

HOUSE OF REPRESENTATIVES

Monday, June 16, 2014

The House met at 10.00 a.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received the following communication from the Member of Parliament for Laventille East/Morvant, Miss Donna Cox, who is out of the country and has asked to be excused from sittings of the House during the period June 16—July 09, 2014. The leave which the Member seeks is granted.

**PUBLIC PROCUREMENT
AND DISPOSAL OF PUBLIC PROPERTY BILL, 2014**

Bill to provide for public procurement, and for the retention and disposal of public property, in accordance with the principles of good governance, namely accountability, transparency, integrity and value for money, the establishment of the Office of Procurement Regulation, the repeal of the Central Tenders Board Act, Chap. 71:91 and related matters, brought from the Senate [*The Minister of Planning and Sustainable Development*]; read the first time.

PAPERS LAID

1. Report on the Management of the Activities Financed by the Green Fund for the financial year ended September 30, 2013. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]
2. Petroleum (Royalties) (Onshore Crude Oil) (Revocation) Regulations, 2014. [*Hon. Dr. R. Moonilal*]

UNREVISED

ORAL ANSWERS TO QUESTIONS

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, the Government will be in a position today to answer questions No. 137, 139, 140, 145, 146 and we ask that the other questions on the Order Paper be deferred for two weeks. Thank you.

Dr. Rowley: Mr. Speaker, question No. 135 to the Minister of Finance and the Economy.

Hon. Member: Question No. 137.

Dr. Rowley: I am putting 135.

Mr. Speaker: All right, the hon. Leader of the Opposition has put question 135 to the House.

Hon. Dr. R. Moonilal: Mr. Speaker, let me repeat.

Mr. Speaker: Yes.

Hon. Dr. R. Moonilal: The hon. Leader came in a few minutes late and may not have heard me. We are in a position to answer today, this day, question Nos. 137, 139, 140, 145, 146 and the Government would ask that the other questions on the Order Paper be deferred—[*Interruption*] 147—

Hon. Member: No. 143.

Hon. Dr. R. Moonilal:—143 and we ask that the other questions on the Order Paper be deferred for two weeks. No. 137 would be the question we are prepared to begin with this morning. It is in the name of the hon. Leader of the Opposition.

Dr. Rowley: Thank you very much, Mr. Speaker. I would just like to advise my colleague that I was on time and I hear very well.

The following questions stood on the Order Paper.

Development/Upgrade of Recreational Grounds (Details of)

UNREVISED

134. Could the hon. Minister of Local Government state when the following recreational grounds would be developed/upgraded:

- a) President's grounds, St. Ann's;
- b) Children's park and basketball court at Harpe Place, Teshea Terrace, East Dry River;
- c) Playground, Belmont Valley Road? [*Mrs. P. Mc Intosh*]

**First Citizens Bank Limited
(Investigation into IPO Report)**

135. A. With respect to the investigation into the handling of the IPO at First Citizens Bank Limited, did the hon. Minister of Finance and the Economy obtain the Price Waterhouse Coopers report which was commissioned?

- B.** If yes, is the Minister prepared to lay this report in Parliament?
[*Dr. K. Rowley*]

**Chaguaramas Peninsula
(Details of Lease Consideration)**

136. Could the hon. Minister of Planning and Sustainable Development state:

- A.** Have any lands been leased to/offered for lease/being considered to be leased to any person in the Chaguaramas peninsula for agricultural purposes?
- B.** If so, can the Minister identify the location or locations, the acreages and the beneficiaries involved?

- C. If any lease has been entered into, what are the terms of such lease and when was Cabinet approval granted for any such lease?
- D. Are there any provisions for residents of Carenage, L'Anse Mitan and Pt. Cumana to access agricultural lands in the Chaguaramas area? [*Dr. K. Rowley*]

**St. Paul Street Recreation Grounds
(Completion of)**

- 138.** Can the hon. Minister of Local Government state when will the recreation grounds located at St. Paul Street be completed? [*Miss M. Mc Donald*]

**Refurbishment/Renovation Work
(Commencement of)**

- 141.** Can the hon. Minister of Education state when refurbishment/renovation work will commence in the following schools:
- a) Piccadilly School;
 - b) Eastern Boys School; and
 - c) Eastern Girls School? [*Miss M. Mc Donald*]

**Central Market Port of Spain
(Refurbishment of)**

- 142.** Can the hon. Minister of Local Government state:
When will the Central Market in Port of Spain be refurbished?
[*Miss M. Mc Donald*]

**Construction of Judicial Centres
(Details of)**

147. With regard to the four judicial centres being built or going to be built in Carlsen Field, Siparia, Trincity and Sangre Grande, could the hon. Minister of Justice state:

- a) the name of the design architects;
- b) the cost of their employ;
- c) the estimated costs of the four centres; and
- d) the approximate date of completion of each centre? [*Mr. T. Deyalsingh*]

Questions, by leave, deferred.

**Salaries Review Commission
(Job Evaluation Exercise and Compensation Survey)**

137. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Minister of Public Administration:

In its 89th Report of 2009, the Salaries Review Commission recommended that a job evaluation exercise and compensation survey be undertaken with respect to positions under its purview across the Public Service. Can the Minister state:

- a) whether this Exercise and Survey have yet commenced;
- b) what are the specific objectives of the Exercise and Survey; and
- c) has a date been determined for the completion of these Exercises?

The Minister of Public Administration (Hon. Carolyn Seepersad-Bachan): Thank you, Mr. Speaker. In response to this question, No. 137, the answer is based on the information provided by the Chief Personnel Officer of the Personnel Department, who is secretary to the Salaries Review Commission (SRC), which is an independent body appointed by the

President of the Republic of Trinidad and Tobago in accordance with section 140 of the Constitution of Trinidad and Tobago. This Commission is required to review, from time to time, with the approval of the President, salaries and other conditions of service of the holders of prescribed offices which fall within its purview.

The commencement of the job evaluation exercise and compensation survey was contingent upon the outcome of a diagnostic exercise for offices within the purview of the Salaries Review Commission. The diagnostic exercise, which was completed in February of 2013, was seen as a necessary step to be taken prior to the conduct of the job evaluation exercise and compensation survey, considering the diverse groupings which fall within the purview of the SRC.

Mr. Speaker, I am advised that a tendering process for engaging the services of a consultant, the technical proposals received were evaluated and a preferred consultant has been identified.

The financial proposal of the preferred consultant is being evaluated currently and it is anticipated that once accepted, the consultant will be engaged by July of 2014.

Mr. Speaker, that was with respect to part (a). In response to part (b), the specific objectives of the job evaluation exercise and compensation survey are: firstly, to implement appropriate compensation structures that would ensure equity, address any anomalies that may exist currently, reflect the relative worth of all the offices and be relevant to the present and future needs of the remit group; secondly, to determine the differences between total compensation of those offices within the purview of the SRC and external labour market comparators and thirdly, to develop a structure for

total compensation for all offices, which will facilitate the determination of compensation based on relativities among offices which will provide a balance between internal and external considerations.

Mr. Speaker, as advised by the Chief Personnel Officer, in response to part (c) of this question, the duration of the project is expected to be 12 months. Given the proposed start of the project, it is estimated that the projected completion is July 2015, that is 12 months from the execution of the contract with the consultant. Thank you, Mr. Speaker.

**Beetham Highway/Sea Lots
(Construction of Overpass)**

139. Miss Marlene Mc Donald (*Port of Spain South*) asked the hon. Minister of Works and Infrastructure:

Can the Minister state when will the overpass on the Beetham Highway in the vicinity of Sea Lots be constructed?

The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan): Thank you, Mr. Speaker. The pedestrian walkover on the Beetham Highway, in the vicinity of Sea Lots, is scheduled to commence during the second quarter of fiscal 2015.

While I am advised by the technocrats that this is the date that we hope to start it, this scheduled commencement date, of course, will be dependent on several factors, which include the relocation exercise to be undertaken by various utilities in the area.

Mr. Speaker, members of the travelling public would have noticed, in our attempt to expand the area there into a three-lane road, in the vicinity of Sea Lots, there was a bridge just before the market that we needed to also widen and that has proven to be quite a challenge because there is an NGC

gas line that had to be relocated. This NGC gas line also runs in the direct pathway of the overhead and also there is a WASA line also running in the direct path of where we want to construct this facility. So, WASA, the National Gas Company, T&TEC, TSTT and Flow all have utilities that are hindering and can affect the progress of that particular area where we want to put up this walkover. But we are doing designs and we are trying to find a more appropriate design, maybe a lighter weight structure, that we can use there without having to go as deep as you have to go when you build the heavy concrete walkover.

The problem is as we have dug there, you go to one level then there are sewer lines also at another level, so it has proven to be quite a challenge. But, Mr. Speaker, that pedestrian overpass crossing at Sea Lots is one of four that we intend to build and which we are working on. The other one is at the Port of Spain Ferry Terminal. There is another one lower down Wrightson Road and then there is one at Movie Towne. So there are four in all that we are looking at, along that particular stretch of the highway.

**East Port of Spain
(Construction/Refurbishment of Roads)**

140. Miss Marlene Mc Donald (*Port of Spain South*) asked the hon. Minister of Works and Infrastructure:

A. Is the Minister aware that the former Minister of Works and Infrastructure gave an undertaking to construct/refurbish the following roads in East Port of Spain:

- a) Plaisance Road;
- b) Clifton Street;
- c) St. Paul Street;

- d) Siparia Hill; and
- e) Basilon Street?

B. If yes, can the Minister give a status report on same?

The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan): Thank you, Mr. Speaker. Yes, I am aware that the former Minister of Works and Infrastructure did give an undertaking to construct and refurbish the roads that the Member is enquiring about, namely Plaisance Road, Clifton Street, St. Paul Street, Siparia Hill and Basilon Street.

Mr. Speaker, the Member has asked for a status update on the roads. Plaisance Road, the designs are being done now and the refurbishment works will be undertaken in the first quarter of fiscal 2015, that is in the new budget. Clifton Street, similarly in the first quarter. St. Paul Street, however, refurbishment works were completed on April 04, 2014. Siparia Hill, refurbishment works are about 10 per cent completed and we expect to complete these works by August 31, 2014. Basilon Street, also it is about 10 per cent completed, and again, the expected date of completion is on or about August 31, 2014. Thank you, Mr. Speaker.

Installation of Street Lights (Details of)

145. Mr. Terrence Deyalsingh (*St. Joseph*) asked the hon. Minister of Public Utilities:

Could the Minister state when would street lights be installed in the Evergreen Square West and North at East Grove Curepe?

The Minister of Public Utilities (Hon. Nizam Baksh): Mr. Speaker, the Trinidad and Tobago Electricity Commission (T&TEC) has informed the

Ministry of Public Utilities that the Commission is waiting on the Housing Development Corporation (HDC) to undertake certain steps before street lights can be installed in the Evergreen Square west and north of the East Grove Housing Development. The installation of these lights requires the signed approval and payment from the Housing Development Corporation (HDC) to proceed. The project also requires that HDC contractors install the required poles and cables before these lights could be installed by T&TEC. The Ministry of Public Utilities is liaising with the Ministry of Housing and Urban Development to expedite the completion of this project.

Mr. Deyalsingh: Supplemental, Mr. Speaker. Thank you, hon. Minister. Is the aware that poles were actually delivered to these sites for the by-election in November of 2013 and subsequently removed?

Hon. N. Baksh: I am not aware of those.

Mr. Deyalsingh: Thank you.

**Boundary Road Recreation Ground
(Functional Lights)**

146. Mr. Terrence Deyalsingh (*St. Joseph*) asked the hon. Minister of Public Utilities:

Could the Minister state when would the lights installed at the Boundary Road Recreation Ground, Aranguez be functional, and which entity would be responsible for the payment of the resulting electricity bill?

The Minister of Public Utilities (Hon. Nizam Baksh): Mr. Speaker, the Ministry of Public Utilities previously lit five grounds in the constituency of St. Joseph: the Bamboo; WASA; Riversdale, St. Joseph; Real Spring; and Jamboree Park and took the decision to light the Boundary Road Recreation

Ground, Aranguez. T&TEC has indicated that the lighting system on this recreation ground is expected to be completed by the first week in July 2014.

10.15a.m.

The process of paying electricity bills for all regional corporation grounds, is that bills are registered with their respective regional corporations, but are paid for by the Ministry of Public Utilities.

In the case of the Boundary Road recreation ground, the electricity bill will be registered with the San Juan/Laventille Regional Corporation, and will be paid for by the Ministry of Public Utilities.

Mr. Deyalsingh: Supplemental, Mr. Speaker. Thank you hon. Minister, for the answer. Is the hon. Minister aware again, that these lights were hurriedly laid for the St. Joseph by-election, and the residents have been waiting for it since November of last year? [*Crosstalk*]

Hon. N. Baksh: I am not aware of that, Mr. Speaker.

Mr. Speaker: The hon. Member for St. Joseph.

Mr. Deyalsingh: Thank you, Mr. Speaker. I think question No. 147, the hon. Leader of Government Business said they were not able to answer that today, because there is no answer for it.

Completion of Picton Dance Theatre (Details of)

143. Miss Marlene Mc Donald (*Port of Spain South*) asked the hon. Minister of Community Development

- A. Is the Minister aware that the Picton Dance Theatre was scheduled to be completed in the 2014 financial year?
- B. If yes, can the Minister give a status report on same?

The Minister of Community Development (Hon. Winston Peters): [*Desk*

thumping] Thank you very much, Mr. Speaker. As it pertains to question No. 143, approval was granted by the Cabinet on August 13, 2009, for the inclusion of the Picton Dance Theatre facility within the Ministry's Community Centres Facility Programme. Consequently, the former Ministry of Community Development, Culture and Gender Affairs invited tenders for the construction of this facility, preliminary works for which commenced in 2010.

Response dated May 22, 2013 and answered in the House of Representatives on June 05, 2013 refers: it was indicated that work on the project had reached 10 per cent completion. It was further indicated that works would continue in fiscal 2013/2014, towards the completion of the Picton Dance Theatre.

The quoted response is, therefore, not in keeping with the question which stated that the Picton Dance Theatre was scheduled to be completed in the 2014 fiscal year. The Ministry of Community Development has had to reschedule the recommencement of this project, because of the need to consider the challenges which are being experienced in some high risk areas.

Mr. Speaker, in short, what it means, is that the Ministry of Community Development as indeed we have to do on the Beetham, have the military and the police put a facility there to stave off the untoward behaviour of some elements in those communities, for us to continue the work that needs to be done on these centres. It is a crying shame that this has to be done in our country, and if this was not the case, I am sure that these works would have been going on all now.

And as such, the Ministry is now proposing to partner with the Ministry of National Security and discussion regarding same, will take place

in the coming weeks. Accordingly, pending outcome of the discussions, meaning, if the military agrees to be there to facilitate the work that has to take place there with the Ministry of National Security, and sufficiency of funds, it is now proposed that the Picton Dance Theatre will recommence in fiscal 2015.

Miss Mc Donald: Supplemental, Mr. Speaker. Thank you, Mr. Speaker. Minister, are you aware that work had commenced actually in 2010 on that Picton Dance Theatre without the input of national security?

Hon. W. Peters: I am, and hon. Member, I did, in fact, say that, but I also said to you it was—I explained here that it was 10 per cent completed, and I told you why it had to stop. It had to stop because of the untoward behaviour of some elements in the vicinity of that place, and that was why it was stopped. Yes, it is 10 per cent, you know, in progress at the time. As of now, we are working with the Ministry of National Security to have some elements of the military and the police there so that work can continue.

Miss Mc Donald: Further supplemental, Mr. Speaker. Minister, since 2010 you had said 10 per cent of the work had been completed. Has any further work been done since 2010?

Hon. W. Peters: Yes. Mr. Speaker, I think that the question, the supplementals are redundant, but I would answer them nonetheless, because the fact remains that work, yes, work is being done. You know what is the work that is being done? Negotiation with the military to ensure that the—yes, it takes four years, it might take more than that, because the elements that are there are so dangerous, and what we have to do, I—Mr. Speaker, with your permission I want to urge the Member of Parliament to go to her constituency, speak to some of these elements like I did in Mayaro, and see

if we can get them, in fact, to curb their behaviour, so that their community can see progress. As long as we continue to allow them to do what they are doing, and have to depend on the military, the military takes its time, because that is not all that they have to do.

So hon. Member, I am asking you to go there, speak to some of the elements—you know who they are. I do not have to tell you. You know who they are. Go there, speak to them and let them know that we need development, and we are working hard on it.

Miss Mc Donald: Further supplemental, Mr. Speaker, and my last question. Minister, I would like to ask a question. Who is in charge and responsible for running this country? [*Crosstalk*]

Hon. W. Peters: Mr. Speaker, I think that that is a rhetorical question, and I would not answer it. It is rhetorical.

**MISCELLANEOUS PROVISIONS
(ADMINISTRATION OF JUSTICE) BILL, 2014**

[Fourth Day]

Order read for resuming adjourned debate on question [April, 11 2014]:

That the Bill be read a second time.

Question again proposed.

Mr. Speaker: Hon. Members, as you would recall, the debate began on Friday, April 11. Thus far the Attorney General has spoken, the Member for Diego Martin North/East and the Member for Moruga/Tableland.

We continued on Friday, May09. The following Members spoke: Member for St. Joseph, Member for St. Augustine, Member for La Brea, Member for Baratavia/San Juan, Member for Point Fortin, Member for La Horquetta/Talparo, Member for Port of Spain North/St. Ann's West,

Member for St. Ann's East and Member for Arouca/Maloney.

The debate continued on Friday, June 13, and we had the hon. Member for Port of Spain South, and the Attorney General was on his legs on the last occasion, when he began his reply. He has 17 minute of original speaking time remaining.

Sen. The Hon. A. Ramlogan SC: [*Desk thumping*] Thank you very much, Mr. Speaker. Mr. Speaker, of the package that is before us, the one that generated the most amount of comment was the DNA legislation, and understandably so. I wanted to make the point that this legislation is the culmination and fruits of labour that involved a long consultation. As part of that consultation, the Implementation Committee which was formed to secure the construction of an electronic database of the DNA profiles, that would be searchable, user friendly and easy to identify perpetrators of criminal offenses, include the following stakeholders:

1. The Director of Public Prosecutions
2. The Ministry of National Security
3. The Trinidad and Tobago Forensic Science Centre
4. Ministry of Justice
5. Customs and Excise Division
6. The Ministry of Health
7. The Trinidad and Tobago Fire Service
8. The Trinidad and Tobago Defence Force
9. The Trinidad and Tobago Police Service

So that what we have here is the distillation of thoughts, and the collective wisdom of a number of stakeholders that are involved in the fight against

crime. And I dare say, that as a Parliament we have a duty and a responsibility to respond positively, to the clarion calls made by those involved in the fight against crime on the ground, for the necessary legislative tools that can equip them to raise the detection rate that is so abysmally low in our country.

Now, one point was raised, I think by the Member for Diego Martin North/East, was the question of why fingerprint persons who are deported en masse? And why not simply fingerprint—or, I think it was the Member for St. Joseph—why not simply fingerprint only those who were convicted of crimes and are being deported? I think it was the Member for St. Joseph.

Mr. Deyalsingh: Because Gibbs could have fallen into that.

Sen. The Hon. A. Ramlogan SC: Yeah, and the reason is—and he said Commissioner Gibbs could have fallen into that. The reason for that is this, oftentimes people are deported and they may have gotten off on a technicality even, in the foreign jurisdiction. They are deported sometimes and their records are expunged, but if you win a case on a technicality and you are deported here, why should we not know? Why should we not have your fingerprint?

So we remain firmly—we take the approach of the United States and other jurisdictions, that say look, let us build the database, the larger the fingerprint and DNA database, the greater the prospects of raising the detection rate, and greater the prospect of prosecution—a successful prosecution and conviction. So the larger that database is, the greater the likelihood would be that we can solve crime in this country. It is as simple as that.

Now, some of the alarmist concerns raised was that, well, you could use this database to discriminate against people. So you will profile people, and you could avoid giving them jobs based on ethnicity, and so on. Well, Mr. Speaker, that is nonsensical. That is nonsensical! If you want to discriminate against someone on account of their race to not give them a job, you really think that you will have to go to the man's DNA profile? Really? So let us play out see this scenario. I want to discriminate against someone and not give them a job. So I will have to break in or find some person to bribe, get into the DNA database, find out what kind of person this person is, based on ethnicity and so on. I will go through all of that, to come to the conclusion that I want to discriminate against this person because of their race. I wonder, would it not be simpler when they come for the job interview "ah see what dey look like, and ah say ah doh like dem"? I mean, let us be reasonable and practical. These are the kind of fanciful, inherently incredible and preposterous arguments that are used against this.

I mean, the US fingerprints everyone who comes and the harm and prejudice that can come to a citizen, is by large outweighed by the public and greater good that can occur in matters of this kind.

You know, I was trying to assist someone over the weekend, they have to go to Suriname, they have a valid Trinidad and Tobago passport, but apparently in Suriname your passport must be valid for a period of six months or more, must be a minimum of six months, and their passport has five months left, so they have to go and renew it. So you know, every country is entitled to have as part of its immigration procedures something that is different, based on the unique challenges that face the country.

10.30 a.m.

Now the other point that was raised, Mr. Speaker, has to do with the law. Permit me to quote from a case of *Secretary of State for the Home Department ex parte Cheblak* and the learned Master of the Rolls, Lord Donaldson, 1991, All England Law Report. This is what Lord Donaldson had to say, and I quote:

“Those who able most effectively to undermine national security are those who least appear to constitute any risk to it...I am simply saying that there is no evidence whatsoever that the decision was irrational and, in this particular field, it would probably be a unique case if there was.

...although they give rise to tensions at the interface, ‘national security’ and ‘civil liberties’ are”—in fact—“on the same side. In accepting, as we must, that to some extent the needs of national security must displace civil liberties, albeit to the least...extent, it is not irrelevant to remember that the maintenance of national security underpins and is the very foundation of all our civil liberties.”

With those few words, I think it is eminently sensible that as a country we must in fact develop a DNA database and fingerprint database with a retention policy that is pragmatic and sensible, given the unvarnished, raw and harsh realities that face our citizens on a daily basis because of the nature of the crimes that may confront them to and from work.

The last matter I will deal with is the Young Offenders Detention Act and the amendment in clause 8. They queried why are we making this amendment. What are we making this amendment? It is simple. The

Trinidad and Tobago Police Service expressed grave concerns about the injustices suffered by young men and women who are in conflict with the law because of the outdated and obsolete legislation that governs this particular issue.

It is this: under section 7(3) of the Young Offenders Detention Act, which deals with the reformation of young offenders and for their detention at an industrial institution, for example YTC, once the sentence is passed by a magistrate for a young person to be held at an industrial institution, the court must submit to the Minister responsible for the prisons, a request for approval.

This is an archaic provision that when the court makes an order for a young man to be detained at an industrial institution, the court must now submit it to the Minister with responsibility for the prisons to request his approval.

I have grave doubts about the constitutionality of that procedure because I do not think that the court process should include any ministerial approval whatsoever. I think it has always been a violation of the separation of powers between the judicial arm of the State and the executive arm of the State. Nevertheless, pending such approval, the problem was that the young person could not be classified as either serving a sentence or as a remand inmate because they have been convicted, but the sentence imposed is for the person to be placed in an industrial institution.

So the young offender fell into a twilight zone; they fell into a crack in the system, as a result of which they were not able to actually attend classes at the industrial institution to benefit from the intended vocational courses

and learning. That has been going on in our country for a long time.

To make matters worse, in researching for today to answer this question, I asked what was the average period of time that it took for the relevant Ministry to give that approval to the court so that the young person could actually commence the education and training in the institution. I was amazed to be told that it took, on average, two to three years. In two to three years, the young man would have served his sentence and be ready to be released into society, so that the intention of the court by the imposition of the sentence that the young man be placed in an institution of learning is completely frustrated by virtue of that provision for administrative approval.

Therefore, we are repealing section 7(3) to remove that restriction so that there is no longer going to be any need whatsoever for the Minister to give his approval.

I believe those were the relevant points that merited some response, Mr. Speaker, and 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.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Mr. Ramlogan SC: Mr. Chairman, I beg to move that clause 3 be amended as circulated:

A. In paragraph (a)(v), in the definition of “qualified

person” delete the words “practitioner, employed in any of the Regional Health Authorities;” and replace with the word “practitioner;”

- B. In paragraph (c)(iii), in proposed subsection (2), insert after the word “Custodian” the words “or any person acting under and in accordance with his general or special instructions under subsection (3)”;
- C. Delete paragraph (k)(ii) and renumber accordingly;
- D. In paragraph (m)(iii), in proposed subsection (2B), delete the words “Director of the Trinidad and Tobago Forensic Science Centre” and replace with the word “Custodian”.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4.

Mr. Ramlogan SC: Mr. Chairman, I beg to move that clause 4 be amended as circulated:

- A. In paragraph (e), in proposed section 7A, in paragraph (b):
 - (a) insert after subparagraph (i), the following new subparagraph (ii):
 - “(ii) a Magistrate or his Clerk;”; and
 - (b) renumber subparagraphs (ii) and (iii) as subparagraphs (iii) and (iv) respectively.
- B. In paragraph (f), in proposed section 8(1)(c), insert after the word “accounting” the words “or forensic accounting”.

Question put and agreed to.

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

Clauses 5 to 8 ordered to stand part of the Bill.

Clause 9.

Question proposed: That clause 9 stand part of the Bill.

Mr. Ramlogan SC: Mr. Chairman, I beg to move that clause 9 be amended as circulated:

A. In paragraph (a):

- (a) in the definition of “detainee” delete the word “and”;
- (b) in the definition of “exonerated”, in paragraph (c) delete the word “;” and replace with the words “; and”; and
- (c) insert after the definition of “exonerated”, the following definition:

“National Fingerprint Database” means the database established under section 50K(1).

B. In paragraph (c):

- (a) in proposed section 50A(1):
 - (i) insert the following new paragraph (a):
 - “(a) the person is a detainee or an accused;”; and
 - (ii) renumber paragraphs (a) and (b) as paragraphs (b) and (c) respectively; and
- (b) in proposed section 50C, insert after subsection (1), the following new subsection:
 - “(1A) Notwithstanding subsection (1)(b), the Minister may by Order, exempt any person or categories of persons from being fingerprinted.”; and

- (c) in proposed section 50K, delete subsections (3), (6) and (7) and renumber accordingly.

Mr. Chairman, I beg to move that clause 9 be further amended as follows:

In the circulated draft, under 9B(b), which reads:

(1A) Notwithstanding subsection (1)(b), the Minister may by Order, exempt any person...

I want to insert after the word “person”, a comma and include “citizens of a particular country,” and will continue to read, “or categories of persons”. So it will read:

exempt any person, citizens of a particular country, or categories of persons—for the time being.

That is the first one; and the second one I beg to move, in respect of 50A, taking of fingerprint impression, just a little tidying up, where we insert (a), it should read:

(a) where the person is a detainee or an accused;

We delete “where” in the chapeau above, so it will read “without consent” and then:

(a) where the person is a detainee or an accused;

Mr. Chairman: You want to just read that for us again?

Mr. Ramlogan SC: You delete “where” in the chapeau; that is correct, and instead it becomes the first word in subsection (a). We then add the word “or” at the end of “(a)” and it would be “(i)” where a fingerprint is derived. So

(b) where—

- (i) a fingerprint impression is derived from a crime scene;
 and

instead of (c), (c) will become “(ii) there are reasonable grounds”, et cetera.

Those are the amendments I beg to move.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

10.45 a.m.

Clauses 10 and 11 ordered to stand part of the Bill.

Preamble approved.

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

House resumed.

Bill reported, with amendment.

Mr. Speaker: This Bill requires a special majority. Division, please.

Question put. That the Bill be now read a third time.

The House divided: Ayes 26 Noes 5

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Mc Leod, Hon. E.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Khan, Mrs. N.

Roberts, Hon. A

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

NOES

Mc Donald, Miss M.

Hypolite, N.

Mc Intosh, Mrs. P.

Browne, Dr. A.

Hospedales, Miss A.

Mr. J. Warner abstained.

Purchase of Certain Rights
(HCU) Bill, 2014
Sen. The Hon. L. Howai

2014.06.16

Question agreed to.

Bill accordingly read the third time and passed.

PURCHASE OF CERTAIN RIGHTS (HCU) BILL, 2014

[Second Day]

Order read for resuming adjourned debate on question [May 28, 2014]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: Hon. Members, those who have spoken, thus far, are: the hon. Minister of Finance and the Economy, the Member for St. Joseph, the Member for Tabaquite, the Member for Diego Martin North/East, the Member for Oropouche East and, of course, the hon. Minister of Finance—*[Interruption]*—hon. Members, when I am on my legs, can I have your complete attention?—and the Economy had begun his reply. He has 26 minutes of original speaking time left. The hon. Minister of Finance and the Economy. *[Desk thumping]*

Sen. The Hon. L. Howai: Thank you, Mr. Speaker. At the last occasion, we had indicated that it was this Government's intention to keep its commitment with respect to the honouring of the commitment which had been made to the depositors and shareholders of the Hindu Credit Union to ensure that the obligations were liquidated.

The structure that we are using is a structure that reflects similarity with what was previously done in the case of the Colonial Life Insurance Company. The process and the structure is that we would have paid—for those depositors who held less than \$75,000—the full amount in cash, and

for those who held more than \$75,000, we would pay up \$75,000 in cash with the remainder being placed into bonds.

The purpose of this Bill is to facilitate and to allow the Minister of Finance and the Economy to be able to issue these bonds which we expect will amount, in aggregate, to approximately \$400 million, and the payment will come from the Consolidated Fund. The purpose of the Bill, therefore, is to facilitate this payment.

Mr. Speaker, this matter has been outstanding for several years. Many of the individuals who have been affected have experienced very difficult circumstances over the period of time, and it really occurred because of a lapse in the overall regulatory system, which resulted in this particular credit union being able to exploit the loopholes and create a level of risk which crystalized into loss, and potential loss, for many of the depositors and shareholders.

The good news is that we are closing in on the completion of a new Bill to help to assist with the regulation of the credit union sector, and we expect that with the completion of that Bill and its laying in the House and the passage of the Act, that we would be in a position to more robustly and strongly regulate the credit union sector, and thereby prevent future events such as this in the future.

So, Mr. Speaker, while we are asking for additional funds and for the approval for the Minister of Finance and the Economy to be able to issue these bonds, we are also saying at the same that we are we putting mechanisms in place to reduce the possibility of an occurrence such as this at some time in the future.

We recognize the fact that the Credit Union Bill has, in fact, gone through many stages of consultations, and I expect that we will continue the consultative process prior to bringing it to this House, but we are fairly well advanced with that process and we will, certainly, ensure that we take into account the recommendations which have been made by the industry, the sector as a whole. But, we also recognize the fact that there is the need for strong regulation and, therefore, we may not always be able to accommodate all the requests which come from the sector but, as far as possible, we will seek to do so without diluting the capability of the regulators in future to prevent the kind of collapse that occurred in the past and, perhaps, which could happen on an even larger scale.

Mr. Speaker, this is part of an overall strengthening of the financial services sector and the regulatory framework for the sector, which we have been putting in place over the past few years, and which will create a much more robust financial services sector for the future, and create the conditions under which the sector can continue to be a significant contributor to the GDP of Trinidad and Tobago.

At the present time, Mr. Speaker, the financial services sector contributes approximately 14½ per cent of GPD. It is the second largest sector after the energy sector and, it is therefore, one that we have to pay particular attention to and we therefore have to be particularly concerned to ensure that the regulatory framework that we have in place will ensure that we do not have problems of the type that have been experienced previously.

11.00 a.m.

I would want to say also, Mr. Speaker, that at the time during the

course of the debate, a number of issues had been raised, particularly with respect to whether, in fact, related parties of directors and controllers of the company could have benefited from the payout. We gave the undertaking in no uncertain terms that that is not so, and will not be allowed to occur, but the issue was raised that perhaps it is best it be placed into the legislation.

In fact, I should add that we did not do a similar thing for Clico. What we had done in the case of Clico is that we had a memorandum of understanding similar to the one that we have now for the Hindu Credit Union, and by means of that arrangement we were seeking that we would ensure that related parties were not paid. We recognized, however, the concerns which had been raised by Members on the other side, and we appreciate the concern that had been expressed to ensure that persons who ought not to be paid will not be paid, and we have therefore, taken that into consideration, and we have made certain other amendments to the Bill which we have before us which expressly provides that these persons will be excluded from any of the payments that will be made.

So, Mr. Speaker, we have included in “related party” [*Crosstalk*]

“any person or entity who, on October 10, 2008 and at any time during the twelve months preceding...”—would have been a related party to—

a director of the”—board or Officer of the Hindu Credit Union.

And the director or officer who owned majority shareholding will have the same meaning as assigned under section 2 of the Financial Institutions Act. So we have used the Financial Institutions Act as the basis on which we are making the amendments to this piece of legislation. And we are also

including the nominee or legal personal representative of those persons who are excluded in addition to related parties.

So, some of the persons who will be excluded, Mr. Speaker, will include directors or officers of the HCU including the president, vice-president, secretary, assistance secretary, treasurer, assistant treasurer, chairman or member of the supervisory, credit loans, education or other committees of the HCU or other individuals designated as an officer by the Act or the by-laws or any other corporate document of the HCU.

So what we have sought to do—sorry?

Hon. Member: During what period?

Sen. The Hon. L. Howai: From the 12-month prior to October 10, 2008, which is the time at which the company was intervened.

So, Mr. Speaker, what we have sought to do here is to significantly extend, and we have also extended it to include son, daughter, brother, sister, mother, father, spouse or cohabitant as defined in the Cohabital Relationships Act, of a person who on October 10, 2008 or at any time in the preceding 12 months, would have been related to a director of the board or an officer of the HCU.

So what we have sought to do here, Mr. Speaker, is to broaden the definition of “related parties” and to explicitly provide that these persons will be excluded from those persons who are considered related parties, and who therefore, will be not allowed payments as part of the settlement arrangements which we are currently entering into with respect to the Hindu Credit Union.

So, Mr. Speaker, what we have done here, in light of the comments

made by the other side, and in order to ensure that there is a wide embrace of this particular piece of legislation and to ensure that, in fact, not only that justice is done, but it is seen to be done, and that only those who are entitled to benefit do so benefit from the payments that are being made, we have arranged for these specific exclusion clauses to be included in the Bill.

So, Mr. Speaker, I think we have done what needs to be done. This is a matter that has been outstanding for some time. I know many depositors, shareholders of HCU will look for the passage of this legislation and of course, in doing so, that of course, is only the first step, we then have to make the arrangements to pay and issue the bonds and to do so in some kind of a structured and orderly manner. So, we expect that we will be able to have this exercise completed shortly within the next few months, once the Bill receives the support of this honourable House, and we look forward to bringing this matter to a conclusion. So with these few short words, Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Let me advise how we are going to approach this particular matter having regard to the amendments before us. We will deal with the clauses that are before us in the original Bill. We will then deal with the new clauses. We will then go on to the Preamble, and finally the new certificate or the parliamentary certificate because the Government is changing it from an ordinary majority to a special majority. Okay.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed: That clause 2 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 2 be amended as circulated.

Insert in the appropriate alphabetical sequence, the following definitions:

“”Officer” has the meaning assigned to it under section 2 of the Co-operative Societies Act;

“related party” means any person or entity who, on October 10, 2008 and at any time during the twelve months immediately preceding October 10, 2008, was—

- (a) director of the board or Officer of the HCU;
- (b) a director or officer of any company in which the HCU owns or owned the majority shareholding, such officer having the meaning assigned under section 2 of the Financial Institutions Act, 2008;
- (c) the nominee or legal personal representative of persons referred in paragraphs (a) and (b) above;
- (d) under the control of a person who on October 10, 2008 or any time during the twelve months immediately preceding October 10, 2008, was a director of the board or an officer of the HCU, including the president, vice-president, secretary, assistant secretary,

treasurer, assistant treasurer, chairman or member of the supervisory, credit loans, education or other committees of the HCU or other individual designated as an Officer by the Act or the Bye-Laws or any other corporate document of the HCU;

- (e) under the control of a person who, on October 10, 2008 or at any time during the twelve months immediately preceding October 10, 2008, was a director of the Board or an officer of a company in which the HCU owns or owned the majority shareholding, such officer having the meaning assigned under section 2 of the Financial Institutions Act;
- (f) the son, daughter, brother, sister, mother, father, spouse or cohabitant (as defined by the Cohabitational Relationships Act, Chap. 45:55) of a person who, on October 10, 2008 or at any time during the twelve months immediately preceding October 10, 2008, was a director of the board or an Officer of the HCU;
- (g) the son, daughter, brother, sister, mother, father, spouse or cohabitant of a person who, on October 10, 2008 or at any time during the twelve months immediately preceding October 10, 2008, was a director of the Board or an officer of a company in which the HCU owns or owned the majority shareholding; or

- (h) a company in which the HCU owns or owned the majority shareholding;

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 3 be amended as circulated.

Delete the words “the shareholders and depositors of HCU” and substitute the words “a shareholder or depositor of HCU who is not a related party”.

Dr. Browne: Mr. Chairman—

Mr. Chairman: Yes.

Dr. Browne:—comparing to clause 3(d) with clause 3(g), I am seeking clarification on 3(g), whether or not this excludes the “son, daughter, brother, sister, mother, father, spouse” of—

Mr. Chairman: What are you referring to?

Dr. Browne: 3(g).

Mr. Chairman: In the amendments?

Dr. Browne: In the amendment.

Mr. Chairman: In the amendment.

Dr. Browne: Whether the amendment excludes the direct family members, son, daughter, brother, sister, father, mother of the members of supervisory, credit loans, education and other committees of the HCU? And if they are not excluded, why are they not excluded, if they were not excluded under

(d)?

Mr. Howai: Yes. They are excluded. Yeah.

Mr. Chairman: You have to put on your mike. Your mike is not on.

Mr. Howai: Yes. It is on.

Mr. Chairman: Okay. Any further clarification, Member for Diego Martin Central?

Dr. Browne: No, but the clause does not state that. Are they considered directors of board? We are on clause 3(d), Minister. You have spelt out both director of the board, officer of HCU including "...president, vice-president, secretary, assistant secretary...", et cetera, and then you went on to specify "or member of the supervisory, credit loans, education or the committees". That is not done in 3(g). That is what I am pointing you to.

11.15 p.m.

Mrs. Persad-Bissessar: Member, respectfully, I would want to say that (d) and (g) deals with two different categories of persons. So, whereas in (d) you are talking about "a person who on October 10"—12-month periods and onwards, the "director of the board...including the president, vice president, secretary, assistant secretary, treasurer, assistant treasurer, chairman or member of the supervisory, credit loans, education or other committees", so that is the one kind of category, and when you come to (g) we are talking about more persons who have a family relationship, a "son, daughter, brother, sister, mother, father", and, therefore, respectfully I would say it does not appear to be necessary to add the parts dealing

with “members of supervisory credit” and so on. But if you want to share what is your concern perhaps we can better answer you.

Dr. Browne: Thank you. Well, I thought I just did. Clearly there are two different categories in the two clauses. My question is one of policy. It is clear that the Government’s policy has changed based on the contributions on this side, and the question is, is the Government seeking to exclude the family members of members of those committee, including the credit loans, education and other committees of the HCU or not? I am just seeking to clarify that. The Minister just answered in the affirmative but now I am hearing something different.

Hon. Member: Does not officer include all of these things?

Miss Mc Donald: On the face of it I could understand what the Member is saying.

Mr. Howai: Yes.

Miss Mc Donald: On the face of it, it would look as if—as an attorney we would know probably it could be redundant, but on the face of it, it would seem as if in (g) you are excluding those members of the family or related to the supervisory credit loans, I do not think it would do any harm if you would include that part in (g). I do not think any harm would be done. I do not think you would be superfluous in other words if you have it

Mr. Howai: Because it is already in (d).

Miss Mc Donald: Yes, and why not; you could add it in (g)? Why not?

Mr. Howai: Because the officer already includes all those people.

Mrs. Persad-Bissessar: What may be required is to broaden the category of persons who would be excluded from benefitting. So that, one way of doing that, if it is that we decide to do that, is in (g) to say “any of the persons, the son, daughter, brother, sister, mother, father, spouse or cohabitant of those persons mentioned in (d)”, because (d) has a wider list of people. So, you are dealing with their children now or family relationships of persons mentioned in (d), that is what is happening. So, what is being asked is whether we should widen that to include the son, daughter, brother, sister, mother, father, spouse or cohabitant of these members of committees. I think that is where you are getting at.

So, can we stand down this, respectfully, Mr. Chairman, to give us a second, just to confirm the policy direction in that regard and we can move on in the interim?

Mr. Chairman: We had already passed that clause, eh. So, once we are going to consider it we will have to revisit clause 2, which has already been approved. So, if it is the intention of the House—[*Interruption*]—so, we shall continue and before we go on to new clause we will revisit that clause, rather. So, we are now on clause 3, and I think you had moved an amendment to clause 3, as circulated.

Dr. Moonilal: Yes. Mr. Chairman, I beg to move that clause 3 be

amended a circulated.

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

Clauses 4 to 8 ordered to stand part of the Bill.

Clause 2 recommitted.

Question again proposed: That clause 2 stand part of the Bill.

Mr. Chairman: Let us go back to clause 2.

Mrs. Persad-Bissessar: Mr. Chairman, I beg to move that clause 2 to be renumbered 3. Clause 2(g), be amended as follows—what we are trying to do, Mr. Chairman, so to make it easier for the writing, is to include parts of (d) into (g), so, please bear with us as we try to make that transition. So, we are speaking of in (g) to read as follows now:

“The son, daughter, bother, sister, mother, father, spouse or cohabitant of a person”—help me, eh—“who, at any time, on October 10, 2008, or any time during the 12 months immediately proceeding October 10, 2008, was—

(a) director of the board or an officer of a company in which the HCU owns or owned the majority shareholding,”—

and now we are inserting these words, Mr. Chairman, which comes from (d), (i), (ii), (iii), (iv), line (v) in (d), we are inserting these words:

“including the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, chairman or member of the supervisory, credit loans, education or other committees of the

HCU or other individual designated as an officer by the Act or the bye-laws or any other corporate document of the HCU.”

Dr. Browne: Prime Minister, if I may?

Mrs. Persad-Bissessar: Sure.

Dr. Browne: I would welcome that amendment but seek to insert that in (f) as opposed to (g). It fits better into (f) as opposed to (g); (g) referring to was director of the board or office of a company in which the HCU owns or owned the majority shareholding. In (f), specifically with respect to director of the board or officer of the HCU, so the amendment as just read is better inserted in (f) as opposed to (g).

Mrs. Persad-Bissessar: With due respect, better in what regard?

Dr. Browne: No, if you look at the difference between (f) and (g), (f) refers to “director of the board or an Officer of the HCU”; (g) refers to subsidiary companies. And the committees that we are seeking to include are not of the subsidiaries, they are of the HCU itself?

Mrs. Persad-Bissessar: Mr. Chairman, the Member may have a point but I respectfully beg to move that clause 2—CPC is suggesting that we should put it in both (f) and (g), so we want to amend (f).

Mr. Chairman: So, amend as circulated and be further amended in (f) and (g).

Mrs. Persad-Bissessar: Yes, by inserting the words “including” then we go right down to “HCU”.

Dr. Browne: That presents an additional difficulty, unfortunately, because what you would have now done in inserting that amendment in (g) and (f) as opposed to (f) alone, is that we would now be excluding the son, daughter and family members of members of the committees of those subsidiary companies. Whereas, the members of the committees of those subsidiary companies are not excluded themselves.

Mrs. Persad-Bissessar: But, they are.

Dr. Browne: No, they are not.

Mrs. Persad-Bissessar: “Members of the supervisory, credit loans, education and other committees”—

Dr. Browne: Of the HCU under (d)—

Mrs. Persad-Bissessar: Hm-mm.

Dr. Browne:—but not of the companies owned by HCU.

Mrs. Persad-Bissessar: Look, we need to stand this down, Mr. Chairman, so we can get the advice of the CPC. We are trying to ensure that people who may have been charged with wrongdoing do not benefit from what we are trying to pass, and given the comments I think we need a little more time, with due respect, so that we can consult with CPC to make sure that we are doing the right thing. So, is it possible, please, that we stand down the committee stage and proceed to some other matter whilst we consult with the CPC?

Mr. Chairman: Yes.

Dr. Rowley: As we are doing that, Mr. Chairman, something was crossing my mind. I am not a lawyer but I wonder if the lawyers can answer a question: there is this response—I am kind of familiar—if you legislate specifically identifying an individual to take action against that individual by way of legislation, I think they lawyers call it, ad hominem, is that what you call it? Does that apply in this situation when we specifically say that the beneficiaries would be “x” but we are excluding the chairman, we are excluding the secretary, we are excluding—and they, there might be allegations against them, I am not aware that anybody has been charged and found guilty and so on. How do we protect ourselves from an ad hominem response?

Mrs. Persad-Bissessar: Again, we would consult with the CPC, but if my memory serves me right, when this debate took place that was in fact one of the major objections by members on your side, hon. Leader of the Opposition, to ensure that these persons did not benefit.

Dr. Rowley: Bu how do you do it?

Mrs. Persad-Bissessar: We will consult with the CPC—

Dr. Rowley: I know what you want to do, I do not want wrongdoers to prosper—

Mrs. Persad-Bissessar: To benefit.

Dr. Rowley: —but in doing the legislation, the legislation must be able to stand the test, if it is challenged.

Mrs. Persad-Bissessar: Certainly. Indeed, opposition leader, this was in fact one of the arguments used in a case that was adjudicated upon very recently by the Court of Appeal, where the appellants were contending, look, this thing was designed just to get at us when the amendment was made to section 34, that the amendment was made because we wanted to deal with specific persons.

Dr. Rowley: But, they were not named.

Mrs. Persad-Bissessar: They were not named.

Dr. Rowley: “Aaah”, that is the difference.

Mrs. Persad-Bissessar: Well, I am making the point—I am agreeing with you that it is a point that can be taken where persons are specifically selected out, then the legislation was not generic, but it was specific—

Dr. Rowley: There is a Privy Council ruling on this matter which sets the benchmark about specifying and identifying and [*Inaudible*] the legislation that individuals—so I think you should be able to check that to make sure that because we want to keep certain individuals out we do not do it.

Mrs. Persad-Bissessar: And, in fact, we are saying that into the *Hansard* record, that we are trying to keep people out, which again, may be used against us.

11.30 a.m.

Dr. Rowley: The policy is that we do not want persons who created the problems to benefit from the bailout. That is not a secret.

Mrs. Persad-Bissessar SC: The CPC is advising that we are talking about “a class of persons” rather than “a person”. But again we will look at it further as we stand it down.

Dr. Rowley: The chairman is a person, eh. What you are saying, the chairman of HCU, that is not a class of persons. [*Crosstalk*]

Mrs. Persad-Bissessar SC: Then we may not say, “Chairman”, we may say, “directors”.

Dr. Rowley: These are identifiable individuals.

Mrs. Persad-Bissessar SC: Let us look at that. We will take a look at it, Member for Diego Martin West.

Mr. Chairman: We just want to write something for the hon. Minister of Finance and the Economy. So just give us a few seconds—[*Interruption*]

Mrs. Persad-Bissessar SC: Sure.

Mr. Chairman:—because when we report to the House you will have to report—when I return to the Chair rather, you will have to report to the House—progress.

Mr. Howai: Okay. Thanks.

Hon. Member: Are we coming back today?

Mr. Chairman: We are coming back today, yeah, today. You all coming back today?

Mrs. Persad-Bissessar SC: Yes.

Mr. Chairman: Good.

Mr. Chairman: Hon. Members, the question is that progress on the Bill be now reported to the House.

Question put and agreed to: That progress on the Bill be reported to

the House.

House resumed.

Hon. L. Howai: Mr. Speaker, I wish to report that clauses 3, 4, 5, 6, 7 and 8 were considered in committee. I beg to move that the Bill be again considered later in the proceedings.

Question put and agreed to.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2014

[Third Day]

Order read for resuming adjourned debate on question [March 21, 2014]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: Before I call on the hon. Minister of Transport, let me bring the House up to date. Those who have spoken thus far on Wednesday, March 21: the Member for Chaguanas East, mover of the Bill; the Member for Diego Martin North/East; the Member for Oropouche West; the Member for St. Joseph; the Member for Tabaquite.

This debate continued on April 11. Those who have spoken then would have been: The Member for Tabaquite, he continued; the Member for Port of Spain South; the Member for St. Ann's East; the Member for Arouca/Maloney; the Member for Chaguanas West and the hon. Minister of Transport was on his legs. The hon. Minister of Transport and Member for Chaguanas East has 13 minutes, one-third of original speaking time remaining. The hon. Minister of Transport. [*Desk thumping*]

Hon. S. Cadiz: [*Desk thumping*] Thank you, Mr. Speaker. Mr. Speaker, just to refresh the memory of this House as to what has transpired to date

with this Bill, there were issues of procurement, and of course we spoke about that and obviously nothing has been procured even though Members on the other side insisted that procurement had been done, that is not so. We spoke about safety on the roads, what this Government has done since coming into office in May 2010, and the reduction in the fatalities even though the fatality rate is still not at a level that is in any way acceptable. But we see a definite reduction, and we continue to work with the various agencies to ensure that we would get it done to where we actually run below 100. That is the mark we will be looking at in the first instance.

The Opposition quoted a number of case laws, of course, cherry-picking case laws from around the world which really and truly, even though they actually spoke to the issues of the electronic speed devices and some of the problems with it, we were able to debunk all of that.

We spoke about the calibration and certification of the equipment. Again, with the other side not listening to the presentation, they made certain statements that really and truly were not applicable in this case. And again, we went through that in detail and debunked many of those issues. For instance, the issue of the photograph, the issue of not using the devices in the night, the Member for St. Joseph made those statements which really and truly he, you know, they normally quote from newspapers rather than listening to fact. And therefore they come to this House sometimes not well prepared at all. But all of those were done.

So here it is, Mr. Speaker, we come today and in winding up we have this amendment before us, and as usual, this responsible Government listens, and those on the opposite side had made a number of suggestions and

recommendations and we took those in consideration, and here it is that we are back here now to complete this debate.

We have circulated, Mr. Speaker, amendments to the Motor Vehicles and Road Traffic (Amdt.) Bill, 2014, and just to go through—there are three amendments really. The first amendment being the issue of a three-fifths majority. Even though we do not believe that we actually need a three-fifths majority, we took into consideration the remarks made by the other side and we have asked that we pass this Bill with a three-fifths majority which would alleviate any real issues of constitutional motions later down.

The issue of the photograph under subsection (6E)(b), we are asking—to insert after the words, “vehicle a printout”, we insert the words, “with a photograph of the vehicle identifying the registration plate”. Again that was an issue brought up by the Opposition, and even though we countered that, saying that the devices actually produced a photograph, we will have it in the Bill where a photograph when you are detected by a device, a photograph will be produced. [*Crosstalk*]

Mr. Imbert: Wrap up, wrap up.

Mr. Speaker: Please, please, please, allow the Member to speak.

Hon. S. Cadiz: Thank you, Mr. Speaker. And then the other issue in (6I), we want to remove the words after “speed measuring device”, remove the words “or in the manner in which it was operated shall not be required unless evidence that the instrument was not in a satisfactory condition or was not properly operated has been adduced”. And we want to substitute those words with “shall not be required unless evidence that the instrument was not in a satisfactory condition has been adduced.”

So, Mr. Speaker, here it is that we finally, after many, many years, that this Government has brought this amendment which will allow for the electronic speed detection for motorist speeding, and really and truly will go a very, very, long way to reducing the road fatalities on our highways and other roads, and of course, bring more semblance of proper management to the road system. So, 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.

11.45a.m.

Mr. Chairman: Let us me advise in terms of the approach that we shall be taking in this matter. We are going to look at the clauses in the Bill before us, then we will then deal with new clauses, Preamble thereafter, and Certificate. That is the sequencing that we will be adopting.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Dr. Moonilal: Mr. Speaker, I beg to move that clause 3 be amended as circulated.

A. In the proposed subsection (6E)(b), insert after the words “vehicle a printout” the words “with a photograph of the vehicle identifying the registration plate”.

B. In the proposed subsection (6I), delete after the words “speed measuring device” the words “or the manner in which it was operated shall not be required unless evidence that the instrument was not in a satisfactory condition or was not properly operated has been adduced” and substitute the words “shall not be required unless evidence that the instrument was not in a satisfactory condition has been adduced”.

Mr. Imbert: Mr. Chairman, could I ask the Minister a question? In this amendment you are removing the reference to the manner of operation of the device, but you are leaving in the reference to the condition of the device. Now, there is no third-party verification of the calibration of these speed measuring devices in this Bill—no third-party verification. What is happening is that the police officer self-calibrates the device, but there is no independent calibration. So could the Minister tell us why you are not going for third-party calibration? Because what this amendment is doing, is saying that the burden of proof is on the accused to show that the device was not working properly. Why are you doing this? I just want to clear this up.

Mr. Cadiz: The issue of the calibration and certification will be in the regulations where there will be an approved laboratory that will be doing the certification and calibration.

Mr. Imbert: So you are putting it in regulations.

Mr. Cadiz: It will be in the regulations depending on—because of the type of device, only certain laboratories would be in a position to do the certification and calibration.

Mr. Imbert: Right.

Mr. Cadiz: And then depending also on the devices that are purchased, the manufacturer would have a recommending procedure and also the recommending period under which the devices should be recalibrated.

Mr. Imbert: No problem. So you are saying that in regulations to come, there will be a requirement, a provision, that these devices will be calibrated by an independent laboratory. That is what you are saying.

Mr. Cadiz: Yes.

Mr. Imbert: You are giving this House that assurance.

Mr. Cadiz: Most definitely, yes.

Mr. Imbert: All right. Mr. Chairman, I do not want to hold up this legislation. Even though I have concerns about this clause, I think this legislation is too important, and on that basis, based on the assurance the Minister has just given, we would go along with this amendment.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 and 5 ordered to stand part of the Bill.

New clause 2.

Dr. Moonilal: A. Insert after clause 1, the following new clause 2:

“Act
inconsistent
with the
Constitution

2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

B. Renumber clauses 2 to 5 as clauses 3 to 6, respectively.

New clause 2 read the first time.

Question proposed: That the new clause be read a second time.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and agreed to.

New clause 2 added to the Bill.

Preamble.

Question proposed: That the Preamble be added to the Bill.

Dr. Moonilal: A. Insert after the long title the following Preamble:

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

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

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

Question put and agreed to.

Preamble added to the Bill.

Mr. Chairman: Hon. Members, as a result of the addition of a Preamble to the Bill, it will be necessary to insert the requisite certificate to the Bill in accordance with section 8 of the Statutes Act, Chap. 3:02.

New Parliamentary Certificate.

Mr. Chairman:

New Parliamentary
Certificate

Delete the Parliamentary Certificate at the end of the Bill and substitute the following new Parliamentary Certificate:

“Passed in the House of Representatives this day
of , 2014.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of _____members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,2014.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of _____ members of the Senate.

Clerk of the Senate

I confirm the above.

President of the Senate”.

New parliamentary certificate read the first time.

Question proposed: That the new parliamentary certificate be read a second time.

Question put and agreed to.

Question proposed: That the new parliamentary certificate be added to the Bill.

Question put and agreed to.

New parliamentary certificate added to the Bill.

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

the House.

House resumed.

Bill reported, with amendments.

Question put: That the Bill be now read a third time.

Mr. Chairman: Because this Bill requires a special majority, a division is needed.

The House voted: Ayes 34

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Khan, Mrs. N.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

Mc Donald, Miss M.

Imbert, C.

Hypolite, N.

Mc Intosh, Mrs. P.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Hospedales, Miss A.

Question agreed to.

Bill accordingly read the third time and passed.

**LAND TENANTS (SECURITY OF TENURE) (AMDT.) BILL,
2014**

[Second Day]

Order read for resuming adjourned debate on question [May 09, 2014]:

That the Bill be now read a second time

Question again proposed.

Mr. Speaker: Those Members who have spoken thus far on Friday May

09: the hon. Minister of Housing and Urban Development; the Member for Port of Spain South. On the last occasion, the hon. Minister of Housing and Urban Development had begun his reply and he has 32 minutes of original speaking time remaining.

The hon. Minister of Housing and Urban Development. [*Desk thumping*]

Hon. Dr. R. Moonilal): Thank you very much. Mr. Speaker, just to remind colleagues opposite, this amendment Bill presents to us a validation clause that reads:

“The service of a written notice of renewal of a statutory lease on the State as landlord under section 4(3A) of the Act during the period commencing 30th November, 2010 and ending on 1st June, 2011 is hereby validated and deemed to have been lawfully done.”

Mr. Speaker, the effect of this is clearly to validate those persons who have served on the State. I thank Members of the Opposition for their support on this matter and, Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

12.00 noon

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 6 ordered to stand part of the Bill.

Preamble approved.

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

House resumed.

Land Tenants (Security of Tenure)
(Amdt.) Bill, 2014
House in Committee

2014.06.16

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Mr. Speaker: This Bill requires a special majority. Division, please.

The House voted: Ayes 35

Ayes

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Khan, Mrs. N.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Land Tenants (Security of Tenure)
(Amdt.) Bill, 2014
House in Committee

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G

Mc Donald, Miss M.

Hypolite, N.

Mc Intosh, Mrs. P.

Imbert, C.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Hospedales, Miss A.

Warner, J.

Question agreed to.

Bill accordingly read the third time and passed. [Desk thumping]

PURCHASE OF CERTAIN RIGHTS (HCU) BILL, 2014

Mr. Speaker: The hon. Minister of Finance will have to move that House resolve itself into committee.

Committee resumed.

Clause 2 recommitted.

Question again proposed: That clause 2 stand part of the Bill.

Mr. Howai: Mr. Speaker, I beg to move that clause 2(f) be amended to include the words after “HCU”:

“including the president, vice president, secretary, assistant secretary, treasurer, assistant treasurer, chairman or member of the supervisory, credit loans, education or other committees of the HCU or other individual designated as an Officer by the Act or the Bye-Laws or any other corporate document of the HCU;”.

So that will amend 2(f).

Mr. Imbert: There is no 2(f) in the Bill.

Mr. Howai: Well, it will now be—well, I suppose it goes to 3 now.

Mr. Imbert: There is no 2(f) in the Bill.

Mrs. Persad-Bissessar SC: It will be numbered after.

Mr. Howai: It will be numbered after.

Mr. Imbert: But which clause are you amending here?

Dr. Moonilal: In the amendments. In the list of amendments.

Mr. Imbert: Yes, but we are dealing with the Bill. Which clause are you amending in the Bill?

Hon. Member: Clause 3.

Mr. Imbert: You are amending clause 3.

Mr. Chairman: In the Bill it is clause 2.

Mr. Imbert: No, he is saying 3.

Mr. Howai: No, 2.

Mr. Imbert: You are amending clause 2?

Mr. Howai: 2(f).

Mr. Imbert: In the Bill?

Mr. Howai: Yeah.

Mr. Imbert: There is no 2(f) in the Bill. (f) is on the list of amendments,

but it is not in the Bill. So what are you amending in the Bill?

Mr. Howai: Further amending the amendments.

Mr. Imbert: I understand that, but my question—*[Interruption]*

Mr. Roberts: You want to know what was the original amendment to what clause.

Mr. Imbert: What clause are you amending?

Mr. Roberts: In the original amendment, what clause?

Mr. Imbert: You are amending clause 2 and now you are amending the amendment to clause 2?

Mr. Howai: That is right.

Mr. Imbert: Okay. All right, all right. *[Crosstalk]*

Mr. Chairman: Do you want to read the amendment to (g) now?

Mr. Howai: Yeah. And the amendment to (g), after “shareholding” would read:

“such officer having the meaning assigned under section 2 of the
Financial Institutions Act, 2008...”

And this brings it in line with subclauses (b) and (e) of the section.

Mr. Imbert: That is another amendment again.

Mr. Howai: Yes, that is an amendment to the amendment.

Mr. Imbert: That was not circulated, right?

Mr. Chairman: No.

Mr. Howai: No. I am now reading it out.

Mr. Imbert: Could you just repeat that, please?

Mr. Howai: So (g) would read after “shareholding”—*[Interruption]*

Mr. Chairman: Are you seeing (g), Member?

Mr. Imbert: Where?

Mr. Chairman: On page 3 of the amendment.

Mr. Imbert: Okay, go ahead.

Mr. Chairman: On the list of amendments, page 3. That is the one that starts with “the son, daughter”. Continue, please.

Mr. Howai: So in (g), after “shareholding” we are saying:

“such officer having the meaning assigned under section 2 of the
Financial Institutions Act, 2008”

And that is consistent with (b) and (e) of that same clause 2.

Mr. Imbert: If you are making that change there, would you not have to do it in (f) as well?

Mr. Howai: No.

Mr. Imbert: How come?

Mr. Howai: (f) is HCU itself.

Mr. Imbert: Oh, HCU itself?

Mrs. Persad-Bissessar SC: Hon. Member, I am sorry you were not here earlier when we had the discussions with your colleague—*[Interruption]*

Mr. Imbert: This one here? *[Member pointing to the Member for St. Joseph]*

Mrs. Persad-Bissessar SC: No, Member for Diego Martin Central, Dr. Browne. So, some of these changes we stood it down because of—*[Interruption]*

Mr. Imbert: No problem.

Mrs. Persad-Bissessar SC:—the concerns raised.

Mr. Imbert: So you are saying that (f) deals with officers of the HCU and

(g) deals with officers of companies owned—[*Interruption*]

Mr. Howai: Of companies other than.

Mr. Imbert:—by HCU.

Mr. Howai: Yeah, not HCU itself.

Mr. Imbert: And you need to define the word “officer” in (g) but not in (f)? You have just defined the word “officer” in (g), why do you not define it in (f) to O?

Mr. Howai: Define it in (f).

Mr. Imbert: Yes. Why are you selectively pulling out (g)?

Mr. Howai: We are just making it consistent with (b) and (e).

Mr. Imbert: But if you are defining the word “officer” in (g), why do you not define it in—[*Interruption*] Why not do it right through?

Mr. McIntyre SC: Because you have officer in it defined. So (f) will be consistent with it, but (g) will be consistent with (b) and (e).

Mr. Howai: In a sense, what he is saying is why not define “Officer” throughout.

Mr. Imbert: But is it not the primary definition, the meaning assigned to it under section 2 of the Co-operative Societies Act. You are using that as your point of departure?

Mr. Howai: Yeah. So “Officer” has the meaning assigned to it under section 2.

Mr. Imbert: Under the Co-operative Societies Act?

Mr. Howai: Yes.

Mr. Imbert: So why you did not just say that right through.

Mr. McIntyre SC: It has a definition, but we are extending the meaning of

“officer” by adding in these words.

Mr. Imbert: All right, could you just read the clause again.

Mr. Howai: This is (g)?

Mr. Imbert: Yes, (g).

Mr. Howai: So we saying after “shareholding”:

“such officer having the meaning assigned under section 2 of the
Financial Institutions Act, 2008;”

Mr. Imbert: Okay, not the Co-operative Societies Act?

12.15 p.m.

Mrs. Persad-Bissessar SC: CPC suggests that it is an exception and not an extension.

Mr. Imbert: Right, yeah. So it is not the meaning assigned under the cooperative societies, it is the meaning assigned under financial institutions.

Mr. McIntyre SC: Yes.

Mr. Imbert: All right. Okay. It is not because those companies would not be co-operative societies as a result?

Mr. Howai: That is right. They would not be co-operative societies, yeah.

Mr. Imbert: All right, okay, I understand.

Mr. Chairman: I am going to put the question now, eh. The question is that clause 2 be amended as circulated and further amended as stated in (f) and (g).

Mr. Imbert: Mr. Chairman, before we move off this clause, my colleague here has a question which I will ask for him. By listing—*[Interruption]*

Mrs. Persad-Bissessar SC: He cannot speak?

Mr. Imbert: “Yeah, he fraid”. [*Laughter*] By listing “son, daughter, brother, sister, mother, father, spouse, co-habitant” do we run the risk—and I am really asking the CPC—of this being ad hominem legislation?

Mrs. Persad-Bissessar SC: The Member for Diego Martin West—the substantive Member for Diego Martin West, in your absence, raised that matter—[*Interruption*]

Mr. Imbert: He is raising it now.

Mrs. Persad-Bissessar SC: No, he is not the substantive Member for Diego Martin West.

Mr. Imbert: But he is raising it through me.

Mrs. Persad-Bissessar SC: And CPC has advised that we can proceed as a class of persons rather than naming John Brown or Mary Henry as the case maybe.

Mr. Imbert: So it will get around it because it is a group.

Mr. McIntyre SC: Yes.

Mr. Deyalsingh: It is a group, a class.

Mrs. Persad-Bissessar SC: It is a class, yeah.

Mr. Deyalsingh: I just want to make sure. Thank you.

Mrs. Persad-Bissessar SC: I do not understand why you are saying the Member is afraid to speak in this honourable Chamber.

Mr. Imbert: He over-speaks, actually. [*Laughter*] You see, Prime Minister, the way you just attempted to “boof” me, he cannot handle that.

Question put and agreed to.

Clause 2, as amended, again ordered to stand part of the Bill.

Mr. Chairman: There is an amendment to clause 3.

Clause 3 recommitted.

Question again proposed: That clause 3 stand part of the Bill.

Mr. Chairman: We still have an amendment to clause 3. Let the Minister of Finance and the Economy explain because this has not been circulated to all Members, so he will have to read it and explain.

Mr. Howai: Mr. Chairman, I ask for clause 3 to be amended as circulated and further amended to read as follows:

The Minister may make payments in any form whatsoever including the issue of bonds for the purpose of purchasing the rights, benefits, titles, estates or interests belonging to a shareholder or depositor of HCU who is not a related party.

Question put and agreed to.

Clause 3, as amended, again ordered to stand part of the Bill.

New clause 2.

Mr. Chairman: A. Insert after clause 1, the following new clause 2:

“Act inconsistent with the Constitution	2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
---	---

New clause 2 read the first time.

Question proposed: That the new clause 2 be read a second time.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and agreed to.

New clause 2 added to the Bill.

Preamble approved.

Purchase of Certain Rights
(HCU) Bill, 2014
House in Committee

2014.06.16

Mr. Chairman: Hon. Members, because the certificate is being added, as a result of the addition of a preamble to the Bill, it will be necessary to insert the requisite certificate to the Bill in accordance with section 8 of the Statute Act, Chap. 3:01.

New parliamentary certificate.

Mr. Chairman:

New
Parliamentary
Certificate

Delete the Parliamentary Certificate at the end of the Bill and substitute the following new Parliamentary Certificate:

“Passed in the House of Representatives this day of _____, 2014.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all members of the House, that is to say by the votes of _____ members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this _____ day of _____, 2014.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one

UNREVISED

the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the Members of the Senate, that is to say by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate.

New parliamentary certificate read the first time.

Question proposed: That the new parliamentary certificate be read a second time.

Question put and agreed to.

Question proposed: That the new parliamentary certificate be added to the Bill.

Question put and agreed to.

New parliamentary certificate added to the Bill.

Preamble recommitted.

Question again proposed: That the Preamble be approved.

Mrs. Persad-Bissessar SC: The Preamble be amended as circulated, please:

A. Insert the following recitals at the beginning of the Preamble:

Preamble Whereas it is enacted by section 13(1) of the Constitution of the Republic of Trinidad and Tobago (“the Constitution) that an Act of Parliament to which that section applies may expressly declare that it shall

have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly;

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

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

- A. In the fourth recital as amended -
- (a) delete the word “called” and substitute the words “referred to”; and
 - (b) insert before the words “the Act”, the words “hereinafter referred to as”.
- B. In the final recital, insert the word “HCU”, the words “who are not related parties”.

Question put and agreed to.

Preamble again approved.

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

House resumed.

Bill reported, with amendment.

Question put: That the Bill be now read a third time.

Mr. Speaker: Clerk.

The House voted: Ayes 35

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Mrs. Seepersad-Bachan: Mr. Speaker, I would just like to place on record, before I vote for this Bill, that I was a director of a subsidiary of HCU during the period 2002 for a couple of months, and that I do have shares in the Hindu Credit Union. And on that basis—but in the interest of the public, I vote for this Bill and I say yes.

Division continued.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Khan, Mrs. N.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

Douglas, Hon. Dr. L.

Mc Donald, Miss M.

Hypolite, N.

Mc Intosh, Mrs. P.

Imbert, C.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Hospedales, Miss A.

Warner, J.

Question agreed to.

Bill accordingly read the third time and passed.

Mr. Speaker: This is a good time for us to suspend for lunch and we shall resume at 2.00 p.m. This sitting is now suspended until 2.00 p.m.

12.28 p.m.: *Sitting suspended.*

2.00p.m.: *Sitting resumed.*

MISCELLANEOUS PROVISIONS (PRISONS) BILL, 2014

[Second Day]

Order read for resuming adjourned debate on question [June 13, 2014]

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: Who will speak on the Opposition Bench? It is your turn. The hon. Member for St. Joseph, are you speaking?

Mr. Terrence Deyalsingh (*St. Joseph*): Thank you, Mr. Speaker. It is an absolute pleasure to take part in this debate, the Miscellaneous Provisions (Prisons) Bill, 2014.

Mr. Speaker, we are here to amend three pieces of legislation, the Prisons Act, Chap. 13:01; the Criminal Offences Act, Chap. 11:01 and the Mental Health Act, Chap. 28:02.

Mr. Speaker, when the hon. Minister piloted his Bill on Friday last, he piloted it in such a way as to leave some questions unanswered and we are hoping, on this side, when other Members speak and the hon. Minister comes back to wrap up, that some of these issues will be clarified. So we are creating the new posts and when one looks at the amendments, one of the questions we have on this side is: how are these new positions, inspector, how are they going to be dovetailing with the current position of Commissioner of Prisons? The inspector has overall responsibility for inspections. We are going to have a new tribunal and one of the questions we would like answered is: what are the exact details as to the relationship between this new office of inspector and the existing office of Commissioner of Prisons?

We were also told that the new prison rules, which are not yet ready,

Mr. T. Deyalsingh

will only be ready when this amendment comes into force so that the Act is actually enacted. We await eagerly for those new prison rules to be tabled so we can have a look at it.

Another question, which was left unanswered by the hon. Minister in piloting, was the issue of Carrera. I remember a former Minister of Justice under this administration, under this very administration, it could have been the second of the third of four Ministers of Justice we have had. I think it was the second Minister of Justice? What is her name? Whatever her name was, you all have changed so many. That Minister of Justice spoke about the closing down of Carrera.

Dr. Browne: Christlyn Moore or something.

Mr. T. Deyalsingh: Sen. Moore, correct. I forgot her name. Minister Moore spoke at length about the closing down of Carrera and on Friday, we hear now from the Minister words dropping from his lips about Carrera and the existence of Carrera. So I am hoping, Mr. Speaker, that when someone gets up to speak, we hear something definite about the fate of Carrera, what is going on there.

Mr. Speaker, this new Bill seeks to establish a tribunal under section 26. Tribunals the world over have been the subject of much debate, much legislation. Unfortunately, I have had the experience with one of my constituents from Bamboo No. 1 who had a matter dismissed by the NIB tribunal for very frivolous reasons and I am not going to go into the NIB. This is not for that but what I want to bring to the attention of the national public is the overall management of the tribunal system. Our tribunal system in Trinidad, whether it is the NIB or the prisons, they need to be looked at, because it is unfortunate that citizens like my constituent from

Mr. T. Deyalsingh

Bamboo No. 1, who, having paid his contributions to the NIS, cannot get justice before the NIB tribunal. So I have to write now to Mr. Adrian Bharath and the Minister of Finance and the Economy to get some justice for him. I am just bringing that into this debate hoping that the prisons tribunal does not fall into that same category of tribunals which do not really do justice to those coming before them.

Mr. Speaker, clause 11 speaks about the establishing of a body corporate under the inspector of prisons. I would like and we on this side would like to hear a little more from whoever speaks again or from the Minister, exactly how this body corporate is going to be structured and how it is going to be run, so that we could have some comfort that this new office that we are creating will really be doing justice to the prison service.

I was heartened, quite heartened, to hear the hon. Minister in piloting, where he quoted the Chief Justice, quoted the Law Association and actually read out what those two bodies think about these new amendments, because we have had in the recent past, from section 34 come forward, where these bodies, like the DPP's Office, the Chief Justice, the Law Association, they have been brought into the political fray only to learn after they were never consulted. So I am glad to hear that the Chief Justice has given his blessings. I am glad to hear that the Law Association has given its blessings.

Mr. Speaker, this debate, we think, today is going to be a fairly short debate and the last point I want to make is a very important point and that has to do with what the hon. Minister, in piloting, ended up actually doing a vote of thanks where he thanked various bodies, and I am glad to see him break ranks. I was glad to see him break ranks with those who hold the public service to ridicule. I am glad to see him break ranks with those who

Mr. T. Deyalsingh

say the public service is the one stymieing the Government in carrying out their mandate.

I was glad to see him break ranks with those who call the public service two generations of PNM plants because he actually complimented the public service for their work ethic, which is very strange coming from the Government, because those aligned to the Government have maligned the public service to no end in recent times. So I am glad to see the Minister break ranks.

Mr. Speaker, with those very few words, I thank you.

The Minister of Land and Marine Resources (Hon. Jairam Seemungal):

Thank you, Mr. Speaker, for allowing me the opportunity to take part in this debate and to support my colleague, the Minister of Justice, on this very important Bill, which seeks to amend the Prisons Act, Chap. 30:01; the Criminal Offences Act, Chap. 11:01 and the Mental Health Act, Chap. 28:02.

Mr. Speaker, the last speaker asked one or two questions, which I hope to address during the course of this debate. Mr. Speaker, this piece of legislation, the Bill before us, is no different from what occurs in the United Kingdom and no different from what occurs in South Africa. These are two jurisdictions in which the drafters of this piece of legislation seek guidance, in terms of coming up with this piece of legislation. As a matter of fact, Mr. Speaker, the South Africa legislation went back to 1998. That is when the inspectorate of prisons was appointed in South Africa.

Mr. Speaker, I just want to quote from a document, which is the *Review of the Judicial Inspectorate of Prisons of South Africa* and it was written by Saras Jagwanth. It says that the:

“Independent prison inspectorates and the oversight of prisons by laymen are designed to contribute towards improving prison conditions and protecting the human rights of prisoners. The South African model, the Judicial Inspectorate of Prisons, is no exception, and forms part of an array of independent institutions set up to bolster and support democracy and human rights.”

Mr. Speaker, the United Kingdom has a very similar piece of legislation, and by way of their amendments which they appointed the inspectorate of prison and this inspectorate of prison has performed in very much the same way that our inspectorate of prison is expected to perform as we go forward.

With the change in society and the change in the amount and the management of prison, it is very a dynamic one and an ever-changing one in society, and as a growing country, one in which the prison system plays a very important role in our democracy, it is also necessary to change the way in which it is managed and look to review the process and systems in which this institution is managed as well.

Mr. Speaker, currently there is an inspector of prisons and this individual is left with the task of reviewing the entire prison system, and in reviewing the prison system he is limited to the review of the prisons and his role is really limited to inspecting the prison itself, inspecting how the prisoners behave and the condition in which the prisoners are subjected to, with respect to the prisons. But outside of that, he really has no jurisdiction. He cannot even appoint persons to assist him and then draft his report based on the appointment of these individuals that he would have appointed to assist him. This limited responsibility, this limited role affects how we can

manage our prison system as we move forward. So, in other words he is really sitting in an institution in which he really cannot perform in the way in which he would like to and develop reports in a meaningful way that can assist the Government in assisting to manage and review the prison system as we move forward.

2.15p.m.

Mr. Speaker, by way of the amendments, this Bill seeks to amend many of the fines, penalties and terms of years in which persons are affected by various parts of the legislation. It is really one in which to assist in a deterrent to many of the small crimes that would affect individuals who may want to engage themselves in these illegal activities.

Mr. Speaker, by virtue of clause 11 of the Bill, it sets up the body corporate, and my friend from St. Joseph seeks clarification as to how this body corporate is set up, and how it shall function. Mr. Speaker, by way of clause 11, under section 19:

“There is hereby established a body corporate to be known as ‘the Trinidad and Tobago Inspectorate of Prisons’...”

Mr. Speaker by section 20, it states that:

“The Inspectorate shall be managed by the Chief Inspector of Prisons who shall be appointed...”

And under subsection (2):

“There shall be a Deputy Chief Inspector of Prisons...”

Mr. Speaker, these are the two individuals who would head the inspectorate of prisons and, Mr. Speaker, their term—they will be employed on a full-time basis; their sole responsibility and duties would fall within the ambit of

the inspectorate of prisons; their terms of years will not exceed three years. Three years at a time, they will be appointed or reappointed based again, on their performance and the performance criteria that would be laid out by subsequent review.

Mr. Speaker, what is interesting is that:

“the Chief Inspector of Prisons, may from time to time...appoint—

“—persons and this is by way of section 21—

“one or more persons with legal, medical or...training...”

Mr. Speaker—this a training that would assist him in his functions, and in his duties. These are technical persons that under the current system, the Inspector of Prisons is limited by way of their appointment or seeking advice from these types of individuals. But under the inspectorate, they, from time to time can employ or seek assistance from these technical persons, who will then lend advice, which can be incorporated into the final report to be laid in the Parliament.

So, Mr. Speaker, the inspectorate will also have the responsibility of employing any other staff that will allow them to better manage and operate more efficiently and effectively within the system. Mr. Speaker, the function of the Inspectorate is set out in section 22. The function of the inspectorate is not limited only to the prison facility but, Mr. Speaker, by virtue of section 22(a), and I want to read into the *Hansard*, the powers and function, the function actually of the Inspectorate. By virtue of section 22:

“The functions of the Inspectorate are to—

(a) inspect –

(i) prisons;

- (ii) Industrial Institutions;
- (iii) any area in a police station or a court building where a person is detained; or
- (iv) any other place where a person is detained, and to report to the Minister on the findings of those inspections;”

So, Mr. Speaker, this is a broader cadre of places where the inspectorate will be responsible for reviewing and inspecting. Inspecting, Mr. Speaker, with respect to the conditions under which these inmates or prisoners are kept. Inspecting the conditions of the prison cell, of the Magistrates’ Court cell, of the High Court cell, of the prison van, Mr. Speaker. You have heard on numerous occasions the complaints about transportation of prisoners in the van, and the vehicles that take them to and from the courthouse. This inspector now has the power to inspect the prison van, and report to the Minister on the findings of these facilities.

Mr. Speaker, they will also have the responsibility under subsection (b) of section 22:

“(b) investigate and report to the Minister on –

- (i) the treatment of prisoners and young offenders;”

They will also have the responsibility to investigate and report again to the Minister by:

- “(ii) programmes, facilities, services and opportunities available to promote the rehabilitation of prisoners and young offenders and the accessibility of these programmes, facilities, services and opportunities to

prisoners and young offenders;”

Mr. Speaker, so in essence, in section 22, it allows the inspectorate to have a wider cadre, a wider mandate of inspection of these prison facilities, and also the programmes which these prisoners will now be subjected to, Mr. Speaker. Because it is important to always remember, that persons who are held by the police system and are brought before the court, are presumed to be innocent until such time their cases are deliberated upon.

So, Mr. Speaker, the amendments also seeks to amend many of the sections within the Prison Act with respect to the fines. This Act, the Prisons Act itself was amended, I think, some—the last time any amendment was done with respect to the fines was about 40 years ago, by virtue of Act 28 of 1974. And just to write into the *Hansard*, that the Prisons Act first came into being by Act 27 of 1900. So it is a very old piece of legislation, but it is a very effective piece of legislation, and we need to keep improving on the legislation with respect to prisoners and their well-being.

Mr. Speaker, with respect to the amendment by way of section 9 with respect to Carrera, and Carrera for all the purposes and intents is still a prison in which prisoners are held. And for persons who are coming within the precincts, the vicinity of Carrera, the fines have now been increased from:

“...‘two hundred dollars or imprisonment for three months’...
to...‘five thousand dollars \$5,000 and to imprisonment for nine
months’;”

Mr. Speaker, this is intended again, to be a deterrent to persons who are

thinking about, and who are contemplating that Carrera may be a target for persons to pull up with a boat, and seek to bring persons out of that facility. So it is intended to keep people away from the vicinity of the prison in Carrera, Mr. Speaker.

Mr. Speaker, the amendments with respect to—by way of the amendment of the Bill, clause 6 seeks to amend section 10. And section 10 speaks to persons who are aiding the escape of any prisoner from prison. So:

“Any person aiding in the escape of a prisoner from or from the custody of any person in charge of such prisoner...”

Or from the court itself, Mr. Speaker, from anywhere, they are aiding and abetting in the escape of this individual, the fine has now been increased from \$400 to \$30,000 and seven years imprisonment. Prior to now, it was \$400 and no jail term.

So even if you make an attempt in the Magistrates’ Court, for instance, or make an attempt to break someone out of a prison van, or make an attempt to bring somebody over the wall in the Port of Spain prison, you were only fined \$400 and no jail term to go with it, Mr. Speaker. Now, it is \$30,000 and seven years in prison.

What we are looking at here, Mr. Speaker, is to really step up, and the make these acts a deterrent to individuals who may be thinking otherwise. It is all in keeping with good governance and it is all in keeping with making the citizenry of Trinidad and Tobago a more humane place to live, and also making them feel a bit more safe as well, Mr. Speaker.

But, Mr. Speaker, the section does not stop there. It further goes on to speak with respect to persons who are employed as:

- “(a) a prison officer;
- (b) a police officer; or
- (c) a member of the...Defence Force...,”

These individuals, Mr. Speaker, they are employed by the State to protect and serve. They are employed by the State to ensure that activities with respect to aiding and abetting prisoners to escape, to ensure that these individuals hold an oath of office to protect the citizenry. For these individuals who engage in this type of activity, may it be the prison officers, the police officer, members of the defence force, for these individuals, Mr. Speaker, the fine is now \$50,000 and imprisonment for 10 years. Because these are individuals we expect better of them. We expect that these individuals would look after our safety and not try to take somebody out of prison and put them on the streets—the very job in which they were hired or employed to do, Mr. Speaker.

So, Mr. Speaker, these amendments which seek to increase the fines are very important amendments. But, Mr. Speaker, there is a very important section that was instituted by way of this piece of legislation, and that is with respect to the appeals tribunal.

Mr. Speaker, under the current system, the Inspector of Prisons has the responsibility of inspecting all the prisons, plus his additional responsibility is to hear appeals from prisoners, by way of disciplinary proceedings that would be brought by the Commissioner of Prisons. So the Inspector of Prisons, this individual, apart from having to visit all the jails and make recommendations, he also has to sit and listen to appeals, disciplinary proceedings by prisoner, Mr. Speaker.

One would agree that this in itself, by listening to appeals, by

performing this on both jobs on his own account, is a very onerous one. This is why this amendment seeks by way of clause 26, to introduce this appeals tribunal. The appeals tribunal, Mr. Speaker, by way of section 26(3)(a):

“An Appeal Tribunal established under subsection (1) shall consist of one person who shall either be –

- (a) a retired Judge or retired Magistrate; or
- (b) an Attorney-at-law of at least seven years standing.”

2.30 p.m.

These are very distinguished citizenry who, in the first instance, would have served a lifetime of being a judge, for instance, or a retired magistrate, who would have served a lifetime on these same deliberations, which is a tribunal-type deliberation.

So, it is not taking any ordinary individual and putting them to head this tribunal. It is persons with the calibre of legal training, in particular, and as far as the attorney is concerned, seven years’ standing; a person who has legal training and he must have been in practice for at least seven years. That is the person who will now replace the Inspector of Prisons to comprise this appeal tribunal.

What this is doing is that it is creating now a system for matters to be heard in a speedier manner, especially where disciplinary proceedings of prisoners are concerned. It is expected to be a system which will lend itself to justice being served and justice being served in a faster time.

Mr. Speaker, there is also in the Bill, by way of clause 25—it really replaces the entire section 21 of the Act—and what the former section 21 dealt with in the current Act, is persons who assault and obstruct the

Inspector of Prisons from carrying out his duties during the course of his duties.

Under the current system, there was a fine of \$1,000 and imprisonment for six months. It is felt that this, in itself, is not sufficient because these are individuals who are not looking after their own interests. The Inspector of Prisons, the Chief Inspector, the Deputy Inspector, the Inspectorate, this Inspectorate is really designed to help the prisoners and when one assaults or obstructs these individuals from carrying out their duty, one prevents them from actually performing freely and free of fear. This is why the fines in this case have been increased to \$15,000 and two years' imprisonment. It is really designed to help in the administration aspect of the work of the Inspector of Prisons.

The Act also provides for persons who are attempting to break out of prison as well and it seeks to amend the Criminal Offences Act where we are now imposing a heavier fine on persons who attempt to break out of prison. We want to make sure that these persons who are incarcerated or these persons who are held pending a particular trial, if they should break out of prison, then it is also some deterrent to them. For persons who are thinking about rescuing some of them from the prison itself, there is a deterrent that can actually help to keep them within the walls of the precincts.

These fines, Mr. Speaker, previously it was three years' imprisonment only. There was no fines prior to now, but now it is \$100,000 and five years' imprisonment. So, when you are behind bars, you stay behind bars until such time as the court determines or your time behind bars is spent, so that they determine that is the time for you to come out. And anytime earlier than that, you come out on your own doing or someone assists you in

coming out or breaking out of the jail, then the fine now is \$100,000 and five years' imprisonment.

So it is very strict; it is very onerous, but it is also designed to ensure that people do not interfere with the judicial system and people do not interfere with the prison system, especially when it comes to prisoners and that stay behind bars.

So, Mr. Speaker, this Bill is designed to improve the help in our fight with respect to improving the judicial system. We continue to work towards creating a system that can assist in both the Judiciary and the Commissioner of Prison to manage, and keep within his management, proper administration of the prison system.

Mr. Speaker, with these few words, I thank you. [*Desk thumping*]
Mrs. Patricia McIntosh (*Port of Spain North/St. Ann's West*): Mr. Speaker, I rise to make a contribution to the Bill under review in this honourable House this afternoon, particularly with reference to the Mental Health Act, Chap. 28:02.

The explanatory note tells us that clause 13 of the Bill would seek to amend the Mental Health Act, Chap. 28:02 in various sections to change the designation of portfolio from the Minister of National Security to that of Minister of Justice. This seems to be just a simple transfer of authority or a shift in delegation of authority from the Minister of National Security to the Minister of Justice or the Minister with responsibility for prisons.

The various sections that this Bill refers to, there are certain issues that arise concerning mental health and rehabilitation of prisons and I should like to ventilate the issues that arise therein because these issues not only affect prisoners, but also all others afflicted by mental illness.

I believe that when we develop legislation in this honourable Chamber, we hope that that legislation will benefit those for which it is intended and in so doing we would develop a society where people suffering from mental illness could be effectively stabilized, lead fairly normal lives and contribute positively to society.

Mr. Speaker, in all the various sections: section 6, section 14, section 18, section 22(2), section 25(2), section 26(2), we delete the words “National Security” and we substitute the words “with responsibility for prisons”, which is the purview of the Minister of Justice.

I should like to look at section 6 and I quote:

“Every person...who is reasonably believed to be in need of such treatment as is provided in a psychiatric hospital may be admitted thereto—

- (a) as an urgent admission patient;
- (b) as a voluntary patient;
- (c) as a medically recommended patient;
- (d) by an order of the Court made pursuant to section 13;
- (e) by an order of the Minister...”

And we substitute, instead of “National Security”, “with responsibility for prisons”.

- “(f) on the application of a Mental Health Officer under section 15.”

I would like to look at section 15 that deals the admission on the application of a mental health officer:

- “(1) A person found wandering at large on a highway or in any public place and who by reason of his appearance, conduct or

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conversation, a mental health officer has reason to believe is mentally ill and in need of care and treatment in a psychiatric hospital or ward may be taken into custody and conveyed to such hospital or ward for admission for observation in accordance with this section.”

It is the pity, I think—and I am wondering if the Government has developed or is developing any policy on the duties and responsibilities of Mental Health Officers because it is a pity that their duties are limited to apprehending and committing people who are wandering on the street, whereas the Minister of Justice, in his capacity to instruct that people are committed, on the advice of two doctors—a psychiatrist and another doctor—does not have recourse to the services of a Mental Health Officer. I think that it is unfortunate that we limit the Mental Health Officer just to assessing and apprehending people on the street.

This is by virtue of section 15 of this Act and I think if the Minister of Justice had recourse to their services, the Mental Health Officer’ services, in addition to psychiatric services, the Act would be more operational, would be more practical and things would run more smoothly in terms of apprehending and committing people.

Mental Health Officers are highly qualified and experienced in this regard and what currently obtains, as I said, is that they cannot advise the Minister in terms of a patient having the need to be admitted into a hospital. He can only seek that advice from a psychiatrist or a doctor. So the system as contained in the Act, I find impractical and unworkable. These Mental Health Officers cannot even, by virtue of section 15 of the Act, apprehend someone in a private home. They are limited to people walking the streets.

So I really hope that the hon. Minister, since he now has this delegation of authority might want to look at some sort of amendment or, should I say, policy that includes the services of the Mental Health Officers.

Mr. Speaker, I would now like to move on to section 14, which says:

“The Minister”—of course we substitute with responsibility for prisons—may by Order authorise the transfer of a prisoner from a hospital to any other hospital or general hospital, if on the advice of the Psychiatric Hospital Director he is satisfied that the prisoner is in need of treatment other than that provided by the hospital in which he is a patient.”

This deals with transferring patients from the mental health hospital probably to the general hospital.

Patients who are determined to have physiological illnesses—I remember discussing this with the hon. Minister of Health—it is a very time-consuming, cumbersome, frustrating and lengthy process for people who go to St. Ann’s with their relatives to be committed and on admission or before admission it is discerned that the person is suffering from some sort of physical ailment, probably diabetes, probably hypertension and, as a result, the person has to be transferred to the general hospital because the mental health hospital at St. Ann’s does not have the capacity to deal with such physiological cases.

So you have a person who is probably agitated, a patient who is probably agitated and out of sorts having to go down to the Port of Spain General Hospital. It is a very lengthy process exacerbated by the unavailability of ambulances and gurneys—even gurneys—the unavailability of gurneys on which to put the patients to take them down

there.

2.45 p.m.

When they arrive at the hospital, the mental health nurses cannot leave them on the gurney that has come from the mental health hospital, because they would lose them in the general hospital, so they have to wait—lose time giving service to the mental health hospital, just waiting around in the general hospital for the patient to be finally warded, and this is a very lengthy process. I had spoken to the Minister about this, and he had promised to look into this. I hope now that the Minister of Justice is there with him that they can really resolve such issues, Mr. Speaker.

Mr. Speaker, I move on to section 18, and it speaks of tribunal and it says:

“The Tribunal shall—

- (a) review not less than once a year the case of each medically recommended patient who has been hospitalised for more than one year;
- (b) review every six months the case of a patient who has been hospitalised for more than six months pursuant to an order of the Court or an order of the Minister of National Security;”—and, of course, we have now, the Minister with the responsibility for prisons—“and
- (c) inspect at least once annually each psychiatric hospital, psychiatric ward or approved home.”

Mr. Speaker, I am not there 24/7, and I know the Minister of Health is looking, but it is my information, it has come to my attention that these review tribunals hardly ever meet. When we are talking about, you know,

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they are meeting, it is like a case conference, and we have prisoners involved who might be mentally ill or the general public, because I just cannot differentiate and just limit myself to the prisoners to anyone, these tribunals really address patients who are medically recommended—they call them MR patients—who are there for long-term care. It is my understanding that the tribunal hardly ever meets, and this will impact negatively, very negatively, on the mental health, care and welfare of prisoners or any other citizen of Trinidad and Tobago who is afflicted with mental disease, Mr. Speaker, and they should meet with the patients every six months. I know the Minister is listening, and I hope that he looks into—I know he will look into this.

By the way, I would just like to stop to thank the hon. Minister of Health for a lot of cooperation that he has given me. [*Desk thumping*] I know he makes no distinction when it comes to health in respect of political affiliation or anything, and I find him very cooperative and I would like to thank him publicly for this. [*Desk thumping*]

Mr. Speaker, I move on to look at section 22(2), and 22(2) and 25(2) deal with the same thing—sorry, and 26(2). We are talking about approved homes:

“Subject to subsection (2) a person who is a patient at a hospital, a psychiatric ward, an approved home or a private hospital or a relative or friend of such person, may make an application in the prescribed form to the Review Tribunal requesting his discharge.”—from one of these homes.

Mr. Speaker, the word that jumped out at me—I spoke about the review tribunal, I am not going to go back there—when I looked at 22(1) and 22(2)

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where we change from the Minister of National Security to the Minister with responsibility for prisons—I am looking at the homes, the approved homes, and I would like to talk about this, Mr. Speaker, because it is, indeed, a very grave problem affecting patients in Trinidad and Tobago, because whenever patients leave the mental hospital after having been stabilized, in many cases, they need to go to a centre; they need to go to a home, what they call extended care centres. They are not ready to be rehabilitated or to be returned. They are not rehabilitated as yet, and they are not ready to be returned to society in the manner that we would like them to be returned to society. Mr. Speaker, there is a dearth of these homes in Trinidad and Tobago—homes or centres with exercise equipment, with other equipment and tools which they can use to learn a trade, to engage in occupational therapy. A rehabilitation centre, there are no such centres.

I remember the staff at the Mental Health Pembroke Street Centre, asking me if I could loan them or buy them a sewing machine so that people who are in need of rehabilitation and who have been discharged from the mental health hospital could learn to sew, et cetera, and I did tell them to send all the particulars to me where they want me to go to purchase it, but I have not heard from them so far.

The Government has only two such homes, but they are not equipped. They are not in good shape. One is in Couva and one is in Arima, Tumpuna Road, Mr. Speaker. There is none run by the Government; there is none in the north; none in the south; none in Tobago and this is, especially, a very big problem for Tobago, because when patients from Tobago are discharged and they return home and their relatives are not willing to care for them or cannot care for them, it is very difficult, they return to Trinidad for

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placement in a centre that is free, that is run by the Government, and these two centres—the Couva and Arima—they are bursting at the seams, and they are not even adequate, they are inadequate.

You have the St. Vincent de Paul Home, again, that is over subscribed. There are private homes, however, where one must pay, and at the lower end of the spectrum, Mr. Speaker, the cheapest runs the gamut from \$3,000 to \$4,000 per month, and the patient might be able to access a disability grant of \$1,500, but their relatives have to find the complement of \$1,500 to make up, at least, the \$3,000, and many times they cannot pay this monthly fee. And what happens is that they are out on the streets when they cannot find somewhere to be placed, they go out on the streets as vagrants.

Mr. Speaker, many of our vagrants have suffered from mental disease, Mr. Speaker. The last resort is to place them at the Centre for Socially Displaced Persons which we all know, the CSDP, which is at Riverside Plaza Car Park. Mr. Speaker, there was a street removal programme there where vagrants were placed at the Riverside Car Park, and others were also placed at the Transform Life Centre in Arouca.

The social displacement unit did not have the powers to apprehend and remove vagrants from the street. The social displacement people did not have that. The people who had that were the personnel I referred to before, the mental health officers. They had the power to do that, but with the dismantling of the street removal programme, they no longer have the power under that programme to apprehend and place people in any of these centres, Mr. Speaker, because the Government shut down the programme, because they claimed that the vagrants were being recycled.

It is my understanding—again, I was not there. I talk to people, I get

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my information—that they were not really recycled, that these patients suffering from mental illness play hooky, they run away from the centre, and they have to be returned to the centre because they are not well to be out on the streets alone on their own. [*Interruption*] Yes, they said that they were recycling, but they run away and they have to get them back in. So now that the programme is non-existent and the mental health officers do not have the authority now—there is no programme; there is no structure; and there is no policy under which they can operate and apprehend them and put them back there—they are now left at their own demise on the streets and they are a bother to the general public, Mr. Speaker, and we are back to square one in this regard. Mr. Speaker, this is not good.

Mr. Speaker, I do hope that with the passing of this Bill that under the Minister of Justice and in collaboration with the Minister of Health who I know will give him his full cooperation and be very collaborative in all these issues, that policy will be put in place and certain conditionalities set so that the people for whom—those disadvantaged people, those people suffering from mental disease—this legislation is intended to benefit will definitely benefit from the amendments.

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

The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau): Thank you, Mr. Speaker. Mr. Speaker, normally after a contribution by someone from the Opposition, especially my learned friend, the Member for Port of Spain North/St. Ann's West, I always say when I was in that incarnation of a school supervisor, she was one of my most supportive and dedicated principals. She was the pinnacle of public relation, and she demonstrated that this afternoon, a new brand, a rebranded

representative, because in the past I used to have to tell her, “Oh God, do not go down that way”, but I am glad to see the kind of pleasant person she has returned to today.

I really sat and listened intently to what she was saying, especially about the mental health persons. I was sharing this with Dr. Khan, and he was telling me do not go there but, I mean, in all sincerity, I am very concerned about that, because the history of my own relatives is one where we meet our demise either through hypertension or through mental health. *[Laughter]* So that I was really, really, concerned. But I was assured too by the Minister of Health that when you raised the issue about the situation at the St. Ann’s Hospital, he has assured us that the internal medical doctor would be looking after the St. Ann’s patients who need such specialist medical treatment, and there would be this medical specialist in the area.

I would also like to add that some of the institutions—and I hope I do not—there is somewhere I have a way of arousing the learned young man, the articulate young man, the Member for Diego Martin Central, I seem to get him angry at times, and he has to respond where he normally would not when I misbehave. *[Laughter]*

So that I want to assure you too that at the children institution, there are a number of young people who are really challenged. Again, I approached the Minister, and he would look at the possibility of ward 8 to have it refurbished with the possibility of keeping some of those children in that area. I am really pleased about that.

The two homes, as you said are: Arima and it is to be refurbished—that is for extended care—and the old Couva Hospital is also to be refurbished. More so, the Tacarigua Extended Care Facility, which has been

abandoned for many years, the sewer lines would be refurbished and any necessary refurbishment needed, so that mental health patients will be placed there.

Also, with reference to the Ministry of the People and Social Development, it has been brought to our attention that the Ministry of the People and Social Development were given the powers for their officers to assist in the removal of the vagrants from the street. That said, that assurance and that information was given by the Minister of Health. So, as you said, the goodly Minister is really, really, working cooperatively with all and sundry.

Mr. Speaker, in my contribution to the Miscellaneous Provisions (Prisons) Bill, which seeks to amend several pieces of legislation, namely the Prisons Act, Chap. 13:01; the Criminal Offences Act, Chap. 11:01; the Mental Health Act, I would like to focus on the Prison Act, Chap. 13:01. Mr. Speaker, my colleague, the hon. Minister of Justice and, indeed, this Government, is on a drive to improve the youth justice system and the management of young offenders, and have seen it fit to propose the repeal of sections 19, 20 and 21 of the Act. Under the Act, the Minister of Justice may appoint an inspector of prisons to oversee all matters relating to prisons and prisoners. However, the Act made no provision for young offenders.

In the 2011 Population and Housing Census Demographic Report, it was noted that there are some 387,272 persons in the age group of 12 to 29 in Trinidad and Tobago; approximately 29.2 per cent of the national population.

3.00 p.m.

Within that population, close to 1,900 youths, 75.7 per cent male and

24.3 per cent female were residing within institutions including correctional or penal institutions and orphanages. The Ministry of Gender, Youth and Child Development has overall responsibility for youth aged 12 to 29. Young offenders who are committed to the youth training centre also fall under the purview of the Ministry. According to the Trinidad and Tobago Prison Service, there is an estimated 1,500 males, aged 18 to 29 incarcerated. Additionally, there is an estimated further 250 incarcerated males under 18 in the youth training centre.

Moreover, Mr. Speaker, there is an estimated 60 boys at St. Michael's School of Boys and 80 girls at St. Jude's School for Girls. It is estimated that 3 per cent of these institutional populations were placed there as a result of a crime committed. Regardless of the demographic differences within our youth population, the Government intends for youths to be treated with sensitivity for their circumstances, respect as individuals and be provided with all the support they need. This Bill seeks to rectify this exclusion of young people in the Act and bring all offenders under the jurisdiction of the inspectorate.

Mr. Speaker, the Ministry supports the establishment of the Trinidad and Tobago Inspectorate of Prisons, as they will now have close oversight of how young offenders are detained and their subsequent treatment. The Ryan Report titled, "No time to quit: Engaging Youth at Risk, Executive Report of the Committee on Young Males and Crime in Trinidad and Tobago", highlights a number of recommendations on prison reform: the justice system and policing when it comes to youths. These include the following:

- “1. The entire system of correctional education should be reviewed in light of the recommendations made regarding National Service.
3. There is a variety of extremely valuable programmes offered to young offenders at these institutions but they should be streamlined to provide a meaningful set that is coherent, is built on the philosophical principles of the institution, differentiated to satisfy varying ability levels and is owned by the programme unit of the institution.
4. Such ownership should provide scope for the training of instructors in pedagogical and andragogical principles, methods of delivery, orientation exercises and timetabling, formative and summative evaluation and research.
5. An integrated approach to curriculum development that includes key developers as”—the Youth Training and Employment Partnership Programme—“YTEPP, SERVOL and”—the Adult Literacy Tutors Association—“ALTA should assist in reducing recidivism and increase employment opportunities for young offenders.
6. Training plans should be a collaborative effort between the custodial units and welfare, training, counselling and psychology departments and the correctional institution.
8. ...the”—Youth Training Centre—“YTC should not be staffed by Prison Officers but individuals specially trained in youth development and sensitive to the objectives of YTC.”

This report contains several recommendations to address the multiple

issues that confront youth at risk. Additionally, coming out of the report, the Ministry of Gender, Youth and Child Development established a youth in especially difficult circumstances committee which sought to rationalize the Government's expenditure on youth and recommends the need for greater coordination of services for greater impact on youth development.

Another initiative is the establishment of the National Youth Commission, which focuses exclusively on addressing youth issues and coordinating effective youth services. Additionally, the Commission will also assist in accomplishing some of the recommendations of the Ryan Report. Under the Bill, Section 22(b), the inspectorate shall:

“investigate and report to the Minister on—
the treatment of”—young offenders, as well as the—
“programmes, facilities, services and opportunities available to
promote the rehabilitation of...young offenders...”

The inspectorate is also responsible for investigating and reporting on:

“...the accessibility of these programmes, facilities, services and
opportunities...”—in addition to—
“...any complaint made by...a young offender where the Chief
Inspector of Prisons considers it necessary to do so;”

Mr. Speaker, it is not unheard of that young offenders are mistreated when detained. The manner in which they are detained is sometimes not in compliance with international standards that prescribe the manner in which young persons are detained to which our nation has subscribed; concern that many systems do not differentiate between adults and juveniles at various stages of administration of justice, and the juveniles are therefore being held in jails and facilities with adults.

The United Nations affirm that the placement of a juvenile in an institution should always be a disposition of last resort. Mr. Speaker, I want to bring to your attention that it has been reported to us, that in some of our youth facilities, youths who are really challenging the authority, instead of trying to have creative correctional measures, the slightest mistake they make, YTC. So we have a system where they graduate from the primary school within the prison, within the correctional facility, they go on to St. Michael's, they go on to St. Jude's, they send them to YTC and then they go on to, what we say, tertiary level, Arouca, and this is sad.

So we should not look at excuse to send our young people, but we should find ways and means so that those juveniles deprived of their liberty, they require special treatment and protection. So when we are seeing some of the demise of some of our young people, sometimes we have to really examine ourselves and say, where did we go wrong? Where those who were in charge of them went wrong; were they using the correct methods to try and help these young people?

The United Nations asserted that their rights and well-being should be guaranteed during and after the period when they are deprived of their liberty. We have to remember that some of these young people are first time offenders and this experience can be traumatic. Such an experience may also affect the way in which these young offenders interact with the criminal justice system. We need to ensure the humane and sensitive treatment of our young people, especially those who are first time offenders.

Mr. Speaker, when we put those little young persons among those hardened, seasoned criminals, they introduce them to all kinds of vice. You know, I remember at one time we had an excursion, a visit, a school project,

and we took some of our young men—[*Interruption*]

Dr. Browne: A field trip.

Hon. C. De Coteau: A field trip. Thank you, hon. Member for Diego Martin Central. And, you know, when they were going through the area, they were watching those young male and saying, “Fresh meat! Fresh meat!” Well I was a bit flabbergasted. I did not understand what they were talking about because I know they were not cannibals, but then it was explained to me what they meant by that. This is what happens when those people go in there.

One particular man told me he was the president and he gave an acronym what he was president of. I might be wrong. I understand sometimes based on how you behave you are thrown into certain areas; in the “bull pen”, as they call it. Mr. Speaker, as the Minister of Gender, Youth and Child Development, charged with overseeing the well-being of children and young persons in Trinidad and Tobago, I consider it of great importance that section 24 of the Bill requires the Chief Inspector of Prisons to report on the general management of industrial institutions, including the level of effectiveness and efficiency of the industrial institutions, and the condition, general health and welfare of the young offenders placed there.

This means that the Government is putting systems in place so that there will be a greater accountability and efficacy in the management of our industrial institutions. More importantly, Mr. Speaker, the Inspector shall report on the programmes, facilities, services and opportunities available to young offenders, and the extent to which young offenders utilize these programmes, facilities, services and opportunities. This means that the Government will be closely monitoring the treatment of young offenders and

also the effectiveness of the programmes and opportunities provided to them, with a view to their rehabilitation after they have left these institutions.

Mr.Speaker, it is our belief that all young persons should be given the opportunity to reintegrate into society despite any offences they might have committed, and the programmes that we provide must equip them to do so. Consideration must also be given to the mental well-being of juvenile offenders. Addressing the mental health needs of youth in the juvenile system is a key imperative for all stakeholders. Mr.Speaker, I know for a fact that one of the correctional institutions where they have girls, a lot of them are challenged mentally, and that is why in my opening remarks I said that I am very grateful for the Minister of Health establishing that Ward 8 to take care of them. Because at the correctional institution, the management, they do not have the ability to handle these girls who are mentally challenged. As such, the juvenile system is a key imperative for all stakeholders interested in preventing and reducing a number of young offenders in Trinidad and Tobago.

Mr.Speaker, studies have shown that services and approaches geared towards youth in detention are fraught with barriers, including inadequate assessment, fragmentation and deficit-based intervention when it comes to dealing with the mental well-being of juveniles in the justice system. Without treatment, the child may continue on a path of delinquency and eventually adult crime. Effective assessment of the comprehensive responses to young offenders can break the cycle and produce healthier young people who are less likely to act out and commit crimes. The functions of the inspectorate would work in tandem with Part X of the

Children Act, No. 12 of 2012, which deals with the child offenders.

Section 24(4) of the Bill requires that the Minister of Justice shall, as soon as it is reasonably practicable, after receiving the report made by the Chief Inspector of Prisons, cause a copy of the report to be laid in Parliament to ensure accountability, transparency and protection of our young people. Mr. Speaker, any person who assaults or obstructs the Chief Inspector of Prisons, the Deputy Chief Inspector of Prisons, or an authorized person in the execution of his duties, under the Prison Act or rules made under the Act, commits an offence. On summary conviction that person would be liable to a fine of \$15,000 and to imprisonment for two years.

By the creation of the inspectorate, Mr. Speaker, Trinidad and Tobago will not only be maintaining but improving upon its current adherence to the United Nations *Standard Minimum Rules for the Treatment of Prisoners*, wherein it is provided that there are to be regular inspections of penal institutions and services by qualified and experienced inspectors appointed by a competent authority.

The appeal tribunal created under the Bill introduces a new appellate system to treat with appeals by prisoners against decisions of disciplinary tribunals. This new system would replace the current adjudicatory or disciplinary role performed by the Inspector of Prisons, and the Minister would be empowered to appoint, in writing, one or more appeal tribunals for the purpose of hearing appeals in disciplinary proceedings against prisoners.

Under the current regime, the Inspector of Prisons, apart from treating with general inspection and complaints of prisoners, also performs the quasi-judicial function of addressing certain disciplinary charges against prisoners, as well as addressing appeals lodged by prisoners, as well as addressing

appeals lodged by prisoners against tribunal decisions. Under the new Prison Rules, however, this structure has been removed in order to ensure that the entity responsible for hearing and adjudicating upon appeals is seen to be independent, free from any prospect of apparent bias and possesses no obligations, whether personal or otherwise, that may hamper or appear to hamper his ability to be fair and impartial in a quasi-judicial role.

With the removal of this appellate process, under the proposed new rules, there would be a lacuna—the hon. Member for St. Joseph’s favourite word “lacuna”—regarding the treatment of certain serious breaches of prison discipline, as well as the addressing of appeals. It is on this basis that the establishment of the appeal tribunals has been conceptualized.

Mr. Speaker, the appeal tribunal shall have the power to hear and determine an appeal from a decision against a prisoner in disciplinary proceedings conducted by a Commissioner of Prisons, and such other matters as may be prescribed by rules made under the Prisons Act.

3.15p.m.

In conclusion, Mr. Speaker, this Bill is a clear indication of the Government’s resolute efforts to reduce criminal activity and recidivism, and to modernize the criminal justice system across the board. The amendments proposed in this Bill, together with the other legislative measures proposed by the Government, to strengthen and enhance the criminal justice system, with not be a “penakea” [*phonetic*] for all shortcomings with which we currently struggle. However, we are steps closer to our achievement of a just and settled society, a society in which our citizens can again feel some sense of comfort and peace of mind—*[Interruption]*—you want me to say anxiety? *[Laughter]*—and a society

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which demonstrates its obligation to the proper care, treatment and rehabilitation of prisoners and other persons who come into conflict with the law.

Mr. Speaker, with this brief contribution, I graciously thank you.

Mr. Colm Imbert: (*Diego Martin North/East*): Mr. Speaker, I will not ask the Minister to explain what a “panakea” is. [*phonetic*] [*Laughter*] That must be some new word.

Mr. Speaker, one would get the impression, listening to the last speaker and the Member for La Horquetta/Talparo, and the Minister on the other day, that everything is fine and hunky-dory in our prisons. I think it is necessary to put into the record that it is not.

There is a section in this Bill which, as far as I am concerned, makes absolutely no sense, and it is the core section of the Bill. I will describe the situation in the prisons in order to demonstrate why this clause really—the other side must do better.

I read from an article in the *Trinidad Express* dated May03, 2014. It is entitled:

“Judges raised concerns in 2008”

And it reads as follows:

“As far back as 2008, judges have been raising concern about exaggerated, inconsistent and fabricated brutality claims by prisoners against prison officers.”

This is the most current issue within the prison system. I would have thought that the Minister, or one of the Members opposite, one of the Members of the Government, would have given us an update on what is familiarly known as prison gate, but I guess, as it is with many things with

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this Government, they would like prison-gate to be swept under the carpet, and they would like us to believe that it did not happen.

Mr. Peters: What is prison-gate?

Mr. C. Imbert: Mr. Speaker, I hear the sotto voce across the floor, I hear a Minister say, “What is prison-gate?”

Hon. Member: Nonsense!

Mr. C. Imbert: I will tell the Minister what is prison-gate:

“As far back as 2008 judges have been raising concern about exaggerated claims made by prisoners against prisons officers.

The most recent has come from Master Patricia Sobion-Awai in the case of Jamal Sambury who was represented by Attorney Gerald Ramdeen.”

And Ramdeen is a familiar name in all of these cases.

“In a Statement of Case...dated April 29, 2011, signed by Ramdeen...a series of injuries including broken and fractured ribs, bruises and swelling about the body are noted.

Sobion-Awai in her February 5, 2014, ruling states: ‘In the Statement of Case, many of the injuries listed...were not supported by medical evidence. Examples of injuries not mentioned in the medical reports included broken and fractured ribs, bruises...marks all over the body...swelling to the head, face and chest and extensive scars...’—all over the body.

So what the master was saying was that the medical evidence contradicted the claim made by this prisoner who claimed that he had been badly beaten.

“In contradiction to the medical report dated June 20, 2012, the Claimant stated that since the accident he occasionally suffered pains

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to his right ear and sometimes experienced a loss of hearing in that ear and fluid frequently ran from it causing him pain.”—however, the medical—“report of June 20, 2012 stated that the Claimant had perfect ear functions.”

So the medical report says that the “Claimant had perfect ear functions”—the prisoner—but the prisoner says “he cyar hear in this ear, he cyar hear in that ear and fluid is running from his ear.”

“The master said she rejected the submission that the medical evidence substantially supported all of the injuries...”—and stated—“The inconsistency between the medical evidence and the Claimant’s alleged injuries reinforced my finding that the Claimant copied portions of his witness statement and exaggerated his claim to get a larger award.”

I would like the Member to tell us: what is the role of the Inspector of Prisons in these matters? When prisoners make fake claims against prisons officers, they lie, they exaggerate their injuries, they go to court and judgment is entered against the prison service, what is the role of the Inspector of Prisons and what is the new Trinidad and Tobago Inspectorate going to do about this? What improvements can we expect with respect to this barrage of fake claims, this conspiracy, and this fraud, which has been perpetrated against this country, which is known as “prison-gate”?

Now let us move on. The former Solicitor General had indicated that lawyers acting for the State representing prisoners had used cut and paste for injuries for different victims claiming assault and battery. So this is lawyers who work for the State, but in their part time they also represent prisoners. So they are working for two masters. On a Monday they are working for the

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Attorney General, on a Tuesday they are working for prisoners against the Attorney General, and they are cutting and pasting out of medical reports:

“Sunday Express investigations have revealed that the State has spent over \$10 million in compensation to prisoners on Death Row...

While some of the claims may have been genuine, in several instances, such claims are littered with inconsistencies, exaggeration and fabrication...court records have shown.

A former commissioner of prisons who did not want to be named”—said—“‘The condition of the prisons where my officers served is a recipe for chaos.’

The former chief said during his tenure, there was a slew of lawsuits against his officers the majority of which were instigated by the inmates. ‘My officers used the necessary force to quell any disturbance and they are accused of assault and battery.’”—and then these false claims came, aided and abetted by these unscrupulous attorneys, and the State paid.

This is what prison-gate is all about. It is an allegation of a grand conspiracy between attorneys, prisoners and the State, Mr. Speaker.

What is this new inspectorate going to do about that? I would assume that the inspector had a role to play in all of this. If prisons officers are beating up prisoners like this and fracturing their ribs and breaking their head and breaking their legs and all sorts of things that they say they are doing, what is the role of the Inspector of Prisons? Can the Minister tell us how this new inspectorate is going to resolve things like this?

Let me give you another example, Mr. Speaker, and this I found quite astonishing:

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“On May 15, 2013, Justice Vasheist Kokaram in delivering a judgment against Affoyon Xavier noted: ‘As I have indicated earlier, this judgment should not end here. The fabrication of an assault and battery against prison officers one of whom was not’—even—“there at the time deserves further investigation by the relevant prison authorities.’”

One would assume that in the future when these bogus claims come in that the inspectorate of the prisons will do something about this.

Justice Kokaram is pointing out that there was a claim of assault and battery against a prisons officer who was not even in the prison at the time when the alleged assault took place:

“In Xavier’s Statement of Case he lists broken jaw, broken chin bone, swelling and bruises to face, ribs, feet, head, under right shoulder and left knee, severe pain in jaw, bruises about the body...marks, blue black marks all over the body and also being unable to eat for a week...

‘The Claimant...paints a picture of a merciless unprovoked attack unleashed by the foursome in a narrow corridor of four feet with batons...while the Claimant was handcuffed resulting in multiple body injuries with the most serious being a fractured jaw and chin.’ In his evidence he gives the impression of writhing in pain with swollen limbs while at the hospital.”—however—“the nurses’ notes”—at the hospital—“were meticulous in its detailed...”—and the nurse reported—“the Claimant was resting comfortably.”

This is what is going on in our prisons.

A prisoner says he had broken jaw, broken shoulder, fractured ribs,

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writhing in pain, and the nurse in the hospital says, “He resting comfortably”, and \$10 million was paid by the State with respect to these bogus claims. [*Crosstalk*] I would have expected that the Minister in charge of the prisons would have given us a report into this festering sore, but no, all we hear is platitudes.

Hon. Member: Give us some money back!

Mr. C. Imbert: Let us go back into the records. It is not just the prisoners.

Let us look at prison officers, Saturday November09, 2013:

Enraged over the brutal murder of one of their own, prisons officers yesterday engaged in protest action by performing the barest minimum of work as they sought to send a message to those in authority that more needs to be done to protect them, both on and off duty.

Prisons Officers...public relations officer Wendell Mitchell denied reports of a ‘go slow’...saying officers continue to perform...”—minimum—“duties, hours after their colleague Andy Rogers was shot more than 20 times and killed in Malabar on Thursday...”

We are—“fed up with the lack of inaction from both the State and the prisons administration on issues such as housing and protection.”

Prisons officers—“...have reached their breaking point with the death of Andy Rogers and as such, it was agreed that they would withhold their labour...”

That is what was going on November09, 2013; just six or seven months ago. But you get the impression listening to hon. Members opposite that the prisons are a paradise, a “panakea” [*phonetic*], [*Laughter*] or whatever that is, a paradise.

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November 11, 2013:

“Prisoners staged a riot inside the Maximum Security Prison...in Arouca yesterday in response to not being fed, taken to court or being allowed outside for their daily airing, an inmate at the facility told the Express.”

What is the Minister doing about this? What is the Government doing about this? Prisoners riot in the prison because they are not being fed, and the Minister smiling. That is a joke.

“Another inmate at the prison told the Express that during the melee a murder accused prisoner...was beaten by masked prison officers after complaining about not being taken to the San Fernando High Court for his matter.”

Dr. Browne: Masked? Guantanamo Bay.

Mr. C. Imbert: Mr. Speaker, this is what is happening in our prisons. Riot in the prison, prisons officers on go slow, prisoners saying they are not being given any food or allowed to go outside for days on end.

November 14, 2013:

A revolt appears imminent among inmates at the Remand Yard and Maximum Security Prison.

At least, that’s what those with secret telephones...”

Everything going nice in the prison, but the prisoners have cell phones and they are calling reporters.

Dr. Browne: Still! [*Crosstalk*]

Mr. C. Imbert: Yes, *Trinidad Express*, they are calling from the prison:

“At least, that’s what those with secret telephones called to tell us today, as, they said, they’re hardly being fed, not being allowed to

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shower and all visits have been halted.”

3.30p.m.

Now, we have the *Guardian*, “Protesting prisoners officers to minister: Give us guns, safe housing.

Being allowed to have guns while off-duty, bullet-proof vests and housing in safe areas are some of the main concerns raised yesterday during a high-powered meeting among stakeholders in the prisons sector. Justice Minister Emmanuel George presided over the meeting at his Port-of-Spain office.”

Tell us about that. What happened? Are you giving the prison officers guns? Are you going to give them safe housing? Are you going to protect them?

“Also attending were Commissioner of Prisons Martin Martinez, deputy Commissioner of Prisons Allan Jones, acting Commissioner of Police Stephen Williams...” and so on and so on.

Hon. Member: Ramdeen was not there?

Mr. C. Imbert: No, Ramdeen was not there. He was fabricating things.

“Prisons officers have been taking industrial action since the murder of prisons officer Andy Rogers last week at Daniel Trace, Malabar.

‘The demands of the prisons officers are essentially that they want to be able to carry a firearm. They want to have protective clothing and houses.’ George said...”—this would be Justice Minister George—that “it was Williams’ recommendation there should be legislation that had severe penalties to perpetrators in the event of

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the death or injury of a prisons officer.”

Now, Mr. Speaker, that was in November 2013, it is June 2014. I have looked through this, the Miscellaneous Provisions (Prisons) Bill, 2014. There are [*Crosstalk*—let me see how many clauses there are in this Bill, Mr. Speaker. There are 13 clauses in this Bill. I am not seeing a single clause addressing this issue where the Minister said in November that it was the recommendation of the Commissioner of Police that there should be legislation that had severe penalties to perpetrators in the event of the death or injury of a prisons officer.

So the Minister has taken eight months, come here with the half-picked, half-baked piece of legislation and has not addressed the serious issues that prison officers had raised with him in November 2013. I am not surprised though, Mr. Speaker, I am not surprised.

With regard—to “...protective vests...”—says the Minister—

“ ‘I will take that to the National Security Council for discussion...’ ”

Tell us, did you take that to the National Security Council? Have you agreed to provide prison officers with protective vests?

“George said the right for officers to bear guns was left up to the Commissioner of Police.”

We know we have a very effective Commissioner of Police. So they may get that maybe in the year 2029, when the commissioner has dealt with all of the other pressing matters that he has do deal with.

Hon. Member: Is he active?

Mr. C. Imbert: Imagine that. The prison officers have a problem.

Prisoners calling “shot” on prison officers. Prisoners in the prison using

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secret cell phone calling “shot” to murder prison officers. The prison officers say at least allow us to defend ourselves, give us the right to bear arms and the Minister of Justice response to that is, “that is up to the Commissioner of Police”. Well what happened? Tell us. The Minister of Justice is here today. Mr. Speaker, through you, let the Minister tell us what has happened to this request from prison officers? Are they being given the right to bear arms?

“With regards to their housing problems, John”—of the HDC—
“told George that ten per cent of officers under National Security were allocated houses.” Come on. “ ‘I have...requested a listing of the prisons officers who have outstanding applications to forward it to HDC,...’ ”

That is his response. Not that, “I would get house for the prison officers”, you know. That I, the Minister of Justice, will act proactively and ensure that there is a proper distribution and allocation of HDC houses to prison officers—no. I will send them a letter. “I will forward a list to the HDC.”

“George said prison overcrowding and the length of time cases were called were actively being pursued. Referring to the inmates, George said they would be affected but their lives were not being threatened.

However, he added, it was alarming the inmates had cellphones to contact members of the media.”

What has the Minister done about that? [*Crosstalk*] Are we not supposed to have jammers? Are we not supposed to have screeners? Are there not supposed be to ways and means of detecting cell phones in the prisons?

They are always talking about that, Mr. Speaker. But the Minister is alarmed that prisoners have cell phones.

“Meanwhile, inmates at the Remand Yard, Golden Grove Prison, Arouca, yesterday described the situation as ‘chaotic. We didn’t get’—any food—“for the day.’ ”—there is—“ ‘no court, no visits,’ ”—we—“running out of things to eat...”—there is fighting among inmates.

Now, Mr. Speaker, I also see an article here saying, “Protests in retaliation for raids on cells”. And according to the Commissioner of Prisons at the time Martin Martinez.

“The violent protests seen last week at Remand Yard...”—this is November last year—“could have been a result of efforts to clean up a well-established prisons contraband system that Commissioner of Prisons, Martin Martinez yesterday called ‘an underground economy’.”

What is the Minister doing about the “underground economy” in the prison? I would expect than any self-respecting Minister, you are coming to deal with something like this, something that has a profound effect on the country, profound effect on national security, because there are gangs in the prisons, and the gangs are operating in the prisons and running criminal enterprises outside the prisons, Mr. Speaker. I would expect any self-respecting Minister in charge of the penal system will come and tell us what you are doing. But no, all we hear is pious platitudes.

“He also blamed part of the contraband problem on corrupt prison officers, who he said formed about five per cent of the

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system.”

What is the Minister doing about that?

Hon. Member: Five per cent.

Mr. C. Imber: Yeah. Five per cent, apparently.

“The report was produced...in four days, after the Committee, appointed by” Prime Minister “Persad-Bissessar...was mandated to come up with solutions urgently.”

You see, whenever there is a riot in the prison or some prison officer get killed, they run quick, they form a task force, they form a committee, they have a big scene, they have a press conference. As my colleague for Diego Martin Central said, whenever an unfortunate child is killed, task force, committee, meeting, et cetera, et cetera, a set of old talk and then nothing happens, Mr. Speaker.

“Martinez, a committee member...for the past few months”, he has—“overseen a ‘dedicated search squad’ ”—launching—“unannounced raids...looking for goods smuggled into prison.

...raids this week produced items from ordinary cigarette lighters to tools used as weapons, drugs”—illicit drugs—“and cigarettes they sold as high as \$600 per pack on the prison black market.

Martinez said contraband was being smuggled into prison through corrupt officers, visitors and goods were even vaulted over prison walls while there was a ‘lack of supervision’ by...police and State-contracted private firm, Amalgamated Security.”

This is Commissioner of Prisons saying, there is a ‘lack of supervision’

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by some police officers—

“...and by the State-contracted private firm, Amalgamated Security.

He said...last week’s protests”—in the prison—“were related to the raids as the search squad was ‘interfering with big money’ ” in the prison.

He said,...that with no quick-fix solution...prison overcrowding...particularly in places like Remand Yard, which is equipped to be a transient facility.”

Now, I come to the Bill, Mr. Speaker, because this particular Minister has a habit of coming into this Parliament bringing badly drafted legislation, giving a very poor presentation, laughing and giggling throughout his presentation, and then not answering questions raised.

So I will go now straight to clause 11, Mr. Speaker. And clause 11 of the Bill is as follows.

Sections 19, 20 and 21 of the Act are repealed, and the following sections are substituted:

There is hereby established a body corporate to be known as ‘the Trinidad and Tobago Inspectorate of Prisons’...

The Inspectorate shall be managed by the Chief Inspector of Prisons who shall be appointed in writing by the Minister.”

So far, “kind ah all right”.

“There shall be a Deputy Chief Inspector of Prisons who shall be appointed in writing by the Minister.”

Now listen to this. I cannot use the words I want to use, Mr. Speaker, but listen to this weak drafting. I would have preferred to use a much more

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pejorative word, but I have been banned from using that word. So, I will just say listen to this very weak, ineffective, defective, useless impractical, crazy drafting, Mr. Speaker.

“The Chief Inspector of Prisons and the Deputy Chief Inspector of Prisons must—

- (a) be persons of good standing;
- (b) not be the holder of any...office of emolument whether in the public service or otherwise; and
- (c) not have served in the Trinidad and Tobago Prison Service.”

Mr. Speaker, the person does not even have to have a school leaving certificate; not even a school leaving certificate, not even two CXC passes, Mr. Speaker. What kind of legislation is this?

The reason why I read out all of these incidents in the prison, where attorneys are collaborating with prisoners and officials of the State, presenting bogus claims about brutality against prisoners, where prisoners are rioting, where contraband is being smuggled into the prisons, where officers want guns, where prisoners say they are getting beat up, where prison officers say their lives are in danger, where there is overcrowding, insanitary conditions, and every name of evil in our prisons, Mr. Speaker, the reason why I read out those articles is that this Bill is now creating an inspectorate of prisons where the chief inspector and deputy chief could be somebody with a school leaving certificate, Mr. Speaker.

Mr. Deyalsingh: Inspector Crusoe.

Mr. C. Imbert: It is ridiculous! And Mr. Speaker, I did—and really this is just not good enough. It is not good enough! [*Desk thumping*] The

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Government has to do better than this.

I did a quick check, the person in charge of inspecting prisons in the United Kingdom, Mr. Speaker, in England, is an extremely experienced social worker with a PhD in social work, Mr. Speaker—that is the Inspector of Prisons in England. In Scotland, the former Chief of Police is the Inspector of Prisons. In Ireland, a former judge is the Inspector of Prisons, Mr. Speaker, and those are just three countries that I have called there. This is disgraceful at the very minimum! The person should have at least a university degree, should have extensive experience in either social work or in the protective services or be an attorney-at-law or a retired judge or a retired magistrate, a senior police officer, somebody at the rank of senior superintendent, some kind of competence, Mr. Speaker, because it is a jungle inside in our prisons. There is a war taking place inside our prisons, Mr. Speaker, and what we need in this country, if we are truly to go forward, because there nothing wrong with creating an inspectorate. Nobody could argue with that. It is a progressive move! Do it properly!

Miss Mc Donald: That is right.

Mr. C. Imbert: Do not come with this half-picked, half-baked legislation where you are trying to reform the system, you are creating an inspectorate, you are giving the inspectorate the ability to hire persons, but you are not prescribing any qualifications for chief inspector and the deputy chief inspector. And I hope the Government will have the good sense, before we take the vote on this Bill, to draft an amendment to provide some minimum qualifications for the chief inspector and the

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deputy chief inspector.

Mr. Speaker, I know of no other state organization, I know of no other authority in Trinidad and Tobago where the people at the top are not prescribed by some kind of minimum qualification. [*Crosstalk*]

Mr. Deyalsingh: The cyber security that they want to do now. No qualifications.

Mr. C. Imbert: No. They are changing that. I know of no—like the occupational health and safety agency, the Environmental Management Agency, Mr. Speaker, I know of no other serious agency—and this is a very serious agency—where at least you do not prescribe that the person must be an attorney-at-law or must have significant experience in public service or be a social worker of repute, Mr. Speaker.

So I am calling on the Government, this legislation is defective, and we on this side cannot support this, unless you put some minimum qualifications in, otherwise is another Resmi Ramnarine all over again; [*Desk thumping*] another Resmi Ramnarine all over again.

Hon. Member: That is the heart of the Bill.

Mr. C. Imbert: You could put a school child. It says it must be “a person of good standing”. What does that mean? That you do not have a conviction against you, Mr. Speaker. Mr. Speaker, the last time I checked the meaning of these words, “persons of good standing”, all that means is that you do not have a conviction recorded against your name; that is all. [*Crosstalk*]

We have to do better than this in this country, Mr. Speaker, and if the Government fixes that, then I think we could support this legislation,

but if it does not fix that, I am afraid we cannot support this legislation. I thank you, Mr. Speaker. [*Desk thumping*]

3.45 p.m.

The Minister of Justice (Sen. The Hon. Emmanuel George): Thank you very much, Mr. Speaker. I rise to speak on this Bill for a second time after introducing it in all seriousness last Friday and contrary to what the previous speaker said, I was not joking, laughing or giggling at any time at all during my presentation on Friday last.

Remember, Mr. Speaker, you were sitting right there looking at me; there was not a single time that there was a smile on my face.

Dr. Khan: He was not laughing. Probably that is how his face is.

Sen. The Hon. E. George: Not at all, so I want to dispute—you see, the previous speaker sits there and makes all these very spurious, baseless statements, simply trying to catch the cameras and the newspapers.

He speaks as if the problems in the prisons started on May 25, 2010. I mean, he just goes on and on. What was happening at the time when the PNM was there, when this issue of the prison rules came up on January 21, when I spoke in the other place, I did indicate that this Government was pursuing a lot of the recommendations of the Deosaran committee, and I did refer to the many reports on the prisons going back as far as the Abdullah report in 1982, which all came to the PNM Government and they did absolutely nothing about it. So, the Member for Diego Martin North/East has no moral authority whatsoever, Mr. Speaker, to be saying

what he is saying here today. No moral authority to be criticizing this Government on the issues facing the prisons at this stage in the prisons existence. So, I want to refute everything single that he has said [*Interruption*] you know.

I want to start with the final one. The issue of the qualifications, in this Act we are not dealing with the qualifications issue in. [*Laughter*] The qualification issue will be dealt with in another place, but not here in this Act. [*Interruption*]

Miss Hospedales: Why?

Hon. Member: They have no reason.

Sen. The Hon. E. George: The chief inspector and the deputy chief inspector in this proposed Bill, it is not the intention to deal with qualifications, we are speaking about character here. Whenever the person is employed then you deal with the qualifications.

Hon. Member: What! When they are employed, what?

Sen. The Hon. E. George: When they are going to be employed you deal with the qualifications.

Dr. Browne: Nah, we cannot accept that.

Mr. Imbert: We cannot accept that.

Miss Mc Donald: Nah, you are not serious. We cannot deal with that.

Sen. The Hon. George: Again, the Minister spoke about riots in the prisons and protest by prison officers—[*Interruption*]

Dr. Browne: Minister, would you please give way?

Sen. The Hon. E. George: No—and I in this House stated that in November 2013 there was no riot in the prisons [*Interruption*] and the Prime Minister did at the—[*Crosstalk*]

Mr. Speaker: Please! I appeal to Members to allow the hon. Minister to speak in silence. Continue, hon. Minister.

Sen. The Hon. E. George: Thank you very much, Mr. Speaker. The Member for Diego Martin North/East started off by speaking about prison gate, and if my memory serve me right, I think that the DPP has set up an investigation into that matter and I think that I prefer to say nothing until the report of that committee comes out.

In respect of the matter of what the Government is doing to address all the issues in the prisons. This Government has concluded the prisons rules, Mr. Speaker [*Desk thumping*] and I want to, again, because I heard the goodly representative for St. Joseph, stand here in this Parliament once again and speak to the issue, “we waiting on the prison rules”. I have said repeatedly in this House and in the other place that the prison rules, and I hold them up again here for everybody to see [*Holds up documents*] these prison rules have been completed since December 2013. [*Desk thumping*] And I also said in the Parliament, and the *Hansard* would record in the Senate on January 21, I said to the Parliament that these rules have been completed and they await the debate and finalization of the Miscellaneous Provisions Prisons Bill, which is what we are debating today, before they could be laid in the Parliament, I have

been saying that for months. [*Desk thumping*]

If I go to the *Hansard* on January 21, 2014 you would see it there and, in fact, when I spoke here last Friday on this matter—[*Interruption*]

Mr. Speaker: Member for Diego Martin Central, Member for St. Joseph, Member for Port of Spain South, I would like you Members, in particular, to observe Standing Order 40(b) and (c) respectively. This is the second time I am on my legs; the third time I rise would be my final warning, Member for Diego Martin Central, MP for St. Joseph, Member of Parliament for Port of Spain South. Continue, hon. Member. [*Desk thumping*]

Sen. The Hon. E. George: Thank you very much, Mr. Speaker. Yes, I was saying that on Friday when I spoke in this House on this Bill, the goodly Member for St. Joseph was sitting right there and ought to have heard everything I said, so I cannot understand how his first remark today was, “where the prison rules? Where the prison rules?” I said even then, I repeat it again last Friday, that the prison rules have been completed and they were awaiting the debate and passing of this very Act we are debating today. But they do not listen, you see. They do not listen and then they come saying, “where the prison rules? Where the prison rules?” You must listen when people are speaking. [*Desk thumping*] Do not just sit over there and—[*Interruption*]

You spoke about justice Kokaram and bogus claims coming to court. Now, as I indicated, the DPP has set up a committee to deal with

that—an investigation into that and I will say nothing about it. But what I will say, which relates to this, is that in respect of addressing the problem—we are trying to address the problem of violence, whatever violence exists in the prisons, by way of pursuing a use-of-force policy and that use-of-force policy has already been written, completed, agreed and is in force, and the Commissioner of Prisons training is training his men in the understanding and execution of that use-of-force policy. And the point is, that if you reduce the opportunity, an inclination to violence in the prisons then you would do away with the opportunity for the false claims that the prisoners come up with. So, I am saying that is an issue that we are addressing via the use-of-force policy in the prisons.

Let me deal with the issue of guns. I have repeated over and over, and I will say it again, and I went on television in an interview with CNC3 with this particular issue, and I quoted from the Firearms Act, the Firearms Act gives to the Commissioner of Police the sole responsibility for giving guns to any citizen in this country, whether they belong to the prisons, police or ordinary citizens. It is not the Minister and it is not the Government. I do not think that anybody—and I heard the Commissioner of Prisons, this morning, speaking to the fact that Government cannot give him instructions. I am saying that the Commissioner of Police, sorry, has the sole authority under the Firearms Act to deal with giving guns to whoever, the Government cannot and ought not to get involved. They would be seen as threading in an area where they are not supposed

to thread, and I have so advised the prison officers and they are taking up this matter with the Commissioner of Police and with their own Commissioner of Prisons, to whom the Commissioner of Police could, perhaps, delegate that authority from time to time. So, I am saying please, leave the Minister of Justice out of the issue of giving guns to prison officers, you are asking the Minister to break the law.
[Interruption]

The Member for Diego Martin North/East stands up there and pontificates on all these issues as if he is so accurate—completely wrong.
[Interruption] I says that is the Commissioner of Police. Of course, it is the Commissioner of Police. In the law it is he! I cannot go there. Please, understand! And it is not to say that he does not know it, you know. He knows! He knows! *[Crosstalk]* All of the issues he raised with respect to the so-called riots in the prisons last November, we have taken action, the Prime Minister set up the Deosaran committee, the Deosaran committee reported, the Cabinet took a decision on several of the recommendations with the Deosaran committee, and we are pursuing the implementation of those recommendations meticulously and bit by bit.

The Member for St. Joseph spoke to the matter of Carrera and the fact that the intention has been expressed by former Ministers of Justice, that Carrera will soon be closed. The intention to close Carrera was based on providing alternative accommodation for those persons who, now are held at Carrera, at the Maximum Security Prison in Golden Grove. The

contract has been awarded to a firm Normant of the USA to install the electronic facilities inside of the MSP, and that work is ongoing. In fact, today on my desk there is a note that came for approval to go to Cabinet for the training of persons by the Normant firm in the operation of the equipment and so on, that they are currently installing in there, and those persons have to go abroad to be trained for a week so that they can operate and manage the system when it is installed.

We have to put that system in the Maximum Security Prison first before we could move the people. That is going on as we speak. But in the meantime while the prison is there existing we have to legislate for it by providing that if somebody is escaping or you attempted to help somebody to escape from Carrera prison, or you are trying to get there, that you would have to pay a serious price, and that is the reason we have the section in the Bill that speaks to Carrera [*Inaudible*] on Carrera without authority. So, we must cater for it still because it is still in existence, but the intention is that we would close Carrera down. But, like I said, we have to put those equipment into the MSP first, train the people in this operation and then we could do that. So, let me just set the record straight on these issues that are being bandied about here.

Mr. Speaker, for the record in my hand—this has just been given to me—is the *Hansard* of January 21, 2014, and I want to read just the paragraph where I spoke to the prison rules, because my colleague, the Member for St. Joseph, apparently, I do not want to say stick break in his

ears, but, you know, he was not listening. “As part of the continuing process and”—

Mr. Speaker: Member, is that—you are quoting from a contribution you made in this place? The quotation!

Sen. The Hon. E. George: No, it is not.

Mr. Speaker: No, in this current session that is not permitted. Do not quote from the other place, please. [*Inaudible*] No, no, that is not for me.

Please. Continue, hon. Minister, do not quote from the other place.

4.00 p.m.

Sen. The Hon. E. George: “As part of the continuing process to modernize the management of prisons and prison inmates...”—I am saying that—[*Interruption*]

Mr. Speaker: Summarize.

Sen. The Hon. E. George:—as part of that process, I had said that the Prison Rules were completed. So I am saying that if he wants to check, at all, he can go right back to the *Hansard* of January 21, 2014, Senate—the other place, sorry, and he will find the quotation, what I said there, regarding the Prison Rules.

I am saying, Mr. Speaker, that we have been pursuing all of the areas that the Cabinet approved for follow-up action based on the recommendations of the Deosaran committee. The issue of the cell phone jammers and grabbers, a contract is expected to be soon awarded for that because it is before the special tenders committee of the National Security Ministry; the issue of the vests, the protective vests for the prison officers, that contract has already been awarded and we await the delivery of the

equipment. The work is ongoing in respect of the issue of the improvement to the toilet facilities and so on, unavailable to prisoners, and so on. So while we are not blowing our trumpets out here, continuously, we are doing work behind the scenes to address all of the issues of the prisons. And this piece of legislation is simply one of the other pillars in our attempts to put this edifice in place of the improvement to the justice system in Trinidad and Tobago.

So, all of the matters, I think, raised by the Members opposite, I think we have addressed and I thank my colleagues, the Member for Moruga/Tableland and the Member for La Horquetta/Talparo for their inputs, because they did fortify all of the issues that I raised and presented on Friday last.

Again, by way of summarizing, Mr. Speaker, the matters that this Bill seeks to attend to, the Bill as it says, seeks to create the inspectorate of prisons, and we had argued that the inspector of prisons, this one man team, cannot, in this modern time, address all of the challenges facing the prisons and the prisoners. It has gone past a one-man show. We have now in excess of 1,000 prisoners in the prisons. One person cannot attend to the grievances of all of these men; one person cannot attend to all of the needs of all of the different prisons starting in Carrera, Port of Spain, Golden Grove, and so on; one person cannot check all of the cells of the police stations to see that prisoners are being well cared for; it just cannot be done. And so we have to put a new edifice in place to address these challenges.

Mr. Deyalsingh: Mr. Minister, before you close, would you give way?

Sen. The Hon. E. George: Hence, no, no. Hence, the recommendation that we install, the inspectorate of prisons. The other area that we are putting

into the legislation is the Appeal Tribunal, because we feel that when the Commissioner of Prisons makes a decision regarding a punishment that he assigns or applies to a prisoner for misbehaviour, whatever, within the prisons, the prisoner must have a source of appeal, and we do not want this source of appeal to be to the very inspectorate of prisons body, so we are putting in a separate independent appeal tribunal to which the prisoner could appeal. This would give transparency and fairness and so on, to a process, and some confidence to the prisoner that his matter is being dealt with fairly and more speedily, because that would be the sole focus of the tribunal.

Whereas, in the current situation the inspector of prisons has a lot of other competing demands made on his time and we expect that in the inspectorate of prisons they would also have a lot of work to do, so we do not want to tie them up with dealing with complaints from prison officers regarding the penalties instituted upon them by the Commissioner of Prisons.

The other significant aspect of what we are doing, what we are introducing in this Miscellaneous Provisions (Prisons) Bill, Mr. Speaker, is the increasing of fines. We have to bring the fines, one, up to date; secondly, we have to make them more effective in terms of their deterrent aspect and we also have to make certain persons, as indicated on Friday, to whom more is given more is expected, for the prison officers, policemen and the persons of the Defence Force, the penalties for them, for these offences will be higher. So these are basically, in summary, what the Bill seeks to do, and in respect of the mental health—

Mr. Deyalsingh: Before you close—it is a serious matter.

Sen. The Hon. E. George:—the Mental Health Act. My colleague did

attend to that, so I hope that it does not really fall under the—what we are dealing with here in this particular Miscellaneous Provisions (Prisons) Bill, and so to the Member for Port of Spain North/St. Ann's West, I hear her concerns and so on, and I understand where she is coming from with those concerns, but they do not fall really under the issues that we are dealing with under this legislation.

Mr. Deyalsingh: Minister, before you close—

Hon. E. George: And then of course there is a clause, Mr. Speaker, where—clauses 4 and 11 of the Bill, we are saying that those two clauses will have to be proclaimed at a date to be fixed, because we have to put certain things in place before we could operationalize the inspectorate of prisons, so we cater for that particular issue in the final piece of the legislation.

In closing, I want to say, Mr. Speaker, that the provisions in this Bill are in keeping with Government's general thrust towards the adoption and facilitating of restorative justice. The intention is that the prison environment will be made more humane, taking into account the physical, educational and psychological needs of offenders, and this humane environment automatically will make the facilitation of restorative justice possible. It will also lead to the transformation of prisoners, it is our hope, and aid in their successful reintegration into society and reduce the risk of reoffending. It is a Bill that is focused in part on making the environment in the prisons better for the prisoners.

In addition, the existence of a more humane environment will assist the well-being on the job of prison officers who are tasked with the responsibility to hold and treat prisoners. The officers will therefore be less stressed and be able to deliver services of the highest standard, in fact,

required of them in our prisons.

And so, Mr. Speaker, with these few words, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 10 ordered to stand part of the Bill.

Clause 11.

Question proposed: That clause 11 stand part of the Bill.

Mr. Imbert: Mr. Chairman, Mr. Chairman—

Mr. Speaker: Yes.

Mr. Imbert: Can I ask the Government, is it the Government's intention not to prescribe any minimum qualifications for the Inspector of Deputy Inspector in this clause, no academic, no professional qualifications of any kind, no minimum? Is that the Government's intention, that you do not intend to amend this legislation?

4.15p.m.

Mr. George: This section here is simply to prescribe certain characteristics and to make sure that you have a person of good standing and a person who will not be compromised in any way by his holding of—or compromise the office in any way by holding—and, for example, I think that if you go back to the history of the Inspector of Prisons, I do not think that anybody has ever been given the position of Inspector of Prisons who has made us uncomfortable, and I think that good sense will always prevail in the employment of the person that one is going to take here. So I do not think

that we want to change this at all. We want to leave this as it is.

Mr. Imbert: So then you are not prescribing minimum qualifications?

Mr. George: No.

Mr. Imbert: No academic, no professional qualifications?

Mr. George: We do not need it here.

Mr. Imbert: You are not doing it. Okay. Right.

Hon. Member: Papa!

Mr. Imbert: Ridiculous, but okay.

Dr. Moonilal: Mr. Chairman, for the record, let me indicate that the thinking of the Government on this matter is that knowledge of the prison system and experience and so on, is not an experience and a knowledge that one could easily pick up only in academic qualifications, and given the unique type of role and the unique skill and knowledge required for this, it is felt that the identity of this person should remain, at least in the law, open enough so that in hiring, you could look at someone with requisite experience in the prison system, while at the same time, with some type of academic or tertiary qualification. But if you put it in the law, then you will have to constrain yourself by indicating: accounting, law, management, but you may also have to put, for example, knowledge of the prison system by working in the prison system. So that it is a bit difficult because of this unique position.

But we have heard the Opposition's concern and we give the assurance that we will look at it and, if necessary in the other place, we can look to see if we will want to confine the qualification to some academic—because when you confine qualifications in law, you deal with professions, you deal with training and academic output. It is very hard to confine to

working experience. In this case, this person—you may want someone with a knowledge of law; you may want someone with a knowledge from the sector itself, which is difficult to constrain in the law. That is our position on this matter.

Mr. Imbert: Mr. Chairman, I understand what the Government is saying. The Leader of Government Business has been much more accommodating than the Minister. So what the Leader of Government Business is saying, is that they will look at it and see if it can be done. That is a much better reply.

Mr. Chairman: Member for Chaguanas West?

Mr. Warner: Mr. Chairman, I just wanted to find out whether putting some kind of minimum qualifications, does that militate against what the Member for Oropouche East has said? I do not see how—minimum qualifications, Mr. Chairman.

Dr. Moonilal: We give the assurance—we have heard from the Members for Diego Martin North/East and Chaguanas West—that it is something we could look at to fashion the right amendment in the other place when we go there, but it has to be thought out a little. It requires some thinking and I do not think at this stage we could think it through.

Mr. Chairman: All right. Let us go again. [*Crosstalk*] Could we have some order?

Question put and agreed to.

Clause 11 ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

Mr. Chairman: Member for Barataria/San Juan, you seem to be having your own meeting. I think you must join me here at times. [*Laughter*]

Dr. Khan: Yes, Mr. Chairarman.

Clause 13 ordered to stand part of the Bill.

Mr. Chairman: Please, Member for—I do not think we have that kind of—
[*Crosstalk and laughter*] Please, please. I heard both of you all. Let us have
some order. [*Crosstalk*]

Mr. Imbert: Mr. Chairman, you heard him?

Mr. Chairman: I heard you. [*Laughter*] I heard him and I heard you.

Mr. Imbert: But he was insulting me.

Mr. Chairman: And that is why I am saying that, for instance, Members
must conduct themselves properly. So I want you to withdraw the word that
you just used.

Mr. Imbert: I withdraw.

Mr. Chairman: And Member, withdraw.

Dr. Moonilal: I withdraw.

Mr. Chairman: Thank you very much.

Miss Mc Donald: “Both ah all yuh should”—

Mr. Chairman: Look, look. I did not say help. [*Laughter*]

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

House resumed.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Hon. Member: Division.

The House divided: Ayes 26 Noes 7

AYES

Moonilal, Hon. Dr. R.

Mc Leod, Hon. E.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Khan, Mrs. N.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

Warner, J.

NOES

Mc Donald, Miss M.

Mc Intosh, Mrs. P.

Imbert, C.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Hospedales, Miss A.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal

Moonilal: Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, June 25, 2014 and it is the intention of the Government to debate, through all its stages, the Finance (Supplementation of Appropriation) Bill, 2014. A copy of that Bill will be made available tomorrow for Members of the Opposition. On Monday, it is the intention at 11.00 a.m., to have a meeting of the Finance Committee. That will be Monday 23rd, to be clear, and on Wednesday the 25th, at .30 p.m.

I beg to move.

Labour Day and Corpus Christi Celebrations

Mr. Speaker: Hon. Members, before putting the question for your approval, we all know that Thursday the 19th is going to mark the 77th anniversary of the founding of the modern trade union movement in Trinidad and Tobago. We know that in 1937 there was a major revolution, an uprising in our country at that time, and that gave birth to the modern labour movement. And, coincidentally, Thursday also is going to be Corpus Christi. So it is two very significant days that we are going to be celebrating

on June 19. I now call on hon. Members to bring appropriate greetings. In this instance, I will now call on the hon. Minister of Labour, Small and Micro Enterprise Development, and the Member of Parliament for Pointe-a-Pierre, to bring greetings on the occasion of Labour Day. [*Desk thumping*]

The Minister of Labour, Small and Micro Enterprise Development

(Hon. Errol McLeod): Thank you very much, Mr. Speaker, hon. Members. On the occasion of Butler Day, which we call Labour Day, 2014, the Government of Trinidad and Tobago extends solidarity greetings to all workers and members of their class and, by extension, all citizens of Trinidad and Tobago.

The 1937 general strike and popular insurrection by the people consolidated the birth of our more major unions and the recognition of our modern trade union movement, and also built the foundation for the organization of workers' associations and the process of collective bargaining, through which process this Government facilitated the settlement of now some 83 contract agreements, many of which were stalemated from as far back as 2005. [*Desk thumping*]

The world of work has changed, Mr. Speaker, and so, too, must the relationship between the employer and the worker, and in this case, I insert Government, both as Government and as employer.

4.30 p.m.

As I was moved to assert at the 101st International Labour Conference in Geneva two years ago and, again, at the United Nations high-level meeting in New York just about two days short of a month ago, that meeting in New York, Mr. Speaker, dealt with the eradication of intense poverty and

suffering in the world, and on those two occasions I was moved sufficiently to assert that there is no labour without development and there is no development without labour.

The platform at these two international events were erected for the promotion of the decent work campaign, in which decent work is identified as work which is productive, work which itself enhances human existence and contributes to community and national development. Decent work is work in which persons are protected from hazardous conditions and unsafe practices, work which dispenses decent pay and in which employee and employer rights are respected and upheld.

All of these call for new approaches. They call for more modern thinking and pragmatism, dialogue and partnering. The world has changed, Mr. Speaker, and we are either going to be left behind if we did not recognize that change and become part of it and try to influence it in directions that will benefit all in our national communities. The tendency, therefore, to megalomania by some, will erode many of the material gains realized through struggle over the years. More than that, robust relationships based on trust and respect are being destroyed, and it is some of these robust relationships that allowed for the continuing employment of many whom I know today are making statements that depart from this particular thrust.

Labour Day 2014 is a time, therefore, for reflection and reassessment. Let us internalize and distil the lessons intended in CLR James', *The Future in the Present*. I know you would have read that, Mr. Speaker. Our preparation or lack of it, today, will shape what our tomorrow will be.

So on behalf of the Government of Trinidad and Tobago, I wish all a safe, reflective and productive Labour Day 2014, and I would have said

some years ago “A Luta continua”.

Thank you very much. [*Desk thumping*]

Mr. Speaker: What I would like to do is that, we will deal with Labour and Corpus Christi and then we will come across and do the same. So I will call on the hon. Member for Chaguanas East and the Minister of Transport.

The Minister of Transport (Hon. Stephen Cadiz): Mr. Speaker, on behalf all of us on this side, we wish to join with the Roman Catholic community in celebrating the festival of Corpus Christi. Of course, the name Corpus Christi is Latin for the Body of Christ.

The festival of Corpus Christi celebrates the Eucharist as the Body of Christ. This festival is celebrated by Roman Catholics and, in some areas other Christians to proclaim the truth of the changing of the elements of bread and wine into the actual Body of Christ during mass. Corpus Christi falls on the first Thursday after Trinity Sunday which would have gone, which is roughly 60 days after Easter.

The festival was inspired by the religious experience of St. Juliana who died in 1258, and Corpus Christi was made a feast for Roman Catholics by Pope Clement V in 1311. So it goes way back, Mr. Speaker. The main feature of Corpus Christi celebrations is the triumphant, liturgical procession in which the Sacred Host is carried out of the Church for the Christian faithful to make public profession of faith and worship of the Most Blessed Sacrament. Of course, we all know in Trinidad and Tobago of the Corpus Christi processions on that Thursday morning, normally in rain.

Since for Catholics, the Host contains the real presence of Christ, it is treated as Christ in human form and would be treated with reverence, ceremony and adoration. So on behalf of the Government, we celebrate with

the Roman Catholic community and, again, in some cases other Christians, the festival of Corpus Christi.

Thank you, Mr. Speaker. [*Desk thumping*]

Mr. Terrence Deyalsingh (*St. Joseph*): Thank you, Mr. Speaker. As I rise to represent the People's National Movement and join with the hon. Member for Pointe-a-Pierre in recognition of Labour Day, June 19. That date and the events surrounding it as you hon. Members would know, there was loss of life, but fortunately the events of those times brought the two major races in Trinidad and Tobago together and spawned the wider labour movement in the Caribbean. Some of the names we must recognize are the names, of course, Tubal Uriah "Buzz" Butler; you must remember Andrew Arthur Cipriani, affectionately called the "Champion of the barefoot man"; one Mr. Krishna Deonarine. Many people would not know that name, but they will know him by the name Adrian Cola Rienzi; and we must also recognize the recently deceased, Mr. Elbert Redvers Blades, the first general secretary of the OWTU. The aforementioned Adrian Cola Rienzi also had the distinction, not only of being a founding member of the OWTU, but also the All Trinidad Sugar and General Workers' Trade Union.

Mr. Speaker, whenever we speak about Labour Day we tend to speak about the men in labour. We on this side, today, would like to bring some gender balance into the recognition and pay tribute to three women in labour.

1. Elma Constance Francois, 1897—1944. She was a member of the then called Negro Welfare Cultural and Social Association, and she was declared a national heroine in September of 1987.
2. Clotil Walcott, 1925—2007. Member of the National Union

for Domestic Employees, especially for unpaid workers at that time and, coincidentally, she was a member of the St. Joseph constituency, having been born in Wellington Street. The interesting thing about Ms. Walcott is that she learned trade unionism not only in practise in Trinidad, but by in those days correspondence course out of the UK because she only had a primary school education. She would come outside the Parliament in those days and sell her leaflets for 50 cents a sheet, and she later went on to help found the National Union of Domestic Employees.

The third female we would like to pay tribute to on this side is one:

Daisy Crick, an OWTU executive member. She was a housewife turned militant trade unionist, an excellent platform speaker. She was actually the founder or the President of La Brea branch of the OWTU, and I want us to listen to this quote. She had a very nice quote, and she says:

“It is the women who change the world, not the ladies.”

Mr. Speaker, we often pass legislation in this House and we use the term “strict liability”. But do we know that strict liability where we do not have to prove the mens rea, or the guilty mind, actually came out of the labour struggle in 19th Century in England, where factory workers were being maimed by machines and you could not hold factory owners liable for damage. So out of that came this whole thing of strict liability, where we could now hold people liable for their actions without having to prove that they had the guilty mind. That is the impact of labour studies over the years that comes into the law.

So, Mr. Speaker, as I close, I would like to tell our comrades, the working class, that the struggle continues and that labour equality is not a destination. Like perfection, it is not a destination that once reached, you end. Rather, it is a journey and we wish the working class all the best as they continue along this journey.

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

Mr. Speaker: Hon. Members, I wish to join with my honourable colleagues in celebrating the momentous occasion which will mark June 19, that is, Labour Day, or as the hon. Minister of Labour and Small and Micro Enterprise Development has said, Butler Day. For it is on this coming Thursday, June 19, that we celebrate not only human rights injustice, but the right to collective bargaining. It is on this Thursday that we celebrate constitutional change and social advancement on behalf of the working class in Trinidad and Tobago.

Hon. Members, we mark another year of Labour Day celebrations, some 77 years since the major social and political uprising of the labour movement in 1937. The issue of workers' rights has always been dear to me, and accordingly it is only right that I encourage us, as Members of Parliament, to pay our respects to the founding fathers of the modern labour movement namely, Tubal Uriah "Buzz" Butler, Adrian Cola Rienzi, Captain Arthur Cipriani and many others, past and present patriots, who have sought to represent and represented in a very significant way, the interest of the working class to ensure the advancement in their living and working conditions.

In our reflections on workers' rights as a country, we must stand proud of our achievements in this regard including the progressive

solidification of union representation. The trade union movement has been and continues to play a very significant role in the advancement of our democracy. And therefore, on this occasion, I wish to extend and salute the working people and working class in their continued quest for the creation of a more just and a more even and equitable society.

I also wish to join my colleagues in extending greetings to the Christian community as we observe Corpus Christi on the same day. As we enjoy the long anticipated extra holiday, let us remember that we have to be very safe and secure in our environment and in all that we do.

On behalf of my family and the staff of the Parliament, I wish to extend to the entire labour movement and the citizenry at large, warmest greetings as we collectively celebrate the 77th anniversary of the 1937 labour uprising as a nation.

I wish the Christian community a reflective, holy and joyous Corpus Christi.

Hon. Members—[*Interruption*]

Miss Mc Donald: Mr. Speaker?

Mr. Speaker: Yes.

Miss Mc Donald: I think there is an oversight that we did not give our Corpus Christi greetings.

Mr. Speaker: Oh, sorry about that. My dear, I apologize to you. The hon. Member for Port of Spain North/St. Ann's West brings greetings at this time. [*Desk thumping*]

Mrs. Patricia Mc Intosh (*Port of Spain North/St. Ann's West*): Thank you, Mr. Speaker. On behalf of the People's National Movement, I rise to bring greetings to all Christians, but most specifically to the Roman Catholic

community on the occasion of the holy feast of Corpus Christi which will be celebrated on Thursday, June 19, this coming Thursday.

As the Member for Chaguanas East indicated, Corpus Christi is Latin for Body of Christ. As Catholics gather on Thursday to commemorate this liturgical solemnity by attending mass and participating in processions, they celebrate not only the Body of Christ, but also the belief in the Body and Blood of Christ and his real presence in the Holy Eucharistic.

As I end, Mr. Speaker, I should like to wish the Christian community, but more pointedly my fellow Roman Catholics and indeed all citizens of Trinidad and Tobago, the most abundant blessings of Almighty God on the commemoration of Corpus Christi. [*Desk thumping*]

Mr. Speaker: My apologies once again.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.46 p.m.