

SENATE

Tuesday, May 21, 1996.

The Senate met at 1.30 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. Philip Marshall and Sen. Vernon Gilbert from today's sitting of the Senate.

**INTEGRITY LEGISLATION
(Joint Select Committee)**

Mr. Vice-President: Hon. Senators, I have received the following communication from hon. Hector McLean, Speaker of the House of Representatives:

"Dear Mr. Vice-President

Resolution - Joint Select Committee

Please be informed that at a sitting held on Friday May 03, 1996, the House of Representatives agreed to the following Resolution which was moved by the Hon. Attorney General:

"WHEREAS the Green Paper on Integrity Legislation was tabled in the House of Representatives on Friday February 2, 1996 and in the Senate on Tuesday February 6, 1996:

BE IT RESOLVED that a Joint Select Committee of Parliament be established to receive and consider the comments of members of the public and to submit recommendations to Parliament thereon." Accordingly, I respectfully request that you cause this matter to be placed before the Senate at the earliest convenience.

Yours respectfully,

Hector McLean

Speaker.

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, at the appropriate stage I shall seek leave of the honourable Senate to deal with this matter.

CORONERS (AMDT.) BILL

An Act to amend the Coroners Act, Chap. 6:04. [*The Attorney General*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate. [*Sen. The Hon. Wade Mark*]

Question put and agreed to.

PAPERS LAID

1. Loan agreement (Basic Education Project) (Loan Contract No. 3956-TR) between the Republic of Trinidad and Tobago and International Bank for Reconstruction and Development dated March 07, 1996. [*The Minister of Public Administration and Information (Sen. The Hon. Wade Mark)*]
2. Annual report and annual audited statement of accounts of the Central Bank of Trinidad and Tobago for the year ended December 31, 1995. [*Hon. W. Mark*]
3. The National Consumer Policy of Trinidad and Tobago. [*Hon. W. Mark*]
4. Community Development Fund Programme - Loan Contract No. 872/OC-TT between the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*Hon. W. Mark*]
5. Report of the Auditor General on the accounts and financial statements of the Environmental Protection and Rehabilitation Programme - Loan Contract No. 857/SF-TT for the year ended December 31, 1993. [*Hon. W. Mark.*]

ORAL ANSWER TO QUESTION**Cedros Government School****(Accommodation)**

- 3. Sen. Prof. Kenneth Ramchand** asked the Minister of Education:
- (a) Is the hon. Minister aware that the Cedros Government School was destroyed by fire on October 16, 1993 and that the pupils are being accommodated in two different places?
 - (b) If the answer is in the affirmative, can the Minister inform the Senate:-
 - (i) whether any attempt has been made to have the pupils accommodated at the Cedros E.C. School?
 - (ii) whether a decision has been taken to rebuild the Cedros Government School on the existing site?
 - (c) If the answer to (b) (ii) is in the affirmative, would the Minister inform the Senate of the date on which the rebuilding is expected to commence?

The Minister of Education (Hon. Dr. Adesh Nanan): Mr. Vice-President, the Minister of Education is aware that one of the buildings which housed the Cedros Government School was destroyed by fire on Friday, October 15, 1993 and the pupils are now being housed in two different places; at the refurbished building which was not destroyed by the fire and at the Cedros Composite School.

No attempt was made to have the pupils of the Cedros Government School accommodated at the Cedros Anglican School and a decision has been taken to rebuild the Cedros Government School on a site to be determined.

Replacement of the Cedros Government School is programmed for Phase I of the Fourth Education Project between the Government of the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development, and is scheduled for implementation during the first quarter of

Oral Answer to Question
[HON. DR. A. NANAN]

Tuesday, May 21, 1996

1997. Until a contract is awarded by the Central Tenders Board, the precise date on which rebuilding of the school is expected to commence cannot be given.

Sen. Prof. Ramchand: Mr. Vice-President, can the hon. Minister say whether any kind of agreement has been arrived at?

Hon. Dr. A. Nanan: Mr. Vice-President, I would like to respond at another time, please.

Mr. Vice-President: Can I ask the hon. Minister if he would be prepared to give the answer to the supplemental question in writing?

Hon. Dr. A. Nanan: Yes, Sir.

Mr. Vice-President: Prof. Ramchand, is that acceptable?

Sen. Prof. Ramchand: Yes, Sir.

INTEGRITY LEGISLATION

(Joint Select Committee)

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, I beg to move the following Motion standing in my name:

Whereas the Green Paper on Integrity Legislation was tabled in the House of Representatives on Friday February 2, 1996 and in the Senate on Tuesday February 6, 1996:

Be it Resolved that a Joint Select Committee of Parliament be established to receive and consider the comments of members of the public and to submit recommendations to Parliament thereon.

Mr. Vice-President, I beg to move.

Question proposed.

Question put and agreed to.

Resolved.

That a Joint Select Committee of Parliament be established to receive and consider the comments of members of the public and to submit recommendations to Parliament thereon.

1.40 p.m.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, in the absence of the Minister of Foreign Affairs to deal with Bill No. 1 at this stage, I would like to propose that we move on to Bill No. 2.

Agreed to.

RENT RESTRICTION (RE-ENACTMENT AND VALIDATION) BILL

Order for second reading read.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Vice-President, I beg to move,

That a Bill to re-enact the Rent Restriction (Re-enactment and Validation) Act, 1996 be now read a second time.

Mr. Vice-President, this is one of those experiences in the *deja vu*, as if I am returning to the same position I held several months ago. It is unfortunate that the time of the Senate has to be spent in this way, and I regret that I had any part to play in what could be construed as a waste of the time of this honourable Senate. But, be that as it may, it is necessary to return to this Chamber, which I am always very happy to do. I spent almost five years of my life in the Senate and quite frankly if I were offered the preference this is where I would be.

It is necessary to return to re-enact an Act that went out of existence because of the passage of time. Instead of going over all the arguments which I advanced on the last occasion, I thought that I would bring the Senate up-to-date, hoping that I maintain relevance on the things that we are trying to do, that if we succeed in doing, we would then have all kinds of restrictions in our path. There would be no need for legislation to restrict matters like rent. I think all of us have agreed that restrictions are necessary where shortages exist and if we can alleviate the shortage and we can solve the problem of delivering adequate shelter to satisfy our population, we can then remove restriction, and this is our aim.

Since I was here last, much progress has been made. We have clarified a certain policy position, which is very important. There are many problems in the shelter sector and the problems are not small ones. They are very large in scale. This is only one of the problems, that we have to restrict rents to safeguard little tenants and adversely affect the value of private property—which I do not think any of us like to do; it is certainly not in the spirit of our Constitution. There are other problems however.

There are approximately 50,000 families described as squatters, half of whom are on state lands and this again is because of the shortage. If the society were able to deliver the adequate number of units to satisfy the needs for shelter we would not have found ourselves in this position. The fact is we are not unique in this. In fact, only this morning an article published in the *Time* magazine dated May 6, 1996—atrocious—something that occurred in Brazil, because of the lack of ability of governments to deliver shelter and land adequately which is really a basic need, as basic as food and clothing. This article describes an encounter between a group of squatters and I quote:

“Of Land and Death

A shocking encounter between police and squatters forces the pace of land reform in Brazil.”

Brazil is now being forced to increase the pace of reform because of situations like this, where the police confronted some stubborn squatters and shot and killed a number of them.

This is the year of Our Lord, 1996, and this is on the eve of the Habitat II Conference which is a conference dealing with human habitation, the focus being on resolving the shelter problem in the context of establishing civilized, well-ordered human settlement environments.

I also received very recently, the papers that came out of the Habitat I 20 years ago. The United Nations held a summit in Vancouver which was called Habitat I, and 132 nation states passed a resolution so as to avoid the occurrence of what recently happened in Brazil and what is happening in many parts of the world; and what could happen here.

When one reads the resolution that came out of that conference 20 years ago, one has to ask what has mankind been doing for two decades. Quite frankly, Trinidad and Tobago is way ahead of most Third World countries in its approach to human settlement and in its attitude to its less fortunate citizens. But Trinidad

and Tobago has not begun to achieve the things resolved by the United Nations 132 member states of this world in which we live—and we are ahead of the rest. In fact, I think we are now on the road to achieving all the objectives that were stated at the Habitat I Conference and we can go to Habitat II, at least with that degree of hope that Trinidad and Tobago is one of the nation states that is now coming to grips with this very critical problem of adequate shelter for the human specie.

We have put in place a number of really very useful initiatives. The first and most important is to regularize the tenure of all squatters on state lands and to enable all squatters to enjoy security on a portion of state land. We cannot interfere at this stage with private lands because it would be a denial of constitutional rights. What we would achieve in regularizing the tenure of squatters on state land, is a formula that will enable the state to use its resources in free and open discussion with private land owners to find a resolution to the problem of squatting on private lands as well.

1.50 p.m.

We have agreed on soft terms to enable the enjoyment of security of tenure, and there are three very simple steps that will be taken when the legislation is brought to Parliament.

The first step is really a policy decision to give a guarantee to all squatters on state lands that they will not be demolished in an inhumane way. In the past we saw fully-armed policemen, sometimes fully-armed soldiers and guard dogs, supported by a wrecker squad, go into these areas and demolish one or two houses of poor people. The new legislation will give the assurance to the national community that that will never happen again. We call that comfort. We will give all squatters comfort.

We recognize that not all squatters can, in fact, be secured where they are because some are on sensitive areas that are very important for ecological purposes, for example, preserving the green belt—the forested areas—and protecting valuable water resources. Some are on the edges of rivers. It is not in their interest to stay there because with heavy rains, they can lose their homes, and the children can drown. Some are on abandoned railway lines which are earmarked for the improvement of the road network in the country. They cannot be regularized.

We will establish a land bank with state lands, properly planned and located. The planners will indicate where people can settle without putting a burden on the

national economy, and we will relocate those squatters who cannot be regularized, onto the land that is identified for that purpose. Once we do that we can go the next step. We will identify those squatters who can be regularized, who are not in these sensitive areas and who have laid out their homes in such a way that there is room for access roads, proper drainage, sewage disposal, garbage disposal and so forth. We will identify all squatter areas which can be upgraded because they had the common sense to lay out their communities to enable an improvement of the environment.

Once those are identified—and we are trying to identify as many as possible to include in the legislation—they will get a statutory lease. The lease will be of 30 years duration, and the squatter will be called upon to pay for the cost of land surveying, legal conveyancing and the upgrading of the infrastructure, without a burden on the other citizens. But here the state will give an assurance that where we can mobilize and organize the professionals, both the lawyers to do the conveyancing and the land surveyors to reduce unit cost, we will do so. Where there are institutions such as the URP, self-help, the NGOs and the CDOs, they will assist in the process of upgrading infrastructure. Meanwhile, our experts are very busily engaged in trying to reduce the cost of the delivery of services.

I have been the subject of some humour when I describe one of the most difficult parts of infrastructural delivery as sewage disposal. But there is sewage and solids; kitchen waste and bath waste, which are pollutants and for which we are designing simple economical systems to enable the disposal of waste in an environmentally-friendly way to bring the cost down.

I had a very interesting meeting with Prof. Phelps and an old friend of mine, Peter Richards, landscape architect, *par excellence*. I would say that he is the father of landscape architecture in this country. They have agreed to undertake the design of a simple oxidation system using space, ponds and the hyacinth lily for processing the waste. The design will include part on-site and part off-site disposal. The off-site disposal will be only fluids, and it will be in a natural environment which will be designed in such a way that it is aesthetically pleasing.

We have already had a meeting with WASA technicians and Severn Trent management, and they have agreed with this approach. We have a Note before Cabinet seeking approval for adopting this standard approach. We will, therefore, replace all those systems that are broken down. There are 150 systems in place, only 50 of which are working. One hundred systems have broken down and we will now replace those with this very economical, environmentally-pleasing

facility. We need some land space for that, so where we have the land space, this strategy will be adopted. This will reduce the cost of delivery of what is an extremely expensive component of infrastructure. That is something we have achieved since last I was here.

We have achieved one other thing with the help of the professional bodies, because we spend much time together and pool our resources. The architects are right now working on designs to enable the poor people to start a humble component of a permanent house, which can be expanded over time into an acceptable middle-class family home. We are also trying to source finance to enable the poorest of our people—and believe it or not 40 per cent of our society fit that category—to enable them to get started. We are trying to devise a financial system to enable them to access a small sum of money, interest free, to acquire materials, and then to put their own sweat equity into provision of homes for their families. We are well on the way in this regard.

2.00 p.m.

In addition to that, we have established an approach to delivery which, in fact, will impact on all classes in the society where the state would work in partnership with the private sector, both in combining the resources of the professional cadre, the architects, engineers, land surveyors and quantity surveyors and in going into partnership to deliver the finished product through working with the contractors.

In this regard, Mr. Vice-President, Trinidad and Tobago is leaps and bounds ahead of the rest of the world. There is an organization established by the professionals themselves called the Joint Consultative Council which includes all the representative groups of all the practising professionals, contractors both large and small. We therefore can speak to representatives of the human resource capability of the construction industry virtually, one to one. In this way we can maximize the returns once we start any development programme and we have a commitment from the Ministry of Housing and Settlements and the Joint Consultative Council to work hand in hand to deliver and to enable the satisfaction of a phenomenal need.

I shared some of this information on the last occasion I was here. A very comprehensive survey was undertaken by IDB-funded specialists working with a local group of specialists, Laughlin and Associates Limited. This group is called the Planning and Development Collaborative International Incorporated (PADCO). This group did a comprehensive study of the housing sector and they have identified the housing needs and the trends. It is very interesting, Mr. Vice-President, in our country the trend is for our people to own their own homes and

not to rent accommodation. In fact, if people are assisted in this regard we would have a tiny percentile of the market requiring rental accommodation. This means that one would not have too many investors putting up buildings for rent; the Rent Restriction Act will become redundant anyway.

The Planning and Development Collaborative International Incorporated identified that in the next decade 115,000 new units would be required, that means we have to deliver 10,000 per year. In fact this assessment was done so that it was anticipated that in 1995, 10,000 would have been delivered. I think only 6,000 were delivered so we are far off target.

They identified too, a very interesting trend; where there are existing settlement areas there are dents and they are already a burden on the existing infrastructure. Everybody who lives here would know that the road network is stressed, that is why we find ourselves in traffic jams. People who have to come to Port of Spain from any eastern area would feel every day of their lives, that there is something wrong with the way we have settled our population. The tendency is for people in Port of Spain and San Fernando to gradually move out of the urban, highly concentrated settlement areas into Central Trinidad where there is open space. Mr. Vice-President, that is a very good thing for us. If the population of the major centres begin to reduce, it gives us more space for rational planning and development. It also gives us less unemployed to support and we would have less social problems.

If one provides 10,000 units per year, however, and one has to access the land that is already serviced by existing infrastructure, one would alienate land from other uses, mainly agriculture, but also industry, commerce and recreation. We, therefore, have to provide additional accommodation in other parts of the country. We have to seize this opportunity to open up the country to settlement, that is where a highway network is imperative. We have to connect San Fernando to Mayaro with a new highway. If we do this and align the highway away from the areas of natural growth poles, a space would be created that would enable planners to re-design those little townships and to give them modern facilities and a living environment which I think human beings deserve.

We would, therefore, have the opportunity, if we start to direct our resources, to open up our country and accommodate our people with expanded townships. Our country is so small that one would lose the definition between urban and rural. We would have to define a new word. We are not going to be urban or rural, we are going to be settled. We would utilize our land space rationally and productively. With the kind of development that has already occurred in this

country with the consciousness for the protection of the environment, the consciousness generally of our people and the training and skills that so many of our people have, I am satisfied that we would not damage or spoil our country.

We can only accomplish the delivery of this phenomenal number of units if we have a unification of our people. The Ministry is approaching this because the Elections and Boundaries Commission has already done a useful demographic exercise. This is not the way a politician normally speaks. The EBC subdivided our country into constituencies, with almost equal numbers of electors and has, in fact, subdivided our country into zones that can be managed. I have written to every Member of the House of Representatives asking him to identify areas where there are squatters, both on state and on private lands; and to identify idle lands which in their view can be utilized for expanding the settlements programme.

What would we achieve if we do it that way? For election purposes the Member of Parliament goes out there and gets the support of a number of activists because they are trying to win an election. However, they are, in fact, doing much more than that, they are interfacing with the people in the communities and they are developing a degree of credibility. When electors go out and vote for the candidate of their choice, they have confidence in that candidate and the organization from which that candidate has come. One is, therefore, now tapping a most valuable human resource in the process of project identification and mobilizing our people. Mr. Vice-President, that is the approach that is being used. I hope I am not subjecting myself to discipline from my colleagues for doing this because it is a unique approach, I do not think it has been tried anywhere else.

There is a bit of skepticism but I think that if we persevere in what we have started, I think we can achieve, in a tangible way, the kind of unity that we need in this whole thrust of establishing human settlements and solving this very pressing problem of provision of shelter, and that is in the pipeline as well.

Where the Inter-American Development Bank was introduced to me as an inflexible institution, I have found in the last few months that is not true at all. In fact, one would find that where a programme is not practical, not working and is not delivering on the goals that were established, they are looking at those programmes again. I have found a tremendous amount of understanding and flexibility has been achieved.

Mr. Vice-President, I think that in the not too distant future we would begin to see a programme of physical development that is going to give all our people hope which they, historically, have never had. In creating that sense of hope and

removing the hopelessness that exists with so many of our people, especially our young generation, only positive benefits can flow. If we begin to solve these important human problems I think we would begin to diminish the conflicts and contradictions that are expressed in crime, violence and heinous activities of one kind or another.

2.10 p.m.

Mr. Vice-President, seeking the support of Members of the Senate to re-enact the Rent Restriction Act is really the scenario as it presently exists. Every day I have mixed experiences because I meet people—I do not know if you all have heard it as yet, but one of your Members has been loaned to me to assist in the task. Sen. Cuffy-Dowlat has recently been made Parliamentary Secretary in the Ministry of Housing and Settlements. [*Desk thumping*]. Mr. Vice-President, I really welcome that decision of the Prime Minister. I have worked for many years with this young woman in trying to solve these very problems in the Sou Sou Lands adventure that we undertook. I had asked Sen. Cuffy-Dowlat if she would, in fact, handle this Bill today which would have been good experience for her, but she told me not this time, that she will be here to back me up, if necessary.

I am asking all Members of the Senate in the Opposition and the Independent Benches to support this Bill.

Sen. Mohammed: Can the hon. Minister indicate to the Senate the reason for our debating this particular piece of legislation today?

Hon. J. Humphrey: It was an unfortunate lapse in not doing the matter on time and we could not stop the clock. Once it lapsed, we had to return and re-do it. That is the reason. I do not want to blame anyone. We have had that in the other place and I expect my friends on that side to find the Achilles heel and go at it. That is all part of the game, so I expect that.

In summing up, if there are any questions which hon. Senators wish to ask during the course of their contribution, I will do my best to answer.

Mr. Vice-President, I beg to move.

Question proposed.

Sen. Mahadeo Jagmohan: Mr. Vice President, hon. Members of the Senate, I wish on my own behalf and on behalf of others on this side to extend our congratulations and best wishes to Sen. Carol Cuffy-Dowlat on her elevation to the status of Parliamentary Secretary in the Ministry of Housing and Settlements.

[Desk thumping] The Minister did not actually say something totally new to us but it was nice that the arrangement is acceptable to him. Some Government Ministers have a way, particularly in this Government, of looking uncomfortable when other people get near to their domain and so forth. *[Laughter]*

Like I said on another occasion, I do not always hear very well, *[Interruption]* but I wish to make a short contribution on this Bill. I draw Members' attention to the fact the hon. Minister has deviated extensively from the legal matters. Before this, he went off on a legal tangent but because he expressed his desire and love for this place, other Senators eased him up, in a way of speaking, and allowed him to get away. Perhaps, because of his seniority in the society and things like that, they have given him a chance.

I worry over him because at one time when I was a servant of the state working in Cedros on the occasion of a visit by the then Minister of Foreign Affairs and International Trade—when the incumbent Prime Minister in his own ministerial capacity in the then government under Minister Extraordinaire who was Prime Minister at the time—I heard on the radio that the hon. Minister Humphrey was fired. I always worry when the incumbent Prime Minister goes out and the Minister Extraordinaire is acting what is likely to happen. *[Laughter]* I pray that no such thing happens to the hon. Minister but the possibility is always there. Philosophies have not changed.

However, I do not agree with the submission made by the Minister of Housing and Settlements that all our roads are stressed out and traffic jams are caused because of inadequate roads. The Uriah Butler Highway, for example, is adequate to handle Trinidad's traffic and one of the worst traffic jams experienced for this year was this morning. Perhaps the hon. Minister of National Security should receive the plaudits of the Senate because the Ministry had an exercise in place that looked very good this morning although it took a whole hour to have vehicles cleared away. They were doing their work dealing with vehicles on the highway and it was not because of stressed out or inadequate roads.

The Minister in his own inimitable style evaded answering the question: How many houses does the Government expect to construct to meet the needs of unsatisfied demands? However, he went on to indicate very grand programmes dealing with where very high level professionals would be engaged. It is our experience, and quite rightly so, that whenever these professionals are engaged in any exercise or any field of endeavour, it costs the Government a great deal of

money. I am wondering if the Minister would tell us what is the proposed remuneration for the professional bodies that will assist him. All we understood from his presentation, was that they will assist him to put lands in order for distribution to persons who might have the capability to build houses. If that is so, then we do have a serious problem on our hands.

We note with concern that 50,000 families are squatters with half that number on state lands. Prior to the Government of 1986—1991, that figure was 8,000 as given by competent authorities. It rose to 50,000 because of a policy statement made by Ministers of the Government of 1986—1991, that is to say people in the highest authority in the land encouraged that situation. Many persons certainly are in no position to build houses for themselves. I am not saying they have done the right thing, I will never say that, because squatting is an illegal action, but we must sympathize with those who are already squatting.

The situation on housing in Trinidad is one that should get the support and attention of everyone. The Minister referred to a Brazil experience where the police had to either massacre or execute people in order to quell uprisings in dealing with land. That situation actually exists in Trinidad. How many persons here can say that they never heard about boundaries and ownership of lands that are not clear to people? My friends who are attorneys hear every day, every month, every year, matters of that nature and it is encouraging to hear the Minister say words to the effect that efforts will be made to regularize the tenure of squatters.

2.20 p.m.

Mr. Vice-President, what we have observed is that sometime during 1985 or 1986 a Squatter Regularization Tribunal was put in place by the then government and the moment the government of 1986—1991 came into being, that Tribunal was disbanded. That was one of the better ways to deal with regularizing squatters. We have not heard that such a tribunal exists. If it does, would the Minister tell us about it? He has invited questions or inquiries. This is my understanding.

On the basis of there being no positive or clear-cut policies on housing, it seems as though we would never be able to do away with the Rent Restriction Act; therefore, the Act should be renewed. It is clear from the records that the People's National Movement has made considerable progress in terms of providing houses for those citizens who needed them most, but enough houses

were not constructed by the last government to meet the unsatisfied need for houses because of time constraint.

The IADB-assisted programme should have been further accessed by this Government but it is clear that it does not wish to pursue such an excellent arrangement simply because it was initiated by the PNM government.

In order to continue to serve the housing needs of the less fortunate of Trinidad and Tobago, there should of necessity be an accelerated programme within the National Housing Authority to the tune of \$30 million in housing construction; money that is either available at the moment or could be made available with the right approaches and overtures by the Government.

The present trends are showing that the UNC/NAR Government is in a state of confusion in distributing houses built by the last government. They do not wish to distribute them to the people for whom they were intended and this is causing some worry at all levels in the society.

Mr. Vice-President, from reports reaching the People's National Movement, it seems that the Government is saying that the John John houses are too good for poor people, on the basis, particularly, of the news releases and the media utterances of the hon. Minister of Housing and Settlements.

Under the PNM administration, the most needy were given houses. It now seems that the reverse is about to take place or is already taking place.

It is clear that the Minister of Housing and Settlements is shifting away from the former policies on housing and settlements. We argue that if only lands are made available to citizens, where would the money come from to build the required houses?

The Government is in an excellent position to get expert first-hand advice from the NUGFW Construction Company which is a new innovation in Trinidad and one of the few of its kind in the western hemisphere, where a trade union initiated building houses. I may be told that it happened in Honduras and the United States. On the government side sits the venerable Sen. Selwyn John who is a key player in the NUGFW Construction Company, and he is in an excellent position to advise on how the matter could be handled.

As I said, if only lands are made available, where would the money come from to build the required homes? Because of this land-only policy the hon. Minister of Housing and Settlements could very well unconsciously be causing

the creation of unsightly shanty towns once more in Trinidad and Tobago which would be much to the regret of everyone.

It is clear that the UNC/NAR Government does not have a vision or a policy on housing. I have listened patiently to the hon. Minister but I heard nothing with regard to a housing policy. He did mention that from his last visit here to now, there were concerted efforts to come up with a policy but he did not state for what. Is it a policy to develop land? Is it their policy to build houses? We did not hear about a comprehensive policy on the acute housing shortage. Perhaps, the hon. Minister would address that in due course.

Mr. Vice-President, the housewives or single parents—whatever the women's status in this society—suffer most; whether they must pay rents or meet the cost of home mortgages, hence they are in a large part unhappy when they do not have reasonable homes in which to live. If the Government builds houses and enters into good business arrangements with their clients or citizens who need homes, then the women in need of adequate housing facilities would be the first to be relieved of the indignity of having to be content with substandard homes or none at all.

I caution that in any country where women are made unhappy by the action or inaction of the Government, the entire home becomes unhappy and the entire country suffers.

If the Government does not provide reasonable houses for the poor, then the entire nation will suffer and the errant government—this one or one to come—will be removed from office at the earliest opportunity given to the electorate.

Mr. Vice-President, if the tenure of squatters is regularized, then a great deal of ease would come to the squatters presently occupying state lands or other sites; be it river banks, road reserves or picturesque hillsides.

Mr. Vice-President, there is so much one could say on the question of housing but we are arguing or presenting on this side that it does not seem to us that the Government has a plan to build houses for the poor. It would do other things but the capital investment on the other things, it seems—the Minister has to explain this—would go into infrastructural work and possibly meeting the high cost of professional technical assistance in providing the infrastructure and perhaps the blue print. We all know how expansive professional advice when put into documentary form can be.

2.30 p.m.

Recently one very eminent attorney was telling me—I showed him a legal opinion from a gentleman who is now a judge of the High Court, 18 pages—a matter in which I was concerned while wearing another hat. He told me it could now very well cost half a million dollars because of the research that would go into it. That was uppermost in my mind when the hon. Minister was talking about very grand plans that sound good; and we wish he succeeds, because it is in bad taste to say such plans are always doomed to failure. We hope they succeed.

Perhaps the hon. Minister of Education might be in a position to say, with all the consultants' reports that are on his desk—Green Paper, White Paper—what might be causing him difficulty in coming to grips with how so many technocrats were mobilized to put these things together and they do not seem to be flowing smoothly into action. No fault of this present Minister, you know. I am talking about Government policy.

Mr. Vice-President, I have looked at the Bill which is before us this afternoon—I just realized I might not have spoken in the system that is recording. However, we on this side hope and pray that the hon. Minister will be able to stick to his principles. But it is a very hard pill to swallow that the Opposition party is in Government and of course an Opposition which is in waiting to get back into government very shortly, perhaps before the year ends. *[Interruption]*

There were great plans efficiently made and laid for providing houses for the poor to satisfy unsatisfied demands. We are hoping that the hon. Minister, after his visit here today, will be able to take back to his Cabinet the question of re-visiting the housing policy if there is one that the present Government has, so that delivery of houses would become a reality within the course of this year.

Thank you very much, Mr. Vice-President.

Sen. Prof. John Spence: Mr. Vice-President, I was pleased to listen to the hon. Minister's presentation. One of the things I had said on a previous occasion on another matter, was that parties seem not to come into government with any policy and then have to develop their policy after they are in power. This has happened in other areas of activity. But I know that the hon. Minister has had the concept for housing that he now tells us about for a very long time, so that I am very happy about that. I hope that it is, in fact, his party's policy and not one that is individual to himself, so I certainly hope that he gets the support of the rest of his party.

Of course, it is a different policy. In some sense I think this is also important. Listening this morning to one of the television programmes, Morning Edition, there was a discussion on the fact that political parties seem to be supported by different ethnic groups. It occurred to me that one thing that is not discussed in this context is the fact that all the political parties have very much to say on ideology. Now they may have had differences in the past, but currently there is very little to choose, and this, I think, is why people tend to be attracted to parties for other reasons. Sometimes they are attracted to people of their own kind, more or less, and I think this is what leads us into this rather undesirable situation.

If we had a good choice of clearly different ideologies, I think perhaps then the population would align itself in that way rather than for other reasons. You know, this is why I think that the different approach which the hon. Minister clearly has—and recently I spoke of the approach with respect to water management which is different from some others that have been propounded. I think it is that difference that one can look at and see if one is attracted to and support it. Certainly I hope that his concept succeeds. I have expressed some reservation in the past with respect to the consequence of that policy for alienation of agricultural land, so I am pleased to hear the hon. Minister say that in his planning this is one of the things that will be carefully looked at.

I myself am not convinced that the assessment that has been made in the report that he quotes that there is a movement of people out of the urban into the rural areas is in fact the case. What seems to be happening is that the urban areas are expanding and if one looks along the East/West Corridor there are many open spots that are converting fairly rapidly into housing. So it seems to me that what is happening is that people are moving out of the cities of Port of Spain and San Fernando and going into surrounding urban areas, including the urban area in Central. They are not going into rural areas in central Trinidad, but are expanding on urban areas there.

It still seems to me important that we understand the necessity for developing truly rural areas. As the Minister has pointed out with respect to roads, he mentioned the one that would go through to Mayaro, opening up and giving service to truly rural areas. I was interested to hear him say that 40 per cent of the population can be described as poor; and I would only hope that we would get some statement from the Government in addressing that problem in the same way that the hon. Minister has given us an approach to addressing the problem of housing for that grouping. But of course there are other necessities than housing. I

think one of the hon. Senators has mentioned the problem is income to pay for the housing which these persons would build.

Another side issue I would like to refer to here, because I hope that when the Government is looking at squatting they will not only look at the sort of squatting that goes on for housing; but squatting, for example, in the Nariva Swamp or in the Grand Bazaar. That also is squatting, but the problem in this country is when the “big” people do it—commit the illegal act—then the rest of us feel that we can also. So perhaps he might like to comment on that issue as well.

With respect to the Bill itself, it seems to me that even the approach being taken will not solve the problem of rent restriction that is put on housing in urban areas and solve the problem of those landlords who are disadvantaged. I am not necessarily talking about rich folk, but poor folk who are disadvantaged by the fact that the Rent Restriction Act keeps rent at a value which means that they cannot repair the properties and they do not get a reasonable income. It seems to me that one has to address that as directly as one is addressing the overall problem.

It occurred to me recently that, perhaps, one possibility is for the Government, in collaboration with the private landlords, to arrange for some of the land being provided for housing to be deliberately targeted to those properties which have been under rent restriction since the forties and have now become slums and were never in fact liquidated, because we are not going to solve the property problem in the next few years. There will always be the attraction of certain persons to urban areas rather than rural. If one addresses that deliberately, it seems to me that one will find that the Rent Restriction Act is no longer needed because even though these thousands of houses have been provided elsewhere, there will still be needs in the urban areas that have not been addressed directly. So perhaps this is an avenue that you might want to think about and see how it might be addressed, rather than leaving it to occur in the course of time which may be in the next twenty or thirty years. Meanwhile, these properties continue to deteriorate and you have slums in the urban areas.

One final point, Mr. Vice-President, and it is that I notice in one of the amendments that after a further three-year period the Act would be prolonged for another three years by “resolution of Parliament”. I suggest that this read “affirmative resolution of Parliament,” so at least there would be some possibility of reviewing these three-year periods when the Act comes up for presentation to Parliament.

Thank you, Mr. Vice-President.

2.40 p.m.

Sen. Dr. Eric St. Cyr: Mr. Vice-President, I want to make a few very brief remarks. The first concerns the proposed amendment to clause 3 of the Bill which states that "this Act shall continue in force until Parliament by resolution declares that it shall cease to have effect". I am concerned about that proposed amendment because it seems to put a measure of permanence into something that we are all clear should not be a permanent feature of the housing policy, namely that there should be restrictions on rent. So my distinct preference is that we leave the Rent Restriction (Re-enactment and Validation) Act as it is, namely that every three years it should be revisited. In that way I feel most certain that it would not slip in and become a permanent feature of our legislation. I would ask the hon. Minister to seriously consider this point because it is fundamental and since as I see we require a three-fifths majority it could well affect how the voting goes.

Having said that on the Bill, permit me to make two very brief comments on the hon. Minister's statement. I was very heartened to hear him paint an optimistic, upward-looking, forward-looking picture of what our country could be like. In particular, he lifted my hope in the future for the 40 per cent or so of our population who have come to be discouraged over the years because they have been left out of the general development taking place in the country. I am particularly concerned about the young men in the East/West Corridor who I could see getting involved in the area of construction which could critically deal with some of the most fundamental problems of the society; the problem of income, the problem of ownership of some of the wealth of the country and the problem simply of being usefully and gainfully employed.

One of the perspectives in this country has been an outward-looking perspective. Most of the times when we think of investment, we think of setting up factories to produce stuff for export. What I see in the hon. Minister's perspective is that we start to look at ourselves as the beneficiaries of our own activities and we start to think of capital, not as fixtures for earning foreign exchange, but as complementing and providing services for our own living in this part of the world. Certainly social capital, housing, the settlements that go with it and the incomes we generate when we grow foods, when we provide services for each other, the transport, the necessary infrastructure to service the population, I am very heartened to see that in the hon. Minister's perspective he is looking at Trinidad and Tobago as a nation in its own right. I think we should, as leaders in the society, really assist him in getting this perspective out to the nation so that

we could turn our thinking around and thereby see the possibility of solving those fundamental social problems.

Related to this is the time perspective. When we have a major problem, such as lack of housing, squatting, I do not think we should take a five-year, even a ten-year perspective. I think we should start thinking of what the picture would look like in 25 to 30 years and really start now knowing that perhaps even in our own generation we would not see the finished product but we know where we are going and we can see the problems coming to a solution.

Housing is capital; it is a form in which most people in this country who own some wealth hold their wealth. It is the form in which, I think, we should create wealth and assist people to come into ownership in that way. Certainly I believe that we should get all the expertise we can aligned behind such a policy. Even if we get our export industries going, they would supply a part of the foreign exchange. We would need trucks to move building materials, for instance. That represents foreign exchange. But most of the materials we have right here; for example, sand, hollow clay blocks, cement, and the critical ingredient is the labour. I am thinking here not of unskilled labour but of raising the level of skills that would be embodied in the population.

So I see in the hon. Minister's policy statement a bright ray of hope which I personally would like to join in articulating throughout the society and assisting in whatever way I can. I would rather wish to urge everyone to see in it the elements of what could be a major part of the solution to many of our social problems.

Mr. Vice-President, permit me to go back to my concern about the permanence of the Rent Restriction (Re-enactment and Validation) Act. I certainly am concerned that we should cease to come every three years to validate it and put it permanently in place at this time.

With those remarks, Mr. Vice-President, I thank you.

2.50 p.m.

Sen. Orville London: Mr. Vice-President, Sen. St. Cyr was my teacher at high school and he always insisted that we should stick to the point, so I would try to be as brief as he usually is. I just want to raise three concerns.

The first has to do with why we are here in the first place. We are here because those on the Government Benches did not heed the suggestions of those of us on this side. That is the reason we are here. I do not think that we are

wasting parliamentary time because we did have the opportunity to hear the Minister of Housing and Settlements give us some idea of his proposals for that particular sector in Trinidad and Tobago.

However, I do not think that we should lose sight of the fact that the reason we are here is simply because there seems to be a lack of trust between those on that side and those on this side. I wish to refer the Minister to a statement he made in the other place when he said:

"I have no problem with Members on both sides of the House pelting picong at each other, this is the Trinidad way, but when it comes to doing the business of the people, I am satisfied that every single...Member of this House is fully committed to that undertaking."

I wish to assure the Minister of Housing and Settlements that we on this side of the Senate also fall into that category. When we suggested to the Minister the last time he was here, that there was need to have this legislation re-enacted, we were not being mischievous. We were attempting to be helpful. We do not believe in what one might call "demon and angel politics". We do not believe that everybody on that side is intent on damaging the country and all on this side are angels. We are convinced, as is the Minister, that all of us are making an effort to do the best for Trinidad and Tobago. I am suggesting that if that philosophy, which he expounded in the Lower House, had guided his actions in the Upper House, he might not have been here at this particular point in time.

The Minister is an individual who always fascinates and intrigues me. I am impressed by his sincerity and the manner in which he is particularly articulate and convincing in the way in which he puts across his ideas. However, I have a little problem as to how pragmatic some of these ideas are. I am a little concerned that when he expounded very grandiose plans to us he then looked slyly at the Minister of Finance and told us that he had not consulted with him. Now, from what I know of the Minister of Finance, he is the most pragmatic of human beings, and I suggest that we are going to have a little problem when we have the idealism of the Minister of Housing and Settlements meeting the pragmatism of the Minister of Finance. I think therein lies the problem.

Mr. Vice-President, to a certain extent the Minister's persuasiveness could create a problem because when one talks about hope, one raises people's level of expectation, and the more convincing one is the higher people's levels of expectation would rise. As one sage said, "disappointment is the sum difference between expectation and reality". Therefore, if one raises people's expectation to

the level that the Minister is intent on doing, and the Minister of Finance should prevent him from realizing those expectations, he is going to be in very serious trouble.

I wish to note that the Minister of Housing and Settlements did not make mention of Tobago. I respect that, because the Minister of Housing and Settlements recognizes that there should be consultation between the ministers and the Tobago House of Assembly on issues which impact on Tobagonians, but I wish that the Minister of Housing and Settlements would pass on that information to the Minister of Planning and Development.

Mr. Vice-President, I wish to draw the attention of the Senate to what I consider to be a very disturbing situation which has arisen in Tobago over the last couple months. There was a plot of state land which was leased to a gentleman 33 years ago on which he was to construct a cinema. The condition of the lease stated that if he changed the use of the land the lease would be taken away. So, the gentleman did not change the use and he waited 33 years until this Government came in to go to the Minister of Planning and Development and get permission to construct a shopping mall on state land in Tobago.

What is particularly disturbing about this is that usually, whether you are putting down an outhouse, a hotel or whatever—well, I should not say "usually"—the Tobago House of Assembly is always consulted. It is passing strange that in this particular situation, after 33 years, state lands on which the division of sports was hoping to put down an indoor sporting complex—because this land is opposite to Shaw Park which is our major sporting facility in Tobago—an individual could walk into the Minister of Planning and Development's office and come back to Tobago with a piece of paper which he then gives to the Tobago office and says, "This land is for a shopping mall".

Mr. Vice-President, I am suggesting that when next the Minister of Housing and Settlements is in caucus with the Minister of Planning and Development, he should request that he shows that same degree of respect to the people of Tobago and the Tobago House of Assembly, as was demonstrated in his presentation here today.

I do not want to go on too much about this, as my colleague had indicated some of the achievements of the past regime. We have stated our concern about whether some of these policies can, in effect, be realized, but I wish to state that I join with the Senators on this side in indicating that we have every confidence in the sincerity of the Minister of Housing and Settlements. We believe that he has

the interest of the people of Trinidad and Tobago, especially the poor people, at heart. We are concerned, however, about his level of pragmatism and I again implore him not to raise people's levels of expectations if he cannot deliver.

Thank you, Mr. Vice-President.

Sen. Danny Montano: Mr. Vice-President, I had not intended to rise this afternoon to make a contribution, however in listening to the contribution of the Minister, I felt it worthy to, perhaps, pass a few comments on what he said.

He started off by saying that the restrictions are necessary because there are shortages, and that there are 50,000 squatters in the society. He went on to say, furthermore, that Trinidad and Tobago is way ahead of other Third World countries and that we are way ahead of the rest.

Mr. Vice-President, in view of the fact that the only other government that has been in power other than the People's National Movement and the present Government, was the NAR administration, and they provided no houses at all during their tenure in office, so I would have to assume then that the Minister was referring entirely to the deeds and achievements of the People's National Movement, and I am happy for his compliment.

Mr. Vice-President, he went on to say that their objective is to regularize the tenure of squatters on state lands and that this would provide a formula to enable discussions with private landowners. I simply do not understand how the regularization of squatters is going to provide a formula for discussion with landowners, and he gave no explanation as to what he was saying at all. We are left here in some wonderment as to exactly what the Minister is referring to. Perhaps in his winding up he would care to articulate more clearly what he is talking about.

He went on to say that they were going to make a policy decision to give a guarantee to squatters that they would not be demolished in an inhumane way. In other words, that they would provide legislation to give comfort to the squatters that they would not be demolished in an inhumane way.

3.00 p.m.

Mr. Vice-President, I do not quite know what the Minister was referring to but I would really like to know what the Government's plan would be when a squatter simply says "I am not moving. I do not care what you provide me with. I do not care where you think you want to put me, but I am not going. You could

bring a truck, you could bring land, anything at all, I am not going.” What does the Government plan to do then? Many of the squatters in the country, especially on state lands are ensconced on the property and have small farms. They are providing for themselves, their families and, of course, they are selling in the market-place and they are making ends meet. They need that land that they are working for their own livelihood.

When the Government says it is going to move a squatter from here to there and it is going to put him on a piece of 2 x 4 plot, 2,000 square feet, or whatever, and the squatter no longer has the opportunity to cultivate his lands and to provide for himself and he says he is not going there, what does the Government plan to do then? Is it going to leave him there and quietly go at 10.00 o'clock the morning and say, “excuse me, Sir, would you please move?” And when the Government is told roundly “get out of here”, what does the Government plan to do?

The Minister went on further to talk about the establishment of a land bank as I was referring to, and that he was going to remove all the squatters there. The Minister further said that the squatters would be asked to pay for the cost of conveyancing, surveying and infrastructure. There is also the cost of moving and there is also the cost of reconstruction. No numbers have been mentioned as to the per unit cost of any of these items but we are talking about persons at the very bottom rung of the economic ladder and yet they are going to be asked to pay for all this in a voluntary move. Where are they going to get the resources from to do this? Nothing has been articulated as to how this is going to happen.

The Minister went on to say that with the construction of these houses that interest-free loans would be provided to the squatters so that they could reconstruct. Who is going to provide the capital for interest-free loans? Does the Government not have the machinery to manage those loans and to get them back? We heard in this Senate on a prior occasion how the former administration's housing programme was stalled largely because of the financing difficulties, and even though the financing was available from international organizations, the processing of the loans and the screening of the applicants to ensure the viability of the loans—that they could in fact, be repaid—were stalling the actual granting of the loans.

We are talking about interest-free loans coming from anywhere. We do not quite know where the money is coming from, whether it is manna from heaven or

wherever. Are we going to hand it out without any formal screening arrangements? Are we dreaming?

My colleague said, and I agree with him, that the Minister's heart is in the right place. There is no doubt about that. I have followed his contributions over the years and there is no doubt that he intends to do the right thing, but as my colleague further said, the practicality of it is simply non-existent and the fact is that his colleagues on that side will not be able to put the machinery or the capital in place to allow him to do anything about which he is talking.

Therefore, all that happens is that we have huge and lovely dreams. It is the dream of all of us here to have adequate housing for every single human being in this society. That is right, but can that really be achieved in this way? Mr. Vice-President, what we need are serious plans, not just ideas and ideals. We need to be told how things should be done.

The Minister also made a statement that they would set out to reduce the cost of the delivery of infrastructure. No statement was made as to how this would be done. How are we going to reduce the cost of the infrastructure?

On another occasion, in another place, we heard statements about how the infrastructure itself would be reduced and minimized to open drains. Is that what is called infrastructure? We also heard about plans for septic tanks that would be combined with a water storage facility—the water on top and sewage below or vice versa—and this would be prefabricated from factories. Where are those factories to make these water storage facilities? I do not know, and no statement has been made, but they are going to come out of factories just out of thin air.

We are in Trinidad and Tobago in 1996. We cannot just wish these things up. They have to be done properly. The Minister made an extraordinary statement that I would really love to get into, about the provision of facilities for sewerage for waste in the bathrooms, kitchens, and he talked about developing ponds with water lilies. Water lilies now for the squatters?

There is a terrible situation in our sister island where the reefs are being destroyed by sewage and yet if water lilies were really a viable solution, could we not do that to save the reef? We are hearing in the news every single day that the Chaguaramas peninsula has been totally polluted. What do we do? Plant water lilies? I would love to see it. I heard also about opening up the country for settlement—a San Fernando to Mayaro Highway. Excellent idea! And there

should be a highway from Mayaro to Arima to Sangre Grande and all over. I quite agree with it. Lovely ideas but they have to be financed. How are we going to do that?

As my colleague said earlier, it is one thing to stand up and talk about what one is going to do but there must be a measure of reality to it. One should not tell people that one is going to give them houses, land and roads when there is no real way of doing it, or there is no plan of how these things are going to be financed.

Mr. Vice-President, we also heard about the particular need for housing. The Minister talked about the need for 10,000 houses a year. He said that this can only be done by the political unification of the country. That is stretching my imagination. I do not see what the political unification of the country has to do with housing for the people. That one escapes me. I cannot see the link there at all and I would be grateful if the Minister could explain that to me.

He also said that he needs 115,000 houses over the next decade. I would venture to suggest that he talk to the Minister on his left. There was an article in the newspaper which states that the hon. Senator expects a budget surplus of \$500 million by the end of the year. I venture to suggest that could pay for 10,000 houses.

Mr. Vice-President, thank you very much.

Sen. Carol Cuffy-Dowlat: Mr. Vice-President, like Sen. Montano, I had not intended to participate in this debate because I understand, I know and I appreciate that the Minister can sufficiently deal with all the arguments coming from the other side. However, I think we all need to appreciate that Sen. Montano is by nature an accountant.

Mr. Vice-President, I can well appreciate his lack of vision and understanding of housing and the housing needs of this population. *[Desk thumping]* This Government is saying that it will not come as a thief in the night and treat people in a callous and inhumane way. We are not saying that there will not be a need to re-site people. We are saying that we will not treat people in an undignified way. Sen. Montano, coming from the People's National Movement, has become so accustomed to treating people with lack of respect that he cannot appreciate that governments can be different.

3.10 p.m.

A society needs ideals and ideas and a people must have a vision. Because the People's National Movement had no vision, no ideals and no ideas, we can see

where they are sitting now. Just as Mr. Manning could not believe that the LNG agreement could have been renegotiated; just as the PNM could not believe that corruption and mismanagement can be removed; just as the PNM on November 5, could not believe that they would be sitting in the Opposition Benches on November 6, no doubt Sen. Montano cannot see that adequate shelter can, in fact, be provided for all.

We have a vision for the future—a vision to be able to address the shelter needs of this population. Maybe some persons were not listening while the Minister was speaking. The hon. Minister did let us know about his plans and policies. He did not say that he was not certain what will happen and where we are going. He said this is what we are doing; these are our plans and programmes. We appreciate the housing needs of our population and we are addressing these needs bit by bit.

The Minister, in his presentation, also alluded to the fact that there is an agricultural facet in development. We know that the housing and agricultural needs of our people must also be addressed. These things will be done in harmony. The People's National Movement never appreciated that housing, agriculture and true development must go hand-in-hand, hence they will never be able to appreciate what we are doing.

The Minister, I am certain, will address all the difficulties that some on the other side may have, but I thought I needed to intervene to let them know that a vision for the future is what people need to survive.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I would spoken, if only to congratulate the hon. Minister for retaining his idealism after such a long involvement in party politics, and for continuing to care in spite of the dispiriting fact that the number of those needing care continues to swell because there are so many visible and invisible tributaries. However, I have one or two questions.

Giving comfort to squatters on state lands can be seen as giving legitimacy to those who have acted illegitimately. In the case of squatters on state lands, I am satisfied that the Minister ought to seek to create housing settlements of the type he has described. I am convinced that he is right to seek to involve the squatters in some of the costs of these operations. Such involvement might help to turn the illegitimate occupiers into people who are paying for a stake in the country. But can the Minister say whether steps are being taken to encourage people to seek permission or leases rather than just to “hops” up a piece of land and then get regularized later by a benevolent Minister?

With respect to the 30-year leases, can the Minister say whether people will be allowed to sell their leases or pass them on to their children, or in any way believe or act as if they believe that the land is theirs as if they had purchased it? Is there a policy on this?

I ask these questions not to criticize or discourage the Minister, but because I am a believer in the possibility of community in the profound sense which his plans for housing tend towards. I think it is our privilege and duty not to cast him in the role of a mad poet, but to help him to become an organized and practical visionary.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Vice-President, I thank hon. Members for their positive contributions and the very valid questions which were asked. Can I deal with Sen. Prof. Kenneth Ramchand first?

I had not, in my opening presentation, indicated that out of the 30-year statutory lease, once the basic provisions of the cost of land surveying and legal conveyancing are met, those on areas which have been deemed by the experts to be areas that can be upgraded, will receive 199-year leasehold title, which is as good as ownership. What will result from such a programme is that we will establish in this society a home-owning democracy where land and access to housing will be available for every single citizen of Trinidad and Tobago. We are in a very fortunate position in that the state owns the majority of land, much of which, of course, is in forest reserve, which has to be preserved. The fears that are being expressed will be allayed over time.

It is true that I am a bit of a dreamer. I am also a very practical individual and I would never seek to make promises to our people that cannot be kept. I am satisfied that as long as we as a society pool resources—and I am not talking about mere political unification, I am talking about social unification—in the interest of developing our country so that every one of our citizens would benefit from that tremendous surge of energy and intellect that will come out of this, I am satisfied that we will solve these problems.

It is not pie in the sky to say that people can access land, because land is there. What is important is that we so plan the distribution of land as not to damage the country in any way. The principle of modern settlements that came out of the Vancouver Conference 20 years ago, which the world is continuing to discuss and will again, in the Habitat II Conference to be held next month, is one of human

settlements in the context of the support that human beings need to enjoy a civilized life.

3.20 p.m.

Housing cannot be isolated from the use of land for food production, recreation, commercial activity, industrial activity, worship, education and health. The concept of settlement that is emerging, is people residing where they are in close proximity to all the services that are required to support human communities. Mr. Vice-President, that is what we are planning and that is why it is so crucial that we build a highway network.

Finance is not the problem. In developed countries, the planning for highways is 20 years ahead of the need; in this country the planning is 20 years behind. We have to do something about this. In fact, initiatives are already in the pipeline to enable us to do something about it. Funds have been allocated in the IDB programme for 50 kilometres of new highway construction. I am not even trying to access those funds because I do not think we could afford to wait on the time it will take to satisfy the conditionalities.

I have, therefore, consulted with my colleague, the Minister of Works and Transport and we are seeking to get those resources locally—the funding is, in fact, available locally—and then to arrange a programme of long-term repayment. There are many ideas that emerged from a strategy as that. We have the physical resources, the capability of planning and designing the highway, the capability of doing all the assessments required in highway designs to enable the highway construction. Some of the work has already been done. In fact, there were plans completed 15 years ago for the San Fernando to Princes Town leg of the highway which is to eventually reach Mayaro. We are taking these plans off the shelves, dusting them and mobilizing the resources to enable delivery.

A number of questions were asked and some were virtually repeated. It is not true to say that there were 8,000 squatters in place prior to the 1986 election. There were 8,000 squatters in place in 1978 when the late Prime Minister, Dr. Eric Williams presented, for the first time, in the House of Representatives, a truly comprehensive housing policy of the PNM. He promised to regularize those squatters and he established a cut-off date. All those who were in place at the time of his declaration of that policy would have been regularized.

He also recognized the need, at that time, to deliver 6,000 units per year to keep apace with the recurrent requirements and the backlog. Unfortunately, the

country has not been able to accomplish such an objective. During the oil boom years when money was no problem, about 30,000 units were built and since then we have had an average of 600 units per year, so we are far off the target of the 6,000 units that was needed to put an end to squatting. Mr. Vice-President that is the period when squatting started to escalate in this country.

The oil bonanza pushed the prices up and there was tremendous inflation. When that happened it took the accessibility to land for housing away from the majority of citizens. In the building of those 30,000 units when we had the oil dollars there was no planning; planning had lost its mystique. Those houses were built in dormitory establishments where each of those communities were empty—leaving vacant buildings—in the morning and filled in the evenings, with no activity within close proximity of the dormitories. That has created a burden on the highway system. It is not true to say that only today we have traffic jam. Every day there is traffic jam and the reason for that is people living in the East come to Port of Spain for everything and at the end of the day they go out of Port of Spain. Port of Spain again, comes alive for part of the day and dies for the remaining part of the day. It is no longer a residential city. In the old days Port of Spain supported a residential population but now, the suburbs support that residential population.

There was a little scepticism about the figures that I mentioned. I did not really quote the statistics but I had them from the Central Statistical Office 1990 census. In 1980, in Port of Spain the total housing stock was estimated at 14,857 and by 1990 the housing stock diminished by 2,377 units and it dropped to 12,480. Mr. Vice-President, that meant that there was an outward migration. *[Interruption]* Yes, those figures are quite correct. San Fernando decreased from 7,852 units by 1,060; Arima increased by 1,040 units from 5,061; Point Fortin increased by 891; St. George increased—and that is the East/West Corridor—by 14,777; Caroni increased by 10,264; Nariva/Mayaro increased from 6,718 to 7,718 which is a 1,000 unit increase; St. Andrew/St. David increased by 2,792 units; Victoria increased by 6,756 units; St. Patrick increased by 3,806 units and Tobago increased by 2,515 units. What is important about this is the trend. There is an outward migration from the heavily settled areas, which, as I said before, is good because those areas are not productive and as a result, one would have a tremendous amount of unemployment and poverty. If one goes out to the countryside, although there is poverty, there is subsistence living because one can live off the land.

The planning process is no pie in the sky. There are 30 urban planners in this society, in the public and private sectors combined and there is a commitment from the planners to join with us in this programme. We are putting teams of specialists together to each take a growth pole and to design it, without too much restrictions, because when we design the new highway system we are creating space. There is going to be a degree of displacement and dislocation of Caroni lands and we are lucky in that regard as well. The growth poles have occurred, to a large extent, where Caroni owns the adjacent lands and that stifles further growth. If Caroni (1975) Limited is required to produce the level of sugar that it is producing, there is no problem because we can make other lands available to it to do that. We need to free-up some of these lands to enable these little townships to emerge and to be rationally designed in the context of establishing a land base for all these other activities.

A question was asked as to whether this was just John Humphrey's dream or whether the party subscribes to it. All I can do, Mr. Vice-President, is quote from the manifesto of the United National Congress, not forgetting that we are, in fact, a government of national unity as we have a coalition partner. However, I can assure you that what I am going to quote here is supported by our partner. I quote from page 16, under "Construction:"

"The three main priority areas in project formulation will be:

- Repair and enhancement of the existing road network
- Infrastructure for agricultural production
- Adequate shelter with emphasis on housing

It is anticipated that by directing and mobilizing all the resources of the nation's construction industry towards building an adequate infrastructure for food production and human settlements, there will be massive job creation and an improvement in living standards.

In this regard a UNC Government will adopt the following proposals:

- Roads and bridges will be constructed on a large scale basis, giving access to unutilised areas of the country. Two major highway projects will be undertaken. One is a link between San Fernando and Mayaro and the other is an extension of the Churchill Roosevelt Highway to Toco. A North Coast road will give access to the entire North for development—for settlements, tourism, agriculture and for fisheries. This North Coast road will give another much needed access to Chaguaramas.

3.30 p.m.

- A Ferry Port linking Trinidad and Tobago will be made between Toco and Matura at the most appropriate natural location."

And it appears as though Toco is the most appropriate location and with a bit of enhancement, can in fact be ready for the ferry port.

- "A massive road maintenance and improvement programme will be initiated with an instant response division being established to prevent pot holes from becoming craters in the nation's roads."

That exists all over the town especially.

Sen. Daly: Can the Minister indicate whether that "instant" and I emphasize "instant" response division has been formed?

Hon. J. Humphrey: "Instant" was perhaps a bit optimistic, [*Laughter*] but the idea really is to establish a hotline telephone system service where the citizen who hits a pothole and remembers it—because he now has damaged his car which is going to cost him money—calls a number, indicates the location and gets a response. What is useful is to remind everyone that these are the things to which we are committed.

- "New settlements and those that will be expanded and enhanced..."

This is a very interesting provision—

"...will be based, in so far as it is feasible, on a philosophy where the land for development purposes is vested in the communities and organized in co-operatives."

Somebody mentioned ideology. That is a deeply ideological position. It will, in fact, enable the change of the structure of the ownership of capital and enable little people to access capital through land for development.

The principle worked extremely well with us in the Sou Sou Land experiment because what we did on behalf of communities, was negotiate to purchase large abandoned estates which were much larger than the land requirements for housing of our participants. We sought where possible to keep what was productive in agriculture, and to address that agricultural land in the community, since it was the community's legal resources which were used to purchase the estate. We planned those communities to establish land that was loaned for industry, commerce, recreation, worship, education and for all social services.

Sen. London: I was not recognized before. I just wish to advise the Minister that our problem is not about ideology, our problem is about idealism.

Hon. J. Humphrey: Well the two things are relatives, maybe distant cousins but they are related. Ideology is the science of ideas, it is the practical application of ideas and of realizing objectives.

The other question that was asked was whether the policy of the Ministry of Housing and Settlements related to the party. Let me quote the section on housing from the UNC Manifesto on page 24, which says:

“The UNC recognizes that housing is critical to the development process in both social and economic terms. It would take steps to distribute, develop and make land available at affordable prices for persons to build their homes.

It would pass appropriate legislation to give to squatters on lands belonging to the State and those of State Enterprises security of tenure. Steps would be taken for loans at special rates of interest to be available to poor persons for them to build their homes.”

That is, in fact, the policy of the party to which I belong. Let me just share with the hon. Senators, perhaps, one of the most useful experiments in the process of delivery of shelter that is at work in the world today.

A small Christian charitable organization, in Atlanta, Georgia, in the United States started a programme of assisting the poor to obtain shelter and they called it Habitat for Humanity. A former president of the United States, President Jimmy Carter associated himself with that programme and, in fact, I am sure all of us have seen this aging President actually with hammer and saw helping poor persons build homes and setting a noble and worthy example to all human beings.

Habitat for Humanity has already delivered over 40,000 housing units in 47 different countries, and the method that is used is the lending of a small sum of money, interest-free to the poor, to acquire materials which, to some extent are even subsidized—because there are many donations to the programme. They call on the poor to build their own houses and to mobilize their relatives, friends and communities in so doing. Does that remind us about something? The grey-haired members among us may remember something called “gayap.” How many Members opposite remember gayap? I am sure Members remember that because that was a country way.

The gayap was applied in reaping the crops. A little family had a couple acres of peas and all ripen at the same time. The husband, wife and kids just cannot reap all the peas so the whole community will come out and help.

Sen. Jagmohan: That was for reaping crops.

Hon. J. Humphrey: It was also for building houses. The other thing is the sou sou. Who has ever paid interest in a sou sou loan? No interest is paid in our sou sou banking system. These things are not unique to us. The unfortunate thing is that we have not built our institutions on our own valued historical mores. We are therefore trying to recapture the mores that are inherently valuable to our people in the programmes that we are initiating.

Someone asked about certain buildings that we inherited as being too good for the poor. Certainly they are not too good for the poor, they are just too expensive. The final cost of the John John apartments, which have attracted quite a lot of national attention, is over \$277,000 per unit. Cabinet is now grappling with what we can do with this and I have asked my colleagues to consider the possibility of selling these units and then committing whatever funds we are able to attract from the sales of the units to the further improvement and development of John John.

When we did the assessment, we found that several years ago the state acquired vast areas of John John where there was supposed to be an East Port of Spain programme of improvement which never got off the ground. Riverside Plaza went up, a beautiful building, a couple apartment blocks went up, a car park went up and that was it.

3.40 p.m.

If the Brian Lara Promenade is extended eastward as it should be, it means that the environment of the John John area would begin to improve. If there is a fund and it continues to roll over in the constant improvement of the John John area, the John John people themselves would be committed to it. The fire victims have already been relocated. They could not access accommodation at a cost of over \$.25 million. That is not so bad.

There is another one on Ramdial Mahabir Lands in the heart of Laventille, which cost in excess of \$.5 million per unit. Am I being asked to distribute apartments that cost \$.5 million to people who can afford to pay \$500 per month? Is that what the Minister of Housing and Settlements is expected to do, and to adopt such a policy? If I were to propose the adoption of such a policy, a few

people would be housed and the rest would have to “catch” because there would be no money left. I am sure the chartered accountants among us would appreciate that.

What this Government has done with a couple of the other projects, particularly the one at Aranguéz Savannah—Aranguéz Villas, a very beautiful project—is upgraded it. We have re-designed the project to satisfy the middle-class and the upper middle-class and we are putting those on the open market and what we derive from the sale of those would then be rolled over into the provision of housing for the poor.

We are completing one in Glencoe, a very nice complex of apartments, with which we would do the same thing.

The National Housing Authority has taken the commitment that whatever funds are derived from the sale of these apartments to re-invest in the provision of apartments to meet the needs of that class. Meanwhile, we are looking for ways to solve the housing problem of the poor where the poor, with dignity, can help carry the weight and where the taxpayers will not have to subsidize to this extent the shelter requirements of the poor.

How would private landowners benefit from the success of our programme? That is obvious. The success of the programme requires the mobilizing of all the land surveyors. It also requires the mobilizing of many lawyers who would have to write up the Deeds of Conveyance. Once the unit cost of these services are brought down, everybody benefits from them.

Once we have found a formula to regularize squatters and give them security of tenure on state lands, the same conditions could be adopted by private land owners.

In the case of private landowners where those conditions cannot be applied because the lands may be too valuable, they may be commercial lands, then the state land bank is there to facilitate those private landowners through land exchange or to relocate the squatters on their lands. So, we can in fact facilitate private landowners in regularizing the tenure of squatters.

An agricultural squatter who is living off the land, producing food and supporting his family, does not fall under this programme. However, one aspect of what we are proposing will impact on that particular squatter; that is, where he has his house, he would be regularized on 5,000 square feet. He can then apply to another ministry for security of tenure on the agricultural land.

We have already agreed that, as a policy, we would encourage our farmers to have their primary residence on their land. So, we are encouraging homesteading and farmsteading in the context of the whole design of the new settlements. Praedial larceny will be minimized. If one could live on one's land, one could be more productive. One would also be able to watch one's land and guard one's crops when they are ready to be reaped. Of course, these things require a tremendous amount of development.

We have talked about retention reservoirs, and it is not pie in the sky. The retention reservoirs will prevent one from losing hours on the road because of flooding, because they would control the pace of the delivery of water in the low contours of the country. They will give us water in the dry season but they also charge the aquifers. If there is a high water table it is not costly to drill a hole and establish an artesian well and win potable water.

Sen. Jagmohan: Mr. Vice-President, on a point of order. This is the Rent Restriction Bill. The Minister is going all in town and country and matters that has to do with the geographic—

Hon. J. Humphrey: Mr. Vice-President, I did promise to answer questions which is what I am doing. I am actually dealing with queries that were raised on that side and, in fact, several of them from Sen. Jagmohan.

Sen. Jagmohan: Mr. Vice-President, I am sorry. I did not talk about flooding at all nor water tables.

Hon. J. Humphrey: That is true, water table was not discussed.

Mr. Vice-President, anyone who is familiar with physical development will appreciate what I am saying. One cannot make land deliver food unless one irrigates it. Water is as important as the land. That is what I am talking about. Of course, much rethinking has to be done because right now there is a policy that if a farmer should drill a well and provide his own water, he would be penalized. Obviously, we have got to rethink that and encourage our people.

Sen. Daly: Has that matter been raised with Severn Trent?

Hon. J. Humphrey: I would have to consult with my hon. colleague. Certainly, these matters have to be raised. In fact, I have initiated inquiries because I understand that in India a hand auger system has been developed that is capable of going down 150 feet without machinery. We do not need to consider that depth of well. In fact, in some parts of the East/West Corridor the water table is a mere few inches from the surface. Winning water is a principle to which we have got to address ourselves.

Someone expressed a bit of skepticism when I described the on-site disposal. Let me advise that in France a simple, inexpensive method of on-site disposal has been developed. There is a joint venture investment being put in place right now for people in this country who are now producing plastic water tanks and septic tanks to re-design and produce very clever, simple devices so that our poor can access them at low cost. That is going on right now so it is not pie in the sky or idealistic dreams. These things are being realized.

Mr. Vice-President, I do not know if I missed any question that was asked. If I did, would Senators please intervene and remind me?

Sen. Dr. St. Cyr: Mr. Vice-President, I did raise the matter of making this permanent.

Hon. J. Humphrey: I do not think it is desirable to make it permanent. We know that many of the houses and apartments that are rented are very old and in fact would die natural deaths. When some of the existing tenants part this life, nobody would go back into those places, so they would be demolished and rebuilt.

Sen. Prof. Spence: Mr. Vice-President, it is not as simple as that. The problem is that the relatives, once they have been living in the house for six months, acquire tenancy and they are not going to die just like that. That is why I suggested that one needs to take a deliberate action to address that problem. I think it can be addressed but it means that the Government must undertake to provide alternative accommodation to those persons who are renting the present apartments or houses which are under rent restriction. That is the point I was trying to make.

3.50 p.m.

Hon. J. Humphrey: Well, I think this programme does that.

Sen. Prof. Spence: But moderately.

Hon. J. Humphrey: Well, you are not going to specify that this area is allocated under the restriction. For example, one of the difficulties is that, there are many in the middle class, especially young workers who have hung their hats higher than they can reach and are finding it very difficult to maintain their mortgage commitments and in fact are making tremendous sacrifices in order to retain their homes. Such people will benefit from such a programme, because as Minister, I will encourage groups of these young people to put their properties on the market and let those who can afford to support those mortgages take them

over and develop areas in consultation with these groups of people so that they can build houses within the affordable rate.

We are going to have a wide range. We already have about fifteen plans with scale models done. Senators can come in and have a look at them; some flat, some two-storey, but we are going to add to that a further thirty, and anyone can access those. They are basic houses cleverly designed that can grow, over time. It is sensible for a young married couple to live with two rooms rather than four, because they can add two later on. That is the sensible way to do it. But our young people, with the example set by their parents, try to do everything right away. They extend their indebtedness beyond the comfortable reach of themselves and they get into serious trouble. Many of them lose their homes. So everyone would benefit from it.

I have already met, for example, with a particular private sector developer who has suggested that where there are high density apartments that are run-down and would be demolished because they are costing so much to maintain, that it really is not worth the cost to put new, modern units, but rebuild them with the involvement of the existing tenants, so that those tenants get jobs and derive incomes and therefore can access the units. As the old dilapidated units are replaced by the new units the old ones are then demolished and the new units are put on the market. So the subsidy can be built into the programme. In fact that is now being studied for parts of Port of Spain on a pilot basis.

Mr. Vice-President, it is a problem that is monumental in proportion and I repeat that to deal with it is going to require a national commitment. I believe that the aim of sheltering our people in decent civilized environments that are productive would be shared by everyone. I do not think there is a single Member of this Senate, or of the national community, who will not subscribe to that aim. Since the aim is one that will be shared by all, I think we do have a chance of mobilizing the required resources to accomplish it. I honestly think that we do have such a chance.

On the question of the highways, which is absolutely critical, in the near future we are going to be able to announce that the resources have been mobilized to enable the delivery of highways so that the earth works can commence during the next dry season. Now, perhaps, it is a little optimistic because things are not put in place in the system we have inherited to enable delivery. Things are put in place, in fact, not to allow for delivery. It is like driving a vehicle down the road

Rent Restriction Bill
[HON. J. HUMPHREY]

Tuesday, May 21, 1996

with only a brake pedal, with one's foot on it constantly. The vehicle is not going anywhere.

But what we are trying to do is devise new accelerator pedals for the system and hopefully to change the attitude. It is a neo-colonial attitude, and we have to change it. Once we achieve that change, I think we will begin to accelerate the programme.

Mr. Vice-President, with those few words, I beg to move that the Bill be now read a second time.

Sen. Jagmohan: That description is erroneous. Those were not a “few words”.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate 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.

Sen. Dr. St. Cyr: Mr. Vice-President, I still would like to raise my difficulty. When we needed a Rent Restriction Bill when housing was tight, we made it three years. Now we see the problem being tackled, we seem to be making it permanent. I have a problem with the inconsistency there.

Mr. Humphrey: The Bill that we have before us is not in fact the Bill that came from the Lower House. It was amended in the Lower House on the intervention of the Opposition.

Mr. Chairman: May I ask whether Sen. Dr. St. Cyr has the amendments made in the House of Representatives on Wednesday, April 3, 1996?

Sen. Dr. St. Cyr: No.

Mr. Chairman: Could I ask whether there are any other Senators who are not in possession of the list of amendments made in the House on Wednesday, April 3, 1996? Does everyone have a copy? Because therein you have two amendments to clause 3, the second of which deals with the concerns just expressed.

Sen. Dr. St. Cyr: Yes. My apologies, Mr. Vice-President.

4.00 p.m.

Sen. Prof. Spence: Mr. President, I have a suggested amendment to the amendment and that is that it should read "affirmative resolution of Parliament."

Mr. Humphrey: That is what is meant by, "resolution of Parliament." If you do not say "negative resolution" it means "affirmative."

Sen. Prof. Spence: In the past, certainly, at the urgings of Sen. Mark, we had frequently put "affirmative" into legislation, so may I suggest that we do it now.

Mr. Humphrey: It is not a problem, really; it just means it has got to go back to the House for one word.

Sen. Prof. Spence: Well we have done it frequently in the past, as I said, at the urgings of Sen. Mark. He is no longer here to urge those things, so I am now extending it on his behalf.

Sen. Mark: I will now take the opportunity to urge you, having regard to the clarification I have received, that once we talk about resolution in this context it means affirmative. But it does not matter to us at this time. If you would feel comfortable with the word, "affirmative", we have no difficulty with it, but it is affirmative in this context. As I said, we have no difficulty in proceeding with that particular amendment.

Sen. Prof. Spence: No. I take your advice. It really means that you are knocking down all the effort that you put into that over the years. If Sen. Daly assures me that it is not necessary then I will withdraw.

Sen. Mark: We have no difficulty in putting in the word, "affirmative", Mr. Chairman. So we will go with Sen. Spence's amendment.

Mr. Chairman: We have an amendment to clause 3, to include the word "affirmative" before the word "resolution" in the last line of new subclause (2).

Question put and agreed to.

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

Clause 4 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

Senate resumed.

Bill reported with amendment.

Question put, that the Bill be now read the third time.

The Senate voted: Ayes 27

AYES

Mark, Hon. W

Kuei Tung, Hon. B.

Theodore, Hon. Brig. J.

Baksh, Hon. S.

Phillips, Hon. Dr. D.

Gangar, Hon. F.

Moore-Miggins, Mrs. D.

Tota-Maharaj, Mrs. V.

John, S.

Cuffy-Dowlat, Mrs. C.

Gray-Burke, Most Rev. B.

Moore, N.

Baksh, N.

Gabriel, A.

Richards, V.

London, O.

Mohammed, Mrs. N.

Montano, D.

Beckles, Miss P.

Spence, Prof. J.

Mahabir-Wyatt, Mrs. D.

Teelucksingh, Rev. D.

Daly, M.

St. Cyr, Dr. E.

Mc Kenzie, Dr. E.

Kenny, Prof. J.

Ramchand, Prof. K.

Question agreed to.

Bill accordingly read the third time and passed.

MILITARY TRAINING (PROHIBITION) BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Brigadier Joseph Theodore): Mr. Vice-President, I beg to move,

That a Bill to prohibit the training, drilling and equipping of persons with firearms, ammunition, artillery or explosives and the practice of military exercises otherwise than permitted under any written law, to increase the penalty for unlawfully wearing a police uniform and for related matters, be now read a second time.

I am pleased to present this piece of legislation in the Senate today and I do so in acknowledgement of the mandate of any responsible government, to take reasonable measures to ensure the safety and security of its citizens. The state has a responsibility for the maintenance of law and order and in a democratic society such as ours, the responsibility must be carried out within the accepted parameters of democracy. Consequently, the state must take all reasonable steps to prevent this democracy from being threatened, destabilized or destroyed.

Crime has been at an unacceptable level in this society for many years. Some of these crimes have even assumed a paramilitary character. In fact, in certain countries not too distant from us, we have had examples where individuals or groups had been able to accumulate instruments of coercion equal to, and sometimes superior to the states. No modern state can tolerate a situation in which armed and military trained groups can challenge the authority of the state and take by force what they cannot get by lawful means.

This problem has assumed international significance as evidenced by the International Convention against the recruitment, use, financing and training of mercenaries as cited in Volume XVI of the Commonwealth Law Bulletin.

4.10 p.m.

Article 11 of that convention states that any person who recruits, uses, finances or trains mercenaries, commits an offence for the purpose of the convention.

Mr. Vice-President, any government must make laws for the safety, security and good governance of its people. As I see it our domestic legislation does not afford this country and its citizens adequate protection from threats to its internal

security posed by the presence of private military or quasi-military organizations or groups.

The laws which govern military and paramilitary training, exercises and manoeuvres in Trinidad and Tobago are the Defence Act, Chap 14:01 and the Police Service Act, Chap. 15:01, and to a certain extent the Firearms Act, Chap. 16:01.

The Bill at hand, unlike the existing legislation, identifies all the offences that are committed when individuals engage in unauthorized military training and exercises for subversive reasons, and attaches a penalty to each of them. It is against this background that the legislation has been brought to this honourable Senate.

Mr. Vice-President, with your leave, I would now take hon. Senators through the contents of the Bill. The purpose of the Bill is to prohibit private military training and exercises which are likely to be used to undermine the peace and order of our country, or to destabilize the internal security of the state.

The Bill seeks to achieve this objective in the following ways:

- (1) By increasing the penalties attached at present to specified offences in respect to the organization of unauthorized private military training and exercises which constitute a threat to the peace and stability of the country.
- (2) By creating a separate offence if such private military training and exercises are carried out for subversive reasons.
- (3) By increasing the penalties attached to meeting or assembling for the purpose of training or being trained, drilled, equipped or organized in the use of firearms or explosives, or in the practice of military exercises unless so authorized by the Minister of National Security.

Mr. Vice-President, clauses 1 and 2 contain formal provisions relating to the short title and the interpretation section which defines certain key words in the Bill.

Clause 3 creates two offences:

- (1) The training of individuals or groups in the use of firearms, ammunition, artillery or explosives, and the practice of military exercises is prohibited unless authorized by the Minister.

- (2) The soliciting or provision of financial or other support for such training is also prohibited.

A person who contravenes this clause is liable:

- (a) on summary conviction, to a fine of \$50,000 and imprisonment for five years;
- (b) on conviction on indictment, to a fine of \$200,000 and to imprisonment for a period not exceeding 20 years.

Mr. Vice-President, it should be noted that more stringent penalties have been attached to these offences than previously obtained for similar offences. For example, penalties under the instant clause now have a fine attached to them in addition to a term of imprisonment which has been increased from 10 to 20 years.

In continuation, clause 4 of the Bill prohibits the assembly of persons for military training and exercise unless authorized by the Minister. Any person who contravenes this section commits an offence. This clause creates another offence and any person who contravenes this clause is liable:

- (a) On summary conviction to a fine of \$50,000 and imprisonment of five years;
- (b) On conviction on indictment to a fine of \$200,000 and imprisonment for a period not exceeding 20 years.

The penalty for a similar offence under the existing legislation is imprisonment for 10 years upon conviction or on indictment.

Clause 5 seeks to create offences that deal with the question of subversive activity. It establishes that it is an offence for a person to organize, train, drill, equip or solicit or provide financial or other support for equipping or training others in the use of firearms or in military exercises for the purpose of engaging in subversive activities.

A person who commits this offence is liable:

- (a) on summary conviction, to a fine of \$100,000 and to imprisonment for one year;
- (b) on conviction on indictment, to a fine of \$300,000 and to imprisonment for a period not exceeding 30 years.

Presently, a person who engages in subversive activity may be convicted and imprisoned for 10 years under the Defence Act.

Mr. Vice-President, the question of the burden of proof in relation to clauses 4 and 5 has been raised in certain quarters, none the least of all in the other place. It is my respectful view that the burden of proof remains with the prosecution and

[SEN. THE HON. BRIG. J. THEODORE]

the burden of proof has to be beyond all reasonable doubt where it is a criminal offence.

Additionally, in criminal law, the burden of proof on the part of the defendant is not beyond all reasonable doubt when he has to prove his defence. It is only on a balance of probability.

Furthermore, in addition to the normal defences that are available to a defendant in the criminal law, the Bill gives any defendant an additional statutory defence as provided for in clause 5(3). It stipulates that if a defendant was unaware that an organization was engaging in subversive activity, he has redress in the court to utilize such a defence.

Mr. Vice-President, clause 6 provides for the admissibility of evidence to prove this subversive intent with which members or supporters of an association, or organization, are being organized, trained, drilled or equipped. This clause permits evidence to be admitted in order to prove the state of mind of an individual and to assist in showing that the person was engaging in subversive activity.

Clause 7 stipulates *inter alia* that a magistrate has to be satisfied on reasonable grounds that an offence is committed and upon an application by an officer of a rank not lower than inspector, can grant a search warrant. The clause states that a list of all items seized during a search shall, within 24 hours of the conduct of the search, be given to the person who appears to be the occupier of the place.

Clause 8 deals with the forfeiture, destruction or disposal of anything seized by an officer pursuant to a search warrant, save and except for such seizures where an appeal against conviction is pending.

Mr. Vice-President, clause 9 deems the Act inapplicable to the training of persons pursuant to the Defence Act or any written law.

Clause 10 seeks to amend the Defence Act and the Police Service Act. The first amendment repeals sections 218 and 220 of the Defence Act.

Mr. Vice-President, I now read, for the information of Members of this honourable Senate, just what sections 218 and 220 of the Defence Act state. I am quoting from the copy of the Laws of the Republic of Trinidad and Tobago, Chap. 14:01:

"218.(1) If the members or adherents of any association of persons, whether incorporated or not, are—

- (a) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the Defence Force or of the Police Service established by the Police Service Act;
- (b) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use of display or physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose,

then any person who takes part in the control or management of the association, or in so organizing or training as mentioned above any members or adherents thereof, is, subject to subsection (2), liable on conviction on indictment to imprisonment for ten years."

4.20 p.m.

(2) In any proceedings against a person charged with the offence of taking part in the control or management of such an association as mentioned above, it shall be a defence to that charge to prove that he neither consented to nor connived at the organization, training or equipment of members or adherents of the association in contravention of subsection (1).

(3) No prosecution shall be instituted under this section without the consent of the Director of Public Prosecution."

Mr. Vice-President, section 218 is one of the sections of the Defence Act which is being repealed and replaced in the new Act. Section 220 from the same Act states and I quote:

- “(1) No person shall—
- (a) train or drill any other person to the use of arms or the practice of military exercises;
 - (b) be present at any gathering of persons for the purpose of training or drilling such persons to the use of arms or the practice of military exercises; or
 - (c) submit to being trained or drilled to the use of arms or the practice of military exercises or be

present at any gathering for the purpose of being so trained or drilled.

- (2) A person who contravenes the provisions of subsection (1) is guilty of the offence of unlawful drilling and liable on conviction on indictment to imprisonment for ten years.
- (3) The provisions of this section do not apply to the training or drilling of persons or bodies of persons or the practice of military exercises in accordance with any law, including this Act.”

Quite significantly, the amendment to the Police Service Act increases the penalty upon conviction for unlawfully wearing a police uniform.

Mr. Vice-President, with your leave, I shall quote section 47 of the Police Service Act, Chap 15:01 which deals with this section:

“Any person, other than a police officer, who, not being specially authorized in writing by the Commissioner so to do—

- (a) wears the uniform of a police officer or any portion thereof;
- (b) wears any costume or any article of clothing or apparel so closely resembling the uniform or any portion thereof of a police officer that he may reasonably be mistaken for a police officer, is liable on summary conviction to a fine of four hundred dollars and to imprisonment for two months.”

This Bill, in dealing with the same offence indicates that a person would be liable on summary conviction to a fine of \$5,000.00 and imprisonment for two years instead of a fine of \$400.00 and imprisonment for two months as now obtains.

This, we feel will also serve to deter the commission of other crimes, for example, fraud, extortion and robbery associated with the impersonation of police officers. All these measures are focused on safeguarding the security of the citizens of Trinidad and Tobago.

In conclusion, this Bill which I have the honour to move, seeks to protect the integrity of the state and our democracy. This is to ensure that, unlike Hobbes' state of nature, the lives of our citizens are not solitary, nasty, brutish and short. This Bill represents but one measure in the Government's anti-crime drive. But even beyond the institutional measures, it must be recognized that the most

effective bulwark against threats to our safety, security and democracy is good government. This is exactly what this Government is seeking to achieve.

Mr. Vice-President, at this point I wish to thank you, and I beg to move.

Sen. Daly: Mr. Vice-President, before the Minister takes his seat, could he indicate why we are being asked to pass this Bill at this particular time and in particular, whether there is any increase in activity in the use or practice of quasi-military activities in the country at this time?

Hon. Brig. J. Theodore: Mr. Vice-President, do I take it that the debate has started?

The Senator is asking if I am aware that there has been an increase in paramilitary activity. No, I am not aware that there is an increase. Is it that we should wait for an increase?

We are aware that there have been instances and I think we are being cautious and we are taking precaution, we are anticipating. We see, certainly from a national security standpoint, that prevention works far better than dealing with a situation after it occurs. That is definitely one of the reasons why we are taking this action.

Mr. Vice-President: Hon. Senators, I think it is a convenient point at which we should recess. The Senate will recess for 30 minutes for the tea break and will resume at 5.00 p.m.

4.27 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Vice-President: Hon. Senators, before the tea break, the Minister of National Security had moved that the Military Training (Prohibition) Bill, 1996 be read a second time.

Question proposed.

Sen. Danny Montano: Mr. Vice-President, this Bill fits in with some of the legislative measures which the Government has been taking. We have an Act to increase the number of judges. We have had a Jury Act, an Evidence Act and a Habeas Corpus Act. We know that an extradition treaty has been signed, and now we have the Military Training (Prohibition) Bill.

What is very apparent is that the Government is taking measures to strengthen the legislative framework. One would assume that the objective is to confirm what the Minister articulated when he made his presentation—that the state has

responsibility for law and order—and all these measures are intended to strengthen the law and order in the society. What is conspicuously missing in all the measures that have been taken thus far is that nothing has been done as yet *vis-a-vis* the enforcement of the legal administration. We have heard very little about that and the question of the administration of the police service is of paramount importance to this question. It is of importance because the importation of arms, munitions and explosives referred to in this Bill, as coming into this country, ought to be intercepted by the enforcement arm of the legal services. Furthermore, the perpetrators of the importation of arms or the trafficking in this type of equipment ought to be intercepted by the enforcement arm. We are particularly concerned with the effectiveness of the enforcement of the police service.

Mr. Vice-President, I have difficulty with clause 6, which I will refer to as the “boo boo” clause because it deals with hearsay and it reminds me of the calypso, “Mama look a boo boo dey”. I will deal with it in some detail later on.

It is very clear that the Government is trying, particularly in that clause, to make the arrest of perpetrators easier and prosecution that much simpler. But, Mr. Vice-President, while we have the laws to do certain things, the police service must be in a position to do something about these actions before they really get off the ground.

We have a police service with approximately 4,800 members. I am reliably informed that at any one time only 800 are on active service. The remaining 4,000 are on leave, sick leave, at court, used in administration, or in New York on some kind of a permanent leave arrangement.

Sen. Brig. Theodore: On a point of correction, I would be grateful if the hon. Senator would give me the source of his information. It is information which I do not have and he would be of great help if he furnishes me with it.

Sen. D. Montano: I am surprised that the Minister does not have that information. I was under the impression that he would know how many members he has in his police service. That information should be, and is in fact, a matter of public record, I refer to paragraph 15.1 of the report of the Police Service Commission, 1994, tabled by the PNM Government.

“Absenteeism due to illness in the Police Service presented a number of problems regarding the management of the Police Service. Acceptance by the Chief Personnel Officer of medical certificates and the granting of extended

sick leave based on medical certification legitimised the absence of police officers from duty for lengthy periods. The system was open to abuse and was in fact being abused especially by officers who were abroad pursuing their own personal agendas.”

Mr. Vice-President, we need an effective police service. All the laws in the country will come to nought unless we have an effective force. This is my concern.

Just last week there was a report in the newspapers of a jail break in San Fernando. The persons got out of the holding cell and were held within two days. The drug lords, according to a newspaper headline, are on the run but we cannot seem to hold them. Every time the police arrive where they are reported to be, they have just left.

5.10 p.m.

Mr. Vice-President, the administration of the police service needs serious attention. Mr. Vice-President, jail-breakers—these are real criminals, murderers, thieves—could be apprehended in two days and the drug lords cannot be held at all. Bill or no bill, laws or no laws, that continues to take place. Therefore the efforts of the Government would be better spent concentrating on the administration of the police force.

There was an article in the newspapers sometime ago, where some 700 new police officers were going to be added to the 4,800 police officers we already have. A realistic ratio of police officers per citizen is one officer to every 375 citizens. The ratio that we have with 4,800 police officers is one officer to 270 citizens. On the books, we already have sufficient police officers. If we add another 700, we would be adding \$30 million to the payroll and I do not know that they would really be apprehending anymore criminals unless the system of administration is dealt with.

The Government also announced that they were going to add a fleet of 100 new vehicles to the police force. Mr. Vice-President, that can be of some assistance, but the approach, I venture to suggest, is inadequate. One hundred new vehicles would total approximately \$10 million. In contrast, the Chamber of Commerce had set up a rapid response team and they reconditioned 17 vehicles that had been totally scrapped by the police service and put them back into service. They also repaired 10 other vehicles, and operated all 27 vehicles for one year. The total cost of the refurbishment, maintenance and running, was

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\$300,000. Three hundred thousand dollars for 27 vehicles as opposed to \$10 million for 100 vehicles. It is clear that it is not a question of manpower, it is a function of management.

When we look at the “boo boo” and clause 5, I really begin to wonder what this Bill is really aimed at and what are the real intentions of the Government. Clause 3(1) says:

“Except with the written authorization of the Minister, no person shall—

(b) ...provide financial...support...”

Mr. Vice-President, the way I understand it, that effectively means that the Minister, himself, has to give his authorization for anybody to even take part in these organizations. In other words, one cannot pay membership dues to the Rifle Association or any association of the sort without the Minister’s approval because that is financial support. Every person who is a member of the Rifle Association has to get the Minister’s approval. In the first instance the person needs to get the permission of the Commissioner of Police to buy a firearm, now he needs the specific approval of the Minister. The extent of the powers being vested in specific executives here are quite extraordinary and I venture to suggest, most unusual.

Clause 5(3) of the Bill says:

“In any proceedings against a person charged under this section, that person may as defence to the charge, prove that he neither consented to, nor connived at—”

the charges against him. When I read that, in conjunction with the “boo boo” clause I have a difficulty.

In the first instance it was said by the Minister in his contribution that this was to provide additional means of defence to persons who were charged. If nobody has, in fact, been charged and he did not consent or connive in the business, surely he would claim that as a defence. Therefore what on earth is the need to put the defence in the legislation? What is it doing here? Why pick those defences as specific defences? What does that mean? How does that tie in with the “boo boo” clause?

Mr. Vice-President, paragraph 6, the “boo boo” clause sets up a most peculiar situation. What is the need for this clause? Is it that the rules of evidence—including the Evidence (Amdt) Bill that was passed recently—are not sufficient in the general framework of criminal law? If the rules are not sufficient, then say

that the rules themselves need to be amended and bring legislation for that. But to put that in this Bill in this context, when allegations are made against members of the People's National Movement about subversive intent, Mr. Vice-President, I naturally assume that the Government has a peculiar intent on the people of this country.

I was brought up on very simple values such as: A thief thinks that everybody else is a thief. Therefore when one has improper motives, one automatically assumes that everybody else has improper motives. This is the kind of thing—dealing with the intention of a person—that leads me to think that it cannot be right. Mr. Vice-President, we have rules of evidence that have served the country very adequately over the years. I am no lawyer, but if one wants to change the rules of evidence then change them! They should bring the legislation and let the lawyers debate it! What is this doing here? I find it very peculiar, Mr. Vice-President, and I cannot help but feel that it really is intended so that certain persons in the administration could stand up and say: “Mama look a boo boo dey, let us go and get him.” I call it the “boo boo” clause, Mr. Vice-President, it has no business in this legislation.

When I read that clause in conjunction with the overtures and postures that have been taken towards the thrust, I become even more concerned. I stand here in defence of the people and ask the Government to reconsider that clause. If, in fact, the rules of evidence need to be changed, then change them. I submit that this clause should be removed from this legislation.

5.20 p.m.

Sen. Prof. Julian Kenny: Mr. Vice-President, I do not know whether Members of the Senate appreciate one thing about this piece of legislation and this is, it is the first major piece of legislation we are seeing in the life of this Government. I went through the bills that we debated before and there are eight of them which were amendments to existing legislation. Admittedly some of them are quite serious and there was one routine bill. So that nine bills had come forward here and I see there were three others, including a Private Members' Bill from the last Parliament, the Incorporation of the Girl Guides and then a formal one from the Minister of Finance—the Variation of Appropriation Bill. This is the first—I do not know what the term is—but it sort of stands alone, it is really quite new and it raises the question for me of something which is clearly very important and which is going to take much time for us to come to agreement on.

The problem is that we have spent two hours dismissing unanimously what I consider to be a mere formality. I know that governments have to let the people and Parliament know of their plans and it is a brilliant exposition from the Minister, but frankly, it is somewhat wearying to listen to an exposition of the grand policy when we are dealing with what I consider to be a mere formality. We have spent two hours doing that and, at the end of it, we are looking at the first major piece of legislation which is going to stand on its own.

Before going on to the actual legislation, I have a few reservations about it. Some time ago—I forgot the actual bill that was being dealt with—I did make the point that we do not seem to have a clear understanding of the Government's legislative agenda. We are starting to get a feel for it now and the trend running through it is that we have to tighten up, which is admirable, but I think there is still need for general advice from the Government on its legislative programme because we tend to be rather coloured by what we read.

For example, we read during the election period and so forth, that the major concerns were equal opportunities commission, integrity legislation and this Bill which I consider quite a major. I think the Government really ought to rethink where we are heading so that we can be properly prepared to contribute to a debate which, I respectfully suggest, is going to take more time, going longer than 6.00 p.m and 7.00 p.m. I think there is much in it that needs to be properly ventilated because it is new. [*Desk thumping*]

Mr. Vice-President, I have read this Bill over and over and I have some difficulties with it. One of the things that worries me is that when one tries to legislate in this way, the potential aggressors are likely to be warned and to think of other strategies of training, whatever their objectives are. I do not know how many Members of the Senate are familiar with what happens with executive training in North America, the United Kingdom and elsewhere. I know from a son of mine who works for a pharmaceutical firm that when they are training executives, they send them on these courses which are like military exercises. There are two parties, the reds and the blues, or the blacks and the whites, or the greens and the browns; objectives are set and they are given training in how to

meet those objectives. So the reds may be defending and the whites are trying to penetrate and they actually carry, not firearms, but little fancy guns that shoot paint balls and they are actually drilled by military instructors. It is all very fine to say that we have introduced legislation of this kind and the Ministry of National

Security will check up and so forth, and eventually they will catch persons and bring them before the courts of law.

If a group of citizens of this country decided, for their entertainment, to receive instructions on military drills to develop character—suppose it is a legitimate thing—we would not use firearms but go through all the exercises. Perhaps I am talking nonsense. Sen. Theodore is a military man, but perhaps he understands that what I am saying here is that much military activity is on a sand table, on ball games, ping pong tables, or it can involve field training exercises in developing resourcefulness, bearing in mind that if one is going to be subversive, one is going to use the dirtiest tricks and that is what young executives in the United Kingdom are trained in by military people. Are we saying that if a local firm now wants to develop character in its executives and it puts them on survival courses and military training courses, that they are committing an offence under this legislation? It worries me a little.

There are several other things that I worry about in this piece of legislation. One deals with training in the use of firearms, explosives and so forth. Are there not already laws which regulate the use of firearms? Surely if someone is in the bush and he has an illegal firearm he is committing an offence. Possibly one way of dealing with this would be to re-examine the firearms law to see whether we cannot increase the levels of sanctions on it. So there are things like this in here that I consider a bit worrisome.

To come back to what I was saying at the start, there is a problem with the legislative agenda. I welcome looking at a Bill like this and hearing what everyone has to say, but as a scientist, the approach seems chaotic; a bit here and a bit there without any real trend coming through. To illustrate what I say, without digressing as others have, there is the Environmental Management Act—I am now digressing but I will make my point about the legislative agenda. When one reads the Environmental Management Act, it is abundantly clear that the Act is about pollution control, that is the body of it. Then there are co-ordinating functions to look after the other agencies of Government.

5.30 p.m.

Mr. Vice-President, the Environmental Management Authority has announced to the public its legislative agenda. It is there in the newspapers. The two things that appear to be of prime concern are, the environment clearance certificate and the legislation necessary to declare what is called an environmentally sensitive area or environmental sensitive spaces. This is not real. If one wants to regulate a development, there is already the Town and Country Planning Act of 1968. The use of that Act makes it quite clear that anyone proposing a development has to get planning approval.

To get planning approval, the Minister of Planning and Development or his agents say to the developer, "You must do an Environmental Impact Assessment". So that the environment is already protected.

What is the urgency for the environmental clearance certificate for a small bureaucracy sitting in very fancy quarters up at the savannah?

The second thing is the environmentally sensitive spaces; legislation is coming. This is what they have told us. They have not told us anything about the real important things. They would bring legislation about environmentally sensitive spaces and areas.

There is already legislation which can be used *pro tem*. For example, Marine Restricted Areas Act of 1974 allows the Minister responsible to take a marine area of Trinidad and declare that area closed. There is only one which is Buccoo in Tobago, but there is no reason there cannot be other areas. Secondly, the old ancient Forest Act can be used to declare an area of Trinidad a protective area.

Why the haste to get into legislation of this kind? This is their legislative programme, yet we have horrendous problems. Sen. Teelucksingh has mentioned all the imported second-hand fridges. The Minister of Finance is very concerned about the second-hand cars coming in. I am personally very concerned about all the second-hand diesel engines coming in and they are belching out black fumes which are not good for us. Here we have the top Environmental Management Authority with its powerful Act behind it. It got its signal wrong. According to the reports, it is bringing legislation on these two things that are not of any great importance.

Of greater importance, actually, will be to hear from the Government that the Environmental Commission has been established. The Environmental Management Act has different components to it. As of now, there is the authority, but there is not an Environmental Commission. If any citizen wants to take action

against somebody who is doing something wrong, there is no redress. One can go to the newspapers or the ombudsman.

Sen. Mahabir-Wyatt: Mr. Vice-President, on a point of clarification. The Senator did say that he was not going to digress as others did, but I am wondering if he is still dealing with the Military Training (Prohibition) Bill.

Sen. Prof. J. Kenny: Mr. Vice-President, I said that I was going to digress slightly to illustrate the point that I was making at the start which precisely is that we do not appear to have a cohesive legislative programme. We ought to be seeing very important legislation brought before the Senate.

Thank you.

Sen. Diana Mahabir-Wyatt: Mr. Vice-President, I am very grateful to Sen. Prof. Kenny for enlightening me on this point. This is major legislation and perhaps the first instance of major legislation that we have had before the Senate and this particular Parliament. It is very important. It deserves a great deal of serious consideration and I hope that we would give it that sort of consideration.

If I may digress a bit, I do not agree with Sen. Kenny that any training that purports to be of a quasi-military type to teach young executives dirty tricks about penetrating other companies builds character or is the sort of executive training that we would find in any company in Trinidad and Tobago.

I know that very strange things come out these days and I have been very concerned lately about some of the existing intellectual gurus who talk about the possibility of a world in the future where societies will be living lined up behind powerful private armies or drug barons. We would be living behind high walls which young people refer to as "drug walls". We would be living like this, polarized behind these warring private armies, giving them loyalty in return for protection of our lives.

I was very pleased to hear the Minister, in introducing this Bill, in response to a question by Sen. Daly, state that what this Bill is intended to do is preventative rather than corrective. That is a very well made point because to live in a country or world where people have to line up behind powerful quasi-military figures in order to provide security for themselves and their families is rather bleak. It is an extremely good idea to bring a Bill such as this before this Senate and the Parliament generally in order to save us from that plight.

In fact, as the Bill itself states and the Minister pointed out:

“The purpose of the Bill is to prohibit private military training and exercises which are likely to be used to undermine the peace and order of the country ...”

Not that there is peace and order in the country!

“... or to destabilize the internal security of the state.”

I cannot but agree that this is a very good idea and that the intent of the Bill which is a protective one for all citizens is one that we should be very grateful has come before us.

Mr. Vice-President, as usual, I have a few questions which I would like to ask in relation to the context in which this Bill is introduced.

The first question has to do with a bill which came before this Parliament during the reign of the last government. It was called the Securities Industry Bill. It came here in 1995 and we did much work on it but, unfortunately, Parliament was dissolved before the bill was passed. It covered the licensing and regulation of some 300-odd private security firms that exist in this country and regulated how they were to operate; how officers were to dress; how they were to be trained, and various other details.

In a very real sense, this country has privatized the security functions of the police service already, but these private firms that carry out security for communities, homes, businesses and educational and medical institutions, many of them are unlicensed and unregulated. I think it is extremely serious that this continues to go on.

This is why I am in such agreement with Sen. Prof. Kenny. I would like to know what the legislative agenda is, because during the last Parliament, my esteemed colleague, hon. Sen. Wade Mark, together with his colleagues, over and over again, criticized the then government for not having a clear legislative programme that we could follow.

5.40 p.m.

Mr. Vice-President, I am for the concept of this Bill, but I am not sure of how it fits in. Are we going to have the Securities Industry Bill back? If we are, then

why do we need certain aspects of this Bill that would be covered in the Security Industry Bill? I really do not understand why, because I think they would overlap. The Minister, I am sure, would recognize which aspects of this I am referring to. They would include uniforms, training, organization. The other one, of course, does have those regulations which are not in this legislation and if that other legislation is coming, then I am reassured that that is adequate. But this one would not do what that one did and I am just wondering what is going to happen in relation to that, Mr. Vice-President.

The other thing that came up during the last sitting of Parliament was the Minimum Wages Order in respect of the security industry. Now for about ten years in this country the conditions of work regarding people in security firms have been nothing short of scandalous. The trade union movement has spoken about it from time to time but nothing very much was done. During the last Parliament the Minimum Wages Order, which was adequate, was a huge step forward. It covered wages, hours of work, uniforms, sick leave, maternity leave, vacation leave and various other things in respect of the security guard.

It was promptly withdrawn within a week and replaced by a Minimum Wages Order which covered, simply, wages and hours of work. When a Motion was raised on the adjournment to discuss this, the then Minister of Labour explained that this was done because of existing contracts with security firms and if these new conditions were imposed, the contractual arrangements would not cover those costs and therefore all these people would be out of work and out of business, but that a new Minimum Wages Order would come before this Parliament within six months.

The following week, Mr. Vice-President, the security firm which works for my company presented us with a letter saying that because of the Minimum Wages Order that was passed, "we hereby up your charges for security" by X hundred dollars. So much for contractual provisions. The point is that nothing came subsequently. I was then told when I asked the question again, that when we get the Securities Industry Bill it is going to take care of many these problems having to do with minimum wages provisions for people in the security industry. Nothing happened.

Now, I know that Sen. Mark, at the time, was very concerned about this and he spoke very eloquently about it. I really do not like, Mr. Vice-President, to keep reminding Sen. Wade Mark about the oratory which he presented us with during the last Parliament. He is obviously not listening anyway. But when it comes to

dealing with the question of the security industry, which is very important in relation to the people in that particular industry, and the lack of legislation tying all these things together, and not even giving some sort of indication as to when it is going to come, then the comments about "piecemeal" which we used to hear, come back to haunt us, and the silence deafens, because no matter how often this is asked for in this Parliament, we do not get an answer.

Mr. Vice-President, I would be very pleased if the hon. Minister could help me by putting this into the context of the general security industry as a whole. The other two questions I have are, perhaps, not as difficult to answer. One has to do with the admissibility of evidence, clause 6 of the Bill. In introducing the Bill, the Minister said that the purport of this was to prove "the state of mind" and to be able to admit as evidence "proof of things done or words written or spoken", even though the party to these was not there; and in order to prove the state of mind of the person when the act was committed, to find out whether or not it was in fact intended to destabilize the security of the state, or to be subversive.

I am not sure. I really need some legal guidance on this. I am just wondering, if somebody comes tomorrow to the Minister and says to him, "Well Sen. Mahabir-Wyatt said something which makes me think that she is a person who is assisting in the management of an association which could be subversive" would this be admissible as evidence, without my presence—without my even knowing? Is this not in contravention of the laws of hearsay and also natural justice? Is one not allowed to speak in one's own defence or, at least, know what is being said about one? I just do not know. I am hoping that, maybe, Sen. Daly, or the Minister, or the hon. Attorney General could enlighten me on this. I do not know if it is constitutionally proper, or not.

The other question is a little more amorphous, I must admit, and that has to do with those persons who genuinely need to train for self-protection. There are non-military type people, and anyone of us could be one of those persons, who, because of threats against the person for any reason—it could happen to anyone in Parliament—may wish to apply for a firearm for self-defence. If that permission is given by the Commissioner of Police—I believe it is—unless one is accustomed to firearms one normally would need training. I notice that the Minister could, perhaps, help in a report of a statement which was made, for all I know had been misrepresented, but I could not quite understand. Reference was made to the *Sunday Guardian* dated May 5, and the statement says: "The following is an adaptation of Sen. Theodore's contribution in winding up the debate." The first one was:

“What we are looking for are these subversive elements who may wish to use membership in certain organisations, for example, the Rifle Association...”

to build up this kind of expertise. Now, I do not know very much about the Rifle Association, but I always thought it was a normal organization that people went to learn—a sporting organization. It really worried me, because where does one go to learn to use a firearm, if ordinary persons like this could be termed “subversive”? That really worries me, because it is a serious thing when one suddenly realizes that it may not be a quasi-military organization, but could be subversive. What does a normal citizen who has to check himself do?

The second question with which I hope the Minister will also help, because it really worries me, in light of the possibility that I mentioned at the beginning that we are going to end up behind huge enclosed walls and, as he quite rightly said, the percentage of crime is rising to unacceptable levels. We know that in other countries nearby there are private militias raised by “drug barons” that are equal to or superior to those of the state, and we are a very small, vulnerable country and I can understand his concern. I think he is quite right. But he also is reported as saying, and I am reading here:

“it may even happen one of these days that further amendments to the Firearms Act may permit people to go into a gun club and rent a weapon and register and fire the weapon as they do in the United States.”

This really frightens me. I did not realize that there is a possibility that the Firearms Act may be amended in this way. I think that is very worrying and I was hoping that the hon. Minister could give us a little enlightenment on this, because I agree with his statement that prevention is better than correction. I think it is true in industrial relations and I think in France it is a well considered approach, but within that approach I would like to have some reassurance that the constitutional rights of people are not overthrown, and I would also like to have some idea of how this fits into the broader security industry which has been established in the country.

Thank you, Mr. Vice-President. [*Desk thumping*]

Mr. Vice-President: A defective speaker system in the back row of the Independent Benches has been detected. I propose that we suspend the sitting for about five minutes to allow the technicians to do some repairs.

5.50 p.m.: *Sitting suspended.*

6.07 p.m.: *Sitting resumed.*

Sen. Martin Daly: Mr. Vice-President, the basic intent of this Bill, I believe, is sound, that is to say that the Government is attempting to make a specific prohibition against persons getting together for the purpose of subversive activities. I think that basic intention is sound and I think, subject to certain drafting amendments, clause 5 in this Bill is in pursuance of that objective, and clause 5 represents a considerable improvement and a widening of the protection contained in those two sections of the Defence Act to which the Minister, I think very relevantly referred.

So subject to some drafting amendments, I think that the basic intent of the Bill is captured in clause 5 and is worthy of our support. I am always—and I say this in the best sense—struck by how penetrative the comments of the Members are who tend to, in a false sense of modesty say they cannot read legislation because they are not lawyers. I think once there is the safeguard on page 10 of the Bill, which is clause 5 (1) (c) —it is about line 10—once there is the safeguard "for the purpose of engaging in subversive activities", then that limits the use to which this legislation can be put to prosecute people. So the very excellent points, if I may say so, respectfully, made by Sen. Kenny and Sen. Montano in relation to clause 3, those problems would not arise and I would come to clause 3 in a moment.

So, basically, clause 5 of this Bill is definitely a significant improvement on the protection contained in the Defence Act and I would like to support this Bill if I could. I would point out and ask the Minister in his winding up to say why those provisions in the Defence Act which require the consent of the Director of Public Prosecutions to a prosecution under what were sections 218 and 225 of the Defence Act, have not been repeated here. Although I have suggested some amendments to clause 5 which I believe are being looked on favourably by the Government, I would also ask them to consider including in clause 5 a requirement that a prosecution be done with the consent of the Director of Public Prosecution. My reason being that what is considered subversive activities is something that becomes very subjective and sometimes oversensitive in the mind of politicians, and therefore it is better to have the DPP giving us a second look at whether a prosecution is well-founded.

I really want to keep my contribution to this as uncontroversial as possible, but one has to do one's duty and one has seen the over-sensitivity of all

politicians, not this Government alone, to criticism in the press, and that has a direct link to what criticisms they might regard, or what action or what speech they might regard, as subversive. It is because of that over-sensitivity that I think we need the protection of the consent of the DPP for prosecution under clause 5, and I ask the Government to consider another amendment in addition to those which I proposed to repeat because it was in the Defence Act.

Unfortunately, I have tremendous trouble with clauses 3 and 4—clause 3 in particular. The unnecessary width of clause 3 has already been exposed by the contributions of Sen. Montano and Sen. Kenny. For example, I think Sen. Montano is quite right that clause 3 is sufficiently wide; that the mere payment of a subscription to what has been described as a gun club, might be caught by clause 3(1) by the words, no person may provide financial support in the practice of military exercises. I have not read it very well because I am conscious of the lateness of the hour. I think Sen. Kenny is quite right, and while I will not get into the debate that has sprung up on the independent benches about the ethical value of training young executives to take care of themselves, there is no doubt that for perfectly un sinister purposes people train with the military, for a variety of reasons which I do not think are sinister and they could get into difficulty under clause 3(1)(a), for simply taking part in the practice of military exercises. So I think that my colleagues have given very good examples of why clause 3 is far too wide.

I have another much bigger difficulty with clauses 3 and 4 and this has nothing to do with the present office holder. I cannot, in conscience, support any Bill that places the authorization of drilling in firearms and the practice of military exercises in the hands of a Minister. I simply cannot support that, and I emphasize it has nothing to do with any office holder. But a Minister with the wrong bench could authorize his constituency executive to carry out drilling in firearms simply by writing a letter. I think that is seriously politically and unconstitutionally objectionable and I am sure this Minister would not want that kind of power.

It is really very unnecessary because all of the things that are enumerated in clauses 3 and 4 are contained in clause 5. The difference is that in clause 5 they are guarded by the phrase "for the purpose of engaging in subversive activities." Likewise in clause 4, the question of assembling is also covered in clause 5 but guarded by the expression. So clauses 3 and 4 are not needed in order to make it an offence, to put it broadly, to take part in quasi-military activities. We do not

need clauses 3 and 4 to create that offence. Clause 5, subject to drafting amendments, does it extremely well indeed.

6.15 p.m.

So clauses 3 and 4, from the point of view of creating an offence, are really surplusages, in my respectful view. I would far rather the possession and licensing of firearms and the authorization of the use of firearms to be caught, as it is now, by the other relevant criminal legislation. One does not need to get the written authorization of the Minister to do any of these things. I am certainly not the world's greatest criminal lawyer, and I am sure Sen. Beckles would help me out, but it seems to me that if one does any of the things, which this Bill is purporting to give the Minister written authorization to permit one to do, one would, in most cases be guilty of an offence. Certainly unlawful possession of firearms, and no doubt many other pieces of legislation, would take care of what is in clauses 3 and 4.

So, I cannot support this Bill with clauses 3 and 4. I do not think it is a difficulty because I think they can be caught up in clause 5. All of the things in clause 3 are caught in clause 5 subject to the safeguards.

It may be said that clauses 3 and 4—clause 3 in particular—are designed to give the Minister some kind of regulatory authority. That may be so, but it is too broad. I entirely agree with the comments of Sen. Diana Mahabir-Wyatt, that if it is that one needs to regulate the activities of private security agencies then pass legislation for that. If it is that one needs to regulate the activities of shooting ranges or gun clubs, as I heard them somewhat chillingly being called, then pass legislation for that. That legislation would be specific and would contain the necessary safeguards, but it cannot be that any minister could have the power, simply by writing a letter, to authorize these activities that are contained here. That is politically and constitutionally unacceptable to me.

I accept that a minister of national security may need to regulate these activities, but what I do not accept is that he should have the power to regulate them at large. They should be tied to particular things; security agencies, gun clubs and anything else that needs regulating in this context.

I really have a very big dilemma because I have real fundamental objections to clauses 3 and 4. I do not think that it weakens the protection which the Government is designing for the citizens because, as I and others have indicated, possession of firearms, explosives and all these different things are caught by

other existing legislation. That is why, while it may be very annoying to the Government—of course, in some senses we are here to annoy them—it is very important to have a comprehensive legislative programme. It really would have been better if we had a statement to the effect that the Government intends tightening all of its security laws, and we had a package of legislation containing amendments to the Firearms Act, the new Security Agencies Bill and this Bill all coming together—much like the Attorney General brought the Habeas Corpus (Amdt.) Bill, the Evidence (Amdt.) Bill and the Jury Bill altogether. They formed a coherent package in that they all related to remedies and procedures available in the courts. Logically, they fitted together.

When it is done like this there is always the great danger that without the other pieces of legislation on the table one is going to make a mess of things. I think it is very important that the Government takes the advice of my other colleagues—I do not want to repeat it—that these pieces of legislation should be dealt with in groups, or in packages, to make sure that we are not repeating legislation or making fundamental mistakes.

Mr. Vice-President, the lateness of the hour is such that I do not want to detain anybody with mere drafting matters. I suggested some amendments to clause 5. I have suggested to the Government that in their favour, they need to look at the definition of "subversive activity". In clause 2(g)(c) with respect to the definition of "subversive activity", I think the burden of proving that the "display of physical force by persons in promoting any object" is assuming an unnecessary burden. That very disturbing march we had around the Red House with armed policemen—which I have spoken about so often—their constant cry was that they were not promoting any object. They gave all kinds of excuses that they were on their way to lunch and they just happened to be all walking together. Then, there is always the Garcia clause—everybody is familiar with the Garcia clause—"of course I am not striking, I am taking casual leave". Give Jack his jacket, it is very clever and I see these words "by persons promoting any object—

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, I beg to move that the Senate continues to sit until the conclusion of the matter before it.

Question put and agreed to.

MILITARY TRAINING (PROHIBITION) BILL

Sen. M. Daly: Mr. Vice-President, one sometimes cannot help remarking on the change in leaders of parliamentary business depending on which side of the Chamber they occupy. Apart from the relative brevity of his eloquence, which I am not sure we miss, I must say that the Leader of Government Business is becoming a very hard taskmaster indeed.

I would like the Government to look carefully at that phrase and see if it does not present a way out of the type that we constantly hear being advocated as excuses for doing things and clearly have a different object indeed.

I would just comment very briefly on clause 6. I find that is also a very difficult clause. I believe its objective is to make an inroad into the rule against hearsay. I do not say this in any way to be unduly critical. Maybe it is a drafting problem. Certainly some of my colleagues have already pointed out certain problems with clause 6—which I hope they are going to raise if they understand the drafting of that clause 6 far better than I do—but I do have some difficulty with it. Again, we need to be careful. I do not think we need to be dramatic, we need to be careful.

When one is dealing with something like subversive activities, it is very easy to have—again, I emphasize this is what life has taught us that it is not about any particular government; it is about a political plan; a sort of Scotty Charles. The Attorney General would understand what I mean by that; someone who, for a few pieces of silver or some other inducement, would be very willing to come forward and say to the authorities, "Well, you know so and so said that", or "so and so told me in a bar in such and such a place that so and so said that". I have a real difficulty with that. I always had a difficulty with that. Again, particularly in this very sensitive area of subversive activities, I do not know. For a seat on a state enterprise board somebody might be willing to swear to an affidavit saying very unkind things about attorneys general or other high officeholders.

I really do have a difficulty with clause 6, and I am hoping that if there is sufficient feeling against it, that it might be looked at as well. It really is very dangerous. I mean, lawyers are universally revered, but unfortunately, in most democratic societies the legal profession sometimes makes the difference between however imperfect a democracy and tyranny. It is very important that we debate these things and we do not go overboard.

Indeed, although I could not get a smile out of him when I asked about it, the Minister was kind enough to tell us that this was a precautionary measure.

Therefore, if there is no pressing need—that we are not the state of Montana and we do not have Freeman and Waco and so bearing down upon us—maybe we need to be cautious. Maybe if we were in the upper reaches of Montana, clause 6 might be more palatable, but the Minister has told us at the moment that he is being cautious and cautionary. I think we need to be careful with clause 6 as well.

So, as I indicated, I do not have any real problem with the main intent of the Bill, but it is going to be very difficult for me, personally, to swallow clause 3 for the reasons which I have said.

I hope, Mr. Vice-President—how did Sen. Kenny put it?—that we might be able to reach some agreement on what I think is a very important piece of legislation because of its potentially far-reaching consequences.

Thank you, Mr. Vice-President.

6.25 p.m.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, I would just like to ask two questions. Reading through the Bill and from our experiences in the past, I would like to ask whether any consideration was given to those who may go abroad for training or be joined by foreigners here in subversive activities. Secondly, there is the provision made whereby groups wanting to do their training, for example, cadets, boy scouts or whatever, would have the privilege to apply for that permission from the Minister. Will there be a form or a particular document for permission or registration of such groups, so that these groups could be monitored on an on-going basis?

I say this because I also read in my own layman's way and understanding, that these groups could be charged if they are thought to be carrying on these subversive activities and they could feign ignorance and say they did not know what they were doing was wrong. Would there be on-going monitoring of these groups to see what they are doing? Would there be any record of their membership roll, who they are, whether they pay fees, their addresses, their age, whether the groups are constitutionally sound groups, whether they have programmes so that one could say at the start that this activity is considered to be a subversive one and as such they should not continue this type of activity? These are the questions I would like to have clarified or answered.

Thank you very much, Mr. Vice-President.

Sen. Prof. Kenneth Ramchand: Mr. vice-President, I agree with the general purpose of the Bill to prohibit private military training and exercises which are likely to be used to undermine the peace and order of the country or to destabilize the internal security of the state. I agree with the purpose of the Bill.

I begin by supporting Sen. Daly in some opposition to clause 3. I really do think that the Government should reconsider whether it wants to put in the hands of the Minister alone the power to authorize people, in effect, to found private armies. I want the Government to think about this by asking if they were in the opposition and another party were in the government would they want to see that power in the hands of a minister?

Like Sen. Daly, I am not saying anybody here is liable to do something like that but one never could tell. To put that unbridled power in the hands of a Minister is to give an individual a licence to have the power to overthrow the state. It could happen after a Cabinet row.*[Laughter]*

The second point I want to look at has to do with what looks to me like an ambiguity. If I were writing what appears on the front of this Bill “An act to prohibit the training, drilling and equipping of persons with firearms, ammunitions, artillery or explosives”, I would put a semi-colon after the words “explosives” and then “and the practice of military exercises”, then I will have to decide, and it would not be a simple matter of sentence structure, whether I wanted it to be “with” or “without firearms, ammunition, artillery or explosives.”

The question has come up and at first I thought Sen. Prof. Kenny was making my point when he seemed to be saying that one can have training and military training without using firearms, ammunition, artillery or explosives. He was saying: why do you want to have the power to stop people from doing that? Now, I am on the other side. I do want to stop people from having the power to do that. Because one can train a bunch of people in guerrilla warfare, one can get them primed, one can teach them to beat off hunger, wanting woman, wanting sleep, one can make them tough, one can teach them to use bois, to use lance, to teach them jujitsu, all kinds of things without having firearms, ammunition, artillery or explosives. And when one has gotten them properly primed and trained, one just has to apply as individuals for gun licences and they would be a perfect army. They would not even need the gun licences.

One can train people to be a perfect army with bois, lance and chains with balls of spikes at the ends, and in our type of country that is exactly the kind of army one needs. One does not need big guns. I would like to see that clarified if

this clause is to go through. It should be made absolutely clear not only in the use of the equipment, but also in the military training such as would qualify one to form an army without the guns.

I next want to go the question of safeguards. I appreciate what Sen. Daly said about the comfort that is given to him by the phrase “for the purpose of engaging in subversive activities”. The truth is when I saw that I did not feel comforted at all. Now, I am arguing on the other side. Suppose I just have my friend and we are practising a bit of military training and someone comes and says, “We are taking you in because you are in the practice of military exercises for the purpose of engaging in subversive activities.” How does one know it would be for the purpose of engaging in subversive activities? How is that proven? Even if I were training an army to fight guerrilla warfare in my back yard and on El Tucuche, one could not prove it was for subversive activities. One would know it was for subversive activities, but one could not prove it. I do not take any comfort in “for the purpose of engaging in subversive activities”. In fact, I take the opposite of comfort—they could come and jam me, because they want to catch me and they would say, “This is for the purpose of subversive activities.”

Mr. Vice-President, that is why I am sorry that this Bill came so late and so suddenly and has to be rushed through today. If I knew that this Bill was going to be debated today and had the time, I would have been able to consult with one or two lawyers, with military personnel and be able to say with more conviction and perhaps, with a thesis, what I feel about it. At the moment I can only go through the different points and say this could look like that or this could be like that.

When Sen. Daly was putting forth his points I was well persuaded that it was a comfort but when I was reading the Bill myself, it was a discomfort.

Clause 6, Mr. Vice-President, if anyone of my students wrote a sentence like that I would put him out. I do not understand that sentence.

“In any proceedings under section 5, proof of things done or words written, spoken or published, whether or not in the presence of any party to the proceedings.”

I want to know to what does “whether or not in the presence of any party to the proceedings” apply? Does it apply to things done? Does it apply to words written or to words spoken or to words published? I have had some consultation and it would seem that it is a reference to words spoken.

6.35 p.m.

As a grammarian, I would object to this. If it wants to refer to “spoken”, then it should be so drafted. Then, I would have a problem if it refers to “spoken”, and as a would-be lawyer, I would ask: Is it the case that in general the items included under “proof of things done or of words written, spoken or published” are equally admissible as evidence? Furthermore, if things proven or things done, written, spoken or published are already admissible as evidence, why do we have to state it? Or, is it being stated because an exception is being brought in, that the ambiguity is serving to admit hearsay in the phrase whether or not in the presence of any party to the proceedings? My suspicion is that this is something which previously had to be in the presence of any party to the proceedings and now it does not have to be in the presence of any party to the proceedings, and I am not happy about it, Mr. Vice-President. I would like the grammar of this to be cleared up and the import made clear. If this gives licence to admit a kind of evidence that is not normally admitted, then the Senate should not let it go by through a grammatical ambiguity.

I agree with the purpose of the Bill, but I do not think I can support clause 3 as it stands. I would like the Bill to recognize that there can be military training without the use of ammunition. I would like some clarification of how the phrase, “for the purpose of engaging in subversive activities” will be used. Will it be a comfort or discomfort? And I would certainly like what looks to me as the introduction of evidence that is not normally admissible as evidence, justified.

With that summary, I thank you.

Sen. Penelope Beckles: Mr. Vice-President, I rise to make my contribution with respect to this Bill. Unlike my colleagues, I must say that I have no difficulty with the general intention of the Bill, but I have considerable concern with the drafting of some of the clauses.

In substance, the Defence Act and some of the clauses in this Bill are almost identical, the major difference being that of the increase in the penalty for the commission of particular offences. Almost all the speakers on this side have indicated their reservations with respect to clauses 3, 4 and 6, and I now say a bit about my concerns with respect to clause 6.

I read this clause over and over and wondered what was the real intention behind putting it in the Bill. If we read this section very carefully, the operative

words are “not in the presence of any party to the proceedings”. Very recently there has been set up a Police Complaints Authority in Trinidad and Tobago, and we ask ourselves what was the necessity. It must have been that the society came to the conclusion, based on things that have been happening over the years, that they are concerned with the activities of officers employed in the police service. That would not be all officers because I think we must accept that it is not in all institutions that there are persons who do not function effectively and who abuse power.

When I think of the fact that we have had to establish this Police Complaints Authority, and then I look at clause 6, I get even more concerned. Over the years, in some of the contributions that I have heard from the hon. Attorney General, concerns have been raised about certain things as they relate to complaints with respect to police officers. The impression that is given is that a person can casually, as a defence, state that they were not part of this or had not said that, after they have made a complaint in the absence of that person. We in Trinidad know the distress that very often one goes through to prove one’s innocence, particularly when one is talking about the sensitive issue of subversive activity. This is not obscene language or assault. Under very simple cases people are held at the station sometimes two to five days by a police officer and they say they are holding personal enquiries. We do not have a system like the English or American where they limit the amount of time a person can be held at a police station. So, here they hold one for five days and sometimes one's family may not even know. When there are clauses in this Bill which allow a person to make allegations, we have to be really concerned about the truth and encouraging persons to feel that it is so easy to say someone said this or that, or they were in a bar and someone is intending to overthrow the government.

Mr. Vice-President, we have to read this in the context of the answer given by the hon. Minister of National Security to the question asked by Sen. Daly. If he is saying that the reason for embarking on this is that he is anticipating certain things and wants to be cautious, I read that in the context of a particular statement that he made some time ago, which was reported in the *Trinidad Guardian*, “Tighter security for the Red House”. In that statement the hon. Minister of National Security said that what had happened since the budget was that there had not been a strong enough security presence at the Red House and that he had taken a decision to do something about it.

He went on to say that the security risk of having all Cabinet Ministers in one building without that kind of security presence was cause for concern. He talked about the fact that crime was on the increase, and that there was a particular tension in the air and a certain amount of public uneasiness. Of course those

statements would have raised particular concern in the minds of persons in Trinidad and Tobago.

6.45 p.m.

When this Bill comes before this honourable House, bearing in mind that the Minister of National Security already said that there is tension in the air; there is the need for security; he is going to ensure that when Ministers are going about their business they are properly secured in terms of having soldiers and what have you, then obviously a certain signal is being sent to the community that certain things are happening. The question was raised by Sen. Daly and the answer was that there was no increase in this para-military activity. Mr. Vice-President, reading that together with what was said on Thursday April, 4—we are talking about almost six weeks ago—I am not sure what I should believe. Is there an increase in tension or is there not an increase in tension? Is there a serious need for an increase in security or is there not a serious need?

Mr. Vice-President, you would recall that some time ago the People's National Movement was accused by the Prime Minister of wanting to overthrow the Government. When one reads clause 6, together with clauses 3, 4 and 5, one obviously would have to take this Bill very seriously. The Prime Minister stated in the *Daily Express* dated Monday, May 6, 1996, I quote:

“Before thousands of cheering UNC supporters, Panday renewed his charges against the media, (this time training his guns on the express which he did not name) and accelerated his attacks on the PNM and its leader, saying that he remained ‘convinced’ that Manning’s statement at a PNM meeting in Arouca on January 4, were ‘a threat to bring down the Government by violent demonstrations.’ He said his ‘exposure’ of this plot in Parliament during the Budget debate may well have been the reason why the PNM did not proceed with their plans. ‘But do not for one minute believe that they have given up,’”

Mr. Vice-President, if we take this in the context of what the Prime Minister was talking about, the Leader of the Opposition stated that there would be heat in the Parliament, based on that, all these statements were made about the PNM wanting to overthrow the Government. What is always interesting about this whole great suggestion by this Government of consultation, is that when the Minister of National Security was asked about this plot, both to overthrow the Government and to kill the Attorney General, he said he did not know anything about it. Therefore, Mr. Vice-President, when one looks at what is in this Bill here today one must get very concerned.

Sometimes talk is very cheap and one only has to encourage people or to give them the impression that the words they use could get other people into trouble,

and one could be assured that they would be willing to go forward and make statements that could be dangerous and detrimental to innocent citizens. I looked very closely at the Defence Act and I wondered whether only amendments to that Act would not have been sufficient to cure some of the concerns raised by the Minister of National Security. In other words, was it absolutely necessary to bring a new Bill before this Parliament? I cannot say that I am convinced, Mr. Vice-President.

If it is that when legislation is brought here one has in mind to deal with particular persons, then do we say that the entire society should be made to pay because of that? It is very ironic, Mr. Vice-President, that one of the first groups of persons with whom this UNC/NAR Government met when it came into power, was the Jamaat al Muslimeen, especially when one thinks about what happened in 1990. Lo and behold, a couple days after having been sworn into office, the Minister of National Security and the Prime Minister of our country met with those said persons. Now the Government brings this Bill indicating that persons who either, assemble or organize, and who are actually to be found in consultation or in association with those persons, training, drilling, what have you, could then be charged under this Act—

Mr. Vice-President, if this Bill was retroactive then that Government might find themselves being charged with this said legislation. One really wonders *[Interruption]* If it was made retroactive, Mr. Attorney General, I assure you that you would not be smiling. We on this side are very concerned, particularly, because clause 6 has an element of subjectivity which, when coupled with that clause 3, gives the Minister total and absolute discretion as a result and is an exceptional cause for concern.

Further to that, the removal of that particular section in the Defence Act that gave the Director of Public Prosecutions—what I would have considered to be the Act—a certain element of objectivity, has been removed. When the Government was on this side that was always one of their main concerns; objectivity and the removal of what appears to be a certain element of the political arm having influence over the Executive and other organizations.

I would be grateful if the Minister of National Security or the Attorney General would explain the rationale behind removing that section which says:

“No prosecution shall be instituted under this section without the consent of the Director of Public Prosecutions.”

Sometimes when one looks at persons participating in aerobics one might almost think that one is looking at the army. The type of exercise that they are

now involved in, Mr. Vice-President, half of us would not last 15 minutes. If it is our concern to deal with a particular group of persons, then we have to be that much more careful. Persons who have the authority to act under these pieces of legislation, have to be that much more concerned and careful to ensure that we do not put persons in positions where they would abuse powers.

We already have the Firearms Act of which Sen. Daly spoke, we already have the Dangerous Drugs Act and even under those pieces of legislation, a police officer going into a particular home—at this point in time—and he finds drugs, takes down everybody, grandmother and all. As it is now, this puts a person into a predicament where the onus of proof in that situation shifts, a person would have to give reasonable explanation to the court as to why they have found themselves in that position. I should not even say reasonable because in a case as that, one would have to convince the court more than on a balance of probability—beyond reasonable doubt—that one was not in possession of those drugs.

Mr. Vice-President, this section goes even further than that because at least in that situation one would have been present when the police officer came to those particular premises and searched and found those particular drugs. Under clause 6 of this particular Bill, one could be elsewhere and a person goes and makes these allegations, one would have to find oneself having the expense of getting legal advice, and going through the distress and humiliation to prove that what was said, may or may not be true.

6.55 p.m.

Mr. Vice-President, I think that when Bills of this nature come before this honourable Senate and contributions are made on this side and it is indicated as we have up front, that we have no difficulty with the substance of the Bill, I am hoping that based on the concerns that we have expressed here that my colleagues on the other side would see it fit to listen very carefully and not simply take the position that we are opposing for the sake of opposing. At the end of the day when the legislation is passed and subsequently has to be interpreted in any court of law, I think that we all want to be comfortable that having left this Senate that we are satisfied that the legislation is clear and no one has any difficulty in terms of what the interpretation would be.

Not only that, but I think we need to be concerned that when the legislation becomes law that members, be it on this side or the other, cannot be blamed for the continuous issues of natural justice and persons' fundamental rights being deprived. Whilst we seek to pass legislation to ensure that certain things that

happened in 1990 do not happen again, I think we have to be absolutely sure, concerned and cautious that we do not simply implement legislation that can have the innocent pay for the guilty.

Mr. Vice-President, I am concerned that based on several clauses in this Bill, because of the authority that is vested in particular persons and because of what appears to be the absolute discretion to do certain things, several persons may find themselves in difficulty.

I am hoping that my friends on the other side would, based on what is expressed both by the Opposition and the Independent Senators, be prepared at least to listen to some of the suggestions we have. Since we agreed with it in substance, they will be able to work out something that will be acceptable to all in the Senate.

Thank you.

Sen. Nafeesa Mohammed: Mr. Vice-President, throughout the course of the day, we had a relatively calm and peaceful debate, but I sat here a while ago listening to my colleagues and other Senators speak on this particular Bill and I feel a certain amount of trepidation. I am afraid as a citizen of Trinidad and Tobago because here again, another piece of legislation has surfaced that has very serious implications insofar as our rights as citizens of Trinidad and Tobago are concerned .

As my colleague said a while ago, we on this side have no difficulty with the intent and purpose of this Bill, we welcome the piece of legislation. Indeed, this particular piece of legislation, if my memory serves me right, originated under the previous administration. It was put in the pipeline for drafting and it just so happened that the events in the later part of the year prevented the actual debate from taking place on this Bill.

Here we have a new Government coming into office and what do we see emanating from them? We have heard much here this evening about the lack of legislative agenda and apart from those pieces of legislation which the former administration had in the pipeline, and as was mentioned, this was the first major piece of legislation. All we are seeing is that they are putting before us Bills which have very serious implications in them. I look at this Bill, Mr. Vice-President, and particularly I refer to clause 6 about which I have very serious reservations and concerns, as it affects the rules against hearsay. We have laws in the country that deal with hearsay evidence and here it is there is a clause in this

particular piece of legislation that is certainly going to allow hearsay evidence to be admissible and I am terrified by this particular measure.

When one looks at the track record of this coalition Government of public relations and propaganda, it is my view that their agenda is really to create smoke-screens and to hide. In terms of their performance as a Government, they are not delivering. Today we heard about raising the expectations of people and disappointing the citizens of Trinidad and Tobago by not being able to fulfil the many promises that are being made, and this is indeed a classic example of it, and I am saying this against a particular background. I remember very well in the build-up to the elections of November 1995 and after, several persons and key activists of the United National Congress making remarks and statements about, 'wait until they lock up Manning then you will see who was involved in corruption and who are involved in drugs'. These were the kinds of statements that have been coming out, and this shows the true intent of this new Government.

They came into Government without any policies, programmes and any ideology. We saw a classic example of it here today insofar as the Rent Restriction (Re-enactment and Validation) Bill was concerned, because in terms of housing there has been no real policy. No policy, no programme, just a piece of paper which they call a manifesto. Now that they have found themselves in Government, they are now trying to get their act together, but this is serious business. One is dealing with running the affairs of a country.

Only last week we sat here in this Chamber and had the example of the Habeas Corpus Bill being brought to the Senate a piece of legislation where we heard the hon. Attorney General made mention of opinions he got about whether a special majority is required, and whether it was infringing any constitutional right. This is a Government that speaks about transparency and freedom of information and it would have been nice for us to get a copy of some of these opinions and to know from where they came.

A very important piece of legislation was brought here and was railroaded through the Chamber and we expressed our very serious concerns about the need for a special majority and there had been other instances. There was the very serious threat being made about the freedom of the press. For the entire year we have been bombarded with reports and stories about what has been happening with respect to this Government and the press. It is a Government, in my view, that just cannot be trusted and it is against this background, that quite apart from

clause 6—and I agree with Sen. Daly when he makes mention about clause 3 as well—of entrusting the Minister with so much power.

We are very fortunate indeed that today we have a Minister of National Security who we can trust, but if this particular Minister has to leave the country and the portfolio falls into the hands of an individual who is very insecure and very paranoid and who has his own agenda, what is going to happen?

Then my political leader's statement about being put under house arrest is just a matter of time, it may well happen. These are the intents that I feel are behind this particular clause 6 in this Bill. I stand here to express my deep fears about this particular clause 6 in the Bill, and I would respectfully urge the Government to please give it some serious consideration. I suggest that clause 6 be deleted entirely from the Bill as it affects the rules against hearsay evidence.

Indeed, certainly, clause 3 as well, where so much power is being entrusted in the hands of the Minister.

Mr. Vice-President, these are my concerns.

Thank you.

7.05 p.m.

Sen. Dr. Eric St. Cyr: Mr. Vice-President, I wish to make just a few remarks.

This is a very serious piece of legislation and I am very uneasy about it. I say, by way of a background, that I do not know whether my memory played tricks on me, but when we were here two weeks ago I seemed to recall that we were told that we would debate the Coroners Bill and the Rent Restriction (Re-enactment and Validation) Bill. So that I was taken quite by surprise to have this substituted for the one for which I had prepared. It is not that I had not seen this before but I certainly did not come here prepared to deal with this very serious matter.

That puts me in the position where I would like two bites of this cherry. I would like to debate this here today and I would like to sleep, contemplate, even pray, because in the background here I know we are putting in place legislation which is likely to have to deal with a problem or series of problems that threaten or could threaten the security of this country. But that is the easy part.

In my view, the more difficult part is that we are whittling away some fundamental democratic rights, however slightly we go at it.

I just want, by way of the specifics of the Bill, to look at clause 6. The very difficult issue to prove is that one is engaged in subversive activities.

Clause 6 would allow someone on the inside of an organization without corroboration to say that somebody else was engaged in subversive activities and that really disturbs me; in fact, it scares me. So that even though I think that I might be under threat, I wonder whether I am not here throwing out the baby with the bath water.

I put this as strongly as I could put it, Sir, and my very simple request today is: Could we sleep on this and complete this next week? I really would be much more comfortable. I have not said this to embarrass anyone or to slow down the legislative agenda but I think it is the responsible thing that I must say here tonight.

Thank you, Mr. Vice-President.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Vice-President, the Government appreciates very much the concern of the Independent Senators and also the concern and the views expressed by the Opposition, but I would demonstrate in a very simple way that this Bill does not affect or put anybody's fundamental rights in jeopardy.

It seems that what has happened is that perhaps some Senators, through no fault of theirs, did not put enough thought into this Bill. I talk particularly of Members of the Opposition Bench. It is very surprising that, as lawyers, they have made their contribution and try to give the impression that these are matters which take away the rights of an individual.

It is recognized that in legislation which deals with public security there are clauses such as clause 6. Legislation exists in several other Commonwealth countries and clause 6 is really copied from English legislation. Unless the grammar in 1936 was different from grammar now—but it was actually copied. There are cases on it. In the criminal law, hearsay evidence is admissible in certain circumstances. There was the famous case of Subra Maniam and Public Prosecutor, 1956. One *Weekly Law Report* had a decision of the Privy Council which says:

“Evidence of a statement made to a witness by a person who is not himself called as a witness may or may not be hearsay.

It is hearsay and is inadmissible when the object of the evidence is to establish the truth of what is contained in the statement.

It is not hearsay and is admissible when it is proposed to establish by the evidence not the truth of the statement but the fact that it was made.”

Mr. Vice-President, in clause 6, where a statement is admissible to prove the fact that the statement was made in order to establish intent, that does not mean to say that that is absolute evidence. It is evidence and it can be rebutted.

Hearsay evidence in certain circumstances is admissible. There was another case at the Privy Council, the case of Rattan and the Queen in 1972, Appeal Case 378. This case emanated in Australia.

It was held that the details of a conversation held on the telephone between the deceased person and a telephone operator requesting to be connected to the police were admissible as being relevant to the issue as to whether the accused had killed the deceased, he being in the same room as the deceased when the latter made the call.

In the United Kingdom, in legislation dealing with public safety, this clause exists and it is recognized that hearsay evidence can be admitted to prove the intent or purposes for which a meeting was called.

Let us take for example that "A" was doing something; he was speaking or writing words or doing things such as those mentioned in clause 6 in the presence of "C", "C" tells that to a third party called "TP". "C" is not charged because "C" is either killed, prevented from being in the country or for some reason is not available and he is not a party to the proceedings.

7.15 p.m.

The prosecution, under Commonwealth legislation, in matters like these can adduce evidence from "TP" of what "C" told "TP" of "C's" activities with "A", or with "A's" activities with "C", in order to prove the purpose for which the meeting or conversation was held or whatever was being done. But the fact that that is evidence adduced does not mean to say that that is irrebuttable, but it is evidence to show intent. The defence can then negative that. If, for example, there is a meeting and from certain circumstances the prosecution is saying from what was stated and what was done afterwards it showed that there was an intention, the defence is entitled to say, "listen, although I said that, I meant something else;" or the defence could say, "I never said that," and could adduce evidence of it.

So it is not taking away anybody's fundamental rights. As a matter of fact, it is putting in statutory form what exists in common law and it is making it clear that in these matters one can have this kind of evidence, because it is recognized

that one would need this kind of evidence to help to prove intent. Where the Opposition Senators and, in particular, hon. Senators Mohammed and Beckles stated that it is hearsay evidence and dangerous and so forth, I wish to tell them that criminal law is filled with examples in certain circumstances where hearsay evidence is admissible for particular purposes.

In the law of conspiracy one would not be able, sometimes, to prove a conspiracy unless one admits hearsay evidence and in certain circumstances that kind of evidence is admissible. It is not right to give the impression that hearsay evidence is not admissible in criminal proceedings. As a matter of fact, we have taken steps in respect of civil law to specify those in the rules, because common law has recognized certain kinds of matters. What we are saying is that it is prudent in respect of public safety legislation, that it is not unusual to have a clause 6 as it is here.

I wish to assure hon. Sen. Ramchand that the English is quite perfect; written since 1936.

“In any proceedings under section 5 of this Act, proof of things done or of words written, spoken or published, whether or not in the presence of any party to the proceedings, by any person assisting or taking part in the control or management of an association, or in the organizing, training, drilling or equipping of members or supporters of the association, is admissible as evidence of intent to engage in subversive activities.”

Same matters. I wish to assure him there is nothing wrong with the grammar and even if something was wrong, it would not alter the substance of the text.

Sen. Prof. Ramchand: Is the Attorney General saying that “whether or not in the presence of any party” applies to things done, words written—applies to everything then? Not just to things spoken?

Hon. R. L. Maharaj: No, “things done”, “words spoken,” all those matters. A person may be able, by his conduct, to show what he is doing. After he might have said something or would have done something, he may have gone under a tree and uncovered a hole and picked up guns—Things done.

Sen. Prof. Ramchand: The word “hearsay” would not apply to “things done”.

Hon. R. L. Maharaj: If someone is saying what is reported that that person would have done, then hearsay is when you are reporting what you heard either said or done, and I am not saying that Members are not entitled to recognize that

this is hearsay, but one should be very careful. What I can say is that it is not unusual; it is common in legislation which deals with public safety and the protection of the public in matters like these that you have clause 6.

Also, it is not uncommon, it is the rule that in criminal jurisprudence, hearsay evidence is admissible for particular purposes. In clause 6 the accused person has the right to respond. There are the rules of natural justice; there is fairness. The person can be able to respond, cross-examine and call evidence. In respect of clause 5, I think. Sen. Daly's point is well made, and in order to make it quite clear we have re-drafted that clause to highlight the points that he has raised, and I hope that would satisfy him and the other Senators.

I think an important point is raised as to the consent of the Director of Public Prosecutions. I believe that in a matter like this the Government would have no objection to have inserted that no prosecution can be laid under this Act without the consent of the Director of Public Prosecutions. The DPP is the independent authority under the Constitution to ensure insulation from political interference. I think that is a point well made and I recognize that no matter what happens, in any society there can be misuse and abuse of power. One cannot have a perfect system, in any event, so it is important to have checks and balances and safeguards. Therefore, I would go along with having this amendment made so that no prosecution shall be instituted for an offence under this Bill without the prior consent of the Director of Public Prosecutions.

Mr. Vice-President, with respect to clause 3, I ask Independent and other Senators, who have been considering this matter, to re-think it and I would try to see whether I could put it in some perspective. What clause 3 does is to state that unless there is a written authorization of the Minister of National Security, no person shall—

- “(a) organize, manage, control, train, drill, equip or take part in the organizing, control, training or drilling of another person in the use of firearms, ammunition, artillery or explosives or in the practice of military exercises;
- (b) solicit or provide financial or other support for the management, control, training, drilling or equipping of another person in the use of firearms, ammunition, artillery or explosives or in the practice of military exercises.”

Section 220 of the Defence Act is going to be repealed. It has been our law since 1962 that it is a criminal offence to train or drill any person in the use of arms or in the practice of military exercise. So it is an existing law that drilling anybody

or instructing anybody in the use of arms or practice of military exercise is an offence.

What clause 3 merely does is try to give effect to what was the thinking in 1962 when the Defence Act came into force and to regulate the industry, if I may use that expression. In other words, if one wants to operate any such organization which could be considered to be breaching the law, unless one registers with the Minister, the Minister would not know whether the organization exists or not. So it is a means of the Minister knowing and having it registered; and if one is registered it is not an offence, so it creates an offence of trick liability in that one must register and a person who contravenes the section will be punished.

7.25 p.m.

Now there is the contention that authority is putting this into the hands of a minister, not necessarily this minister, but any minister can misuse it for his or her own purposes.

One knows that if a discretion is given to any public official, including a minister and that minister either discriminates, refuses to act properly or considers matters which he ought not to consider or does not follow established principles of justice, that minister can be subjected to judicial review of the courts. As a matter of fact, the exercise of a discretion can be the subject of a judicial review.

If one is saying, well all right, that may not be subject to the review of the court and a court may not want to interfere in that kind of decision-making process or unreasonable conduct, the minister, in any event, is the person who would be accountable to the Parliament, because—

Sen. N. Mohammed: As an attorney-at-law who has been practising for several years now and who is considered an expert in public law matters and who has dealt with many, many cases in private practice, can the Attorney General please give us an idea of what the average cost can be with respect to an application for judicial review or indeed a constitutional motion in Trinidad and Tobago?

Sen. Mahabir-Wyatt: While the Attorney General is answering questions, before he gets on to the end, I wonder if he would comment as to the existence of subclause (3), because while I can understand his argument in respect of subclauses (1) and (2), I have a serious problem with subclause 3(3). What he is saying does not answer the serious doubts that some of us have about subclause

3(3) which says: "for the purposes of this Act the Minister may authorize any person to do any act or thing which would be in contravention of this section."

Mr. Vice-President: I just want to draw to Senators' attention that the amendment before us has already taken care of the deletion of that subclause. It is not part of the issue under debate.

Hon. R. L. Maharaj: I am much obliged.

Well I do not think that one can dispute that litigation can be very expensive in Trinidad and Tobago. That is not the point I am making. The point I am making is that there is a remedy and there is the provision also for legal aid. The fact of the matter is, whatever tribunal is used, whether it is the Judicial and Legal Service Commission or an independent commission, to challenge it could be very expensive.

The point is that one has a person, the minister, who will be directly accountable to Parliament. If I may say, the trend in this age has been that these matters be removed from people who will not be directly accountable to Parliament. For example, when we introduce the committee system, as we are committed to do—as obtains in the United Kingdom since 1979—the actions of every government minister and every government department would be monitored and scrutinized. In the United Kingdom, the parliamentary committee can call for the file; can call for matters, and in effect, that is a way that the ministers can account to Parliament. As it stands now, ministers can account to Parliament.

So I really do not see any reason to feel that there is no safeguard. As a matter of fact, there are many pieces of legislation in which the Minister is given the power to determine whether an organization is registered or not. I do not have the Bill before me but I understand in the Securities Bill which has been spoken about, the minister was the functionary. So that I think one has to look at this thing in the context in which it is being done.

So clause 3 is an offence of strict liability and obviously the purpose is to compel people to register organizations. The Government would like to know what organizations exist to be able to monitor them. I do not think I need to say that there can be organizations which, on the face of it, may be conducting very lawful activities but behind the scenes they may be conducting very unlawful activities. Therefore in any country there should be a system where there can be monitoring; where there can be information and where the security forces would

be able to know what is going on. So this is really a measure in order to know what organizations exist. One has to understand that we are dealing with public safety and security which entail that the Government must have some machinery in order to regulate these matters.

In respect of clause 4, if a person is going to be charged or if a person is prosecuted, if he can show that he reasonably believed that the organization or association was authorized by the minister, he would be able to have a defence. So it is a means of preventing people from getting involved in organizations which are not registered, because the organizations which are registered would be those which accord with law.

It is not unusual—and Sen. Montano spoke about an accused person having to prove something. It is recognized in criminal law that an accused person, in some circumstances, especially where he has to show that his knowledge was not guilty knowledge in order to negative the commission of an offence, that he assumes it on a balance of probabilities. As a matter of fact in some cases, dealing with the firearms law, the drugs law and other matters, it is an established fact as it stands now, a defendant can be prosecuted and then if he proves on a balance of probabilities, which is a lower standard of proof, that this is not the case, there would be doubt in the case and he would be entitled to an acquittal.

Sen. Prof. Ramchand: Mr. Vice-President, can the Attorney General say whether the written authorization of the Cabinet would serve the same purpose as the written authorization of the Minister? Can it have the same force in giving permission to set up these militias or security firms, as the written authorization of the Minister?

Hon. R. L. Maharaj: I am trying to understand your question. Are you saying that we should substitute—

Sen. Prof. Ramchand: Yes. Would anything be lost from the Government side if it is the written authorization of the Cabinet?

Hon. R. L. Maharaj: Mr. Vice-President, that is really not practical because if any Minister abuses or misuses his power, then, in effect, it is a collective responsibility, to a great extent, and there will be removal of the Minister. So that it is not practical for the Cabinet to consider these applications. But if, for example, we put a functionary as the Cabinet, then there is some principles of law which say that the Cabinet's decisions are not reviewable. But in recent times there are some exceptions to that rule even from a case in Barbados.

Sen. Daly: I think, Mr. Vice-President, the Attorney General would be sensitive to the extreme anxiety among the Independents. Is there any possibility of passing clause 3 but not enacting it until we have the committee system? Can we solve the problem that way?

Hon. R. L. Maharaj: Well I appreciate the concerns of the Independent Senators and I appreciate that it will, in effect, postpone the operation of the Bill because the law would not be able to come into effect. What we can do is speed up the committee system. As a matter of fact, that piece of legislation and the Standing Orders are actually in draft and we can speed that up. But may I say, Mr. Vice-President, although I understand the fears, it is really not unusual in legislation in Trinidad and Tobago and in the Commonwealth for Ministers to have this kind of power and that this kind of power is accountable to the Parliament and there are other safeguards that I mentioned.

Therefore, I regret very much if I cannot satisfy the Independent Senators, but I would ask them to—

7.35 p.m.

Sen. Prof. Ramchand: Mr. Vice-President, I just want to assure the Attorney General that they are not dealing with fear or panic. This is in a very calm, collective and rational way. We are looking down the road and out of an abundance of caution we are seeking to make sure that an individual does not have this kind of absolute power. Maybe this should be Cabinet controlled, or controlled by some other body to make sure that an individual does not have it. It is not really fear or panic. It is considered to be long-term views.

Hon. R. L. Maharaj: Mr. Vice-President, the Minister is given a power to give written authorization in respect of organizations which apply to him. If organizations which apply are being refused, the Minister, in my respectful view, can be accountable to the court and to this Parliament. If the Minister has refused, then obviously, there is machinery in place to bring it to the attention of the Parliament.

For example, the Commissioner of Police is given the power to issue a firearm user's licence and when there are complaints against the Commissioner of Police, he cannot answer it here, the Minister of National Security has to answer it. The Commissioner of Police exercises a discretion and the Minister would have to say that is a discretion of the Commissioner of Police and, therefore, I cannot interfere with his discretion.

Here is a system in which we are putting the person who has to exercise that discretion, or who could possibly misuse or abuse power—I mean any minister—

right in the precinct of the Parliament. I would think that is a good political responsibility and, with the greatest respect, it is my respectfully view that it can also be amenable to court and judicial review. *[Interruption]*

Mr. Vice-President, I do not want to take up the side talk because I do not want to get into that kind of debate this afternoon. With respect to clause 4, I think I have dealt with that. I do not know whether I can answer any other questions, but may I say that there is something which I think I must deal with.

There was all this talk about a "boo boo" clause. This shows that Opposition Senators come here and they are not informed. They come here and just talk for talk sake. Look at what has happened. They gave the impression to this House that this is unprecedented and it is dealing with hearsay evidence, when since 1936 in the United Kingdom, and since then in other countries, similar pieces of legislation include a clause as this.

Then I heard from the other Independent Senators that, "I am afraid", or "I fear". Sen. Nafeesa Mohammed said that she is afraid there can be house arrests; that her political leader can be placed under house arrest. I want her to know that if this Government had any intention of using its powers to put anybody under house arrest it has the power to do so. We are not like the PNM! The PNM created a state of emergency to put a Speaker of the House of Representatives under house arrest! The PNM, and the then prime minister, used his office as a minister to put pressure on the Commissioner of Police to resign! The then prime minister and the PNM used political power, patronage and nepotism to try to interfere with the functioning of the independent service commission! That was the PNM!

Therefore, I think the hon. Sen. Nafeesa Mohammed should be ashamed to get up in this Senate to talk about misuse and abuse of power because the PNM has no credibility about that. *[Desk thumping]* It was the PNM—and Sen. Nafeesa Mohammed knows of this—that used the prosecution machinery to arrest and prosecute Mr. Basdeo Panday! She knows about it!

So when it comes to prosecution and misuse of power she knows. *[Interruption]* Where is the evidence? Did Sen. Nafeesa Mohammed know of it?

Mr. Vice-President, all this talk about "boo boo", yes, look a "boo boo" there. That is what they can say.

This legislation does not affect anybody's fundamental rights. It does not tinker with the Constitution, but there are many words coming from the PNM these days that everything is affecting constitutional rights. As a matter of fact I

have been reading the contributions of the Opposition Members in the House of Representatives in this debate, and they are taking a different position than the Senators are taking with respect to some of these clauses.

This Bill is one which this administration inherited. This Bill was given by the Leader of the Opposition, the then prime minister, to the law commission to be drafted.

Sen. Mohammed: There was no clause 6.

Hon. R. L. Maharaj: Mr. Vice-President, there was a clause 6. As a matter of fact when the draft came it was approved by the then prime minister and the Law Commission drafted the Bill. So, this is a Bill drafted with the approval of the PNM, and the then prime minister, to be introduced in the Parliament of Trinidad and Tobago, but the general elections were called. They are just opposing for opposing sake. They have nothing to say. Therefore, what do they come here to say? They come here to talk of irrelevant matters. *[Interruption]* Yes, "boo boo". It is a "boo boo" Opposition party we have in Trinidad and Tobago. It is because we have a "boo boo" Opposition party in Trinidad and Tobago that we cannot have sensible contributions.

Sen. Mohammed: It is a "boo boo" Government we have too.

Hon. R. L. Maharaj: There are "boo boo" people sitting in the Opposition party.

Mr. Vice-President, I am very disappointed, and I am sorry that the hon. Sen. Beckles is not here. She made contributions to the effect that this Government should be afraid if this legislation is made retroactive or retrospective. I am very surprised about that. I want to tell her that this administration recognizes the importance of the independence and fearlessness of the legal profession. It recognizes that lawyers have a duty to perform and even if they appear in unpopular causes that is their duty. We would not do as the last administration did when lawyers appear in unpopular causes. When they appeared for persons condemned to die and to take constitutional motions, their ministers got up and said, "Throw those lawyers into the sea". They encouraged the population to

attack the lawyers. This administration is committed to the rule of law. It is embedded in the law of this country that lawyers must have a right to do that.

Mr. Vice-President, it shows that if that Opposition was in power they would have continued their efforts in order to prevent lawyers from doing their duty. That is why the Opposition, while in government, had a history of harassing lawyers. That is why they know about abuse of power, manufacturing evidence and harassing people. We on this side know about that. It started with Mr. Robinson when the PNM harassed him and with many of the trade unionists. The PNM has a history of that. I would ask hon. Sen. Nafeesa Mohammed to look in a mirror when next she talks and ask: Am I proud of myself? Am I speaking the truth? Can I sleep well with my head and conscience on the pillow? Can she feel proud of herself that she has spoken the truth?

Mr. Vice-President, I thank you.

7.45 p.m.

The Minister of National Security (Sen. The Hon. Brig. Joseph Theodore): Mr. Vice-President, I thank the hon. Attorney General for dealing with the legal points so that my presentation would be short.

Sen. Montano mentioned the police service and its importance; the enforcement arm he called it. The Senator was concerned it is not doing any enforcement because they were able to catch two prisoners who escaped from San Fernando but it cannot find the drug lords. The answer is simple. The PNM administration did such an excellent job of destabilizing the police and seeking to fire the Commissioner on more than one occasion, that I met a police force that was totally disenfranchised, demoralized and feeling sorry for itself.

The job I have had since becoming the Minister of National Security is to try and restore the image of the police service. I want the public to have confidence in the police service once more. That is how we found it. We are dealing with it. I am not saying that the police service is excellent. I am not saying it is outstanding. I am simply saying it did not start on November 15, 1995. I met a police service that was really in bad shape, and I agree that it is probably not in a position to deal with all the crime. However, we are working on it and as the Senator himself pointed out, we are taking steps to provide the service with the wherewithal; the vehicles, radios and the manpower to do the job.

If one would recall the Commissioner himself used the expression once that if the Government, the administration at the time, wanted him to perform his function, they must give him the tools.

Sen. Montano also mentioned that only 800 policemen work, out of 4,800. It is important for the public to understand how the police functions. The police work 24 hours a day, seven days a week and 4,800 police officers cannot work

every day. They work what they call a one in four shift. If you divide 4,800 by 400 you get 1,200. That does not count the officers who are on leave. I suspect Sen. Montano is right. There are only 800 policemen who work every day and we are doing something about it.

The last administration seemed to have been satisfied to have these 800 officers working overtime and clocking up a bill of \$35 million in 1995 with men working 12 hours a day, sometimes two 12-hour shifts back to back. How can anybody be efficient when they are given this sort of schedule with which to function? The officer is sleeping after 8 hours but he is sitting there on a bench and he has to tell the public that he cannot make it because half the time the number of officers that are in the police stations are themselves insufficient. I agree with Sen. Montano that the police service needs attention. I am giving it that attention and I trust that with the passage of time, the Senator will join with me in saying that some progress has been made.

For the record, the actual sanctioned strength of the police service today is 5,002 men and women. The increase of 741 that was alluded to by the hon. Senator, brings the sanctioned strength to 5,743.

Mr. Vice-President, I beg your indulgence to quote from the *O'Dowd Report* which was produced in 1991 as a result of the study of the police service in Trinidad and Tobago by a team of British police officers. I would like to read from page 13 dealing with staffing and the work load of the police service in Trinidad and Tobago. The date of this report is May 1991 which makes it five years ago.

“Data regarding work load and staffing figures indicate that work load is significantly lower in real terms than equivalent forces in England and Wales although of course, such comparisons are merely arbitrary.

Although crime in Trinidad and Tobago is comparatively low compared to England and Wales there has been a gradual increase in reported crime throughout the 1980s.”

The recommendation made as a result of this study, if I may quote is as follows:

“A review of demographic and economic circumstances be regularly undertaken as an integral part of the reviews of the organization and establishment as outlined in chapter three. This information will provide

[SEN. THE HON. BRIG. J. THEODORE]

forecast of likely demands on the service and will identify changes in the social and economic environment.”

Mr. Vice-President, this Government has read this report and we are taking action on the recommendations. [*Desk thumping*] It seems as though the last administration was quite prepared to leave the police and its existing strength without taking into account the very cry that they themselves had made about increasing crime levels.

I would like to move on to comments made by Sen. Beckles concerning the security around this Parliament building. I am not ashamed to admit that it was the last administration that had a study made of the security needs for Parliament. Sometime in the middle of 1995 a study was made of these premises with a view to increasing the security. It came to my attention in December 1995 when we were concluding the exercise for the estimates for 1996. The recommendations contained in that report were implemented during the budget debate.

Mr. Vice-President, when I was questioned by the press about the need for what appeared to be increased security around the Red House, I replied that I felt it was time to increase the security because since the debate, the levels had fallen to what they were previously. In other words, the recommendations were not being maintained, the strength was not being maintained. I also told the press when they asked whether or not I felt there was some unrest or that there was some reason to increase the security, I did not think I was at liberty to suggest that anything was wrong in the country, I did give the answer that for the level of personnel in this Parliament Chamber on Friday afternoons and on days of sittings, increased security was indeed a welcome thing.

Mr. Vice-President, I am not ashamed to say that the security measures that we have put in place are, in any way a result of being paranoid, since during the last administration for some reason it was found necessary to beef up the security at the Red House. I thought it was a good idea and I went along with it, and as the Minister of National Security I would recommend to Cabinet that it be maintained until such time that we can feel satisfied that the threat, perceived or otherwise, no longer exists.

7.55 p.m.

Mr. Vice-President, I thank Sen. Mahabir-Wyatt for the questions she raised since they were very relevant. I am glad to be given an opportunity to deal with them.

As far as the Securities Industry Bill goes—the Attorney General referred to the Bill in part—the majority of firms are not licensed nor registered. Over the last 10 to 15 years the security industry has grown to tremendous proportions. Although I have heard the figure 40,000 called, the actual level of employment in the security industry is between 8,000 and 10,000 persons.

The proposed Bill is to ensure that the security industry maintains a proper level of service to its customers and that customers get value for their money. This will involve the manner of training they receive—which is controlled by the Police Commissioner—their staffing levels and the manner in which they go about performing their service.

There was a problem concerning the minimum wage, which arose last year when this Bill was introduced. When that Bill lapsed, the matter of the minimum wage was separated. It is now a matter which is being handled by the Minister of Labour and Co-operatives.

Sen. Mahabir-Wyatt: Can the Minister let us know when the Security Agencies Bill will come up?

Hon. Brig. J. Theodore: Mr. Vice-President, the Senator pre-empted me. I am coming to that. Perhaps I ought to skip the more mundane bits, seeing that we are approaching 8.00 p.m., and deal directly with her question.

I have met with three organizations in the last month. They are the Security Managers Association of Trinidad and Tobago, the Association of Security Companies of Trinidad and Tobago and the Estate Police Association. I met these three groups because all three of them had queries about the terms of the Bill and a number of clauses in the Bill seem not to satisfy all parties concerned. I am now proceeding with this round of negotiation and will be getting back to these various agencies within a short time with a view to revising the Bill and putting in the amendments on which we have reached consensus. After this I will pass the Bill to the Attorney General's office for vetting.

I hate to give a time. I have attended the Legislative Review Committee meetings at the Attorney General's office and they do take some time. I would not venture to create any false expectations. I wish to assure Senators that this Bill is being addressed with a view to having it passed in the shortest possible time.

Sen. Mahabir-Wyatt also mentioned the subversive elements in the Bill being debated today, reading from an article in the *Sunday Guardian* dated May 5. The reference to subversive elements does not mean that these associations and clubs harboured subversive elements or were themselves subversive. The intention was to send a warning to these legitimate organizations that they are not to permit their facilities to be misused or utilized by persons with subversive intent. It is purely to caution them. Based on a subsequent report you may have seen in the media, I think we can be assured that these legitimate clubs and associations do have practices in place to ensure that, as far as possible, people with subversive intentions are not allowed to thrive or develop any programme against the Government or state.

Another point raised by Sen. Mahabir-Wyatt dealt with renting a weapon. I had mentioned that we seem to be heading in that direction. The reason I said that is that, after leaving the military, I became curious about what security firms did and I spent about eight months enquiring and checking on the regulations, visiting the Commissioner of Police and most of the owners of security firms.

During that period, a number of security firms and legitimate organizations which deal with the training of persons in the use of firearms, expressed concern about what seems an anomaly in the Firearms Act. A number of persons who own weapons have mentioned this to me. This concerns the fact that on application a successful person will be granted a firearms permit, and only then does he have the right to learn how to use a firearm. It does seem a bit 'about face' and a number of persons have expressed concern that maybe some arrangement should be put in place to permit them to fire, or try out or be trained on a firearm before they have a permit to own one.

This is something which will be taken up in due course by the appropriate people, certainly with the Commissioner of Police. But, with this line of thought, we can take it to the ultimate. Our people, like people in the United States, may wish to fire a weapon. We know that people leave Trinidad and go to Miami. They will not travel to Miami with their firearm because they can go to an association or a club, rent a weapon and shoot it. There is nothing illegal about that. I am glad all this came out.

It certainly appears that the public, generally, from what I have read in the newspapers and what people have said to me, is satisfied with the Firearms Act and the restrictions that are imposed in that Act, which ensures that people who do receive permits, do so only after investigation by the Police Commissioner's

office. What it has done is that it has made the area with which we are to concern ourselves quite easy. We are not particularly worried about the registered organizations. We are worried about the illegals—the people who may not have a firearms permit and who cannot go on a recognized range. These people may seek to go elsewhere, so we are getting a definition of these people who may have subversive intention. Since they are illegal, we are assuming that they would have illegal firearms, because the people with a firearm permit can go to an organization.

I have spoken to people at the Trinidad Rifle Association and they have assured me that besides what the police do, they themselves do very serious vetting of their prospective members and supervise them when they shoot. We should therefore all be comforted to know that these organizations, which are registered to train people to shoot, are doing so with the safety and the security of the people of Trinidad and Tobago in mind.

I believe I have dealt with the majority of points with which I am competent to deal, and I trust that the replies that have been made have satisfied the concerns of both the Opposition and the Independent Senators. I was certainly very happy to have been given the opportunity.

8.05 p.m.

Again, I thank Sen. Mahabir-Wyatt for raising those particular points because they did need some clarification.

I am pleased to say that I am extremely satisfied. *[Interruption]* I am working on it, Mr. Attorney General.

I am glad I had the opportunity to answer these questions and I trust that since the majority of speakers supported the intent of the Bill, perhaps when we get to committee stage we will deal with the amendments. I hope that Sen. Prof. Ramchand would not be too bothered by the safeguards alluded to in the Bill. The Senator did say that he was not particularly comforted by the so-called safeguards that are contained in the various clauses of the Bill. However, I think that based on the very positive and constructive manner in which the comments and criticisms have been made, that we will be able to conclude this sitting with a Bill that will be satisfactory to all concerned.

I beg to move that the Bill be now read a second time.

Question put and agreed to.

Military Training Bill
[SEN. THE HON. BRIG. J. THEODORE]

Tuesday, May 21, 1996

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

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

Mr. Maharaj: Mr. Chairman, Sen. Daly suggested an amendment with respect to the meaning of “subversive activity” in clause 2(g)(c) which states:

“the use or display of physical force by persons in promoting any object...”

Sen. Daly asked that the words, “in promoting any object” be deleted and to include “a” before the word “manner”. We have no objection to that. Mr. Chairman, the clause should now read:

“the use or display of physical force by persons, political or otherwise, or in such a manner...”

Sen. Daly: Thank you, Mr. Maharaj.

Mr. Maharaj: Much obliged.

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.

Sen. Daly: Mr. Chairman, there is still some difficulty about clause 3, in my mind. One suggestion was made by Sen. Prof. Ramchand: That we substitute “President” instead of “Minister”. I think “President”, unless it is qualified, means Cabinet. Clause 3 should read: “Except with the written authorization of the President.” The intention being that the Cabinet, at least for the time being—

Sen. Prof. Ramchand: Mr. Chairman, I am also very concerned with—

Mr. Chairman: That concern is now being addressed and we would get a suggestion to deal with that. Sen. Daly has recommended that the word “President” be substituted for “Minister”. Is there something further you would like to add?

Sen. Prof. Kenny: Mr. Chairman, I have a question which is really related to clause 3. If, for example, the Minister of National Security is not militarily trained, then I would not be too worried. I am certainly not worried about the present Minister of National Security, but considering what has happened elsewhere in the world there is always a possibility if one has a military man, one hundred good men could disrupt the whole works and he could have his little private— It is theoretically possible. I am not suggesting for a minute— I am therefore supporting the concern that there should be broader responsibility here rather than the man.

Sen. Prof. Ramchand: Mr. Chairman, you are getting very strong suggestions on this side for “President” rather than “Minister”.

Sen. Mohammed: Mr. Chairman, I also support the amendment to clause 3.

Sen. Mahabir-Wyatt: Mr. Chairman, I would like to support that too. The Minister has responsibility, financial focus looking at him. In the event that anything did go wrong, I think it should be a collective responsibility of the Cabinet and not an individual responsibility of one Minister. I think it is very unfair on one individual Minister to have that sole—

Sen. Kuei Tung: Mr. Chairman, I am trying my best to be effective in trying to [*Inaudible*] to remove things from Cabinet and here we have the Senate trying to give Cabinet the responsibility to be issuing approvals to each organization.

Hon. Senators, I suppose because you may not have been involved in Cabinet you do not understand the concerns I have with respect to having Cabinet burdened with all these approvals.

8.15 p.m.

Sen. Mahabir-Wyatt: Hon. Minister, this would not be the security industry. That is coming up under the Securities Industry Bill and that goes to the Commissioner of Police. This is talking about military exercises. It specifically says in the practice of “military exercises”.

Sen. Kuei Tung: In practice what happens is that every application would have to go to the Minister of National Security. He will have to take it to Cabinet, Cabinet will have to adjudicate on it—

Sen. Mahabir-Wyatt: This is not the security industry, you know. If you read this, it says in (a) “the practice of military exercises.” These people do not use artillery and explosives as far as I know.

Sen. Prof. Ramchand: We are really talking about training and exercises that are likely to be used to undermine the peace and order of the country, which will destabilize the internal security of the state. This is not an ordinary run-of-the-mill kind of application.

Sen. Daly: I do not think any of what we are saying detracts from the thrust of moving things out of Cabinet, but as Sen. Ramchand has said it is a special case, it has to do with national security and the stability of the state.

Mr. Maharaj: I wonder if I could come with a compromise: “except with the written authorization of the President or such other person as authorized by him.”

Sen. Daly: All this business about the United Kingdom and so forth, their Parliament functions completely different. All this talk about the accountability and the ministers is theory; \$450 million went while they were debating something and none is accountable. We do not have a committee system.

Mr. Maharaj: Mr. Chairman, I do not think that it would be appropriate to put the President and the Cabinet to deal with matters like these, it will be a retrograde step and in effect, it would create more bureaucracy. In principle, it is wrong to ask the President, even though it is under the direction of the Cabinet, because as the hon. Minister of Finance has stated, this administration is trying to reduce all the applications that come to Cabinet and to decentralize some of the matters. To consider to have an application for this kind of matter come before Cabinet—

Sen. Brig. Theodore: Mr. Chairman, Sen. Mohammed is asking, how many applications there are right now. The firms and clubs that are presently engaged in training persons to shoot are already registered with the Ministry of National Security. It is a requirement for them to get permission to do this and the Commissioner grants that permission.

Sen. Daly: Then why do we need another requirement?

Sen. Brig. Theodore: They are registered as a matter of course, there is no law telling them they have to register. However, before they can go to fire weapons on the range, the Commissioner asks the question whether the Minister of National Security has authorized it. So the practice is that such applications do come to the Ministry of National Security and approved with the advice of the Commissioner and the Chief of Defence Staff.

Sen. Daly: Mr. Chairman, that is precisely the problem. We are shooting in the dark. If there is a practice and an application form, before we make an important decision like that, we need to know these things.

Sen. Brig. Theodore: Do you think that the present procedure is adequate that we can continue as we are?

Sen. Daly: We do not know enough about it, that is the problem. It is now 8.20 p.m. and we spent two hours talking about aquifers and this is important. Maybe the procedure is inadequate, maybe if we knew more of the procedures, we would fare differently.

Sen. Prof. Ramchand: Mr. Chairman, how would the Attorney General's proposal of the written authorization of the President, or someone delegated, operate?

Mr. Chairman: The President would then have the discretion dependent on who—

Sen. Daly: Mr. Chairman, I have tried today not to be my usual blunt self, but I think it is important to say what this anxiety is and to give an example. Do you know those URP hooligans that we read about every day? I would not like them to be authorized by some crazy Minister—it has nothing to do with this Minister—zealots are what we are talking about here. I think that is the kind of anxiety we have. I would not like to see the URP hooligans, or zealots of some kind, get a letter from the Minister saying go ahead and take part in military exercises. It is something I feel very strongly about.

Mr. Chairman: Without wanting to get into a debate, I think the point being made, and I would like the Senators to appreciate, is that section 220 of the Defence Act is being repealed and in fact replaced by this clause. What I am hearing, without having the full knowledge of the workings of section 220, is that the Minister significantly exercises this authority. Is it section 218?

Sen. Daly: Section 218 is different.

Sen. Prof. Ramchand: What I am trying to understand is if we have a President or someone, would there be a sort of permanent delegation of the authority?

Sen. Daly: Mr. Vice-President, the difficulty we have is under section 220 of the Defence Act. It simply says:

“No person shall train or drill, be present in any gathering...”

It does not have anything about the written authorization of the Minister.

Mr. Maharaj: Since that has been repealed, it is the practice now of having by convention, some of the groups being registered—not by law—and monitoring these groups and the Minister sees about that.

Sen. Daly: But the group must have some characteristics. That is my problem. If you say gun club, shooting ranges, security agencies, they all have definable characteristics. There is a registration system for a particular kind of creature, but not URP zealots. It has nothing to do with this Minister, any constituency could write a letter authorizing some group of zealots. It is fundamental.

Sen. Mahabir-Wyatt: And it is not as far-fetched as it sounds if you have been reading the press recently—

Sen. Daly: That is right.

Sen. Mahabir-Wyatt: —Selwyn Ryan has written a series of articles pointing out that exactly this has happened in Jamaica.

Sen. Daly: Did you all give them a gun to shoot Miss Greene?

Sen. Mahabir-Wyatt: They were one party against the other and they were armed and military, and we just do not want that to happen here.

Sen. Daly: I thought this was something that the Government would understand what the dangers are, in view of what has been happening.

Mr. Maharaj: Mr. Chairman, I think we are only playing with semantics, but it is well known too that even though you do not put President or anyone authorized, the President has the power to delegate. So if the Members want to go with the President, they can go with it.

Sen. Daly: Thank you, very much.

Mr. Chairman: Senators, the amendment that is being suggested is that in clause 3 of the Bill, the second line, the word “Minister” should be substituted by the word “President”.

Sen. Daly: I take it under the interpretation that “person” includes corporation.

Question put and agreed to.

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

8.25 p.m.

Clause 4

Question proposed, That clause 4 stand part of the Bill.

Mr. Chairman: There is an amendment in subclauses (1) and (3) of clause 4 that the last word, “Minister” be changed to “President”.

Clause 4 (2) (b) reads as follows:

(b) on conviction or indictment, ...”

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

Clause 5

Question proposed, That clause 5 stand part of the Bill.

Mr. Chairman: There is an amendment to clause 5 as follows:

Renumber subclauses (2) and (3) as subclauses (3) and (4), respectively. Delete subclause (1) and substitute the following:

“(1) A person commits an offence who, for the purpose of engaging in subversive activities, takes part in—

(a) organizing, controlling, managing, training, drilling or equipping other persons;

(b) soliciting or providing financial or other support for the organization, management control, training, drilling or equipping of other persons; or

(c) any meeting or assembly at any place or equipping of persons, in the use of firearms, ammunition, artillery or explosives.

(2) A person commits an offence who for the purpose of engaging in subversive

activities, takes part in any military exercise.”

Sen. Daly: Mr. Chairman, if we are to be consistent with the earlier amendment, I think that clause 5 (3) should read “taking part in any military exercise”.

Mr. Maharaj: The Senator is correct.

Mr. Chairman: There is a further amendment to clause 5 (c); therefore, it should now read:

“...in the use of firearms, artillery or explosives or in the taking part in any military exercise, for the purpose of subversive activities”.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6

Question proposed, That clause 6 stand part of the Bill.

Sen. Mohammed: Mr. Chairman, we on this side object strongly to the inclusion of this clause in the Bill and we respectfully ask that it be deleted.

Mr. Maharaj: Mr. Chairman, this has been taken from the 1936 Act in England which deals with the safety of the public. As I said, it is not something unusual and, with the greatest respect to the Senator, it is not a sound point to say that hearsay evidence is not admissible. There were Privy Council cases as well as other cases. It is for a particular purpose in order to show evidence of intent.

Sen. Daly: It is just the wording of the 1936 Act.

Mr. Maharaj: Yes.

“...in any criminal or civil proceedings under this section proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the control or management of an association or in organizing, training or equipping members or adherents to an association shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the association (whether those persons or others) were organized, or trained, or equipped.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Military Training Bill
[MR. CHAIRMAN]

Tuesday, May 21, 1996

8.35 p.m.

Clauses 7 to 9 ordered to stand part of the Bill.

New Clause 10

Sen. Brig. Theodore: Mr. Chairman, we accept the amendment put forward by Sen. Daly that there be a new clause 10 as follows:

“Consent of DPP	10. No prosecution shall be instituted for an offence under this Act without the prior consent of the Director of Public Prosecutions.”
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New clause 10 read the first time.

Mr. Chairman: Has this new clause 10 been circulated and read?

Assent indicated.

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

Sen. Prof. Ramchand: Mr. Chairman, where is that to be put? We have clause 10, “The Acts set out,...” Is that to be deleted?

Mr. Chairman: The previous clause 10 would be renumbered 11.

Question put and agreed to.

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

Question put and agreed to.

New Clause 10 added to the Bill.

Mr. Chairman: The resultant renumbering of clause 11 will take effect.

The Schedule ordered to stand part of the Bill.

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

Senate resumed.

Bill reported, with amendments.

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

The Senate voted: Ayes: 18

AYES

Mark, Hon. W.

*Military Training Bill**Tuesday, May 21, 1996*

[MR. CHAIRMAN]

Kuei Tung, Hon. B.

Theodore, Hon. Brig. J.

Baksh, Hon. S.

Phillip, Hon. Dr. D.

Tota-Maharaj, Mrs. V.

John, S.

Cuffy-Dowlat, Mrs. C.

Gray-Burke, Most Rev. B.

Moore, N.

Baksh, N.

Gabriel, A.

Richards, V.

Mahabir-Wyatt, Mrs. D.

Daly, M.

St. Cyr, Dr. Prof. E.

Kenny, Prof. J.

Ramchand, Prof. K.

Senators N. Mohammed; D. Montano; P. Beckles and M. Jagmohan abstained.

Question agreed to.

Bill accordingly read the third time and passed

Motion made and question proposed, That the Senate do now adjourn to Tuesday, May 28, 1996 at 1.30 p.m. [Sen. W. Mark]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 8.42 p.m.