

## HOUSE OF REPRESENTATIVES

*Wednesday, May 13, 2011*

The House met at 1.30 p.m.

### PRAYERS

[MR. SPEAKER *in the Chair*]

### CONDOLENCES

#### **Mr. Kenneth Valley**

**Mr. Speaker:** As hon. Members are aware, a former Member of Parliament of this honourable Chamber recently passed away: the late Kenneth Cyril Valley. The funeral and cremation took place yesterday. At this time I invite hon. Members of this House to pay tribute.

**The Prime Minister (Hon. Kamla Persad-Bissessar):** Thank you, Mr. Speaker. I rise for yet another sad occasion in the life of our Parliament as we mark the passing of a political colleague and genuine son of our nation's soil, Mr. Kenneth Cyril Valley.

Mr. Speaker, the biographies or the testimonials, the many accolades about Mr. Valley have all given us the detailed picture that we have of this man, a man who in every sense of the word was a big man.

What I would like to say today, in my position as Prime Minister, is that I consider it my duty to hold up a light to the life of Ken Valley, to show to the nation he so loved what it is about Ken Valley that the nation can not only love in return but choose to learn from in reflection. Mr. Speaker, I may make it simple, as direct and as authentic as the man himself, to paraphrase the words with which he once disturbed the very rafters of this Parliament, "Ken Valley, you can pass on but you cannot hide".

The life of Ken Valley has been too large and too straightforward, too searing with sincerity and too uncontaminated by any gamesmanship, too

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piercing of his own shyness and too emboldening of our confidence as a developing nation, too memorable, Mr. Speaker, for the sweating and panting and the jerky movements of the heads and hands that all came from the heavy lifting which is a truly patriotic politician has to undertake if he is to serve his principles and party well. So luminescent has been his contribution that today Ken Valley's light is neither out nor can it be hidden under a bushel.

We in this Parliament will continue to hear the echo of his strong and anxious voice as he made his statements or exchanged "picong" with those of us on the opposite side or tried to banter with the Chair or met with us privately to resolve some matter of parliamentary procedure. What Ken Valley showed us was the warm personification of the sometimes cold principles of the Westminster tradition that you battled with all your might here in this Chamber on behalf of your party and your constituency, but in the rooms of retreat and the corridors of collaboration you fought with all your mind on behalf of our nation and our better selves.

Many were such times that Ken Valley showed us his might and his mind. We ask the people of Trinidad and Tobago to note this—those who do not believe it, those who do, reinforce it—Ken Valley's life of 63 years teaches us how to live for the next 63 years and beyond in these august Chambers. We meet, we debate, at times we debate about how we should meet and debate again; we agree, we disagree, we agree to disagree; we take, we give and we take in order to give. These are the ways by which he lived and the reason why he was always fearless with those next to him and a fairness with those across from him.

My Government is in no way hesitant to say, we shall miss Ken Valley, Mr. Speaker, but we will not forget him. We will find ways to honour him appropriately, but let us start by thanking him on behalf of the entire nation,

recording our deepest gratitude and highest esteem here in the country's most official book of record, the *Hansard*. To his widow, children, grandchildren, his other relatives, his friends in and out of politics, his party and business colleagues, we say we share with you in the heartfelt sadness that this is. There is a headstone in Ireland which reads:

“Death leaves a heartache no one can heal but love leaves a memory no one can steal.”

For all of us on this side, we salute a “citizen Ken,” that the hon. Kenneth Cyril Valley was and we ask most respectfully the kindest intercession of the Creator who guided Ken's life to have mercy on his soul and to grant him the rest and reward that he seems to us to have so earnestly deserved.

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

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you very much, Mr. Speaker. I rise just to give some brief personal remarks about the late hon. Ken Valley. Ken Valley was one of the big three in Diego Martin, as we were referred to.

**Mr. Warner:** Who were the other two? [*Laughter*]

**Mr. C. Imbert:** The big three in Diego Martin involved the Members of Parliament for Diego Martin West, Dr. Rowley; Mr. Valley and myself. All of the years that we contested elections together, the Diego Martin seats were unassailable because the other sides, whoever they were, understood the power of the big three, and Ken was an integral part of that big three. In fact he was the biggest part of the big three. When I say big I mean big in spirit and big in heart. The one thing about Ken Valley that I remember is that—

**Dr. Browne:** Integrity.

**Mr. C. Imbert:** And big in integrity. He was always full of life, a bundle of energy and you could always count on Ken, as I heard Dr. Rowley say at the funeral service yesterday, “You could always count on Ken when you had a difficult task to do.”

It was my pleasure to serve in the Parliament with Mr. Valley; it was my pleasure to serve in the region of Diego Martin with him. They do not make politicians like that often. In fact, they probably broke the mould when they made Ken Valley. I think we are all poorer for his passing. He was a tremendous asset to the PNM I, myself learnt a lot from him in all his exuberance. There are so many stories I can give of Ken Valley, but one of them was referred to by the hon. Prime Minister and the actual words were: “You could run but you can’t hide.”

I distinctly remember one of your predecessors, Mr. Speaker—do not take this the wrong way—making a hasty exit out that door after having a confrontation with Ken and Ken resolved that matter in his favour, as he did most things. I will miss him. I considered him to be a brother in the PNM. I thank you.

**Dr. Keith Rowley** (*Diego Martin West*): Thank you, Mr. Speaker. There is very little that is left to be said about the life and contributions of Ken Valley. The last few days the country’s outpouring of appreciation for a life well lived has been recorded electronically and in print and in conversations around the country.

I had the opportunity of meeting and working with Ken Valley in the political arena for the last many years and of all the tributes paid to Ken Valley, Mr. Speaker, there is one that should be made very clearly and very loudly, and that is, Ken Valley’s life has demonstrated in Trinidad and

Tobago that there is honour in public service. He gave his life to the public service in Trinidad and Tobago and did it with a joie de vivre, that was unique.

Many persons believed that public service is humdrum and thankless; Ken Valley did not see it that way. He saw it as an opportunity to make a sterling contribution to the betterment of our society as a whole. He was not just big in physical size, he was big in heart. He was a happy person; he was a helpful person; he was a reliable person and he was a servant of this Parliament. And whereas, Mr. Speaker, the staff of this Parliament has no opportunity to speak, I speak for them this afternoon by saying that when Ken Valley served as Chief Whip or Leader of Government Business in this House, the staff of the Parliament was very happy with the way he related to them and conducted that business. On their behalf I would like to record his contribution in working with them.

Ken Valley was a man for whom work was never too much. At one point in time Mr. Valley served as deputy political leader of the PNM, Minister in the Ministry of Finance, Minister of Trade and Industry, constituency member and Leader of the House; conducting all of these assignments at the same time and never allowing any to fall under the radar or not be executed with the kind of efficiency and quality of service that Ken had become known for.

He gave service to party; he gave service to country, while continuing to be the family man that we all knew him to be and the “limer” and a person of good time, and all of that, Mr. Speaker, with tremendous good humour which is why at his passing, yesterday, at the venue of his church service Trinidad and Tobago turned up. Regardless of where they operated, regardless of who they were, regardless of what their political persuasion,

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religious, ethnic or otherwise, they turned up in numbers yesterday to do what we do as a decent people in Trinidad and Tobago, to say what we should say in this House today. "I thank you, Ken Valley. May God bless you and may you rest in peace."

**Mr. Patrick Manning** (*San Fernando East*): Thank you very much, Mr. Speaker. I could not allow an occasion like this to pass without making a small contribution to what I thought was a very significant life of Kenneth Cyril Valley.

He first came to my attention in 1987 when the PNM had lost 33 of the 36 seats in Parliament at the time and when, as Leader of the Opposition for the first time, I was called upon to appoint six Opposition Senators and we were looking for someone with experience and expertise in the financial field. Ken Valley responded to the call after some coaxing. It was not a straight matter but he responded and it has turned out that he was perhaps one of the more significant additions to that team that we were able to obtain.

Mr. Valley worked tirelessly, Mr. Speaker, in the responsibilities that were allocated to him. In Opposition he had, basically, two responsibilities: the first was to seek to articulate, seek to put together economic policy for the People's National Movement, the economic policy that we would pursue when we obtained government again and we anticipated that would have been in five years, as it was. He headed a team of others and that team included notably Mr. Mariano Browne and they worked in collaboration with the political leader at the time in Opposition to identify the policy and, in fact, when that policy was unveiled in 1988, we thought it was an excellent policy. Not only was it the economic policy that we would pursue, but it also included state enterprise policy and as an adjunct to that done by

somebody else at the time—Prof. Julien it was, who did the energy policy— but all of it in collaboration with each other and we were discussing as we went along.

We were so proud of those three policies, Mr. Speaker, that, to this day, those policies remain the basic policies that the PNM has pursued and those are policies that would have been able to see us through some very difficult economic times in Trinidad and Tobago.

**1.45 p.m.**

In addition to that, Mr. Speaker, Mr. Valley was responsible at the time for bringing into the PNM people from the middle class, especially in Port of Spain. Strange responsibility, but he had it. A lot of the people that I know in Port of Spain today, I know because I was introduced to them by Mr. Ken Valley, he did yeoman service. When we got into government, Mr. Speaker, and we had budget speeches to write or we had convention addresses to do, which were the two significant speeches of the year as far as the opposition—well as far as the PNM was concerned in Opposition and in government, Mr. Valley was a critical member of the team that was responsible for putting these things together.

In fact, of all the famous sayings for which he has become famous, there is one that I would like to add and that is, he held the view that “work expands to occupy the space allotted to it”. So if you give someone an assignment to do and you give them three months in which to do it, it will take them three months to do it. If you give them one week in which to do it, it will be done in one week. That was Mr. Ken Valley’s mantra. In fact, Mr. Speaker, on many occasions, he was proved to be right.

He also did very yeoman service to the PNM in 1990, when on the occasion of a by-election in Diego Martin Central, we had difficulty locating

a candidate; again, he came forward. And what is outstanding in that period, was a television debate he had with the candidate at the time, the opposing candidate.

Mr. Speaker, I looked at that debate and I remember it to this day because the debate began to centre around economic policy. Mr. Ken Valley was shrewd enough to steer the debate around economic policy—a policy with which he was extremely familiar when the candidate who was running against him knew very little about it. He demolished him in that debate. In fact, the upshot was that he became the representative for Diego Martin Central and added to our numbers in Opposition from 33/3 to 32/4.

Mr. Speaker, my relationship with Mr. Ken Valley was not always smooth, it was not always smooth. But I always sought to treat with him as indeed, as I seek to treat with all others, without fear or favour and without affection or ill will. In 2007, for example, when I thought the time had come for Mr. Valley to give way to somebody else in the constituency of Diego Martin Central, the matter was raised with him and of course he did not agree, but eventually, I did what as political leader I had to do; it was my duty, I did it without fear or favour, affection or ill will and so be it. It in no way, Mr. Speaker, either diminished the contribution that Mr. Valley made to the political life of the country or to the economic life of the country, nor did it in any way affect, as far as I was concerned my friendship with him or the contribution that he made to Trinidad and Tobago.

So, that Kenneth Cyril Valley will go down not only in the annals of the history of the People's National Movement which he served so well as a Deputy Political Leader and in many other capacities, he will also go down in the annals of the history of Trinidad and Tobago as a very great warrior and a hard-working Minister of Government, very hard-working Minister

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and one on whom any Prime Minister could have relied. I could have relied on Mr. Valley, Mr. Speaker, and I would like to record that also.

So that I am of the view that the country has lost a son, the country has lost one of the sons of whom I have been very proud, and I hope that he now finds rest in the bosom of Almighty God. Thank you very much. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I wish to join the hon. Prime Minister, the Leader of the Opposition and other hon. Members of this House in paying tribute to former Minister and Member of this House, Mr. Kenneth Cyril Valley. Unlike many of you, in my previous incarnation, I did not serve in the same House with Mr. Valley, but what is undeniable—and this was echoed previously—is Mr. Valley’s service to the people of Trinidad and Tobago as a parliamentarian. His tenure as a parliamentarian spans two decades, from 1987–2007. He has held notable roles such as Senator, Chief Whip, Minister in the Ministry of Finance, Minister of Trade and Industry, Minister of Local Government, Chairman of the House Committee of the House of Representatives and Chairman of the Joint Select Committee on the Bankruptcy and Insolvency Bill of 2006. These substantial roles are testimony of his commitment to his parliamentary functions.

I have been told by his close colleagues that he often stressed the importance of being in Parliament on time, and the role of Parliament in serving the citizenry. Hon. Members, I am also told that he was an individual always willing to offer advice, and often served as a mentor to his colleagues making himself available to those who served in public office after him. These lessons are an important reminder to new and established parliamentarians to always remain passionate in your vocation. These remarkable qualities must not be underscored by his passion for debate and

his jovial disposition. By maintaining this balance in his political career, it is clear not only was he revered by those within this House, but by his family and his former constituents of Diego Martin Central.

Members, as we pay homage to the life of Mr. Valley, let us allow his passing to serve as a reminder of the privilege of service as a parliamentarian. Every moment of sorrow is a reminder to be thankful for the moments of joy, and let these moments of joy be an opportunity for us all to serve with purpose.

In closing, I am reminded of a statement made by the late Dr. Martin Luther King Jr. when he said, and I quote:

“Death is not a period that ends the great sentence of life, but a comma that punctuates it to more lofty significance.”

Hon. Members, may the angels take him to paradise.

Hon. Members, I will instruct the Clerk of the House to convey our sentiments expressed today to the family of the late Mr. Kenneth Cyril Valley. May we all stand in a minute of silence in tribute and respect to the late Mr. Kenneth Cyril Valley.

*The House of Representatives stood.*

**1.55 p.m.**

### **LEAVE OF ABSENCE**

**Hon. Mr. Speaker:** Hon. Members, the hon. Dr. Fuad Khan Member of Parliament for Barataria/San Juan is currently out of the country, and has asked to be excused from sittings of the House during the period May 10, 2011, to May 22, 2011. The hon. Dr. Tim Gopeesingh, Member of Parliament for Caroni East is also currently out of the country, and has asked to be excused from today's sitting of the House, and Ms. Joanne Thomas, Member of Parliament for St. Ann's East is also currently out of the country,

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and has asked to be excused from sittings of the House during the period May 9, 2011 to May 24, 2011. The leave which the Members seek is granted.

**HON. SPEAKER OF JAPANESE PARLIAMENT**

**(Letter of Appreciation)**

**Mr. Speaker:** Members, you would all remember that some time ago we sent correspondence to the Speaker of the House of Representatives in Japan on the disaster that gripped that nation a few months ago. I am pleased to report that the hon. Speaker of the Japanese Parliament, the hon. Takahiro Yokomichi, has responded, and I would like to put on record his response to this honourable House:

“Hon. Wade Mark, MP  
Speaker of the House of Representatives  
Republic of Trinidad and Tobago

Esteemed Colleague,

I am most grateful for your kind words.

The recent earthquake and tsunami disaster centering on the more than ten thousand precious lives lost, and close to twenty thousand people still missing. We are already exerting our utmost. The Tohoku region has inflicted tremendous damage over a wide area, with efforts towards rehabilitation and the people of Japan have been greatly encouraged by the kind message of encouragement and support expressed by your country.

The leakage of radioactive substances from the Fukushima Dai-ichi Power Plant has caused great concern even abroad. Our country has been making all-out efforts toward the earliest possible restoration

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of normal conditions. Japan is determined to continuously take all possible measures to ensure the safety of nuclear power generation while providing the diplomatic corps in Japan and foreign media with accurate information swiftly and with maximum transparency.

On behalf of the House of Representatives of Japan, I express our deep appreciation to you and other Members of your Parliament for your kind message. Please convey our best regards to all those concerned.

Yours Sincerely  
 (signed)  
 Takahiro Yokomichi  
 Speaker  
 House of Representatives  
 Japan”

## PETITIONS

### Request for Hansard

(Attorney Sasha F. Franklin)

**Mr. Colm. Imbert (Diego Martin North/East:** Mr. Speaker, I wish to present a petition on behalf of Sasha F. Franklin, attorney-at-law. The petitioner is desirous of obtaining a true record of the proceedings of the House of Representatives. I shall now ask that the Clerk be permitted to read the petition.

Petition read.

*Question put and agreed to,* That the petition be granted.

**2.05 p.m.**

**PAPERS LAID**

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1. Administrative report of the Tobago House of Assembly for the period January to December, 2007. [*Hon. K. Persad-Bissessar*]
2. Administrative report of the Tobago House of Assembly for the period January to December, 2008. [*Hon. K. Persad-Bissessar*]
3. The Administrative report of the Tobago House of Assembly for the period January to December, 2009. [*Hon. K. Persad-Bissessar*]
4. Industrial Court (Pensions and Gratuities of Members) (Amendment) Regulations, 2011. [*The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol McLeod)*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2010. [*The Minister of Finance (Hon. Winston Dookeran)*]
6. Public Accounts of the Republic of Trinidad and Tobago for the Financial Year ended September 30, 2010. [*Hon. W. Dookeran*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2009. [*Hon. W. Dookeran*]  
*Papers 5, 6 and 7 to be referred to the Public Accounts Committee.*
8. Annual audited financial statements of the Trinidad and Tobago Film Company Limited for the financial year ended September 30, 2010. [*Hon. W. Dookeran*]  
*To be referred to the Public Accounts (Enterprises) Committee.*

**CENTRAL TENDERS BOARD ACT  
(PROPOSAL TO REPEAL AND REPLACE)**

**Joint Select Committee Interim Report**

**(Presentation)**

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**The Minister of Justice (Hon. Herbert Volney):** I wish to present the following report:

The second interim report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act.

### **COMMITTEE OF PRIVILEGES REPORT**

#### **(Presentation)**

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** I wish to present the following report:

The first report of the Committee of Privileges of the House of Representatives.

### **ORAL ANSWERS TO QUESTIONS**

#### **Distribution of Laptops**

#### **(Details of)**

**82. Mrs. Patricia McIntosh** (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education.

Could the Minister indicate:

- (a) The total cost of laptops distributed as at April 01, 2011?
- (b) The number of laptops distributed to teachers as at March 01, 2011?
- (c) The number of schools technically upgraded to facilitate the use of the laptops for teaching and learning?
- (d) The total sum expended on the laptop initiative as at April 01, 2011?

**The Minister of State in the Ministry of Education (Hon. Clifton De Coteau):** Mr. Speaker, with respect to Part( a) of the question, the total cost

of laptops distributed as at April 01, 2011 was \$81,536,977.36.

With respect to Part (b) of the question, the total number of laptops distributed to teachers as at March 01, 2011 was 2,926 laptops.

With respect to Part (c), it should be noted that all 152 government and government-assisted secondary schools and private schools were equipped with computer labs ranging from one to six, with some schools having up to 70 computers, as well as 10 additional computers for libraries and staffrooms.

All government and government-assisted schools were equipped with Internet connectivity through the Governmentnet.tt wide area network. The bandwidth was also recently upgraded from three megabytes to five megabytes at all schools. The Ministry proposes to conduct a further upgrade to 10 megabytes. Wireless networks were also installed at all schools. The Ministry is presently looking at upgrading the wireless networks at schools to facilitate the usage of eco-laptops.

With respect to Part (d) of the question, the total sum of money expended on the laptop initiative as at April 01, 2011 was \$83,372, 882.26. This figure represents the total cost of laptops distributed: \$81,536,977.36, and the total cost of laptops in stock: \$1,835,904.90.

### **Belmont Boys' and Rose Hill Girls' RC Schools**

#### **(Completion of Construction)**

**83. Mrs. Patricia McIntosh** asked the hon. Minister of Education.

Could the Minister indicate:

- (a) The dates of commencement and completion of construction of Belmont Boys' RC School?
- (b) The dates of commencement and completion of construction of Rose Hill Girls' RC School?

- (c) The projected cost of construction of Belmont Boys' RC School?
- (d) The projected cost of construction of Rose Hill Girls' RC School?
- (e) The number of pupils expected to be accommodated in each school?

**The Minister of State in the Ministry of Education (Hon. Clifton De Coteau):** Mr. Speaker, with respect to Part (a) of the question, the construction of the Belmont Boys' RC School is expected to commence by the end of June 2011. The projected date of completion is December 2012. The construction of the Rose Hill Girls' RC Primary School is expected to commence no later than the end of June 2011. The projected date of completion is December 2012.

The projected cost of construction for Belmont Boys' RC Primary School is \$24,585,963.20, VAT exclusive. The projected cost of construction for Rose Hill Girls' RC Primary School is \$32,684,811.15 VAT exclusive.

The expected student population for the Belmont Boys' RC Primary School is 360 students. The expected student population for the Rose Hill Girls' RC Primary School is 210 students.

#### **EXPIRATION OF QUESTION TIME**

**Mr. Speaker:** Hon. Members, according to Standing Order 19(7), question time ends at 2.15 p.m. but there are three additional questions to be answered, I do not know if it is the will of the Government to proceed or you stand them over.

**Dr. Moonilal:** Mr. Speaker, could we answer on the next occasion.

**Mrs. K. Persad-Bissessar:** We have the answers.

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**Dr. Moonilal:** We have the answers with us but we prefer to give the oral answers on the next occasion. [*Interruption*] [*Crosstalk*]

**Mr. Speaker:** Just proceed, please.

**Dr. Moonilal:** We have some other important matters coming up. [*Interruption*]

**Mr. Speaker:** Order, order, please! Continue please.

**Hon. Dr. Moonilal:** Mr. Speaker, if it is the wish of the Members opposite—which I sense from the noises, the outcry and the mourning—that the answers be circulated in writing, the oral answers can be put in writing for Members. Is that the wish?

**Mr. Speaker:** That is the standard arrangement.

**Dr. Moonilal:** Mr. Speaker, we will comply. We will comply with that practice.

*The following questions stood on the Order Paper in the name of Miss Alicia Hospedales (Arouca/Maloney):*

**Transportation of Bus Service to the Disabled Community**

**84.** Could the hon. Minister of Works and Transport state:

- (a) How many buses provide transportation to the disabled community?
- (b) The communities that receive such a service for disabled residents?
- (c) Whether all these buses are operational?
- (d) If the answer to (c) above is in the negative, how long have they been out of service?
- (e) When will the buses that are out of service resume operation?

*Question, by leave, deferred.*

**Steel Pan Tutors in Schools****(Details of)**

- 85.** Could the hon. Minister of Education state:
- (a) How many steel pan school tutors are currently teaching in the school system?
  - (b) The names of the schools to which these steel pan tutors are assigned?
  - (c) What are the end dates of the existing contracts for these tutors?
  - (d) Upon the end of their contracts, is it proposed to issue new contracts to these tutors?

**Computer Literacy Training****(Form I Teachers)**

- 86.** Could the hon. Minister of Education state:
- (a) How many Form I teachers have been trained in computer literacy and internet use as a means of teaching their students who were recipients of laptops?
  - (b) How many training courses in computer literacy and internet use were held to date?
  - (c) With respect to the ongoing training of Form I teachers, what is the expected completion date for training?

*Question time, having expired, questions 85 and 86 were not dealt with.*

*Vide end of sitting for written answers.*

**2.15 p.m.**

**STATEMENT BY MINISTER**

**Prime Minister's Visit to Brazil**

**The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan):**

Mr. Speaker, as you would no doubt recall, one of this Government's seven pillars for sustainable development is foreign policy—securing our place in the world. In elaborating this vision, the People's Partnership has acknowledged in its manifesto that Trinidad and Tobago is a small State, an archipelagic island State. We are part of Caricom, which consists of a number of other small island states that share a common history, as well as aspirations for progress and achievement. We are one of 84 countries in the world with population size of under 3 million, and it is imperative that we structure our foreign policy to support and advance our objectives for sustainable national development, progress, peace and security for our 1.3 million people.

From a foreign policy perspective, we will, therefore, work in concentric circles, beginning with Caricom, in an increasingly connected and interdependent world, to secure space and opportunity in the world for our country and our region. We will strike an appropriate balance between bilateral and multilateral initiatives. The entire thrust of our international relations strategy will be to achieve the national goals and objectives that we set for ourselves and to work with others, wherever and whenever mutual interests and objectives coincide to advance our common cause. We see the international arena and the world system as a space of opportunity to build partnerships, to leverage resources and to influence the direction of decision-making regionally, across the hemisphere and globally.

The reality is, Mr. Speaker, that in the eight years before the People's

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Partnership came into office, Trinidad and Tobago had no effective and coherent foreign policy. Decisions were made ad hoc and this country's influence in the international arena declined significantly. [Interruption]

**Mr. Speaker:** Hon. Minister—Member for Point Fortin, Member for Arouca/Maloney and Member for San Fernando East, would you kindly allow the hon. Minister of Foreign Affairs to make his statement in silence? Continue, Hon. Minister of Foreign Affairs.

**Hon. Dr. S. Rambachan:** Thank you, Mr. Speaker. The country has come to accept that this incoherence was on the one hand, attributable to a lack of a clear and consistent vision and the other to sheer incompetence. However, the damage done has been tremendous. For example, the red light which cut people's contributions short at the CHOGM meeting in NAPA was particularly resented. A clear difference between our foreign policy and their lack of foreign policy, Mr. Speaker, is our insistence that Trinidad and Tobago's efforts in the international arena should be an extension of our national policies, so as to bring tangible benefits to our people.

As a result, the Prime Minister was able to build international consensus on the need to reduce the amount and mobility of small arms, and one can see a direct link between our national efforts to eradicate criminal activity and our efforts in the international arena. When we use this country's position as Chair of the Commonwealth, to bring the Commonwealth Investment Forum to build on the efforts of the private sector and the Trade and Investment Convention, one can clearly see that our national effort to build a sustainable diversified economy is being pursued as part of our foreign policy as well.

Mr. Speaker, our relationship with energy giant BG, to give high priority to energy service providers to work on their expanding Brazilian

operations is another example of how this Government, linking the country's foreign and trade policies is working to increase the benefits to the people and economy of Trinidad and Tobago. Consider this in the context of the growth in prominence of the BRICS—Brazil, Russia, India, China and now South Africa—and the inclusion of three Latin American countries in the G20: Argentina, Brazil and Mexico, and you will see that it becomes clear that Trinidad and Tobago needs to strengthen relations with our brothers and sisters in the Latin American neighborhood.

Mr. Speaker, as we enter what the countries on the continent of South America are calling the “Latin American Decade”, we must take action to ensure that our strategic national interests are furthered in the international arena. Our historical allegiances to Europe and North America have served us reasonably well over the years and it is this Government's intention to build on decades of successful partnership and cooperation with the countries of the North. At the same time though, Mr. Speaker, we must deepen our relations with the countries and economies of Latin America, Africa, the Pacific and Asia.

The World Economic Forum on Latin America, which took place in Brazil earlier this month, gave us a platform to build on efforts which have already begun. The main themes of the forum were:

- strengthening democratic governance;
- the importance of fostering effective partnerships for sustainable development; and
- enhancing innovation and productivity for equitable growth.

All of these are relevant to our national development plans, as outlined in our seven interconnected pillars for sustainable development.

More than that though, Mr. Speaker, is the fact that our Caricom

brothers, Suriname and Guyana, which are located on the South American mainland, are themselves enhancing their political and economic cooperation with Brazil, with whom they share a border. It is therefore imperative, even in the context of future developments in Caricom, that Trinidad and Tobago be proactive in building relationships with Latin America, so that we can continue to play a leading role in the Caribbean Community as a community, as a bloc seeks to secure its interests outside of its traditional partnerships.

As the world moves from a unipolar world to a multipolar world, we must therefore adjust our foreign policy to suit. It is a lesson which Members on the other side are learning, as they are seeking to align themselves with the different centres of power in the PNM, unsure of where the source of power will eventually lie.

Concurrently, as we know, the Caribbean as a region is tiny. The English-speaking Caribbean is even smaller. Our potential, therefore, to impact the international system is extremely limited, that is, unless we effectively leverage our strengths and develop meaningful, mutually beneficial relationships in the international system. To do this, we must be present at gatherings of the leadership in the region. There is no substitute for personal contact. What is significantly different between our approach and the initiatives undertaken by the previous government is that we intend to leverage on the hon. Prime Minister's presence and influence on these missions to benefit, not just a small, hand-picked group of partisans in the business community, but any business person who wishes to explore the opportunities which may be available in Brazil and the wider Latin American region. The Energy Chamber therefore organized a trade mission, which they coordinated alongside the mission of the Prime Minister and

made arrangements for other members to join, through the technical officers of the Ministry of Trade and Industry.

Over the past half century, the English-speaking Caribbean has won its independence. The countries of Latin America, which have been the makers of their own destiny for far longer than us, have embraced democratic governance and the rule of law. There is much more in 2011 that we have in common, than we did 40 or 50 years ago. Culturally, we understand the impact of the legacy of colonialism, but both the Caribbean and Latin America are raring to stamp their mark on the world in the next decade. Both regions have lofty ambitions, but if we do not aim for the stars, how can we ever expect to clear even the trees? What should be abundantly evident, is that with a market of some 600 million people in our neighbourhood, with a neighbourhood of countries that is committed to the eradication of poverty and social justice, in the midst of a rapidly changing global order, Trinidad and Tobago must reach out to our neighbours in Latin America and it is imperative that we successfully establish stronger ties in this community of neighbours.

It is in this context and against this backdrop that the Prime Minister led a delegation to the World Economic Forum on Latin America in Brazil earlier this month, as she continues to use her tremendous appeal and ability to see the big picture in a frame which will bring meaningful results to individual citizens.

Against this background, the visit to Brazil was most timely. Let me state that we do not live as independent nations anymore in the world. The interdependence of the world communities is a reality. We live in a global village. To progress, we cannot just stay in our village and hope for something to happen. It does not work that way any longer. Whether it is

UK, Washington, Brazil, India, South Africa or China, we have to be where the action is. We have to market Trinidad and Tobago. We have the best climate, most educated people, natural resources in abundance. However, we have to attract investors and investment dollars to our shores and you cannot do this and you will not do this by sitting at home. Again, the hon. Prime Minister is herself leading these missions because we must attract foreign direct investments. How do you expect to create a sustainable economy and jobs if you do not stimulate investments in manufacturing and tourism?

Our missions are beginning to bear fruit. It was out of the UK mission to the Commonwealth Business Council meeting that we secured the support of the Council for our Caribbean investment forum which will bring investors from both the Commonwealth and the Americas to Trinidad and Tobago. This is a giant step forward in our marketing of opportunities in Trinidad and Tobago and in setting up the environment for our business community to get into joint ventures, et cetera.

Mr. Speaker, Trinidad and Tobago has a story to tell about its technological competence in the monetization of gas, to tell to the world and to sell to nations who are just getting into the production of natural gas, but this competence of Trinidad and Tobago is not as widely known as we think, and I am myself beginning to wonder about the efficacy of the previous administration in promoting Trinidad and Tobago as a successful model for the monetization and value-added approach to gas management. We have services to sell and we must go out there and sell those services.

In Brazil, we had successful meetings with Petrobras as well as with the Ministry of Energy, at the level of the Brazilian government. Petrobras is highly interested in doing work in Trinidad and Tobago and in fact



complained that an MOU signed in 2008 with the previous administration, nothing happened, despite their knocking on the doors of Trinidad and Tobago. In fact, they are coming to Trinidad and Tobago to conclude a new MOU, which will delineate the specific areas of cooperation, including using their technology to lift heavy crude oil. We must increase our throughput of our refinery if we are to achieve economies of scale and if we are to add to the coffers of Trinidad and Tobago. Given the advent of shale gas and the impact which shale gas is now beginning to have, we must also look for new markets ahead for our LNG. Brazil is among those where there are definite opportunities.

The matter of food production was discussed with officials of the premier institute for agriculture in Latin America, EMBRAPA. There is going to be cooperation with this institute in specific areas. In fact, so successful has been our mission, that officials are arriving in the month of May 2011 to begin to tackle certain problems.

### **2.30 p.m.**

We discussed with the Minister of Foreign Affairs of Brazil the matter of air links between our countries. Already there is a weekly flight to Barbados which can pass through Trinidad and Tobago. It is interesting that the Brazilian airline goes to Barbados. It suggests that we need to look at this in a more detailed manner, because is it that our Caricom neighbours are better at marketing their tourism than we are? I am concerned about this issue since so much money has been spent in the past on marketing tourism, yet Tobago continues to languish.

Visits to major conferences like the World Economic Forum helps you to take a dispassionate look at what you are doing in Trinidad and Tobago and how well you are doing it. We believe that our approach

in forming targeted partnerships across the globe is a correct one. More than ever, the term “no man is an island” holds true.

Mr. Speaker, Brazil is one of those countries—perhaps the only country in the world—that has now established embassies in all the Caricom countries, a first for any country. As one of the fastest growing economies, and as one of the BRIC countries which will reshape the world economy, we need, therefore, to partner with Brazil. They are not seeing the Caribbean as an appendage like other regions see the Caribbean, they are seeing the Caribbean as a partner, a partner. And this has tremendous implications for Trinidad and Tobago at multilateral fora where policies impact on our economy. For example, as small island developing states we need friends at this level.

In Brazil, the hon. Prime Minister also took the opportunity to meet with Arcelor Mittal to discuss with them increased production of steel in Trinidad and Tobago and the addition of another shift, which will create about 40 new jobs and about 100 additional jobs in support services. We are convinced; having participated in the World Economic Forum education meeting, that we are on the right track with respect to early childhood education and the introduction of the National Mentorship Programme. In fact, I would venture to say that we are ahead of the region in our thrust.

Mr. Speaker, Trinidad and Tobago established diplomatic relations with Brazil in 1965, just three years after we achieved Independence in 1962. As such we have enjoyed 46 years of unbroken relations with one of the fastest growing economies in the world. In 1968 an embassy was established in Rio de Janeiro with a Chargé d’Affaires Dr. Harry Major. And in 1969, the first Ambassador to Brazil Mr. Andrew Rose arrived in Rio

when he was replaced in 1971 by Mr. Gerard Montano and the embassy moved to Brasilia.

Mr. Speaker, many, many years ago, in fact 38 years ago the government of Brazil donated 22,500 square metres of land for the construction of a Chancery and residences for the Trinidad and Tobago Embassy in Brasilia on the proviso that construction would commence within 12 months of the handing over. Many previous attempts were made to stimulate interest in the construction of facilities, in fact, a brief for the project was prepared in March 1981 by Mr. Garfield Murray, the then Chief Architect of the Ministry of Government Construction and Maintenance, as it was then called. And in 2008, arrangements were made for an inspection team, including technical officers of the Ministry of Works and Transport and an officer from Property Management of the Ministry of Foreign Affairs, to visit and make recommendations.

Mr. Speaker, in January 2011, Ambassador Dr. Hamza Rafeeq wrote to the Minister of Foreign Affairs informing him of the embassy's recommendations to initiate the process of constructing the Chancery. We are still a long way off the actual construction since designs have now commenced and have to be done, but after 38 years since the generous offer was made by the government and people of Brazil we have at least commenced the process to eventually have our own embassy building in Brasilia.

Mr. Speaker, there has been a lot of discussion on the matter of the chartered Caribbean Airlines flight to Brasilia and Rio de Janeiro. The total cost of the charter was \$547,322. Of this amount the Trinidad and Tobago Government paid \$232,196 and the private sector paid \$312,284 for a total receipt of \$544,480. It is interesting that our friends on the

other side have tried to make much about this charter. However, it is instructive to examine some of the costs incurred by the former Prime Minister and Member for San Fernando East during the period 2007—2009. [*Desk thumping*]

In 2007 the then Prime Minister made 13 trips, including visits to Ethiopia, Tanzania, Jamaica, St Vincent and the Grenadines, Guyana, the Dominican Republic, Venezuela, Belize, USA, Barbados, Cuba, and Uganda, a number of these trips were made by private jets.

- between March 02 and 03 2007, \$63,819 was paid to lease an aircraft to Guyana for a delegation of four;
- on March 16, 2007, an aircraft was leased at a cost of \$95,128.74 for a delegation of five to the Dominican Republic;
- for a trip to Venezuela on March 20, 2007, a private jet cost \$64,402.25;
- for a trip to Belize between May 11 and 12, 2007, an aircraft was leased for \$202,781.25 for a delegation of seven persons;
- on December 07 2007 for a one-day trip to Guyana an aircraft was leased for \$59,815.93 for a delegation of five. And that is only for 2007, TT dollars;
- in 2008, 15 trips were made by the then Prime Minister including a trip to Brazil between July 22 and July 23; a private jet was leased for a delegation of six for that trip at a cost of \$243,337.50 or approximately \$40,000 per person; that is only for the jet;
- in 2008 also, for a one-day trip to Jamaica, “*una dia*”, [*Desk*

*thumping*] and [*laughter*] in Hindi you will say “*ek din*”, an aircraft for a delegation of six was leased for \$127,539.75;

- for a visit to the Bahamas between March 06 and 09, an aircraft was leased for a cost of \$251,739 for a delegation of eight;
- for participation in the World Economic Forum in Mexico in 2008 April 14—16, another aircraft was leased at a cost of \$246,480 for a delegation of six;
- again in July 2008 for two days, an aircraft was leased for a cost of \$243,337.50 for a delegation of six;
- and on 20 August 2008, it cost the government \$176,400 to lease an aircraft for a delegation of four to travel to Antigua, St Kitts/Nevis, and Dominica, at almost \$44,000 per person for a one-day trip;
- between August 25 and 26 2008, the then Prime Minister, the hon. Member for San Fernando East, spent \$792,593.24 for a leased aircraft and a delegation of seven; that is a \$113,000 per person to Bahamas, Belize, Jamaica and Suriname;
- in 2009 there were 10 trips made by the then Prime Minister, five of these trips were done by leased aircraft, including a trip for \$754,860 to Brazil, Paraguay, Ecuador, Nicaragua and Mexico; the delegation numbered eight.
- that same year 2009, it cost \$50,715 to transport the PM and a delegation of five to Barbados for a one-day meeting on March 04;
- for a two-day meeting in Belize between March 11—13, 2009, it cost \$218,679 for a leased aircraft and a delegation of

eight.

**2.40 p.m.**

Mr. Speaker, unfortunately, May 24, 2010 came and, in 2010, two trips were made by leased aircraft: one to Santo Domingo, the Dominican Republic, for a delegation of six at a cost of \$171,612 for one day on January 18; and \$127,400 for the period January 16—20 to Surinam for a delegation of 10.

I bring these figures to the Parliament and to the general public because a lot was said about chartering a home-based airline, Caribbean Airlines, to take home-based people to seek—[*Desk thumping*][*Inaudible*] It was a proud moment for me and for Trinidad and Tobago when Caribbean Airlines hit the soil of Brazil and we walked out on the soil of Brazil as Trinidadians and Tobagonians. It showed that this People’s Partnership loves its country and its airline and leaves its money at home where it belongs. [*Desk thumping*]

As I conclude, the success of this mission to Brazil is best stated in the *Business Guardian* of yesterday, Thursday, May 12, 2011, from which I quote.

“Eight member companies from the Energy Chamber of T&T took part in a recent energy services trade mission to Brazil, to coincide with the visit of the prime minister and other key Ministers and officials to Brazil. Our mission was hosted by BG Brazil.”

BG was the same company which met with the Prime Minister in the UK and they invited Trinidad and Tobago to come to Brazil so that our suppliers of energy services would have the opportunity to supply the industry in Brazil.

“BG is the second largest investor in T&T and it is one of the major

investors into the enormous new ‘pre-salt’ oil and gas developments in Brazil. Their support of the mission from the Energy Chamber was invaluable, and gave us access and insight that it would have been difficult to achieve otherwise. The companies from the Energy Chamber”—and I am quoting from the *Guardian*—“all currently supply goods and services to multi-nationals such as BG, operating in Trinidad and Tobago. The services represented on the mission spanned the whole array of services provided to the value chain, from drilling support services through construction of offshore infrastructure, sub-sea services, operations and maintenance support and training, pipeline construction, water management services, and remediation of oily waste”.—in all of which we have great competence in this country.

“Charles Percy, president of the Energy Chamber and managing director of Methanex in T&T, also took part in the mission.”—I am reading from the *Guardian*—“Methanex is the world’s biggest methanol producer and Trinidad represents their biggest manufacturing location. It is significant that energy service companies from T&T are increasingly able to use their good reputation with multi-nationals, such as Methanex and BG, as a springboard for entry into other markets. Derek Hudson, president of BG T&T and Krysta de Lima, chief of staff of BG T&T, made presentations during key sessions and were able to speak about the ability of our companies and the strengths of the T&T energy sector.”

The *Guardian* says:

“Having some of the major customers of our service companies present and be able to attest to the ability of our members are a new

and very positive development. “

That is not all. To continue to quote the *Guardian*, it says here:

“This recent mission to Brazil was a departure from previous missions in that”—and this is an article written by the Energy Chamber—“we received very valuable support from the prime minister and other key ministers of government.”

This is not the Member for Tabagite speaking here now, nor the Minister of Foreign Affairs. This is the Energy Chamber speaking in the *Guardian*. I quote:

“The presence of the prime minister and other ministers ensures a much higher profile for business delegates accompanying the mission. This is an approach that is used by many other countries, and many of the incoming missions that come to Trinidad are accompanied by government ministers. The presence of a prime minister or other such senior government ministers builds confidence in our business community in the potential export market; it drives home the message that potential customers are dealing with companies who have the support of their government.”

This Government, the People’s Partnership Government, intends to support and will support the private sector in order to bring about its growth in the economy.

“It also builds confidence amongst potential exporters that they have the backing of their government. The Government involvement is especially important in the oil and gas sector, where host country governments and/or State-owned oil and gas companies play a crucial role.”

In conclusion, Mr. Speaker, the article continues to state:

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“Brazil represents a huge potential market for T&T service companies. The most obvious thing to strike members of the delegation who took part in this first exploratory visit is the sheer scale of the opportunity in Brazil. The second very obvious thing to strike participants was the domination of Petrobras in both the market and setting the ground rules for involvement in Brazil. Petrobras is now ranked as one of the biggest oil and gas companies in the entire world and they are on a continued and rapid growth curve. While Petrobras is run with the profit-motives and business efficiencies of other international operating companies, it is still a majority government -owned company. This means that bilateral political relations between Brazil and T&T provide an important component of their overall national approach that will be needed to facilitate the entry of Trinidad and Tobago companies to Brazil.”

That is why we met as a government delegation, also with the Ministry of Energy and Energy Affairs and with Petrobras.

“Our energy service companies will have to find niche markets within the booming Brazilian oil and gas sector, driven by Petrobras, but given the size of the opportunity, even a niche can be a significant opportunity.”

We wish to thank all the business persons who accompanied the Prime Minister’s official delegation to Brazil. We assure them that the success of that mission will be felt in investments in jobs and in the growth of the economy.

I thank you, Mr. Speaker.

**MOTOR VEHICLES AND ROAD TRAFFIC  
(MISCELLANEOUS PROVISIONS) BILL**

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 and the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52 [*The Minister of Works and Transport*]; read the first time.

**COMMITTEE OF PRIVILEGES**

**(MEMBER FOR DIEGO MARTIN WEST)**

**The Minister of Works and Transport (Hon. Jack Warner):** Thank you, Mr. Speaker. In accordance with the provision of Standing Order 27, I hereby seek your leave to raise a matter directly concerning the privileges of this House. It concerns the following statements made by the Member of Parliament for Diego Martin West on April 20, 2011 during the debate on a Private Members' Motion seeking to condemn statements by the former chairman of the Police Service Commission and to reaffirm this House's collective commitment to the principles of fairness and meritocracy in public affairs.

In piloting this Motion, the Member of Parliament for Diego Martin West and Leader of the Opposition had this to say and I quote:

“Because I went to New York, I think that was last November, and while I was there I took the opportunity to visit our Mission in New York and I was very distressed by a number of staff members who came to me to tell me that the Attorney General of Trinidad and Tobago paid a visit to the mission as I was paying, and on entry to the Mission, the only thing he was interested in from his opening comment in the Mission was the ethnic composition of the Mission. And he made comments openly to the staff about their ethnic composition, and raised questions about the need to fix it.”

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Mr. Speaker, you recall when this statement was made by the Leader of the Opposition, the Member for Diego Martin West, you intervened and reminded the House of the provisions of Standing Order 36(5) debarring Members from imputing improper motives to any other Member and, at the same time too, you also reminded this House of Standing Order 36(10) with respect to the requirement to file a substantive Motion if a Member wished to raise the conduct of another Member.

You pointed out that the Member of Parliament for Diego Martin West had already embarked on a course in which he was imputing improper motives to the Attorney General, a Member of this House. Notwithstanding your timely intervention, the Member of Parliament for Diego Martin West continued to make the following reference concerning the Attorney General. I quote again:

“It is against that background that I am making reference to what was said to the staff in the Mission in New York by the Attorney General. That is the only point I am making, and I am going further. I am saying that the Attorney General did not only make that point there...”

At this juncture, the Member of Parliament for D’Abadie/O’Meara, my colleague, Mr. Anil Roberts, rose on a point of order, alleging a breach of Standing Order 36(5), which deals with imputing improper motives. Following this, you then advised the Member of Parliament for Diego Martin West that he was imputing improper motives.

Following the contribution of the Member for Diego Martin West, I joined the debate. Again, during my contribution, I sought your indulgence to inform the House and the Member of Parliament for Diego Martin West that, while I had no intention of engaging in the matter, the Attorney General

had never been to New York during the period.

It gets even more bewildering and confusing because while I was preparing for this action, we made the relevant enquiry and we were informed, by letter from our Mission in New York, that the hon. Member for Diego Martin West and Leader of the Opposition did not visit the Trinidad and Tobago Mission in New York. The letter we have here is dated May 09, 2011. It goes as follows:

“Pursuant to the telephone conversation Parillon/Jasper dated May 9, 2011, I wish to state that neither the Honourable Anand Ramlogan, Attorney General of the Republic of Trinidad and Tobago nor Dr. the Honourable Keith Rowley, Leader of the Opposition visited the Consulate General of the Republic of Trinidad and Tobago, 125 Maiden Lane, New York or met with members of staff at the Consulate during my tenure April 28, 2010 to May 9, 2011.”

I wish to say it again: “April 28, 2010 to May 09, 2011.” [*Crosstalk*] I will say it again, Mr. Speaker. The letter says:

“I wish to state that neither the Honourable Anand Ramlogan, Attorney General of the Republic of Trinidad and Tobago nor Dr. the Honourable Keith Rowley, Leader of the Opposition visited the Consulate General of the Republic of Trinidad and Tobago, 125 Maiden Lane, New York or met with members of staff at the Consulate during my tenure April 28, 2010 to May 9, 2011.” [*Crosstalk*]

Mr. Speaker, he said he went there. The letter goes further.

“I also wish to state for the record that I did not meet with Dr. the Honourable Keith Rowley nor am I aware that any member of staff met with him at any time during the aforementioned

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period.” [*Crosstalk*]

**2.55 p.m.**

Mr. Speaker, I am just making the point. What this is saying, in other words, is that neither the Attorney General nor the Leader of the Opposition ever visited the Mission. Furthermore, at a later stage of the proceedings, as you recall, I read into the record the details of travel by the Attorney General. I came into the House with the record for the period August 21, 2010 to February 16, 2011. The record I read to the House revealed that the Attorney General did not travel to New York. I then called on the Member for Diego Martin West to withdraw his spurious, misleading allegations. I almost begged him and he refused; instead, he tried to hide behind some degree of legitimacy even in the face of the cogent evidence which I gave to the contrary.

Mr. Speaker, what is even more revealing is that besides misleading the House, the Member for Diego Martin West further used the occasion to seek to implicate the hon. Attorney General of Trinidad and Tobago without one shred of evidence. He seemed to implicate him in the pursuit of some unavowed ethnic driven agenda without one shred of evidence. [*Crosstalk*]

**Hon. Roberts:** Shame!

**Hon. J. Warner:** Mr. Speaker, this Government will not allow this abuse of the parliamentary privilege of freedom of speech to go unaddressed. [*Desk thumping*]

The Member of Parliament for Diego Martin West cannot come to this House on the basis of something someone told him at sometime; somewhere; somehow and use that to impute the integrity of the hon. Attorney General. Mr. Speaker, this is an overt challenge to the House to uphold its dignity.

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As a consequence of what I have said, I submit to you, Sir, that the Member of Parliament for Diego Martin West has committed contempt of this House and its rules of procedure in two ways: firstly, by deliberately misleading the House; and secondly, reflecting on the character and conduct of the Attorney General of Trinidad and Tobago in such a manner that is likely to bring this House and the Office of the Attorney General into ridicule and odium. [*Crosstalk*]

Mr. Speaker, as it is well known to Members of this House, the practice of the House of Commons of the Parliament of the UK documented in Erskine May's *Parliamentary Practice 23rd Edition* at page 132, under the rubric—"Members Deliberately Misleading the House", the following states:

"The Commons may treat the making of a deliberately misleading statement as...contempt."

One more time!

"The Commons may treat the making of a deliberately misleading statement as...contempt."

Mr. Speaker, furthermore, I take the view that offensive expressions against the character and conduct of the Attorney General should be treated as offensive expressions against the character and conduct of the Parliament as they can lead to degradation of the Legislature and the Office of the Attorney General in the public's estimation. Members of Parliament must take responsibility for the veracity of information given in this House, particularly when the reputation and the integrity of another Member is involved.

Mr. Speaker, as a consequence, I move that this matter be referred to the Committee of Privileges of the House. I thank you. [*Desk thumping*]

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**Hon. Moonilal:** “Yuh geh ketch!”

**Mr. Speaker:** Hon. Members, I shall reserve my ruling on this matter for sometime later on in the proceedings.

**MISCELLANEOUS PROVISIONS  
(BAIL AND KIDNAPPING) BILL, 2010**

*Order for second reading read.*

**The Minister of National Security (Sen. The Hon. Brig. John Sandy):**

Mr. Speaker, I beg to move,

That a Bill entitled the “Miscellaneous Provisions (Bail and Kidnapping) Bill, 2010” be now read a second time.

Mr. Speaker, hon. Members, before you today is a rather short Bill entitled the “Miscellaneous Provisions (Bail and Kidnapping) Bill 2010” which the Government has brought to amend the Bail Act, Chap. 4:60 and the Kidnapping Act, Chap. 11:26; however, the brevity of the Bill by no means ought to diminish its significance.

This legislation, is a part of the Government’s anti-crime legislative initiative to reduce criminality in our land. It follows legislation to increase the penalties regarding firearm offences and will work together with other anti-crime Bills such as the Anti-Gang Bill and the Bail (Amdt.) Bill.

In 2005, international kidnapping figures put Trinidad and Tobago second only to Colombia for its rate of abductions. The alarming figures were grave cause for concern both locally and internationally, with several travel advisory warnings being posted to visitors who wished to come to our shores thereby affecting our economy by negatively impacting upon our tourism industry and our foreign investment.

Mr. Speaker, hon. Members, the kidnapping figures are not as grim as they were then. The Trinidad and Tobago Police Service Crime and

Problem Analysis (CAPA), has indicated that for the year 2005, there were 222 kidnappings and 58 kidnappings for ransom which were reported to the police. For the year 2009, there were 147 kidnappings and eight kidnappings for ransom reported. Last year, 2010, there were 112 kidnappings and seven kidnappings for ransom reported. To date as at April 30, there were 38 kidnappings and two kidnappings for ransom. That is as far as 2011 is concerned. The numbers have certainly reduced, Mr. Speaker, but this Government must continue to take affirmative and preventive action to ensure that these numbers continue to diminish.

To this end, Mr. Speaker, we introduce today in this August Chamber the Miscellaneous Provisions (Bail and Kidnapping) Bill, 2010, passed recently in the other place. As I mentioned previously, the Bill seeks to make an amendment to the Bail Act and to the Kidnapping Act by increasing the amount of time a person can be held with no evidence for the charge of kidnapping, and by changing the existing penalty for the offence of kidnapping respectively.

Mr. Speaker, hon. Members, please allow me to take you through the three clauses that comprise this Bill. Clause 1 is self-explanatory and is simply the short title of the Bill. As I have said, it is to be called the Miscellaneous Provisions (Bail and Kidnapping) Act, 2010. Clause 2 of the Bill seeks to amend section 5A(2) of the Bail Act by deleting the word “sixty” and substituting the words “one hundred and twenty”. When amended the section will read as follows:

“Notwithstanding subsection (1), where the person charged with the offence of kidnapping for ransom is not brought to trial within one hundred and twenty days of the charge that person shall be entitled to make an application to a Judge in Chambers for bail”.

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Mr. Speaker, currently a person charged with the offence of kidnapping for ransom is denied bail for a period of up to 60 days once his trial has not yet started. If that 60-day period has elapsed and the accused's trial has not yet begun he is entitled to make an application to a judge in chambers for bail.

**3.05 p.m.**

Mr. Speaker, what this amendment seeks to do now is to increase that period of 60 days to 120 days. This is not to say that bail will be automatic once the 120-day period has expired. All it would mean is that when the new period of 120 days has elapsed, and if the trial of the accused has not yet begun he will, as before, be entitled to apply to a judge in chambers for bail. It will be left to the Judiciary to determine whether or not to deny bail.

Mr. Speaker, this Government recognizes that it cannot deprive an individual charged with a criminal offence of the right to obtain reasonable bail without just cause; this is an entrenched right in our Constitution. However, Mr. Speaker, we also recognize that the victims and their families have a right to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law.

Accordingly, this Government believes that a balance must be struck in a situation where a citizen has been accused of this heinous crime of kidnapping for ransom of another citizen. In this regard, it has become evident that the 60-day period that the Act had set initially is too short. In December 2005, when the Bill was debated in the Senate, difficulties with that 60-day period were identified in terms of being able to bring an accused to trial in what is considered to be a short space of time. While significant improvements have been made with the administration of justice, and being able to bring an individual to trial, magistrates lists are still quite long.

Unfortunately, the lack of prosecutors at the courts and the heavy workload that existing prosecutors face, also add to the issue of beginning a hearing within a 60-day time period.

We consider, therefore, that 120 days is a more practicable time period within which an accused charged with kidnapping for ransom can be brought to trial before the courts. The additional 60 days by no means ought to imply that the individual will not be getting an expeditious hearing. This is not the interpretation or implication I wish to be derived from this amendment at all. But the additional time serves to ensure that the judicial and prosecutorial arms of the State get their house in order, so that when the trial of the accused does begin, it begins in earnest.

Mr. Speaker, while the kidnapping figures have reduced significantly somewhat over the years, this Government strives to do better and reduce those figures even further. While the proposed amendment to the legislation will not completely eradicate the offence of kidnapping, we believe it will provide a challenge to offenders who continually disregard the law and intimidate our innocent citizenry for their own illegal gains. It would further serve as a measure to reduce the number of repeat offenders who are released on bail for the offence only to return to their life of crime. We have recognized, that some of them, having been given bail, go out and commit similar crimes, sometimes to get money to pay for that same bail and to pay their fines.

Mr. Speaker, hon. Members, I go now to the final clause of the Bill. Clause 3 seeks to amend section 3 of the Kidnapping Act by removing the existing penalty of a maximum of 25 years imprisonment upon conviction for a kidnapping offence, and substituting a new penalty of natural life imprisonment. With the passage of the amendment, section 3(1) of the Act

will read as follows:

“A person who, for ransom, reward or for any similar consideration unlawfully leads, takes, entices away, abducts, seizes or detains *any* person without his consent or with his consent obtained by fraud or by duress, and without lawful excuse such that the person (hereinafter in this Act referred to as the ‘kidnapped person’) is held, confined, restricted, imprisoned or prevented from returning to his normal place of abode or sent or taken out of Trinidad and Tobago, commits an offence and is liable to imprisonment for not less than the remainder of his natural life.”

This section, essentially serves to institute a life sentence on any individual found guilty of the offence of kidnapping.

Mr. Speaker, this Government deems this offence to be extremely serious. The physical and mental trauma are life threatening. We have heard the testimonies of victims being hog-tied and terrorized, often in forested areas throughout Trinidad and kept in squalid, dehumanizing conditions, being left in darkness to fend for themselves against the elements and against nature. The victims oftentimes include women and innocent children. Mr. Speaker, a number of us have read the accounts of Mrs. Debbie Ali in her book *Bare Feet* which tells of the experiences that she underwent at the hands of these kidnapers.

Mr. Speaker, the psychological effects are even more damaging as victims are often forced to relive their trauma and suffer much insecurity. Victims are often broken by this experience and have to readjust to life with their families while suffering acute emotional stress. Such emotional stress is a latent factor among victims of kidnapping, and usually manifests itself through depression, post traumatic stress disorder, anger and anxiety.

Family members and loved ones also relive the trauma of having to negotiate for the release of their relatives, and I am sure imagining at some time that they will never see their loved ones again. Children have to cope with a parent's sudden absence and the subsequent return of a parent who is no longer the same. Husbands have to deal with wives who refuse to allow them to touch them or to get near to them to caress them.

Mr. Speaker, the effects of kidnapping upon a victim and his or her family are, therefore, serious enough to warrant a more severe penalty. This Government strongly believes that life imprisonment is proportional punishment for the commission of this heinous offence. [*Desk thumping*] Kidnapping for ransom is not only heinous, it sometimes involves the death of the kidnapped person. Kidnapping is hateful and goes against the very core values of our society and culture. It must be stamped out.

This Government wants to assure you however, Mr. Speaker, that these amendments, particularly the increased penalty to life imprisonment, are not seen as the solution with regard to ridding this country of the crime of kidnapping. No, in fact, it recognizes this increased penalty as insufficient. Accordingly, this Government intends, and has begun, to address the societal ills in our country, for example, by the launching of our Mentoring Programme to guide our youth along the paths to becoming positive contributors to Trinidad and Tobago. We also looked as well at our role models to ensure that we get some of our prominent citizens to go back into those areas and guide our young people; we are looking at our community patriotism initiative where we are attempting to ensure that our citizens live better lives and enjoy better lives; and we are looking at a number of other contributors to ensure that Trinidad and Tobago elevates itself from the quagmire it is now as far as criminal activity is concerned.

Mr. Speaker, in this respect, I want to compliment our law enforcers: our police officers, our defence force officers, our prison officers, our fire officers and, in particular, on this occasion, we are saddened with the killing of No. 16396 Police Constable Anil Persad in the fields of Rio Claro yesterday afternoon. On behalf of the Government—as a matter of fact, Mr. Speaker, I take this opportunity to say on behalf of the entire House here today that we extend condolences especially to the parents (the mother and father) of this young, vibrant and hard-working police officer who gave his life in the line of duty for the love of Trinidad and Tobago. I had the opportunity to interact with his parents last evening, and only glowing terms were expressed with respect to the young man who, of course, they would miss dearly. I share their grief, and on behalf of not only the Government and the Members of this Chamber, but on behalf of Trinidad and Tobago, we want to thank that young man for the yeoman service that he has provided to Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, hon. Members, we have all resolved to serve this blessed republic nation of ours and to serve our people. This naturally involves delivering to our citizens cohesive and practical legislation that will support and protect them and their interests. We are not the first nation to enact legislation which carries a period of detention before a person becomes eligible for bail. In fact, the United States of America and Jamaica have legislation which, under certain circumstances, a person is not even eligible for bail. In the United States of America, conspiracy to kidnap is one of them; in Jamaica, the fact that a person is charged with an offence which is likely to yield imprisonment is another.

Further, Trinidad and Tobago will not be the first to enact legislation which punishes the act of kidnapping for ransom with life imprisonment.

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Canada, the United States of America and Jamaica have provisions in their respective legislation that punish the commission of this crime with life imprisonment. This enactment is an essential one, and it serves to send a clear signal to kidnappers that their actions will be severely penalized and serves to reinforce to the law-abiding citizens of Trinidad and Tobago that we will not stand by and let them be victimized.

I am sure that hon. Members on the other side recognize this important need, and will join this Government in passing this decisive piece of legislation. In this regard, I thank them most sincerely in anticipation of their support.

Mr. Speaker, with these few words, I beg to move.

*Question proposed.*

**3.20 p.m.**

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker. “He start already?” Mr. Speaker, I have not even begun and the Member for Lopinot/Bon Air West has already begun his bad behaviour.

Mr. Speaker, we on this side need to know whether this legislation is designed to score political points. Is it for public relations purposes or is it a properly thought out, informed response to the crime of kidnapping? Because this Bill is yet another erosion of fundamental rights in Trinidad and Tobago. The Minister did not explain, gave no compelling reason why a person who is charged with the offence of kidnapping should be detained for 120 days before evidence is brought against that person. And, Mr. Speaker, if one goes to the statistics that the Minister himself quoted, he told us—and my information is that he is more or less correct—that in 2003—2005 he said, my information is 2003—kidnappings for ransom reached a peak of 58 in Trinidad and Tobago, but by 2009, kidnappings for ransom had declined

from 58 to eight by 2010, a further reduction to seven, and in 2011, there have been two kidnappings so far.

Mr. Speaker—for ransom, the crime—you see I am always disappointed when Ministers present Bills and they do not do their homework. They do not explain to us what the legislation is all about. Since the Minister has not done that, I will do so.

**Hon. Member:** Pilot the Bill.

**Mr. C. Imbert:** You are welcome. Mr. Speaker, a lot of people in this country—and it appears the Minister himself does not understand, that the crime that is the focus of the Kidnapping Act, Chap. 11:26, is the crime of kidnapping for ransom. The section of the law that we are seeking to amend today in this Bill, is section 3(1) of the Kidnapping Act, and since the Minister did not properly go into section 3(1) of the Kidnapping Act, I will do so, Mr. Speaker. Section 3(1) of the Kidnapping Act reads as follows:

“A person who, for ransom, reward, or for any similar consideration unlawfully leads, takes, entices away, abducts, seizes or detains any person without his consent or with his consent obtained by fraud or duress and without lawful excuse such that the person...is held, confined, restricted, imprisoned or prevented from returning to his normal place of abode or sent or taken out of Trinidad and Tobago, commits an offence and is liable to imprisonment for not less than twenty-five years.”

That is the current law. But the keyword or the keywords in this Act are “a person who, for ransom, reward, or (other) similar consideration, seizes or detains (a) person.” People like to bandy statistics about, saying there are 100 kidnappings, 155 kidnappings, et cetera; this is not so, those are abductions. The operative issue here is the demanding of a ransom, and

I go back to the statistics. In 2005, according to the Minister, there were 58 kidnappings for ransom, which is the crime that we are seeking to deal with; in 2009—eight a significant reduction, I would say a reduction of some 80 per cent, if I do quick arithmetic, and 2007 down to seven and now two. So if kidnapping has been drastically reduced, then what is the rationale for increasing the penalties? And that is what we want to hear from the Minister. We want to know why; if kidnapping has almost been exterminated in Trinidad and Tobago, you are bringing legislation now, so that a person who is charged with the offence of kidnapping can be detained without evidence for 120 days? All the Minister told us—all he told us, is that there were administrative problems—administrative problems, what does that mean?

If in 2011, we only have two, two, is the system in the Ministry of National Security so weak under this Government that with just two persons who have been charged for kidnapping in 2011—and we are into the fifth month of 2011—two people, the entire administrative machinery in that Ministry is so incompetent that you cannot bring evidence against two people within 60 days? I mean, what is the Minister trying to tell us? He said it. He said that, you know we have administrative problems, difficulties, you cannot gather your evidence so you want to increase it from 60 days to 120 days. Well, Mr. Speaker, it would appear to me, if we use that logic, then you should extend it to 250 days; 1000 days, because if you cannot deal with just two accused persons, then there are serious problems in this country.

So the Minister must justify because this issue is open to abuse. When you detain somebody without bail it is open to abuse. Just think about it rationally, that persons would be charged with the crime of kidnapping for

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ransom and would be detained and not brought to trial, not brought before a court for now, for four months. Anybody could be charged with this crime. We are not a perfect society. I am sure the Minister will admit in his private moments, that there is abuse within the national security system in Trinidad and Tobago; there is abuse. So that there could be many innocent people who can be charged for kidnapping who would now be detained for four months. And I really would like the Minister to explain to us, why you are doing that.

But, in addition, Mr. Speaker, what I was particularly disappointed with the Minister, was his explanation for increasing the penalty for kidnapping from 25 years to what he called a life imprisonment, and you see, I would hope that when Ministers come into this Parliament they do their homework. If you are not a lawyer—and you are not—if you do not have legal training, and I do not think you do, then avail yourself of the best possible legal advice. I mean, oil is at \$100 a barrel, there cannot be financial problems in Trinidad and Tobago at this point in time. So if you do not know, avail yourself of the best possible legal advice, and I will explain what I mean by that. The Minister does not seem to understand the difference between, life imprisonment and remainder of your natural life—no, but it is a serious matter.

The legislation does not speak about life imprisonment. Who wrote that speech for you? Who put those words inside of there, that we are increasing the penalty from 25 years to life imprisonment? We are not doing that. Gary Griffith you say? “They ent get rid of he yet?” We are not changing the penalty from 25 years to life imprisonment; we are changing it from 25 years to the remainder of your natural life. If you had done proper research, you would have learnt that life imprisonment essentially means 30

years, not so Member for St. Augustine? I see you nodding your head in the back there. Teach him! You are putting the poor Minister who does not have legal training into the Parliament to debate these complex matters and you are not assisting him, Member for St. Augustine. Help him!

**Mr. Speaker:** Hon. Member for Diego Martin North/East, I do not think this debate is about the Minister of National Security personally, and I find that you are training your guns on the Minister. I want to ask you to just deal with the matters that are before us and do not focus necessarily on the Minister of National Security, please.

**3.30 p.m.**

**Mr. C. Imbert:** Thank very much, Mr. Speaker. One of the matters before us is the poor preparation done by Ministers when they present bills in this House, that is one of the matters before us, so I have heard you.

**Mr. Speaker:** Hon. Member for Diego Martin North/East, I have noticed a trend in this House which I intend to address. When the Speaker rules on a matter, I do not expect anyone to challenge the rulings of a Speaker. That is an established principle and rule—we proceed. But I have noticed that when I rule on something, Members have a tendency to challenge my ruling. I have allowed it to run, but I am just guiding Members that the Standing Orders are very clear and the practice is very clear: you do not challenge or question the ruling of a Speaker. If you have doubts about it, bring a Motion of no confidence or bring a Motion to question his rulings, but please do not challenge the ruling of the Speaker. Continue, hon. Member.

**Mr. C. Imbert:** Thank you very much, I wish to make it absolutely clear that at no time was I challenging your ruling, at no time. [*Desk thumping*]

Now, let us go back to this issue, because you see, Mr. Speaker, it is very, very important that we understand what we are doing. The

Government has been bringing a series of draconian laws to this Parliament, draconian! And it begs the question; is this all public relations? Is it a knee-jerk reaction to the problem of crime? Does it betray a lack of a holistic strategy to deal with the menace of crime in Trinidad and Tobago? You see, Mr. Speaker, it is my understanding—I am advised that the key weapons that were used in the fight against kidnapping in particular, the Offence of kidnapping for ransom, were the SIA, the Security Intelligence Agency and its interception of communications, the Special Anti-crime Unit of Trinidad and Tobago, and the airship, commonly known as the blimp.

Now, what has happened over the last 12 months, Mr. Speaker? The SIA has been literally dismantled. We have had sight of a submission to Cabinet for the closure of SAUTT, the complete dismantling of SAUTT, which apparently is to take place in this year, 2011, and in that submission to Cabinet as well we saw that the Minister of National Security—the Ministry, let me not single out the Minister—the Ministry of National Security intends to sell the airship.

Now, Mr. Speaker, the reason why the previous government was so successful in reducing kidnappings from 58 to seven, the previous government—if you use the Minister's own statistics, it was the PNM government—and you know there is a tendency, Mr. Speaker, if I digress, there is a tendency on the other side to deny reality; they are delusional sometimes. Today, I attended the opening of a roundabout in Maraval—yes, it had to come—a construction project initiated by the PNM government, and I had to hear this was a project of the People's Partnership.

**Dr. Browne:** What!

**Mr. C. Imbert:** That is what they said, but everybody who has been passing the roundabout construction for the last three years, they know it

was a project initiated by the PNM government. Like everybody driving up the Churchill Roosevelt Highway, in 2009, would have known that the Aranguéz flyover was a project of the PNM government. [*Desk thumping*] “They would have seen it with their eyes.”

**Mr. Roberts:** Mr. Speaker, 43(1) please. [*Interruption*] Do not be rude.

**Mr. Speaker:** Overrule.

**Mr. C. Imbert:** Thank you, Mr. Speaker. Thank you for your very wise ruling. The fact of the matter is there are so many things that the PNM was responsible for, so many good things, and the government would like the population to forget the achievements of the previous PNM administration. And the reduction of kidnapping for ransom from 58 to seven and eventually as it is now down to two, was a serious and significant achievement of the former PNM administration. [*Desk thumping*]

You see, Mr. Speaker, it is in that context that I have to ask myself, if kidnapping is now, a crime that is not as prevalent as it was, why has the government come today to imprison persons for the remainder of their natural life? There are many persons who might get involved in kidnapping; young people, get caught up in this thing. Why would you want to imprison somebody for the remainder of their natural life, simply because an 18-year old or a 19-year old got caught up in this thing?

I would like the Minister to tell us, because I want say at the outset that I consider kidnapping to be a heinous crime, a heinous crime. So I would like the Minister to justify the extent and severity of this legislation because, now that I have corrected the record, it is not life imprisonment, it is not 25 or 30 years, it is the remainder of your natural life—no you said life imprisonment, and there is a big difference. And I would like the Minister to explain to us, why do you want to impose this penalty for this crime? Tell

us. Because I have noticed with this Government when members of your party, Mr. Speaker, through you, were in opposition, anytime the PNM attempted to bring legislation to deal with crimes such as kidnapping we met with resistance from the then UNC opposition, Mr. Speaker, we were met with resistance. We heard all sorts of stories about human rights, constitutional rights, all sorts of reasons were advanced as to why these things should not be done. Now that the shoe is on the other foot, what I have noticed is a tendency of the new Government to come with very, very draconian and extreme legislation, and I will explain.

You will have to look around the world to see exactly what are the penalties for kidnapping in various countries. The Minister spoke about Canada; he spoke about the United States. It is not so in every state in the United States that the penalty for kidnapping is a maximum of life imprisonment in some states; not in all. And the way the legislation is drafted in the United States, it is for any number of years up to life imprisonment.

This is the point I wish to make; we have to be very careful in this Parliament how we are putting things into legislation in terms of sentencing. What is the justification for a sentence of imprisonment for the remainder of your natural life. I would like to know. As I have said, I consider kidnapping to be a very heinous crime, and it must be dealt with, but I would like the Minister to explain why you are jumping from 25 years to remainder of your natural life? And if the Minister had looked around the world he would have seen that in England—let me tell you what the penalty for kidnapping is in England. And in fact I have in my possession the sentencing guidelines that are used in United Kingdom court system.

The sentencing for kidnapping follows a particular judgment, *R v*

*Spence and Thomas, 1983* and the guidelines speak to circumstances, and that is what I would like the Government to consider, the circumstances. I am going to propose that firstly, life imprisonment before the second offence—that is my first proposal—and secondly, you look at the nature of the detention. In England the circumstances are as follows:

Circumstance 1: In kidnapping violence or a firearm used, exacerbating features such as detention of a victim over a very long period. The guideline sentence is more than eight years imprisonment. So for that for which they consider to be the most serious form of kidnapping, the sentence guideline is in excess of eight years.

Circumstance 2: Carefully planned abductions, victim used as a hostage, or ransom money demanded, up to eight years' imprisonment.

Circumstance 3: Kidnapping that may be a sequel to a family tiff or a lover's dispute, 18 months imprisonment.

So in the United Kingdom there are three different categories; you have a domestic situation where you have a romantic problem or a problem within a family, the sentence is 18 months. If you have a planned abduction, it is eight years and if you have violence it is over eight years.

### **3.40 p.m.**

I want to go to an actual sentence that was handed down recently in the United Kingdom. This is an article from the *Times* of England, November 2010, so it is very current and I read as follows—the headline is “Chinese Kidnap Gang Jailed in London, England”, November 26, 2010:

“The final member of a violent kidnap gang who lured their victims with the promise of work before imprisoning them and demanding

ransom payments was today sentenced for his role in a string of kidnap and blackmail offences.”

It goes on:

“The five-strong gang—all of whom are Chinese nationals—seized six of their compatriots in London and Luton...between July 2007 and March 2009...

In each instance the captors demanded money, often tens of thousands of pounds, in order to secure the hostage’s release, and petrified relatives in China were sometimes contacted and ordered to pay up or see their love one killed.”

So there was a threat of murder as well in this particular crime and, as I said, these sentences were handed down in 2010. These are the actual sentences.

The first accused, Mr. Guo Ping Chen, was found guilty of kidnapping, blackmail and false imprisonment and he was sentenced to 15 years imprisonment on each count to run concurrently, so it is a total of 15 years. The second individual, Mr. Chen, he was also found guilty of kidnapping, blackmail and so on, he was sentenced to 12 years and six months imprisonment; the third accused Mr. Bing Cheng was sentenced to 10 years; the fourth to six years and eight months and the fifth to eight years.

**Mr. Roberts:** Thank you, Member, for giving way. I know you are very versed with English law and history; would you say that in the history of England the crime of kidnapping has not been so heinous, and therefore, these penalties would have existed for some time, but now that their immigration laws have been relaxed and they may be introducing a new sort of heinous kidnapping as exists in Trinidad and Tobago where people are tortured and so on, do you think if that continues that those soft penalties would remain or would they look to, as we are doing, up the ante?

**Mr. C. Imbert:** Mr. Speaker, I thank the Member for D'Abadie/O'Meara for raising that question. At least somebody on that side is thinking.

It is a difficult question to answer, because I cannot speak for what the United Kingdom will do and what I intend to do is look at the United States and look at other countries in the world at how they treat with kidnapping. It is quite possible that the United Kingdom may decide to increase the penalties, but what we are debating today is the maximum possible penalty outside of death. There are some countries, believe it or not, that actually are seeking to impose the death penalty for kidnapping, and they have been subjected to international condemnation for that extreme move. I do not know what the United Kingdom is going to do. I am simply reading from a sentence that occurred just a few months ago in the United Kingdom where these people were kidnapped and terrorized and the sentences have ranged from fifteen years down to six years.

We, in this Parliament, however, are debating increasing the sentence to the remainder of your natural life. That is why I think one needs to look at the nature, the circumstances that occurred with respect to the offence. This is how they deal with it in the United Kingdom and I am suggesting that we need to be a little more holistic in the way we deal with issues, because there would be kidnappings and there would be kidnappings; someone would be kidnapped, they would be brutalized, they would be raped, that sort of thing. In a heinous crime like that you do not want to have any mercy—if I can say that—on the kidnappers. But there may be other situations that would not be of such a heinous nature, but the sentence—and before someone jumps up and says it is a maximum sentence, I mean, we hear that all the time—but in the absence of proper sentencing guidelines in Trinidad and Tobago—and this is a complaint that I have heard



from practising lawyers and not being a practising lawyer myself, you do not have to tell me that again Member for St. Augustine—that there are issues with respect to sentencing guidelines in Trinidad and Tobago, and it is a matter that has to be dealt with, with the people that have to deal with the administration of justice. Perhaps it is something that the Member for St. Joseph should be looking at, the whole question of sentencing guidelines in Trinidad and Tobago. But in the absence of codified sentencing guidelines or inadequate sentencing guidelines, we have to be very careful about the laws that we are putting onto our books in Trinidad and Tobago.

Let me go now to the United States, because in the United States there are different approaches and in some of the states in the United States the crime of kidnapping is punished by life imprisonment. That is a fact; in some of the states there is a period of years, it could be fifteen years or it could be twenty years. In the United States they look at what happens, because they look at different levels and I am reading from an article here from *West's Encyclopedia of American Law* and I would just quote:

“Most kidnapping statutes recognize different types and levels of kidnapping and assign punishment accordingly. New York, for example, bases its definition of first-degree kidnapping on the purpose and length of the abduction. First-degree kidnapping occurs when a person abducts another person to obtain ransom. First-degree kidnapping also occurs when the abduction lasts for more than twelve hours and the abductor intends to injure the victim, accomplish or advance the commission of a felony, terrorize the victim or a third person, or interfere with governmental or political function. An abduction that results in death is also first-degree kidnapping. A first-degree kidnapping”—listen to this, New York, “eh”, and I have said

that first degree involves kidnapping for ransom, violence and that sort of thing—“in New York is a class A-1 felony, which requires a sentence of at least 20 years in prison.”

So even though in the United States there are some states—I think Ohio is one of them—that allow for life imprisonment, in New York you are talking about a minimum sentence.

**Mr. Roberts:** What is life in New York?

**Mr. C. Imbert:** Thirty years; yes, thirty years. Now, in the United States, over a period of time—I mean, the whole issue of kidnapping; kidnapping is something that really began with children that is where the word comes from, “kidnap”. It is really to nab a child. It is a literal translation. And it was frowned upon because you are dealing with innocent little children who cannot really defend themselves, and when authorities began to enact legislation to address the whole question of abducting children, the kidnapers trained their guns on adults and the severity of the sentencing then began to acquire some level of complexity.

I would say that you should have a very severe penalty when you are dealing with kidnapping of a child for ransom. This is the point I am making. In this legislation that you have brought before us you are going from zero to one hundred and you are not distinguishing—now the argument would always be it is always up to the magistrate, I assume this is an indictable offence, it is up to the judge, but I do not think we should leave it like that. I think we need to make kidnapping of a minor, kidnapping of a child, categorize that as a heinous offence. I do believe that the question of imprisoning somebody for the rest of their natural life should be for the second offence not the first one. If you want to increase the penalty take it up to thirty years for the first offence, but I do think that when we come to

this Parliament we need to think about what we are doing, because once this legislation is on the books it is open to abuse and we in this Parliament always have to be mindful of the fact that anyone in this country can be subject to abuse. So, as I said, in the United States they take different approaches to the crime of kidnapping and different states impose different penalties. Some states, as I said, impose life imprisonment, others twenty years and so on.

In Canada, as the Minister quite correctly said, the penalty for kidnapping for ransom is life imprisonment. That is a fact. In Nigeria there is a move to make kidnapping for ransom punishable by death, and there is a reason for that. In Nigeria, from the article that I read, kidnapping was not an issue—some of us may be surprised at that fact—but here is the article and this is an article in the *Daily Independent*, June 24, 2009.

“In Nigeria, words such as kidnapping, abduction or hostage taking were relatively unknown before 2006.”—You might be surprised to learn that.—“If anything, Nigerians only read or heard such words in stories as reported in local and foreign newspapers. All that changed when on February 18, 2006, the first case of hostage taking (or kidnapping) was reported...Strange as it was, the excuse given by the kidnappers was that they employed the method...to draw national and global attention to their crusade of fighting for resource control...”

But the fact is that prior to 2006 kidnapping was unknown in Nigeria and now kidnapping has become an issue in Nigeria and there is a campaign for the imposition of the death penalty.

There is a lot of opposition in Nigeria to this, a lot of noise, a lot of confusion as to whether, as I said, you want to go from zero to one hundred, you want to go from a fairly minor penalty to death for the crime of

kidnapping and it is attracting a lot of debate in that country.

Mexico—I have an article here with respect to demand in Mexico for the death penalty for kidnappers, again, attracting a lot of controversy, attracting a lot of debate; arguments for, arguments against. But when you go into the literature and you look very carefully at what is done in developed societies, in societies that have had to deal with this problem, there is a very structured approach to the whole question of sentencing, the whole question of categorization, the whole question of the nature of the crime. I can therefore say that I am sorry to disappoint the Minister; we cannot support this legislation in its current form, we think some work needs to be done on it and I am suggesting that you make this imprisonment for the rest of your natural life be the penalty for your second strike.

I am suggesting also that you could look at the whole question of kidnapping of a child and perhaps reserve this kind of penalty for that sort of thing. But to have a broad-brush approach where you are going to imprison someone for the rest of their natural life for something like this when they have different levels of culpability, when you have a gang—we have just had a long debate about gangs and what constitutes a gang and a gang leader, and in that debate we recognized that a gang leader has a far greater responsibility, he is the mastermind behind the crime, he is encouraging people, so, therefore, we looked at a more severe penalty. In fact, when that Bill first came there was the concept of life imprisonment for a gang leader which was modified to a very long jail sentence, a longer jail sentence than just an ordinary member of a gang.

The same approach, Mr. Speaker, in my opinion has to be adopted with respect to this matter and we would like the Government to give this some thought before you just push through with your majority and increase

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this penalty, because I think you may end up—you may find yourself facing a legal challenge. You may find yourself facing a legal challenge if you cannot justify what you are doing. I am talking about section 13 of the Constitution. If you just push the thing through without explaining or giving a proper rationale for putting almost the maximum penalty available for this crime and not associating that penalty with everybody who may find themselves, either willingly, unwillingly or unfortunately associated with a kidnapping.

**3.55 p.m.**

I really think that you need to be careful because we on this side believe that you must put laws on the books that can work. You do not want to put a law on the books that may become the subject of a constitutional motion. You do not want to do that. You would defeat the whole purpose of why you are here. That has always been our approach on this side. You would have noticed that that when we get into dialogue on things like the Bail Bill, the Anti-Gang Bill, and so on, even the Interception of Communications Bill, you would have noticed our approach once we reached consensus on where we wanted to go—because that is the first step we must reach as a Parliament. We must have some kind of consensus as to what you want to do. Having got there—we all recognized that this is horrible crime, what do we do in terms of making the law workable, making the law practical and making sure that when persons are charged for crimes of this nature that they will be convicted, they will be sentenced and they will be appropriately punished.

So, Mr. Speaker, that is basically it. There is no need to go into a long thing about kidnapping in this Parliament. The Bill only has three clauses. And the whole issue as far as I am concerned here is the sentencing. Why

are you trying to impose this sentence? Please explain it to us on this side so we can understand. So if we can understand, you might be surprised. But at this point in time with the Minister's very brief presentation we were unable to go along with you in the manner in which the Bill is drafted at this stage.

Mr. Speaker, I thank you.

**The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan):**

Thank you very much, Mr. Speaker, for allowing me to join the debate which is a debate of fundamental value and importance to public safety and the protection of our citizens including, the freedom to live without the fear of being kidnapped. That is the main thrust here, the freedom to live without the fear of being kidnapped, without being denied one's personal freedom and being locked up somewhere in some hole in the ground with galvanize (in the hot sun) over your head, no food, no water, dehydrated after a number of days.

Mr. Speaker, I do not want to go back into the pages of the newspapers to read the details of the experiences that people have had, but sometimes we need to do that and I promise I would not do it today, but sometimes we need to do that to awaken the minds of people who still have bleeding hearts for those who commit, in the words of the Member for Diego Martin North/East, a most heinous crime. The Member for Diego Martin North/East asked the question to justify why the penalty should be natural life imprisonment. But I think he answered in his own words, when he said that he considers such a crime to be heinous. If the law deprives you of your freedom because you have done something wrong, it is one thing, but when you deprive someone of his or her freedom for not doing anything except that you want a ransom from that person or for some other reason you want to deny the person the right to be free, then you should be prepared to

suffer the consequences of those actions.

Mr. Speaker, you know the hon. Member for Diego Martin North/East—and it is always pleasurable to listen to the Member, he always speaks intelligently—makes reference to draconian legislation being brought by the People’s Partnership Government. Mr. Speaker, in a society where you have people who decide to be bad boys, then you have to have tough legislation. This is a country where there are small groups of people who do not understand anything but really serious consequences for their actions. Therefore, consequence or consequences must follow bad behavior. If you want to be badly behaved, then the people in this country who are decent, honest people who want to live a life within the law, the role of the Government is to pass legislation that supports those who want to live lawfully in the society and within the laws.

Mr. Speaker, to live without the trauma that tomorrow may be me or my spouse or children or siblings or loved ones, that should be the goal of each and every one of us. That should be the goal of the law. It should set the environment where I can feel that I will live without the trauma that tomorrow it may be me or my spouse, or my children or my siblings or my loved ones. The role of Government therefore, is to do all within its legally authorized powers to safeguard the lives of citizens and even visitors to our country. This is why we are here as a Parliament. We are here to ensure that the rights of people are protected, even the rights of criminals to a fair trial, but at the same time the population has vested us, through the vote, with a responsibility. They have vested us with a responsibility through the power of the vote to draft laws and to pass laws in the interest of the citizens who want to live a lawful life while we respect the rights of all.

Mr. Speaker, the Member for Diego Martin North/East talked about

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the competence of the Minister of National Security. He talked about the fact that in 2011 there are two kidnappings for ransom and then insinuated that nobody has been charged. I know in one case which I saw in the newspaper, in the case of the young lady from Cumuto in the Sangre Grande area that people have been charged.

**Mr. Imbert:** I thank the Minister for giving way. No I was not insinuating that. I was simply saying that if only two persons have been charged with kidnapping for ransom in this year 2011 that is not an astronomically a large number that would create this administrative log jam that would cause you to go from 60 days detention to 120 days detention. It is such a small number.

**Hon. Dr. S. Rambachan:** Thank you. I understand your point. But the reality is, that if it is that we have brought it down to two from the 58 which you—*[Interruption]*

**Hon. Members:** To seven.

**Hon. Dr. S. Rambachan:** You had it up to seven, to seven and nothing is wrong with that, nothing is wrong. This is what you are there as an administration for, to improve security of people. But the reality is that having done that you must do things now to sustain it and if it means strengthening the law, if it means moving it from 60 to 120 days to drive greater fear into the hearts of those who are intent upon kidnapping then we must be prepared to do that. *[Desk thumping]* We must be prepared to do that in the society. We must never be afraid. Never, never be afraid to do that! Those people without any kind of compassion for others are taking away the freedom of other people. We must not be afraid to do that, but we must be prepared also to act within the law and that is why we are here and we are debating this and we want to pass that law so that it will be legal as to



what we are doing.

You know the Member for Diego Martin, North/East, even when you said 58 against seven and two and so on, will be interesting to know how many of those 58 for ransom, how many of those persons were found, those who were engaged in kidnapping, how many of those 58 people were charged and sent to court and prosecuted and are in jail now for kidnapping. It will be very interesting to find out. Mr. Speaker, as I was saying it is never easy to curtail the freedom of a person. But civilized societies and we are a civilized society, we consider ourselves a civilized society and societies based on the principles of law and order must at times curtail freedom especially when persons impinge upon the rights and freedoms of others.

Unfortunately, Mr. Speaker, here in Trinidad and Tobago there are still archaic laws and because of those archaic laws, those sacred rights are snatched away so callously by persons who have become so barbaric that they have no regard and respect for human life. Yes no regard, no respect for human life and that is a fact. We really have some monsters that are walking around in the society with no regard for human life. We must not be afraid to deal with them. You know, if you have a little sore and you do not take care of it, it is not going to necessarily heal by itself. Sometimes you have to take drastic action and you have to use surgery as the Member for Diego Martin Central will probably know. You have to do surgery and you have to be surgical about it.

**4.05 p.m.**

And not only does this encroachment cause pain and hurt to victims and their love ones, but it has a disruptive effect on the society as a whole. When a person is kidnapped the entire nation begins to cringe. Now we

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understand that the kidnappers (as we have read in the past) even bury their victims alive. That is the nature of the heinous crime Member for Diego Martin North/East, that you were talking about when people could go ahead to bury their victims, bury their victims alive as has happened, and that is what we want to prevent. We want to remind people with laws that are so strong that they do not go there again, because the laws are there to protect the decent ones, the law-abiding ones.

You know Member for Diego Martin North/East, I do not know if you have little children, but imagine your little daughter or son falling prey to these animals in human form. Just imagine that. Just the thought of it has a debilitating effect on the human psyche.

You cannot have and you must never encourage or allow a situation where in a society the honest and hardworking people who are also law-abiding, but whose freedom to enjoy the fruits of their hard work, the fruits of their labour, and their honest toil, are threatened away. Even by those who are evil, lazy, heartless and absolutely cruel.

We have too many people in the society building this country, working very hard, very, very, hard who are imprisoned somehow in their homes on evenings simply because they fear being kidnapped, they fear being robbed going out there. We must not deny that that still exists in this country and we as the People's Partnership Government are working hard to eradicate fear in the hearts of citizens. [*Desk thumping*]

We want a society where our citizens will feel free, will feel comfortable to walk the streets of this land, to go to functions, to drive their cars, to open their gates and get into their homes without the fear of these heartless people waiting to kidnap them. And that is the kind of society that we are working towards, and that is what the Minister of National Security is

working towards.

In this regard let me take the opportunity on behalf of this Government to congratulate the police service, and the hard working members of the police service, who have been working hard to attack this evil scourge of kidnappers and criminals in the society, to the point where as the Minister of National Security, and I too want to extend my condolences and sympathies to the family of constable Anil Persad who lost his life in the line of duty. We must never ever fail to have gratitude in our hearts and to continue to express appreciation for those who put their lives down for us, that while we sleep they are in fact the ones who are looking after our safety and security at the cost of their own lives in this country.

And I want to say today that this Government and the Minister of National Security—and one sensed the emotions in the voice of the Minister of National Security even as he spoke of the loss of life of Anil Persad you know why because he cares—cares for every single member of the defence services and protective services in this country. We know and we appreciate as a government what they are doing on behalf the citizens of the Trinidad and Tobago.

Mr. Speaker, chaos and anarchy will eventually descend upon a society where evil men and evil women are allowed to go free, and where there are laws without teeth, laws that will not drive the dagger of fear into the hearts of the criminal minds. It is the same goal that the Members of the Opposition have to create a society where people live without fear, and if that means that you have to have draconian laws then I believe that the public will be in support of draconian laws, because the majority of people in this country want draconian laws to deal with criminals in this society: they want it, they want it.

The passage of the amendments before us in this honourable House will separate those who stand for law and order, those who stand for respect for human dignity and freedom, from those who are just prepared to use kid gloves against criminals who are using sledgehammers against innocent and helpless victims. That is the separation. And today we will see those who are really serious about arresting these criminals and putting them behind bars for natural life imprisonment compared to those who just want to just use kid gloves, and use every excuse in the world to defend deviant behaviour which should not be defended.

One of the tragedies of this society is that we find too many excuses to support deviant behaviour. We find every excuse in the world except telling people that look you have to be responsible for your behaviour, and if you are not responsible for your behaviour there are consequences. Because I have seen even with the previous administration as much as this administration, I have seen attempts being made to help people to rise from where they are, to help people to be better human beings, to help to be self-sufficient, to help people to lift their self-esteem, but when you do all of that and when you provide what is required to create that environment for people to grow and to mature and to be decent human beings, and they still refuse, then they have chosen a path for which the law, as harsh as it might be, must apply, and one of those crimes is in fact kidnapping.

The population will today judge us as a Parliament in terms of not only what we choose to stand for, but how much we believe that the innocent deserve the fullest protection of the law. I say once again that this is not a matter against which we should vacillate, but one which must of necessity show to the nation and show to the world that as a Parliament and as the elected representatives of the people we genuinely care about their

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safety and theirsanity and their security. The responsibility is ours to bring to this Parliament the legislation that will reduce and eventually eradicate this scourge so we do not talk about two, we talk about zero and just as we talk about zero tolerance for other things there must be zero tolerance also for kidnapping and kidnappers in this society. [*Desk thumping*]

We must not vacillate on that. We must not compromise on that. Serious attempts are being made to reach out to young people. Recently, I saw the hon. Minister of Sport and Youth Affairs reach out to youngsters in this country in a very significant way—the Minister of National Security and the Prime Minister—in the launch of the National Mentorship Programme. They are all making attempts, valiant attempts to reach out to young people, but as I said you reach out, and you reach out, but people must grasp the opportunity and when they fail to grasp the opportunity and you know you have done your best, the best that you can do, then they must be prepared to face the brunt of the law.

It is our responsibility to bring to the Parliament the legislation that will eventually eradicate this scourge. The conscience of our friends on the opposite side under its new leadership and vision is really on trial this afternoon in a way given what the hon. Member Diego Martin North/East has said, the man who sits in the middle. He sits in the middle of the divide a good place to sit; people in the middle sometimes emerge as the leader [*Laughter*] so maybe you are making your play.

Governance (you see you have three leaders on that side you know) requires hard choices and the test of governance as much as it relies and resides on fairness, equality and justice, it also lies in the hard decisions we are prepared to make to combat circumstances and combat situations being experienced in our country. You and I know that there is a school of

thought, and there is research to support that poverty has a link with crime, that poverty and unemployment—and what have you—give rise to certain behaviours that are inimical to the well-being of society. But you know, there comes a time when we must also not just use poverty and environment to defend deviancy in a society; we must not do that.

**4.15 p.m.**

These must not cause us to have bleeding hearts in this debate. There is enough evidence, also, to support the assertion that a person can rise from situations of deprivation and poverty to be decent, law-abiding citizens. There are many of us sitting in this Parliament today who have come from very, very poor backgrounds and we have done something with our lives. Why? Because we had a vision for ourselves, a vision stimulated by what our parents told us, a vision stimulated by the quality of the family environment in which we grew up.

Mr. Speaker, we know in this society there is a problem of parenting. We know that there are many absentee fathers, and we know that there are many single mothers in the country. We know that, but administration after administration and, particularly in this administration, we are trying to do something about that. But one of the things we must not do is simply to excuse deviant behaviour as a result of poverty and deprivation. If we continue do that, we are in fact supporting a particular kind of behaviour in the society.

Mr. Speaker, let us face it. The former administration had it—MuST, HYPE, all kinds of programmes to give people opportunities in the society. We have kept those programmes. We have enhanced those programmes, we have enhanced the GATE programme, and we have done a lot. We have expanded. We are going into universal early childhood education, building

more of the Early Childhood Education centres, just like the former administration had attempted to do, because we know that all of these are part of the solution. But I want to make a point and it is that you cannot keep blaming your past for where you are today. If you do that you are going to remain right where you are.

**Hon. Members:** Thank you. [*Desk thumping*]

**Hon. Dr. S. Rambachan:** You cannot blame the past. Mr. Speaker, one of the tragedies of Trinidad and Tobago is the tendency to blame the past without taking responsibility for the future. You see, where wrongdoing has been done by the previous administration, we will continue to blame it [*Desk thumping*] and we will continue to talk about it. When you have done wrong and when you have deprived this country because of maladministration and bad administration, then you have also deprived citizens of their right to a better future which we are trying to correct.

Mr. Speaker, there are great examples of which I speak, like the celebrated actress and television personality, Baroness Floella Benjamin, who rose from the slumps of Pointe-a-Pierre to greatness in her adoptive land of Britain, spat upon, relegated against, denied opportunities, but determined to succeed, and she succeeded. The same is true of the son of indentured grandparents, Vidiadhar Naipaul, who left Chaguanas in rags and today is recognized as the most prolific writer of the English language in the world. So whether it is Baroness Floella Benjamin or Vidiadhar Naipaul, there are examples all around us of people who did not let their environments consume them, but they were able to rise out of that environment and do great things with their lives.

Poverty is not necessarily the cause of deviancy. You may correctly argue that it is the lack of opportunity and our own tardiness in creating or

accessing those opportunities, however, as I said, Trinidad and Tobago is filled with opportunities. In every turn, governments past and present have been providing opportunities for self-development. That is perhaps the problem and perhaps we need to look at it. Part of the problem might very well be that too many young men and women are being swayed by the television culture of gangsterism and bad boy behaviour, and that is a serious matter. This is no different to what is happening in many of the Latin American countries, where Latin American leaders are also worried that young people are increasingly being led to believe that organized crime could either improve the well-being of the citizens, help them feel safer or strengthen the reliability of the Government. This was in fact the startling reality expressed at the round table on education at the recent World Economic Forum in Brazil, during which the hon. Prime Minister advocated the introduction of the National Mentoring Programme—as we introduced last month—and it was received by the Latin American delegates as something worthy of emulation. What is even more alarming, is the fact that, today, 15-year-olds are taking examples from their TV screens.

Mr. Speaker, I am not advocating that television be closed down or that there be some quantum censorship of television. I am advocating that, maybe, in homes parents should be looking more carefully at what their kids are looking at. Parents must be more careful as to which channels they shut off in their homes and I think it is very important. Parents ought to be more careful about what kinds of games their children play on the computers. All these are important things, but this is something that the society needs to talk about and, we need to talk about it even here so that the awareness in the society of the impacts of these kinds of games and programmes upon the minds of young children would be understood.

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Mr. Speaker, impressionable minds are being shaped by a false and dangerous notion that will have a ripple effect even for us here in the Caribbean. Maybe the time is right for us to have a hard look at what is being marketed as entertainment in the society. Maybe the time has come for us to revisit what we show on public television and how it is impacting upon the youth of the nation. This is why the People's Partnership Government—*[Interruption]*

**Miss Mc Donald:** Standing Order 36(1). Mr. Speaker, I am trying to following him in this debate. What is the relevance of what you are saying? Please, connect it to the Bill.

**Mr. Speaker:** Sustained. I think you should get back. *[Desk thumping]*

**Hon. Dr. S. Rambachan:** Mr. Speaker, we are talking about what contributes to kidnappers, the mind of a kidnapper. We are talking about environmental conditions that contribute to all of this. We are also saying that while we have tough legislation to deal with the kidnappers or to create a preventive environment, we must also tackle all the other kinds of problems that are impacting upon these impressionable minds. That is what we are talking about.

Mr. Speaker, let me simply say the message must be clear. If they choose to be bad boys, then we must introduce good laws for bad boys. If it means that we have to move from 60 days to 120 days, we must move from 60 days to 120 days. *[Desk thumping]* If it means that as a society we have to take the decision that upon conviction for a kidnapping offence, we substitute a new penalty of natural life imprisonment, then we must do that. We must not be afraid to do that. That is why we are here in the Parliament and that is what we are debating. There is an old adage that says, "What gets measured gets done", by the same token it is said that the spoken word

has effect and if we in this honourable House say collectively that we want legislation that will effectively deal with the criminals, then it will happen. But if we are divided and resist for opposing sake, we will plunge the nation into a path that will be frightening, and I am sure hon. Members on the other side would not want the blood of the next victim on their consciousness nor on their hands. So, it all about consequences.

We have to introduce consequence management in this society even with respect to our laws. Deviant behaviour is not going to be curtailed unless deviant persons are made to feel the consequences for their deviances. The pain felt by parents, the pain felt by family members of those who have been kidnapped, must also be felt by the kidnapers. [*Desk thumping*] They must be so afraid that they are going to be kept there for 120 days or for natural life in imprisonment that they would not even want to step near a person with the thought of kidnapping that person. The propagators of kidnappings must know by the strength of the law that the road for them has come to an end. But even as we speak on this matter of amending the Bail Act, I wish to take notice and put in the public domain the concern that exists in certain quarters as to the competence of some Justices of the Peace who are called from time to time to access and grant bail; people who by law are entrusted with the Constitution, but sometimes lack the moral obligation.

Mr. Speaker, there was a commission of enquiry in 1997 into Justices of the Peace and I simply think that perhaps we should look at that once more. Various allegations were made of corruption and illegal conduct. In fact, 11 Justices of the Peace were charged and, at the end 1997 the court had, of course, dismissed the cases against five of them and so on, but that is something we have to look at. We also have to look at the situation if we are talking about bail, the situation about the legitimacy of deeds that are

presented to the courts. There is an avocation called “professional bailors”, some of whom have been found from time to time wanting with respect to the authenticity of documents presented to bail out persons on charges. Maybe we have to look for another model and maybe perhaps bail bonds—like they have in the United States—could be thought about in this society to overcome some of those problems we have about the legitimacy of the deeds or the instruments of surety as they call them that are presented.

Mr. Speaker, these are con men in the system who charge huge sums of money to secure bail. I understand it is 10 per cent and sometimes they are aided and abetted by other people in the legal system. You know, maybe, we should also treat such violations or infractions of the law as we treat accomplices in crime. The question I am asking is whether it is too easy to get bail in Trinidad and Tobago? Maybe because it is too easy the criminals are laughing their way to another kidnapping, or in the words of the Member for Diego Martin North/East, to another heinous crime.

Under the circumstances where we are all at risk, we in this Parliament have no choice but to take the conscionable decision to make to these amendments the law of the land for a safer Trinidad and Tobago. We owe it to our children and we owe it to our loved ones to demonstrate that we care about their welfare. Let us by our actions here today, earn their respect—yes, earn their respect—and prevent the next kidnapping or criminal activity. There must be none. We must not be able to talk only about two, there must be none. There must be none whatsoever.

Mr. Speaker, this is what we have to do as a Parliament. This is our responsibility, this is our duty, and I urge my erstwhile colleagues on the other side to look in the direction of the interest of the people of Trinidad and Tobago. Let their minds go back to the suffering that has been meted

out to victims of kidnappings and to do that which is right and what is right is to support the amendments that are being proposed by the People's Partnership Government in this debate here today.

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

**Mr. Speaker:** I know that the hon. Member for Port of Spain South is to commence her contribution in a short while. It is 4.28 p.m. and rather than you start at this time, you will start at 5.00 p.m. when we return or would you want to start now?

**Miss Mc Donald:** No, Sir.

**Mr. Speaker:** Hon. Members, this sitting is now suspended until 5.00 p.m.

**4.28 p.m.:** *Sitting suspended.*

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

**Miss Marlene McDonald (Port of Spain South):** Thank you, Mr. Speaker, for allowing me this opportunity to join this debate this evening. But, before I do so, I think I need to respond to both Minister Sandy as well as the Member for Tabaquite.

With respect to the Minister of National Security who took 20 minutes really, I really do not understand what he said; I cannot make many comments there. There was a total confusion between life sentence and staying in prison for the remainder of your natural life which meant that he did not, in my opinion, my humble opinion, quite understand the Bill and what that particular clause 3 was attempting to do.

With respect to the Member for Tabaquite, and I take great objection to the fact that he stated that the rationale for moving from 60 days to 90 days was to drive greater fear into the hearts of the citizens. Now, it is surprising that the Minister of National Security did not say that. I do not think he proffered that as any form of argument. But here is the Member for

Tabaquite saying it is to drive greater fear into the hearts of citizens. Now, I find—[*Interruption*] Member for Fyzabad, this afternoon, you please stay quiet and be educated please, thank you. [*Laughter and desk thumping*]

**Mr. Imbert:** Take that!

**Miss M. McDonald:** Mr. Speaker, I want this honourable House to understand that with the passage of any good law, it is your methodology that is important. You have to pay attention to the potential for abuse. The potential for abuse, Mr. Speaker!

When we pass law here, in this Parliament as legislators, it must withstand the scrutiny of decisions, and decisions by the Privy Council, and not of Parliament. That is what we have to understand as legislators, and sometimes I believe we do not understand our responsibilities.

He also went on to talk about the Government introducing good law for bad boys. What utter nonsense! What utter nonsense—introducing good law for bad boys—and I am taking issue with that. Because the Minister certainly does not understand good law, and that good law is laid down in decisions. We follow a doctrine called *stare decisis*—a doctrine of precedence. And therefore, in anything we do, we look to what are the Privy Council decisions that will guide us in what we do when we make the law. And I want the Member for Tabaquite to understand that, and just do not stand and mouth those sort of foolishness, trying to score poor political points, Mr. Speaker.

**Mr. Speaker:** I know that you know better, and I think that you should not really refer to a Member's contribution as foolishness, so I would like you to withdraw that, and let us proceed, please.

**Miss M. McDonald:** Mr. Speaker, certainly, you know, I follow your dictate at any point in time, and I do not ever challenge you, and so I

withdraw the “foolishness”. [*Laughter and interruption*] But save and except to say, Mr. Speaker, really, in my language, it was unintelligible. I am repeating what my Laventille East colleague had just—but Mr. Speaker, let me move on. As you always say, let us move on.

Mr. Speaker, the Government is seeking to amend the Bail Act, Chap. 4:60 and the Kidnapping Act, Chap. 11:26 by doing two things. The Minister said it is a very short Bill, yes I agree but fundamental issues arise in my opinion, as a matter of fact, in the opinion of the Opposition Bench.

Let us look at clause 2 where you are increasing the amount of time a person can be held with no evidence for the charge of kidnapping, and the second one is under clause 3 where under the Kidnapping Act, you are amending section 3(1) by deleting the words “more than twenty-five years” and substituting the words “the remainder of his natural life”.

Mr. Speaker, in my contribution, I will try to bring some sort of clarity, I have a great deal of questions to ask, and I will only be here celebrating as my friend from St. Joseph would say, about what is in this Bill. I need clarification, I need justification, and so I am going to put my case forward and hope at the end, when the goodly Minister is summing up, he will be able to at least clear my mind and give me some comfort in this particular Bill.

Mr. Speaker, let us look at clause 2 first. Clause 2 says: “Section 5A(2) of the Bail Act is amended by deleting the word sixty and substituting the words one hundred and twenty. But before we examine the rationale for this increase, I need to explain because I am always mindful of the fact that I am not only speaking to the hon. Members in this House but I am also speaking to the national community, and especially my constituents in Port of Spain South. I would like to define terms, that is how I build my

argument. I define terms, I marshal the facts and then I imple—[*Member gesticulates and Mr. Anil Roberts gesticulates*]. That is right! That is right!

Mr. Speaker, kidnapping is a common law offence requiring that one person takes away another person, either by fraud or by force without the knowledge, I should say without the consent of the person being taken away, and without lawful excuse. It includes committing, Mr. Speaker, that common law offence called false imprisonment, which is intentionally or recklessly detaining the victim without lawful authority. In common parlance, this is what kidnapping is all about. It is detention of someone without the person's consent, and that is what is important, that you could capture it like that.

Mr. Speaker, I think that I need to highlight, because we are dealing with kidnapping for ransom, and I think it behoves me to highlight what those statistics look like between the years 2001 and 2010. In 2001, there were seven kidnappings for ransom; in 2002, there were 31; in 2003, there were 50; in 2004, 28; in 2005, 58—an all time high—in 2006, 17; in 2007, 14; 2008, 17; 2009, 8; 2010, 7 and 2011, just two so far, just two. So something must be going on inside of here, Mr. Speaker. I am looking at the figures and figures speak for themselves. This UNC-led coalition came in May 2010—

**Mr. Roberts:** The People's Partnership.

**Miss M. McDonald:** Do not put words in my mouth! [*Laughter*] And what has happened here, by the time—we see it—they rumbled and they tumbled and they stumbled, 2010 was over. So what you are implementing—the little success you see and the AG thumbed his back and whatever up in the other House last week—it was indeed the policies and programmes of the People's National Movement. [*Desk thumping*] That is what is happening

here, and the figures tell you that, and I will stand by the figures. We went from 58 in 2005 to 7 in 2010, who did that? Who did it? Be fair! Who did it?

**5.10 p.m.**

Mr. Speaker, due to the statistics provided that I have just shown you, the first thing—they said that the PNM government has done nothing, but I am going to take you on a journey and show you what we have done to bring this from 58 to seven and then to two. I will show you. [*Interruption*] Look, listen!

Mr. Speaker, in 2003, the first thing the PNM government did, we saw the figure for kidnapping for ransom went from 7 in 2001 to 50 in 2003. What did we do? We made an amendment in 2003. I am reading from the Bail (Amdt.) Act which states:

“The Act is amended by inserting after section 5 the following new section:

5A.(1) A court shall not grant bail to a person charged with the offence of kidnapping for ransom...under the Kidnapping Act, 2003.”

That was the first salvo that the PNM fired in 2003, in order to deal with this situation.

The second salvo came in 2008, because the figures, although seemingly went down, we still needed to deal with the problem and in 2008, I reading again from the Bail (Amdt.) Bill, 2008, which says:

“(2) Notwithstanding subsection (1), where a person is charged with an offence mentioned in subsection (1) and brought before the Court but no evidence has been taken within sixty days...”

What we were doing is that we were asking the Legislature to move from 30 days detention to 60 days detention in 2008. I am surprised to hear that the



Minister of National Security is requesting an extension from 60 days to 20 days. Perhaps, he needs to explain his party's shift from the view they held in 2008 to just 2011.

As said, back in 2008, the then PNM government came to this very House requesting the move from 30 days to 60 days in the Lower House on Friday, July 18, 2008. I am looking at my *Hansard*. The Attorney General then, Sen. The Hon. Bridgid Annisette-George, this is what she had to say—looking at the kidnapping for ransom figures. She said:

“The prevalence of kidnapping and other serious offences in this country has subjected the citizens to a state of fear. If...left unchecked, there could be...the development of a category of crimes for financial gains. This”—could affect—“the...psyche of our citizens,”—and—“adversely affect our financial systems.”

This was the basis upon which she brought that amendment to the Parliament, to this Lower House, in July 2007.

On that same Friday, July 18, this was the then Opposition's position. This was hon. Subhas Panday.

**Mr. Imbert:** Remind them. Remind them.

**Miss M. McDonald:** I am quoting from the *Hansard*. This is what he said:

“...this...Bill”—could be described as—“draconian and only a shortsighted person would view this Bill in such a myopic way.”

**Mr. Imbert:** He said that

**Dr. Rowley:** Thirty days?

**Miss M. McDonald:** Moving from 30 days to 60 days.

“They are bringing the Bail (Amdt.) Bill in this Parliament to take away people's fundamental right.”

**Mr. Imbert:** He said that?

**Miss M. McDonald:** “One of the tenets of democracy is the separation of powers. It is said that the Judiciary must be jealously independent.”

After much debate and at the end of the debate in the House, 26 persons voted in favour of the increase from 30 days to 60 days and 11 persons abstained. Who were these 11 persons? They were: Ramesh Lawrence Maharaj SC; Mrs. Kamla Persad-Bissessar; Dr. Roodal Moonilal; Dr. Tim Gopeesingh Vasant Bharath; Subhas Panday; Chandresh Sharma; Winston Peters; Hamza Rafeeq; Harry Partap and Nizam Baksh. These are the people who abstained.

In 2008, they did not support the move from 30 days to 60 days, in light of what was happening with kidnapping for ransom in this country. Three years thereafter, the same people have returned to this hallowed Chamber to ask for an increase from 60 days to 120 days, in light of the fact that the figures I have just called out, the kidnapping for ransom figures, have fallen to two. It is down to two. [*Interruption*] You know you do not believe what they are trying to do here. You know and I know that too. This is the list. I want to repeat it. I want my constituents and the national community to hear properly; the very people who objected to the PNM moving from 30 days detention to 60 days. Who are the people? They are Ramesh Lawrence Maharaj SC; Kamla Persad-Bissessar; Dr. Roodal Moonilal; Dr. Tim Gopeesingh; Vasant Bharath; Subhas Panday; Chandresh Sharma;—[*Interruption*]

**Miss Cox:** You all should be ashamed!

**Miss M. McDonald:** Winston Peters; Hamza Rafeeq; Harry Partap; and Nizam Baksh.

**Miss Cox:** They are accustomed doing that.

**Miss M. McDonald:** Mr. Speaker, look at this. In 2001, there were 7

kidnappings for ransom; 2002, 31; it increased; 2003, 30, so we had to do something. What did we do? I would repeat it. We came and we made kidnapping for ransom a non-bailable offence. In 2004, 28; 2005, 58. We said: “No, no, no this is it. We coming to Parliament to ask for an increase in the detention period for these people who were charged with kidnapping for ransom” and this is what we had to face. The numbers are actually assisting us from 58 in 2005 down to 2006, 17; 2007, 14; 2008, 17; 2009, 08; 2010, 7; and 2011, 2. Who has done it? Who did it?

Up till now, the Minister of National Security could tell me or this House why “yuh moving from 60 tuh 120” in light of these beautiful figures. Why? Then I got a response from the Member for Tabaquite who said “to drive fear in the minds of people”. What is this? It is not right.

**Miss Cox:** “All of a sudden dey thinking bout crime.”

**Miss M. McDonald:** Think again.

Mr. Speaker, this Bill then went to the Senate. Sorry I am turning my back on you. This very Bill went to the Senate, wherein the then Attorney General, Sen. The hon. Bridgid Annisette-George called on all the Senators to support the Bill, because she said that it was an important tool in fighting crime, especially kidnapping for ransom. What happened in the Senate I will put on record. I am quoting from the Senate, dated Tuesday, September 16, 2008, page 527. This is what the UNC Senators had to say. I am quoting you know now, but—[*Interruption*]

**Dr. Rowley:** Good Senator.

**Miss M. McDonald:** This was in your—you were in a different incarceration, Sir. So, we are quoting Sen. Wade Mark in the Senate. He said:

“Mr. Vice-President...”

“Ah not trying to sound like you, Sir.” [*Laughter*]

**Dr. Rowley:** “Yuh” sounding good.

**Miss M. McDonald:** “the measure before us today is draconian, dangerous and repressive. It is undemocratic, uncivilized and barbaric in both form and content.”

**Miss Cox:** “Oh lawd! Who say that?”

**Ms. M. McDonald:** “I would like to remind you that dictators do not snatch away people’s rights in one fell swoop; it is taken away by degrees.”

“Yeah, dat was yesterday and today is today.” He said:

“If this...”

Mr. Speaker, *Hansard* is really a computer. It is really a mind. We have to be so careful.

**Mr. Warner:** Yesterday was yesterday. Today is today.

**Miss M. McDonald:** That is exactly how you run this country; yesterday was yesterday and today is today. Anything is—how “yuh heng is so yuh swing.” That is his Government; “how yuh heng, yuh swing. Ah mean! Ah mean!” [*Interruption*] Hello, there was a procedure. It was interjected by a procedure; a proper legal process. Good. Mr. Speaker, sorry.

“If this criminal piece of legislation...”

I am continuing with it.

“is passed in its current form, it will make a mockery of the country’s Constitution...”

**Miss Cox:** “De same person saying dat?”

**Ms. M. McDonald:** Same person.

“where safeguards are entrenched to ensure the integrity of the legal process... We will demonstrate how this particular piece of legislation undermines, handcuffs and imprisons the judicial system and the

Judiciary in this country and removes its independence as is guaranteed under the doctrine of the separation of powers.”

**Dr. Rowley:** But now “dey saying if yuh eh support the 120 yuh supporting—”

**Miss. M. McDonald:** This is in response to the Bail (Amdt.) Act where the PNM, back in 2008, was seeking to increase the detention time from 30 days to 60 days, in light of what I have just said.

Soon after the Senator spoke—[*Interruption*]

**Miss Cox:** Who else spoke?

**Miss M. McDonald:**—we had, and I think I should highlight it, former Sen. Dana Seetahal—the Independent Senator. This is what she said. I suppose she was responding to what the Senator had said.

“So, was it okay then to have this barbaric and draconian legislation for three months and for six months and”—for one month—“and merely because it was for a short while, it was okay? I have a problem with that, because if it is barbaric, it was barbaric all the time and it should not have been passed, which supports my view why I supported...”this Bill.

“I do not believe that it is any of those things. It is definitely harsh legislation, but I believe that at this time it is considered to be necessary”—when looking at the figures “in Trinidad and Tobago.”

When looking at the figures—because those figures would have been exposed. Mr. Speaker, that is what happened in the Lower House and the Senate; the Lower House, July 2008, and the other place, September 2008.

Based on these views held by both the Lower House and the other House, I ask these questions of the Government: are you not making a mockery now of the country’s Constitution? Because that was the view you

held in 2008. Is this piece of legislation not draconian and repressive, and if yes why are you promoting it? Is no, then explain to me your shift from 2008 to 2011, and you need to justify it. You need to justify it with the figures. You need to clarify, Minister of National Security, your position to the national community. This is typical, I have to say, of this Government. This is from looking—almost one year I have been looking at the behaviour. “Dey say one thing and den dey do something else.” Consistency and truthfulness on the part of this Government—[*Interruption*]

**Dr. Rowley:** In short supply.

**Miss M. McDonald:**—is not part of their DNA. You are not credible, and daily I am saying—am telling you—I mix with the grassroot people and they do not believe you. You are losing credibility. [*Interruption*] Sit down and talk about Calder Hart until 2005.

**5.25 p.m.**

Mr. Speaker, when we came to this honourable House we were stating the same thing, we want an increase. They are saying that the PNM—excuse me please, Mr. Speaker I am being disturbed by the Member for D’Abadie/O’Meara.

**Mr. Speaker:** The Member for D’Abadie/O’Meara and the Member for Diego Martin North/East, I am seeing the crosstalk, you are disturbing the hon. Member, so I will ask you to—behind my Chair you can speak. In the meantime hon. Member, continue.

**Ms. M. McDonald:** Thank you, Mr. Speaker. There is always a complaint, I want to say on the part of the Government that the PNM has done nothing. Mr. Speaker, with your permission as I previously asked you, I want to read out some of the things that the PNM has done in terms of legislation, in order to assist the crime situation in this country, and more particularly the

kidnapping for ransom in this country.

The amendment to the Summary Courts Act provides for the admissibility of written statements by witnesses of matters that are not in dispute, we made amendments to that, Sir. We amended the Criminal Procedure Act which provides that where a fact is not in dispute between the parties in a high court trial, then that fact can be formally admitted to evidence.

Three, we amended the Indictable Offences (Preliminary Enquiry) Act and this sought to revise the system of paper committal, so as to provide a workable system for the committal of accused persons on the basis of written statements submitted by the prosecution to the magistrate.

We amended the Corporal Punishment (Offenders Over Eighteen) Act which provides that a sentence of flogging can be carried out after the sentence is affirmed and allowed also for the corporal punishment in cases of incest.

Mr. Speaker, we also amended the Evidence Act, the Larceny Act, the Bail Act and the Forgery Act, all of these here—the central focus of these four amendments was to expedite trials in the Magistrates' Court as well as in the High Court.

We put into place the Anti-Kidnapping Squad which actually came into being to deal with the level of kidnapping in this country. That is what we did. We also brought in trainers from England, to train people here in kidnapping techniques and crime detection. That is what we did.

Mr. Speaker, we as the Opposition, we understand that our legal system must strike a balance; on the one hand, the principle that no one shall be deprived of his liberty, and on the second hand, that societal interest must be satisfied also; that persons accused of criminal offences should not easily

avoid trial, we understand that. And that is why we, as the PNM, we understand the crime situation and this little success that you all are enjoying, is as a result of the work that we would have put in, the policies that we would have put in. [*Desk thumping*]

But my immediate problem this afternoon, Mr. Speaker, is the rationale for moving from 60 days to 120 days in the light of the reduction of kidnapping for ransom in this country. Why ask for an extension now? Remember the words; again I quote from the Senate of the hon. Sen. Wade Mark then, he said:

“...I want to warn the AG if this Bill is passed in its present form do not wait for the Privy Council to strike it down as illegal, null and void and unconstitutional...”

Mr. Speaker, I would not repeat your name, but I will tell you as I go on into kidnapping, I will show where you had a premonition, you somehow saw that this could cause some problems, and I will tell you why in a short while when I deal with a Privy Council decision.

Mr. Speaker, in this climate of never-ending crime we can understand the need for harsh legislation, but we also need to balance it. [*Interruption*] In dealing with the passage of any harsh legislation we must be able to address the root cause and we are not just putting plasters on sores. We need to look at the root cause of what is causing the crime.

And I remember reading your manifesto two days ago and I saw all those programmes that you would be doing in the prisons and talking about the reform of the penal system, and reform of the criminal justice system. I always go back because I remember the Member for Oropouche East said—when I said that you all do not have a policy document, he said, “Our policy document is the manifesto”. So that is why I am quoting from the



manifesto, your policy document. And I have seen absolutely no change from last year to this year, none whatsoever.

Mr. Speaker, there must be strong justification for doubling from 60 to 120 days. The Minister of Justice, he continues to be an action man, but sad to say, there has been no—I looked at your Ministry, there have been no significant strides made in the administration of criminal justice. The Government speaks about building new courts; you spoke about abolishing the preliminary inquiry system in the court. Those are not really new ideas, those are ideas that the PNM had tabled, but it does not matter at this point, you are there now, and you have said this is what we are going to do. I am here waiting to see the draft Bill on the preliminary inquiry process; I would like to see it all right. It is a year, we have not seen it.

Mr. Speaker, unless there is going to be speedier trials, this Government is not solving anything and what you are doing, you are committing people for longer periods. It is 60 days now and you are going to 120 days, something should go hand in hand with detaining people for this length of time. What are you doing different? If you continue to do the same thing over and over and over in the same way, you are going to get the same results, and this is what we have to understand. You are moving from 60 days where the kidnapping for ransom, that figure has gone down and you are asking for 120 days, all I am asking is what is the justification for it? And I do not want to think the answer that the Member for Tabaquite gave could suffice me, it could never, ever suffice me. So I would expect that the Minister of National Security would answer those questions that I have posed to him so far this afternoon.

Mr. Speaker, I now move to the kidnapping part of this. In clause 3: “The Kidnapping Act is amended in section 3(1), by deleting the

words than twenty five years and substituting the words the remainder of his natural life.”

This new penalty raises in our opinion, on this side, a constitutional issue; it does. Let me explain. The Government has not taken into consideration that people are capable of reform and rehabilitation, they have not done that. Once you say to a convicted person “I am going to imprison you for the rest of your natural life”, it means you are there till you die without the right to parole, and without the right to even going to the Mercy Committee and asking for a pardon. Do you know that is a right, that somebody convicted of murder can do that? They can go under section, I think it is 87 of the Constitution, and request before the Mercy Committee. They could request of the President a right to pardon, do you know that? Is the Minister aware that—as Mr. Speaker said, I do not want to hit the Minister at all, I have great respect for this Minister—that you cannot mixup—

**5.35 p.m.**

When you say somebody is committed for a life sentence, it is 30 years and you normally do two-thirds of it, so that will be 20 years. I am correct? Thank you. I did my research well. Minister of National Security, when this Bill says for the rest of a person’s natural life, if I am 40 today and I am convicted for kidnapping for ransom and a judge says to me that I have to go to jail for the remainder of my life, if I live until 90, it means 50 years in prison without asking for parole; nothing to rehabilitate me. Are you saying I cannot be rehabilitated; I cannot be reformed; not a right to parole; not a right to ask for pardon, even after 30 years? That cannot be right.

There is a constitutional issue here and some hotshot attorney will come along and challenge this. What is happening here is tantamount to cruel, unusual, inhumane punishment. Let us read section 5(2) of the

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Constitution of Trinidad and Tobago. It states:

“Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not”—and these are the operative words here—

“(b) impose or authorize the imposition of cruel and unusual treatment or punishment;”

Mr. Speaker, I do not know how or what the Government will do, but I am bringing all those issues to the fore. When I did my research, these are the things I came up with and I feel that I can share them with the Government if they did not see them.

**Mr. Roberts:** Thank you very much. You are giving a brilliant contribution, Member for Port of Spain South. You are correct about section 5(2)(b). However, in section 4(g) and (i), freedom of movement for normal law-abiding citizens; I am listening to your argument; you are making one; but I am also a father, for example. I am saying that if you are 40 years old and you kidnap my daughter and you have to go 50 years, go your 50 years. However, I am seeing, and I am agreeing with you, that you are trying to make the argument—that it is cruel and unusual; but could you please give me an argument how does that supersede the right of the law-abiding citizen to freedom of movement, freedom of conscience; freedom to enjoy?

**Miss M. McDonald:** Member for D’Abadie/O’Meara, I think your question is quite instructive, but I also advise you that we all need to take advice from the Privy Council. How would they interpret the particular section? I will show you how the Privy Council has interpreted this in a case I will be talking about in a second.

I draw the attention of the Minister of National Security—I am giving

all the help I can this afternoon—to a Privy Council decision *Bernard Coard v the AG*. You will find it in Grenada 2007—this is the citation—the UK Privy Council at page 7. This is the judgment delivered by Lord Hoffmann. There were five Law Lords sitting. Mr. Speaker, let me briefly give you the facts and not bore my colleagues on the other side. This is where we do our learning and, if you need extra, I will provide you with scripts after.

On December 04, 1986, 13 appellants were convicted by Justice Byron and a jury of the murders of Maurice Bishop and 10 others and they were sentenced to death. They appealed the death sentence to the Privy Council, but before going to the Privy Council, section 74(1) of the Constitution of Grenada provides that where any person has been sentenced to death, a Minister designated for that purpose must refer the case to the Advisory Committee on the Prerogative of Mercy, to their Governor General. The Governor General, on the advice of this designated Minister, will now either grant a pardon to the convicted ones or substitute a less severe sentence which might be life.

On August 15, 1991, the Governor General signed the 10 warrants, commuting the sentence of death to one of life imprisonment, but the warrants granted the appellants a pardon on condition that they serve the rest of their natural lives in jail with hard labour. As a consequence, the appellants filed a constitutional motion stating that the sentences imposed upon them had been unlawful. They then appealed to the Privy Council and this is what Lord Hoffmann said when they looked at the fact that the death sentence had then been commuted to their staying the rest of their natural lives in prison.

Lord Hoffmann said that the condition that the appellants be imprisoned for the rest of their natural lives would be an inhuman

punishment because it would preclude—and I want the Minister to listen well—any account being taken of individual circumstances or progress in prison or even parole.

When you take someone and say to that person: “I am putting you in jail for the rest of your natural life”, Lord Hoffmann made a Privy Council decision because of the doctrine of *stare decisis*. The Privy Council is our final Court of Appeal and, therefore, we are bound by the decisions of the Privy Council. This means that you are violating section 5 of your Constitution. That is what Lord Hoffmann said.

I am saying, as I close, to be careful in what you are doing. I just put it out there because some attorney will come after and challenge this. I know it has already been passed in the Senate, but having gone through these issues this afternoon, I beg of you—is it a three-fifths majority? Is it a special majority? It is simple. Not a problem, but we have laid. Lord Hoffmann is saying that if you do this, you could be challenged. It is inhuman, according to section 5 of your Constitution. You already know the outcome. I have told you what the outcome is. We on this side cannot agree with this. This is passing bad law and we want to pass good law, as the Member for Tabaquite has said, for the bad boys.

With those few words, I thank you.

**COMMITTEE OF PRIVILEGES  
(DR. KEITH ROWLEY)**

**Mr. Speaker:** Hon. Members, earlier on in the proceedings I did indicate to this honourable House that I shall deliver my ruling on the matter of privilege brought by the Member of Parliament for Chaguanas West and Minister of Works and Transport. I now do so.

Hon. Members, I have considered the matter of privilege raised at an

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earlier stage of the proceedings by the hon. Member for Chaguanas West and I am now prepared to give my ruling.

The Member for Chaguanas West submitted that on April 20, 2011, the Member of Parliament for Diego Martin West committed contempt of this House on the following grounds.

- (1) Deliberately misleading the House; and
- (2) Reflecting on the character and conduct of the Attorney General of Trinidad and Tobago in such a manner as is likely to bring this House and the office of the Attorney General into ridicule and odium.

I have read the submission of the Member for Chaguanas West. I have also read the official report of the contribution of the Member for Diego Margin West on April 20, 2011.

I rule that prima facie case has been made out and refer the matter to the Committee of Privileges for consideration and report.

### **MISCELLANEOUS PROVISIONS (BAIL AND KIDNAPPING) BILL, 2010**

**The Minister of Legal Affairs (Hon. Prakash Ramadhar):** Let me begin by saying that kidnapping is a prelude to murder. Let us not forget the gravity of the offence of kidnapping. Not only is it the taking away against the will—and I have heard the awful descriptions given, not just in this session; the descriptions of the conditions that victims have had to endure as a result of kidnapping.

Maybe we have forgotten the names: Vindra Naipaul, a victim of kidnapping, whose body, the remains of which were found in bits and pieces. I can tell you that her father died earlier this year, Mr. Sookdeo

Naipaul, in grief, like all her brothers and sisters. But you know what? Her name will always live on for the kindness she had shown in her life. She never deserved the fate that met her.

We may have forgotten the name Balo Maharaj, again a victim of kidnapping for ransom. He, too, paid the ultimate price to his kidnappers. We have forgotten the name Kallipersad Maharaj, a victim of kidnapping right at Cunupia. He was rescued; persons were charged for his kidnapping and a few days before their trial, he was kidnapped again and, for the last several years, the security services of this nation, his family, his friends have not heard a word from him since and the great fear is that he is no longer on this earth.

His father, the owner of a very popular garage in Central Trinidad, Ramoo's Garage, Ramnarine Maharaj, never gave up in the search for his son and the word is he made every effort to ascertain who may have kidnapped his son for the second and final time, and just a year and a half ago, outside his business place, he was assassinated with six bullets to the head. The understanding is that he pushed too far in ascertaining who was responsible for the kidnapping of his son.

I really do not know wish to hear any bleeding heart sensitivity for kidnappers. They may begin the work for money, but it may end in the life of their victim.

Samdeo Rampersad's body was found in a grave in Claxton Bay. The autopsy showed that she was actually buried alive.

### **5.50 p.m.**

So let us not underestimate the depravity of a kidnapper, not by articulating only thoughts by doing the body count and the pain and suffering on this nation. Let us understand that gravity. This Government—

and we appreciate there has been a decline in the number of kidnappings. If it is that the other side wishes to take the credit for the reduction in kidnappings, are they willing to take the burden of the increase in murder? That is the question we must ask. And when a crime is on the decline, does it mean you must step back, allow it space? Doctors will tell you that when an infection is being treated with antibiotics you do not end the administration of the antibiotic the moment the patient feels better; you have to ensure that it is not mitigated, but eradicated. And that is why when laws are passed they must do several things. One of which is to signify to the law-abiding citizens that you have authority who is willing to take responsibility and to do the harsh things necessary to ensure that we never, ever get to those awful numbers we had already experienced.

But more significant than that, is that if there is an ease, a lack of focus on a certain crime there is the likelihood that it will mushroom again. So that if it is now not fashionable to kidnap for ransom we must ensure that it must never, ever in the future rear its ugly head.

Now let me deal with one of the most significant contributions in opposition to this. When this Government took the time and the effort to come before this honourable House to extend the period of remand from 60 to 120 days, it did not do that out of spite, it did that for a purpose. And for those who have not understood it, let me say it now—and my friend from Port of Spain South referred to the issue of the removal of preliminary inquiries, the good news is that that work is well under way and almost complete and it will be brought to this Parliament in a very short period of time. [*Desk thumping*]

What we do not want is for kidnappers to have to wait in prison—because first of all, the PNM, of course and we commend that—brought the

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legislation that they would be denied bail unless a certain time had passed and there was no evidence taken. So in principle there is no objection from them as to denial of the right to access to bail, it does not mean if you applied you will get. The court is still given the authority that even though the time comes and you apply, you can be refused. Let us get that very clear.

Many have forgotten the name Surendra Maharaj the owner of Maharaj Jewellers, his son was kidnapped and whilst the trial was pending right here on Gray Street in Port of Spain, he was executed. The persons who had been charged for his kidnapping were the very persons who were charged and convicted for his murder. The vision of this Government is not to allow you the opportunity—because there is great motivation—to get rid of the victim of kidnapping because if you do there is a great likelihood that you will escape conviction for kidnapping.

Our vision is this: 120 days would not be the time that you spend in luxury at any prison, you know. One hundred and twenty days will allow this Government to take you from your arrest to your trial in the High Court and that is the point that we sometimes close our eyes to. It will come very soon that the moment that you are arrested for a serious offence and in particular one like kidnapping, you would not have to go through the two or three years of wasted time in a preliminary inquiry and after committal—and we have been through this many times— that you wait another two years after committal for trial in the assizes. We are going to bring back the “ole” time days when a person who was charged in June for murder would have had his trial in the assizes by September. That is what we are working on. So that from your arrest, if there is any failure to bring you to your trial in the assizes which is the fundamental right of every citizen, not to not be

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charged. And bail is only a stopgap measure when your trial cannot be had; the ultimate right is to a fair trial. So we take you from arrest to your fair trial, so the issue of bail is secondary or nonexistent. And that is the issue. This is why this legislation is here in terms of setting that 120 days. So that, yes you may be innocent and that is why you will be tried in a matter of 120 days.

But it is so astounding in its novelty to the other side that you could actually have a high court trial within months rather than years that we do not even appreciate what is before us. We have heard condemnation of the increase in penalty. And I have heard my friend from Port of Spain South—and once again I congratulate you on your efforts—[*Crosstalk*]

**Hon. Member:** She is a good lady. She is bright.

**Hon. P. Ramadar:**—imprisonment for the rest of your natural life. [*Crosstalk*]

**Hon. Member:** You are on the wrong side lady.

**Hon. P. Ramadar:**—that is what we in this Government and as a nation tell kidnappers, how serious we are that if you do not—because it is a matter of choice, you know, you do not just by accident kidnap for ransom. It is one of those crimes that you plan, you prepare, and you have moments of quiet when you could say no, no, no, I am not going to do this. But if you do deny all these little voices in your heart and from your friends, family and everything you lived before and say “I am going to risk it”, then you must know that there are serious consequences to it. [*Desk thumping*]

Many times we have spoken here and we have always said that if there is no consequence to an action then the action will go unlimited. So that, yes you may call it draconian, yes it is serious, but the worst thing you could have happen is for a person to make a choice to destroy a life.

Because when you kidnap person it is—and I understand, without diminishing for a moment the ordeal of a woman being raped, but many times kidnappings do not just lead to murder they lead to rape. The mental scar on victims, they will never live down, and their friends and family and the nation die a thousand deaths not knowing if their loved one will ever return to them.

I remember a few months ago, I think it was in the constituency of La Horquetta/Talparo, when a young girl was taken from her home—luckily, and we congratulate the security forces for having returned her to her home—every parent in this country shivered and cried in their heart because it is a child and any child is our child. Your child is mine and that is the kind of nation we want to have; we must care and love each other that way. The point is, if there were only two kidnappings for murder, let us bring it down to zero. If it is as, the Member for Tabaquite has indicated, we must put fear into the criminals, let it be so. And that is why this law is here. That is why we bring it. When my friend took the time to speak to the 11 who had abstained, they abstained for good reasons. Because you had no other provision other than to deny the right to apply for bail, you had no plan as to how to expedite trials, you had no new court buildings. I cannot remember the last time a new court building was built in this nation. But we do and we do not just have plans. And I do not want to trespass—  
[*Crosstalk*]

**Mr. Roberts:** Preempt!

**Hon. P. Ramadar:**—preempt the Member of St. Joseph, but we are working fast and furious to not just talk about things, not just to plan things, but to make them happen.

**6.00 p.m.**

As a friend of mine—they call him Small on radio—you know him Anil—he says, “Doh tell meh, show meh”. In a very short period of time we will show this nation how serious we are about crime. [*Desk thumping*] But in preparation for that, we must have the legislation.

I know as fact, and I would disclose it now, that we have the plans drawn out, and we are looking now for the locations for courtrooms and court buildings. We are putting in the infrastructure. I was part of a team that went to San Fernando and visited a court building that was rented by the former administration for—is it nine years, Member for St. Joseph? Mr. Speaker, \$9 million in rental for an incomplete building! We have taken the decision to acquire it, spend the money and make it real and let it happen, and within a very short period of time, San Fernando is going to get a new court, but that is not limited to San Fernando only.

There are courts to be put in Trincity and court complexes throughout this nation. We are looking at five, at least, where you will have the administration of justice centred with Magistrates’ Courts, High Court and the police in one environment with miniature prisons, if I may call them that. So, we are transforming this thing; we are transforming this nation in the way we deal with the administration of justice.

We have held several meetings with the Chief Justice to work as a team in facilitating these matters. So, I take some umbrage where without full knowledge criticisms are launched at this Government, but then I forgive the lack of knowledge, because it really should be—we do not like to

boast too much although we are accused of “PRing” and talking about things just for the sake of politics, but this Government is working fast and furious and we are achieving things. That is the big difference. We do not just talk about it, we do it. [*Desk thumping*]

Many times we have spoken here, and we always have this discussion with the Member for Diego Martin North/East where a maximum term of imprisonment is a maximum term of imprisonment. Nothing would change the fact that any court hearing a matter will hear all of the facts, and a verdict of guilty having been found will determine now the seriousness, the aggravating circumstances and the mitigating circumstances and balance as best as that court can, the action to the consequence and, therefore, the term of imprisonment that you may achieve. Of course, we do not operate in a perfect system, but we operate in a system where we try best to deliver justice.

If anyone is aggrieved and believes that his or her sentence is unjust, inhumane or cruel, he or she has a right of appeal. If you agree that you have been rightly found guilty, but you are aggrieved by your sentence, you can appeal your sentence alone, and the Court of Appeal has from time to time in this country dealt with appeals. Indeed in appealing your sentence—first of all, I know of cases where the sentence alone was appealed, and when it goes to the Court of Appeal it is sometimes reduced, but guess what? You appeal and the Court of Appeal may find, and they have founds that the sentence was too little and have actually raised it. These are the checks and balances that a system of justice not being perfect, but being

fully understood to be so puts into place. So, I do not understand the fear that my friends have for this legislation.

**Mr. Imbert:** Mr. Speaker, I thank the Member for giving way. If you have a sentence that states unequivocally “for the rest of our natural life”, really is that not a fixed penalty?

**Hon. P. Ramadhar:** It is the maximum, with all due respect. [*Interruption*] Well, what we think is a matter for the court ultimately to rule upon— [*Interruption*—yes, and that is the point. We are not afraid to take on challenges. If the Privy Council has to rule later that we were wrong, so be it, but we would not shirk responsibility. [*Desk thumping*] Listen, I grew up learning that too much analysis leads to paralysis. [*Desk thumping*] This Government, “If you want to get de wuk done”— [*Crosstalk*] No, this is about law-making for a need. [*Crosstalk*] When you are unwilling to take on a fight, you have lost already, and that is why we saw the incredible increase of murders and, in fact, a degeneration of the very core of our society where corruption runs rampant, murders, rapes and robberies, because nobody was willing to take on the fight. [*Desk thumping*]

Listen! Forgive me Member for St. Joseph, if I may take the opportunity. I heard one of the Members on the other side, one of my friends, speak about the lack of a holistic approach. We have a holistic approach. We are dealing not just with kidnapping. I remember a few months ago when we brought a law in this Chamber for you to agree for the reinstatement of the death penalty. What did you do at the end of the game? You shirked it, under the guise of constitutional protection, and that you

were afraid that the Privy Council would someday rule that the law that we would have passed would have been unconstitutional. What we have now are murders on the books and we cannot execute them, because we did not have the political will on the other side to support it.

Now, I understand your position, with all due respect. You are in the Opposition, and you think that okay, it is a very tidy place; a lovely place to pose yourself now as the protector of the Constitution. [*Interruption*] I will say what I want once I am right. That is why we are here. We have freedom of speech, not to be abused by some. It is a privilege to speak here. I have my opinion. I could be wrong. I am human, I admit that, but I will exercise my best intent and my best judgment in whatever I do. [*Desk thumping*]

We are building to the point that now the PNM; that is their image, the protectors of the Constitution. My goodness! This is a party, and I see the young fresh blood and I congratulate it, because you really do need to churn out some of the old. [*Desk thumping*] When many sat quietly and spoke of a draft Constitution that would have removed our very rights to associate, our right to speak and so many others of the cherished rights that we have in this nation, that is the sort of thing that the PNM allowed itself to be seduced to, and then now wants to be the protectors of the Constitution. That cannot be right.

**Hon Member:** They were silently not in favour.

**Hon. P. Ramadhar:** That is not true. I want to just say that the fact that there are many young and new persons sitting across there who have good hearts—[*Interruption*]—you must have a bad heart somewhere. Yesterday, I

took the time, the opportunity and privilege to attend the funeral of Mr. Ken Valley, because the few times I interacted with him, he always treated me with warmth, and I sensed a genuinely caring human being, a patriot. Yesterday when the Prime Minister and many of my Cabinet colleagues and Members on this side went to that funeral, it was not for anything other than to pay respect to a patriot. This was a man who in 2007 warned this nation—imagine this, from the very heart of the PNM—about the dangers that we were placing on this country if that administration was elected back into Government. Guess what? [*Crosstalk*] The long and short of it is, that yesterday when I was at that funeral, I was extremely happy to see— [*Crosstalk*]—Sir?

**Mr. Speaker:** Hon. Members, could we allow the Member for St. Augustine to make his contribution in silence, please? [*Desk thumping*]

**Hon. P. Ramadhar:** You know, I was warming up to them, and having been at the funeral yesterday, it showed me that ultimately this country would be divided between good people and bad people. Not between PNM people, COP people or UNC people! It is about those who care and wish to build whatever you belong to. We are all the same. That is the point I wanted to make, because funerals teach us a whole lot. It really does. When you go to a funeral, always understand that a man's life is marked by not what he could have done, but what he did and what he stood for, and it makes you measure the value of your own life; what is the true wealth in your life? Yesterday I reflected there are these things; your health, your family and your relationships. This Government, the People's Partnership



Government, is building relationships every day even with those persons who do not share the vision that we have, not by what we say, but by what we do. Of course, there are opposers in any organization who appear or try to pose as if they belong to a higher level of thinking, and they sometimes disappoint you.

So, Mr. Speaker, as I am about to take my seat, the two issues at hand is, yes we will move it to 120 days so that you will go from arrest to trial, so you do not have kidnapers and potential murderers on bail to pose not just danger to their victims—but could you imagine the horror a victim of kidnapping will feel when he or she hears that his kidnapper or her kidnapper is out on bail free to roam the streets? These are the things; arrest to trial.

In terms of the issue of the severity of the sentence, that is a message. As I take my seat, I just want to remind this honourable Chamber that we have spoken about plea bargaining, and the plea bargaining system will work in matters like this, where if you cooperate with the authorities you will get a lesser sentence.

So, Mr. Speaker, I thank you once again for the opportunity and just remember for those who are unminded to support this, kidnapping is a prelude to murder.

Thank you very much. [*Desk thumping*]

**Miss Alicia Hospedales** (*Arouca/Maloney*): Thank you, Mr. Speaker. It is a pleasure for me to contribute to this debate on the Miscellaneous Provisions (Bail and Kidnapping) Bill. It was nice for me to hear the

Member for St. Augustine finally breaking his silence after how many weeks or months.

**Mr. De Coteau:** Break his silence!

**Miss A. Hospedales:** Yes, break his silence, Member for Moruga/Tableland. I was a little disappointed, because I thought that when he stood up, he was going to apologize for making inaccurate statements about Reshmi Ramnarine. [*Desk thumping*] The last time he spoke, I recall that the hon. Minister for National Security came to this House and apologized for the statements that were made.

**Mr. Ramadhar:** Please. I apologize to this nation. At the first opportunity, I shall do so. It was never my intent nor will it ever be my intent to utter words that I know to not be true, and at the first opportunity I did apologize publicly, and if I will do so now for the record of *Hansard*, I do so now. Thank you very much, I apologize.

**Miss A. Hospedales:** Okay, Mr. Speaker. I would like to commend the Member for finally apologizing after so many months. Mr. Speaker, again the Member got up and made an attempt to make false statements after the death and burial of Mr. Kenneth Valley.

**Mr. Imbert:** Shameful!

**Miss A. Hospedales:** Mr. Speaker, I give way for the Member to apologize. [*Desk thumping and Crosstalk*]

**6.15 p.m.**

Mr. Speaker, the Member for Tabaquite earlier stated—he spoke about our highly rated draconian legislation and he said that this type of legislation is used by his Government as a means of addressing issues we are

faced with in society. Mr. Speaker, what he failed to say is that their errors and ineptness in drafting legislation is the main reason why they have constantly brought draconian legislation, week after week, after week, after week, and why they had to seek the assistance of Members' brilliant minds on the Opposition Bench to correct the flaws in new pieces of legislation that they would have brought.

Mr. Speaker, in the words of the Member for Tabaquite, he said that the conscience of the Government is on trial today. I would like to agree with that point, and I am saying this to refer to a debate in 2008 on the Bail (Amdt.) Bill, and the Member for Port of Spain South made significant reference to the debates that were conducted in the Lower House. Mr. Speaker, when the PNM government sought to bring legislation to increase the number of days an individual could be detained without bail from 30 to 60 days, there was a hue and a cry from the Opposition Benches that the legislation was draconian, it was repressive, it was dangerous. There were so many negative words that were emphasized or that were highlighted.

**Mr. Speaker:** Hon. Members on the Government Benches, could I ask you to allow the Member for Arouca/Maloney to speak in silence and observe Standing Order 40? Could you continue?

**Miss A. Hospedales:** Mr. Speaker, I thank you for your protection. And, Mr. Speaker, before you intervened, I was saying to Members on the Government side who were then in Opposition, there was a big hue and cry about the increase of the time frame from 30 to 60 days, they were saying it was draconian, it was repressive, it was dangerous—

**Mr. Sharma:** Marlene said that.

**Miss A. Hospedales:** I need to repeat it because you all need to hear, you

need to pay attention. Mr. Speaker, there was great protest. The Member for Port of Spain South also made reference to some statements that were made by Members in the Lower House as well as in the Upper House, which included you, Sir, when you were a Senator at the time. Mr. Speaker, I would like to ask if increasing the detention from 60 days to 120 days without bail, if that is not a fundamental violation of human rights.

I would like the Members on the opposite side to tell us—you know those of you who would have had experience in law—to tell us or tell me, because I do not have any law experience, whether or not this is a fundamental violation of human rights? And, Mr. Speaker, if it does, I would like the Member or the hon. Minister of National Security to tell us why we should support such a measure? Why we should support a measure that has not been thought out properly, one that violates sections 4 and 5 of the Constitution? Mr. Speaker, I would just like to refer for one minute to your contribution as Senator Wade Mark in the Senate in 2008. You had to say that sections 4 and 5 of the Constitution gave very fundamental and enshrined rights to an accused person charged with a criminal offence. You said, “Section 4 states: the right of the individual to life, liberty...and the right not to be deprived thereof except by due process of law;...” and “As such, no government, including...” the government of that day should ever—no government—that is what was stated, “...no government...should ever be allowed to snatch or take away the citizens’ liberty with no access to the High Court for 60 days.” In this case, Mr. Speaker, it is 120 days and I am asking why should we support such a measure? Could the Minister of National Security tell us why we should support such a measure?

Mr. Speaker, today, the Minister is desirous of getting our support but he has not presented to us a rationale as to why we should be supporting this

measure. And one of the things that was even mentioned by the Member for Diego Martin North/East is that this measure is going to complicate the law and make it highly impractical. I would like, for my information, if the hon. Minister could tell us ways in which this measure, in his opinion, may not or will not complicate the law or make it highly impractical. In our estimation we see it causing more problems than actually bringing resolution to the issue of bail to persons who kidnap for ransom.

Mr. Speaker, once again, the Minister of National Security presented aspects of the Bill that raised several questions and he presented no justification, no justification for moving from 60 to 120 days. Why are we moving from 60 to 120 days? He presented no justification for sentencing a person who kidnaps for ransom for the rest of his natural life. Mr. Speaker, we would at least like to know where is the thinking behind that particular decision that you all are making. Where is the rationale? Why are you making these changes? We would like to know. We would also like to ask the Minister of National Security, if the decision to detain the persons to 120 days without bail or even sentence the person for the rest of his or her natural life, if those decisions were taken with the understanding of the problems experienced in the prison system in Trinidad and Tobago, today? I am saying this because, as far as I am aware, the current prison system—the current prison population consists of 3,386 elite males, 106 adult females and 198 juveniles.

Mr. Speaker, we have often heard about the major problems of overcrowding in the prison system and I think that increasing the time that the person can be detained without bail from 60 to 120 days will put a significant strain on the already complex situation of overcrowding in the nation's prisons. Mr. Speaker, I have had, I would say the pleasure or

not—I do not know how to describe it—of actually going into a prison and seeing the conditions—and I was not imprisoned, people [*Laughter*]*—*seeing the conditions under which these prisoners in Remand, I went to the Remand side where prisoners in Remand live. I am really asking the Minister of National Security to tell us, again, what was the rationale behind this, because the problems of overcrowding in Remand are so vast that, you know, this increase in the number of days with respect to the person being detained without bail can only complicate the matter even more.

Mr. Speaker, in March of this year the Minister of National Security in response to a question posed to him in the Senate also stated that it costs the State \$400,000,000, to maintain prisoners on a yearly basis—\$400,000,000. And what this proposal to increase the time from 60 to 120 days is going to do, it is going to cause even a significant burden, financial burden, more burden on the State to actually maintain the prisoners that are within its walls.

Mr. Speaker, the other thing is that the issue of prison management, the ratio of prison officers to prisoners, that is another significant problem that is being experienced in the prison system today.

**6.25 p.m.**

It is also evidenced through the trafficking of cellphones and drugs into our nation's prisons and, Mr. Speaker, it is important that the Minister tell us, again help us to understand how these problems would be rectified within the context of the increase of the time that a person receives bail from 60 to 120 days.

Mr. Speaker, the Member for Diego Martin North/East made reference to the very unwise decisions made by the Government and may I say, the coalition of the incompetents, that resulted in the dismantling of

SAUTT—

**Dr. Browne:** Name them, name them. Give them their proper names.

**Ms. A. Hospedales:** —that the SIA, the grounding of the blimp, and even the decision to sell the blimp or the airship.

Mr. Speaker, again you know, all of these things were done under the People's National Movement to ensure that they added to an overall picture of how crime would have been fought in Trinidad and Tobago. Mr. Speaker, we have to ask again, where is the plan, where is your crime plan, we still have not really seen evidence of any plan being implemented in any comprehensive way.

The Member for Tabaquite talked about fairness, he talked about equity and justice, and I would like to ask him what fairness, what equity, what justice was he referring to? Is it fair and equitable and just to bulldoze farmlands? Is it fair, equitable and just, Mr. Speaker?

**Mr. Speaker:** Hon. Member for Arouca/Maloney, try to link your contribution please. Do not go too far in terms of relevance, just focus, but link if you wish to but link it to the Bill, please.

**Ms. A. Hospedales:** Yes, Mr. Speaker, I am talking about fairness, equity and justice in relation to the application of law and the application of policies and programmes within society. In respect to the application of policy, I am talking about our policy for agriculture, the policy for the reduction of poverty in respect to the firing of CEPEP workers, the firing of TTPOST workers and, Mr. Speaker, the Member for Tabaquite said the conscience of the Government is again on trial today. The Member for Tabaquite—I am coming there—the Member for St. Augustine talked about their ideas to put systems in place to deal with the issue of crime, crime-fighting and all of that, and I ask, why did their 120-day plan to combat

crime fail? Was that not a part of their great idea, the holistic plan to solve crime? Could someone tell me how many days have gone since the 120-day deadline, could someone tell me how many days have gone since then? I will sit and allow you to tell me.

Mr. Speaker, the Member for St. Augustine also said that they have a holistic approach to solving crime and is this really so? I would want to agree with the approach that he is talking about, which is the approach that lacks analysis that leads to paralysis because what we are actually seeing here is a Government that is paralyzed because of a lack of vision, a lack of foresight, a lack of strategy and, a lack of the ability to implement their plans. Mr. Speaker, they are a Government that goes by “vaps”.

Mr. Speaker, the Members of our team, the Member Diego Martin Central, the Member for Port of Spain South, comprehensively addressed issues of the Bill, and I really hope that the Minister of National Security will pay some attention to some of the things that we have said on this side, and will make the significant amendments where necessary.

Mr. Speaker, I would like to say, I thank you.

**The Minister of National Security (Sen. The Hon. Brig. John Sandy):**

Thank you Mr. Speaker. Mr. Speaker, hon. Members, we now attempt to close on the debate which involves the proposed amendments to the Bail and Kidnapping Act respectively, through the Miscellaneous Provisions (Bail and Kidnapping) Bill, 2010.

As stated earlier, the legislation is a part of this Government’s anti-crime legislative initiative to reduce the criminality in our land. It follows legislation to increase the penalties and better regulate the use of firearms and will work together with other anti-crime Bills, such as the Anti-Gang and Bail (Amdt.) Bill, all these, Mr. Speaker, designed to curtail criminal



activity in Trinidad and Tobago.

The Miscellaneous Provisions (Bail and Kidnapping Bill) 2010, seeks to make an amendment to section 58(2) of the Bail Act, Chap. 4:60 by increasing the period of detention of a person charged for kidnapping for ransom from 60 days to 120 days, before he becomes eligible for bail.

The Bill also attempts to amend section (3) of the Kidnapping Act Chap. 11:26 by changing the existing penalty for the offence of kidnapping from 25 years to a penalty of natural life imprisonment.

Mr. Speaker, first I would like to reiterate for emphasis a few points that were clearly stated earlier:

1. This Government recognizes that it cannot deprive an individual charged with a criminal offence of the right to obtain reasonable bail without just cause. This is an entrenched right in our Constitution.
2. It is also recognized that these amendments by themselves will not eradicate the crime of kidnapping or kidnapping for ransom.
3. It is seemingly agreed by all that the crime of kidnapping for ransom is heinous, wicked, atrocious, cruel, unfeeling, emotionally and psychologically disruptive, and a scourge that needs to be scrubbed out society. Accordingly it is the Government's belief that the punishment here should be proportional to the crime.

Mr. Speaker, I wish to respond, just briefly, to some of the comments coming from the other side. Member Diego Martin North/East spoke about what was happening in the UK. Mr. Speaker, I doubt very much that the element of criminality that exists here in Trinidad and Tobago existed in the UK when he was making his comparison. He also spoke about the sentence. It is my

understanding, Mr. Speaker—I not a lawyer like he—that if there is a sentence of 20 years, the judge then has the discretion of implementing any sentence short of that. And I am sure my learned friend from St. Joseph will guide us, in the event that I am wrong, but that has been my information. So it means therefore, that if one of these kidnappers appears before a judge, it means therefore, that judge would use the evidence and dependent on the gravity of the crime—how it was perpetrated—then that judge in his wisdom would then decide whether he would impose the heavier sentence or anything thereunder at his discretion. This is my understanding, if I am wrong, please guide me, legal luminaries in this honoured House. Please guide me.

**6.35 p.m.**

But that has been my understanding, I have asked on a number of occasions and that has been the explanation I have gotten. So it means therefore, you cannot ascribe for every eventuality in a matter. We cannot cater for everything, so that judge when he hears—like in any case, Mr. Speaker, when that judge hears a case he decides if he will give the maximum or anything under that, but we must identify what the maximum is.

Mr. Speaker, with respect to the seriousness of the sentences, we talk about—it is as though we want to protect the criminals. Think about the victims, think about the relatives, the families, the children; I invite my dear friend from Diego Martin North/East to read Debbie Ali's *Bare Feet*, read the experiences this woman underwent at the hands of these criminals, these kidnappers and were it a relative of his what would he think? Imagine, here you are, you are a mother, you are going back to your children and they do not know you because you are different, you have not recognized the impact it has had on you, the impact it has had on your relatives, on your family and

that is all we are saying. We ought not to protect the criminals at the expense of the victims and the victims' families, so it is not a situation—

**Mr. Imbert:** Would you give way? Thank you, Mr. Speaker, I am listening intently to what the Minister is saying and I would just like to pose a question. This Government, your Government, brought a Bill to categorize murder and in that Bill you had different categories of murder and different levels of penalty. Murder is the most heinous crime. So if the Government could recognize or it was your policy that for categories of murder you should have categories of punishment, why are you promoting this extreme punishment for kidnapping?

**Sen. The Hon. Brig. J. Sandy:** Mr. Speaker, I say again, the judge in the final analysis has the discretion dependant on the evidence that comes before him and this is all we are saying. [*Desk thumping*]

He spoke about Nigeria and what occurred in Nigeria and because of the intensity they have brought that draconian legislation. So it suits whatever jurisdiction the matter is perpetrated in and all we are saying here is that we need to ensure that there are sentences that would make the criminal think twice about what he is about to do, and this is all we are saying here, Mr. Speaker. We are not going to wait until we are again up in high figures, overwhelming figures with respect to kidnapping then to come to this Parliament to enact laws. We want to beat the iron while it is hot, and in doing so, ensure that those criminals recognize that we are serious with what we are trying to do.

Mr. Speaker, the legislative initiative as I mentioned previously is just one of the many measures to fight crime. Others include the creation, implementation of programmes such as our National Mentoring Programme and/or Meet the Troops Initiative, and we are talking here of getting into

communities, our community patriotism initiative and increased vigilance with the police. We recognize that the police are more into the communities now and there are more patrols, they are more visible—the deployment of law enforcement with the military assisting and other assets to deter the frequency of criminal activity.

We are also focusing on a more user-friendly and customer-friendly police officer so that the trust element between the citizens and the police will improve. We are looking at an academy to improve our output of graduates from 400 to 800 per year so we would have more policemen on the streets.

We launched our private security network commission which is a relationship between our private security companies—reputable private security companies and the police with a dedicated network so that they can interact with each other, so that they can share information more readily and more easily. We are looking at the establishment of our surveillance bays on the Sir Solomon Highway in a couple of weeks so that we would be able to ease the carnage on the roads with errant drivers.

Also, that would allow us the capability of going either north or south from those surveillance bays, and so, situations with APBs we would be able to move much more quickly either going north or south and we intend to impose stiff fines and penalties for those unauthorized to use those bays. Those are some of the things we are doing together with our legislation, to ensure that we grapple with this criminal activity that wants to spiral out of control.

Mr. Speaker, over a five-year period, of the persons charged with kidnapping for ransom, 14 were released on bail and their matters are only recently listed; only recently listed to be heard in the Magistrates' Court.

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And because, over the last five years has demonstrated that the 60 days detention is not adequate, it is not enough, it is insufficient, so this is why we are asking our friends on the other side to understand why we are arguing that it ought to be 120 days.

Mr. Speaker, I stated before and I reminded earlier that we are well aware of the entrenched constitutional rights of an individual to bail and to mandate that persons are not to be denied bail without just cause. We said again that it is not a constitutional right to be forcefully dragged from your homes and place of work against your will at gunpoint and, in most instances, certainly under duress. Similarly, our citizens have a constitutional right against their person being held by unconscionable force thereby depriving them of liberty, security and, in some cases, life. We are simply arguing that our citizens as far as their constitutional rights are concerned they are more important to us than the criminals, the bandits and the kidnapers. They have their rights as well.

Mr. Speaker, it is the same due process of law that we are seeking to guarantee for persons charged with the offence of kidnapping for ransom. We need to protect our people. [*Desk thumping*] They ought to be protected by the Constitution and not the bandits. Mr. Speaker, the statistics over the past five years clearly indicate that the current sixty days are insufficient. Ten persons in 2009—in 2010 were respectively arrested and charged for kidnapping for ransom. Mr. Speaker, is this number truly representative of the persons committing the crime? I forcefully argue, no, because just as the gangs are an amalgam of personnel, similarly with kidnapping it is a group of people, so you would find on one occasion the person who does the kidnapping, he takes that victim in a car, they move, they get into another car; people who are doing the guarding of the victim, they are different

people; people who are doing the negotiating are different people, so it is an amalgam of criminals coming together with this one victim. Traumatized victim, family, children, relatives, friends, people who, probably, you are not sure to see them again, you are wondering whether they are dead.

As my learned friend indicated, there are a number of names, there are a number of people, we cannot even find them, we do not know where they are and there is no closure. It is like when a mother loses a child at sea you want to get that body. You know the child is dead, you know the child has drowned, you want to get that body to bring closure, so you find mothers go to the beaches and they bare the breasts because they are told that when you do that—and this is the extent people go to because they are so traumatized they want this thing to come to some kind of finality, and this is all we are saying here with this.

Fourteen persons whose matters are currently before the Magistrates' Court were released on bail for the period 2005 to now. That speaks for itself. Because it says it was unable to bring the matter to trial in the 60 days allowed. Mr. Speaker, having regard to all that, we hope that this illustrates that constitutional rights apply to everyone, and more so, our law-abiding citizens. The charged individual is not the only person in the context of this situation that has constitutional rights and it is why a balance has to be struck and if I am to argue for anyone one I would argue for the victim, I would argue for the victim's relatives, not the—[*Desk thumping*]

While I hasten to agree and accept that although he is a criminal, although he is a kidnapper, he has his constitutional rights; I feel that the victim is more—

**Mr. Roberts:** Entitled.

**Sen. The Hon. Brig. J. Sandy:** Entitled. Good word, good word—entitled

and needs more protection than the bandits in terms of his constitutional rights. As such, Mr. Speaker, I argue—

**Mr. Imbert:** Everyone has equal rights.

**Sen. The Hon. Brig. J. Sandy:** Yes, everyone has equal rights. I totally agree, but the victim must be taken care of. This is what we are here for, we must make laws to safeguard our victims and not safeguard our criminals.

*[Desk thumping]*

Mr. Speaker, with those few words, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clause 1.*

Question proposed, That clause 1 stand part of the Bill.

**Mr. Imbert:** Mr. Chairman, before we get into clause 1, we are of the view that clause 3 of this Bill offends section 4(b) and section 5(2)(b) of the Constitution, and as a consequence this Bill, in our view, requires a special majority. The Bill has not been drafted to allow for a special majority.

**Dr. Moonilal:** Mr. Chairman, we are advised otherwise.

**Mr. Chairman:** May I re-put the question?

**Mr. Imbert:** The court will advise you.

**Mr. Chairman:** Go ahead. Let us go.

**Mr. Imbert:** Let the court advise you.

**Mr. Chairman:** Let us go, clause 1 again.

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the Bill.*

**Miss Mc Donald:** Mr. Chairman, I have listened to the arguments this afternoon and I really do not believe that the Government has justified moving from 60 days to 120 days, in the light of the information and statistics I brought to bear here this afternoon. I am wondering whether the Government would compromise and say even 90 days as opposed to doubling to 120 days.

**6.50 p.m.**

**Dr. Moonilal:** Mr. Chairman, indeed we have listened very carefully to the arguments of Members opposite, and several arguments of Members in the other place, and it is the view of the Government at this time that we propose and will stick to the policy approach of moving from 60 to 120. We believe that in all the circumstances that is the correct approach at this time. So I am sorry.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clause 3.*

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

**Mr. Imbert:** Mr. Chairman, by substituting the words “than twenty-five years”, with “the remainder of his natural life”, we are of the view that this infringes the right of an individual to equality before the law. The Member for Port of Spain South was very explicit, that even a convicted murderer can appeal to the Mercy Committee. However, the way this is worded, this person would not enjoy similar rights. So we are of the view that this breaches the Constitution and we are asking the Government to reflect upon this and not proceed with this.

**Dr. Moonilal:** Mr Chairman, again the Minister of National Security in piloting this measure and indeed in his wind-up spoke at length on this



matter and the approach of the Government to protecting, defending the rights of all citizens, but taking such action to ensure that the penalties for this dastardly breach of the law reflect the heinous nature of the offence and it is the view of the Government that we will proceed with clause 3 as presented.

**Miss. McDonald:** Mr. Chairman, I want to ask the Leader of Government Business to really ponder on this clause. [*Interruption*]

**Hon. Member:** Which clause?

**Miss. McDonald:** Which clause? Clause 3, where you are removing “than twenty-five years” from the Kidnapping Act section 3(1) and substituting the words, “the remainder of his natural life”. We think that—and remember I quoted a Privy Council decision. I am saying that we know now, it may not happen this year or two years or three years, but we know down the road that there is a possibility for challenge. We also know that when you remove this 25 years and substitute the words, “the remainder of his natural life”, we are looking —let us say somebody commits that crime or kidnapping without ransom and found guilty at the age of 30, and that person lives to the ripe age of 90 we are saying that this person would be behind bars for 60 years without the right to parole, without going to the Mercy Committee and this is—or even change or rehabilitation—a right open to a person who has committed murder. That person could go under section 87. I am saying that even if you want to put through his natural life why can we do something. There is the drafts person there, do something to say okay, say we could rehabilitate this person, we can reform this person. Why we want to throw—not for kidnapping! [*Interruption*]

**Brig. Sandy:** This is why I have made the point that it is the discretion of the judge, that is the maximum penalty. We must take into consideration as

well the victim. We are concentrating here on the perpetrator and considering his life. What about the life of the victim? Because that victim is tarnished for life. Now it is not a situation where everybody will be given that sentence. The judge has that discretion.

**Dr. Rowley:** Mr. Chairman, unfortunately I think the Minister is missing the point. It is rather unfortunate that he is putting across his defense of the clause in that way. It is not a victim versus perpetrator argument. We are making no case for the perpetrator against the victim. What are we trying to do is to demonstrate to you in case you have forgotten, that our highest court is the Privy Council. On this particular matter of a sentence for the rest of your natural life, for whatever crime, the matter has already gone to the Privy Council. And the Privy Council has taken a position on it. That is why my colleague here, from Port of Spain South quoted the case law for you which showed Lord Hoffmann saying that it is unacceptable to have a sentence for your natural life because he views—and he spoke for the panel right—that as cruel and inhumane. And therefore, if in that case it has so been ruled it has now become our guiding law; it is folly on our part knowing what the Privy Council has taken at his position to come and enact a law which puts the clause in; the very clause that the Privy Council has ruled to be unacceptable, and you are saying that it is maximum. The text of this law is not maximum or minimum, it is mandatory. [*Interruption*]

**Mr. Imbert:** Fixed penalty.

**Brig. Sandy:** Then I am wrongly advised.

**Mr. Rowley:** You are wrong.

**Brig. Sandy:** I am wrongly advised, when I am told, when I am told—  
[*Interruption*]

**Dr. Rowley:** We are not fighting. “We not fighting, we not fighting”.

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**Brigr. Sandy:** No, no, no, when I am told— [*Interruption*]

**Dr. Rowley:** Let us cool it down. You understand what I am saying? Do you understand my argument?

**Brigr. Sandy:** When I am told that a sentence is attributed, any sentence under that could be given. This is what I was told. I am no lawyer [*Interruption*]

**Dr. Rowley:** Colleague, all I will say—Mr. Chairman, I would like to continue please with your leave. Colleague— [*Interruption*]

**Brigr. Sandy:** Yes. If it is that you are saying now, and if that is what is — what I am understanding here now, if it is that in any situation at all we ought not to have the sentence for your natural life, if it is that you are saying—is that what I am understanding?—that sentence should be taken off the statute? [*Interruption*]

**Dr. Rowley:** To enact new law now against the ruling of Lovel Hoffmann of a case of what elate? [*Crosstalk*]

**Dr. Moonilal:** The concept had been introduced under the sexual offences (Amdt.)Bill. It is already in law in Trinidad and Tobago. So Mr. Chairman— [*Interruption*]

**Dr. Rowley:** *Setups.* All yuh go ahead. [*Crosstalk*]

**Brigr. Sandy:** If it is that for no [*Crosstalk*]

**Mr. Imbert:** Mr. Chairman, there is some misunderstanding here. In the parent Act the penalty is “imprisonment for not less than twenty-five years”. That means it is 25 years and above. You agree with me?

**Brigr. Sandy:** Yes.

**Mr. Imbert:** Not less than 25 years. You have deleted the words “than twenty-five years”. Therefore, it reads as follows: “not less than the remainder of his natural life”. That has only one meaning, only one

meaning; not less than the remainder of his natural life. That is a fixed penalty.

**Dr. Moonilal:** Mr. Chairman, we are also advised that in the Bernard Coard matter, the issue was on the constitutionality exercised by the Governor General and not on the issue of the remainder of the natural life and natural lives. What I want to say, Mr. Chairman, the Government has considered this matter. It has been debated, we have heard the views, we are advised otherwise. So it will make not sense at this stage to reopen the debate on this.

**7.00 p.m.**

**Mr. Imbert:** Mr. Chairman.

**Miss. McDonald:** Mr. Chairman.

**Mr. Imbert:** I understand—just allow me—

**Dr. Moonilal:** We have been advised otherwise that is all I am saying.

**Mr. Imbert:** I understand what the Leader of the House is saying, but with respect, I do not think that you understand the words, it is not less that your remainder of your natural life, that only has one meaning.

**Miss. McDonald:** Mr. Chairman, the Leader of Government Business said that the case looked at the constitutionality of the warrant, but I also want to state that many times the Privy Council is looking at a particular issue, there are other sub issues that will arise, and they would also pronounce on. That is one of the points I want to make, and this is exactly the situation as occurred in this particular case.

**Dr. Rowley:** But the reference to parole cannot be a warrant issue.

**Miss. Mc Donald:** Exactly. They are not prepared.

**Dr. Moonilal:** Mr. Chairman, just to reiterate that we have been advised otherwise, and we would like to proceed with the clause as in the Bill.

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*Question put and agreed to.*

*Clause 3 ordered to stand part of the Bill.*

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

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

### ADJOURNMENT

**The Minister of Housing and the Environment (Hon. Dr. R. Moonilal):**

Mr. Speaker, I beg to move that this House do now adjourn to Monday 16, May 2011 at 1.30p.m., and on that occasion it is the intention of the Government to debate the First Report of the Committee of Privileges of the House of Representatives; to approve the amendments to the Anti-Gang Bill, and to debate [*Interruption*] the Anti-Terrorism Bill. I beg to move.

**Miss. McDonald:** May I? Mr. Speaker, it is with great concern that I stand here this afternoon to object strenuously to what we will be doing on Monday. Last week—I want to discuss first the Anti-Terrorism Bill because I just heard the Leader of Government Business say we will debate the Anti-Terrorism Bill.

Sometime earlier this week, I spoke with the Leader of Government Business wherein I indicated that we were not prepared—this side we were not prepared—because we did not receive the Bill. They said it was circulated; we did not receive it; we were not in a position to debate the Anti-Terrorism Bill this Friday. However, there was an arrangement whereby we would debate the Anti-Kidnapping Bill today and the Anti-Terrorism Bill next Friday. Today I have been told that we are going to deal with the Anti-Terrorism Bill on Monday. We had a short talk a short while

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ago with the Leader of Government Business wherein we said the piloter would lay the Bill and the response from the Opposition will come within a week's time. I am saying that we have deviated from this arrangement, because we said we are not going to deal with it in its entirety on Monday. So I would like to have please, I would like to have some clarification. That is on the Anti-Terrorism for Monday

Secondly, with respect to the Report of the Committee of the Privileges, I want to denounce how this got to Parliament today. My understanding is when a report is done the Members of the Committee will sign in agreement with the report, if it has to be laid here in Parliament. I understand that there should have been a minority report, because the PNM people who sit on the committee they were not in agreement with the content of the report. We were not given the Report until this afternoon, which means we could not have laid our minority report until we saw what was happening in this draft report.

Now in order for us to debate this properly on Monday, we need to submit our minority report and so have it laid. [*Interruption*] This morning there was a meeting, and I understand that the Member for Port of Spain North, all right I understand that she objected to the contents and said that there would be a minority report. Sir, I am saying— and she did not sign and I am also asking, Mr. Speaker, what is the rush? This is something we understand is very critical, it is very important, but we also understand— What is the rush? Why are we doing this? Give us an opportunity to respond properly and appropriately, that is all we are asking.

So I am saying for Monday this is going to cause some problems, the Anti-Terrorism Bill, because there was an understanding that our team would have at least a week because it would be next week Friday, now we

are saying on Monday. I was hoping the Leader of Government Business would say that it would be piloted and then we would respond the following week whenever they choose to call Parliament, but certainly, Sir, we are not able to go ahead with the Anti-Terrorism Bill on Monday in the form that the Government would like to see. Sir, thank you.

**Mr. Speaker:** Leader do you want to respond briefly?

**Hon. Dr. R. Moonilal:** Yes. Speaker, it is not our intention to terrorize Members of the Opposition, [*Laughter*] so in those circumstances we will agree that on Monday we will introduce the Anti-Terrorism (Amdt.) Bill and continue the debate on that Bill subsequently on another day.

**7.10 p.m.**

Mr. Speaker, may I also indicate that the conclusions in the First Report of the Committee of Privileges are really three pages long and, we have satisfied the Standing Order requirements of having it laid in the House today, providing for a debate on Monday. The Standing Order requirements have been met. The conclusions of this report are three pages and, the others are, of course, the minutes and *Hansard*. In fact, half of this would be *Hansard* reports which were already in the public domain and Members would have already been acquainted with it.

Mr. Speaker, I also wanted to note that this matter of such allegations arose on November 19, 2010. This matter was referred to the Committee of Privileges in November 2010. The matter was raised on November 24, 2010 by the hon. Member for Chaguanas West, so we cannot understand any issue about rush and indecent rush and so on.

In the circumstances there were other matters raised, but I believe that in the debate those matters can be raised. There were some clarifications sought. Maybe the Chairman of the Committee of Privileges can clarify

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those matters, but on Monday it is the intention of the Government to proceed with this matter.

**Mr. Imbert:** Mr. Speaker, may I just say a few words?

**Mr. Chairman:** Listen! Listen! I have allowed certain elasticity. These are matters that are best discussed behind the Chair between the Chief Whip and the Leader of the House. I have allowed certain flexibility. I would like to move.

Before this House is adjourned, there is a matter on the motion for the adjournment by the Member for Diego Martin Central.

**Ministry of Planning, Economic and Social Restructuring  
and Gender Affairs  
(Alleged Contract Irregularities)**

**Dr. Amery Browne** (*Diego Martin Central*): Thank you, Mr. Speaker. I wish to reflect my thanks to Members on both sides of this House for the very generous tributes and strong showing at the funeral of the late, Mr. Kenneth Cyril Valley. These were appreciated by the family and the constituency of Diego Martin Central.

Mr. Speaker, today is May 13, 2011. Almost one year ago, the citizens of this great country went to the polls and voted for change with their hearts filled with hope. They were exposed to a campaign that cost hundreds of millions of dollars and, to a glossy manifesto and speeches that promise a new era of accountability, transparency, openness and the building of trust in public life. This nation was also sold. We were sold a new leader who was marketed as being forthright, hard-working, organized, and who at least knew that Sunday fell on a Sunday and Monday fell on a Monday.

Unfortunately, while all of this was happening, Ross Advertising was



also busy behind the screens, working surreptitiously into the night, finalizing a series of colour ads deliberately designed to deceive 160,000 senior citizens, and it all went downhill from there. Week after week after week, this hapless, helpless, hopeless, incompetent Government has assaulted the nation with crisis after crisis, mistake after mistake, scandal after scandal and, sad to say, cover -up after cover-up. The citizens today stand in shock and awe at how poor a choice they made on May 24, 2010. [*Desk thumping*]

Mr. Speaker, enter stage left, Mary King and the King family contract for discussion. This was someone who spent less time working for the citizens of this country and more time washing her mouth on the People's National Movement, very sanctimoniously in a very portentous manner. I actually saw where one Minister suggested that the events of the last week would somehow improve the image of Government of the day. The audacity to suggest that these events would somehow improve the image of the Government of the day— I want to offer this Government a reality check this evening. This latest scandal has only brought further shame and disgrace on the UNC dominated coalition. This scandal has brought further shame and disgrace on the Cabinet of this country. This latest scandal has only brought further shame and disgrace on the nation of Trinidad and Tobago. [*Desk thumping*]

I have to reiterate at this point that we are saddled with the worst Government in the history of our nation. [*Desk thumping*] The citizens are very concerned. Mr. Speaker, do you know what their biggest fear is at this point? Their biggest fear is that what we are seeing is only the tip of the iceberg. [*Desk thumping*] What has been uncovered thus far—you know about covering and uncovering, Member for Moruga/Tableland—is only the

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tip of the iceberg. What we have learned thus far in the Mary King scandal is just the beginning. The biggest concern is that the cloud of corruption hangs not just over Mary King and her biological family, but it also hangs over the political family today. [*Desk thumping*] Let us see what was promised to the country in this glossy manifesto. On page 18, these were the promises—eight pages:

Good governance through effective representation, transparency and accountability.

All sorts of fancy subheads.

- Transparent and Accountable Governance;
- Procurement;
- Ensuring Integrity in Government;
- Strengthening Representation;
- Supporting Development in and of the Community.

Five glossy pages on good governance, effective, transparent and accountable practice.

Mr. Speaker, is that what this UNC coalition has delivered to this nation?

**Mrs. McIntosh:** Absolutely not!

**Dr. A. Browne:** Absolutely not! Instead of what was promised in the manifesto—well, the US had Watergate—this coalition has given us “Reshmigate”, “Pensiongate”, “Ish and Stevegate”, “Nicholasgate”, “Tractorgate”, “HIVgate”, “Julie Brownegate”, “Pianogate”, “Pradogate”, “People’s bandgate”, “UTTgate”, “Fazeer Mohammedgate”, “Watsongate”, “Nizamgate”, “Unemploymentgate” and, of course, “FIFAgate”. That is what they have offered. It would appear in terms of maladministration and poor governance, the gates of hell have been opened in this country by the

United National Congress. [*Desk thumping*] Behind the scenes—

**Mr. Speaker:** Please! Please!

**Dr. A. Browne:** He should know not to trouble me on this occasion, given his recent exploits—“PBRgate”. It would seem that behind the scenes of all of this is Lady Macbeth herself, plotting and planning, concerned only about image, wealth and power.

Remember Lady Macbeth, Mr. Speaker—

**Mr. Speaker:** Listen! Do not use Lady Macbeth to refer to a Member of Parliament. The implications are clear. That is a device that you are using. So when you talk about Lady Macbeth, the population would know what you are talking about. So I am telling you to stay away from imputing in anyway by using devices to undermine the rules of this House. Okay?

**Dr. A. Browne:** Mr. Speaker, I am not sure which Member. If I said Macbeth, I do not know if it would satisfy you.

**Mr. Speaker:** I have ruled on the matter, move away from Macbeth and deal with some other matter.

**Dr. A. Browne:** If I say Macbeth, Mr. Speaker?

**Mr. Speaker:** No, I am saying move from that, please, and go on.

**Dr. A. Browne:** Mr. Speaker, I will not be distracted by Members who are seeking to do so at this time. The Prime Minister was quoted in yesterday’s *Express* newspaper as saying, “I had to protect Govt. I acted to protect the Government.” She was also quoted as saying, “I acted to defend the integrity of the Government.” I want to say, with all due respect to the Prime Minister, her job is not just to protect the Government, but to protect Trinidad and Tobago. [*Desk thumping*] The job is not just to protect the integrity of this so-called People’s Partnership, but also to protect the integrity of our nation, Trinidad and Tobago. [*Desk thumping*]

The question citizens are asking: why did it take an *Express* article on Mother's Day to uncover and expose an achieved action in this unholy mess that this Government has created for us? What has been going on? What have they been doing for the last six months? I saw the Prime Minister counting out six months in relation to another matter. Six months have elapsed, what have they been doing during that time? At the end of the day, one article in the newspaper resulted after two days in action, Minister being fired; Attorney General excitement. We really wondered what would have happened had Miss Camini Marajh not written that article. The citizens are asking those questions: what is this Government really responding to; what has been going on for the last six months since this contract was signed, since money was paid to this company? We are going to talk a bit about the money that was paid later on. Money was paid to this company of the family of Mary King.

Mr. Speaker, there are questions which must be answered by the Government today on this matter, right here in the Lower House of Parliament. As a representative of the people, I demand answers to those questions, as is my right. [*Desk thumping*] [*Interruption*] Ernie Ross cannot shield you on this occasion.

1. When were Prime Minister and the Attorney General first alerted that there were concerns about a contract in Mary King's Ministry?

A very specific question and we want a date on that today. I am hoping it is not six months as the answer.

2. What was the date on which the Integrity Commission was alerted and informed that there was a possible breach for investigation?

A very relevant question!

3. When was this scandal first discussed in the Cabinet of Trinidad and Tobago? Was this before or after Mother's Day?

[*Interruption*]

I see eyebrows going up immediately.

**Hon. Member:** Never!

**Dr. A. Browne:** Do not say, never. Please, do not say, never.

Mr. Speaker, the Prime Minister in Thursday's *Newsday* said, "I had to act swiftly." I am asking the Government to help us define "swiftly" in this case? Is swiftly six months; is it four months; is it two months; is it two days; is it in one evening? Help us to define the word "swiftly". I took action immediately—six months is not immediately. Will King's company be banned or suspended from conducting further work with the Government of Trinidad and Tobago? That is a relevant question because Ernie Ross took his action and since then he has gotten \$700,000 or so, in Government contracts since then. So will King's company get any further work from this Government since this treachery? What documents were submitted to the Prime Minister on this matter; when were they submitted; by whom were they submitted; and how long did she take to act on them? This is not the only time we are hearing that documents were forgotten or people were not sure when documents were received.

There was also a matter with the THA, where the same answers were delivered. "I do not recall receiving any documents with respect to that matter, but I would not want to speculate. I have not received and cannot recall receiving any"—it sounds like a very disorganized and confused arrangement—[*Interruption*]

**Mrs. Persad-Bissessar:** I never said that.

**Dr. A. Browne:**—within that particular Ministry, called the Office of the Prime Minister. I know they are trying to defend her, but this is not a matter on which we should be playing games. “I cannot recall.” A lot of confusion. “I know nothing. I got it only recently.” What does recently mean?

**Mrs. Persad-Bissessar:** Sounds familiar.

**Dr. A. Browne:** “Ask the Attorney General.” Ask the Attorney General, could that be a satisfying answer to the citizens of this country? Come on, Mr. Speaker. I recommend replacing the travel assistant with a desk organizer and, maybe an assistant that can help organize important documents and reports so that they would not go adrift for months whether we are in the air or on the ground.

Mr. Speaker, there is the question of double standards. If the Prime Minister and the Attorney General after months, leapt into action after two days to fire Mary after newspaper allegations, can they clarify the matter with the DPP right now and the investigation into Dansam Dhansook’s case? Why has no one been fired? Why has no one been fired in that matter? What about the recent revelation in the British Parliament; the British House of Commons by Lord Triesman and Sir Dave Richards? Why not fire someone for that pending investigation as well? Why not refer that matter to the Integrity Commission? Up there they do not know about PNM and UNC. They know about a Minister of Trinidad and Tobago. [*Desk thumping*] It is a country’s name that is at stake here. [*Desk thumping*] They promised change and all we got was exchange and small change.

**7.25 p.m.**

Mr. Speaker, what about Deosaran Bisnath, still in office? Given the revelations by the Permanent Secretary in that Ministry, what action is going

to be taken? How can Mary be fired and he is still being paid by the taxpayers' dollars? Why replace Mary King with someone who was a Clico director, and who may well be called before the Commission of Enquiry? He was a director until April 2009—Dr. Tewarie—Clico collapsed in January 2009? He was involved in making the failed decisions and planning for a bankrupt.

**Mr. Speaker:** Hon. Member, whilst the Member has not been sworn in because I know he is coming on Tuesday, I would like you to be a little cautious in what you are saying, okay, because you are beginning to impute. I know I cannot stop you on that matter but I am saying that he is a Member, he is a Minister, he is about to become a Senator. Just be cautious in what you are saying, and you know at least—

**Dr A. Browne:** I will be generous with him. Mr. Speaker, and then in the *Guardian* of Thursday, May 12, we see here, the PS was cautioning Minister King, and then the Minister said:

“...she was advised by the Cabinet all tendering should have her representative present,”

Mr. Speaker, this was the personal representative of the—this was a Cabinet directive according to Minister King, and I want to ask the question: when did the Cabinet advise Ministers that they should put their personal staff on tenders committees? When did that directive come? Mr. Speaker, how many Ministers have chaired selection committees in this Government for the year gone? How many have put their personal staff on tenders committees? [*Interruption*] No, no we cannot assume anything anymore because it was happening and it would have continued unless Camini wrote her article. Mr. Speaker, the AG investigated, he looked at this, et cetera, nothing came out of it until an article in the newspaper. I want to suggest if

this Government is looking for a new Attorney General, maybe they should think of hiring Ms. Camini Marajh; clearly she did a better job than they were doing.

Mr. Speaker, this is just the tip of the iceberg. This Government has totally squandered their mandate while in office. They can fire as many COP members and hire as many NAR relics as they wish, they would not be able to erase the stain of this. We are holding the Government to account by asking these questions; that is our job. We will continue to do our job but day by day citizens are recognizing clearly, you are not doing your job.

I thank you.

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker. Mr. Speaker, may I remind the House of the Motion before us because over the last 15 minutes, I am sure Members in the House and the national community would not know exactly what we are debating. The Motion filed by the Member for Diego Martin Central reads:

“Alleged irregularities in the award of a contract for website development at the Ministry of Planning, Economic and Social Restructuring and Gender Affairs.”

Mr. Speaker, after hearing the Member with Lady Macbeth, and the various “gates” and so on, one would not know that what the Member was really getting at—but it was really a scattershot approach—was really firing wildly hoping that something hit, yes, Mr. Speaker. You know, there are some comic strips and some cartoons where when you hit, you just hit in every direction hoping that one would land, and I think the Member for Diego Martin Central sought that type of approach. The Member ended by asking: do your job and what is your job? I would advise the Member that



your job was to stay in Trinidad and defend the Diego Martin Central Regional Corporation when the PNM lost it for the first time ever.

**Dr. Browne:** Point of order! Point of Order!

**Hon. Dr. R. Moonilal:** Mr. Speaker, let me proceed with the Motion. The alleged irregularities—

**Mr. Speaker:** Do you have a point of order?

**Dr. Browne:** Mr. Speaker, Standing Order 36(10). I have had enough of that foolish talk now; 36(10). [*Interruption*]

**Mr. Speaker:** All right. First of all, I would like you to be a little more elegant in your language; that is the first thing. Then, if the Member is objecting to a personal reflection on his character in terms of the remarks that you have just made, I would caution you and so on to stay away from that line and continue.

**Hon. Dr. R. Moonilal:** Thank you very much. Mr. Speaker, hearing the Member for Diego Martin Central, anyone watching this parliamentary broadcast would think that this is Ripley's Believe It or Not! [*Laughter* ] And hearing the Member further, there is a condition, there is a psychological condition called chronic pathological hipocrisy (CPA)—Chronic Pathological Hipocrisy. Mr. Speaker, this Member may be bordering on treatment for this illness. You see, Mr. Speaker, I heard words like shame and disgrace, shock and awry—

**Mr. Speaker:** Please, please.

**Miss McDonald:** No, no, no, point of order! Standing order 36(3), imputing improper motives, cannot do that.

**Mr. Speaker:** Please, please. Member, hon. Leader of the House, I would say that you can talk about a treatment but when you go into trying to apply it to a Member, I think you are bordering. Please, just deal with the

treatment, do not deal with the application please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, the treatment here is disclosure, honesty and decency, that is the treatment. That is the treatment we will give. [*Desk thumping*]

Mr. Speaker, it is amazing, I am just reflecting on some language. I heard, shock and awry, shame and disgrace, scandal, and this comes from the Member on the very day that his real leader was exposed in a report where the real leader is accused of three grounds of contempt. Mr. Speaker, it comes on a day when the Leader of the Opposition has been sent to the Committee of Privileges for misleading the House. Mr. Speaker, the Member for Diego Martin Central persists and talks about shame and disgrace while around you, it is falling apart—left to right, top to bottom.

Mr. Speaker, the Member conveniently forgot two “gates”. He forgot the “eurogate” and he forgot the “food cardgate”. When that very Member stood on this side of the House and confessed that there were wrongdoings with the issuance of food cards at the Ministry of Social Development. That is public record.

**Dr. Browne:** Standing Order 36(6), the Member is misleading the House and imputing improper motives.

**Hon. Dr. R. Moonilal:** That is public record, Mr. Speaker. He indicated that.

**Mr. Speaker:** Hon. Member, what was the Standing Order?

**Dr. Browne:** He referred to me confessing something in the House. Mr. Speaker, 36(5), imputing improper motives.

**Mr. Speaker:** No, I think he is referring to a statement that you would have made as a former Minister so—

**Dr. Browne:** He is saying that I confessed in the House to mislead—which

is not true.

**Mr. Speaker:** Let me take care of that. Continue.

**Mr. McLeod:** Mr. Speaker, in all of this, the Member does not have any gait either, G-A-I-T.

**Hon. Dr. R. Moonilal:** Mr. Speaker, let me indicate on this matter and get to the facts here. The knowledge is in the public domain; a full report on this matter. The advice and opinion of the Attorney General on this matter is in the public domain. Mr. Speaker, it is also a matter of public record that the Prime Minister acted swiftly in dealing with this matter.

Mr. Speaker, I want to refer to the *Guardian* newspaper. The *Guardian* reads: “Transparency welcomes PM’s ‘prompt action’” on this matter, in dealing with the matter that was raised.

The *Newsday* of Wednesday May 11, “When ethics matter” and I quote:

“In dismissing the former Minister of Planning, Economic and Social Restructuring and Gender Affairs, Mrs. Kamla Persad-Bissessar selected the most ethical course of action.”

That is public record—*Newsday*.

Mr. Speaker, the Prime Minister had no other choice and acted; all these are newspaper reports. Mr. Speaker, the newspapers, public commentators, all of them, without a single exception praised the Prime Minister, commended the Prime Minister on acting within the highest ethical course available to a Prime Minister in a Westminster model of government.

**7.35 p.m.**

Mr. Speaker, the matter, as the Member for Diego Central is aware, is also before the Integrity Commission and the Integrity Commission has been

approached to investigate this matter and it is not proper for us to participate in a debate and bring that information. I know the problem with the Member for Diego Martin Central. He believes that this has happened and somehow this has exposed the Government, and he thinks it is within his right to stay at the picnic ground and sniff around. When we have left the site of the picnic, he would stay there and sniff around because he thinks something may be happening and they can get some advantage.

I want to ask him: what did your former leader do when allegations of corruption were made by the Member for Diego Martin West? He fired him. He did not investigate the allegations. He did not. What did you do when your colleague, the Minister of Finance, went down on Old Year's Day, in a duster and her hair in curlers and bailed out her money at Clico? You did nothing. You supported that. She then went back home and called up "nennen, auntie and mammy and tell dem alyuh go and bail out alyuh money too." What did you say about that? You said nothing. You condoned that. You condoned the wrongdoings of Calder Hart. It is the same—  
[*Interruption*]

**Dr. Browne:** Standing Order 36(5).

**Mr. Speaker:** What did he say?

**Dr. Browne:** He said that I condoned wrongdoing. Mr. Speaker you need to pay attention to his contribution.

**Mr. Speaker:** If you did say so—did you say that the Member condoned wrongdoing?

**Mrs. Persad-Bisessar:** No. He said; what did he do?

**Mr. Speaker:** If that is what was said I would say do not go there.

**Hon. Dr. R. Moonilal:** I know he wants to distract me, but we will proceed. On this matter, the Integrity Commission is looking at it and investigating.

The Member is aware of the advice and the opinion of the Attorney General on this matter. The opinion of the Attorney General properly answers your questions. The Member is also aware that, in quick time, a new Member of the Cabinet was sworn in as a Minister of Government in the substantive Ministry of Planning, Economic and Social Restructuring and Gender Affairs. That new Member, of course, is settling down and in due course, will address some of these matters and others, but these are not matters in the Parliament we can talk about that way. It is reckless to be discussing these matters when another body has it before them investigating.

The genesis of this type of action is really an attempt by the Member for Diego Martin Central to hear himself say some things, but use the opportunity to condemn the Government. That is what this is about. This is not about the contract at the Ministry of Planning, Economic and Social Restructuring and Gender Affairs, this is about using this conveniently, in a way, to condemn and then to make statements about what have you done. I heard the Member say that. He said that did he not? He was asking—on the very day you were asking this and we just passed legislation to increase the penalty for persons who kidnap our children.

Since we came into office you asked what we did. I am telling you. This Government has passed landmark legislation such as the interception of communications and human trafficking. We passed—we have dealt with the anti-gang legislation. You said: “What did we do?” I am telling you what we did in the social development area, which you left in shambles; increased the pension to \$3,000 and 72,000 people benefited. We increased the minimum wage from \$9 to \$12.50 and a further 52,000 low-income workers

benefited. We introduced the Children Life Fund Act—which I think you did not support; I do not know if you supported it or not—to save the lives of children.

You can look in every single Ministry. Recently we were opening roads and initiating roads infrastructure development in rural Trinidad for the first time ever. I can—

**Mrs. Persad-Bisessar:** In Maraval today.

**Hon. Dr. R. Moonilal:** In Maraval today, I think it was in the Diego Martin area, what you failed to do, what your Government failed to do, we were doing with Minister Jack Warner and the Prime Minister.

Mr. Speaker, every week the Member from La Brea came to the Parliament and asked, “when we fixing this road, when we fixing this ground, when we replacing this manhole cover?” And you asked the question: “What have you been doing for the last ten years, if you come every week and ask when we doing this?”

We are now taking action to deal with the criminal elements. When we came here to pass legislation on hanging you failed to support that; to deal with the criminal elements, and that is what we are doing for this population. I want to tell you, a population that is grateful, notwithstanding the politics from the Opposition. Anywhere we go in this country, we are well received for this work.

The Member for Diego Martin Central knows, notwithstanding the problems in his party, it will be a very long time before the PNM ever returns to the corridors of power, and he knows it. And you ask what are we doing? For seven years Calder Hart was on the loose. What did you do? You did nothing—having the matters raised by the Member for Diego Martin West. Seven years ago the Member for Diego Martin West raised

those issues and then you failed to support your caucus decision recently; not supporting the Member for Diego Martin West either and then bailed out to go to Europe at some time. Mr. Speaker, these matters—[*Interruption*]

**Dr. Browne:** Mr. Speaker—

**Hon. Dr. R. Moonilal:** Okay, you did not bail out—I take that back—and go to Europe and abandoned the Diego Martin election in local government. You did not do that.

**Mr. Speaker:** You have half of a minute again, please.

**Hon. Dr. R. Moonilal:** On these matters—he does not like to hear the truth, but I want to assure you, we have taken a decision in the Government that every single week we will stand here and tell you the achievements of this Government in one year. In one year, we will tell you. This matter is a matter of record. The Government has acted and acted swiftly and came in for high praise. This matter is still being investigated and you are reckless to be raising this matter for a debate at this time.

Mr. Speaker, I thank you.

**Mr. Speaker:** Hon. Members, before I move for the adjournment, there are two matters I would like to bring to our attention. The first one is robust debate is very healthy in a parliamentary democracy. Criticism is the lifeblood of any democracy, but when we get personal and we personalize a debate, you see what just happened here, that is what occurs. That is why I want to remind Members, Rick Barker, Member Parliament of New Zealand, Deputy Speaker, made a very important remark when he lectured to us in January of this year, and I want to repeat it for Members and I would repeat it and repeat it and repeat it, play the ball and not the Member. Play the ball, but not the man. If we focus on the issues, you see what just happened here, would not occur, because we personalize debates and once you personalize

debates, you get reactions. I just want to appeal to Members, if we could bear in mind that particular statement where we play the ball, but not the Member, I think we will be very, very well served.

**Commonwealth Parliamentary Association  
(Local Branch)  
Cricket Match**

**Mr. Speaker:** Members, in closing, before we move for the adjournment, let me just bring to your attention, the following. Members, you are aware that the Sports and Culture Club Committee of the local branch of the Commonwealth Parliamentary Association, in collaboration with the Judiciary, will be hosting two cricket matches on Sunday, May 15, 2011, at the National Cricket Grounds, Balmain, Couva.

Those invited to participate or observe these activities are: all Members of Parliament, including their spouses; all Senators, including their spouses; members of staff of the Office of the Parliament; Members of the Judiciary; judges and senior administrators of the Caribbean Court of Justice; Members of the Retired Judges Association and their spouses.

Activities will commence at 10.00 a.m., when breakfast is expected to be served; so leave early, do not worry about breakfast. Come early. Lunch will also be available from 12.00 noon. The first match will be a windball cricket match, which is expected to commence at 11.30 a.m. and the real match will commence at 1.30 p.m.

An event of this nature seldom occurs and represents a unique opportunity for Members to interact in a less adversarial atmosphere. Therefore, I anticipate that all Members will make an effort to attend and show your support for our team, which is the Red House Whips. That is the



Commonwealth Parliamentary Association  
(Local Branch)  
Cricket Match  
Mr. Speaker (cont'd)

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name of our team, the Red House Whips.

In addition, I wish to beseech Members to extend the usual courtesies and observe the relevant protocols as you interact with our guests from the Judiciary.

Members of the Red House Whips are reminded—and I understand many of them are in this Chamber—of their practice session scheduled for tomorrow at 2.00 p.m. at the indoor nets facilities of the National Cricket Centre. I look forward to meeting and supporting with you on Sunday.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.47 p.m.*

## WRITTEN ANSWERS TO QUESTIONS

### Steel Pan Tutors in Schools (Details of)

**85. Ms. Alicia Hospedales** (*Arouca/Maloney*) asked the Honourable Minister of Education.

Could the Minister state:

- (a) How many steel pan school tutors are currently teaching in the school system?
- (b) The names of the schools to which these steel pan tutors are assigned?
- (c) What are the end dates of the existing contracts for these tutors?
- (d) Upon the end of their contracts, is it proposed to issue new contracts to these tutors?

*The following answer was circulated:*

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Presently, there are twenty-nine (29) Music tutors attached to the Pan in the Classroom Unit in the Ministry of Education.

With respect to part (b) of the question, the twenty-nine (29) Music tutors mentioned above are assigned to sixty-one (61) schools throughout Trinidad and Tobago. The names of the schools are as follows:

1. St. Francis Roman Catholic
2. Siparia Boys' Roman Catholic
3. Patna River Estate Primary
4. Our Lady of Laventille
5. Sangre Grande Government
6. Lower Cumuto Government
7. Cunapo Roman Catholic
8. La Horquetta North Government
9. Aripo Roman Catholic

**UNREVISED**

10. Tunapuna Government
11. Fishing Pond Presbyterian
12. Sangre Grande Government
13. Tunapuna Boys Government
14. St. Mary's Home
15. Maracas Roman Catholic
16. Cunapo Roman Catholic
17. Guaico Government
18. Chaguanas North Government
19. San Fernando Seven Day Adventist
20. Debe Presbyterian
21. Couva Anglican
22. Chaguanas South Government
23. St. Margaret's Boys Anglican
24. Success Roman Catholic
25. Palmiste Government
26. Cunupia Government
27. Princes Town Presbyterian #2
28. Fifth Company Baptist
29. Santa Maria Roman Catholic
30. St. Mary's Government
31. Point Fortin Roman Catholic
32. South Oropouche Government
33. Icacos Government
34. Iere Government
35. Princes town Methodist
36. Las Lomas Roman Catholic
37. Chaguanas North Government
38. Pt. Fortin Roman Catholic
39. Cedros Anglican
40. San Fernando Girls' Government
41. St. Gabriel's Girls Roman Catholic
42. Bon Accord Government
43. Black Rock Government
44. Cumana Seven Day Adventist

**UNREVISED**

45. Guaico Government
46. Manzanilla Government
47. Moriah Government
48. Patience Hill Government
49. Des Vignes Road Government
50. Roxborough Anglican
51. Holy Saviour Anglican
52. D'Abadie Government
53. Febeau Government
54. El Socorro North Government
55. St. Stephen's Anglican
56. Sister's Toad Anglican
57. Princes Town Methodist
58. San Juan Girls' Roman Catholic
59. St. Mary's Anglican
60. St. Barb's Government
61. Nelson Street Boys' Roman Catholic

With respect to part © of the question, the end dates of existing contracts for the steel pan school tutors are outlined below:

No of Tutors	End dates of existing contracts
1	January 3, 2012
11	January 6, 2012
13	March 12, 2012
1	March 31, 2012
1	September 13, 2012
1	September 30, 2012
1	October 4, 2012
29	

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With respect to part (d) of the question, Cabinet by Cabinet Minute No. 153 of January 20, 2011 approved the employment of the following levels of staff in the Pan in the Classroom Unit in the Ministry of Education:

- 1 Project Coordinator
- 8 Regional Coordinators
- 35 Music Instructors

It should be noted that, in keeping with the Government's current policy, the above mentioned positions are to be advertised. The current employees would be free to apply.

**Computer Literacy Teachers for Form 1  
(Training of)**

**86. Ms. Alicia Hospedales (Arouca/Maloney)** asked the Honourable Minister of Education.

Could the Minister state:

- (a) How many Form 1 teachers have been trained in computer literacy and internet use as a means of teaching their students who were recipients of laptops?
- (b) How many training courses in computer literacy and internet use were held to date?
- (c) With respect to the ongoing training of Form 1 teachers, what is the expected completion date for training?

*The following answer was circulated:*

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** The Ministry of Education has not embarked on providing opportunities for teachers to be trained and certified in Computer and Digital Literacy but also in Infusion of ICT in education. There are no dedicated Form I teachers. Teachers assigned

to secondary schools are expected to teach Forms 1-5 if they have been assessed as Teacher II and Forms 1-6 if assessed as Teacher III.

- Approximately six hundred and fifty (650) teachers were trained in ICT infusion as part of the eConnect and Learn Programme (2011). There are now other Computer Literacy ICT Infusion Programmes that teachers have been exposed to.
- In 2010-2011, 1438 teachers obtained certification in Computer Literacy through programmes organized by the Ministry and otherwise;
- Approximately twelve hundred (1,200) school personnel have been trained by NESC in Digital Literacy Level 1. (2009-2011);
- Approximately 40 teachers were trained in Moodle and the development of open educational resources. (2009-2010);
- Approximately 248 teachers were trained in e-Citizen and International Computer Driving License. (2008-2010);
- Approximately two hundred and fifty (250) teachers were trained using the Intel Teach Essentials Programme. (2008-2010);
- One hundred and twenty (120) teachers have received certification in the diploma in educational technology from the University of the West Indies. (2005-2007);
- Approximately six hundred (600) teachers were trained in Basic Computer Literacy through the Heads of Department Programme offered by the Curriculum Development Division. (2003-2007);

- One hundred and twelve (112) teachers were trained in the teaching of CSEC Information Technology (1 year course) offered through the University of the West Indies. (1999-2001); and
- We now have approximately three thousand (3000) teachers were trained in Computer Literacy.

In response to part (b) of the question, a number of computer literacy courses including many listed above cover Internet usage. These courses include:

Programme	Name of Organisation Responsible
1. Digital Literacy Level 1	National Energy skills Centre (NESC)
2. eCitizen	Distance Education unit – Ministry of Education (National Open School of Trinidad and Tobago centres)
3. International Computer Driving License	Distance Education Unit – Ministry of Education (National Open School of Trinidad and Tobago centres)
4. eConnect and Learn ICT Infusion	National Energy Skills Centre
5. Microsoft Digital Literacy	Information and Communication Technology Division
6. Intel Teach Essentials	Secondary Education Modernization Unit
7. The teaching of CSEC Information Technology	Curriculum Planning and Development Division
8. Diploma in Educational Technology	Secondary Education Modernization Unit
9. Computer Literacy	National Energy Skills Centre
10. Basic Computer Literacy	Curriculum Planning and Development Division

With respect to part (c) of the question, teacher professional development is ongoing and opportunities will continue to be provided for all teachers,

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including those of Form one. The main objective is to improve teachers' competence in using educational technology, more specifically, computers and digital content. The field of ICT is dynamic and new teachers are entering the system on a continuous basis, as a consequence it is crucial for training to be provided on an ongoing basis.