

*Leave of Absence*

*Friday, January 29, 2010*

**HOUSE OF REPRESENTATIVES**

*Friday, January 29, 2010*

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 following Members requesting leave of absence: the hon. Dr. Hamza Rafeeq, Member of Parliament for Caroni Central, from sittings of the House during the period January 29 to February 12, 2010; the hon. Roger Joseph, Member of Parliament for La Horquetta/Talparo, from sittings of the House during the period January 25 to January 31, 2010; and the hon. Stanford Callender, Member of Parliament for Tobago West, from sittings during the period January 28 to January 30, 2010. The leave which these Members seek is granted.

**PAPERS LAID**

1. Annual audited financial statements of the National Broadcasting Network Limited for the financial year ended December 31, 2004. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
2. Annual audited financial statements of the National Broadcasting Network Limited for the financial year ended December 31, 2005. [*Hon. K. Nunez-Tesheira*]
3. Annual audited financial statements of the National Broadcasting Network Limited for the financial year ended December 31, 2006. [*Hon. K. Nunez-Tesheira*]
4. Annual audited financial statements of the National Broadcasting Network Limited for the financial year ended December 31, 2007. [*Hon. K. Nunez-Tesheira*]
5. Annual audited financial statements of the National Broadcasting Network Limited for the financial year ended December 31, 2008. [*Hon. K. Nunez-Tesheira*]
6. Audited financial statements of the Trinidad and Tobago Entertainment Company Limited for the financial year ended September 30, 2008. [*Hon. K. Nunez-Tesheira*]  
*Papers 1 to 6 to be referred to the Public Accounts (Enterprises) Committee*
7. Annual report of the Trinidad and Tobago Heritage and Stabilisation Fund for the year ended September 30, 2009. [*Hon. K. Nunez-Tesheira*]

*Papers Laid*

*Friday, January 29, 2010*

8. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Public Transport Service Corporation for the year ended December 31, 1996. [*Hon. K. Nunez-Tesheira*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Public Transport Service Corporation for the year ended December 31, 1997. [*Hon. K. Nunez-Tesheira*]
10. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Public Transport Service Corporation for the year ended December 31, 1998. [*Hon. K. Nunez-Tesheira*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Land Settlement Agency for the year ended December 31, 2001. [*Hon. K. Nunez-Tesheira*]

*Papers 7 to 11 to be referred to Public Accounts Committee.*

12. Annual report of the Board of Film Censors for the period 2006—2008. [*The Minister of Information (Hon. Neil Parsanlal)*]
13. Annual report of the Protective Services Compensation Committee for the period January 01, 2007 to December 31, 2008. [*The Minister of State in the Ministry of National Security (Hon. Donna Cox)*]

**DEFINITE URGENT MATTER**

**(LEAVE)**

**Supply of Pipe or Truck Borne Water  
(Continuing Failure or Refusal)**

**Miss Mickela Panday** (*Oropouche West*): 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 at today's sitting, for the purpose of discussing the following matter as a definite matter of urgent public importance, namely the continuing failure or refusal of central government to take any steps whatsoever, to alleviate the hardships suffered continuously for the last two months by the residents of Pluck Road, Timital, Tulsa Trace in San Francique, Suchit Trace in Debe, and Gaya Trace in Penal, namely the inhumane hardship caused by no supply of pipe or truck borne water.

Mr. Speaker, the matter is definite, because it is in relation to a specific and distinct failure or refusal of the central government, to take steps, to alleviate hardships suffered in a specific and distinct area, and by a specific and distinct group of residents.

The matter is urgent because:

- (a) the residents have continuously been without any water supply for the last two months; and
- (b) there is an imminent risk and real danger of contamination, disease, pestilence and a public health catastrophe with the real likelihood of illness and death.

The matter is of public importance, because it is the responsibility of the State, through central or local government, to protect our citizens from danger and to ensure that the health of the public is so protected.

I thank you. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, this Motion does not qualify under Standing Order 12 and it can be moved under Standing Order 11.

**STATEMENTS BY MINISTERS**  
**University of the West Indies**  
**(Expansion of LLB Programme)**

**The Minister of Science, Technology and Tertiary Education (Hon. Christine Kangaloo):** Thank you, Mr. Speaker. I am authorized by the Cabinet to deliver the statement on behalf of the Government of Trinidad and Tobago.

You would recall, Mr. Speaker, that this Government has repeatedly signalled its intention to put infrastructure and systems in place to facilitate the development of the knowledge and skills of our citizens as a major strategy for advancement towards developed country status by the year 2020.

In this regard, I am pleased to announce a decision taken by the Government of Trinidad and Tobago, with respect to the Faculty of Law at the St. Augustine Campus of the University of the West Indies. Permit me to give a brief history of the nature of education in law, in the Caribbean.

In 1970, the Council of Legal Education was established. The Treaty of the Council of Legal Education set up a scheme for legal education and training suited to the needs of the Caribbean. Under this Treaty, the status, functions and powers of the four participating territories, namely Jamaica, Barbados, Guyana and Trinidad and Tobago are clearly laid out. The Faculty of Law at the University of the West Indies was established in 1970 at the Cave Hill Campus in Barbados, offering a three-year LLB programme as the first stage of the new scheme for legal education and training in the English-speaking Caribbean.

*UWI (Expansion of LLB Programme)*  
[HON.C. KANGALOO]

*Friday, January 29, 2010*

This scheme prescribed dual qualifications for the practice of law. Firstly, there would be compulsory academic training in law to be provided by the Faculty of Law of the University of the West Indies, which is the LLB degree, and this was to be followed by a two-year period of practical professional training leading to the Certificate in Legal Education at the two law schools, Hugh Wooding Law School in Trinidad and Tobago and the Norman Manley Law School in Jamaica, both administered by the Council of Legal Education.

Recently, a third law school, the Eugene Dupuch Law School was established by the Council of Legal Education in the Bahamas. Initially, teaching of law at St. Augustine, Mona and at the University of Guyana was confined to the first year of the LLB programme only, with the last two years to be completed at the Cave Hill Campus of the University of the West Indies.

In the early 1990s, the University of Guyana requested and began teaching Years II and III of the LLB programme with the agreement of the Council of Legal Education and the University of the West Indies. The University of Guyana now has its own LLB programme, which is externally examined by the University of the West Indies.

Article 3 of the Treaty of the Council of Legal Education treats with the issue of administration to law schools, and sets out certain restrictive conditions for the eligibility of students for entry into law schools. In essence, Mr. Speaker, a person who holds a University of the West Indies LLB degree, or a person who holds a degree from a university or institution which is recognized by the Council as being equivalent to the LLB obtained from the University of the West Indies, is eligible for admission to the law schools, subject to the availability of places and to such conditions as the Council may require.

Mr. Speaker, for students who are pursuing the LLB at institutions other than the University of the West Indies, it has been the practice of the Council to award places in the law schools on the basis of performance in an examination. Invariably, the number of students who sit the examination is so large, that less than 10 per cent of them are eligible to gain entry into the law schools. There has been a growing demand from students from the Caribbean and the Caribbean diaspora, to study law at the University of the West Indies.

In a 2007 report, the Dean of the Faculty of Law at the University of the West Indies noted that there were some 1,700 applications for 124 places available under the quota system, and that in an effort to meet the pressing demands by students, many of whom are competitive academically, 166 were admitted to first year programmes at the Mona, St. Augustine and Cave Hill Campuses.

In 2009, there were 2,660 applicants to the Faculty of Law in the three campuses of the University of the West Indies, with 982 of these coming from Trinidad and Tobago. In the academic year 2008/2009, there was a total of 223 Trinidad and Tobago students pursuing the LLB degree at the University of the West Indies in all three years, with 71 of these being in the first year at St. Augustine Campus.

In 2009/2010, 49 nationals were admitted to the first year at the St. Augustine Campus. It is therefore clear, that the demand for places in the Faculty of Law at the University of the West Indies far exceeds the capacity, and students are accessing other means of attaining the LLB, studying in the United Kingdom, registering in offshore or online LLB programmes.

Caricom Heads of Government in 2007 asked the University to take decisive steps to expand the number of places in the Faculty of Law to accommodate the considerable student demand. In response, the Vice Chancellor of the University commissioned studies to consider the expansion of the Faculty of Law at the University, and by extension, the expansion of the law schools to accommodate the increased number of graduates expected.

Mr. Speaker, our new realities dictate a new response. As stated before, Guyana is now offering the full three-year programme in law at the University of Guyana. The College of the Bahamas has initiated the UWI LLB programme, the University of Technology in Jamaica in 2008 also commenced an LLB Programme, and now the Mona Campus of the University of the West Indies has embarked on an expanded Year I intake towards a full three-year programme in law.

Under these circumstances and recognizing the needs of its nationals, the Government of Trinidad and Tobago has agreed in principle, to the expansion of the Faculty of Law at the St. Augustine Campus of the University of the West Indies, to provide for a full three-year LLB programme for nationals of Trinidad and Tobago in particular, replacing the one-year programme now in effect and allowing for a greater intake of students on an annual basis.

**1.45p.m.**

Not only would this allow increased access to the University of the West Indies LLB programme and its positive implications for entry into the Hugh Wooding Law School, but it would significantly reduce the cost of UWI LLB students who, notwithstanding the provisions of the GATE and the Higher

*UWI (Expansion of LLB Programme)*  
[HON.C. KANGALOO]

*Friday, January 29, 2010*

Education Loan Programme (HELP) offered by the Government of Trinidad and Tobago, had to meet additional expenses in Barbados.

Expanding the Faculty of Law at St. Augustine would bring additional benefits to nationals of Trinidad and Tobago, through the offering of post-graduate programmes in law relevant to the development of Trinidad and Tobago, as well as the provision of courses in law to other students on campus, outside of the Faculty of Law; for example, those in the Faculty of Social Sciences, medicine and engineering. The expanded faculties would also provide opportunities for continuing education for those practising law in Trinidad and Tobago.

Mr. Speaker, a site of approximately 6,940 square feet which is located at Cheesman Avenue, off Gordon Street, St. Augustine, and owned by the University of the West Indies, has already been identified as the site for the expanded Faculty of Law. In making this decision to expand the Faculty of Law at the St. Augustine campus, the Government of Trinidad and Tobago has recognized that attention must be paid to the expansion of the facilities of the Hugh Wooding Law School. This matter is under active consideration by the office of the Attorney General.

This Government is of the view that human capital development achieved through formal education significantly benefits the country. Investment in the country's tertiary education sector is of prime importance, particularly as this country intends to leverage this sector to develop knowledge capital which would make Trinidad and Tobago internationally competitive.

The Government of Trinidad and Tobago relentlessly continues to focus on financing and directing special initiatives and programmes for national human resource development. We are confident that by providing funding and technical support for our institutions and students within the tertiary sector, we are able to produce an educated society and workforce, one in which we can facilitate and encourage a culture of lifelong learning.

I thank hon. Members for their kind attention and Mr. Speaker, I thank you.

**Water and Sewerage Authority**  
**(Dry Season Measures)**

**The Minister of Public Utilities (Hon. Mustapha Abdul-Hamid):** Mr. Speaker, I have been authorized by the Cabinet to make the following statement which details measures that have been taken by the Water and Sewerage

Authority in view of the limited rainfall experienced in last year's rainy season and the extremely dry conditions expected in the first six months of this year.

For years, across several governments, the delivery of water in a manner that meets the public's expectation has persisted as a serious challenge. In some areas of the country the water service leaves a lot to be desired. As stated previously, this is not acceptable to the Government or the people of Trinidad and Tobago, but the challenge we face is not insurmountable. Indeed, the board of WASA has been working very hard to address this situation and has prepared a comprehensive plan to be implemented in the shortest possible time.

The first order of business has, therefore, been to address the issue of the quality of management. Mr. Speaker, 18 months ago a new board was appointed. This new board, having assessed the situation, concluded that certain management changes needed to be made to effect more efficient operations. After a robust and comprehensive international recruitment exercise, WASA has over the last several months appointed a new deputy chief executive officer, a new chief operations officer, a new head of finance, new senior engineers and additional personnel to an upgraded management team. In addition, a new chief executive officer has been identified and will take up his appointment in the coming weeks.

The board with the new management has revisited and overhauled the organization's structure which when implemented would see a quantum leap in efficiency across the authority. In short, the new structure calls for the decentralization of functions to allow for greater accountability and improved service delivery to our citizens.

The Water and Sewerage Authority's new management has promptly developed a management action plan which is an accelerated and rapid development plan with a target of providing water to the population within the next 18 months, as follows: 70 per cent of the population to receive a supply four to seven days per week; 25 per cent of the population to receive a supply three to four days per week and 5 per cent of the population will receive a supply one to three days per week. These targets are the minimum and are considered realistic and achievable. More details with respect to the management action plan would be the subject of another statement to this honourable House.

More immediately, all indications are that the country is faced with a particularly severe dry season. The World Meteorological Organization has indicated that an El Niño event is at present occurring in the Pacific. In general, an El Niño event results in a harsher than normal dry season in the Caribbean, as

WASA (*Dry Season Measures*)  
[HON. M. ABDUL-HAMID]

*Friday, January 29, 2010*

the Intertropical Convergence Zone, which is one of our main rain producing features, slips further South producing less rainfall in the region. The Met Office also advised that Trinidad and Tobago experienced below normal rainfall for the 2009 wet season, with lower than forecasted levels between October and December, when rainfall was only 25 per cent of what was expected. Rainfall for the 2010 dry season is forecasted to be below normal.

With specific reference to the Caroni/Arena system, which is the largest production facility, the long-term average for the month of January is 95.7 millimetres. For the month of January 2010, the Met Office in a conservative estimate forecasted rainfall to be 38.3 millimetres as a worst case scenario. Up to January 21, 2010, rainfall was only eight millimetres, showing a significant deficit. This would have impacted on the flows in rivers from which WASA draws water for treatment and subsequent distributions. The implications of this situation are clear.

Mr. Speaker, the 2010 dry season projections fit together with those of the National Oceanographic and Atmospheric Administration of the United States of America. Indeed, acute rainfall shortages have been experienced across the region, with countries like Antigua and Barbuda, Barbados, St. Vincent and the Grenadines, St. Lucia, Cuba, Jamaica and neighbouring Venezuela all experiencing extremely low rainfall or what might be described as drought conditions.

The present water levels in reservoirs around the country are well below their long-term averages for this time of year. The Arena Reservoir is currently at 65 per cent of its capacity, where the long-term average is 94 per cent; the Navet reservoir stands at 80 per cent, where its long-term average is 91 per cent; the Hollis Reservoir is at 76 per cent compared to an 89 per cent long-term average and the Hillsborough Reservoir is at 80 per cent, its long-term average being 94 per cent.

In terms of the overall water supplies available in Trinidad and Tobago, 60 per cent comprise surface water, 30 per cent is derived from wells and desalination makes up the remaining 10 per cent. Although production from wells and desalination is largely unaffected, the acute dry season conditions are having a severe impact on the surface water sources, the country's primary source of supply. The Caroni/Arena system alone, at the best of times, has a supply capacity of up to 75 million gallons per day or approximately 35 per cent of WASA's overall production. Today, water production at Caroni stands at 60 million gallons per day. Based on projections, WASA, on the advice of the Water Resources Agency, has determined that in order to maintain a supply over the next few



months and to the end of the dry season, the total volume of production at the Caroni/Arena Reservoir, the one which is most severely affected by the harsh dry season conditions, must not exceed 50 million gallons per day. Production at all our major reservoirs must also be carefully managed; failure to do so would be considered impudent and create greater difficulty in the coming months.

It should be clear that part of the water supply management plan for the 2010 dry season, must be to utilize judiciously the reserves as they exist to ensure that they last well into the dry season. Of course, this applies both to WASA and to consumers. With the initiatives that WASA will be undertaking and the sensible use of water on the part of consumers, the effects of the dry season could be mitigated and there would be sufficient water available to meet the needs of the population.

It is also important that customers understand that as you take water off the system for your own use, it then becomes unavailable for someone else at the end of the line. To the extent that those citizens who live closer to the supply source allow water to be wasted, we are literally depriving someone else of a supply and, by our own actions, creating a crisis elsewhere along the pipeline.

Mr. Speaker, I turn to some specific interventions for the 2010 dry season.

The comprehensive 18-month management action plan referred to earlier would have identified a number of projects. As indicated, this plan would be presented in its entirety shortly. As part of WASA's dry season mitigation measures, several projects extracted from this plan will be accelerated for immediate implementation over the next one to four months. Among the projects for immediate implementation is the strategic installation of five portable water treatment plants, each with a production capacity of 500,000 gallons per day, which would benefit consumers in the following communities: La Fortune in Point Fortin, Clarke Road in Penal, Fyzabad, Matura and Talparo. It should be noted that these plans are intended to target specifically those communities most affected.

The close proximity of the production facilities to the consumers would minimize or eliminate competition for the water and other transmission challenges, making the water more directly available to the people. The Water and Sewerage Authority is also moving aggressively to complete and bring into production 34 new wells. Consequently, consumers in the following areas will see an improvement in their supply: Arima, Arouca, Bacolet, Biche, Bloody Bay, Brazil, Caparo, Cumuto, Englishman's Bay, Freeport, Fyzabad, Guanapo, Guapo,

WASA (*Dry Season Measures*)  
[HON. M. ABDUL-HAMID]

*Friday, January 29, 2010*

Las Lomas, Lopinot, Mount Irvine, Penal, Plum Mitan, Point Fortin, Santa Cruz, Scott's Road, St. Clair, St. Augustine and Todd's Road. These 34 wells are within communities and are dedicated to the service of these communities. There is, therefore, minimal risk of wastage elsewhere affecting supply where local sources are utilized, as is often the case when large volumes of water are moved over great distances through many different communities.

Mr. Speaker, in addition to the new water WASA intends to win from the wells and the portable water treatment plants, on December 03, 2009, just over one month ago, WASA signed an agreement with Desalcott, contracting it to increase its production of desalinated water from 27 million gallons per day to 40 million gallons per day, within a three-month period. This additional 13 million gallons per day of desalinated water, is expected to reduce the burden on the Caroni and Navet reservoirs and maintain the service to Central and South Trinidad. At present, the plant is producing water at a rate of 30 million gallons per day.

Also within the four-month period, four small package desalination plants with a combined production of 5 million gallons per day, will be deployed in Point Fortin, La Brea, Woodlands and Erin. These combined with other interventions are expected to provide relief even beyond the dry season. In short, WASA has assured the Government that it is confident that these measures would address the issue of the supply of water and, very importantly, in the right areas. Combined with proper use, the supply can sustain the population until the comprehensive plan is completed in 18 months.

### **2.00 p.m.**

Mr. Speaker, system optimization is another key component of the water supply management plan for the dry season. WASA's new management is confident that it can install the pipelines in the required time-frame as follows: 1.6 kilometres of pipeline will be installed from Four Roads, Diego Martin to Cocorite, this will facilitate connectivity between Diego Martin and the Caroni transmission system to permit water transfer between the two areas. This allows redirection of flow on the Caroni system to other areas where necessary.

WASA expects that with a February start date, this will be completed by March 23, 2010. A 2.8 kilometre pipeline will connect Tucker Valley to Carenage. This will increase the transmission capacity to the School Street Booster Station to improve supply to Carenage. This will be started by February 01, 2010 and should be completed by March 11, 2010. The 1.6 kilometres of new pipelines from

Desalcott to Caroni would permit the pumping of additional water from Desalcott to WASA's south trunk main system for transmission to south-west Trinidad. This project has already started and should be completed by the end of February 2010.

Point Lisas to Claxton Bay: a 3.7 kilometre pipeline will enable new supply from the Caroni Water Treatment Plant to Claxton Bay and will maximize benefits from the increased production at Desalcott to south-west Trinidad. This project should be completed by March 30, 2010.

Claxton Bay to Gasparillo: a 5.8 kilometre pipeline will improve the supply to Gasparillo. In terms of delivery time, the project is expected to be completed by April 14, 2010.

Point Fortin to La Brea: 12.6 kilometres of pipeline would complete the localized transmission in the south-western peninsula and permit distribution of water from existing and proposed new sources. The project is set for completion in May 2010.

Courland Water Treatment Plant to Buccoo: A 12-kilometre pipeline will be installed, the replacement of the existing main will reduce leakage and improve service to Bon Accord, Crown Point, Mount Irvine, Black Rock and environs. This project is set for delivery in June of this year.

Englishman's Bay to Runnymede: 12 kilometres of pipeline are expected to improve the level of service to communities such as Castara, Moriah, Runnymede and environs. This project is also due in June.

Mr. Speaker, leak management: WASA's new management has identified some 400 leaks on its pipeline network that are responsible for the greatest loss of water on its end. In this regard, WASA has embarked on an aggressive programme aimed at repairing all these leaks. The new management is also introducing measures to enable WASA to respond to major reported leaks within an acceptable time frame.

Mr. Speaker, WASA recognizes that it bears a greater burden to get its own house in order with respect to leak management as they ask consumers to manage their consumption and fix their leaking faucets and plumbing.

Water conservation measures. Mr. Speaker, on December 01, 2009 WASA launched its national water conservation public education programme. The programme is ongoing, but large segments of the national population have not been responsive. It is evident that in many areas with level A service four to seven days per week, water is indeed being wasted.

WASA (*Dry Season Measures*)  
[HON. M. ABDUL-HAMID]

*Friday, January 29, 2010*

Additionally, a large percentage of water losses occur within homes as a consequence of irresponsible use, or where leaks remain unattended. WASA proposes to utilize measures afforded under the Water and Sewerage Authority Act better to manage supplies where waste is occurring. WASA will give 48 hours notice to the public before any course of action is pursued.

**Improved Public Education:** WASA proposes to update the public continually on the situation with regard to the water supplies during the 2010 dry season by robust public education and information programmes that will encourage citizens to use water responsibly.

**Water schedules:** At this time, WASA is paying close attention to the water distribution schedules in order to ensure proper management of the system. A more robust oversight system will be implemented with a view to ensuring that schedules are maintained and WASA has given the assurance that where schedules have to be adjusted, consumers will be kept informed.

In addition to the above measures, there are several other initiatives planned for 2010 which will continue to be progressed. These include the implementation of a Supervisory Control and Data Acquisition system, a SCADA system; development of new surface reservoirs with Petrotrin; ongoing pressure management works; continuous programme of installing pressure reducing valves and meters to all new connections and commercial customers; the replacement of the Navet Trunk Main; the continuous programme of replacing old, leaking, encrusted galvanize and cast iron distribution lines; and improvement to the schedule management.

Mr. Speaker, the deleterious impact of this year's severe dry season can definitely be minimized. It would require committed and responsible management, not least in ensuring that schedules are adhered to. WASA will certainly do its part by identifying and utilizing additional sources of water, optimizing and extending the pipeline infrastructure and fixing leaks on the network. The judicious use of water from surface sources will indeed go a long way towards ensuring that sufficient water is available to citizens over the course of the entire dry season but these efforts and initiatives will only work if the population is prepared to assist in the water conservation effort.

Mr. Speaker, the Government is confident that the people of this country have the capacity and wherewithal to get through this difficult time.

Mr. Speaker, I thank you and I thank the honourable House.

**TRINIDAD AND TOBAGO REVENUE AUTHORITY BILL**

Bill to establish the Trinidad and Tobago Revenue Authority and for related matters [*The Minister of Finance*]; read the first time.

**PRISONS (AMDT.) BILL**

*Order for second reading read.*

**The Minister of State in the Ministry of National Security (Hon. Donna Cox):** Mr. Speaker, I beg to move,

That a Bill to amend the Prisons Act, Chap. 13:01 be now read a second time.

Mr. Speaker, hon. Members, before you today is an amendment to the Prisons Act, Chap. 13:01. Today, the Government seeks to amend section 8 and section 17 of this Act.

Members of this honourable House will recall that just recently an amendment to the Prison Rules was passed which amended Rule 178 and Rule 233(2). These amendments dealt respectively with expanding the power of search to a wider body of officers and expressly prohibiting the use of cellphones, electronic devices and any other equipment and component that facilitate the transmission and reception of data.

This Bill today is meant to reinforce these amendments made to the Prison Rules by introducing stiffer penalties which would now include for the first time imposing a term of imprisonment for bringing prohibited articles into the prison and expanding the powers of the Minister to make rules to effectively manage the nation's prisons.

Dialogue was held with the Prison Officers Association and the Executive of the Trinidad and Tobago Prison Service in the drafting of the amendment to this Bill and they recognized that the proposed enactments will only redound to their benefit as well as that of the citizens of Trinidad and Tobago.

Additionally, one of the amendments we are introducing today will widen the Minister's power to make prison rules. This amendment will facilitate the introduction of the proposed new prison rules which will be laid in Parliament in the near future. One of the pioneering features of these prison rules is the introduction of a concise system of compulsory drug testing of prisoners.

Mr. Speaker, hon. Members, the 2002 Cabinet-appointed Task Force Report on prison reform and transformation clearly outlines at paragraph 15.3 that with its mandate of secure custody, treatment and training, the Trinidad and Tobago Prison Service must aim to prepare offenders for their return as useful, law-abiding and productive citizens to the wider society.

*Prisons (Amdt.) Bill*  
[HON. D. COX]

*Friday, January 29, 2010*

To this end, the prison service was mandated by that Task Force Report to provide programmes to assist offenders in meeting their individual beliefs in order to enhance their potential for reintegration as law-abiding citizens. Several programmes have since been introduced to cater for prisoners' special needs: educational programmes such as literacy, numeracy and CXC, life skill programmes, orientation programmes, pre-release and anger management.

Specifically related to the Bill before you today several drug rehabilitation programmes were also introduced. This amendment we are introducing through this Bill will surely strengthen the effectiveness of these current drug treatment programmes.

The Bill will also impact strongly upon the ability of the prison service to detect contraband and will improve the security environment of the prison by lessening inmates' misconduct and criminality and reducing the availability and accessibility to prisoners of dangerous weapons and illegal drugs.

Mr. Speaker, hon. Members, I wish to now take you through the five clauses of this Bill.

Clause 1 gives the short title of the Bill as the Prisons (Amdt.) Bill, 2010.

Clause 2 states that the Act would have effect even though inconsistent with sections 4 and 5 of the Constitution.

Mr. Speaker, section 13 of the Constitution of Trinidad and Tobago enables Parliament to pass an Act and declare that it shall have effect notwithstanding that it may be inconsistent with sections 4 and 5 of the Constitution, once the Act is shown to be reasonably justifiable in a society that has proper respect for the rights and freedom of the individual.

The rationale behind this clause is that the process of mandatory drug testing on inmates, which we propose to implement, could be deemed to be invasive and would involve obtaining intimate samples such as urine and blood and non-intimate samples such as hair, saliva and oral buccal transudate from a prisoner in order to test for the presence of illegal substances.

Mr. Speaker, this Government is quite sensitive to the need to safeguard an individual's human rights regardless of the circumstances in which a citizen may have found himself.

However, the Government strongly believes that it is imperative that the existing legislation is amended in order to fulfil the necessary objectives of

incarceration in this case to create a drug-free environment in the prisons and to implement proper and effective treatment for inmates who use and abuse drugs.

Clause 3 merely seeks to give an interpretation whereby any reference to the Act means the Prisons Act. This was included as any reference to the Prisons Act must be distinguished from other prison legislation such as the Prison Service Act, Chap. 13:02 and the Prison Rules recently amended before this honourable House.

Clause 4 of the Bill amends section 8 of the Act by deleting the words “one thousand dollars” and substituting the words “twenty-five thousand dollars”, as well as imposing a term of imprisonment for three years where there was no term before.

With this amendment, the section will now read as follows:

“Any person who brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought into or carried out of any prison any prohibited article is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for three years.”

Mr. Speaker, the Trinidad and Tobago Prison Service has instituted a number of security measures to aid in the detection of prohibited items. Regular searches are conducted on visitors, officers and of prisoners and of prison cells. The officers currently utilize very useful and effective searching equipment such as baggage scanners, walk through metal detectors, hand-held cellphone and narcotic detectors and body orifice security scanners.

### **2.15 p.m.**

Additionally, CCTV systems have been installed to assist in securing the prison periphery and to catch any would-be traffickers who may wish to throw contraband over the prison walls. Moreover, as cellular phones have been expressly deemed to be a prohibited article by the recently passed amendment, steps are being taken by the prison authorities to strictly prohibit both officers and visitors from entering the prisons with cellphones.

With effect from February 01, 2010, visitors will not be allowed to enter the prisons with cellphones. Prison officers and servants of the prisons shall lodge their cellphones at the gate lodge before proceeding into the prisons. A proposal is currently being developed by potential service providers to install secure pay-phone systems within the prisons for use by officers. A similar facility with specially programmed features will also be acquired for inmates, all in an effort to again rid the prisons of the cellphone menace.

In routine searches conducted by prison officers in six of the nation's prisons in the month of December 2009, the following prohibited articles were seized:

- 163 cellphones;
- 154 cellphone chargers;
- 166 cellphone batteries;
- 83 SIM cards;
- 121 improvised weapons;
- \$1,980.84;
- 212.6 grammes of cocaine; and
- a quantity of plant-like substance resembling marijuana.

Mr. Speaker, and hon. Members, it is evident from these figures that the present fine of \$1,000 has not proven to be an effective deterrent to persons who are involved in the trafficking of prohibited articles into the prisons. In particular, the trafficking of the prohibited items of cellphones into the prisons has caused a great deal of consternation.

I wish to remind Members of the local statistics which reveal that between January 2008 and November 2009, a total of 1,143 cellphones were confiscated throughout the seven prisons and the Youth Training Centre in Trinidad and Tobago. The proliferation of these cellphones within the prison walls has been harmful to national security and has proven to be a legitimate danger to the lives of officers, members of staff and the public at large.

Crime lords continue to manage their organizations from within their cells, using cellphones to conduct money laundering and drug transactions or to engage in the commission of other criminal acts, such as kidnapping, extortion, smuggling of contraband into and out of the prisons, planning prison escapes, witness intimidation and even executions.

The situation has reached to a critical stage whereby this Government needs to institute more stringent measures to provide the solution to the large number of prohibited articles that enter and exit prison walls. By increasing the present fine from \$1,000 to \$25,000 and introducing for the first time a term of imprisonment, it is envisaged that this would prove to be a much more effective deterrent in discouraging would-be traffickers.



Clause 5 of the Bill seeks to expand the power of the Minister of National Security to make rules under section 17 of the Act. It does this by deleting the word "and" and in section 17(1)(q) deleting the existing paragraph (r) and inserting thereafter paragraph (r), (s) and (t).

Paragraph (r) would now empower the Minister to make rules relevant to the conducting of searches of officers, servants of the prisons and visitors. Currently, in this jurisdiction, as is the case in the United Kingdom and other Commonwealth countries, rules for searching are made under the Minister's power to make rules for the effective administration of this Act, for the good management and government of prisons and the discipline and safe custody of prisons.

This is the present section 17(1)(r) of the Act. Currently, the prison rule regarding searching is Rule 234 which states that all persons or vehicles entering or leaving any prison may be examined and searched and any person suspected of bringing any prohibited article into any prison or of carrying out any prohibited article or any property belonging to a prison, shall be stopped and immediate notice shall be given to the Commissioner.

However, given the importance of searching within the modern penal system and the importance of preserving and protecting the fundamental rights guaranteed to all citizens under sections 4 and 5 of the Constitution, it was decided to make explicit and unambiguous reference to the Minister's powers to make rules regarding searching.

To ensure synchronization, the proposed draft prison rules which will soon be laid in Parliament, contain directions regarding the conduct of searches upon staff members, prisoners and members of the public. While these proposed measures can be seen as potentially invasive of a person's right to security of the person and respect for his private and family life, these procedures are absolutely necessary for the maintenance of security within the nation's prisons. Moreover, this is the first time that any government will be introducing an entire new body of Prison Rules under the existing parent legislation, that being the Prisons Act, Chap. 13:01, which we are amending today.

When the current 1838 Prison Rules were formulated, Trinidad and Tobago did not yet have a Constitution. Now that we have a Constitution, this Government is mindful that great care must be taken that any subsequent rules or laws passed, take into account the rights of the nation's citizens, be they prisoners, employees of the State or members of the public. In this regard, we have thus

chosen to make specific reference of the Minister's powers in the parent legislation to provide rules for the conduct of such searches on members of staff and the public at large.

Hon. Members, the introduction of subclause 17(1)(s) provides for the Minister's power to make rules for the compulsory drug testing of prisoners. This is a very important development in our approach to the search and subsequent treatment of offenders who abuse illegal drugs. In developed jurisdictions, like the Republic of Ireland, the United States and the United Kingdom, mandatory drug testing is an integral part of the prison security landscape. According to a report entitled: *The impact of mandatory drug testing in prison*, commissioned by the UK Home Office in 2005, the use of mandatory drug testing among the local prison population has significantly increased the detection and with it, the possibility of treatment for marijuana use among the inmate population.

In the United Kingdom, mandatory drug testing is intended to monitor drug taking in custody to deter prisoners from misusing drugs and to identify individuals in need of treatment.

The 2005 study concluded that the drug prevention measures in prisons, of which the mandatory drug testing is a major element, appear to be actively discouraging drug use, particularly of cannabis. The proportion of prisoners who had reported that they use any drugs, fell from 66 per cent in the month before prison to 25 per cent in custody. A quarter of the prisoners had stopped using cannabis while in prison.

The introduction of this type of testing in Trinidad and Tobago promises to provide a new tool to help search for and curb this type of illicit drug use in prison. Similar successes in detection and treatment have been reported in the United States of America where such testing is widely employed. In a 2001 US Report entitled: *"Drug Treatment in the Criminal Justice System"* prepared by the White House office of National Drug Control Policy, it was reported that a survey conducted by the Bureau of Prisons showed that only 3.3 per cent of inmates who completed their residential drug abuse programmes were likely to be re-arrested in the first six months after release, compared with 12.1 per cent of inmates who did not receive any treatment. Similarly, the survey showed that among those who received treatment, 20.5 per cent were likely to use drugs in the first six months after release. In the group without treatment, 36.7 per cent use drugs during post-release.

In Trinidad and Tobago, the introduction of compulsory drug testing will complement and help sustain the existing programmes currently employed in our prisons, to treat inmates who have in the past abused illicit drugs. These

programmes consist of the Drug Information and Education Programme; Narcotics Anonymous Programme and the Therapeutic Community Programme, which essentially consists of a highly structured environment for the treatment of drug abusers and addicts, as well as for behaviour modification.

Currently, the Therapeutic Community consists of 25 inmates who live together in a structured environment that caters for a code of behaviour, peer to peer confrontation and discipline and professional counselling. It is a programme that relies on interaction within the peer group to help members confront the reality of their addiction and to subsequently commit to a lifestyle of change that will enable them to remain drug and crime free. With the introduction of this compulsory drug testing, it is expected that the task of identifying drug use among the prison population would make it easier to direct prison inmates into the most appropriate treatment programme.

I have already mentioned the drug treatment programmes provided by the Prison Service. It will work hand-in-hand with mandatory drug testing to effectively treat offenders to become productive, positive and contributing members of society upon their release. This is all part of the restorative justice philosophy that the prison service is currently guided by.

Clause 17(1)(t) was originally 17(1)(r) in the Act. This clause speaks for itself as it provides the Minister with the ability to make rules generally for the effective administration of this Act for the good management and government of prisons and the discipline and safe custody of prisoners. It provides a wide-ranging basis to provide for the making of rules that would ensure that the prisons are effectively managed and operated for the benefit of the prison staff, the inmates and the citizenry as a whole.

Other rules made under this general section are rules for fire prevention, safety of the environment, receiving of visitors, shifts officers may work and communications. Similar catch-all provisions are reflected in various jurisdictions, such as Ireland, the United Kingdom and other Commonwealth jurisdictions.

Hon. Members, the final amendment to be moved as an amendment to section 17(2) of the Act, wherein we are deleting the words "one hundred dollars" and substituting the words "twenty-five hundred dollars". With this amendment, the section will now read as follows:

"Rules made under this section may contain provisions for imposing on any person contravening the rules, a fine recoverable on summary conviction of twenty-five hundred dollars."

*Prisons (Amdt.) Bill*  
[HON. D. COX]

*Friday, January 29, 2010*

I am sure that this honourable House will agree that this amendment is prudent as the current fine of \$100 is clearly not an effective enough deterrent in terms of the penalty imposed. We wish to emphasize that the contravention of the Prison Rules should attract a much more substantial figure than the meager \$100 fine, as these Prison Rules are important to the maintenance of discipline, order and security within the prison system.

This amendment to the Prisons Act is necessary and crucial. Government's move to increase fines for breach of the Act and the Prison Rules is to ensure a much more effective deterrent to those who may wish to breach the law. The addition of a term of imprisonment for the trafficking of prohibited articles is also a ground-breaking one. The Government is determined to be tougher on those prisoners, prison officers and visitors who wish to continue the trafficking in contraband items and thereby endanger the lives of the staff and members of the public. We have also provided a means to discover, curb and treat with the use and spread of illegal drugs and contraband within the prisons, by making explicit reference in this amendment to the Minister's powers to make rules for the conducting of searches and the introduction of compulsory drug testing which, in itself, has proven to be a modern and useful tool in addressing one of the most dangerous challenges affecting developed penal systems, namely the use of illegal drugs.

These powerful amendments to the Prisons Act would not only pave the way for the effective enactment of the upcoming Prison Rules, soon to be introduced in the Parliament, but would also further create the possibility to ensure that the proper legal framework is created so as to enable the long-term treatment of offenders and with it, a possible reduction in the type of crimes that so often go hand in hand with the use of illegal drugs.

**2.30 p.m.**

I expect that my colleagues opposite would recognize that these amendments are necessary for the continued transformation of the prison service; for the restorative justice philosophy to be further entrenched and for the rehabilitative aspect of this philosophy to be further realized. With this in mind, I am sure they will join with us in support of this Bill.

I beg to move.

*Question proposed.*

**Dr. Tim Gopeesingh** (*Caroni East*): Mr. Speaker, within a period of six months or less, we have had two sets of amendments to the Prisons Act.

**Mr. Manning:** And one election.

**Dr. T. Gopeesingh:** That election will pave the way for us to defeat the PNM.  
[*Laughter*]

**Mr. Imbert:** In which lifetime?

**Dr. T. Gopeesingh:** The Prisons Act and the rules that govern it are so filled with irregularities that they require a number of changes even to the basic rules that go as far back as 1838. Some were changed in 1948. I expected the Government not to come with piecemeal amendments like they did last year to the rules, but now they come with amendments to the Prisons Act, just changing two or three areas. We would have appreciated a comprehensive change, modernizing the legislation that would have given satisfaction to the nation, including the Opposition.

The rules are so antiquated that it makes no sense for us to talk about them. I would give one of the rules: Rule No. 72 as a medical officer. It says:

"The Medical Officer shall report to the Colonial Secretary..."

Do we have any Colonial Secretary? Why did the framers not seek to undertake changes in that? My understanding is that there are six or eight institutions for the prison service and I believe that there are very few medical officers. I want to show one area again.

"The Medical Officer shall visit the Royal Gaol and the Female Prison daily not later than 8.00 a.m.; the Carrera Convict Prison three times a week; and the Youth Training Centre three times a week. He shall visit these stations more frequently if necessary..."

There is an insufficiency of medical doctors in the prison service and the practical application of these rules is not possible. These rules are of no consequence and should have been looked at in a holistic manner and changes made to the entire rules. Mr. Speaker, we look toward to the Government changing these rules.

I want to give one or two little examples to show the antiquity of these rules. Rule No. 18:

"The result of this inspection should be reported by him in writing through the Superintendent to the Colonial Secretary for the information of the Governor."

We do not have a governor or a Colonial Secretary.

**Mr. Manning:** We have a Constitution.

**Dr. T. Gopeesingh:** We have a Constitution, but there are rules governing the Prisons Act and we have been asked to amend some of the sections. We are showing that the piecemeal approach toward the whole question of the Prisons Act is unacceptable. Here this is talking about governor and Colonial Secretary and Rule No. 167 talks about the medical officer appointed by the governor.

The rules are so antiquated that it makes no sense bringing any amendment as far as the Prisons Act is concerned. There are 318 rules and most do not make sense so why not change all? They promised change; we do not know when it will come. We had some amendments last year and all they did was change the nomenclature of superintendent, or prison officers above the rank of superintendent.

We have heard from the Minister of the number of offences that have been committed within the prison system. We want to get some further information. This piece of information provided this afternoon is insufficient and the population needs to know to what extent these offences take place in prison and whether they are increasing or decreasing. Part of this Bill speaks about the administration of the police service; and for us to understand if the administration is improving, we need to get empirical data to understand what has been happening over time. We need better statistics than has been provided by the Minister.

If offences have been committed recently, what has happened to those persons who have committed the offences? They ask us to seek to change the fines for the persons committing these offences. They are asking us to change it to \$2,500. A fine of \$2,500 is not a deterrent to the breach of any particular rule in the prison service. People within the prison service use telephones and systems where they put hits on people on the outside and the deterrent must be larger. We recommend that this be increased. A fine of \$2,500 is not a deterrent to the commission of offences within the prison system.

Another area that they brought in this amendment is mandatory drug testing for prisoners. We have not heard what the rationale for the amendment is. What are they trying to correct or to determine by this testing? Are they trying to determine whether people entering the prison have come in and used the drug? This is something the Minister ought to indicate. What is it trying to change and what mischief is it trying to counter? Are you testing prisoners from outside as they come in, or those already there? If the population in prison is close to 4000, will we test the 4,000 persons or will we do random testing? What is the real rationale? If they are found to be positive for marijuana or cocaine, what are you

trying to achieve? If you are trying to achieve the correction of addiction in prison, where are you going to take them? If you have detected that someone is positive for marijuana or cocaine within the prison system, where are you going to take them for correction?

As far as we are aware, there are no well-executed drug rehabilitation centres in Trinidad and Tobago and I do not think the Government has provided any sort of assistance to drug addicts in Trinidad and Tobago. There is one on Mount St. Benedict. Is the Government going to engage Mount St. Benedict in the drug habilitation programme? How will you correct prisoners on drugs that need rehabilitation and there are no centres for their correction?

The place of correction is an important aspect and whom you are trying to correct. Prisoners incarcerated for a few months generally dry out; so people taking cocaine, who have not had it for a few months would have gone through the withdrawal syndrome and kicked the habit. The whole question of mandatory drug testing is questionable. What is it designed for? If it is designed to find out who are the drug addicts in prison, what are they going to do with them? Where are they going to treat them?

As far as testing is concerned, where is it going to take place? What laboratories are they going to use to test people for marijuana or cocaine? They have not indicated. The testing for marijuana or cocaine does not only have to be done in the urine, which is a non-intimate sample; it has to be done in the blood. What mechanisms for security will be taken when you take some blood samples from a prisoner? Where are they taking it and what is the security of the system to indicate someone has tested positive for either cocaine or marijuana. The security system of this testing is questionable.

It is an invasive test to take blood from someone. I believe this is the reason why the Government knows that it needs a three-fifths majority because it has to satisfy the institutional right of the citizen to infringement of their property, which is their body. You will have to get permission if we pass this law.

Who will do the testing? Will laboratory technicians come from outside to take blood? Will doctors take blood? There is a shortage of doctors. We are implementing laws that are not practical. They cannot be carried out with any degree of seriousness. We are making laws, but when you look at the whole approach, nothing is specific as to whether you will achieve the desired result or objective of the drug testing. That is an area about which we need some more

*Prisons (Amdt.) Bill*  
[DR. GOPEESINGH]

*Friday, January 29, 2010*

explanation and analysis and we need the answers provided to the questions I asked. What has really prompted this legislation? We do not seem to get the answers.

I would have thought that the government would have introduced the testing for sexually transmitted diseases in prison.

**2.45 p.m.**

The prison population reeks of sexually transmitted diseases. Everyone knows that there is a serious degree of homosexuality within the prison population. This is how the HIV/AIDS virus is spread within the prison population. There are a number of prisoners who are afflicted with HIV, as a result of things happening within the prisons. We want to indicate to the Government that they should include in this piece of legislation, not only testing for drugs, but testing for sexually transmitted diseases and I would tell you why.

A number of prisoners have sexually transmitted diseases like HIV-1/2. The prison officers have to work with them and take care of some of them. Some of them may have lesions on their skins from contact. It is important to identify the officers who may have that, but when they identify those officers, the question of confidentiality of information in the prison system is another area where it leaves a lot to be desired. If we test a prisoner and he proves positive for HIV-1 and HIV-2 and the prison officers have to deal with them, you would have to develop mechanisms for management of these infected people in prison. If you do not, you run the risk of occupational hazard; the prison officers contracting the disease. The disease is not only contracted by sexual intercourse, it is contracted by blood. These prison officers are subjected to a number of things from the prisoners and, therefore, the prison officers can be susceptible to getting the sexually transmitted diseases. We would like to suggest that the testing also include sexually transmitted diseases, particularly HIV-1 and HIV-2.

We could also identify a number of prisoners who also have tuberculosis, going together with HIV-1 and HIV-2. Tuberculosis spreads in the prisons. You have to have certain areas within the prison system, for confining these people away from the general prison population. That will give you an idea of what is happening in the prisons, as far as that disease is concerned.

I would tell you a story about Mount Hope Medical Sciences Complex. At the medical complex, the ward that housed the tuberculosis patients a number of years ago was in the eastern part of the hospital. These patients with Tuberculosis were on the eastern part of the hospital compound and when the wind blew across



there, it would go from east to west. They found that a number of patients within wards developed tuberculosis, as a result of the spread of the disease; airborne. We had to remove that ward from the eastern part of Mount Hope Medical Sciences Complex back to Caura, so as to prevent the contamination of all the areas in the hospital at Mount Hope. The question of sexually transmitted HIV-1 and HIV-2 is a very important aspect within the prison system and prisoners ought to be tested for this.

I made mention of the fact that the fines are too low and they are not a deterrent to what really exists in the prison system.

This Bill seeks to talk about improving the administration of the prison service. Clause 5, amended section 17 of the Act, states that the Act is amended in (a), (b), (c) (d), and (t).

“(t) generally for the effective administration of this Act, for the good management and government of prisons and the discipline and safe custody of prisoners.”

I want to spend a little time on this aspect:

“...the effective administration of this Act, for the good management and government of prisons...”

We have had, in the prison system—I want to give some statistics, as far as the prison system in Trinidad is concerned. We have institutions in the prison service. As of 2009, may be proven wrong, as far as we know, the prison population is a total of 3,803. These statistics came from the United States State Department, Human Rights Report. Out of that 3,803, pretrial detainees or remand prisoners was 41.9 or 42 per cent. Forty-two per cent of 3,800 is about 1,500 or 1,600. Approximately 1,600 of these prisoners were in the remand aspect of the prison system, waiting for their cases to be heard. I just want to indicate here, that what it means is that nearly half of the prison population is currently serving time, because of the poor conditions of the judicial system, which results in long delays before matters are heard and longer delays before they are determined. These 1,600 prisoners of the population would have to wait for a long time before their matters are heard. These persons are serving jail sentences under effectively similar conditions to regular jail.

A person may not been proven guilty—you are innocent until proven guilty—but is serving a jail sentence that is almost similar to the other prisoners who have been found guilty. They have to do this without their matters being determined.

*Prisons (Amdt.) Bill*  
[DR. GOPEESINGH]

*Friday, January 29, 2010*

Let us look at the individual who, after several years, is found not guilty. What happens to that person who has served a jail sentence for this period of time? He or she would have already been physically and emotionally scarred for life by the prison conditions. The Opposition is not comfortable with the whole judicial aspect of the management of these prisoners who are waiting in the remand section for their cases to be heard.

Many of my colleagues in the legal system have spoken before. There are nearly 400,000 cases pending in the Magistrates' Courts. Every day, the Judiciary is asking for more justices. They are overburdened, not only in the High Courts, but in the Appeal Courts as well. We would have expected that this Government would have increased the number of judicial officers and magistrates; make the Magistracy system better and improve the Magistrates' Courts; and bring special prosecutors, not necessarily police officers, into these 42 Magistrates' Courts. Give the Judiciary the number of personnel to make it workable, so that they can do their cases in a faster period of time and we would have seen that people are getting justice on time.

The prison service vans that go through the country, run people off the roads on a daily basis. When these prison service vans move through the streets with two or three escorts, it is a frightening thing for motorists. You have to—I am sure all of us have experienced it—dodge and go to the shoulders of the roads when the prison vans are coming around, because they have to carry these prisoners on a daily basis, very regularly to the Magistrates' Courts.

The Government spent approximately \$98 million, as far as we are aware, on the transportation of prisoners to and from the courts. Why can you not effectively create Magistrates' Courts somewhere close to the prisons? By video conferencing as well, which the government has been speaking about and have not effected, but which could be effected very easily, you will reduce the amount of transportation of these prisoners from the prisons to the Magistrates' Courts.

We want to recommend, from the Opposition's perspective, a number of areas.

- Improve the infrastructure of the Magistrates' Courts as early as possible, which you have failed.
- Provide more magistrates within the system, because the lists are long.
- Increase the number of High Court judges, and, therefore, Appeal Court judges as well.
- Introduce Magistrates' Courts close to the prisoners to avoid the excessive amount of transportation of prisoners to and fro.

On that aspect as well, the Government had promised a Gun Court a long time and we have not seen any evidence of that. Of course, they have started a social court in Port of Spain, which is the Family Court, but we have seen no extension of that in South.

The whole judicial system has fallen in this country to deal with the whole question of people who have been found to have committed crimes. It is not a good thing to just throw people in jail just like that and leave them to languish for their cases to be heard. The Government stands guilty of being able to do anything to improve that situation. You have not done anything over these last eight or nine years to improve the situation. That is totally unacceptable.

Another area, as far as the prison is concerned—I want to quote the statistics from the United States State Department. Juveniles, minors or young prisoners amounts to 3 per cent of the prison population, which is under 18 years of age. Three per cent of a population of 3,800 is about 114. Let us say that is 100 minors who are under 18 years of age. Do you know that they are mixed with the adults in the prison system? Why should that be? Why could the Government not provide a special area? All these homes for your young ones are filled; the boys' homes are filled to capacity. The young girls particularly, under age 18, have to find themselves with the hardened criminals in jail. This is totally unacceptable as well. You bring this piece of legislation here to say:

“...the Act is amended—

- (t) generally for the effective administration...for the good management and government of prisons and the discipline and safe custody of prisoners.”

There is nothing that is happening now that would improve that and say that there is going to be better management and government of prisons, because of the system that surrounds the whole prison system; the Judiciary and all the infrastructure that is needed.

You are putting young girls and teenagers below the age of 18, almost 100 of them, into prison, where there are hardened criminals. There are areas where women have committed murder and, therefore, it is not a good thing. There is all this amount of talk about rehabilitation. You speak about exercising, in terms of helping some of the prisoners. The first thing is that it is wrong to have put them there in the first place. You are doing an unjust act to a young teenager and then you are trying to correct the system after you have done something that is wrong.

*Prisons (Amdt.) Bill*  
[DR. GOPEESINGH]

*Friday, January 29, 2010*

**3.00 p.m.**

Mr. Speaker, why has this Government not done anything about the prison system in the Royal Goal right here on Frederick Street? There have been reports and it is documented internationally and worldwide that there are almost eight to 10 prisoners in a 10 x 10 cell at the Royal Goal. This is dehumanizing. Not only dehumanizing but this is despicable for any government to sit and say you are bringing pieces of legislation to try and correct a few things when the underlying disgraceful situation continues. What could you do? Why must this be allowed to continue? Eight to 10 prisoners in a 10 x 10 cell in Port of Spain and that continues in perpetuity.

Whereas, a Prime Minister living a \$300 million house and he has about 10 rooms to walk around in and 10 prisoners in one cell—

**Mr. Ramnath:** Oh yes, I toured that house.

**Dr. T. Gopeesingh:**—in Port of Spain in a 10 x 10 cell.

In fact, this is not only spoken of by the Opposition you know, Amnesty International slams Trinidad and Tobago for rights abuses. I want to quote this article “Unlawful killings and Cruel treatment”—Trinidad and Tobago has once again received poor marks from Amnesty International, a human rights watchdog in the agency in the face of reports of police brutality and inhumane prison conditions. In this latest annual report the organization referred to report of abuses by police including unlawful killings, torture and ill treatment and noticed that at least 14 people were shot dead by police during 2005.

“Conditions in places of detention continued to cause grave concern and in some cases amounted to cruel, inhuman and degrading treatment.”

Overcrowding in prisons, remand centres and court cell blocks were rife. Conditions were often unsatisfactory and medical care was inadequate, the report stated. Incidents of sexual assault in prison were allegedly frequent and young offenders and people convicted of petty offences were reportedly held in crowded cells with prisoners convicted of serious offences, as I spoke about earlier on. In addition, death row inmates alleged that they are being denied necessary medicine.

I just thought I should bring this to the attention of the Government, to remind them of the inhumane conditions under which prisoners are kept, particularly in the Port of Spain prison. In fact, a High Court judge, Justice Carol Gobin said:

“...Frederick Street Port of Spain prison as a ‘hellhole.’”

It goes on to say:

“A High Court judge has strongly condemned the prison service for exploiting the seclusion of the prison walls to perpetrate unlawful acts against prisoners”—and they quoted, this is what Justice Carol Gobin said—“this has resulted in systemic and entrenched violation of the Constitution.”

A High Court judge is telling the Government that this inhumane type of treatment has resulted in systemic and entrenched violation of the Constitution, an erosion of the presumption of innocence. She was talking about the people awaiting trial suffering cruel and unusual punishment as a result. She had to adjudicate on that matter and gave decision in favour of the person who brought that matter to the court.

**Mr. Sharma:** The inmate.

**Dr. T. Gopeesingh:** To the inmate.

Mr. Speaker, this is a short thing from the *Express* editorial on November 09, last year. “Pressure on the prison system”. We do not have too many prisoners—3,800—and I have not done the research to look at the comparative figures internationally as well, but I think if you look at 3,800, what is it per population per 100,000? It is 293 prisoners per 100,000 of the national population. So for every 100,000 citizens there are 293 prisoners within the system. Foreign prisoners were 2.8 per cent, and as I mentioned before juveniles were 3 per cent.

I came to the point of pressure on the prison system from the editorial of the *Express* on November 09, and they indicated, from a problem in which vehicles parked outside the state prison on Frederick Street are apparently being targeted to the complaints about lack of appropriate transportation and housing arrangements for officers doing duty at the island prison on Carrera, these officers are pressing their claims for more respectful treatment. All these lie outside what now appears to be a new reign of terror against prison officers by criminals. One officer was shot in the foot as he left work at the prison compound in Arouca last week in an incident which has thrown open the question of necessary surveillance at such facilities. Just five days later another officer was shot and killed in an incident in Arouca on Saturday night, increasing the sense of vulnerability among officers who are now calling for even more protection from the authorities.

So this *Express* editorial raised the issue of the terror being rained on prison officers if they have had any type of untoward experience with a prisoner that prison officer is marked and is dealt with outside publicly. Therefore, something

*Prisons (Amdt.) Bill*  
[DR. GOPEESINGH]

*Friday, January 29, 2010*

has to be done about that. The whole system of detection and conviction of crime is extremely low and this Government is guilty of the inability to deal with the criminal activities in the system. So people from within the prisons can put hits on prison officers, take them down and they go free because the detection rate and the conviction rate are almost non-existent. I think the conviction rate must be one in 1,000 and the detection rate is less than 1 per cent in some of these criminal activities.

So the whole question of rehabilitation now—in a contribution by one of our colleagues from the Government side—I think it was the Member for Lopinot/Bon Air West who mentioned that they had about 100 prisoners who were able to do the GCE examination. If I am wrong I stand corrected. But that is just the tip of iceberg and that ought to be increased tremendously in terms of rehabilitation of prisoners, and therefore we need to see something from the Government.

If we were in government we would have done a lot more in terms of rehabilitation of prisoners. Well, of course we would have done a lot more in terms of the prevention of crime; we would have done a lot more in terms of early detection and in terms of conviction, because we would have improved the whole system of taking care of the population in terms of their security, and we would have improved the judicial process as well, and we would have improved the prison system.

So, the rehabilitation exercise as far as the Government is concerned has been failing and—I know the Member made the statement last time when we were here on the whole question of the Prisons Act—obviously recognized that much more needs to be done as far as rehabilitation is concerned.

The whole question of recidivism and repeat offenders coming back in—the jail is packed with people who have been there before, who went out and had to come back in because they have committed more crimes. So, if the rehabilitation programme had been working properly you would have found that the incidence of recidivism would have decreased and we might not have had this burden on the prison population as well.

Mr. Speaker, I think we asked the question last time about the prison officers, their fears of criminal activity against them and being killed. There was a great deal of hoo-ha from the Commissioner of Police at the time saying that armour vests would be given to prison officers. We do not know how far you all have reached with that. The other question is, they were asking for guns, to be able to

take their guns home. I do not know, the Minister would probably have to explain or give us some information as to those two areas.

**Miss Cox:** I answered that the last time.

**Dr. T. Gopeesingh:** Would you like to give the answer? All right, when you are summing up.

The issue of armour vests for the prison officers because they feel very disturbed about being unprotected and the question of guns, but I think the Minister must have said that they had determined that no guns would be given to prison officers on their way home, but of course they remain vulnerable as well. Mr. Speaker—

**Mr. Imbert:** I beg to move.

**Dr. T. Gopeesingh:** No.

**Dr. Moonilal:** Tell them you have a full 75 minutes.

**Dr. T. Gopeesingh:** One of the areas I want to touch on is the shortage of prison officers. *[Interruption]*

There is an article which speaks about recruits being used as prison officers. In fact, the President of the Prison Officers Association—and this was stated on Friday, September 08, 2006; as far as four years ago—at that time said:

“Recruits were being used to supplement the shortage of officers.”

It is our understanding that this continues today. Recruits are being used and there are insufficient recruits doing the work which the senior prison officers ought to be doing, so therefore, that needs to be improved as well.

We have introduced the whole question of the inability of the Government to come together to bring one piece of legislation dealing with the whole question of prisons and the rules governing the prison service. We have indicated the inhumane treatment within the prison system, the need for some extra work and our alternative centre for the Frederick Street jail; not 10 inmates to a 10 x 10 cell.

We have spoken of the need for a restorative justice, rehabilitation, improvement of the incidence of making sure that there is decreased recidivism; the judicial system needs to be taken care of in all areas, and of course the most important thing is to prevent people from having to go to prison by bringing about systems to tackle the increased criminal activities which have overtaken this population over the last few years.

Thank you very much, Mr. Speaker.

**The Prime Minister (Hon. Patrick Manning):** Mr. Speaker, I rise to make a very brief intervention in this debate and with your kind indulgence I merely want to congratulate the Member for Laventille East/Morvant, [*Desk thumping*] on her piloting of her first real item of legislation in Parliament, to let her know that she has done quite well and we hope to see her make more contributions in the deliberations of this honourable House.

**Mrs. Persad-Bissessar:** Is that a sign of things to come?

**Hon. P. Manning:** Yes. I also want to congratulate the very distinguished Member for Siparia on her election to the position of political leader of her political party, ascending to the rank of political leadership in the country and to wish her well in her future endeavours.

I would like to congratulate the Member for Chaguanas West also on attaining the exalted office of chairman of his own political organization and to wish him well.

To my good friend the Member Couva North, I think that he has made a significant contribution to the country's development, and at some appropriate time I hope that the Parliament would recognize it. The Member for Couva North—[*Desk thumping*]

**Mr. B. Panday:** I do not intend to die as yet. [*Laughter*]

**3.15 p.m.**

**Hon. P. Manning:** I was very careful in my choice of words, Mr. Speaker, not to suggest that my friend was dead, dying, or in any stage that was suggesting that he was not in full control of all his faculties.

I would also like to congratulate the Member for Tabaquite, on his contribution to the political life of the country.

**Mr. Maharaj SC:** "Like all of you think I leaving?"

**Hon. P. Manning:** No, no, no. I would also like to congratulate my other constituent, the Member for Oropouche East—[*Interruption*]

**Mr. S. Panday:** That is provocation. That is provocation.

**Hon. P. Manning:**—who distinguished himself on being the lone survivor of the particular team. Yes, he has done very well.

It is important, Mr. Speaker, that I make those comments, because the political life of the country is not static, never will be, and time marches on. I have no doubt that in years to come similar comments might well be made about me, but time marches on. [*Interruption*]



**Mr. B. Panday:** I will be here to reciprocate. [*Laughter*]

**Hon. P. Manning:** Time marches on, Mr. Speaker, and it is the hallmark of a civilized Parliament, and a civilized country, that we recognize contributions, regardless of the political perspective from which we come.

Thank you very much. [*Desk thumping*]

**Miss Penelope Beckles** (*Arima*): Thank you very much, Mr. Speaker. I rise to support the hon. Member of the Parliament for Laventille East/Morvant who piloted the Prison (Amdt.) Bill, 2010, and that is, the amendment to sections 8 and 17 of the said Act.

Mr. Speaker, before I get into my substantive contribution, I would like to respond to a few of the comments made by the hon. Member for Caroni East. The first of those comments referred to his concerns about references to the colonial officer, the Governor General and so on, in certain pieces of legislation.

**Mr. Imbert:** "Poor fella."

**Miss P. Beckles:** I would like to advise the hon. Member, that those sections were amended since 1961, and in section 72, reference would now be made:

The Medical Officer shall report to the Minister, through the Commissioner, any circumstance connected with the prisoners or the treatment of prisoners which at any time appears to him to require consideration on medical grounds.

So, hon. Member, your concerns were already addressed since 1961.

**Mr. Imbert:** Fifty years ago.

**Miss P. Beckles:** The other issues raised had to do with your concerns, as it relates to overcrowding and the improvements made by the Government, as it relates to the prison. I just want to mention a few of the initiatives taken by this Government. The projects include: the electrical upgrade of the Golden Grove Prison; the refurbishment of the roof at the Port of Spain Prison; the installation of an electronic security gate at the Maximum Security Prison, Golden Grove; the refurbishment of the Superintendent Quarters and the ration room at the Caura Convict Prison; the construction of an Emergency Response Unit at the Golden Grove; the construction of the senior officers quarters at Golden Grove; the construction of the new prison in Tobago; and the upgrade of the women's prison in Trinidad.

The other issue raised by the hon. Member for Caroni East was his concern as it relates to the procedure for drug testing, and the suggestion that the Government

*Prisons (Amdt.) Bill*  
[MISS BECKLES]

*Friday, January 29, 2010*

should have considered including testing for sexually transmitted diseases at the same time that this Bill is being piloted. The hon. Minister would address that point. Suffice to say, your point made as it relates to piecemeal legislation is taken, but at the same time, I am sure you would recognize even in talking about the fact that the legislation initially started in the 19th Century, there are several pieces of legislation that do need to come to the Parliament, and whilst the Government would have preferred to come with an entire package as you had said, I am sure you know that sometimes it is not as easy as one would like.

The important thing is, I know there is a committee that is made up of personnel from the Ministry of National Security, from the Prison Services Association, attorneys from CPC, the Legislative Review Committee, who continue to review the legislation, and I am sure some of the suggestions that you have made are already being considered and taken into consideration. But suffice it to say, the whole issue of drug testing as it stands right now, there is no drug testing. If at all it does exist, it would be based on a request by the prisoner. So that would mean to say, that it would have to be a situation where it is done voluntarily. So for example, if a prisoner enters the jail and gives information of some concerns as it relates to some particular disease, then there are provisions in place to deal with that. But that would only be on a voluntary basis.

I am also advised that there are other methods that have been employed, and what this legislation seeks to do, is to complement some of the existing programmes that already exist in the prison, to treat inmates who have been in the past, abusing illicit drugs. Such programmes include drug information and education programme, narcotics anonymous programme. That is where several organizations would come into the prison through that policy of anonymous programme and assist prisoners, again, who voluntarily request that assistance and the therapeutic community programme which essentially consists of a highly structured environment for the treatment of drug abusers and addicts, as well as for behaviour modification. I am sure you are basically familiar with that procedure because what you are looking at, of course, is a lot of spiritual upliftment, and a lot of organizations who would voluntarily go to the prison to assist prisoners, who would in some way request that kind of assistance.

The point you made about recidivism, as well as rehabilitation, there are a number of existing programmes that already exist in the prison, and I know one of my other colleagues would give some examples of the successes that are taking place in the prison. But at the same time, we do acknowledge the issue that you raised as it relates to detection of crimes, and the issue of conviction of persons

who are before the court is a valid one, but at the same time, we have seen that the Government has brought several pieces of legislation before this Parliament with a view to treating with that, and over time, I know the Minister would give us results as it relates to the successes of those pieces of legislation. Having said that, I would like to go to some more specific areas.

Now this Bill, Mr. Speaker, as you would realize, is not a lengthy Bill. As a matter of fact, it is a very short Bill, but the consequences and the interventions are extremely important and I would dare say, necessary. The hon. Member for Caroni East referred to some situations that have been in the public domain as it relates to prison officers being attacked. There are other instances where we have seen prisoners being charged, and we also know of instances as referred to by the hon. Minister, where members of the public, sometimes family members, have taken into the prison, prohibited items. So, this legislation is important because the Government is seeking to treat with some of those situations. As mentioned before, we debated an amendment that dealt with the whole issue of the use of cellphones in the prison, and the Minister has indicated that that will take effect from February 01, 2010.

Now this Bill, via clause 4, seeks to increase the fine payable by any person found guilty of trafficking in any prohibited article in any prison, and clause 5 seeks to conduct searches of officers, as well as to deal with compulsory drug testing. The whole issue of the increase of the fine is one of the important aspects of the Bill. While one might argue that increasing a fine might not necessarily contribute to deterrence, we do know that research has indicated that if proper measures are put in place, it is likely that that deterrence which this Bill seeks to do can eventually take place.

Now, as it relates to the introduction of stiffer penalties, the present situation is that section 8 of the Prisons Act allows for the imposition of a fine of \$1,000, for any person caught bringing in or carrying out prohibited articles. The section provides as follows:

"Any person who brings in or carries out, or endeavours to bring in or carry out, or unknowingly allows to be brought into or carried out, of any prison any prohibited article is liable on summary conviction to a fine of one thousand dollars."

Now, the interpretation section of the Prisons Act, the terms "prohibited article" means "any article declared to be a prohibited article by the Prison Rules for the time being in force". Clearly, this fine is insufficient, and I feel confident

*Prisons (Amdt.) Bill*  
[MISS BECKLES]

*Friday, January 29, 2010*

that this amendment is an amendment that the population would be satisfied with, or certainly would feel that the Government is making an intervention to put in place better measures for the security, not just of the officers and the visitors, but the prisoners as well.

In relation to clause 5 of the Bill, it gives the Minister powers to make additional rules in relation to the search of officers, and as I indicated before, compulsory drug testing. Prison Rule 234 deals with the searching of persons entering or leaving the prison, and the Minister has already read out that identical section. What is clear is that clause 5 really is giving the Minister additional power to make rules. The rules exist at present, but the rules do not go far enough to deal with the situation as it exists today.

Mr. Speaker, as it relates to compulsory drug testing, section 17(1)(c) of the Act says:

"The Minister may...make Rules...providing for—

- (c) the medical examination...taking of fingerprints and other records of prisoners;"

So there is an existing section, hon. Member for Caroni East, but that section does not go far enough to treat with some of the concerns that you raised and some of the concerns that the Government is attempting to address. Now, we do understand that with DNA legislation and with the advancement of DNA, it allows for a much better system of testing than previously existed in the prison, but it is necessary for the Government to put in place the relevant legislation.

### **3.30 p.m.**

I maintain that the system which exists now is only where a prisoner voluntarily agrees. If we are to deal with the whole issue of rehabilitation, then it means that if a person comes into the prison system and is tested, then you now have the opportunity to properly monitor that person over a period of months or years to see whether or not that person over a period of time is actually drug free.

Mr. Speaker, as it stands now there is no system to do that. If we are to really give the prisoners the opportunity to improve their lives when they come out of prison, then this is a very important measure.

In essence, what the legislation is seeking to do is to not just protect the innocent, but also deter the criminal as well as put in place the whole issue of rehabilitation.

We are aware that legislation is not enough to deal with all the issues that have been raised in the public domain, whether by prison officers or members of families who go to the prisons or whether it be by lawyers, we understand that there are a number of issues that still need to be addressed. I have been advised by the Minister that some pieces of legislation have already been drafted. There are other pieces of legislation where they are still having consultation between the Prisons Association and all the relevant persons who will, no doubt, be impacted by this piece of legislation.

Mr. Speaker, I support the legislation. I think it is a very important intervention and I am hoping that my colleagues on the other side would also support it.

In closing, I too would like to join with the hon. Member for San Fernando East in congratulating the hon. Member for Siparia, Chaguanas West and Oropouche East, who have been successful in their recently concluded elections. It is clear that the hon. Member for Oropouche East might have had a formula for victory that some of his colleagues did not have.

Thank you.

**Mr. Subhas Panday** (*Princes Town North*): Mr. Speaker, first of all I want to congratulate the hon. Prime Minister for his incisive contribution to this debate, his relevance on this Bill, he touched on every section and every clause. I would have really liked to respond to him. [*Interruption*] He certainly never breached Standing Order 36(1).

For the Government to bring such a Bill to the Parliament at this time is really an indication on their part that they have failed miserably in dealing with crime.

In this Bill we are dealing with legislation to control the criminal activity of persons who have already committed offences and are in custody. One would have thought that if you have a jail and you have a criminal justice system, that you would have had all administrative measures in place and would have been able to deal with the issue, like what we are trying to deal with here today, merely, the taking of things into the prison, as they call it, prohibited items. It is a clear indication that the Government does not have the ability to implement the law. The Government does not have the ability to deal with the system. You will tell me that you have persons in custody, you have them in a controlled environment, and you cannot deal with the issue of prisoners taking things in? It is, indeed, a sad situation.

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

*Friday, January 29, 2010*

This Government has indicated that they have not been able to deal with crime. We have spent a lot of money on crime, the Ministry of National Security, and what do we observe, Sir? We observe that the crime rate continues to rise; it has gone out of proportion and that is all because of this Government. This piece of legislation is an indication that they have admitted defeat in dealing with crime.

They attempted to fool themselves on many occasions when they said, "The crime rate is going down." "We will make sure the crime rate is not bad this year, as it was last year; year before was 550; this year was 510." They are saying, "We have the handle on crime and we have it under control." What we observe, however, is that the nature and the heinousness of the crime have increased. For example, in this year alone, I think about two weeks ago, some child in Arouca, an eight-year-old child, was gunned down. So far, not one person has been held for that offence.

This Government has had a history of being unable to detect crime. They have been unable to deal with the issue of crime, not only in the general public, but they have been also unable to deal with crime even in the protective services. We ask the Government today: What about the guns which were found in the St. Joseph Police Station, has anyone been arrested for that, has anyone been charged for that? What we hear is that they have transferred the officers and that was the end of the story.

We are bringing legislation today before this Parliament to deal with persons taking prohibited items into the prison. What about the guns which were at the St. Joseph Police Station, have they dealt with it? No, they have not dealt with it.

These things we are talking about today, prohibited items, Rule 233 has itemized prohibited articles. It says:

"No prisoner shall have in his possession any unauthorized article...and any such article found in the possession of a prisoner shall be deemed to be a prohibited article and may be confiscated by the Superintendent."

It says in 233(2):

"No person shall without authority convey or throw into, or deposit in a prison...coming into the possession of any prisoner, any money, clothing, food, drink, tobacco, letter, paper, books, tools...and other articles whatsoever."

Two weeks ago we amended this section here and we said:

"electronic cellphones and other electronic devices"

Today, we have brought legislation under the Prison (Amdt.) Bill to increase the fine from \$1,000 to \$25,000 in respect of these articles. We ask: What about the guns, what about the articles that were in the St. Joseph Police Station? Those are much more serious articles to deal with. Why has the Government not been able to arrest anyone?

We have passed laws in this Parliament. We have passed DNA laws. We have the fingerprint experts. We have spent millions of dollars on the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT). You will tell me that in the police service, which is a controlled area, where there are a certain number of policemen, you cannot deal with those crimes?

This Minister should have taken action to deal with such an issue. All they did was transfer the officers, and the issue has gone dead. Those were guns, arms and ammunition at the St. Joseph police station. What was the purpose of those guns and ammunition in a police station? Why were there so many guns in the police station? We ask the question. Was it to hire out to criminals to commit offences or was it to use on persons who they believe were criminals and they could not control, so they decided to deal with them?

We are trying to deal with a very simple piece of legislation, but the greater problem this Government is not attending to it. We have fingerprints, if you hold a gun and you put it in the police station, would your fingerprints not be on it? Why has the Government not taken steps to deal with those serious issues?

It would appear that we are really tinkering with the problem of crime. Although my colleague from Laventille East/Morvant indicated that this was very important legislation, there are more important things to be done to deal with crime rather than this piece of legislation.

The Government has lost control of crime. We are trying to pass this legislation today to deal with this small aspect of criminality. We ask: Why have we not dealt with greater things to deal with crime? For example, this country has been without a Director of Public Prosecutions for how long. Since the appointment of Justice Geoffrey Henderson, this PNM Government has prevented the appointment of a Director of Public Prosecutions. If we want to deal with the criminals, if we want to deal with crime in a serious way, it is important and imperative that a director of public prosecutions should be appointed. We find that this Government has failed or has obstructed the appointment of a DPP to deal with crime.

How has this been done? This has been done by the hon. Prime Minister using his veto to veto the recommendations of the Judicial and Legal Service Commission.

**Mr. Manning:** What is wrong with that?

**Mr. S. Panday:** I will tell you what is wrong with it. It was so frightening what you said about two weeks ago in this Parliament. You said that any person appointed to a board or state enterprise, must be a PNM and somebody—  
[*Interruption*]

**Hon. Member:** He did not say that! [*Mr. Manning rises*]

**Mr. Manning:** Mr. Speaker, I thank the Member for giving way. The Member should not seek to win his argument by trying to corrupt any statement any one of us on this side has made. I never said that. We said that a state enterprise is an instrument for the execution of government policy and, therefore, members who sit on the board should share the policy of the government, otherwise they would not operate in the way the state enterprise was designed to operate. That was what we said.

**3.45 p.m.**

**Mr. S. Panday:** And that is why I suspect that you use section 19, your vetoing power for that same purpose in that you want—

**Mr. Manning:** Which state enterprise is involved there? Tell me? You say it is for the same purpose.

**Mr. S. Panday:** There is no state enterprise involved, you are controlling state enterprises and using section 19 of the Constitution to control the Office of the Director of Public Prosecutions (DPP). That is the similarity, and that is why, hon. Prime Minister, when you vetoed the appointment of Mrs. Carla Brown-Antoine, when people asked why you did it could you give an explanation? You said you have no obligation to give anybody any explanation because you do not want to embarrass anybody.

**Mr. Manning:** Mr. Speaker, let me ask another question please. Does the Constitution give the Prime Minister the authority to veto appointments?

**Mr. S. Panday:** Yes.

**Mr. Manning:** Legally or illegally? Is it legal for the Prime Minister to do that, or is it not legal? Is it in accordance with the law, or not in accordance with the law? What are you saying?

**Mr. S. Panday:** I am saying it is in accordance with the law, but not in the spirit of the law. [*Desk thumping*]



**Mr. Manning:** Let me ask this question. Why do you believe that nowhere in the Constitution is the Prime Minister required to give an explanation for the use of that veto? Why do you think that is so?

**Mr. S. Panday:** That could have been an omission, but I am certain that the new Constitution—

**Mr. Manning:** Mr. Speaker, I would like to advise my honourable—and I almost said—young friend, but he is not young, he should know better. There is no such mistake made, it is very deliberately put in the Constitution in that way, and if you want to know why we would talk afterwards, I cannot educate you in the Parliament, we will talk afterwards.

**Mr. S. Panday:** The way the Prime Minister does it, the population is of the view that the Prime Minister and the PNM is using the veto to get who they want at the DPP.

**Mr. Manning:** Did the members of the population tell you that?

**Mr. S. Panday:** Yes.

**Mr. Manning:** Name me six members of the population who told you that.

**Mr. S. Panday:** I will. Mr. Speaker, the hon. Prime Minister said he has no obligation to give an explanation. Why did you then, Mr. Prime Minister, give a reason why you did not want to give an explanation? Remember what you said in the case of Carla Brown-Antoine? You said you do not want to give an explanation because you do not want to embarrass anyone. That is not good enough, Sir, because you vetoed her appointment, you said you did not want to embarrass her, yet the Judicial and Legal Service Commission that had done a search on her appointed her a judge of the High Court.

**Mr. Manning:** That is the point I was making, you now understand the point I was making. Suppose I had gone and given some kind of explanation that could in fact impugn some elements of the honourable lady's personality, what are the implications of that for the job she now does? We are not that irresponsible.

**Mr. S. Panday:** I give you more credit of being so low, to go down there and make such a statement about somebody in that regard. One would expect that you would make a legitimate explanation.

For example, look at the situation we have now. You have Mr. Gaspard, Ag. Director of Public Prosecutions; he has not acted on one occasion, and you have extended his acting appointment. We are saying that somebody who has been

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

*Friday, January 29, 2010*

appointed Ag. Director of Public Prosecutions, such a serious and important office, and that person has been given an extended appointment; do you not think Sir, that you have a duty to tell the country and the population if Mr. Gaspard's recommendation comes before you and why you are rejecting it?

I am saying if the Judicial and Legal Service Commission which would have done research on his character, on his past and they could have appointed him as the Acting DPP not for one time, but they also extended it, that means you do not have anything on his character, and if you do not want him you must say you do not want him because he is not pulling the PNM line. That is the only explanation you gave.

**Mr. Manning:** An exercise in donkey logic.

**Mr. S. Panday:** Mr. Speaker, will you be blocking him because you feel that he is not toeing the line of the Government? We are saying and everybody is saying that this gentleman was the man who did the Monos Island case and he was successful in it and we believe when you have persons of such high integrity and efficiency which have been noted by the Judicial and Legal Service Commission, not only to appoint him in an acting position once but more than once, you have a duty to him, a duty to the profession and to the country to indicate why you are rejecting him.

And I still hold that against the backdrop of the statement you made about toeing the policy of the Government on state boards. Not only the state boards they want to control, hon. Prime Minister, but the institutions of the country also and the power of veto I humbly submit is—I would not go so far to say abused but—misused.

We ask the question also, if you want to deal with crime you bring this Bill to deal with cigarettes to deal with telephone, to deal with paper and to deal with books. What about the appointment of the Commissioner of Police who could put the police service in position to deal with crime?

Mr. Speaker, since 2006, this honourable House by Act No. 6 of 2006 passed the amendment of the Constitution Act to give this new system for the appointment of the Commissioner of Police. We are in 2010 and we bring legislation like this and we have not been able to implement the law for the appointment of the Commissioner of Police. Where are we going? They are fooling the country using parliamentary time to debate something like this, and when other legislation is passed you fail to implement it. This is the problem we are having with you.

Mr. Speaker, we spend hundreds of thousands of dollars in choosing somebody to be appointed as the Commissioner of Police. When this came to the Parliament, when the nomination came from the Police Service Commission, they struck it down. When I say they are using the power of veto, not only of the Prime Minister, but the power of the veto of the Parliament to strike down recommendations because they want to be in control of all institutions and because of that, they are causing the crime rate to increase.

Imagine we sat in this House, passed legislation, the Government brought regulation and when the Police Service Commission acted on those regulations when it came to the Parliament this Government struck it down. When I say they are trying to control the whole system, they want the Police Service Commission to give them a number of names, not one name, so they hope when that list is submitted and they feel the first name that comes up would not toe the PNM line they would kick him out and say let the second one come, if they do not get the second, they go for the third one. You ever hear madness like that? They are playing games in the police service and the Police Service Commission so that they could get a commissioner who they want.

Maybe, if the PNM gets a Commissioner that it wants, that person may not be able to deal with crime. That is why we are saying that it is necessary that the Government implement the laws to ensure that we could deal with crime and if the Government intends to stymie, block and prevent any good person from holding high office especially that of the Director of Public Prosecutions and the Commissioner of Police, I am certain that this legislation will go nowhere in dealing with crime.

Mr. Speaker, that is why when one looks at this piece of legislation one must look at what the world is saying about us in relation to crime, how the world views us. The article Human Security Report Project human Security Gateway says:

"No Other Life: Gangs, Guns, and Governance in Trinidad and Tobago.

Small Arms Survey/Graduate Institute of International Studies, Geneva/  
Norwegian Ministry of Foreign Affairs.

In the last decade, gun-related homicides in Trinidad and Tobago (T&T) have risen about 1,000 per cent. While higher rates of crime have permeated much of the island of Trinidad in particular, overwhelmingly violence is concentrated in relatively small, hilly...areas on the east side of Port of Spain...

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

*Friday, January 29, 2010*

On a per capita basis, the eastern districts of Port of Spain are among the most dangerous places on the planet and, as a whole, the murder rate for Port of Spain is comparable to that of Baghdad."

That is under the PNM Government.

[MADAM DEPUTY SPEAKER *in the Chair*]

Madam Deputy Speaker, we are dealing with offences which occur in the society as a whole and this is what they are saying about us.

"One rationale for this escalation of crime and murder is that few consequences accrue to those responsible."

That is this PNM. It is making sure that the way it behaves that few consequences accrue to those responsible. It continues:

"In most years, fewer than 20 per cent of violent crimes are ever solved. Even when police and prosecutors mount a case, it generally takes several years before it is brought to trial. During the intervening period, ample opportunities exist to kill or intimidate witnesses."

Why are we not dealing with the law? We have laws in place. Why is the Government not implementing the law and allowing things to run haywire like that? It is because as some people say, they are financing and fuelling the crime with their make-work projects.

What is so sad about this article is that the hon. Attorney General on the last occasion poured contempt on this article; he said it is probably some student writing a paper and he will bank on Sen. Prof. Deosaran as his base.

**4.00 p.m.**

But I ask both him and the honourable Professor, what is contained in this article, is it true or untrue? So the hon. Attorney General is arguing—he went into the article saying that the person is probably doing a research project; he is probably a student and he will take the backings of a Professor. Hon. Attorney General, that is not the issue. The issue is, say something about the contents of the article. You just whoosh it away by attacking the messenger and not dealing with the issue. We ask you, hon. Attorney General, in the last decade, have gun related homicides in Trinidad and Tobago not risen above 1,000 per cent? Answer the question.

**Hon. Jeremie SC:** I will answer later.

**Mr. S. Panday:** You will answer it later. Right. And that detection rate is about 20 per cent. So instead of attacking the article, why do you not accept the article and try to deal with the issue of crime? But instead, what you do, you give the impression that everything is hunky-dory; let the criminals run as they may; let them enjoy themselves, but when somebody speaks about it, you attack the person. That is what this PNM has been doing and that is why the criminals are laughing at you. The criminals are laughing! That is why the criminals are going about as though nothing is wrong. You said on the last occasion that this year would not be as bad as last year: "We have things under control; we are implementing the law." What is the murder rate today? Today is January 29, 2010 and my information is that the murder rate is more than one per day. Why do you not deal with the issue of crime? The problem with this Government is not passing laws, you know—they have passed so many laws—it is because the Government does not have the will to deal with crime. That is the problem with this Government.

We have the DNA. How many persons have been charged because of the DNA evidence since the implementation of the law? How many? You should come here and tell us. We beg you, hon. Attorney General, come and show off on us; come and boast; come and tell us how the law has been implemented; tell us how many people have been charged and prosecuted, not on "I see" evidence, but on scientific evidence, the DNA evidence which we had passed. We want you to boast.

We passed the breathalyzer test. They took about three years before they started to implement it. They started to implement it with all fanfare and glory: "We are going to introduce the breathalyzer test; road accidents will now be reduced; the carnage on the roads will be reduced." I ask the hon. Member for Diego Martin North/East to tell us to date since the inauguration of the breathalyzer test usage, how many persons have been charged and convicted with the use of breathalyzer?

*[Mr. Imbert stands]*

Remember I am taking you to the privileges committee, eh.

**Mr. Imbert:** Six persons were charged, five convicted.

**Mr. S. Panday:** Madam Deputy Speaker, shamelessness has reached its pinnacle. For him to say that in this country since the breathalyzer was introduced, only six persons have been charged. Only six persons? That is, indeed, the point I am making, that they do not intend to implement the law. Is the

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

Friday, January 29, 2010

hon. Minister saying: "Look we are doing our best"? In this country, with so many heavy drinkers, only six persons—

**Mr. Imbert:** I thank the hon. Member for giving way. You tell me what other system has that success rate in convictions: six charged; five convicted. You tell me. [*Desk thumping*]

**Mr. S. Panday:** You all, do not go following him, please. He is boasting that six persons were charged. Is that what you are boasting about? There are so many clubs where people drink all night, you tell me you cannot find—[*Interruption*] Pardon?

**Mrs. Nunez-Tesheira:** They have designated drivers now.

**Mr. S. Panday:** And yet so many people are dying on the road and the excuse they are making is "lose control". Every time you hear somebody "lose control" when they are driving, it is either they are driving too hard or they are under the influence.

But I am asking: how many persons have you trained as police officers to conduct these exercises? Is it 50, 100? How many? And you will tell me only six persons have been charged for breathalyzer offences? You know what happens, you are actually telling the people who drink and drive: "We are incapable; we are impotent and that is okay. Continue going on."

Six persons charged? And he has the temerity to stand in this House and make such a statement? As I say, they have no real intention to deal with crime and we have spent so much time and money on training and equipment, and this Government boasts that since last year only six persons have been charged in Trinidad and Tobago. As I say, bringing that piece of legislation here today is really—I would not say is a joke, but is really putting the priorities in the wrong direction.

I want to come directly of the issue of prisons. I want to ask the hon. Member for from Laventille East/Morvant who speaks about dealing with prisoners, to answer when she is winding up, about this article which appeared on the *Newsday* of Monday, January 04, 2010, "Corruption in prisons?" We are passing legislation to deal with corruption in the prisons. Answer this one. I quote from the article of Monday, January 04, 2010:

"The country's prisons system and its declared policy should be geared towards rehabilitation..."

It says:

"Concerned families of inmates should be encouraged to assist in seeking to persuade relatives who are prisoners not to commit further wrongs against society, once they are freed, which will see them return to the prison once more."

So they are saying that concerned families who have inmates in prison should take steps to encourage them not to return there. But it says:

"But how can the prisons system win the support of these relatives, when not only is there reported price gouging at the prisons' canteens, but the alleged selling at the canteens of items purchased by the State for prisoners' use?"

Items purchased for prisoners' use by the State, they take it; they put it in the canteen and gouging out persons' eyes. I ask the Minister of Legal Affairs who is so concerned about price gouging: What have you done about this, Sir—price gouging in the prisons? You are going on television and boasting about how you are dealing with price gouging in all the pharmacies and all the groceries all over the country. What are you doing in the prisons which you have control over? It says:

“There can be few things more despicable than what has been reported.

Already, the Minister of State in the Ministry of National Security ...who has the responsibility for the nation's prisons has ordered Acting Commissioner of Prisons, Martin Martinez, to submit within seven days a full report on claims of overpricing at the canteens of the various prisons. This is not the first time, however, that reports of over pricing at the nation's prison canteens have surfaced.”

That is since the beginning of January and seven days have come and seven days have gone and to date we have heard nothing about price-gouging in prisons. We have heard nothing about steps being taken on the advantage taken of poor relatives.

**Miss Cox:** Thank you very much, Member for Princes Town North. Actually I did receive the report and I have asked for further information, so I should be getting a final report this week.

**Mr. S. Panday:** Thank you very much, hon. Minister. All we are asking is, are they gouging the prices or not? Is there price gouging or not? How could they give you an interim report and then a final report? It is only one report you want. Is there price gouging? That is all they ask you. You do not have to wait for one report; another report and then another report again. The Minister of Legal

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

*Friday, January 29, 2010*

Affairs, I am certain he will not tolerate such a thing from private enterprise: One report; a second report and then waiting for a report again? It says:

"Should the charges be found to be true, what sort of signals are being sent to the prisoners? Is it that what is clearly needed an offence against society is right if it is done by certain parties?"

So they are asking: Is it right for the arm of the State to commit such wrongs and nothing has been done? When the State commits a wrong against the private citizens, that is a very serious act and we feel you were right when you say that "I want a report in seven days". Not because you are the State it is right that you could conduct such activities.

"Is it not a tacit message that some persons can do wrong and get away with it?"

I humbly submit that by saying you are waiting for another report, gives the impression to the public that you are really playing for time, hoping that it would die a natural death and nobody will follow it up.

"In addition, is the specific audience not likely to regard as hypocrites the few persons in the prisons systems who are engaged in this alleged disgusting exercise?"

We bring law here to say do not break the law while you are in prison, but hear what the article says:

"Clearly, if the reports of over pricing are correct then those who may be involved are engaged in breaking the law...."

You all are breaking the law in the prison if that is so. And I tell you I know about it; there is indeed price gouging at the prisons and this is to the detriment of the same group that is being punished for having just that, that is breaking the law. So you are punishing people for breaking the law and you are breaking the law against them. And hear how strong this position is:

"There is no alternative. The cancer must be excised."

If you say you are waiting for a report and you want another report, it gives the impression that there is no urgency in dealing with this cancer.

And then it says:

"Minister of State...has been quoted in the December 30 issue of *Newsday* as having stated 'I have been hearing certain discrepancies with regards to the pricing at the canteens in the prisons, but when this was communicated to me



officially by concerned persons, I raised the matter with the Commissioner of Prisons and I am hoping to get a report in one week's time so (that) the matter can be dealt with.”

So Madam Minister, people have been complaining to you about this and I would expect that you would have done your own homework; you would have gone in there; send people in there, so that if there is a cover-up, you could have dealt with it. But you are asking the Prison Commissioner to complain about prison officers breaking the law.

I am certain that at the end of the day you will get a report which will cover up everything and make everything look hunky-dory.

**Mr. Dumas:** You are impugning the man's reputation.

**Mr. S. Panday:** Why did he not give a proper report in seven days then?

#### **4.15 p.m.**

Hon. Minister, we are certain that you will not let this matter rest; that you will overturn every stone to ensure that this is brought to an end. I am certain that you are generous enough; that when it happens you will come to the Parliament and say what action has been taken against those Ministers. This is probably sanctioned by the State. It says:

"Should any or all of the discrepancies of which the Minister of State has heard prove to be correct and prices charged proven to be above those agreed upon then stern disciplinary action should be taken against the offending party or parties."

Who is the party carrying out this illegal act? Our information is that prison officers have formed a cooperative with the blessing of the prison authorities and they are acting on the strength of the prison authorities. They know that when you go to the prison, no person can carry anything which is sold in the canteen to give their relatives. They say that you may have drugs or prohibitive items and, in those circumstances, you have to buy everything from the canteen. So the canteen has a monopoly and they use that to distress poor people.

Many times when people are incarcerated they leave their families unattended; without a breadwinner, and those mothers and sisters have to scrape and make up this money and when they go to the canteen, they go to buy basics for their relatives. Those are the persons who are being taken advantage of and the prisoners suffer.

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

Friday, January 29, 2010

Maybe that is why they need the cellphone to contact people to bring other things for them. We do not know. We are trying to block them from having cellphones, but we are digging out their eyes in the canteen. It cannot work so. You cannot have this kind of behaviour in the prison and have this legislation. It does not balance.

**Madam 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. J. Warner]

*Question put and agreed to.*

**Mr. S. Panday:** Thank you very much, Madam Deputy Speaker. The hon. Member for Tobago East asked why I am impugning the integrity of the Commissioner of Prisons. *Newsday*:

"Sources have advised...that the Ag. Commissioner of Prisons has requested that the prices of all items sold at canteens—" [Interruption]

**Madam Deputy Speaker:** Please allow the hon. Member to make his contribution. I am sure that for those who are not inclined to listen to him there are several exits that will allow you to do some other things.

**Mr. S. Panday:** Thank you, Madam Deputy Speaker. It says that the hon. Minister had reports. Persons could come to the hon. Minister and make these complaints and you will tell me that the commissioner did not know about it; that these people would not have reported to the commissioner?

The *Newsday* said.

"Sources have advised...that the Acting Commissioner of Prisons has requested the prices of all items sold at the canteens throughout the nation's prisons system."

I can confirm this piece of information.

"A pensioner from Biche, who, reportedly, has a relative in remand at the Golden Grove Prison has quoted what he insisted were some of the prices at which items were being sold."

Hear the items:

"One litre, Gatorade — \$11.50; one litre Coca Cola — \$34.50; a pack of small Crix, \$8.05; 400g Kerrygold Milk, \$23.00; one small pack of Lasko Milk Powder, \$9.20... "

If that is not breaking the law, nothing is.

The hon. Member for Princes Town South spoke about price controls; that you should not take advantage of people and, hon. Minister, do you hear the prices that are being charged? The PNM can never open its mouth again against grocers about price gouging because it encourages price gouging on persons least able to afford it.

The Member for Princes Town South says to label items so that people could compare from one grocery to another, but in their canteens, they do not have prices on their goods. Something must be done quickly and the way we have been going about this matter, something is not being done quickly enough.

Like the hon. Prime Minister, I now move on to specific items of the Bill. It says that section 8 of the Act is amended so that any person who brings in or carries out or endeavours to bring in or carry out or knowingly allows to be brought into prison or carried out of any prison any prohibited article is liable on summary conviction to a fine of \$1,000.

In this case, it has been increased to \$25,000. I have no problem with increasing the fine, but Government is giving the impression that they are serious about taking things into the prisons such as clothing, food, drink, letters, papers, books, tools, any article; we are taking that and charging them \$25,000 and imprisonment for three years and, at the same time, they are gouging out people's eyes.

If one has committed a criminal act and there is a fine attached to it, in the Summary Courts Act, there is a schedule with the amount of fine with a corresponding term of incarceration. Coming to the Parliament and saying \$25,000 and imprisonment of three years is really mamaguying themselves because there is a schedule. I have no problem putting three years, but for them to come here and say they are serious about dealing with the issue; they are mamaguying themselves.

Section 17 is also amended. These are the rules made and, if one looks at clause 5(a):

“in subsection (1)(q), by deleting after the words ‘be submitted’, the word ‘and’;”  
it is merely editorial; it does not add anything significant.

It says also that:

“by inserting after (1)(q), the following paragraphs:

‘(r) the conducting of searches of officers, servants of the prison and visitors;’”

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

*Friday, January 29, 2010*

The question is: What ranks will be doing the searches? If we merely say we are introducing a paragraph, the conduct of searches of officers, servants of prisoners and visitors, what rank will do the search? If you take a prison officer of a middle or lower rank, he will be in the mainstream of the prison population. In those circumstances, the system may be polluted by appointing someone who is not of a particular rank. We want to amend the legislation by adding "conducting of searches of officers, servants of the prison and visitors by an officer of no lower than that of Superintendent of Prisons", someone in charge of the administration of the prison; someone with authority to deal with it and not merely to say conduct searches on officers, et cetera. The law as presented to us here today can be easily abused and its effect minimized.

We go on. After it says that they have introduced the compulsory drug testing of prisoners, we ask: Who will do that drug testing? We have a report of a commission of enquiry into the prisons and one of the complaints in that report says that there is a chronic shortage of experts to deal with that issue. I refer to the final report of the commission of enquiry appointed to enquire into the existing conditions of the prisons and to make recommendations for reform in the light of modern concepts of penal practices and rehabilitation methods.

The question we ask is: Who will do that testing? As the Member for Caroni East said, it is not like the breathalyser, non-invasive; it is an evasive process. Who will conduct that? In prison there is an insufficient number of medical expertise.

**Madam Deputy Speaker:** Hon. Members, the sitting of this House is suspended for tea and we shall resume promptly at 5.00 p.m.

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

**5:00 p.m.:** *Sitting resumed*

[MR. SPEAKER in the Chair]

**Mr. S. Panday:** Thank you very much, Mr. Speaker. When we took the tea break, like the distinguished Prime Minister, I was on the specific areas in the Bill. I move on now to the compulsory drug testing of prisoners. As the hon. Minister indicated, that drug testing is really to determine whether persons are addicts and as such, use the opportunity to rehabilitate them. We know many persons who have been sent to prison and as far as we are aware, there are no drug rehabilitation units in the prisons. If that is the case, it may be necessary, having

regard to the number of persons who go to prisons for drugs, to have a very big unit if we really want to deal with the issue.

Also on the issue of compulsory drug testing, I humbly feel that the hon. Minister really cannot give us that undertaking at this time, but we pray and hope when the regulations are made, we would ensure that it is done in a very fair, equitable and scientific way; in a medical environment.

If we allow prisoners, who are called orderlies, to do blood tests in the jail—as we know there are certain prisoners who act as dentists in the jail and extract people's teeth.

**Hon. Member:** “How yuh know dat?”

**Mr. S. Panday:** There is a prisoner by the name of Scholastic, who was a dental technician in the prisons and he extracted persons' teeth. We must make sure that we do not have the resources that would give a prisoner or even low-level prison officers to perform this task.

We know in the prisons that there are prison officers who beat prisoners. As the hon. Member for Caroni East indicated, prisoners were awarded damages for being beaten by prison officers. There is a kind of politics and economy which takes place in the prisons, where there are certain prison officers who pick on certain prisoners. You could never know, they could switch the blood to deal with certain prisoners whom they do not like. The security of the system is also necessary.

One thing that confuses me however, is when one looks at section 17 of the Act which states:

“The Minister may, subject to affirmative resolution of Parliament, make Rules for the better carrying into effect of the provisions and purposes of this Act, including rules for amending or revoking the Prison Rules, and without limiting the generality of the foregoing, may make Rules providing for—”

It speaks about:

- (a) the admission and discharge of prisoners;
- (b) the classification of diet, clothing, maintenance,...;
- (c) the medical examination”—et cetera.

It deals with the establishment of control, payment of prisoners in accordance with the rules, remission of sentences, supply of money, et cetera.

*Prisons (Amdt.) Bill*  
[MR. S. PANDAY]

*Friday, January 29, 2010*

It goes on to add subclause (s) to the list. But yet, one sees in section 17(2) that the Rules made under that section may contain provisions for imposing on any person contravening the Rules a fine recoverable on summary conviction of the sum of \$2,500. This section states that the Rules provide for things to be done by officials. How does section 17(2) relate to section 17(1)?

With those few words, I see the distinguished Member for Tabaquite raring to go, I thank you very much.

**The Minister of State in the Ministry of Social Development (Hon. Alicia Hospedales):** Mr. Speaker, it is a great pleasure for me to contribute to this debate on the Act to amend the Prisons Act, Chap. 13:01. I join with my colleague, the hon. Member for Laventille East/Morvant, Hon. Donna Cox, in support of the amendments to sections 8 and 17 of this Bill.

Mr. Speaker, for a moment, sitting here, I was convinced that I came into this House today to debate the amendments to sections 8 and 17 of the Prisons Act, but to my amazement we were taken around the country for an institutional tour for 55 minutes, by the Member for Princes Town North. He mentioned what we should and should not do, what we have or have not done and what he imagines that they would have done under their administration. I must say, we know the outcome of that, only gloom and doom. I am moved to believe that the Member for Princes Town North has citizenship in a country or land called “Far, Far Away, Wonderland or Never-Never Land”, places where inhabitants are allowed to have their imaginations run away with them. He just took us all over the place.

Mr. Speaker, correct me if I am wrong. I believe that we have a responsibility, and this is for the information of the Member for Princes Town North, to maintain focus on the topic that is being debated before us, as well as to inform the general population. For the information of the Member for Princes Town North, for relevance and focus, if I were to mark you, Sir, I would be generous to give you one out of 10.

On addressing the issue of crime, crime requires a multifaceted approach. It is not just one or two approaches, but several approaches. We have implemented some measures so far. We have strengthened existing ones and we will continue to implement measures that would help us as a government to emerge as conquerors in the fight against crime.

The Member for Caroni East talked about bringing piecemeal amendments. The question to him, unfortunately he is not in his seat, is: What did they do to rectify the problem of trafficking in the prisons when they were in administration? We all know the answer on this side: Nothing.

Mr. Speaker, I am not going to waste my time this afternoon to go all over the place like the Member for Princes Town North and speak of things that are not relevant to the debate. Rather, I would proceed to the amendments of the Bill that is before us this afternoon.

The amendments made in the Bill is part of this Government's overall strategy to combat the problem of drug possession, the use of drugs, trafficking, trafficking of dangerous weapons and cellphones and any other prohibited articles in the prison system and to bring about overall penal reform. For the information of the Member for Princes Town North, this is not an insignificant piece of amendment; it is an effort to deal with an issue of crime within the prison system.

In order to limit the lawful activity in the prisons, this Bill, specifically section 17, seeks to effect searching of prison officers, servants of the prisons and visitors. For the information of the Members for Caroni East and Princes Town North, this is just one strategy of a number of strategies or approaches that will be used to reduce the availability of illegal drugs and dangerous weapons, cellphones and other prohibited articles or devices that might be trafficked into the prison system, as well as to reduce the adverse societal consequences that emanate because of the proliferation of illegal trafficking within the prison walls. Drug use, the availability of cellphones, dangerous weapons and other prohibited articles and devices in the prisons is a major problem that has been a cause of concern for this Government. I say has been and continues to be a cause of concern for this Government. This problem in our nation's prisons is a manifestation, according to research, of the impact of the problem that has posed a major threat to this society.

I should also emphasize that this is not a problem that is isolated to Trinidad and Tobago, but if you were to do your research, Sir, you would recognize, hon. Member for Princes Town North, that this is a problem that is occurring in developing countries, as well as in the prison systems of developed countries. It is not an isolated event or issue that we are facing, but because of the bad decisions made by rogue elements operating in the prison system, as well as persons who operate from outside the prison walls and those who work overtime to devise ways in which they can traffic prohibited items into the prisons, thus, this problem has emanated.

Over the years, there have been reports of prison officers and visitors being charged for the possession of narcotics, cellphones and articles that are prohibited in the prisons. Some of these officers, according to Commissioner John Rogier,

*Prisons (Amdt.) Bill*  
[HON. A. HOSPEDALES]

*Friday, January 29, 2010*

willingly aid illicit activities, while others are being threatened into supplying inmates with whatever they wanted. This was provided in a country report for Trinidad and Tobago.

Trafficking of drugs in the prison system is a serious issue and we recognize that as a government. The magnitude of the problem, with respect to the abuse of drugs in the prison system, was revealed in a study conducted by the National Drug Council in 2005, in a study on inmates' drug abuse and monitoring projects. The study revealed that there was a high level of substance abuse; over 60 per cent amongst the inmates. This could only be possible because of the drug trafficking activities that occur in the prisons.

Despite the random searches that are conducted on a regular basis, the problem continues to exist. As a result, a more regular regimented searching of prison officers, servants of the prisons and visitors is of utmost importance, and, therefore, this amendment made in this Bill is timely and necessary. Despite what the other Members may say, it is brought in a piecemeal manner, it might not be relevant for now, or it is not modern, we are saying that it is important and timely for this particular point in time.

It is acknowledged that drug using offenders are a group of individuals with complex and intractable problems, which mean that they will be more challenging to treat, rehabilitate and reintegrate into society. The problem of drug addiction magnifies or becomes more problematic with the prevalence or availability of drugs in prison.

**5.15 p.m.**

I will try to help people to understand what an individual might experience going into prison or prior to going into prison and I will try to create two examples. For instance, just imagine JR—not the real initials—who has a drug habit being sent to prison because he was caught stealing, only to find the same drugs that he was using on the streets existing there. I can use another example of SM—not his real initials—who never used drugs prior to going into prison, but because of peer pressure or boredom, he may decide to use drugs because the drugs are available there.

So, the consequence of this, Mr. Speaker, is that JR who went into prison an active addict will come out of prison being an active addict and SM who went into prison never having used would come out of prison an active addict. This sort of outcome can only cause more harm than good to our society, because it can lead to an increase in the rates of recidivism, particularly in the commission of crimes



such as shoplifting and burglary. It increases harm to the addicted offenders themselves and to the wider community.

It increases violence which includes homicide, health problems, homelessness, unemployment and disruption in families, and the list can go on and on in terms of the severity of issues or the numerous issues that can emanate as a result of someone coming out of prison being an addict.

Mr. Speaker, all of these negative results cause an additional economic cost on the health system, national security, social development and a number of other issues in society as well as they can impact on society as a whole. Our efforts today are really geared towards the reduction of the number of persons who leave prison addicted to drugs. As a result, the amendment to section 8 regarding the increase in the fine from \$1,000 to \$25,000 and imprisonment for three years for persons bringing prohibited articles, for example, illicit drugs, cellphones, dangerous weapons and so on to the prison system is necessary. This is another strategy to deter the present and potential perpetrators who make an attempt to traffic prohibited items into prison, and other strategies that are currently implemented include random searches, the searching of baggage and walk-through scanners, et cetera.

People use all sorts of tactics to get drugs, cellphones, et cetera into the prison system, and I am sure the Minister of State in the Ministry of National Security and Member for Laventille East/Morvant would have numerous examples or would have been told numerous examples of things that people would have done in order to bring or traffic prohibited articles or devices into the prison system. As a result, the move to stricter penalties is necessary because it limits the risk that compromise the security of the prison system as well as the threat of physical harm or death to prison officers and members of the general public. The amendment to section 8 of the Act will indeed send a message to those who previously took chances to traffic prohibited items into the prison system.

Even though some Members on the other side said that it would not be a deterrent, we believe, because based on research, it has shown that these measures act as a deterrent to would-be offenders or persons who would be so tempted to engage in trafficking of prohibited articles into the prison system.

Another significant amendment is the introduction of section 17(1)(s) which specifically makes reference to compulsory drug testing.

The Member for Caroni East asked, "What is mandatory drug testing intended to do?" Okay, I will try my best to answer him and probably edify him a bit about

mandatory or compulsory drug testing. This is intended to monitor drug use and the type of drugs in use among prisoners, to act as a deterrent and to identify individuals in need of treatment. According to *Singleton et al*, positivity tests that emanate as a result of mandatory drug testing are good measures for tracking changes in drug use nationally or by prison area.

So they did a study on five prisons in England and what they found was that they were able to track the drug use by prison district as well as they were able to track what types of drugs were in use on a national scale. Additionally, researchers Edgar and O'Donnell from the Centre for Criminological Research at the Oxford University, in a study done “Mandatory Drug Testing in Prisons: The Relationship Between MDT and the level and nature of drug misuse,” revealed out of 140 prisoners, MDT led to some pronounced and ambiguous changes in 111 prisoners who previously used drugs and had a possible positive impact on the prisoners’ relationship with their family members and sometimes with staff. I would just like to reemphasize the benefits of compulsory drug testing for both the Member for Princes Town North and the Member for Caroni East, who, unfortunately is absent. Compulsory drug testing utilized with other strategies such as those mentioned earlier with respect to searching officers, servants of the prison, visitors, imposing stricter fines and stricter penalties, has the potential to substantially reduce drug use within the prisons.

It is also used as a major deterrent strategy, it is also intended to support non-users in resisting peer pressure and aids in identifying prisoners with drug problems so that efforts to help them might be applied more effectively. Additionally, compulsory drug testing is found to be a major factor in decreasing violence related to drug use and decreasing violence associated with drug trafficking in prisons. It also has the potential, once implemented, to result in the reduction of offending.

Mr. Speaker, I would just like to highlight one particular initiative that was taken in the period 2005—2007. Because of the awareness of the problem of drug use, drug abuse and drug trafficking in the prison system, there was a workshop on Remedial Intervention for Trafficking and Drug Use which was held for 1,462 prison officers. The main aim of this workshop was intended to sensitize the officers to the issues related to drug trafficking and abuse. This empowered them to better address the issues of drug trafficking and abuse in the prison system.

In response to a question asked by the Member for Caroni East, where he asked, “If you are testing prisoners and they are found to be positive, what are they trying to achieve and where are you going to take them?” I am not sure if the

Member for Caroni East was listening to the Member for Laventille East/Morvant when she mentioned that there are a number of programmes in the prison system that were established to help prisoners to be informed about the dangers of drug use. For example, the Drug Information Education Programmes and other programmes that treat, rehabilitate, as well as provide support to persons who are addictive to any substance; some of these programmes are Narcotics Anonymous, the Therapeutic Rehabilitative Programme and Community Rehabilitative Programme.

We, probably, need for both the Member for Caroni East, because I also heard the Member for Princes Town North mention that there is no rehabilitative programme existing in the prison system. So Member for Laventille East/Morvant, we probably need to arrange for them to go on a tour—

**Miss Cox:** Yes, we do.

**Hon A. Hospedales:** Or probably for them to be enrolled in one of the programmes and then they would be convinced that the programmes exist in the prison system.

Mr. Speaker, the presence of these programmes makes it easier for the implementation of compulsory drug testing, because once a prisoner is identified as a drug user he or she can then be encouraged to participate in the treatment and rehabilitative programmes as well as the other interventions that are available to them before they exit the prison system.

The Member for Caroni East asked, “Where is the testing going to take place?” I think again, we probably would have to arrange with the Member for Laventille East/Morvant a second a visit for him, to the infirmary of the prison so that he can see where the testing would actually be taking place.

I just want to go to the issue of increasing the fines for trafficking prohibited articles into the prison and to re-emphasize that the searching of officers, servants of the prison as well as compulsory drug testing will result in the reduction in the availability of drugs, cellphones, et cetera, in the prison system and will also result in the reduction of the number of prisoners who remain in active addiction and those who become addicted while in prison.

Increasing the fines for the contravention of prison rules from \$100 to \$2,500 will also act as another deterrent and will help to strengthen the management and governance of the prison system, as well as to ensure the discipline and safe custody of the prisoners. All of these amendments as identified and the benefits

*Prisons (Amdt.) Bill*  
[HON. A. HOSPEDALES]

*Friday, January 29, 2010*

that will be derived from the implementation of these measures, together with providing the Minister with the ability to make rules that will positively impact on the way in which the prison system is managed and operated for the staff, inmates and society as a whole, are of utmost necessity. If we want to see our penal system truly transformed into an environment that facilitates treatment, restorative justice and eventually, effective—I would say—reintegration into society, we need to ensure that these amendments are made. We care about all of our citizens, and as a result, no one, not even those who are incarcerated will be left behind. As a Government, we believe that our efforts to help rehabilitate them to become productive contributors to this society will succeed.

To end, I would like to say that, again, to re-emphasize to the Member for Princes Town North, that any measure this is being implemented with respect to addressing the issue of crime, it cannot be done in isolation, it is a multifaceted approach that is actually implemented, that will actually result in the reduction of crime in Trinidad and Tobago.

I would like to congratulate the Member for Laventille East/Morvant, the hon. Donna Cox for bringing these amendments to this House, and again, I said I give my support to the amendments. [*Desk thumping*]

**Mr. Ramesh Lawrence Maharaj SC** (*Tabaquite*): Mr. Speaker, thank you very much. I wish to make a short intervention in this debate and I make this intervention because I think the measure which mainly deals with making rules of drug testing of prisoners is very important and has implications for the wider society.

There can be no doubt that illegal drugs pose a serious threat to Trinidad and Tobago.

As a matter of fact, all the statistics would show over the years, that most of the serious crimes in Trinidad and Tobago are drug related. The prison system is an important part of the criminal justice system, and therefore, where in the prison you can have the condemnation of drug trafficking, or the prisoners using drugs, or the prison being used for the dissemination of drugs or for the use of drugs, it is a very important measure, and I do not think anyone can in principle object to such a measure.

**5.30 p.m.**

What concerns me however, and I would like to take the opportunity of asking the Government, and probably in response, if you look at the website of the Trinidad and Tobago Prison Service, one would see that the aims and objectives of the prison service are:

- "To ensure the safe custody of inmates by maintaining security.

- That those serving terms of imprisonment with Hard Labour are made to work and are trained in various skills to afford them an opportunity for gainful employment on their release.
- To provide welfare and recreational programmes for all inmates."

It then talks about the mission:

"To protect society and; reduce crime through the reduction in re-offending by facilitating the opportunities for the rehabilitation of offenders, while maintaining control under safe, secure and humane conditions."

So the mission of the prison service includes, apart from protecting society, to reduce crime through the reduction in re-offending by facilitating opportunities for rehabilitation, et cetera.

Now, obviously, one of the aims of this drugs testing, must be to identify the prisoners who are taking drugs, and therefore, if they are taking drugs, there can be no question that they would be receiving that drugs from outside. Therefore, that detection would probably help the authorities to detect who are the suppliers of the drugs and possibly to detect the traffickers. I think that in itself would go to some extent in the authorities finding out who the offenders or the big persons are in the supply of drugs. But what I am concerned with is the question of the rehabilitation of the person who is addicted to taking the drugs, and this brings into focus what institution would be in the prison service. I know over the last few years, that the whole question in Trinidad and Tobago of illegal drugs being used by persons who are charged for offences, persons who are convicted, and s how to get the rehabilitation of these persons affected has been a major problem in Trinidad and Tobago, and other countries have had to deal with this.

I remember during the years 1996 to around 2001, there were studies done in the government from other countries, as to what should be done to try to rehabilitate the drug offenders. You would have a situation where a person if convicted of the possession for the trafficking of drugs, even if that person goes to prison, it does not mean to say that the person would be rehabilitated. If the person is not rehabilitated when he or she comes outside, you would have the same recycling of the situation.

I know at one time the Government was considering a measure which has been used in the United States of America, in which you have what is called, "drug courts", but "drug courts" is geared to rehabilitate those who are convicted for drug offences. You would have a situation in which the drug traffickers would be out of the system, would not be under that, but you would have a drug court in

*Prisons (Amdt.) Bill*  
[MR. MAHARAJ SC]

*Friday, January 29, 2010*

which if you are convicted or if you plead guilty, you would have a system where there will be institutions attached to the court, and for the court to monitor whether the person is responding to the treatment to prevent the addiction. Then when the person has completely responded, there would have to be a report to the court, the court would accept that and then the authorities would be able to say that this person has been rehabilitated.

Mr. Speaker, I have actually seen that operation in some of the States in the United States of America, and it has worked very, very well. Therefore, I would like to recommend to the Government, that it go back to some of these reports which have been done, because you would have a situation in which you get to know the offender. The person is in the prison system, you may not want to charge all the prisoners who are involved in this for having drugs. Your main purpose would be to try to rehabilitate the prisoner. Therefore, it would seem to me that this could work, but only if it has a back-up system to help those who are detected in the prison of being involved in drugs. The law enforcement side is a different matter, because obviously, you would know who are the drug suppliers.

Since we are dealing with the prison—and I am in total agreement that the prison system should be both a system in which you would punish the offenders, but also try to rehabilitate those who can take rehabilitation because these prisoners have to go back outside—in Trinidad and Tobago, at this time, there is what I will call "the recirculation of prisoners", and many of the offences are by repeat offenders. Therefore, you have a situation in which a person who comes out of prison has no help, probably does not have shelter, and therefore, to him or to her, it is better to get back into the system. So you have many prisoners who have left the system and they say, "Well, we do not have all the support systems that we had inside in the prison. We cannot get them outside, so it is better to go back inside." So they end up committing an offence just to get back inside, and one of the problems in the criminal justice system is the repeat offenders. Therefore, it seems to me that if you want to deal with a problem like this, you would have to deal with providing some meaningful assistance to prisoners who have been rehabilitated, to get on their feet or who are leaving the system, otherwise, you are going to have a recycling of the criminals.

Mr. Speaker, I think that there is a more important point about the whole question of the prison system at which the Government should look. We spend much money keeping prisoners in the prison system. It is necessary for the prison system to exist, but maybe, the time has come for the prison to pay for itself, or the prisoners to pay for themselves, and for the prisoners to even pay for society or pay for amenities in the society. [*Desk thumping*]

As a matter of fact, what I saw in the prisons in America—I have actually visited some of these prisons in my younger life. I was given a tour through the American government of all these prison systems for prison reform—is that prisoners earn money. They have a trade and they work; they have a bank account and they can save money; but they have to provide also for outside society. There a system in which the prison is paying for itself. The prisoners have to earn money in order for the prison to operate. It is very well organized in that they would determine what trade they can do, and if they cannot do a trade, they would be taught a trade as joinery and operate it. There are places where cupboards could be made and sold.

Therefore, there is a system in which many prisons in America do not have to depend on taxpayers' money. I have not worked out the figure, but I know that some years ago when it was worked out, it cost much money to keep a prisoner for a year, when you think of the large prison population. I would like to recommend to the Government that we consider having a complete shift from the taxpayer to be paying for the prisoners, because you are paying for persons who have been convicted of crime. There would be a restorative justice system where they would make amends, or even apologize to the victim. Whether they would do community service, I think that is still on, especially at a time when money is so important for our country.

I think that we should look at it and probably the Government can do some pilot study because we have several prisons. There could be some co-operation with the United States government and you could get the experts to come here and see whether it can work, because in America too, the prisoners actually go outside and work. If you are building a highway or if you are doing major public work, the prisoner has to go outside and work for the particular State. So maybe, that concept can be considered in Trinidad and Tobago.

Mr. Speaker, those are the two points that I wanted to make. The final point really has to do with—I think I heard the Minister say that and from what I have been reading, the trend now is to move away from the retributive system to a restorative justice system. I was reading some of the comments from the former junior Minister, the Minister of State in the Ministry of National Security, Mr. Hinds, and I think it was very helpful and maybe the Minister in winding up would be able to tell me whether this policy is continuing:

"Through these restorative programmes or initiatives, certain anticipated outcomes are envisaged. For the victims, the objectives of repayment for material losses, as

well as a sense of acknowledgment of the harm caused and some degree of repair and reconciliation will be realized. For the community, there will be the establishment of an increased capacity to accept and integrate offenders; increased involvement and an understanding of the justice system by community members; a sense of the offender having made some degree of amends; and a reduced level of fear. With respect to the offender, there will be an increased awareness of the impact of crime on other people; increased capacity of offenders to contribute productively to the community; higher educational status and improved occupational, social and decision-making skill; improved self image and improved public image of the offender; increased sense of belonging to the community; and improved generosity of the community towards the offender."

Mr. Speaker, this is very important because I think Trinidad and Tobago has recognized that the whole prison system has to be shifted from a purely retributive system to a restorative justice system. It was in that context, mission and vision. When I served in government, I had the privilege of that concept being started, and at that time, the Ministry gave assistance to them to start, because what is happening is that there is no more effective measure to sometimes convince a person involved in crime, than a person, himself or herself, who has been involved in crime, and one has seen how that concept has worked. I feel very confident about the policy of the Ministry, and take the amendment to the Bill. We can use the detection of the drug trafficking or the inmates who are involved in drugs and try to rehabilitate them. You would be indirectly reducing a cause for additional crime in Trinidad and Tobago.

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

**5.45 p.m.**

**Mr. Jack Warner** (*Chaguanas West*): Mr. Speaker, I will be as succinct as possible. I would touch on some salient points as they relate to the Bill specifically.

Before I do so, I want to thank the hon. Prime Minister for the sentiments he expressed relative to the election of our new political leader and those whom he associated with her. I recall him saying that he wished us well. Sometimes you get in life what you pray for; therefore, I want to say to the Prime Minister as he wished us well, we shall not disappoint him or the nation.

Having said so, I want to raise two points which I also heard from previous speakers on the other side. First of all the Minister, the Member for Laventille East/Morvant, made the point that there were educational programmes for prisoners. I would like to know when she is winding up, what are these programmes, where are



they, how many programmes are involved. I would also like to find out from the Minister why these programmes were not incorporated into the Bill itself. I would also like to have some correction for the hon. Member for Arima who said that drug testing was voluntary, but I saw in the Bill and heard from previous speakers that drug testing was compulsory. [*Interruption*]

**Miss Cox:** What the Member for Arima stated was that presently it was voluntary, but after the passing of this Bill it would be compulsory.

**Mr. J. Warner:** Thank you, and I will come back to that clarification in a few minutes.

Mr. Speaker, I want to present this debate in a structured fashion. I want to say what the purpose of the Bill is. I want to discuss briefly the changes which the Bill is designed to correct and what really brought about the need for these changes.

Very briefly, the purpose of this Bill is to strengthen some inherent, obvious weaknesses in the parent Prison Act; that is the bottom line. In fact, the parent Prisons Act is as old as the hills and, quite rightly, does not take into account our changing times. Therefore, I am suggesting that the amendment before us is an attempt to correct that, to redress that; as it is possibly with so many of our other laws in the land.

The parent Act did not consider the ingenious and novel ways in which crimes are being committed in our nation and especially now in our prisons. In the parent Act there are obvious loopholes because it is archaic, anachronistic and has to be corrected. I commend the hon. Member for Laventille East/Morvant for bringing this before us here today.

I would make the point that I understand the intent of the Bill. The intent, if I am correct, hon. Member for Laventille East/Morvant, is to strengthen the management of the prison service and, of course, to increase the penalties for those persons in the prisons who commit crimes, prisoners and officers alike. If that is the intent, I again commend you for it. I still feel that the Bill is short in terms of context and ideas. I would like to tell you what I mean when I say so; after all, there are enough technocrats and drafters of Bills who I believe could have done better than what we have before us today.

Mr. Speaker, the amendment seeks to provide rules for the conduct of searches on officers, servants, visitors and so on. The question you have to ask yourself is? Do we need to amend the law at this time? The answer is yes, we need to amend the law at this time. The question is: If we need to amend the law, why is it that for the last five years we have had so many crimes, particularly?

*Prisons (Amdt.) Bill*  
[MR. WARNER]

Friday, January 29, 2010

murders, which have gone unchecked As late as 2010 today, we have 44 murders in 29 days. I am suggesting that these crimes are committed by a crime syndicate which operates from inside as well as outside the prisons. I am suggesting, therefore, that what is happening is that new prisoners or new criminals are being bred by old prisoners. Merely looking at the prisons would not help to address the escalating crime situation.

So while, in fact, I want to make the point that the amendment is important, the question I ask is whether the amendment fully encapsulates the shortcomings of the parent Act; I do not feel that it does. One would have to ask oneself: What brought about the need for these changes which the amendment seeks to address? We agree that one of the reasons for this is the proliferation of guns, drugs and cellphones which are being brought into the prisons undetected. We agree that another reason for the amendment is the fact that major crimes are being planned in the prisons. Another reason is the fact that prison officers have been found to be aiding and abetting criminals inside and outside the prison cells.

In fact, in an article in the *Trinidad Express* of December 21, 2009, we are told, and I am quoting:

"A 41-year-old prisons officer...to appear before a...magistrate today charged with a series of offences after he was arrested outside the Port of Spain Prison with a quantity of contraband items.

Police reports state, the officer, who has 18 years service and lives at Chaitam Lane, El Socorro, was held by officers of the Organized Crime, Narcotics and Firearms Bureau...as he was about the to enter the prison."

This is the *Trinidad Express* of December 21, 2009.

Mr. Speaker, you have a second article in the same newspaper. A San Fernando prison officer—I would not call his name, but it is in the newspaper though—charged with the illegal possession of cellphones, sim card, six chargers, cigarettes and lighters, outside the Maximum Security Prison in Arouca. This was last month, 2009 and was outside the Maximum Security Prison in Arouca. You have to ask yourself: If this was the maximum prison, what happened to those minimum prisons. I repeat: I am not unsympathetic to the amendment which is before us today.

On December 12, 2009, in the *Guardian*, I quote:

"Gang leaders continue to run their organisations from within prison walls,..."

Who said so? The hon. Minister, the hon. Member for Laventille East/Morvant. I am quoting her as saying:

"Gang leaders continue to run their organisations from within prison walls..."

On that same day, the article goes on, the hon. Minister said:

"Phones have also been seized that possess camera, Internet, voice"—and so on.

That was said by the hon. Member for Laventille East/Morvant. There is no doubt that these facts were what, in many ways, precipitated the need for these amendments.

I have no problem, I can justify, I can realize, I can see the need for these amendments, but my problem is while I see the need for these amendments, I ask: Can we really support this Bill in its present form? One of the reasons why I have some problems with this is because of the kind of flip-flop, mumbo jumbo way in which the Bill has been presented to us.

I have given some figures this afternoon, but I find that in some ways the Bill is still a bit confused and somewhat messy. I will tell you why. It seems to me that the Bill skims on the surface of prison reform. It merely touches some aspects of prison reform, but remains silent, deafening on other aspects.

I do not feel that the Bill goes to the root problem in the prison service and, therefore, in its present form I do not believe it can really achieve the objective which the hon. Member for Laventille East/Morvant desires. Why am I saying this? In the first place, the Bill touches on solving crime, but how could we solve crime by dealing with the prisons alone? We had the Mastrofski Report; we had other reports before and after him. *[Interruption]*

**Mr. Imbert:** *[Inaudible]*

**Mr. J. Warner:** I am coming to that.

Up to now, I have not heard in this House anything about those reports, which I believe the House has an obligation to be told about. Did they report failure or success? You cannot deal with crime in a hodgepodge fashion; so, therefore, I have some problems with that.

I heard my friend, my colleague from Princes Town North, talking about the Commissioner of Police not being appointed after three years, or the Director of Public Prosecutions (DPP) not after three years. Is that the way we want to solve crime, by keeping these posts vacant for three years? So while I see the need for the amendments, why, of course, these vacancies still exist?

*Prisons (Amdt.) Bill*  
[MR. WARNER]

*Friday, January 29, 2010*

Mr. Speaker, we also see a mass exodus from the Office of the DPP, some going to the Magistracy, as judges and others to private practice. One of the most important things in solving and detecting crime is the prosecution of crime. We have a lot of areas remaining unstaffed; the offices for prosecution of crime remain unstaffed and disorganized. I make the point that the epitome of this, for me, is the fact that the DPP Office, after three years, has only an Acting Director. We cannot, therefore, solve crime this way. I ask: What are we doing?

The crime plans—we had a Canadian guy called Cameron Ross. I do not know if he is your relative. *[Interruption]*

**Mr. Ross:** No relation.

**Mr. J. Warner:** No relation to you? I thought so.

Cameron Ross, November last year—how much did we pay Cameron Ross and what did he recommend? We, of course, are supposed to know. How could these amendments work in light of all this? In fact, there are other affiliated Acts which we should look at in terms of the Prisons (Amdt.) Bill. For example, how could you solve problems in prisons, Member for Laventille East/Morvant, if you do not deal with the burning question of hiring and firing at the prisons? How could you do it? How do you deal with the Prisons Act without dealing with the Prison Service Act?

More importantly, I ask the question: Should this amendment not run concurrently or contemporaneously with other Acts and bills as well? The Prisons Act, the parent Act, is outmoded, I accept that.

I accept the rules are archaic, but you cannot fix it by just tinkering with these amendments. I am suggesting therefore that you cannot change one aspect of the Prisons Act and leave the others untouched.

**6.00 p.m.**

Another point I want to ask, and I hope the Member for Laventille East/Morvant will help me in her summing up. You talked about prohibited articles and I ask, what are they? The amendment does not say, neither does the parent Act.

Twenty years ago prohibited articles were drugs, today they are cellphones, cameras, voice devices and so forth, but I ask you, where is the list of prohibited articles? I listened to the hon. Member for Arima and I am told that prohibited articles are any articles declared prohibited by the Prison Rules.

I ask the question if that is the case, will these rules be advertised? How will the general public know what these prohibited articles are? The Minister can

make rules I am told by the Member for Arima, but will the public know about them? If you can tell me in your summing up, I will be very grateful. Will the public know, will the friends and families of the prisoners know about these rules? Therefore, I ask the question again; tell me what these articles are.

As you heard from the last speaker, the law says nothing about rehabilitation of prisoners who are caught with drugs or who fail this compulsory drug testing. I do not know, and I ask the question; is compulsory drug testing constitutional? I do not feel so, but possibly you can tell me if it is. Let us assume that it is, and you test a prisoner and he is found to be a user of drugs, what is the penalty? A fine, or more imprisonment? How does that affect him? How does that help to rehabilitate him or her? What does a prisoner do in terms of drug testing?

I have a report from the Home Office in the UK. I would not go to it now because I am not in the mood to talk too long this evening. This report in the year 2005 said that random drug testing did nothing to prevent prisoners from drug abuse. It is here and, therefore, you do not have to reinvent the wheel, hon. Minister. Therefore, I suggest that at some point in time you have a look at this document to see how it relates to what we intend to do in Trinidad.

Madam Minister, I am making the point that there are two programmes which are presently being done in the US and which are deemed to be successful; one is the family involvement in re-entry and I would not go into too much detail except to say that this programme deals with family involvement in re-entry. *[Interruption]* Why are you so impatient?

**Mr. Imbert:** You cannot be trusted. *[Crosstalk]*

**Mrs. Nunez-Tesheira:** *[Inaudible]* Shame on you!

**Mr. J. Warner:** Member for D'Abadie/O'Meara, as far as trust is concerned, you stay out of this, right.

Mr. Speaker, I am suggesting that is one of the things you can look at to see how the families of prisoners are adapting and how they are treated in terms of bringing them within the pale of rehabilitation and the second one is employment readiness and discharge planning.

I suggest to the Minister to look at those two programmes; they are effective, they are working in the US and possibly there are areas that we can adapt that would of course be of benefit to Trinidad and Tobago.

*Prisons (Amdt.) Bill*  
[MR. WARNER]

*Friday, January 29, 2010*

In this regard therefore, I would like to say that the amendments you have put forward, while I see the reasons for them, I do not feel they go far enough and as such, I have my doubts whether they can achieve the success that you intend.

Mr. Speaker, I thank you.

**The Minister of State in the Ministry of National Security (Hon. Donna Cox):** Thank you very much, Mr. Speaker. I thank the hon. Members of this House for supporting this Bill and for the contribution of the Members on the opposite side.

Concerning the rationale for drug testing in prison is to monitor drug taking in custody and to deter prisoners from misusing drugs, it is also to identify individuals in need of treatment. We will be introducing a parole system very soon and if an inmate tests positive this result can affect his eligibility for parole.

Mr. Speaker, I believe the hon. Member for Princes Town North mentioned about 10 prisoners in a cell—it was the Member for Caroni East. Okay. I must say this is not true. I do not know from where he got his information, but the maximum number of prisoners in a cell at Port of Spain is five and at the Maximum Security Prison the average now is three prisoners in a cell.

Concerning the system of teleconferencing between the court and the prison; this is being developed and I know that tests took place in Trinidad and recently in Tobago. Recruits do not do prison work; I do not know where that came from either; they work under the supervision of an officer and they are never allowed to work by themselves.

One Member asked which rank will be doing the searching. The Supervisor will be searching the officers but any prison officer can search prisoners.

The Member for Chaguanas West wanted to know if an inmate tests positive for drug what happens. He faces a disciplinary offence under the Draft Prison Rules with penalties such as stoppage of earnings and cell confinement. What I want you to bear in mind is that the emphasis in this regard—

#### ADJOURNMENT

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, in accordance with Standing Order No. 37(3), I beg to move that this debate be adjourned to Friday, February 05, 2010 and on that day we will do Motion No. 1 on the Order Paper; and that we continue with the other matters: the moving of Motions to send Bills to select committees at this stage.

**SECURITIES BILL**

*Order for second reading read.*

**The Minister of Finance (Hon. Karen Nunez-Tesheira):** Mr. Speaker, I beg to move,

That a Bill to provide protection to investors from unfair, improper or fraudulent practices, foster fair and efficient capital markets and confidence in the capital markets in Trinidad and Tobago and to reduce systemic risk to cooperate with other jurisdictions in the development of fair and efficient capital markets and for other related matters, be now read a second time.

Mr. Speaker, the Securities Bill 2009 was debated in this House in a previous session to completion. In fact, on the other side there were no votes against only abstentions. It was then referred to the other place and unfortunately the Bill lapsed before it could be debated to completion.

In the circumstances, given the complexities and the urgency of the Bill, particularly as much of the financial legislation has been passed, in particular, the Financial Institutions Act and a suite of other related legislation, it has been agreed to send this Bill to a joint select committee of both Houses.

I therefore do not intend to debate this Bill. It speaks to a number of matters which we had debated in both Houses dealing with the appointment of commissioners, the importance of registration of all market actors, the fit and proper test, disclosure obligation, prospectus requirements, market manipulation, insider trading and other related matters and I do not think there is really any need to impress upon this House the urgency and importance of this legislation.

As I said, there has been agreement that there will be no debate on this matter and it would be referred to a joint select committee.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Hon. K. Nunez-Tesheira:** Mr. Speaker, in accordance with Standing Order No. 51(1), I beg to move that this Bill be referred to a joint select committee comprising six Members of this House together with an equal number from the Senate.

*Securities Bill*  
[HON. K. NUNEZ-TESTEIRA]

*Friday, January 29, 2010*

Mr. Speaker, I move further that this committee be empowered to discuss the general merits of the Bill along with its details and be mandated to report by April 01, 2010.

*Question put and agreed to.*

*Bill referred to a joint select committee.*

**CHILDREN (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Social Development (Hon. Dr. Amery Browne):** Mr. Speaker, I beg to move.

That a Bill relating to the protection of children and for matters related thereto, be now read a second time.

Mr. Speaker, the Children (Amdt.) Bill was the subject of considerable debate in the lower House in the last session and it was referred to a special select committee. That committee has conducted excellent work which was brought near to completion. We have dialogued with the Opposition and have agreed that the committee should be allowed to complete its work.

Mr. Speaker, I wish to inform you that there is agreement that there will be no debate on the Bill at this stage, but that the committee be convened and allowed to work. On that note, I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Hon. Dr. A. Browne:** Mr. Speaker, in accordance with Standing Order No. 51(1), I beg to move that this Bill be referred to a special select committee comprising six Members of this House, I further move that this committee be empowered to discuss the general merits of the Bill along with its details and be mandated to report by April 01, 2010.

*Question put and agreed to.*

*Bill referred to a special select committee of the House.*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.17 p.m.*