will show the PNM that it can be done! No matter what the Ryder Scott Report said with respect to natural gas, our children's children are being threatened, because if the PNM Government remains, it is doom for the country!

Mr. Speaker: I really do not understand what Ryder Scott has to do with bail, you know. But help me.

Dr. A. Nanan: Mr. Speaker, the Ryder Scott Report says that in 12 years' time our natural gas will run out. [*Crosstalk*] They do not want me to go there, you know, because I will expose them.

Mr. Speaker: Talk to me.

Dr. A. Nanan: I was going to, but he told me something about—

Mrs. Persad-Bissessar: Talk to the Speaker.

Dr. A. Nanan: So what we are seeing, they are leaving us to the mercy! We cannot build our police stations now when we have so much oil dollars. In 2012 when the natural gas runs out and our revenue drops, how can we build a police station? That is the relevance! How can we do that? But what I will tell you, the relevance here is that when the United National Congress Alliance government is formed, we will put the economy back on track. We will have that sustainability of expenditure pattern and that will sustain our revenue base, and that will help us in terms of our infrastructure and all the other areas, because we need to pay salaries. We heard the Member for Siparia, the Leader of the Opposition, talk about the special reserve police, and there are many areas in terms of the police service and compensation. But before you could discuss compensation packages, you must have a revenue base and that was the reference and relevance of that statement about the Ryder Scott Report.

So we are looking at billions of dollars being spent. As I go back to the Bail (Amdt.) Bill and those schedules—

Mr. Hinds: I did not realize you left.

Dr. A. Nanan: I was always there. I was dealing with robberies in various constituencies and I was dealing also with the trafficking in drugs and with respect to the patrolling of our waters or the lack of patrolling of our waters under the PNM administration, and we have to compare, because there is a track record to compare!

In terms of drug trafficking, the United National Congress government recognized this problem and we took steps to deal with it. We put the best equipment there in terms of radar, although they said we never did it. But it was there. Then they said they installed another radar, but that is another debatable fact. You also recognized that our Attorney General at the time dealt with the matter of drug trafficking in terms of legislation before the House; and we heard

Bail (Amdt.) (No. 3) Bill
[DR. NANAN]

Monday, September 10, 2007

from the Member for Siparia, the Leader of the Opposition, about the tardiness of the Government in bringing that legislative package before the House.

Our citizens are being raped, robbed, killed and they are doing nothing about it. The statistics are going up. The Member for Laventille East/Morvant spoke about over 25 and some other number; that we would allow the criminal to roam if this amendment is not passed. What about the poor people? What about the innocent victims of crime? Why do you not deal with that issue?

Mr. Sharma: He does not care.

Dr. A. Nanan: Apparently not, but the United National Congress Alliance cares.

Another sore point is with respect to the bombings in Port of Spain, and nobody is held to date. Why? And we saw the incompetence of the Minister of National Security and the helicopter incident. I do not want to get into that. But there is another important area in terms of firearms. The “Specified Offences” deal with firearms. If you look at the newspapers today in the cartoons, you would see a so-called amnesty being proposed and according to the cartoon, when you are looking for the sheriff to hand in your gun, the sheriff was already shot and the deputy sheriff is looking to hand in his gun. That is the situation! And it says at the bottom: “We reach”. But we do not want to reach like that! We should not be like that now! We have the money. We should be able to control the criminal element.

Somebody told me that from 1995 to 2001, under the United National Congress, the criminals were migrating and going elsewhere, because we had the systems in place; we had the programmes in place, but as soon as the PNM was returned to office by the President and the UNC unceremoniously removed from government by the then President, the criminal element returned in numbers and continues to grow! So much money and so little have they done to this country!

I want to tell the Member for Laventille East/Morvant, if it was not for the work of the citizens with their neighbourhood watch, we would have been worse off. It is in spite of the PNM that the people have been able to manage their affairs. That is another important area in terms of the non-performance of the PNM to defend the citizens of this country.

When we look at other areas—and I will deal with that later on; the other area is:

“(i) grievous sexual assault;”

The United National Congress government brought the DNA legislation in 2000 and passed it! From 2000 to 2007, the Member for Diego Martin East chaired a joint select committee. In 2007 we had the DNA legislation in this House, but it took so long! That is the problem! Do you know if you have an oil tanker going in one direction, it takes a long time before you can change directions, because of the amount of oil in the tank. That is what is happening with the PNM! Lethargic! They have become complacent in their respective portfolios—totally complacent in their respective portfolios, and the citizens of Trinidad and Tobago are suffering because of it!

Mr. Speaker: It is time for tea and the sitting of the House is suspended and we will resume as 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m. *Sitting resumed.*

Dr. A. Nanan: Mr. Speaker, when we took the break I was discussing the matter of firearms. I want to go back to an area that is important. When I was dealing with violent offences, being in possession of dangerous drugs for the purpose of trafficking, I made reference to the United National Congress' approach. I will go back there briefly to show you what was done at that particular time. I will quote if you will permit me from the *Hansard* of September 2000 in the Senate.

Of the nine launches and two offshore patrol boats they were all in varying stages of deterioration. Now we have seen old vessels 30 and 40 years old that are constantly being refurbished and upgraded and that are still working extremely well.

After having these six vessels refurbished, we received 282 foot cutters from the United States government and a number of aircraft for aerial surveillance. At that time, in terms of drug interdiction we were dealing with marines. This is what it says:

Right now the coast guard has 10 launches working.

How many working launches does the coast guard have at this time? The Minister must answer that.

The 282 foot cutters; five fast interceptors functioning and six aircraft operational. These vessels and aircraft are deployed to the six coast guard bases throughout Trinidad and Tobago, Staubles Bay, Hascot, Point Galeota, Cedros, the airwing at Piarco and Scarborough, Tobago. This deployment was to make for better operation of the coast guard.

I went back there to show you what was in place with respect to drug in interdiction.

I was on the point of grievous sexual assault, the DNA legislation and the matter of the unsolved murder of Akiel Chambers. Why did it take so long? We have to ask that question in respect of this particular piece of legislation that is before the House. We heard from the Minister when the previous piece of legislation will lapse and how it has taken quite a long time. This could have been brought a long time ago. There is not only tardiness with respect to the PNM Government in terms of implementation but also in terms of the legislative agenda.

In Part II under specified offences, the offences also include larceny of a motor vehicle, a sore point in Trinidad and Tobago. How many people park their cars in malls and come back and find their cars missing? If there is a fete in this country, you find a number of people come back and their cars are stolen or burglarized. This is a new trend. When you park in a residential area if you leave a computer bag in your car, your windscreen can be smashed and the bag can be stolen.

Mr. Sharma: Make sure it is intelligent this time.

Hon. Hinds: Of course. I have an opportunity to respond but I thought it critical and important enough to indicate that in respect of larceny and burglary of motor vehicles in malls, it is a fact and this is not exaggerative, that the operators in the malls call for the presence of the so-called eye-in-the-sky, the sky watch because its presence has contributed significantly as a deterrent effect to those people who commit those offences. I wanted to add that to your armoury.

Dr. A. Nanan: Thank you, Member for Laventille East/Morvant. It gives me no confidence as a citizen because the number of cars that is stolen from the malls is not reducing. I do not know how to agree with you.

Hon. Hinds: Could you tell me how many were stolen last year and whether or not they are reducing?

Dr. A. Nanan: You want the figures? Close to 2000 cars were stolen. Probably, you do not know the figures but the number of people who are crying to their Members of Parliament—

Hon. Hinds: Do not believe a word the Member for Fyzabad says. He will mislead you.

Dr. A. Nanan: Cars are being stolen. People are spending their hard earned money to buy their cars and insurance cost is going up because every time a car is stolen they have to put out more money. That is a hardship for the citizens to endure. There is the failure of the Government to deal with this problem of stolen vehicles. You come to the House to say that you have the eye-in-the-sky.

Hon. Hinds: Do not take it out of context. I was saying that in the context of the malls.

Dr. A. Nanan: Member for Laventille East/Morvant, you will have your time. It was reported that a Special Branch officer's car was stolen. What are you trying to say? That is so.

In terms of larceny, you are talking about bail being restricted, but you have to catch the person before you could utilize this particular amendment.

Another part is receiving stolen goods. We have seen many advertisements for buying copper. Where is the copper coming from? Which is the biggest source of copper in this country? TSTT lines. Everybody knows that. You have receiving stolen goods. The Government should take a decision that we should have no export of scrap metal or copper. It is not something new that I came up with. It is being done in other countries with respect to the stealing of cables.

There has to be a market for gold and contraband in this country. Why was the son of this popular comedian, Tommy Joseph, shot for a gold chain? The Member for Laventille East/Morvant must say if there is such a market. Are there illegal pawnshops in this country? We need to know. Do you understand how gold is broken down or do you need me to explain it to you this afternoon? Those things must be taken into consideration. Is it being sent out of the country or where is the jewelry being pawned?

We have another issue as I come to the end of my contribution. I want to deal with manslaughter. We saw the matter in Portugal where it is being reported that the child they believed was killed, they are going to charge the mother for manslaughter because apparently, they utilized a London-based DNA lab and they have the DNA evidence to charge. We are coming into a situation with our DNA legislation which would be brought to fruition under the United National Congress Alliance government for this particular issue of manslaughter.

Hon. Hinds: They had 5,000 in Woodford Square. You cannot raise that.

Dr. Moonilal: For better minds leave out Hinds. [*Laughter*]

Hon. Member: Good one.

Dr. A. Nanan: I will not respond to that, Mr. Speaker. I will speak to you.

Once the DNA legislation is proclaimed manslaughter could be an area where there can be much ongoing investigation. Nobody would have thought in their wildest dreams that they will charge the mother of that child for that so-called incident. There is the great possibility.

We heard from the Member for Siparia and Leader of the Opposition about the failure of the Government to bring forth the gun and kidnapping court. I make reference to the possession of a firearm or ammunition without licence, certificate or permit. If we had a gun and kidnapping court, we would be able to remove a large number of illegal firearms. I know the Member for Laventille East/Morvant will agree with that so I heard no bleating from him on that particular issue. That is not new. It is already there. It was planned by the United National Congress.

As I close, the PNM Government was given a solid platform in every sector. It was handed over to them unceremoniously by the then President. In every sector we have seen the PNM scuttle this solid platform. Once again, the United National Congress Alliance will return to rebuild these platforms not for the PNM, but the hardworking citizens of Trinidad and Tobago.

Thank you.

Mr. Gerald Yetming (*St. Joseph*): Mr. Speaker, when the Government and the Opposition met to deal with crime in the country, they arrived at a package of legislation to deal with crime and a number of pieces of legislation were agreed upon. This included the Bail Bill; DNA legislation; anti money laundering legislation and the breathalyser. One piece of legislation that should have been included in that package as a condition or requirement for dealing with crime in the country ought to have been the public sector procurement regime legislation. While we may deal with drunken drivers, kidnappers and murderers, it is equally important that we deal with the question of white collar crime in Trinidad and Tobago.

Part of the problem we have today with the total breakdown of law and order has to do with the fact that ordinary people in Trinidad and Tobago are seeing, believing and perceiving that people at the top, in politics or otherwise are able to steal and get away with it. It gives them the licence and comfort to do whatever they wish in Trinidad and Tobago. Until such time as we can comprehensively deal with wrongdoing in the country, from drunken drivers to theft to corruption to murderers and to kidnappers, we will never solve the problem of crime in Trinidad and Tobago.

In three previous budget statements we have heard the Prime Minister announce that the new public sector procurement regime was going to come to Parliament. One of the difficulties we have and I am sure the country shares, is that when our Ministers of Finance speak, we cannot believe them anymore. When the Minister of Finance and Prime Minister comes to Parliament and lies to Parliament by saying—

Mr. Speaker: You know better. You cannot say the Prime Minister or any Member lied.

Mr. G. Yetming: When the Prime Minister said that he had referred the Monteil report to the Integrity Commission, the Director of Public Prosecutions (DPP) and the police, and misled this House and the nation, how can we believe him when he speaks now? When the Minister in the Ministry of Finance, Christine Sahadeo announced not just to the media but in a meeting with the President of the Inter American Development Bank that the Prime Minister and Minister of Finance was going to announce in the budget statement, the implementation of the new public sector procurement regime and he did not make that statement, again, it is another case of misleading the nation.

Here we have two Ministers and then of course, I will add the third, Minister Enill who has been having discussions with the workers of the private members clubs deceiving them into believing that the Government will soften its position on private members clubs and gambling, while the Prime Minister, his boss has been stating publicly that all gambling would be banned in Trinidad and Tobago. My understanding from what he said is that that ban on gambling included Play Whe and lotto. The concerns of the workers of the private members clubs have been real. They have been seeking to have meetings with him to get some degree of assurance of what will happen to them. On one hand the Government has been saying that they will be retrained to get other jobs and there will be a transitionary period.

In closing the budget debate in the Senate, Minister Enill said they are not against the private members club they are against casinos. One does not know where we stand and the workers of the private members clubs do not know exactly where they stand. There are three Ministers of Finance none of whom you can trust.

When Minister Sahadeo announces to the nation and the President of the Inter American Development Bank that the new procurement regime was going to come and no statement was made in the budget statement about it; dropped off the radar after three successive years of announcements of it coming to Parliament

Bail (Amdt.) (No. 3) Bill
[MR. YETMING]

Monday, September 10, 2007

and then in the closing of the budget debate, no statement was made to say we did not make the statement in the budget, but that it will come, one does not know whether any will come.

We now find ourselves in a situation where with billions of dollars of Government projects being awarded under questionable circumstances that are not known; even if they are not questionable, we will have difficulty. I thought that the Prime Minister made a revelation when he was closing the budget debate. He was responding to me when he said:

“The Member for St. Joseph spent much time on the construction sector trying to point out to Members of this Parliament and the national community that the Government was involved in squandermania in the conduct of our business in the construction sector. I will be the first to admit that all has not gone well in the construction sector as we accelerated our rate of development in the country. I would be the first to admit it because it is so. Not only that, we have some examples. What has happened in respect of the airport and the hospital in Tobago is indefensible. The last straw as far as the Government is concerned, the straw that broke the camel’s back was the Brian Lara Stadium.”

Here is the Prime Minister and Minister of Finance admitting to the nation for the first time that some indefensible things happened which caused much money to be spent and wasted; maybe, given away and maybe, given away corruptly. He named three projects, the airport—I assume that he was referring to the repaving—the hospital in Tobago and the Brian Lara Stadium. In this House we have raised many times questions on the Brian Lara Stadium. I will come back to that.

Mr. Speaker: I know it is the season, if you can relate it to the Bail Bill for me.

Mr. G. Yetming: I am dealing as other Members before me, with crime; what we need to do and the measures we need to take to deal with it. I was making the point that white collar crime, as with the need for the breathalyser which was a part of the legislation to deal with crime needed to be dealt with.

There was an interesting article on Sunday last in the *Trinidad Guardian* which speaks of an investigation by the Integrity Commission which was defined as a new attack on the Member for Diego Martin West, Minister Keith Rowley. It is alleged that the Minister or put another way, the Minister is accused now of misconduct with respect to the award of the contract for the Customs and Excise building by UdeCOTT. The Minister submitted a 35 page 98 point reply to the Integrity Commission to defend himself.

Mr. Imbert: On a point of order. Standing Order 43 (1) and (2). The Member is being irrelevant.

Mr. Speaker: I did indicate to the hon. Member to relate it to the bill. I think he is relating it to white collar crime. I think that you need to come in closer.

Mr. G. Yetming: I will be guided, but I maintain that until we can deal with whether it be the breathalyser, drunken driving and white collar crimes as the people out there believe that the Government is serious about dealing with all crime, the murderers and kidnappers, who are the subject of the Bail Bill, will continue to do what they feel that they have the licence to do, because there are other people in society who believe that they have the licence to do anything they want with the public purse. Until such time as we can demonstrate seriousness in dealing with white collar crimes, the murderers and kidnappers will continue to do what they want to do.

I want you to give me a little leeway to develop my point. The Minister of Housing and Member for Diego Martin West is seeking to defend himself on a charge made—obviously, somebody made a charge—to the Integrity Commission. He claims that his intervention in the contract worth more than a hundred million dollars on the Customs and Excise building was because he had heard, as the line Minister of UdeCOTT, that a contract was to be awarded to Hafeez Karamath and he had information that there was favouritism, manipulation and conflict of interest in the award of that contract. In his judgment I assumed that he believed that the information that he was given on the favouritism, manipulation and conflict of interest, much of it was credible. If it were not credible he would not have called for a meeting with members of the board of UdeCOTT to discuss the matter.

The interesting thing is that after the meeting he had verbal and written confirmation from the chairman of UdeCOTT, a gentleman by the name of Mr. Calder Hart that the tender process was flawed. The UdeCOTT chairman's letter stated according to this report—

Mr. Imbert: Mr. Speaker, on a point of order, Standing Order 43 (1) and (2). The Schedule to the Bill deals with Part III offences. It has nothing to do with what the Member is talking about.

Mr. Speaker: I have to rule. Earlier on I did urge you to come closer. I take the point about white collar crime but you need to bring it closer to the Bail Bill.

Mr. G. Yetming: Mr. Speaker, there are specified offences under the Bail Bill that deal with perverting of defeating the cause of public justice. This is the section that I am dealing with.

The chairman of UdeCOTT in a letter written I assume to the Minister said that the mistake as I have identified for everyone was—this is another mistake by Calder Hart. I will refresh your memory. When we were dealing with a mistake on the Brian Lara Stadium, when his mother told him that if you make one mistake, whatever, and if you make two mistakes, you are a fool, we are now learning for a fact that he has made two mistakes. So he is a fool! He should be subjected to serious enquiry and investigation because he is admitting that a mistake was made and “in my attempt to correct the system on the run, so to speak as opposed to aborting the tender process when the process was discovered to be flawed.

5.30 p.m.

In his response, the Minister appended the Calder Hart letter to his report to the Integrity Commission. A board minute read that the chairman indicated that the whole tender process was flawed from the beginning and that a decision had been taken to retender the project.

The first point is that if on this one project a contract was about to be awarded for \$100 million on a flawed process, who is to say that every single UDeCott contract was not awarded on flawed processes? There was a charge against the Minister of Housing and I am sure that those who levelled the charge were making a connection between that project, where it is being alleged he intervened to have the contract awarded to NH International and the intervention to have the contract moved from Hafeez Karamath to NH International, which had to do with some Landate project where NH International took \$5 million of state property and put it into the project. I am sure whoever levelled the charge was seeking to make that connection and that is where the misbehaviour against the Minister was being made.

In his defence, if he had found that the information he was receiving on the award of that contract on the Customs and Excise building was credible, that there was favouritism and that there was manipulation and conflict of interest, he had every right, as the line Minister, to find out the facts. I would fault him, through the years thereafter, if he did not ensure that the tender process by UDeCott on all subsequent contracts was above board and clear of manipulation. Was he concerned that because of the open latitude given to state enterprises, particularly these special purpose state enterprises, that not only was the tender process in all these enterprises transparent—

Dr. Rowley: Mr. Speaker, I thank the Member for giving way. I said before in this Parliament that I do not intend to defend myself on the Parliament floor or on the political platform. Since you are faulting me already, permit me to tell you I have kept my oath of office scrupulously.

Mr. G. Yetming: Mr. Speaker, this is not a matter for the political arena, but of public interest. This is a matter where the country expects full transparency in the dealing of Government, whoever is in government. One of the dangers that they have to account for, whoever the line Minister or whoever the Minister of Finance, is that in public procurement there is some regime that governs it, so that we can be assured of some transparency. It is not by accident that the Government itself put out a Green Paper to deal with public procurement. It is not by accident that the Green Paper became a White Paper in 2005. It is not an accident that they had promised, arising out of the White Paper, that legislation was going to come to Parliament.

Mr. Imbert: Mr. Speaker, on a point of order, Standing Order 43(1) and (2)—relevance.

Mr. Speaker: I am trying to help you, but if you persist on that line, I will have to rule you out of order. I did on two previous occasions when the Member raised that point of order. You are straying. If you do not get back in a hurry, I will have to uphold the objection.

Mr. G. Yetming: The Minister got up, I gave way and he made a statement. I am responding to him.

Mr. Speaker: Get back to the Bill!

Mr. G. Yetming: I know that I am “mashing” a lot of corns. If I have to cut my contribution, I will because we will take up the matter on the public platform if that is required, without fear of any legal whatever it is.

The Government has a responsibility to the people to account for the moneys spent. On the very matter about which the Prime Minister in his closing debate in the House expressed concern, the last straw that broke the camel's back, the Brian Lara Stadium, Minister Christine Sahadeo said that there would be transparency in the contract. I am making the point that this Government has misled the population year after year, project after project because for every massive project—the same thing applies to the rapid rail—we continue to get assurances that there is transparency.

Mr. Speaker: I am really trying to help, but you are going way out. Please, bring it back!

Mr. G. Yetming: I heard, in other contributions, about eye in-the-sky and all kinds of other things that were not related to the Bail (Amdt.) (No. 3) Bill. I am going to give my explanation for the last time. I know that once I continue here there will be objections. I know that I am “mashing” serious corns. They know they cannot account for a lot of money; they know they have encouraged and are party to a lot of theft and corruption in this country.

Mr. Speaker, the revelations that have come out by the Prime Minister in his closing contribution under this article suggest that we are far from dealing with serious crime in this country and I maintain that until such time that we can deal with these serious crimes against the people, then we are going to fail Bail (Amdt.) Bill or no Bail (Amdt) Bill, in dealing with the kidnappers and the murderers. They would feel that they have the same licence to do what these people have done.

The Member for Pointe-a-Pierre indicated to the Government that we expect the Prime Minister to keep his word and to bring the legislation to deal with the acquisition of the Home Mortgage Bank shares from Mr. Monteil. We have today delivered a letter to the Integrity Commission. We do not have the confidence that the Commission or the police have the interest, the will and maybe, in many cases, the technical competence to deal with some of these issues that are being referred to them.

In this letter, we have outlined, step by step, every single matter where Mr. Monteil may have been in breach of his responsibilities as a director in the financial sector and a director of the Home Mortgage Bank. We expect the Integrity Commission, on the basis of the guidelines we have offered in our letter, to investigate carefully and thoroughly.

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, I rise to make a contribution to a very critical matter that involves an extension in the authority of the judicial officers to deny bail, the Bail (Amdt.) (No. 3) Bill. The Leader of the Opposition and Member for Siparia gave this House a comprehensive overview on the genesis of this matter and its evolution in terms of the authority of this House to grant support to the Government to give effect to this measure.

It appears that even the title is misleading—the Bail (Amdt.) Bill. You have a sense that it involves only one matter, that is, kidnapping for ransom. This Bill involves several specified offences and a host of violent offences. I will be focusing, not only on kidnapping, but other serious crimes, such as larceny of motor vehicles, perverting or defeating the course of public justice and grievous sexual assault. These are all offences captured by this Bill.

I begin by responding to a few statements made earlier by Members on this side of the House because, apart from the Member for Laventille East/Morvant, no other Government Minister has seen fit to intervene. I am a part of a political party, the United National Congress and, by extension, a member and supporter of the UNC Alliance. The UNC has a track record of dealing with criminal activity in Trinidad and Tobago, having served faithfully the people of Trinidad and Tobago between the years 1995 and 2001.

Without looking at the statistics, I can say—and I do have the data from a report of the office of the Commissioner of Police—with authority, that the UNC government presided over Trinidad and Tobago when the level of serious crime was much lower than it was in 2002 to 2007. It is not only in the area of homicide and kidnapping but other offences.

One may want to enquire why this was so. Why did we succeed in several areas of addressing crime? We take the matter of security very seriously. We believe that the first, most important and critical responsibility of any government is to provide for the security of the citizens of Trinidad and Tobago. There can be no other primary objective. If you build houses and the citizens cannot live in peace, it makes little sense. If you provide jobs, businesses development and technology and citizens cannot live in peace, with a certain measure of comfort, it makes very little sense. It makes very little sense to have all your business development, housing programmes and education, if they cannot walk the road in the evening; are scared in their houses, have to burglar proof their houses and, as the Member for Tabaquite indicated, live behind iron curtains—burglar proofing and fabrication.

In providing security for citizens, that is how we show love. We talk about love, but with us in the UNC, when we were in office, providing security for the people of Trinidad and Tobago was a love thing. We wanted to ensure that all citizens were safe; that they could walk the roads; and drive and take families out on the weekend to the movies and for recreation. To hear Members, whether on the Government side or the Back Bench Opposition, question our loyalty really struck a dishonest note; to suggest that Members of the UNC somehow do not put Trinidad and Tobago first. We put them first when we provided security.

It reminded me of something I heard before, when the Member for Diego Martin Central stood in the House on several occasions and told us how much money we were spending—almost \$14 million—to promote the Free Trade of the Americas (FTAA) and Port of Spain as its capital. I stood and said you were wasting millions of dollars. Members of the PNM government said to us and to the Member for Oropouche we were unpatriotic; we did not like Trinidad and Tobago.

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

Today, to hear Back Bench Opposition suggest that we do not put country first, to me is the same approach of the PNM when we raised the matter of the FTAA. It is the height of hypocrisy to suggest that if I disagree with you, somehow I do not like Trinidad and Tobago. It matters not whether we wear a small flag, a tie or just take a towel, fold it around us and walk the road. We love our country. To love your country, you do not need to wear anything red, white and black.

I stop to welcome the Acting Leader of Government Business, the Member for Tunapuna. I do not know if that will help with his score card, but at least he would have that to put on his resume—that he served for a fleeting moment as Leader of Government Business.

For us, protecting the citizens, providing security, reducing crime is how we show our love for Trinidad and Tobago. We really do not need to dress up and put on a headpiece. We provided health care; we provided quality education; we created jobs. That is how we love Trinidad and Tobago.

Mr. Speaker, another important question that arises is the issue of confidence in the protective services. It is now clear that in modern policing the population must have confidence in the police. Public confidence is important. Just for a moment on the history of the police force, our police force is the direct descendent of the Colonial Police Force, the constabulary of estate policing, policing on plantations and so on.

When you became a policeman in the colonial administration, all you had to do was to look big, bad and be very stern and walk around with a big frame and a baton and you were police. It is a strange thing. A generation ago, intimidating citizens was a way of policing; today it is the opposite. You cannot intimidate them any more. The chances are that they have a faster car, better weapons and better technology. Do you know that in the 1940s and 1950s, the culture was that you intimidate the natives and that was a strategy of policing? Today that has changed, but the culture remains the same. If you meet police officers, they still feel that they must intimidate to be the police.

Recently, we had a tragic episode underlying a most amusing development. The Prime Minister came to the House and misled the House when he said that he had referred matters to the DPP and to the Police Commissioner. He subsequently said that he did not. In the intervening period, the Commissioner of Police said, when interviewed, that if Minister Manning said so, referring to the Prime Minister, it was so. The Prime Minister then came to the House and apologized and said that he did

not refer the matter as he thought he had. The Commissioner then said that if Minister Manning said so, it was so. So, whatever the Prime Minister says is the truth. You cannot doubt that.

A serious police commissioner would have checked and said that he had no record of the report and that he would look into the matter to ensure that something had been done. It suggested that the Commissioner of Police and, by extension, Members of the Executive are so loyal and ready to genuflect at the political executive that they will say anything and support anything without legitimacy and reasonable basis.

The office of a real police commissioner in a developed country would have made a comment that they had not found the report, but that they were looking into it and would confirm. The issue I am raising is not one with the Prime Minister necessarily, but with the culture where executive members of the police believe that they are somehow beholden to a government.

That leads me to the other point. When you believe that your appointment is politically determined, then you must be loyal and faithful to the politician. If there was a system where police officers and senior public servants know that their appointments and promotions are not determined by nepotism, discrimination or political interference, they will be independent. That is where we reach to the Equal Opportunity Bill.

The Leader of the Opposition told us that the Equal Opportunity Bill was connected to the wider package that the Government promised to implement. To this day, we have seen no implementation of equality of opportunity. That matter has gone to committee where it was dead on arrival because the committee will take its time; the Parliament will be dissolved; the new Government will be formed and the matter will start all over so that the citizens will be devoid of legislative protection in terms of equality of opportunity.

Mr. Speaker, the point I am making is that you do not engender confidence in the police service, when the police commissioner says that if Manning said so, it is so. If you have to build a modern police service and provide security, you cannot have a system where senior members are appointed on the basis of discrimination, favouritism and nepotism. You are dealing between the senior level of the police and the senior level of the Government, twins of deception. It happens in many banana republics in the world. In many of the most underdeveloped countries in the world, there is a synchronization between the upper level of the police and the upper level of the political party in government.

Zimbabwe is a classic case. The opposition leader, Morgan Shangarie, a well known trade unionist and civil rights fighter has been harassed, beaten and brutalized by the Mugabe government, and the senior police officers in Zimbabwe invariably are appointed by presidential decree. We do not have to go quite to Zimbabwe. Under Burnham in Guyana, the senior police officers and commissioner of police were appointed by the Burnham regime on the basis of racism and that country suffered. Today, notwithstanding genuine strides by their government, they have not been able to recover that lost wealth and opportunity, peace and stability that they destroyed under the Burnham/Hoyte years. There can be no confidence in the police service.

The Minister of National Security, Sen. The Hon. Martin Joseph, came to this House, in a budget debate—we are dealing with serious offences and policing; not just kidnapping, assault involving grievous bodily harm, robbery with aggravation, armed robbery, manslaughter, to police the society, to reduce the level of serious crime, you need a police service with modern equipment, technology, state of the art technology with buildings and resources.

Mr. Speaker, do you know what is amazing? I am quoting from the *Trinidad and Tobago Police Service Crime Management Review, 1999—2003*, published first quarter 2004. The police in their own analysis outlined their strategies to deal with crime and to equip the police service with the competencies for better service delivery.

They outlined their programmes and they have suggested that, for the police to be effective, there is an urgent need to construct 38 police stations, including the famous Brasso, Oropouche and Flanagan Town. More than that, the Police Management Unit did a good job on this report. They are suggesting that it is not just police stations in localities that are needed, but specialized police stations that deal with specific areas of crime.

6.00 p.m.

When we think of a police station, we think of a locality or the geography. You would say that you want a police station in Mayaro or Princes Town and you locate the police station by geography. In the modern fight against crime, you must have a police station for specialized units within the police service. They have suggested in their report of 2004, 38 new police stations, the refurbishing of nine and also the provision for women police officers. Do you know how many police stations in this country do not have facilities for women police officers? Sometimes, when there is no water they all have to go home. In 2004, the police

management review document outlined that 38 police stations should be built to provide adequate policing.

The Minister of National Security came to this House and said in the budget debate: “They told me that they are going to build five police stations, but I am not holding my breath.” If he is not holding his breath, nobody else could hold their breath. The Minister of National Security—I checked the *Hansard*, I thought I heard wrongly—said: “I am not holding my breath. That is what they told me. Like you, I wish they would build it, I do not know why they are not building it.” This is the Minister of National Security telling you do not hold your breath and wait on police stations.

How can a government build a residence for the Prime Minister at \$148 million in record time and cannot, over a seven-year period, construct half of 38, but five police stations?

The Member for Fyzabad reminded me that they are taking seven years to build a five-year school in Palo Seco. The cricket stadium in Tarouba—World Cup has come and World Cup has gone. We are still waiting on the stadium. They have taken six years to build the runway in Piarco and then want to jail everybody who built the airport. They cannot build the Scarborough Hospital. We do not know what has happened to that hospital. The sum of \$200 million has gone for the Scarborough Hospital, but there is no hospital. Brian Lara Stadium is waiting for another world cup to come around—nothing. The runway in Piarco is broken every Monday morning. They are taking seven years to build a five-year school in Palo Seco. They cannot open Biche High School. They have taken seven years and cannot detect what the problem is. They have taken five years with the SWAHA College. That is the level of incompetence.

Mr. Imbert: Mr. Speaker, Standing Order 43 speaks of irrelevance.

Mr. Speaker: Again, as I indicated to the Member for St. Joseph, bring it closer to the Bill.

Dr. R. Moonilal: Let me return to the police stations, because it looks like the Member for Diego Martin East likes to hear the names of police stations. They like to hear lock-up talk. I would get to some lock-up talk just now.

The crime management review report indicated the police stations for construction, refurbishment and facilities for women police officers. They indicated the required strength of the police service and that there must be an increase in the strength of the police service by 2,875 officers over the period 2004—2009 with 575

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

new police officers per year. The Minister of National Security should come to the House and tell us whether or not we are recruiting at this rate to meet the demands in the society.

I want to stay on crime because they want to hear police talk. Recently, in my constituency in Debe, bandits climbed over a fence. The fence is not protecting residents. They broke into a home and stole jewellery and household appliances. When the residents called the Debe Police Post, which is 10 minutes away, they said that is a matter for the Barrackpore Police Station, they do not respond to those calls. When they called Barrackpore Police Station from Debe, they said that they do not have vehicles. We then hired a taxi to go to Barrackpore to collect the police officer. When we reached, we were told that there are two police officers and they cannot leave. That is 2007. You spent \$16 billion. You have to get the policeman's number on your cellphone because the chances are that the lines at the police station would not be working; whether it is Ste. Madeleine, Barrackpore or Couva. They are regularly down, not all the time, every day of the year.

Do you know that citizens must dial the mobile phone of a police officer whom they may know so that they can contact a station and get help? When you contact the station, the chances are that they will tell you that they do not have a vehicle.

The UNC government, in its wisdom, created a company to repair police vehicles, VMCOTT at the Beetham, to take care of that problem so that the police, wherever they are, they will have vehicles accessible. The UNC government did not leave its citizens to get a taxi to collect the police. I do not know if they are waiting on a water taxi to collect the police to bring them to the scene of a crime. That is where we are in Trinidad and Tobago \$16 billion later.

A house was constructed for the Emperor in record time, with waterfront towers up and running, but you cannot provide the police stations with cars and a reliable telephone service for the police. You cannot get the manpower required. We are in a banana republic. I feel sorry for the police officers. They complain to me all the time.

The policemen in this country are treated like uniformed vagrants in Trinidad and Tobago. Under the PNM, they are uniformed vagrants sitting at a desk in the Magistrates' Court in San Fernando, in exhaust fumes, in the car park next to the toilet. Have you ever gone and seen that? Have you ever seen the conditions under which police operate at the San Fernando Magistrates' Court? You would not. You have not been there. You have not been in Laventille East/Morvant

either. That is why they have written him off in the Johnson Poll. That is why the Member for Laventille East/Morvant scored among the lowest. It is only when you know the conditions under which police operate, you can bring the required laws and policy measures and provide funding.

As I said before, in terms of crime, it is very clear that they have done precious little. I do not want to speak too much about the matter of kidnapping involving the former Chairman of the Integrity Commission. I think that was handled in a comprehensive way by the Member for Siparia. I know the Member for Fyzabad has a lot more to say on that matter. I will not dwell too much on that.

We need to convince some of our detractors, if it is possible at all. When we say that we are not giving support to this Government, we are not doing that out of malice, hate, or because we do not love Trinidad and Tobago. In fact, the most patriotic thing you can do in this country today is to vote out the PNM. If you love your country, vote out the PNM. If you love your country more, you have to vote for the UNC Alliance.

We have argued. With respect to the Member for Port of Spain North/St. Ann's West, we understand that 18 out of 18 party groups nominated him, he scored low on the test and they threw him out. We have said time and again if you do not have the political will you cannot deal with crime. If you do not have the interest, you cannot address the crisis in the Judiciary. When I say crisis in the Judiciary, I do not mean judgments, I mean the administration, requirement and facilities.

Do you know that the law of the Bail Bill is due to lapse anytime and that is why we are here to extend it? Do you know that currently, if you are charged with kidnapping for ransom you are denied bail? In the Couva Magistrates' Court, last Monday morning, 10 accused appeared charged for kidnapping but were denied bail. Two accused escaped. They got bail. What is the big deal with having bail if you cannot provide security in the Magistrates' Courts? They took their bail. They walked out of the Magistrates' Court. The police service went to look for them in the bush. They found one in the village and one was still at large. When they called for police on the same day to attend to another crime or a motor vehicle accident, the police officer said: "We have nobody to attend to that because everyone is searching somewhere in the village for two criminals who escaped from the Magistrates' Court. They took their own bail." They did not wait for you to pass the Bail Bill. Three prisoners at large were denied bail. They were properly denied bail. You do not have the equipment, manpower and system in place to properly implement your justice system.

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

A fundamental requirement of a justice system is to hold criminals and keep them in custody. If you cannot keep criminals in custody why are you denying bail? You should give everybody bail. Send them home if you cannot keep them in custody.

How many times have we heard in San Fernando from the Member for Princes Town, a prominent practitioner in the southland, that prisoners have walked off the van and out the Magistrates' Courts, went down the road and took their own bail? How many times? If you cannot put the security in place, bring the professional people to operate a system that properly guards the criminals, your passing bail is a waste of time.

The justice system has collapsed. The PNM has been depleted and depressed. The Government is now in a state of disrepair, depression and dilapidation. They are about to demit. This is how we meet the Government. Trinidad and Tobago is now on autopilot. Whatever is happening today—we have some public servants functioning and stamping paper. We are now in autopilot as we get to the election. The Government has now collapsed in office. The Prime Minister has his scorecard going around and throwing out people all over the place. That is why we cannot have a proper Parliament functioning here today. They came today and head do not know what foot is doing. They could not answer any questions. They said that they had answers for two but, in reality they had no answers for the questions.

Another element is state protection of witnesses. You cannot convict criminals unless you have witnesses who are prepared to testify. You cannot. It does not work like that. You can take paper committals of evidence. If you have witnesses to go in the witness box to give important evidence against accused and they are not showing up, then you cannot convict anybody. If you cannot convict criminals, as they do now, they would walk out the courthouses.

When I looked at the *Newsday* of Wednesday September 05, 2007 it stated that a state witness was murdered. I quote:

“A state witness was shot dead at Dorata Street, Laventille, on Sunday night.

Barrymore Briggs was the State's main witness against two prison officers who were charged with the murder of prisoner Anton Cooper, who was found dead in his cell...2001.”

[MR. DEPUTY SPEAKER *in the Chair*]

That murder was in 2001. By 2007, six years later, the main witness was dead. The main witness is no more. How can you convict when your witnesses are all

dead? In the case of Naipaul-Coolman, he walked out of custody and said: “I am not testifying anymore.” Do you know what that suggests? That suggests a very important point that a state witness feels safer making a deal with the criminals outside, rather than being in police custody. People are not stupid. You balance your life. If you are a state witness, you know that you are testifying in a high profile murder. You have to say: “The Trinidad and Tobago Police Service will protect me. If I go out there and do not give evidence, the chances are that I might live. The criminal elements that I am testifying against will not kill me.” When you weigh the two, you have to ask: Who do I believe? Where am I safer? You have to make a life choice. Do you know what that means?

In Trinidad and Tobago, criminals have more confidence that they could be safe with their fellow criminals than with the police of Trinidad and Tobago. That is a tragedy of the highest proportion. You feel safer trusting a known killer than the Trinidad and Tobago Police Service. This happens when state witnesses decide that they will no longer testify. In the Naipaul-Coolman matter, the state witness said—I saw the interview in television—“I cannot remember anything. Police beat me up and tell me to sign that.” That is the main witness in the matter. Here, a state witness is murdered. I raised one but there are many. How are you going to convict people?

I am quoting from the *Express* of September 03, 2007.

“Fewer murders being solved, says report.

There has been a six per cent reduction in the detection rate for homicides for the first eight months of 2007 compared to the same period last year.”

Last year was very low. That is a 6 per cent reduction in an already very low figure.

“The detection rate drop occurred...for the period January 1 to August 29...”

2007—The detection rate drop occurred. They gave the data, of course, to tell us how much. The point they are making is that witnesses are not coming to court. Witnesses are not testifying and are changing their minds, story and religion. Witnesses are just scared to testify. They quoted Sen. The Hon. Martin Joseph as saying that law enforcement was facing a challenge because witnesses are not testifying. How can you testify when you have the police and known criminals walking out the Magistrates’ Courts in San Fernando and Couva? The murder rate continues to escalate.

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

When we on this side say that we are not going to support the Bail (Amdt.) (No. 3) Bill, we are saying to the nation that this Government has failed horribly to provide security. This Government has betrayed the citizens of Trinidad and Tobago because they have left the citizens of Trinidad and Tobago at the mercy of brutal criminal elements. In the escalation of crime, every day you are seeing new indicators of how dangerous the society is developing. This society is being criminalized everyday.

In the old days, 30 years ago, you would have read a story in the newspaper when cars were driving through very lonely roads in what we call countryside, passing through cane field roads, where there might be garbage on the road and if you stopped a criminal might jump out of the bushes and attack you. When you heard stories like that you always think of rural Trinidad, far gone areas where you drive for miles and there are no houses. Anyone knows the road between Moruga and Penal Rock Road? If you drive on that road there are many oilfield roads straight to Columbus Channel. Some of us do these drives. Those roads are very lonely. You must be careful. You must always have your protection. When you hear of blocking roads, you think of roads like that.

In Palmyra Village, San Fernando, which is in the constituency of San Fernando East, at 11.00 p.m. last week on that road, near the supermarket—the Member for Point Fortin is familiar with that area—there were garbage bags lined across the road. Each garbage bag was strategically 2 feet apart to stop motorists. When you stopped to either turnaround or navigate, bandits jumped from the canal at the side and robbed you. I am talking about San Fernando East constituency at 11.00 p.m. My driver made a report to the police. When we saw it, I told him to drive through everything and mash up the vehicle if he has to, but do not stop. You cannot stop. This is modern Trinidad and Tobago, in 2007. That is the City of San Fernando. That is not the road from Moruga to Penal Rock Road. What will happen on those roads? That is the level of criminalization in the society. When you look around, you cannot see a police car.

I remember when the UNC was in government—I do not know if some of my colleagues remember—a report was made in St. Madeleine where someone was running through the bushes with a gun. Not less than eight police vehicles reached on the scene and the *Express* took a picture. They called it “Panday Police”. They said that “Panday Police” arrived. Eight police vehicles responded to one phone call for assistance. In fact, the Chutney King of the world, Rikki Jai, spoke about that. The Member for Fyzabad will tell us about that later. In 1999, when we put the police vehicles on the road, they called them “Panday Police”. When we called the police

station, six police vehicles reached. Today, when you call the police station they would say to send a taxi. That is the PNM water taxi. That is the state we have reached under the PNM. They have the shame to come here and ask for support of the Bail (Amdt.) (No. 3) Bill. They lack shame.

They have conned the population in every area. They are building houses that look like tool sheds. You would have a tool shed behind your house to put saws, blades, hammer and nails. The houses they have built are looking like that. They have conned this population enough. They have started to con themselves, until the Prime Minister decided to take a poll. He figured out every man jack and realized that they are conning everybody and that the population was not buying it.

Paris Hilton was a big time—the Member for—*[Interruption]*

Mr. Deputy Speaker: Please get back.

Dr. R. Moonilal: I am dealing with the incompetency of the Government in dealing with crime. They have failed this population on crime and they want us to support them in providing an extension for the Bill. They are incompetent.

Mr. Deputy Speaker: I hear you. Please get back to the Bail (Amdt.) (No.3) Bill. You have gone all over the place.

Dr. R. Moonilal: To put you at ease, let us go back to police stations. I think you would feel more comfortable talking, not in a police station, but about police stations.

Mr. Deputy Speaker: I am a barrister at law by profession, so the police station is not a problem.

Dr. R. Moonilal: In the fight against the criminal element, the Government is not proactive. They have failed, in terms of the construction of police stations. They have failed to provide equipment for police officers, meaning cars and other equipment. They have failed to enlist the 575 police officers per year that the commissioner's report on crime management review 2004, asked for. They have failed with human resources. They have failed with material resources. They have failed to provide capital support for infrastructure, meaning stations. They have failed. This is the critical point. Why have they failed? I am asking a rhetorical question. They have failed in spite of having money. Why have they failed? If you have money, you have still failed. I am suggesting to you that they have failed because they are incompetent. They have failed because they have been on a campaign of conning the population into believing that they are working and that things are getting better.

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

The Minister of National Security and the senior police officers had a particular trick they did every Monday. They had a press conference where they would say: “For this part of the year, as opposed to the exact period last year, one week or so, there were five murders last year for this week and for the week in 2007, there were four murders, so that is a big reduction. That is a 20 per cent drop in murders for the week.” That is how they were conning the population. There is a twin pillar of conmanship, incompetence and public relations. They have been doing that. All I am suggesting is that the Prime Minister in his wisdom found them out with the Johnson Poll as it relates to this matter. The electorate of Trinidad and Tobago will find him wanting on election day. That is the final poll. Someone wrote in the newspaper that this country is not Trinidad and Tobago, it is polar. Everyday there is a different poll.

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

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

Question put and agreed to.

Dr. R. Moonilal: Thank you very much. By incompetence and public relations they have been found wanting. Today it reminds me of Moscow, where every year there is the May Day Parade. You have to watch the leader of the Soviet Union and whoever is sitting near to him in the box. You would know who is in favour and who is out of favour. We will have to look at some of the big events to know who is around the Prime Minister, who is in favour and who not in favour. That was the famous Soviet Union May Day Parade.

Today, like the Member for Siparia, I was hoping that the Minister of State in the Ministry of National Security would have attended the parliamentary sitting, equipped with statistics to tell us what is happening in terms of how many persons have been charged and convicted. This is a Government that does not like data and accountability. They like public relations. How many persons have been charged for kidnapping and how many have been convicted for kidnapping? The kidnappings have not stopped. They would like to believe that the kidnappings have stopped, but they have not.

Do you know in my constituency in a place near to La Romaine, a lady was kidnapped, beaten and managed to escape, similar circumstances like Mr. Gordon Deane, two weeks ago? Did you know that went unreported in the newspaper? Even the newspapers are so much consumed by political news, apparently they

are not reporting murders and kidnapping. They are so consumed with the Johnson Poll, who is in and who is out and whether the Member for Diego Martin Central is really lazy or not. They are so consumed everyday—Rahael cried, Valley cried, Diane cried—with who is crying in the PNM, that they are not reporting the murders and kidnappings.

I was not surprised that a lady was kidnapped in my constituency in Oropouche, a police report was made and there was no newspaper report of that. In several of the constituencies in south I know for a fact that there is a spate of robberies and criminal activities taking place. Large areas in Trinidad and Tobago go unpoliced without proper surveillance.

They would not pay the SRPs. They would not provide uniforms. I am told that new SRPs who have recently been recruited are without uniforms, while they build a \$148 million mansion for the Prime Minister. The next day I saw a few dogs swimming in the pool. If there was a stray dog then there are state dogs in the state pool. That is where this country has reached. We have reached to the dogs. You cannot provide SRPs with uniforms. You cannot recruit in a regular way so that you can always have the manpower necessary.

Many crimes—this is the point I want to make—go unreported because of the politics of the day. Election is now making headlines. Everyday the media looks to see who is next or who is gone.

I was shocked a few days ago when I read in the newspaper that a businessman from Maraval was kidnapped and released. It was a page 16 news item of four lines. It was not on the front page. The Government would like to con people into believing that it is not on the frontline so crime is being reduced.

I asked the Minister of State in the Ministry National Security in his last few hours in office—He is “unstatesman” like. He is the Member for Laventille East/Morvant. How many people have been charged for kidnapping and how many have been convicted for the crime of kidnapping for ransom? I suspect, since the passage of the Bail Act, no human being has yet been convicted of the crime of kidnapping for ransom, unless I am mistaken. I depend on my colleague from Princes Town, who operates in the Magistrates' Courts with criminal matters. I believe and I am subject to clarification and correction but, between 2005—2007, not one human being has been convicted for an offence of kidnapping for ransom. Who are you fooling with this Bail Bill?

Citizens of this country, when they are going out at nights, still need to mobilize their entire family to go out. There was a time in this country, if you

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

were going out in the evening you could have jumped in your car. If you are going to church or prayer function—

The Hindu population—I do not want to eat into the presentation of the Member for Fyzabad, which is highly anticipated later—has an occasion of Ganesh Utsav, which begins on Saturday. It is an important week when the Hindus worship Lord Ganesh. They go to the temple every night for worship. It is a very sacred period. Do you know that members of the Hindu community are saying that they would stay home? They cannot go to the temple, go out and go home late at nights because it is not safe. Even the way we worship, our freedom to worship, has been undermined by the incompetence of this Government to provide security for the citizens of Trinidad and Tobago.

I want to remind them—they may grumble and mutter—when they closed Caroni (1975) Limited and disbanded the Caroni (1975) Limited Estate Police they affected policing in south and central Trinidad. The Trinidad and Tobago police force was never equipped to police rural areas. That was left to Caroni (1975) Limited police.

The petty offenders, the barefoot “tief”, who walked barefooted, went into your yard and “tief” poultry, jewellery, clothes or your Adidas sneakers. The Caroni (1975) police prevented many criminal activities in rural Trinidad and Tobago and eased up the government police because the estate police looked after and patrolled areas. The PNM closed down Caroni (1975) Limited and dismantled the estate police system. The Government police cannot police the entire country and there is rampant crime east, west, north, south and Tobago. That is their incompetence.

You know that an election is due. It is upon us and the people of Trinidad and Tobago would have to judge the political parties on their performance and whether they can trust them in office. That is the situation. You do not need statistics to know that you cannot walk the streets in Trinidad and Tobago. You do not need statistics to know that you cannot get a bed in the San Fernando General Hospital. You do not need statistics to know that if you are in Palo Seco you have no school to expect. You do not need statistics to know that the telephone system is regularly out of order. You do not need statistics to know that we have regular power outages. You do not need statistics to know that we do not have water in this country. People in Trinidad and Tobago know the reality.

I come back to the point I made at the beginning. Your first duty is to protect citizens and provide them with a peace of mind and security. We do not need

statistics to know that we cannot walk the road at nights. The people would have to judge the Government and, indeed, the Opposition, not only by what we say we would do, because we have grand plans. Maybe all these politicians will have their plans, programmes, justice committees, national security committees, and pentagon committees. Everybody would have their committee. People are talking about the biggest plans. All the people of Trinidad and Tobago would have to say is hold on. [*Interruption*]

Mr. Deputy Speaker: Deal with the Bail Bill. You are not on it.

Dr. R. Moonilal: I am on security matters.

Mr. Deputy Speaker: You have gone all over.

Dr. R. Moonilal: Citizens of Trinidad and Tobago would have to judge all the parties on how they deal with crime. In judging, they would deal not only with your policy pronouncements, because everybody may have sweet policies. They would have to deal with your competence and your track record. When the UNC was in power we could boast of much lower levels of crime in Trinidad and Tobago.

We remember in 1999, there were 92 murders and that was 92 too many. We remember the E999 patrol. Citizens would have to ask a simple question when dealing with crime. You talk about the crime on the roads, traffic offences and larceny of motor vehicles. You are aware of the accidents and fatalities on the roads. Citizens will have to ask: If the PNM is in power, will they put up closed circuit television? Would they introduce the technology to deal with speeding on the roads? Would they introduce the technology to monitor driving? Would the PNM do that? If they could not do it in six years with \$15 billion, then they will not do it again.

Then the UNC was there, the police vehicles were there. We had police officers, uniforms and equipment. The third party in the race has never been in office as a political party. They may have to construct other indicators. They have no track record, so they would get other indicators as to how they look, talk and how they do whatever. There are two political parties with a track record in dealing with crime and justice. The UNC has the superior track record. That is the point.

I want to raise a couple of matters concerning the Judiciary. I am not dealing with the Judiciary in the context of judgments and court proceedings. In our Westminster political system, a government and a Parliament approve funding. We approve funding for independent constitutional offices.

The Cabinet of Trinidad and Tobago and, indeed the Parliament approved funding for the Office of the President. We do not get into the business of the

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

President and we cannot raise the President's name in a debate. Likewise, there is a principle of the separation of powers. We cannot get into the judicial system and the Judiciary because we separate that. However, we have budgeting, we pass funds and provide administrative support. The Judiciary and the judges do not raise money by lotto, to build courthouses to provide equipment to get technology to hire more staff and speed up the justice system. They do not have a fun day and sell barbecue tickets. They depend on money and support from government. If the Government cannot provide the money, support, human resources, administrative and technical support, Government cannot support the Judiciary and the Judiciary cannot function.

On a previous occasion, the Member for Siparia quoted the thousands of cases, over 472,000, at the Magistrates' Courts, a backlog of endemic proportions. How can you have a successful, smooth functioning judicial system, where there are over 470,000 cases at the Magistrates' Court? It is up to a government to intervene to provide greater support with manpower, technical and buildings to speed up that process. It is the Judiciary to do that. Their job is to adjudicate, to determine the law and sentencing. That is their job. Their job is not to build courthouses and provide more legal officers. That is not their job. You see it with the work of the Office of the Director of Public Prosecutions. How many times have you gone to the court and they are not ready to proceed? It is either they did not have their brief or they have not had consultation with the police and other arms of the justice system. It is a crisis that this country is facing.

Sometimes when I consider what an incoming UNC Alliance administration will face and the work we would have to do, it is intimidating. But we are up to the task. We would find the energy, courage, political will and wherewithal to save Trinidad and Tobago. But it will not be an easy task. Many of us on the Front Bench are preparing ourselves for the task. That can intimidate you. How do you assume the Government of Trinidad and Tobago with people digging in a well for water? What do you do? That is a very demanding challenge. We would have to respond at a certain level.

The very brilliant minds in the UNC Alliance are already training our minds to the task. Under the leadership of persons like the Members for Siparia, Princes Town and others, we have already formulated our crime plan. You know what? I do not want to take away much from the manifesto launch and our proposals, but I am hearing a lot from the Justice Committee, CIA Committee and Pentagon. The

challenges we face in dealing with crime are in phases. This is not a challenge to jump on the platform and say: "When we win the election, immediately we will do X, Y and Z." Many issues are long term.

Rehabilitation was raised by the Member for Siparia. The short term issues we must deal with quickly; the provision of funds for motor vehicles, provision of equipment, recruiting more police officers, getting them out on the beat and dealing with illegal firearms.

It is common knowledge that most of the people who commit violent offences would have a firearm. They do that with guns. You have to take back the guns and prevent guns from coming into Trinidad and Tobago and take back what are here illegally. That is a key strategy. [*Interruption*] At one time he accused the Venezuelan President of sending the guns here. He has his own problems which we do not want to get into. They are like a ship where all the rats are jumping off one by one.

The gun court, we spoke about that. We spoke about establishing a court to deal with matters involving illegal firearms. We may have to have some arrangement; almost an emergency unit in the police force, to deal with recovering firearms and preventing the illegal importation of firearms in Trinidad and Tobago. That is where the problem lies. It is very difficult to be robbing people all over the place with a penknife or a hammer. You need the firearm. That is a big challenge where this Government has failed.

Over the years, we have heard about the blimp and all their plans from A to Z and from Anaconda to zero tolerance. We have heard—Where is the radar equipment? By now, they should be monitoring planets Jupiter, Mars and Pluto with the radar equipment they were supposed to have bought from Israel. There is so much radar equipment and we still have the importation of illegal firearms in Trinidad and Tobago. We still have drugs.

For the past six years, every time they come with the budget they tell us about a radar system. Where is the blimp? Is the blimp limp? Where is the sky ship?

You may recall, in my constituency or the constituency of Siparia, on Independence Day this year there was a murder where a male partner shot and killed a woman. It is suspected it was over a domestic problem. She was murdered brutally and he escaped on foot with a shotgun. When the police in Penal, on Independence morning called for a helicopter they said that the man cannot be moving too quickly and with helicopter support they can catch him. They were told that only one helicopter was working and that they are on a parade in Port-of-

Bail (Amdt.) (No. 3) Bill
[DR. MOONILAL]

Monday, September 10, 2007

Spain in the Savannah. The one helicopter that was fuelled and working was on the parade. They were looking for a helicopter in Penal to track down the man quickly. In the aftermath of the murder, within a couple of hours, they suspected that he would be within a radius in which he could be found because he was on foot. The one helicopter that was working was in the parade in the Savannah. That is the state of this banana republic. You would think that we would have more support. It is almost shameful to consider where we are.

These five or six years—how long have they been there? It seems like almost eternity. These six years have been the most embarrassing years in the history of Trinidad and Tobago. They have embarrassed this country and the citizens who live here and abroad. The time is coming when the citizens of Trinidad and Tobago will have to choose. The time is very near. They do not have much to choose on the other side because all of them are out. It appears that all of them are out without a doubt. They are out of this House. He would be out of the next house. They will lose the two houses in one and the UNC—all we can say for the moment is that the UNC Alliance is here. Hope is on the way. We have the resources. We have dealt with it before and we will do it again. We have been there and done that. We are coming back. We did it well. We are coming back in 2007, to find the country in a worse mess than 1995, in terms of dealing with crime and we would do it again. We have the political will and the resources. We have the experience now, which we did not have in 1995. We have the leadership. Let us once and for all get this Government out of office and save Trinidad and Tobago. This is a paradise that we cannot destroy. I thank you.

Mr. Harry Partap (*Nariva*): Thank you, Mr. Deputy Speaker. Before I get into the Bill before us, let me express my regret that this debate has been reduced to only Members of the Opposition speaking. That is not good for the debate on such an important matter as this matter before us. It could be that they do not have anything to say. That is one. Or it could be that they are so demoralized by the Prime Minister's poll card, they felt that they can give up now. It is a little unfortunate that they have not been able to participate in this debate.

I do have a few comments to make on the Bail (Amdt.) (No.3) Bill. This Bill basically seeks to amend the Bail Act of 1994, to make the offences of kidnapping for ransom, or knowingly negotiating to obtain a ransom under the 2003 Kidnapping Act—this makes it a non-bailable offence. This matter is now before us. It would also make certain violent crimes, including the possession of dangerous drugs for

the purpose of trafficking—it will impose stringent measures so that the persons who are arrested would not be able to get bail, pending the trial. That is the matter before us.

We are told by the Hon. Minister that approximately 25 persons have been incarcerated under the amended Bail Act. The Bail Act, as the Member for Siparia indicated during her contribution, was supposed to act as a deterrent to discourage people from infringing the laws of the land. The fact that there are 25 persons incarcerated and detained without bail tells a story that the amended Bail Act has not achieved its objective. It is clear to us that bail laws alone, however stringent, cannot deal with the runaway criminal activities now engulfing this nation of ours. You do not have to be a rocket scientist to know that the PNM cannot deal with crime.

This is so because the PNM has been consorting with criminals, in order to stay in power. [*Interruption*] I see my friend has taken the chair again. Two promotions in one day. That is good. It is clear to us too that this Government believes that draconian bail laws would solve crime. It cannot, unless and until the Government can summon the political will to deal decisively with gangsters and murderers.

Criminal activities will not be abated until and unless the police are given the tools to handle the problems. When criminals who should have been charged and denied bail, are pampered by the PNM as community leaders and entertained at Crowne Plaza, then they are not serious about defending the people of Trinidad and Tobago. Therefore, I do not buy the remarks by the Minister who said that the Government had been defending the people of Trinidad and Tobago. That is not so at all. We can see that, it is so clear for everyone to see.

While the PNM was wining and dining the criminals, the police commissioner and the Minister of National Security sent the police and army into Barrackpore where people were protesting, because they wanted water and good roads. The police were sent there to intimidate and prevent that protest.

As I am speaking now, the roads in Caratal, Sangre Grande are in a terrible state. They have been reduced to pond-like holes in the road. That is one of the deterrent of criminal activities. That is an agriculture area and there is praedial larceny. These days they no longer have that problem because the road conditions do not facilitate a quick movement out of Caratal. It is creating havoc for the people who live there and must travel every day.

Bail (Amdt.) (No. 3) Bill
[MR. PARTAP]

Monday, September 10, 2007

The point I am making is that while we are concentrating on the Bail (Amdt.) (No. 3) Bill, there are people in the country who cannot get basic amenities. This Bail (Amdt.) (No. 3) Bill means nothing to them because their condition is in a terrible state. If the truth be told, this Bill to amend the Bail Act did not help us to feel safe and secure in Trinidad and Tobago. Since the initial amendment, with the inclusion of more firm measures, I am told that more than 10 persons were kidnapped. Did the Bail Act help them, discourage them or did it stop it?

Only yesterday, it was mentioned by the distinguished Leader of the Opposition, a former Chairman of the Integrity Commission was kidnapped somewhere in Toco. Did the Bail Act, with all its stringency, help a traumatized Mr. Gordon Deane, if he did not have the strength and the will to fight off the attempt? As the Member for Laventille East/Morvant said, if he could not jump off the vehicle, Mr. Deane would have been yet another statistic. That is the state we have come to.

Do you really believe that this Government cares about Mr. Deane's ordeal or the ordeal of the family of Vindra Naipaul-Coolman and the loss to her family? Are they concerned about that? I think it was after the amendment was passed in this House that Vindra Naipaul-Coolman was kidnapped. It was as though the kidnapers were laughing in the face of the Government because they knew that they could not implement anything. They are still doing it.

This is so, because the PNM used thugs and miscreants to intimidate and scare voters in some of the marginal constituencies in 2002 in Tunapuna, Ortoire/Mayaro and San Fernando West. I see the Member for Tunapuna is agreeing with me; they used thugs and miscreants in order—I suspect that your grunting is in support.

Mr. Deputy Speaker: Hon. Member, you cannot say that.

Mr. H. Partap: I am sorry. I withdraw it. He is muttering. I mean no disrespect to my good friend. We are very good friends.

Now we have a pious promise from the Commissioner of Police that voters will not be intimidated in the election to come.

Mr. Deputy Speaker: Hon. Member, please stick to the Bail (Amdt.) (No. 3) Bill. There is so much to say.

Mr. H. Partap: I know, but this is crime in general.

Mr. Deputy Speaker: It does not matter. You are dealing with voting.

Mr. H. Partap: I would gladly move on.

7.00 p.m.

Mr. Deputy Speaker, those who have been using thugs and miscreants are now exacting their pound of flesh; retribution is exacting their pound of flesh. Those who take power by foul means will have that hanging around their necks like an albatross.

Mr. Deputy Speaker, bail becomes an issue only after the culprit is apprehended, and that is logical. You cannot impose the bail law on anybody unless you have that person in your hands, but with the PNM, this is better said than done.

The police do not have a credible detection rate. They have failed the country on this score, as some of the Ministers have failed on their scores. If you cannot apprehend the perpetrators, then of what use is the Bail Bill?

Mr. Deputy Speaker, a recent report published in the newspaper last week points to the scandalous situation in relation to crime detection. Mr. Deputy Speaker, just listen to what Radhica Sookraj reported in the *Guardian* of August 31, 2007 a couple days ago. She said:

“Police sources say crime-solving and detection are suffering in South, because there are only three police fingerprint experts to service 17 areas in the Southern Division.

As a result, victims of crime often have to wait for several hours for an expert to arrive at a crime scene.

Because homicides take priority over petty crimes, break-ins and burglaries often go undetected because of a shortage of fingerprint experts, officers said.”

They went on to say:

“...during the past few months, five fingerprint experts were stationed in the Southern Division, which includes...”

The 17 districts that I spoke about. It continues:

“...one of the officers was sent on injury leave, while the other went off to pursue a crime scene investigation (CSI) course...there are only three fingerprint experts...”

Mr. Deputy Speaker, the police source said, according to Radhica Sookraj:

““The solving of a crime may suffer because when you get prints you need to spend time on the computer analysing it to solve a crime.””

Bail (Amdt.) (No. 3) Bill
[MR. PARTAP]

Monday, September 10, 2007

So, there are three fingerprint experts in the Southern Division to serve 17 districts. That is the level of concern that they have for solving crime.

In the face of this report, and the fact that murders are committed in this country now with impunity, I marvelled at the bold faced defence by Ministers of the Government for the escalating crime, and the powerlessness of the Government to deal with this issue of crime.

I told my good friend, the Member for Tunapuna, that I felt sorry for him this week when he attended the funeral of Neketo Joseph, son of comedian Tommy Joseph. It must have been painful for my friend, the Member for Tunapuna, when he gave the assurance to the relatives of the deceased that the perpetrators of that crime would have to be brought to swift justice. This is what he promised them.

Mr. Deputy Speaker, the reason I felt the pain for him was that he knew he was saying something that could not be achieved. The perpetrators of crime no longer get swift justice. They got it when the UNC was in office, and they will get it when the UNC Alliance comes back into office. [*Desk thumping*] We offer our sympathy to Tommy Joseph and his family, and also to the relatives of the 232 murder victims for this year and the 1,647 murder victims since the PNM came into office six years ago.

Mr. Sharma: Great is the PNM.

Mr. H. Partap: That is the legacy they are leaving us. I can give the assurance on behalf of the UNC Alliance, and we can confidently give those families the assurance that the perpetrators of criminal activities will be brought to swift justice under our regime. We had an unbroken record of keeping crime to a minimum in the six years we spent in office. Nobody can erase that record. We are going to improve on it when we get back into office after this election. [*Desk thumping*]

Mr. Deputy Speaker, even with the limited financial resources that the UNC had during its term in office, we equipped the police with fast-moving cars; we restored radio and telephone communication in police vehicles and also in police stations.

Mr. Deputy Speaker, as I speak to you today, the Tableland Police Station telephone has been out of order for months. Nobody could contact the police station. They can only do so by way of an officer's cellphone. This is a rural area. We spent the limited resource we had employing more policemen and policewomen in the force. We improved the conditions at police stations. I am sure that you are aware of that.

As I said earlier, it will take more than the Bail Bill to restore some sanity to our state of affairs here in Trinidad and Tobago, and also to our own personal safety. This incompetent PNM Government has not implemented legislation dealing with several matters including witness protection. The Member for Oropouche dealt with that matter and I would not go into it.

Last week, we read where a witness walked out of protective custody thus jeopardizing the trial. There are increasing frequencies of prisoners walking out of police stations and the Magistrates' Courts as if there is a total breakdown of law and order in this country, and today they have come to ask us to support the Bail Bill.

How is this Bail Bill that we are discussing here today going to help Sen. Angela Cropper who spoke of her frustrations last week in the other place? The *Express* of Friday September 07, 2007 at page 11 carried comments on the Internet by some readers and one of them said:

“Shame on a nation that can't protect its people. Not even provide the adequate justice system for our people.”

Shame! Twice shame on the PNM Government.

Mr. Deputy Speaker, this Bail Bill that we are talking about will not help the people of Manzanilla who have been pleading with the authorities to reinstate the mobile police post that they have removed from the Manzanilla Resort Centre. One month ago, they removed it and put it at the Sangre Grande Police Station which is half an hour away from Manzanilla.

Let me just read what the people said in Manzanilla. I am quoting from the *Express* dated August 27, 2007 at page 23. Peter Christopher wrote this and he says:

“Villagers' fears that crime would rise in their community with the removal of the Manzanilla Police Post... Within days of the move several instances of illegal drugs sales and break-ins have been reported.

The mobile post, which was relocated on August 17, is...at the Sangre Grande Police Station...”

The report says:

“...the sale of marijuana in and around the beach has become more prevalent.”

The police confirmed that. They said that several arrests were made. The story went on to quote a villager who says:

Bail (Amdt.) (No. 3) Bill
[MR. PARTAP]

Monday, September 10, 2007

“In the budget, they say they going to build new stations, for five years we waiting for them to build a new station in Manzanilla. This is a PNM stronghold...”

Well, that is questionable.

“why they not doing anything for us?”

We are talking about Manzanilla. It is not a PNM stronghold again. [*Interruption*]
You will know when elections are called.

Mr. Deputy Speaker, I cannot understand the rationale of the Minister of National Security and the Commissioner of Police for removing that police post from Manzanilla. You know, they have refused to build the police station. The police station was demolished during our time. We put the construction of a new station on our estimates, and when the government was unceremoniously removed from us in 2002, it stayed on the estimates for one year and nothing was done, and then it was removed from the estimates. During the debate, the Minister of National Security said that the Manzanilla Police Station will be built.

Mr. Deputy Speaker, do you remember that cocaine washed ashore on the Manzanilla beach? I believe that somebody knows who it belongs to, and this is why they have removed the police post.

This Government must explain to the people of Cumuto why the Cumuto Police Station was not built after six years? When we were in office, we had to move them out from the station where they were and we put them in a building. Again, the construction of that police station was placed on the estimates and the PNM Government removed it.

They have no intention of building a police station there. Do you know why? The police station is now in a building owned by a PNM supporter. So that person is drawing a monthly rental, so there is no urgency to build a station so that the police will have a good and comfortable place in which to operate.

I think the Member for Siparia said that over \$17 billion has been spent by the Ministry of National Security during the past six years, and we are no nearer to being safer or free from fear. I find it a little worrisome that the Member for Arouca South had distributed this Vision 2020 document, and in it they were talking about making the country safe. How can they make the country safe? They might be making themselves safe. Certainly, the people of this country do not feel safe at all.

In the 2002 general election, the Political Leader of the United National Congress warned of several things during the campaign. He said that if the PNM returned to office in 2002 crime would continue to gallop. He said that food would become scarce, food prices would spiral and inflation would go haywire. Mr. Deputy Speaker, crime is rampant, and people cannot buy food. If the PNM should win this election, God forbid, more of the same will happen.

Mr. Deputy Speaker, the *Express* newspaper carried a story last Friday and the headline was “Opposition members on way to jail, says PM.” Mr. Deputy Speaker, you know that bail goes with jail. *[Interruption]* I heard a little rumbling from the hon. Minister of Health. I want to tell him that the reason he is in this predicament today is that he did not realize that he could not become more popular than the Minister of Education. So, he has to be careful. That is only a little advice that I am giving him. *[Interruption]*

[MR. SPEAKER *in the Chair*]

I want to appeal to the Prime Minister—he is not here—not to mix us up in his PNM bacchanal. We do not want to be mixed up. If he finds that people on his side are thieving out the family silver, let him deal with that. Do not mix us up in that. I find what he said a little fascinating, and I just want to read what he said. This is an article written by Juhel Browne in the *Guardian* and I quote:

“Prime Minister Patrick Manning says there are members of the Opposition parties in Parliament who are on their way to jail because of corruption.

‘Today, who not in prison my dear friends, about to go to prison. And who ain’t about to go as a result of court action lining up outside to go voluntarily because they know what is to come.’”

That is what the hon. Prime Minister said.

Mr. Speaker, we in the Opposition will not need this Bail Bill for our protection. I believe we heard those threats before from the Prime Minister. In fact, every time the Prime Minister’s back is against a wall, he will reach out in his back pocket and pull out a warning about some pending action against Members. I want the Prime Minister to take a closer look, not at us, but on his side and he will see who is facing court and who is not facing court.

Mr. Speaker, if he cannot see on his side, I can see on his side. I see sitting with him people who are before the courts on corruption charges. There is one who—if the recommendations of the Sealy Report are implemented—will also be facing the court on larceny charges for pilfering the State’s material.

Mr. Speaker: My recollection of the report did not say that, so be careful.

Mr. H. Partap: Mr. Speaker, just for clarity, let me just read what the report says. It says:

That from the testimony of the witnesses as above mentioned and exhibits, the appropriate authorities should visit the provisions of sections 2, 3, 4 and 21 of the Larceny Act, Chap. 11:01 with a view to addressing the illegal acts committed by NHI by the removal of NIPDEC's materials from the Scarborough Hospital site to the Landate Development Project.

Mr. Speaker, I am guided by you, but I am just saying that if the Prime Minister takes a look on his side, he will see that he has one Member who is facing an appeal for "cussing" and one of them was spared simple imprisonment for cuffing down a mayor. *[Interruption]* That is not alleged again. He was found guilty. *[Interruption]*

Mr. Speaker, I can assure that when the UNC Alliance is returned to the next government, many more on his side will be marching in and out of the courts as he so ably predicted in his speech in Laventille.

Mr. Speaker: I must confess that you seem to have deputy on your mind, be careful. *[Laughter]*

Mr. H. Partap: Mr. Speaker, I hope that the message will get back to the Prime Minister and other Members on his side that they should stop pointing fingers at the Opposition. Our hands are clean. We did not handle any money that did not belong to us, whether it is cash or credit cards. I am sorry, but I do not think that he can say the same thing for his side.

Mr. Speaker, we have no faith that the PNM will implement this Bill, because the PNM did not show that it could implement anything in the past; nothing. They asked for the Police Reform Act and we gave it to them, but they cannot implement it. They asked for the DNA Act and we gave it to them, but they cannot implement it. They asked for the Breathalyser Act and we gave it to them but they cannot implement it. Will they implement an amended Bail Act? We know they will not. They are spineless, incompetent and they are lacking in vision. The PNM is blight to this country. Thank you. *[Desk thumping]*

Mr. Manohar Ramsaran (Chaguanas): Mr. Speaker, thank you very much. I want to express my disappointment that at the very last minute, we have the Government coming to deal with an important piece of legislation which requires a three-fifths majority, and at no time in this Parliament we had six or seven

Members opposite. It shows a gross disrespect to this Parliament. If you do not wish to stay there, call the election now and let somebody else sit there who could do the work. It is embarrassing.

On the last occasion, we heard farewell speeches. We also heard it in the other place from Ministers and Senators, Sen. The Hon. Conrad Enill, the Minister in the Ministry of Finance talked about the last sitting of the Senate, as if they do not know what is happening in this Parliament.

This Bill will lapse somewhere around September 22, 2007. What has happened is that they do not have the numbers to pass this legislation, and it shows that they have abdicated their responsibilities. Whilst we are talking to an empty House, nobody on that side got up to support the Member for Laventille East/Morvant, as if they have already given up on him. Nobody will get up and respond and I feel this is a grave injustice.

Whilst I am on this matter, I received from the Parliament, as requested, some of the responsibilities of a legislature and I want to put them on the record.

The Legislature serves three basic functions: representation, law-making and oversight. In terms of representation, the Legislature adopts the position as a national institution that attempts to represent the interests of all groups within a society.

The second function is law-making, the avenue through which the desires of the citizens are converted into laws or policies. No other entity within a state has that power therefore, it is absolutely essential that the laws truly reflect the needs and desires of the people.

Thirdly, the term identified as oversight refers to the process of monitoring the actions of the Executive.

When we come to this Parliament to discuss legislation that deals with crime—crime is an act that is punishable by law when so committed, and we are talking about bail. I checked the dictionary to make sure that you understand what bail is. Bail is a system permitting the release of person or persons from custody where such security has been taken.

The whole question of parliamentary democracy is being eroded by the Patrick national movement. We have asked questions in this House and we have not received any replies, but we are concerned about the Bail Bill. Yes, we are going to support you. Do you know why I am going to support this Bill?

Bail (Amdt.) (No. 3) Bill
[MR. RAMSARAN]

Monday, September 10, 2007

Mr. Speaker, I do not want the Prime Minister or anybody else on that side to go out there in the public and say—if there is one kidnapping after the expiration of this Bill—he is famous for doing that—that the Opposition did not support them, and they gave us the amendment and there are kidnappings. I am going to say it again. Personally, I am going to give you all the legislative support that you want, but I know you do not have the political will to deal with crime in this country and that is a fact.

We have to goad you to come with good pieces of legislation to improve the quality of our lives and to protect our citizens, but you are tardy in doing that. I am sure that this Bail Bill was not considered when you were singing your swansong. Somebody would have called and said to you, ladies and gentlemen, you all cannot prorogue this Parliament without passing this Bail Bill and, immediately, you remember and you come at the last minute to deal with it.

Mr. Hinds: Yes, the Attorney General called.

Mr. M. Ramsaran: You should have said that in, our presentation. I am glad you are back. You said that this is an important piece of legislation and nobody from that side of the House agrees with you. Nobody will stand and give you support. This is what is happening in our country. Let me repeat. I do not wish the blood of kidnapping victims as in the case of the late Mrs. Naipaul-Coolman—I am going to give the Prime Minister and your Government all the legislation that you want because you cannot solve crime. You do not have the political will.

I remember there was a calypso not too long ago by your favourite calypsonian who will be on show in the near future called “Kidnap them”. He said that if someone stole someone else’s property to kidnap them. The Prime Minister of the day went on stage and hugged that calypsonian, as if to say he agrees with him; kidnap them. You could deny it, but there is when kidnapping started in Trinidad and Tobago. This is a calypso by Cro Cro. I cannot remember the lyrics, but it alluded to show what was happening, and the Prime Minister of Trinidad and Tobago went on stage and hugged that Calypsonian. When you set this sort of go ahead, what do you expect? We sow the wind and we reap the whirlwind.

I am glad to support this Bill, not because of the Government, but the people of Trinidad and Tobago who I know will look to us to see how we could deal with crime.

Stephen Cadiz and the YesTT movement marched against crime. He wrote me a letter, and I am sure that every Member of Parliament would have received letters telling them to support the legislation in order to pass the Bills to assist in

fighting crime in Trinidad and Tobago. Now, it is so unfortunate that Mr. Stephen Cadiz is now telling us not to support the Bail Bill. Do you understand, for political expediency, what happens in this country? The Congress of the People put people first and will not endanger their lives whether it is one person who is kidnapped if this Bill lapses. This is what I am talking about.

The Member for Laventille East/Morvant alluded to the fact that much work has been done. I would like to know what work was done. What happened over the last three months with respect to crime fighting? Come and give us the statistics, and we will support you with open arms, but I am afraid that nothing has happened to really make us feel comfortable. We have to look at this matter very carefully as we move on.

Before I move on, by the Prime Minister not being here today—I do not know if he is still in Cuba; I did not hear about any communication—in this Parliament is signalling to the nation that he does not care about the Bail Bill, whether it lapses or it does not lapse. He does not care. He has to win an election. That is why maybe the House is empty. The Members of Parliament who are leaving decided that they would leave before.

When one looks at the Order Paper—I am talking about the Prime Minister's dereliction of duty and abuse of this Parliament—one cannot help but to comment quickly on this matter. I know you made your ruling this morning, and this is meant as no disrespect to you, but to me and the people I represent—as I mentioned in my opening statement—the duties of a parliamentarian include representing people of all interest groups in this country.

When one looks at questions that have been on this Order Paper since January 2007—we are in September 2007—this is an insult to you and the Parliament of Trinidad and Tobago. It is as if they have abandoned their responsibilities. I am calling on them to do something about this.

When the Parliament took the break, the Member for Diego Martin Central said that they were going to do some work, and I remember asking him to consider the questions and he promised me that he would. We are back here and nothing has happened.

This morning I had something to do and I had to rush to Parliament because my questions are on the Order Paper, and I want to make sure that they are answered. I want to know how difficult this question is. Question No. 45 says:

“With respect to the Community Development Bursary Programme, could the Minister indicate to this House:

Bail (Amdt.) (No. 3) Bill
[MR. RAMSARAN]

Monday, September 10, 2007

(a) the number of recipients....”

This is an insult to the country. We also have written questions on the Order Paper.

Mr. Speaker, if we break the rules in the Standing Orders and we do not deal with our responsibilities, then we have a problem. The Government is coming now to talk about the Bail Bill, and they are not doing what they are supposed to do. Had it not been for the fact of my principled stance to support this Bill so as to protect people out there and because of the shortcomings of the Government, I would not have supported this Bill. I am very honest about what I just said.

Mr. Speaker, I compared Act No. 15 of 2007 with what is before us. When one looks at the Bill it says:

“The First Schedule to the Act is amended—

(a) by repealing Part II and substituting the following Part:”

Mr. Speaker, I read the original Bill and I read this one and I am not seeing anything different. I do not know what you are repealing and what you are replacing. Not a comma was changed. I wonder if this is a new system of doing things. Here you are repealing and replacing something and not a comma was changed. I do not know if this was just patchwork for the Member for Laventille East/Morvant to come and make it look as if what they are doing is important. I do not see it. Maybe you can explain this to me.

When one looks at the crimes, I would like to understand the meaning of some of these things. For example, in 6(a)(c) it says:

“perverting or defeating the course of public justice;”

I would like an explanation for that. If you can help me there, I will be kind not to continue with that point.

The other matter is when you go to 6(b)(j) it says:

“sexual intercourse with female under fourteen;

sexual intercourse with female between fourteen and sixteen;”

I do not know if drafting is something different to the normal English language, but that could simply mean sexual intercourse with female under 16, and here we have it between 14 and 16 and under 14.

Mr. Panday: Will you give way? Both are called statutory rape and under 14 it is absolute statutory rape, but between 14 and 16 if the male is not more than

three years older than the female, and she is more culpable in the event than the other, that is a special defence for young persons.

Mr. M. Ramsaran: Okay, thank you very much. The way it is put here it is naked. There is no explanation. I accept the explanation given by the Member for Princes Town and which was agreed upon by the Member for Laventille East/Morvant.

What I am really concerned about—and I would like the Minister to answer—is the question I asked a while ago with respect to perverting or defeating the course of public justice.

Mr. Hinds: Member for Princes Town, explain that to him.

Mr. M. Ramsaran: You are the Minister. You do not know! Get up and admit that you do not know. [*Laughter*] You are not tired of looking for help from the Opposition? We are so tired giving you help. It is amazing.

Mr. Speaker, I want to turn to something that I want to introduce in this debate. Some of us believe that in Trinidad and Tobago we act in a way that everything is right. I am quoting from the *Role of Parliament in Curbing Corruption* and it says:

“Corruption was not only seen as a threat to democracy but also perceived to undermine economic development, violate social justice, and destroy trust in state institutions.

Citizens bear the heavy economic and social costs of corruption. In a democracy that works, they look to their parliament—the people they select to set the frame-work of law and oversee its implementation—for help.”

Mr. Speaker, I am just going to quote one more paragraph from page 7 of this book and it says:

“Little can be achieved by legislators on a national level if they do not first confront the specter of corruption within their ranks. Two particular sets of issues come to mind: political party financing and codes of conduct for parliamentarians.”

We are debating the Bail (Amdt.) Bill and we are trying to ensure that people who commit crimes remain in prison, because we do not want them to be at large in the society. When one looks at what was said in this book, corruption eats into the purse that will assist the less fortunate in our society, and we must talk about it.

Bail (Amdt.) (No. 3) Bill
[MR. RAMSARAN]

Monday, September 10, 2007

This evening, we cannot help but talk about what is taking place. If we do not do that it is going to be a waste of time coming to this Parliament to support a Bail Bill when major crimes are being committed and nobody is answerable.

Mr. Speaker, I want to request, through you, that something be done to the Brian Lara Stadium. I was a Minister of Sport, and I speak to sportsmen on a daily basis. What is happening is that because of the cost overruns and certain practices that may not be deemed to be straightforward, the stadium is not open to the sporting people in this country. I want to repeat our call for a public enquiry to be held into the Brian Lara Stadium.

We are talking about bail and money is being spent and it is like nobody's business. I want to make that call as we debate this Bill. Perhaps this could be clarified. We have the *Role of Parliament in Curbing Corruption* and this is a good book. I keep reading this book all the time to see how it could help Trinidad and Tobago.

Transparency International commented on our corruption index and so forth, and yet we sit and allow things to happen with impunity, and then when somebody talks about it, they would jump up with the blue book and say Standing Order 42(1) and 42(2) and so on as if to hoodwink the population. This is something that we must talk about. We visit Parliaments all over the world and the smallest spectre of corruption will be dealt with by parliamentarians on both sides; not only the Government side. This is something that is dealt with. You have committees to deal with corruption in larger countries.

As I am talking about corruption, we in the Congress of the People have decided to write the Integrity Commission and to point out what took place in certain transactions. We are worried. I do not think that it is the intention to "lock up" anybody or to jail anybody. We want these matters explained to the population so that the population will have confidence in us. When you go out there and people talk about politicians and when they do silly things, they will say it is a game. This is not a game.

We consider it appropriate that we provide the commission with a framework for examining this matter. Mr. Speaker, one of the things we want to talk about—just allow me to quote a few paragraphs—is that whether as a person in public life, Mr. Monteil breached his duties under the Integrity in Public Life Act Chap. 22:01. We are finding out if he did that, and to maintain confidence and trust in his integrity, particularly in relation to the deposit of:

- (a) \$60 million by HDC to Clico Investment;

- (b) the conflict of interest that may arise in relation to Mr. Monteil's involvement in any HDC or Clico investment loan transaction;
- (c) using his position of chairman of HDC for private gain facilitating a loan by Clico Investment Bank to Mr. Monteil's alter ego Stone Street Capital;
- (d) wrongfully or inappropriately authorizing or causing to authorize the loan from Clico Investment Stone Street Capital, the alter ego of Mr. Monteil; and
- (e) wrongfully exploiting his position of CL Financial to authorize the sale of the Home Mortgage Bank shares to the Stone Street Capital.

Mr. Speaker, this letter was written and I am sure that the population will agree with me that we must not allow these rumours or these happenings to pass by without proper explanation and investigation.

Why people kidnap people? I said it earlier that, to me, kidnapping started when certain things were said on a calypso platform, and the calypsonian was hugged by the Prime Minister. We see this vexing issue of kidnapping—it is the perception or the reality out there that certain government public officials interfered with Government's funding.

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, I beg to move that this House continue to sit until the completion of the matters assigned for today that is, the current debate on the Bail Bill, the Motion with respect to the report, on the Bankruptcy legislation as well as the Medical Board (Amdt.) Bill.

Question put and agreed to.

BAIL (AMDT.) (NO. 3) BILL

Mr. M. Ramsaran: Mr. Speaker, thank you very much. Again, I take the Member for Diego Martin Central seriously when he says that all the business will be completed. I hope that we will also take the vote on this particular Bill. [*Laughter*] I mean, this is what you meant. I hope you are serious.

Mr. Valley: Mr. Speaker, we have had discussions with both the leader of the party of the Member for Chaguanas as well as the Chief Whip to the effect that the vote on this matter will be taken at the next sitting so as to accommodate some Members.

Mr. M. Ramsaran: I did not want you to make the same mistake as your colleague, the Member for San Fernando East. I was just protecting you.

Mr. Valley: Thank you very much.

Mr. M. Ramsaran: I heard the Member for Oropouche talking about policies for political parties, and he was so unkind to the Congress of the People saying that we have no track record. I always played cricket, football and so forth, and Minister Hart, the Member for Tunapuna, knows that you must be a member of a team to play those games.

I was warned by good coaches not to take yesterday's success for granted. There is no real fix that things will work well the next day. Every day you go out there it is a new thing—new innings, new match and so forth—and you have to acclimatize yourself with the condition. Teams do not work; people work.

If there is a problem, you do not say it is the PNM. If there is a problem in health, it is the Minister of Health and it is not PNM who is dealing with it. I get angry at times when people say the ministry did this and the ministry did that. The ministry did not do anything. It is the people in the ministry and the Minister who would have done something. You cannot say that the Red House did anything, but the people in the Red House did something.

So, political parties are made up of people and people are the ones who work and push things forward. Policies are made and policies are created by people, and people would implement those policies. So, to say that the UNC will do this, the UNC did that and the UNC was successful is the furthest thing from the truth.

I want to remind the hon. Member that the performing Ministers of the past administration are all in the Congress of the People. The ex minister whom the Member for Tabaquite quoted exclusively from, Brig. Joseph Theodore, was next door yesterday presenting to the nation the crime plan of the Congress of the People. So, performance is there.

Hon. Ganga Singh, the Member for Caroni East, performer, Congress of the People; Mr. Sadiq Baksh, former Minister of Works and Transport, Congress of the People; Mr. Gerald Yetming, former Minister of Finance in the Congress of the People, and I can go on and on. [*Interruption*]

Mr. Speaker: Are you campaigning?

Mr. M. Ramsaran: Mr. Speaker, you should go to the *Hansard* and read the Member for Oropouche's contribution. He did quite well in campaigning. I just want to put on record that the performers are on the Back Bench, and we will

continue to work as hard to ensure that any entity that we join will be of performers. It is not a name. I know on that side there are a couple of performers; not the PNM, but a few performers.

Mr. Speaker, do you know what is ironic? The best performing Minister and the lowest in the scorecard have been fired. That has confused me. The one who is on top walking on thin air was fired. Let me not go into the People's National Movement business.

We have assembled here to talk about the Bail Bill, and as a Member of the Opposition, I thought that we were coming here today to debate the merits and demerits of this Bail Bill. I would like Members to support the Member for Laventille East/Morvant and tell us what has happened so that we would be able to judge for ourselves what is happening.

My friend, the Member for Nariva, attempted to say what is happening in his neck of his woods and I, too, will consider it my responsibility to talk about a few things that I believe should come to the national limelight. You see, when we come to this Parliament, the Prime Minister will tell us—I was very vocal to say that I have written many letters to the various Ministers over time about certain problems in the constituency of Chaguanas and I keep asking for these things—to write the relevant Ministers and remind them. Mr. Speaker, I am not going to read all that is in front of me, but permit me to just read a few.

Mr. Speaker, I wrote Sen. The Hon. Rennie Dumas on August 30, 2007 and, of course, no reply. I did not expect a reply. This was on the instruction of the Prime Minister. I mentioned in the letter that the Prime Minister has asked me to do so and so, and he disregarded the Prime Minister. Perhaps, that is the reason for the changes.

I wrote to the hon. Minister in July 2006 outlining the roads and drainage under his watch that should be fixed as a matter of urgency and nothing has happened. The hon. Prime Minister advised me to write the Minister, which I did.

I also wrote Minister Roger Boynes on the same date—as a representative, I try my best to put everything in place—and to date there is no reply. It is not that I expected any. The Prime Minister invited the Opposition, all of us, to write to Ministers and none of us got any replies.

Mr. Speaker, it is the same thing with the Minister of Public Utilities and the Environment.

Mr. Speaker: I am trying to see if I can help you out with specified offences or violent offences. It may be a violent offence, but it is not listed, move on. *[Laughter]*

Mr. M. Ramsaran: Mr. Speaker, I was waiting for you to stop me. *[Laughter]* I was driving along Munroe Road where I live, and the potholes are now in the middle of the road, and that could lead to violent crimes.

Today, what is happening in this country is that it is not safe to drive on this road. If you give a person a bad drive, I dare any one of you to stop and argue with that person. If you get a bad drive and you “breaks” a big pothole and you hit somebody on the other side of the road, you could be shot, murdered or kidnapped.

Mr. Speaker, violence could emanate from the lack of performance by hon. Ministers on the other side. They did not have the courtesy to respond to me. When I went to protest they locked me up and without good lawyers like my friend, the Member for Princes Town, I would have spent a weekend in jail.

Mr. Speaker: Let me tell you how you must do it. You have to move an amendment, and if the House agrees then you can talk about it. Until such time, move on.

Mr. M. Ramsaran: Mr. Speaker, I would like to amend clause 6. I will move an amendment and I will bring it in writing, but I will need the guidance of the Clerk. I will be moving an amendment to talk about the negligent behaviour of Members opposite in providing goods and services in their ministries.

Mr. Speaker, the public perception about the Legislature is one of representation. When I opened my debate—you see when we mix the Speaker and Deputy Speaker, we have some trouble.

Again, I wrote the Minister Beckles telling her about the lighting up of playgrounds, et cetera, and I got no reply.

I also wrote Minister Hazel Manning. Mr. Speaker, this one is crucial and critical.

Mr. Speaker: All of that is irrelevant to what is before us.

Mr. M. Ramsaran: Mr. Speaker, permit me to do this one, because I promised the young children to do this. *[Laughter]* Mr. Speaker, this should be treated with the seriousness that it deserves. The Munroe Government Early Childhood Centre was recently closed down by the Chaguanas Borough Corporation.

Mr. Imbert: Mr. Speaker, a point of order, Standing Order 43(1) and 43(2).

Mr. Speaker: The Member knows that he is breaching the Standing Order. He is begging for a little chance. Do not take too long with it, please.

Mr. M. Ramsaran: Mr. Speaker, I am happy, but when we are talking about the children of this—

Mr. Speaker: I am giving you the chance, move on.

Mr. M. Ramsaran: Mr. Speaker, the Early Childhood Care and Education Centre was closed down. This happened in May and to this date nothing has happened to help 50 children under the age of five. The point I am making is that it was closed down. When I investigated the matter, somebody from ODPM who had no expertise in engineering and a daily-paid worker from the Chaguanas Borough Corporation came into the school and saw a crack on the wall and closed down the building. The crack is one of those superficial cracks.

Mr. Speaker, they came to me over the last week and we negotiated. We tried getting a church and so forth for them to use, and I had to lend them the club house which I am responsible for. That was not built for a pre-school. I am pleading with the Government opposite to look into that matter—do you want my support for the Bail Bill?

Hon. Member: That is blackmail.

Mr. M. Ramsaran: It is not blackmail. I do not like to blackmail. I do not like to make deals and I do not like to bargain. The facts are that you are in Government and we are in Opposition, and we need your support. We are eligible for the support of the Government. Chaguanas must not be left out of the development, especially with all that is happening and much more that I could bring to this Parliament. This was not written yesterday; this goes back to December 2001—my request to this Government—and nothing has happened.

Mr. Speaker, as a Member of Parliament, I am disappointed with the respect meted out to the people of Chaguanas, and this will continue for a long time and that is why I had to bring this into this debate. We have so many last days in this Parliament, and I do not know when will be the real last day. I want to assure this nation that governance is not about only dealing with pockets, but with dealing with the overall development of Trinidad and Tobago. So, do not only do things for political expediency.

I want to invite the Minister—I know he is busy campaigning—to spend an hour with me, and he is going to see what is happening in Chaguanas. You could

Bail (Amdt.) (No. 3) Bill
[MR. RAMSARAN]

Monday, September 10, 2007

campaign and wear your PNM jersey, I do not mind, but come and see the conditions that people live under and then you will appreciate why I am saying these things.

So, Mr. Speaker, we on this Back Bench, though we are not satisfied at all by any stretch of the imagination with the Government's policy in dealing with crime—I mentioned earlier that we would give them any piece of legislation that they need. That is all we can do here. They have the resources, they have the money, they have the expertise and they have the power to understand what is happening.

We will support legislation that we believe could improve the system of governance, and we will do that without bargaining. At the same time, I would tell them that they have failed this country. Nobody is safe. Anywhere we go in Trinidad and Tobago—whether we are campaigning or we are on the streets—the number one problem in this country is how the Government is dealing with crime.

8.00 p.m.

So, I do not want to be guilty of allowing people to be kidnapped if we refuse to support this Bill and I thought we would have done that today, because we have some work to do on the campaign trail. We did not ask you, but you filled the Square for us yesterday. But hear what, you all could not get the people in Laventille; "all yuh" could not get 800 people in Laventille, but thanks anyway for getting 25,000 at Woodford Square.

Thank you very much, Mr. Speaker and let tell me tell you something, the country will decide, of the three political leaders, who will guide this country properly. As my colleague from Oropouche said, we have three political leaders; I wanted people to compare the three leaders and see who has the country at heart to lead Trinidad and Tobago.

Thank you very much.

Mr. Subhas Panday (*Princes Town*): Thank you very much, Mr. Speaker. I join this debate at a time when there is fluidity in the politics and I have come to know my friends on the other side; I know how they feel; I have travelled that road before. [*Laughter*] [*Crosstalk*] I know how it feels.

There are some people who come to this Parliament, speak about integrity, morality, and try to condemn others. For example, today the Members of the Front Bench were brutalized by that Member for Pointe-a-Pierre. But she tried to extricate me as though she was trying to drive a wedge between us. [*Interruption*]

You see, when she attacked the Front Bench; I belong to the Front Bench [*Desk thumping*] and do not put me in one corner, away from my colleagues, bad talk them and talk good about me. I have always said I would never attack, but I must say, I reserve the right to defend.

It seems to me that the Member for Pointe-a-Pierre was sleeping or was somewhere else when the first Bill came before this House. A Bill came before this House which turned out to be, I think, Act 30 or 32 of 2005, the amendment to the Bail Bill of 1994, and that Member for Pointe-a-Pierre deliberately forgot what happened there and tried to condemn the Front Bench, saying that they would do everything for country and the people in the Front Bench are obstructionists. I want to know where that Member was when the first Bill was being debated.

I hear people talking about integrity—we will talk about integrity one day, you know. We will talk about integrity one day as to the contesting of the Presidency of this country. But I do not want to go there today, except to say, when the first Bill came here, so people who are going about and talking about integrity, morality and things like that, they must be careful. They could fool the people for some time, but they would be exposed sooner or later. There is no friendship in this thing now; they have declared war on the Front Bench.

When this Bail (Amdt.) (No.2) Bill came on Friday, December 16, 2005; the Member for Diego Martin Central called it agreed legislation, because as all the Members had indicated, that was as a result of negotiations between the Opposition, which included then, the Member for St. Augustine and the Government. And when that Bill came to the Parliament, all the things that were discussed in the negotiations were in that Bill of 2005, hence we supported it. That was good legislation and the UNC supported good legislation.

So, when they come here and they are saying, oh, they do not want anybody to get kidnapped and whatnot, they must read *Hansard* and hear what the Member for St. Augustine had said. First of all, Mr. Panday, the Leader of the Opposition spoke and I quote:

"We recognize that despite the serious nature of the problem we face, there are those who remain skeptical of making any additions to the extremely short list of non-bailable offences, even when, as in this case, it comes in the form of legislation with a sunset provision..."

However, that piece of legislation Act 32 of 2005, he said:

"...enactment which is expressed to deprive persons of entrenched rights must be carefully weighed, but the role of the Government and of the

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

Legislature is to ensure that a proper balance is struck at every instant in time between the interest of the individual and the collective interest of the State."

And that is when we passed Act 32 of 2005 between the Government and the Opposition. They had struck that balance between the interest of the individual and the collective interest of the State. And he said:

"Mr. Deputy Speaker, criminals have put this country in fear and have stalked the innocent."

And we should deal with them, and he quoted cases. Section 13, which the Member for Pointe-a-Pierre spoke about, Mr. Panday said:

"it is well-established that in Constitution jurisprudence the fundamental rights and freedoms enjoyed by the individual are not absolute rights. The right of each individual must be balanced against the right of the State to protect all individuals collectively."

That is high thinking. That is high jurisprudence. Mr. Panday who spoke on behalf of the Opposition then, said because of striking that balance in the first Bill they had introduced the three strikes and then you are in trouble. He said:

"The policy behind this amendment is to deny a person charged for the third time with a specified offence the opportunity to apply for bail within a specified period. The goal of legislation of this type is to deter offenders and eventually to segregate repeat felony offenders from the rest of society; in other words, to put a halt to the revolving door. The denial of such a person's constitutional right to bail is not a denial for all time, but is limited in our legislation by a timeframe."

That is why this limited deprivation, we, the people say is necessary to arrest the serious crime, which the country was experiencing. They say you must balance the rights of the individual against the State and the PNM and the UNC had agreed on the three-strike principle. It also said we supported that legislation, because we said that legislation was good legislation, because the rights of the individual were balanced with the right of the State. It says. That is why in clause 5 of that Bill, which the UNC supported:

"...we amend the Act by inserting a new clause under section 5, to make the offence of kidnapping for ransom a non-bailable offence. However, where a person is not brought to trial within 60 days of the date of charge,

that person is entitled to apply to a judge in chambers for bail. This places a burden on..."

So, if you want to pass laws then the Executive must work. If you want to deprive somebody their right; if the State wants to deprive an individual their right, the State must be proactive in executing their functions. It says:

"This places a burden on the State to put its prosecution house in order and we are committed to this. Clause 5 of the Bill will also allow a person to apply to a judge in chambers for bail after the specified period, so that the legislation cannot be said to amount to a denial of the individual's right to the protection of the law."

As enshrined in the Constitution. It was balanced legislation; finely in tune; legislation which was in equilibrium. He went on to say:

"We the people say that this Bill is no more than our assertion that the right of the society to live free from fear, must be accorded, at least, as much weight as the right of the individual to bail."

And that is the—how you call it—jurisprudential thinking that went into the Bill coming from both sides of the Houses.

That is why we supported that first Bill. It went on to talk about kidnapping for ransom, but it did not talk about kidnapping. This new Bill speaks about the kidnapping and Mr. Panday explained why when he made his contribution. He said because of the peculiar nature of our society that you have sometimes a boy would runaway with a girl because the kind of society we live in; that persons like that, two young lovers because they breach their parents orders could find themselves facing charges for kidnapping and that might fall in the category where they cannot get bail. And he said:

"We could not support the legislation on that ground; the definition of kidnapping was too wide. When we spoke to the Government, we sought to resolve that problem."

The Member for Diego Martin Central spoke of agreed legislation; they discussed it and they came to that Bill. Hear what happened by consensus and discussion:

"We resolved that problem by making only kidnapping for ransom to be a non-bailable offence, so that would exclude the other circumstances which we thought were unfair, to put in jail without bail some over-enthusiastic young man."

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

It went on to say in that argument on the Bail Bill that having regard to the vindictiveness of the sole remaining Member of the Government, that if you had had the legislation so wide, you could have had political opponents being jailed; kept in custody. When you are kept in custody, like in some case the other day, I think it was Inshan Ishmael, on the 59th day when you are about to walk out, they come and enter what we call in law, a *nolle prosequi*. This is what we are trying to do, protect the right; we were balancing the right of the State with the right of the citizens.

Mr. Speaker, he went on to talk about the sunset clause, and Mr. Panday said that this is what we stand for; we stand for the principles of law. He said:

"Mr. Deputy Speaker, when we agreed that we would pass this law, we agreed that we were prepared to consider legislation before this Parliament, as long as it satisfies four fundamental principles: the protection against the abuse of power, which I mentioned earlier; the protection of civil liberties, that if you arrest someone, you cannot do that forever; there would be no funding that would promote criminal activities;..."

He went on to say:

"...this Bail Bill is going to be meaningless unless they so reorganize the administration of justice so they can bring people to trial within 60 days."

And that we did in fact, support Act 32 of 2005. So, for the Member for Pointe-a-Pierre and the Members of the Back Bench to come and give the impression that they are fighting crime and we are obstructionists and we do not care is so far from the truth and I would not go so far as to say—I would not go there.

It was to prevent oppression and one year after, the Member for St. Augustine on Monday, December 18, 2006 also spoke about holding. He said:

"I was a member of the team to hold discussions on this critical issue to deal with it in a bipartisan way and the Government has simply ignored the seriousness of the effort."

And he, himself, spoke about the dictatorship and the abuse of power. He said:

"The third issue that this matter raises is the one of abuse of the process that protects civil liberties. That was the fundamental issue of the debate at the time that we did not want to introduce draconian measures in our legislative machinery that would threaten the fundamental right of civil liberties. We took some steps—and I remember the debate very well—"

Mr. Speaker: Hon. Members, the sitting of the House is suspended for dinner—

Mrs. Persad-Bissessar: Really?

Mr. Speaker: Yes—and we will resume at 9.00 p.m.

8.17 p.m.: *Sitting suspended.*

9.00 p.m.: *Sitting resumed.*

Mr. S. Panday: Thank you very much, Mr. Speaker. When we took the break, I had indicated that the whole UNC had supported the first Bail (Amdt.) Bill, which came before this honourable House. And I was indicating that the Member for St. Augustine had said and I quote:

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

What happened was that the Member for St. Augustine had indicated that that was the way we should go. That we should not have more intense or severe draconian legislation and he supported that bill, but lo and behold when this present Bill came before this honourable House—it was, I think it came in June this year—what the Government did, without any discussion at all with the Opposition, they changed fundamental parts of the Bill, which had very far-reaching effects. For example, they said and I quote section 5(2):

“Notwithstanding subsection (1) where a person is charged with an offence mentioned in subsection (1) 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.”

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

Mr. Speaker, we were of the view that this was a fundamental change from that which had been agreed between the Government and the Opposition in the first Bill. Then he said if you are denying somebody his or her right you must make sure that the system of justice is accelerated. What happens here is that all you have to do, if you do not want to give the man bail, start the matter with one witness on the 60th day and drag him for three years.

So, this process here could be abused because there are no rights available to you, unless you apply section 15 of the Constitution. Also, after section 5(2), what is the position? When you are passing draconian or penal legislation, you must be precise in the laws. For example, after section 5(2), hon. Member for Laventille East/Morvant, what is the situation after the PI is completed? Suppose the PI is completed and a prima facie case is made out, what is the position? What is the position for bail for that person at that time? The law is deafeningly silent.

Mr. Hinds: It is clear.

Mr. S. Panday: No, it is not clear. Nothing!

Mr. Hinds: No, in terms of taking evidence—

Mr. S. Panday: No, no, it says that once you start taking evidence, no bail. The question I am asking is, after the preliminary enquiry has been completed and a prima facie case has been made out, what is position of the accused? That is the point I would like to you look at. That is why I thought—

Mr. Hinds: We dealt with that on the last occasion.

Mr. S. Panday:—it is a lacuna in the law. Okay, if you say no. They did not even come and discuss anything with us and they changed it from the three strikes to two strikes and the two strikes could have been obtained arising out of offences from a single transaction. That again, is a fundamental change in the former law. And I thought that before you brought this kind of draconian legislation, that what was necessary was that we needed to have discussion and work it out, but merely to come on the Parliament floor and ask us to support this, we thought that compared with the 2005 law, this law is too draconian and hence we had decided we were not going to support it. And the Back Bench supported that position, but merely for cheap political mileage, they supported it, so that the Front Bench would look as though we are obstructionists. As I say, we will do our duty and we will go to the people and tell the people where we stand.

The Member for Pointe-a-Pierre also spoke about this being good law and they care for country and whenever she speaks, "I care about country and I want to see about country", she gone on the Crime Commission.

Mr. Hinds: Member for Princes Town, are you saying that had those two, according to you, fundamental issues not been included, you would have supported it?

Mr. S. Panday: Of course, we would have taken a position, because we had to support it. Because those are the two fundamental changes from 2005 and if we had in fact supported 2005, well then we had to support it; we would have been flip-flopping if we did not do it. So, that answers the question.

Coming back to the Member for Pointe-a-Pierre who speaks about doing things for country and doing this—went on the Crime Commission. The Members of the Back Bench never stay in Parliament to really do the people's work in Parliament, because you remember during the Finance Committee meeting, we asked the question, "From which vote will the payments for the Crime Commission be paid? Was it from the Ministry of National Security vote? Was it from the Attorney General vote?" "No, no". Which vote it came from? That is coming from the Prime Minister's vote. So, the Prime Minister is in charge. You have become now an employee of the Prime Minister. The Member for Pointe-a-Pierre—

Mr. Sharma: She is singing for her supper.

Mr. S. Panday: I would not say that she is singing for her supper, but she has become an employee of the head of the political organization. Yes! This is not a commission appointed by the President; this is a commission appointed by the Prime Minister. And what are the terms and conditions of that commission? If you read this document you would find it in this document—the Final Report. It says "to make recommendations to the Cabinet or to the Executive as to the recommendations from this document".

So what is happening is, the Prime Minister now will determine and dictate how that commission goes. The funding comes from him; everything comes from the political directorate. It is not as if the President is appointing you. Your terms of reference are not clear. If you make any submission to him—hold on—and he refuses it, what would you do? And if you are pressing him, he merely cuts off the funding for you.

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

9.10 p.m.

What he has done with those Commissioners, being a political appointment. I want to ask you, Member for Laventille East/Morvant, were you invited as Minister of State in National Security when they were handing out those letters?

Hon. Members: We answer for him, no.

Mr. S. Panday: No warrants were handed. Letters were handed by the Prime Minister like how he handed the Commissioner his letter. So, you are an employee of the Prime Minister now. No wonder, when one hears the tone of the debate that we get more blows in front than you all get blows over there, whether—[*Interruption*]

Mr. Bereaux: That is all you hear—[*Inaudible*]

Mr. S. Panday: Look, I like everybody on the other side; I do not want to make any kind of comments because I could empathize with you. So, what I am saying is that one wonders when you talk about integrity—they know what they did or the Prime Minister tied them like a Sunday crab in the market. They are like this [*Motion was shown*] they cannot move anyhow. He can do them what he wants; he could fire them when he wants. When you are a politician and you are representing people, you must be careful when you take employment from the other side. This is where—I would argue this at another time in greater detail.

Mr. Speaker, the Member for Ortoire /Mayaro, as you are here I feel so sorry for you. Have you ever looked at this, the final report, *Public Consultation on Crime, April 18 to May 18, 2007*? Look at page 49; tell me who you see there? Tell me? Rio Claro, when you come in Rio Claro—Dansam Dhansook—Prime Minister and Dansam Dhansook, look him there.

Mr. Partap: He is telling the Prime Minister how to solve crime.

Mr. S. Panday:—how to solve crime; a man who has your Member of Parliament in court. Anyway, I will come back to that in a minute. On page 49 of the report, apart from those legal issues [*Interruption*] which I spoke about, and especially the draconian nature of the legislation, I say, Mr. Speaker, it is difficult and I want to say one of the reasons why we are not supporting this, is because of the draconian nature of the legislation in the hands of a vindictive “emperor”.

I would not make any comments against any one of you all over on the other side because I know you have no say in this matter. Look how he hounded down the Chief Justice, vindictiveness—and I will come to it—caused the man to be put on criminal trial; humiliating him in the courts; having humiliating him in courts,

the main protagonist failed to give evidence. Then the Chief Justice came back, said "I am ready to take back my job." When he went and he sat there, Justice Amrika Tiwary gave some judgement and the Prime Minister, the "emperor", did not like it and the next thing you hear, was they called back the protagonist who failed to give evidence on the criminal matter and put the man on the tribunal. Under section 137 of the Constitution—

Mr. Speaker: Perhaps it has nothing to do with the bail, it has more to do with the Standing Orders. Leave that, there is a tribunal which is going to sit next week, Monday I think, so leave it to them.

Mr. S. Panday: Sure. Mr. Speaker, the point I am talking about is vindictiveness by this Prime Minister; vindictiveness like how the Member for Diego Martin Central—*[Interruption]*

Mr. Singh: Being treated.

Mr. S. Panday: No, had said when he fired the Member for Toco/Manzanilla from the Senate that he is wicked and vindictive.

Mr. Partap: Arima.

Mr. S. Panday: Arima. We see that same attitude manifested with the Chief Justice, he wanted to make sure the Chief Justice not sitting at the opening of the law term, and you want to give him this draconian power in this kind of legislation. Never, you cannot do that. We must not do that. The "emperor"—because you all will not be there again.

Mr. Hinds: Who signed for bail?

Mr. S. Panday: Another thing is the—vindictiveness! Okay, tell you something? Not only bail, but putting people in trouble, but since you asked me about bail. Last year, Mr. Speaker, when I was a patient at the Royal Marsden Cancer Hospital, I had the opportunity to look at the Internet and saw this—you are talking about bail—this same vindictive "emperor" on *Newsday*, October 16, 2006, "Police coming for two", when he spoke at a meeting presiding over a PNM convention in which his mood was jubilant, joyous and triumphant. The Prime Minister, Patrick Manning, yesterday continued his boisterous attack and what he said, "Police coming for two, they must stand before God and confess their sins of stealing money from the people. When you are corrupt you steal food from the mouths of the poor." He was speaking about two former Ministers of the UNC who are Members of the COP.

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

This is what I am saying, you are allowing draconian legislation to pass here, not only the Bail Act, but no draconian legislation should be passed when you have a Prime Minister, the “emperor”, who has no regard for the rule of law; who has no regard for the separation of powers; how he knows police coming for two. Is he in control of the police? He is supposed to be in charge of the Parliament and in charge of the Executive, what is he saying here? He has the police in his back pocket and police coming for two?

It is a Government that does not understand the separation of powers and the rule of law. When you have that kind of Government in place, you cannot give them any kind of extra powers through draconian legislation. When those "fellas" get lock up, you are setting up men to get lock up and I will come back to this in a minute. Mr. Speaker, as though he has not learnt, he believes he could treat everybody as how he treats his Members of Parliament. Look, on Friday, just last week, "Jail time coming". How he could say that, jail time coming for Opposition people. You want me to give you draconian legislation on bail and you telling me jail time coming for the Opposition. [*Crosstalk*] Sorry. So, does he know the difference between the function of a Prime Minister; the function of the head of the Parliament—[*Interruption*]

Mr. Hinds: He does not grant bail.

Mr. S. Panday: Hold on, draconian legislation, you cannot give him that power because he is vindictive. He does not know the law, or he knows the law and he abuses the law and hence you must be very circumspect when you are giving him that kind of power.

Mr. Speaker, the next question is, this legislation here is dealing with crime, I want to find out from the Prime Minister, when he made that statement on Monday, October 16, 2006, did he have any information on those two Members of the COP, former Members of the UNC? If he did not have any information, then he would have been—I would not use that word—speaking the truth. He would have been a stranger to the truth, and hence he must apologize to them, if he did not have any information, but you cannot be fuss and rude to the truth.

You cannot go on the political hustings and damage people like this and then come to the Parliament and ask us to support draconian legislation. And if he did not have it, I say he must apologize. But assuming that he had it; assuming it is true; we asked him, why did you not send it to the police? You have information where two persons, you claimed, have been corrupted and stole from the people and you have that information since October 16, 2006, why you did not send it to

the police? Why you did not sent it to the Integrity Commission? Mr. Prime Minister, why you did not send it to the DPP?—because you see you are a laughing stock. How is it then for the Prime Minister to ask Tom, Dick and Harry on the street, if you see a crime being committed, call Crime Stoppers; if you see a crime being committed call 555 and he goes around, when he went on this National Crime Consultation, asking the people, use 555 to deal with crime.

We want to ask the Prime Minister, how could you ask people if they see a crime being committed or if they know a crime being committed, to report to the police when you as Prime Minister, primus inter pares, that you have information and you failing to call the police. You have making the whole legal system a joke; you are making the Bail Act a joke; you are making everything a joke. As a matter of fact, I wonder if we cannot report the Prime Minister under the Bail Act for perverting the course of justice. Because if he has information of a crime having taken place and he does not want to report it and he has evidence, is it not that he is of perverting the cause of justice, in that he should bring that to the notice of the police.

Mr. Speaker, another point he made. He said, jail coming. He means, go and fight the election and after you fight the election, you come into the Parliament; I am going to get you in jail. Is that the level of a Prime Minister? Is that prime ministerial material? Is that Prime Minister material? Diego Martin Central, you have greater integrity than that.

Mr. Valley: Oh, oh.

Mr. S. Panday: You have greater integrity than that. That is Prime Minister material and I do not want to put you in trouble. I feel the Member for La Brea is in that category.

Mr. Bereaux: What?

Mr. S. Panday: Prime Minister material.

Mr. Bereaux: That is why I am in politics.

Mr. S. Panday: Thank you, Sir.

Mr. Bereaux: They say it is better to live in hope but in—[*Inaudible*]

Mr. S. Panday: All right, thank you. So, if you have information about these people, why do you wait until an election is called; why do you wait until they win their seat and come in the Parliament and then call police for them? No, you cannot trifle with the legal system like that. You cannot trifle with the judicial system like that. You cannot trifle with the justice system like that. As I say I would not—jail for

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

wrongdoers. Who is he to say that? If you have the information carry it to the police and that is why, when they come on the hustings and they say their foolishness, somebody should sue him. Somebody should sue the Prime Minister when he comes on the hustings and he is talking his foolishness. He could treat you all the way he wants to treat you all, but we cannot allow him to treat members of the public the way he treats you all.

Mr. Speaker, I want to say, how could you—and I do not want to interfere with the PNM bacchanal—give this Government this kind of power? How could you give this kind of power to people who hold high office and are chronic, congenital, compulsive, and pathological strangers to the truth? [*Desk thumping*] How could you give people like that, that kind of power?

Mr. Speaker, the prophetess spoke to me and the prophetess told me that the Prime Minister when he gave that explanation, to look at it. I do not want any Standing Orders to be quoted to say I am casting aspersions on anybody's character, but to look at it, that was the deception. Because when the statement was made on the Monteil issue, same night when the Prime Minister said—*Hansard*—that he had transferred the transcript of the Home Mortgage Bank to the DPP, the Police Commissioner and the Integrity. The same night, the DPP said, "I did not get any", so what the DPP say is, you are not speaking the truth. Why did the DPP say that? I want to tell the country why the DPP say that. He feels that if this Government wins the next election, and in particular, if they obtained a special majority, the Constitution will be changed, you would get an Executive President and clause 117 of the Ellis Clarke Constitution which was laid in Parliament says, the Director of Public Prosecution shall function under the supervision of the Attorney General. So the DPP is panicking; the DPP does not want you all—I do not want to say win election—but does not want that special majority, so the DPP jumped out in front and say, "I did not get any." The DPP told the whole country the said night, "I did not get any." One would have thought that as the Prime Minister, he would check his records right away.

Mr. Speaker, if he had checked his records right away—that happened on the 27th, on the 28th—the Prime Minister could have come to this House on the morning of the 28th and told this House, "Look, I said yesterday that I had sent these documents to the DPP." I had it checked and under Statement by Ministers on the Order Paper of this honourable House, there is a provision on the Order Paper where you could have Statement by Ministers or Personal Explanation where at the first opportunity he could have come to this House and apologized. But no, he did not apologize and what we did, when he did not apologize, we say

here comes a candidate for the Privileges Committee—we said that. Because at the first opportunity if you make a mistake, you must come and tell the Parliament what you did.

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

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

Question put and agreed to.

Mr. S. Panday: Thank you very much, Mr. Speaker, and thank you, Members of the House and I would tell you all who had “buss” all those marks on you. I am not calling names, but read between the lines. What surprised me is the Prime Minister sat in this House on the Tuesday and he said nothing, the Member for Caroni East made in his opening remark and I will quote *Hansard* and you will see where the “S buss” in. The Member for Caroni East, Mr. Ganga Singh said:

“...that in the public utterances in the House or elsewhere, Prime Minister Manning made no mention in the public domain of his reference...to the DPP...”

But here comes the sting in the tail.

“The Prime Minister has been referring so many matters to the Police Commissioner, the Integrity Commission and the DPP.”

He said the Prime Minister:

“...obviously mixed up the matter. Prime Minister, I do not think that your is misleading...—”

He is talking to the Prime Minister now—“I do not think your misleading of this House was deliberate, so it would not incur the Motion before the Privileges Committee.”

I never knew the Prime Minister wanted a lawyer and I want to read it for you again. The Member for Caroni East, is defending the Prime Minister before the Prime Minister could defend himself. And I want to quote it for you again.

“The Prime Minister has been referring so many matters to the Police Commissioner, the Integrity Commission and the DPP, he, obviously, mixed up the matter. Prime Minister, I did not think that your misleading of this House was deliberate, so it would not incur the Motion before the Privileges Committee.”

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

I want to find out, is he in the Whitehall? Is he “working” Whitehall? How could he know that the Prime Minister sending so many matters to the DPP and to the police? How does he know that it was mixed up? [*Crosstalk*]

Mr. Speaker: Order! Hon. Member, I have given you quite a bit of latitude. All of this is not too relevant to—perhaps it is good for the platform. Show me the address.

Mr. S. Panday: Yes, I am trying to show you how you cannot give power to people who do not speak the truth, that is the point I am making. You cannot give them power with draconian legislation. The Prime Minister sat down there and when it was time now in the afternoon when he was winding up his debate—I want you to listen to this, the Prime Minister speaking,

“I wish without reserve to apologize to this...House and the national community. It was not an attempt to mislead anybody. We are doing so many things...that we mixed up (exact words) that particular investigation with report of the Commission of Enquiry into the Health Services. That is the report that had been referred to these...agencies.”

I find the words are so close that it makes me suspicious. And he went on to say, as though the Prime Minister became so elated that he had a lawyer in his corner—

“Incidentally, I thank the Member for Caroni East for his generosity in this matter because he realized what happened and had been generous enough in his contribution to recognize it publicly. I thank him very sincerely.”

Did any one of you all know that? Did any one of you all know what happened? Tell me something now, you tell me where the “S is bussing”.

Mr. Speaker, that is why when you are passing legislation and when you come here before this House and when you hear “S bussing”—and the Member for Arouca South, I extend my deepest sympathies to her, “S bussing”. I am not saying who “buss the S”; I am not saying who get things in their mail box, but when we are doing bail and we come here before the Parliament; and when we are legislating, we must legislate with clean hands; when we come to Parliament and we talk about integrity, we must come with clean hands; and this is where we stand. That is why when they call them the UNC B Team, one wonders whether it is the PNM B Team that have you all here in pain. I am saying that if you have something to tell people, tell them, do not “buss S” the way you are “busting S”.

Mr. Speaker: For my own information, “S” is an All Fours game you are talking about? Okay. All right.

Mr. S. Panday: Okay. Mr. Speaker, “buss the mark.” “Buss the mark.” Mr. Speaker, as we go along, as the politics gets hot and heated and—[*Interruption*]

Dr. Moonilal: And hotter.

Mr. S. Panday: And hotter, we must be careful how we pass draconian legislation in this Parliament, and for Members opposite, as I say, to the Member for Diego Martin Central, I always have great respect for you, for the capacity which you work.

Mr. Valley: For what?

Mr. S. Panday: For the capacity to work. So, you cannot give draconian legislation to any “emperor” who does not understand the rule of law. You do not give draconian legislation to anyone who undermines their own and also undermines the Parliament.

Mr. Speaker, I want to say that I have been here since 1991 to 1995 and I know the tricks. When we come here and we claim that we are supporting legislation and trying to make other people look bad; the people who they are trying to make look bad will stand up and defend. Another issue is, how could you give a Government draconian powers in legislation like this, who attack the constitutional bodies in the country. If you have no respect for the constitutional bodies, how could you give them this kind of power?

I looked at this document here and it says, “Minister calls Integrity Commission reckless. New secret probe on Rowley”, and somebody, either the Member for Diego Martin West or somebody else is undermining or interfering with constitutional bodies which are enshrined in the Constitution. Because when the Member for Diego Martin West says and I quote from the *Guardian* of Sunday, September 09, “Minister calls Integrity Commission reckless. New secret, Rowley probe.” Rowley is speaking now, “It is clear that the Commission has allowed itself to be used as a tool and has recklessly and irresponsibly allows its considerably Constitution office and power to be manipulated.”

I want to argue this case on both sides. One, is the Member for Diego Martin West speaking the truth? Does he have information as to that? Then I want to tell hon. Member for Diego Martin West, I do not have the power to manipulate that constitutional body, the Integrity Commission and I think none of us in this Parliament who is sitting here today, have that power to manipulate. So therefore, the point I am making is, how can you give draconian powers to someone who will undermine constitutional institutions in the country? How could you do that? That is providing the Member for Diego Martin West knows what he is saying.

Bail (Amdt.) (No. 3) Bill
[MR. S. PANDAY]

Monday, September 10, 2007

9.40 p.m.

But then, Mr. Speaker, let us argue the other way. How is it that the Member for Diego Martin West could come in public and attack such a constitutional office? It seems to me that both sides of this Government are smashing in on constitutional bodies. I will like the Member for Diego Martin West to read the last Integrity Commission report. I quote from page 4 of the 19th Annual Report to Parliament by the Integrity Commission of Trinidad and Tobago on its Activities for the year 2000. It says:

"The function of the Integrity Commission is to examine the practices and procedures of public bodies in order to facilitate the discovery of corrupt practices."

So when one looks at the newspaper article, as the Member for St. Joseph said, there is some connection. Probably the Member came in that way instigated by I do not know who; if what he said was true. Why did you come in public and attack the Integrity Commission the way you did? These are questions that we need to ask.

The next side of the argument is that if what he said was true, then all of us could go to jail. Then the Prime Minister was right, if what the Member for Diego Martin West said was true, that the Commission had been manipulated. The Prime Minister said in another newspaper:

"Jail coming."

He said that jail was coming for those who have stolen. Then you have this draconian legislation here. You must ask yourself: Could you really support them?

Mr. Speaker, I have taken up too much time on this, but because of my empathy for my friends on the other side I thought it was necessary to open up the debate.

Finally, the Back Bench Opposition said that we in the Front Benches were obstructionists. They want to go on the platform and say, "Look, the Government has to bring the law; we are showing you that you said you were bringing the law before the end of the life of the Parliament and you have to bring it." That is cheap political mileage by those on the Back Bench, because if they were really interested in dealing with the problem in a meaningful and mature way, they should have read the report from the Central Bank. The Central Bank gave two alternatives; the first one was that if Stone Street Capital did not want to transfer the shares—*[Interruption]*

Mr. Speaker: I have actually given you more time to stray than I should really have. I know you are wrapping up, try to address something in the Bill.

Mr. S. Panday: Mr. Speaker, with the greatest respect to you—

Mr. Speaker: No, no, Stone Street Capital—

Mr. S. Panday: The Member for Pointe-a-Pierre said that the Prime Minister must bring in legislation. “We looking stupid, Mr. Speaker.”

Mr. Speaker: You have much to say on this Bail Bill; you are a criminal lawyer—well, you are a lawyer at the Criminal Bar. [*Crosstalk*]

Mr. Valley: He is a criminal lawyer. [*Laughter*]

Mr. Speaker: No, he is a lawyer at the Criminal Bar, a very distinguished one at that. I want to hear what you have to say about this.

Mr. S. Panday: I do not want to confuse you with any highly intellectual matter. [*Laughter*]

Mr. Speaker: Confuse me.

Mr. S. Panday: I am merely answering the Member for Pointe-a-Pierre who is trying to put us in a bad light. I am not introducing anything fresh.

If they were really interested in dealing with this matter, the Central Bank gave two alternatives; one said that if Stone Street Capital did not want to transfer the shares, then you bring legislation. The preferred option was to advise the company to buy the shares from the company, use the National Insurance Board to purchase the shares at the same price at which the person purchased it, of course with any little thing, charges and interest maybe, and try to solve it. But to come here and tell the Government, "Bring it, bring it", is to go outside and say, "You see how we can rule from the Opposition", when in truth and in fact it is cheap political mileage they are going at. [*Desk thumping*]

I am advising the Government and friends on the other side; let us use both alternatives that the Central Bank gave. We should go with the preferred option first; get back the money and then— You want that legal advice? You will pay for that.

Thank you, Mr. Speaker. [*Crosstalk*]

Mr. Chandresh Sharma (Fyzabad): Ken, you will not have long again; maybe two or more sittings and you will be in another place. [*Crosstalk*]

Mr. Speaker, we have been here for about 500 minutes. We are here at the invitation of the Government. The Government invited us here today to consider

Bail (Amdt.) (No. 3) Bill
[MR. SHARMA]

Monday, September 10, 2007

three Bills. One Member spoke for 18 minutes and said very little. The question is: Why has only one Member of the Government spoken? [*Crosstalk*]

Mr. Speaker: Order!

Mr. C. Sharma: The reason why only one Member has spoken is because they have something to hide. I will expose that immediately. This country is in crisis; everywhere you turn there is disaster of all kinds all made by the PNM; all manufactured by the PNM; all cultivated by the PNM. We have murders every day. There is poverty. There is failure of the infrastructure. You have Government Ministers making deals that are not for the benefit of the people of Trinidad and Tobago. The Government sat here for 500 minutes, ate twice in the Parliament at a cost to taxpayers, and spoke for 18 minutes; something must be wrong.

What does this Bill intend to do? One must appreciate that it came to us before; it is here again. There are some areas that it intends to treat with. Under Part II, Specified Offences:

- “(a) possession of imitation firearms...criminal offence;
- (b) larceny of a motor vehicle;
- (c) perverting or defeating the course of public justice;”

That is one area I want to spend a few minutes on. The mover of the Bill spoke of it being in defence of the people. What are they defending?

The people in this country are without any protection everywhere they go. On the last occasion I talked about the number of persons in the constituency of Fyzabad who have been held up, their personal possessions interfered with, and they were assaulted. Every Member on both sides has indicated such occurrences.

Secondly, he spoke about kidnapping. The Member for Princes Town and the Member for St. Joseph just indicated that the former Chairman of the Integrity Commission under whose watch the personal files of the former Prime Minister, Mr. Panday, were released to the media—a very important point—and under whose watch the Member for Diego Martin West seemed to be exposed. You are seeing the link with the attempt to kidnap him and the exposure of the Member for Diego Martin West. It cannot be by accident.

In preparing to come to this Parliament to debate this Bill, I had to consult my constituents. They are lay people; they are not degreed; not all of them are lawyers. They were saying, "Listen, this perverting or defeating the course of public justice, MP, there is a link with the attempted kidnapping of Gordon Deane and the

Member for Diego Martin West, because how did this thing happen?" [*Crosstalk*]
What is your question? You do not have any.

How is it that with this particular kidnap victim there was an immediate response? The Minister boasted that they closed down the whole country, Tobago included, to look for those kidnappers. We have had constituents who were kidnapped, who were not visited, and who could not get the police. The blimp was not working all the time; it suddenly started to work. What is happening?

I want to go next to the article which said that Dr. Rowley rejected something from the Integrity Commission:

"Rowley rejects new allegations from Integrity Commission" [*Crosstalk*]

The Member for Diego Martin East has absolutely nothing to do. He is a burden to the state of this country. He does not speak. He is playing with a phone paid for by the State and is always interfering with a Member opposite who is making a valuable contribution in defence of the people of Trinidad and Tobago. [*Laughter*] This has to stop.

Mr. Speaker, when we talk about the Landate affair and perverting or defeating the course of justice, let me take you to Landate. I visited there some time ago. More than \$5 million of road works were done, not paid for; more than \$1.6 million in water works were done, I have checked for \$62,000; electricity, close to \$1 million, a cheque paid \$82,000. That is perverting or defeating the course of justice. It begs the question: How was it that the Water and Sewerage Authority (WASA) did work there? Who paid for it? Ton loads of materials from the quarry went, and you are pretending that you do not know? Robbing the country. [*Interruption*] Your false English does not fool anybody.

From the Scarborough Hospital not yet finished, \$200 million, but millions of dollars by Nipdec's own account has gone on the Landate project. This is why no Member of the Government spoke on this Bill, because they do not want to expose; but the truth has to come out. Perverting or defeating the course of public justice, this is what the PNM is trying to hide.

What is the intention of the Bail Bill? All over the world there is bail for offenders of one kind or the other. How do they treat with it? We have identified on this side, and it has to be repeated, the failure of the justice system because the Government has interests to protect. When we talk about murders by shooting, how are these guns coming in? We have talked about increasing the police resources. We

Bail (Amdt.) (No. 3) Bill
[MR. SHARMA]

Monday, September 10, 2007

have identified that many police stations are collapsing for one reason or the other; the infrastructure is not there; leaking roofs; police officers do not have beds to sleep on; they do not have manpower.

The Member for Oropouche indicated what was happening in the case of the Debe Police Post. The Government has no interest in treating with the justice system, but they bring a Bail Bill after the event. You first have to make sure all the machinery and support systems are there. A Member indicated that for fingerprinting there are three officers on duty to treat with half the country's police stations. The Government has absolutely no interest in governing the country. They want a lawless society because they have always governed that way. They have no interest in treating with the national community in a meaningful and measurable way. What has this Government done for Trinidad and Tobago after six years and \$200 billion? The Government has its own interests to protect and that is the only concern they have.

They are going to legislate. They also know that this Bill needs a special majority, I think a three-fifths, and they did not bring all their Members today. Their first intention was to bring it to tell the national community, "Listen, we have brought the Bill, but where is the support for it?" Your own Members are not here. At one point during this debate, there were three Members of the Government on the Benches. They have absolutely no concern with what takes place in the Parliament. For them it is just to come here, register a presence for a few minutes and disappear.

Let us look at some of the simple basic requirements of this Bill. Does the passage of this Bill need to take place for the Government to attend to police stations? The answer is no. Does it help with making sure that there are enough police vehicles at police stations? No. Will the passage of this Bill help with enough police officers? No. So what is the purpose of the Bail Bill? Who is the Government trying to fool?

All the Government is interested in is becoming rich and protecting themselves. This country has not seen any service. It has not gotten any reward from this Government; absolutely none. And they talk about "a love ting".

If you look at those persons who attempt to obtain bail, in many instances the very thing this Government is trying to protect cannot be had. A simple thing like security at a courthouse does not obtain. At this time three escaped prisoners cannot be found in small Trinidad and Tobago. Why? Because this Government has no interest in that; chances are they might be doing work for the PNM, because they have always engaged the services of criminals to win elections, in government or out of government. It is public information. They really have no interest in the passage of this Bill.

Mr. Bereaux: [*Inaudible*]

Mr. C. Sharma: You see, Mr. Speaker, the Member for La Brea said that it works for them. So because it works for them they are prepared to engage them.

Mr. Bereaux: That is not what I said. I said that you are working for us by not working.

Mr. C. Sharma: He said that they are working for them and he repeated it. [*Laughter*] It is like my good friend from Chaguanas; he thanked the PNM for bringing supporters out to their rally yesterday. After a while the truth has to come out. [*Laughter*] This does not help what is happening in Trinidad and Tobago.

For persons looking for bail, what preventive measures are there? Before you get to the stage of bail, let us do everything in our power to avoid the crimes from happening. Let us do everything in our power to have good detection; none of that obtains. The short point of everything is that this Government has absolutely no interest in governing this country, in making sure this country is a safe place or making sure our citizens can enjoy a good quality of life.

When you look at the number of travel advisories that come from Australia, the United Kingdom, the United States and elsewhere, the most recent still indicated the high crime rate. The crime detection rate in Trinidad and Tobago is extremely slow. It is very, very low; less than 10 per cent in some areas.

On the question of bail, what measures are there? Many times constituents come to us from all over, they may be caught up in something and they need to obtain bail. There is absolutely no proper system; they are oftentimes taken advantage of. Is the Government not aware of that? What is it doing to license persons who can offer bail or organizations or business houses, as the case may be?

For instance, we saw recently where persons had to stay in prison over the weekend because of some document the Government suddenly added, a WASA clearance bill or the taxes were not paid a day or two in time and they were denied bail. The Government really has no intention to make sure the justice system works. The reason is simply that after many, many years in government, if you look at all their manifestations under different Prime Ministers, the PNM has always engaged the services of criminals. It is most unfortunate that when you want to move this country to Vision 2020 you still find yourself doing that.

I do not intend to be very long tonight. I simply want to indicate that as the loyal Opposition of Trinidad and Tobago, we shall always stand for truth and

Bail (Amdt.) (No. 3) Bill
[MR. SHARMA]

Monday, September 10, 2007

justice. We shall always stand in defence of the people, even when the media, paid for by the PNM and supported by my friends on the Back Benches, indicate that we are not about country. This side, whether in Opposition or in government, has served Trinidad and Tobago the best. There is no question about who has been the best government of Trinidad and Tobago. [*Desk thumping*] When my colleagues in the back boast about having served and "I do this and that", they were part of the government; we worked collectively.

The Government needs to reflect. We are mature Members of Parliament, I would hope. If the Government does right, it certainly will earn our vote. But as it is, this Government is a total failure. It has been a disservice to the people of Trinidad and Tobago.

It is not only me saying so, the MORI poll said that. The Bill Johnson poll also said that; so in poll after poll the citizens are saying it; the travel advisories are saying it as well. The time has come. The best bail we can offer Trinidad and Tobago, is to bail out the PNM from government and return Trinidad and Tobago to good governance. Mr. Speaker, I look to the next sitting of this Parliament.

Thank you.

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 begin by thanking very sincerely the Members who contributed to this very important debate on a very important amendment to a very important piece of legislation in the context of the laws of Trinidad and Tobago, and our efforts, joint as they ought to be, to manage the difficulty that we face at the hands of those citizens of Trinidad and Tobago who perpetrate crime against the rest of us.

Mr. Speaker, I did not get a sense from the Front Bench Opposition as to whether or not they propose to support these measures. There were several occasions in the past when we came here asking for their support and they refused it, and they said so. The Leader of the Opposition, the Member for Siparia, would have made her position clear, but no one on that side who contributed made any clear statement as to whether or not the Front Bench or the UNC would be supporting these measures. I will give way to the Member for Caroni Central to indicate what the position of the Opposition is, if he can clearly state. [*Crosstalk*]

Mr. Speaker: Order! Order!

Hon. F. Hinds: His cold reluctance at my invitation on this important matter tells me a lot about them.

Dr. Rafeeq: Take your vote and we will let you know. [*Interruption*]

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, as per a previous arrangement with the Chief Whips on the other sides, I move that further debate on this matter be suspended at this time and that the House now turn its attention to Committee Business Motion No. 1 on the Order Paper.

Mr. Speaker: Hon. Members, I have to announce an agreement between the Leader of Government Business in the House and the Chief Whip and the Whip of the Congress of the People to suspend debate on the Bail Bill, that will be resumed on Wednesday, and that we proceed to Motion No. 1 under "Committee Business".

Agreed to.

BANKRUPTCY AND INSOLVENCY (NO. 2) BILL

Joint Select Committee Report (Adoption)

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that the report of the Joint Select Committee appointed to consider and report on the Bankruptcy and Insolvency Bill, 2006, be adopted.

Members will recall that at a sitting held on Friday, May 05, 2006, in the House of Representatives and at a similar sitting of the Senate on Tuesday, May 09, 2006, the Bankruptcy and Insolvency Bill, 2006, was referred to a Joint Select Committee of Parliament for consideration and report.

Mr. Speaker, the Members of that Joint Select Committee were: Mrs. Camille Robinson-Regis; Mr. John Rahael; Dr. Roodal Moonilal; Mr. Gerald Yetming; Mr. John Jeremie SC; Mr. Danny Montano; Ms. Christine Kangaloo; Mr. Wade Mark; Mrs. Mary King and, yours truly, Mr. Kenneth Valley.

At the first meeting of the committee I was elected Chairman. In an effort to complete its mandate, the committee agreed that the input of the Chief Parliamentary Counsel and senior representatives from the Law Reform Commission were essential in assisting the committee in its deliberations and to provide background information

on the Bill. This mandate was undertaken and the Bill was published in the *Express* newspaper on Sunday, June 11, 2006. In addition, approximately 200 individuals, business groups and organizations were written to, requesting their comments on the Bill. Moreover, the Bill was made available to the public at the following: district revenue offices in Trinidad and Tobago; Office of the Parliament; Government Printery and the Parliament website.

Mr. Speaker, the committee agreed that the submissions received from the public would be reviewed by the technocrats for consideration of their relevance. However, the committee was unable to complete its deliberations before the end of the 2005/2006 session and a saving report was laid in the House of Representatives on Monday, September 15, 2006, and in the Senate on Tuesday, September 05, 2006, recommending that the Bill be reintroduced in the upcoming 2006/2007 session and be referred to a new committee to continue its deliberation.

Mr. Speaker, at sittings of the House of Representatives and the Senate held on Friday, November 03 and Tuesday, November 07, 2006, respectively, the Bankruptcy and Insolvency (No. 2) Bill, 2006, was introduced and committed to a Joint Select Committee for consideration and report.

In this instance, Mr. Colm Imbert replaced Mr. John Rahael as a Member of the committee. Other than that the committee remained the same. The committee undertook examinations of written submissions received and invited stakeholders to an in camera meeting to elaborate and clarify issues raised. Some of the stakeholders included the following: Lex Caribbean Limited; Fitzwilliam, Stone, Furness Smith & Morgan, attorneys-at-law; the Law Association of Trinidad and Tobago; Bankers Association of Trinidad and Tobago; Ernst & Young Trinidad Limited; Trinidad and Tobago Chamber of Industry and Commerce; Joseph Cadle and Associates Limited; ACCA Caribbean Office and the Institute of Internal Auditors, Trinidad and Tobago Chapter.

An in camera meeting was also undertaken with the trade union movement to solicit their views on the Bill. The committee also held public consultations throughout Trinidad and Tobago. In this instance, individuals, business groups and organizations were approached to submit their comments, and the deadline for receipt of comments was extended to Friday, August 10, 2007. The earlier deadline was the end of July.

The committee held public meetings in Port of Spain, Arima, Chaguanas and in Tobago. Having completed its mandate, a draft report of the committee's work was prepared and circulated to Members. Having received the approval of the

majority of Members, the final report which incorporates an amended Bill was laid in the House of Representatives and in the Senate on Wednesday, August 29, 2007 and Monday, September 03, 2007, respectively.

Mr. Speaker, some of the more significant amendments are the following. In clause 5(19) where we looked at the criteria for filing a petition, we increased the threshold from \$4,000 to \$10,000, believing that for a creditor to put someone in bankruptcy the amount owing to that creditor must be a minimum of \$10,000. The original Bill had a limit of \$4,000. The committee felt that a person should not be put to bankruptcy for a small debt of \$4,000; we thought that the minimum threshold should be \$10,000.

Mr. Speaker, at clause 127(1(d)), where we looked at employee claims, with respect to wages to be paid to employees of a bankrupt company, again the original Bill had a limit of \$4,000. The committee felt that this was inadequate and would not cater for inflation and changes in the economic climate. The committee thought that payments to employees would be more appropriately dealt with by using a formula and by allowing the Minister to prescribe these sums from time to time, rather than having a fixed limit.

Thirdly, at clause 176 we again looked at protecting employee interest. Of course, most of these came from the trade unions. The committee on the recommendation of the trade union movement agreed that provisions should be made for representative bodies of employees, meaning trade unions, to be able to act on their behalf. This new clause will allow the interest of employees to be brought to the attention of the Supervisor of Insolvency who can then intervene in any court proceedings on behalf of affected employees.

At clause 180(3), we prescribed qualifications for trustees. At this clause members will see that there is now a provision that any person who wishes to act as a trustee must belong to a professional body and the rules of that body must permit its members to act as trustees. This will ensure that professional standards are observed by those who wish to act as insolvency practitioners.

Mr. Speaker, I thank all Members of the Joint Select Committee and the various technocrats from the Chief Parliamentary Counsel's office and the Attorney General's Office; all these persons really assisted the committee throughout its deliberations.

I also thank the various persons and groups that took the time to comment on the draft Bill. Most importantly, I thank the Secretary to the committee and the staff of the Parliament for their hard work and assistance, without which we would not have gotten to this point. This Bill as indicated was first submitted to a

Bankruptcy and Insolvency (No. 2) Bill
[HON. K. VALLEY]

Monday, September 10, 2007

Joint Select Committee in the 2005/2006 Parliament; therefore, it is roughly two years in coming. Coming to the end, we really pushed to ensure that we could have gotten to this point.

I, therefore, submit this report for the consideration of the Parliament and move its adoption.

I beg to move.

Question proposed.

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, the matter before us is to consider the Bankruptcy and Insolvency (No. 2) Bill, 2006, and the report emerging from the Joint Select Committee.

As the Member for Diego Martin Central indicated, the report, a product of a committee which included Members of the Opposition, engaged in a tedious, time-consuming and demanding process involving several meetings, both within the confines of the Chamber and public meetings in consultation with several interest groups with sufficient interest and relation to the matter.

I will not be long this late in the evening, but I want to raise just a few points emerging out of the consultations and the process. Being a report emerging from a Joint Select Committee that included the suggestions and views of Members on both sides of the House, we are in agreement with the report. [*Desk thumping*]

One matter that I will raise in a short time really concerns the scope of the legislation. In the committee we engaged in dialogue with several interested parties, particularly the labour movement, and it was fortunate that on this committee we had the benefit of the guidance of Sen. Mark and others who were close to the labour movement. We engaged the labour movement in dialogue concerning this matter.

When you hear of bankruptcy and insolvency, you automatically believe that it is the purview of business and commerce and persons who are involved as owners and managers of firms. This matter involved the ordinary worker, the ordinary citizen, because they are in some cases the significant victims, the significant ones injured by processes involving bankruptcy, insolvency and so on.

While we were happy to receive submissions from several associations of lawyers and other groups which gave technical support and advice, we were very eager to hear from the labour movement as representative of the working people on this matter.

It came out clearly that while in principle we have very little dispute over elements and objectives of the Bill or over its organization and arrangement, we

did have a dispute as it related to the parameter and purview of the Bill, in that, it became clear that what was needed to protect the interest of workers was more legislation, a different set of legislation that obtained in other countries, and particularly in developed countries in the European Union and Canada, as examples.

We were concerned that workers in a way were not given the sort of preferential treatment that Members of the committee, included Sen. Mark and myself, thought they should be afforded under statute now, in terms of their benefits to be arrived at in the event of bankruptcy and insolvency. It became clear that the committee, having heard from authority, from those technical people, that dealing with that matter required other legislation.

On behalf of the Members of the Front Bench Opposition, I take this opportunity to call on the Government to put on record the interest of the UNC Alliance. We are convinced the UNC Alliance will, indeed, form the next government in a few days.

I want to put on record our interest in this matter as it relates to bringing legislation to the House to protect workers and ensure that they are given the preferential treatment they require in the event of bankruptcy. Although they are considered an important constituency in this Bill, they are really not given the preferred status that other groups are given. That is important.

I want to raise a related matter that has to do with transfer of undertaking legislation. We are also committed and I go on record to suggest that the future UNC Alliance government will look at legislation dealing with transfer of undertakings, as obtains in the European Union, where workers are guaranteed certain rights in the event of a transfer of undertaking from one business to another.

In the modern place of work companies change names; companies close down and open again, particularly in the era of contract work. You have the same workers doing the same work, but under a different name, under a new company, under a new legal entity, and a lot of their rights and privileges are not transferred in that way. There is a separate piece of legislation dealing with transfer of undertaking, rights and responsibilities emerging from that process. It is a very important piece of legislation that a future Parliament and future government will do well to consider in the interest of workers.

Having said that, we were also very clear from the extensive discussion in the committee stage, that would not be appropriate to contemplate in the context of this report. I want to put on record our interest in going much further to protect workers and their rights in relation to bankruptcy and insolvency.

The other point is one that we are aware of, but it needs repeating, in that the work of the committee, while receiving excellent support from parliamentary staff and the technical people from the various ministries, and particularly from the Ministry of the Attorney General, it is still a problem with committees that we are hard-pressed to get a quorum, to have Members attend meetings, particularly, of course, Government Members who would have other pressing matters. That is another problem to look at.

My third and last point on the matter is that it was another important development for me to recognize that although the Bill itself was published in several newspapers and no one could really complain that they did not have an opportunity to see, read and contribute, nobody in this country who is literate could complain of that, yet it was quite interesting that when it came to public consultation, the suspect whom you believe should arrive, participate and take great interest in it, because it affects them, they did not.

The interested groups were not breaking down the door to enter the consultations. They were not rioting to get into the room. It suggested that in terms of public education and awareness, we need to do much more, particularly with your Ministry of Public Administration and Information. I think there is the Information Division, the Government Information Service (GIS) and so on.

We probably need to just intensify public education on matters like these, because the public out there still think that it is a technical matter that they cannot understand it and, therefore, cannot contribute; while it is a matter that really affects every single person who interfaces with any business or financial organization. The public education is critical, post passage.

Mr. Speaker, before I end I also wanted to go on record on behalf of the UNC Alliance Members to express our very deep sympathy to the Government and citizens of St. Lucia, our Caricom neighbour and partner, on the passing of Sir John Melvin Compton, the father of the nation of St. Lucia, who passed away quite recently after a prolonged illness. We extend to the Government and people of St. Lucia our very deepest condolences and acknowledge the work that Sir John has done in St. Lucia and, by extension, the wider Caribbean over a generation in bringing the Caribbean to its level of development, growth sophistication; not only for the benefit of the people of St. Lucia but, indeed, for the Caribbean and Caricom region.

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

Mr. Chandresh Sharma (Fyzabad): Mr. Speaker, I just have a few points to raise. While the Member for Oropouche has indicated the collective support of all

Members, there are a few issues that I need to raise. One is that over the years bankruptcy has seemed to favour those who have contacts.

For instance, big businesses are able to borrow money from the State. If you recall, in the early days we had the Industrial Development Corporation (IDC) and other organizations. I remember the Member for Diego Martin Central was involved with the IDC in the early days in some capacity.

These businesses would get money and after a while declare an inability to pay. It always went in their favour and the fallout from it was the small man, the persons who were engaged and provided goods and services. For years and years they were unable to recover any moneys from it. In recent times the question has also been asked about persons who purchase services from the banks; oftentimes they seem not to be clear on what the bank rates are and how they should be treated with. I thought the passage of this particular legislation would make sure to take into consideration the small man. As the Member for Oropouche indicated, we need to have a good educational drive about this so that more people could understand what is being considered.

The other area of concern is those persons who, for one reason or the other, may be unable to pay at some particular time and might be declared bankrupt by the courts. What provisions are there to treat with them at a later time when they might be in a better position to clear up their bills?

We know of a scheme where persons borrow from financial institutions across the country and based on certain fees they have to pay, the rebate, if any, comes to them at a high cost which they have to pay from earnings which they may not always have. In addition to that, we also found cases where persons were not guided properly or things were not made clear to them on the conditions they were entering into with loan arrangements and they had to pay much more than they anticipated.

This is my last point. We have seen recently what appears to be a foreign exchange scam, in that persons are purchasing foreign exchange, whether US or pounds, at a much higher rate than what may appear to be legal. In some instances they might have a foreign account with either US or Canadian dollars, and when they need to send money abroad they have to sell it to some financial institution and purchase it at a higher rate. The Government needs to make sure of this. I am surprised that for some reason the Government did not take earlier action on it.

In addition to that, we will like to make sure that as much as possible the small business person, for example, those who borrow money from NEDCO and

other institutions, are told what their conditions are for borrowing. For instance, how are student loans going to be treated under this particular arrangement? When a student graduates after taking a student loan, oftentimes he or she is required to come back and serve the Government. They may not be able to get a job in the area for which they are qualified for three or four years.

I know of persons who have to wait long periods for work or have gone to the private sector. The arrangement of their contract was to work in the government service and for some strange reason that is not being considered.

I am hoping that the Minister in his reply will indicate that this legislation will be in the interest of all the citizens of Trinidad and Tobago and everything will be done to make sure that all the persons who need to benefit from it, can still do.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I thank my colleague on the committee, the Member for Oropouche, for pointing out certain issues which engaged the committee such as workers' rights, the transfer of undertaking and the issue of public education. All these issues were discussed by the committee. He was correct that those were some of the things that we needed to do post the passing of this legislation.

I join with him also in expressing condolences to the family of Sir John Compton in St. Lucia, one of the earlier statesmen in this region, ranking with persons such as Dr. Eric Williams, Barrow of Jamaica, Norman Manley and St. Kitts' Bradshaw. There is now a complete change of the guards.

Of course, it seems that some of us are about to be changed also, but we shall see. [*Laughter*]

I beg to move.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the Bill be now read the third time.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House be now adjourned to Wednesday, September 12, at 1.30 p.m. [*Interruption*] We will be finishing the Bail (Amdt.) (No. 3) Bill and the Medical Board Bill.

Condolences

Monday, September 10, 2007

Condolences

Sir John Melvin Compton

Mr. Speaker: Hon. Members, I too will like to join the Leader of Government Business and the hon. Member for Oropouche in extending condolences to the family of the late Sir John Compton and the people of St. Lucia on his passing.

Question put and agreed to.

House accordingly adjourned.

Adjourned at 10.33 p.m.