

Leave of Absence

Tuesday, July 28, 1998

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I just have one announcement. I have granted leave of absence to Sen. Diana Mahabir-Wyatt to be absent from today's sitting of the Senate.

PAPERS LAID

1. Audited accounts for the Urban Development Corporation of Trinidad and Tobago Limited for the financial year ended December 31, 1997. [*The Minister of Public Administration (Sen. The Hon. Wade Mark)*]
2. Report of the Auditor General on the public accounts of the Republic of Trinidad and Tobago for the year ended December 31, 1997 and on other selected audit activities. [*Hon. W. Mark*]

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

Environmental Management Regulations

31. Could the hon. Minister of Planning and Development tell this Senate when the Regulations under the Environmental Management Act which were due to be laid in Parliament last year will in fact be laid? (*Sen. Diana Mahabir-Wyatt*)

**Unemployment Relief Programme
(Value and Location of Assets)**

32. Could the hon. Minister of Local Government state:—
 - (i) What was the value of the assets of the Unemployment Relief Programme (URP) when the programme was moved from the portfolio of the Minister of Works and Transport to the Minister of Local Government?

- (ii) What has been done with the following URP assets since the handing over of the programme to the Ministry of Local Government:—
- (a) vehicles
 - (b) tools
 - (c) equipment
 - (d) buildings
 - (e) materials? (*Sen. M. Shabazz*)

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, I seek your leave and also that of Sen. Muhammed Shabazz, to have both questions deferred—question No. 31, Sen. Mahabir-Wyatt is not here, as well as question No. 32—for a period of two weeks.

Questions, by leave, deferred.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, as you know, today is Private Member's day. However, I seek leave of the Senate to deal with Government Business instead of Private Business. I have already conferred with both the leaders of the Independent and Opposition Benches.

Agreed to.

SUMMARY OFFENCES (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Summary Offences Act, Chap. 11:02, to update the law dealing with the holding of public meetings and public marches and other related matters be now read a second time.

Mr. Vice-President, the Bill proposes three amendments to the Summary Offences Act, which is itself an Act of wide scope. One of the matters governed by the Summary Offences Act is the convening of public meetings and marches. Indeed, section 4 of our Republican Constitution recognizes among other rights,

the right of freedom of thought and expression and freedom of association and assembly. However, in Trinidad and Tobago, like any other civilized society, it must be recognized that no right, however sacred, is absolute. The late Sir Hugh Wooding, former Chief Justice of Trinidad and Tobago, in the case of *Collymore vs the Attorney General of Trinidad and Tobago* which is reported in 1967 in *12 West Indian Law Report* on page five notes:

“...the freedom to associate confers neither right nor licence for a course of conduct or for the commission of acts which in the view of Parliament are inimical to the peace, order and good government of the country. In like manner...freedom of assembly (is) no licence

For riot...”

Mr. Vice-President, several matters are addressed in this quotation. Firstly, the right to freely associate is recognized. Secondly, however, is the recognition that the right is not totally unfettered, but one that must of necessity be exercised with certain parameters. The quotation also recognizes that the unfettered exercise of that right can lead to the commission of acts which are inimical to the peace, order and good government of the country. Last but not least, is the recognition that it is the Parliament which must decide what acts or omissions can or may constitute an interruption to the peace, order and good government of Trinidad and Tobago.

Therefore, in evaluating the proposed amendments to the Summary Offences Act, hon. Members must not lose sight of the function they are being asked to perform. True, by passing this legislation which amends previously existing legislation, we are adding our modern day experience to the wisdom that prevailed and was enshrined in the passage of the earlier legislation. I would like to take a look at the existing Act.

Sections 109 and 113 are the two sections dealing with public meetings and marches. There is a certain amount of similarity in the requirements in both these sections, with the exception that in the case of public meetings whereby the organizer must notify the Commissioner of Police for the holding of a march, a permit must first be issued by the Commissioner of Police. The similar areas state:

“A person who desires to hold or call together any public meeting shall, at least twenty-four hours but not more than fourteen days before the date on which it is proposed to hold such a meeting, notify the Commissioner of Police.”

It goes on in section 109(2):

“Every notification under subsection (1) shall be in writing signed by the person or persons desiring to hold or call together the meeting and shall state—

- (a) the address of each of the persons desiring to hold or call together such meeting;
- (b) the purpose or purposes of the meeting;
- (c) the place at which the meeting is to be held and the approximate time at which it is to begin; and
- (d) the name of every speaker other than a citizen of Trinidad and Tobago or a resident who intends to address the meeting.”

These conditions are already laid down in the law.

Mr. Vice-President, if we look at section 113 which deals with public marches and processions, we see where the Act states:

“(1) A person who desires to organise any public march shall at least twenty-four hours before, but no more than fourteen days before the day on which such public march is to take place, apply to the Commissioner of Police for a permit.”

The section goes on.

“(2) Every application under subsection (1) shall be in writing signed by the person or persons desiring to organise the public march to which the application relates and shall state—

- (a) the address of each of the persons desiring to organise such march;
- (b) the purpose or purposes of the march;
- (c) the point of departure, route and point of termination of the march;
- (d) the hours between which the march is expected to take place.”

Mr. Vice-President, these conditions are already enshrined in our law and they are not being interfered with. One has no intention of making the conditions any more stringent or difficult for persons who wish to apply. However, what the Bill does—

Sen. Prof. Spence: Mr. Vice-President, could the hon. Minister just state what was the date of passage of the original Act?

Sen. Brig. The Hon. J. Theodore: I do not have it here. It is 1975, I believe.

Sen. Mohammed: 1971.

Sen. Brig. The Hon. J. Theodore: Mr. Vice-President, 1971. This came about after the civil disturbances of 1970, not necessarily as a result of it, but afterwards. This amendment simply seeks to change the period of notification from at least 24 hours to 48 hours, but the second part remains, "with no more than 14 days".

Again, the similarity between section 109 dealing with public meetings and 113 which deals with public marches, we have the same time factor. Again, what this amendment seeks to do, is to change the giving of notice from at least 24 hours before to 48 hours before. The second part remains the same, that is, "but no more than fourteen days before the day on which such public march is to take place, apply to the Commissioner of Police for a permit."

The Bill also proposes to increase the penalty and fine attached to offences contrary to section 109(7) of the Act which states:

"Any person who—

- (a) holds any public meeting without notifying the Commissioner of Police;
- (b) calls together or holds a public meeting that has been prohibited under subsection (3);
- (c) in furnishing the information for any of the purposes of subsection (2) makes any statement which he knows to be misleading, false, or deceptive, or by any dishonest concealment of material facts, or by reckless making of any statement (dishonestly or otherwise) misleads or attempts to mislead any person;
- (d) fails, neglects or refuses to comply with any condition imposed by the Commissioner under subsection (3)(b),

is liable to a fine of two thousand dollars or to imprisonment for twelve months."

The amendment seeks to increase the fine to \$10,000 and the period of imprisonment, where applicable, to a maximum of two years.

Finally, the Bill proposes the inclusion of a new section to create an offence where a person holds what they purport is an exempted public meeting according to the Schedule of the Act, but which turns out, in fact, to be held for some other purpose and not similarly exempted. The other purpose is what we are concerned about.

1.45 p.m.

The exemptions according to the Schedule of the Act, Chap. 11:02 state:

“Meetings Exempted From Part III

1. Religious services or meetings held under the authority of the head of any religious denomination or any other person duly authorized by him for the purpose or of the Salvation Army.
2. Educational classes and recreation in schools or other educational institutions being a school within the meaning of section 2 of the Education Act.
3. *Bona fide* cinematograph, musical and theatrical entertainments, dancing, beauty competitions, handicraft shows or other similar cultural shows.
4. *Bona fide* horse racing, cricket, football, hockey, polo, water polo, basketball, netball, tennis, boxing, athletics, swimming and other *bona fide* sports.

The amendment seeks to ensure that the persons to whom the exemptions apply hold the meetings in good faith, and in keeping with the terms of the Act. This amendment seeks to make it an offence when somebody purports under this Schedule to be holding a meeting which they claim is exempt and, in fact, it is found that the meeting is not covered under this exemption.

The proposal to increase the period of notice in respect of organized public meetings from 24 to 48 hours is with a view to facilitating the increased number of notifications and applications in respect of public marches.

Section 109(2) demands specific information with respect to the names and addresses of the organizers, venue and subject-matter of the meeting. The police must verify that every person named as being desirous of holding such meetings exist, and that they do, in fact, live at the addresses supplied. The addresses may not always necessarily be within the same division as that in which the meeting is

to be held. Where any such information is found to be inaccurate or incomplete, follow-up activity must consume additional time.

When these applications are received they are not simply accepted at face value but the police have a responsibility to verify the information with a view to granting the approval, as the case may be.

The proposed venue may be under the control of public or private entities. It may therefore be necessary to ensure that the consent of the owner of a venue has been obtained, for the police cannot authorize a trespass. Inaccurate or incomplete information on this score may delay the completion of enquiries. The minimum time-frame in respect of applications for permission to conduct public marches and processions is also to be changed, and the proposed amendment is 48 hours. Similar information as required in section 109 is also required by section 113 and, therefore, similar investigations must be carried out.

With respect to public marches there are additional requirements not only in dealing with the application but in ensuring that administrative measures are taken by the police to facilitate the march and the movement of the marchers. With respect to public marches, the additional requirement upon satisfactory completion of the investigation to have the permit issued by the Commissioner of Police, has to be conveyed to the organizers of the march so that they may proceed. The permit must be transmitted from the Commissioner of Police office to the senior superintendent in charge of the police division from which permission has been granted for the march to be held. As a result, there are several administrative arrangements that need to take place: the determination and allocation of the number of police officers needed on duty to effectively manage the march based on conditions which may be prescribed in the permit; the examination of the approved route to determine the flow and direction of traffic that may be disrupted by the march; the erection of barriers and signs to advise other road users of the routes of the public march; the detailing of officers to man intersections especially where they may be normally governed by traffic lights.

The practice among the citizenry has been to notify the police well in advance of their intention, and the police have therefore always been able to put their house in order to allow applicants to proceed with their objective along the routes generally selected and within the time-frame prescribed.

Mr. Vice-President, as an example, there was the march organized by the Oilfield Workers Trade Union in San Fernando on July 18, 1998, for which

permission had been sought by way of letter dated June 29, 1998 signed by the General Secretary, Doodnath Maraj. The march commenced at the Oilfield Workers Trade Union headquarters and proceeded west along Royal Road, west along Coffee Street, south along Ciperio Street, west along Sutton Street, north along Mucurapo Street, west along Harris Promenade, north along Chancery Lane, east along High Street and ending at the train engine on Harris Promenade.

Hon. Senators would appreciate that all these sectors of the route had to be policed to ensure—Saturday being not only a working day but to a certain extent a shopping day when many persons who work Monday to Friday get an opportunity to visit the stores. The major consideration is not disrupting the traffic or interfering with people going about their legitimate business, and it does take a fair amount of organization. The police would need the time to make these arrangements.

On the other hand, an application for permission may not be arbitrarily refused by the Commissioner of Police. In section 114 of the Act it clearly specifies that the Commissioner must have “reasonable grounds for apprehending that the public march in respect of which the application is made may occasion a breach of the peace or serious public disorder...”

While there is no need to obtain the Commissioner of Police’s permission with respect to the holding of a public meeting, similar discretion is given to him. For example, the matter of private property or encroaching on the public thoroughfare. If a meeting is to be held in a particular area, the police must first go there to ensure that such a meeting does not obstruct traffic, it does not encroach on a business place, or, if traffic is to be diverted they are in a position to take the necessary steps to do this. Again, that means that people must go physically to the place, inspect the place, and perhaps, speak with the owner and determine that the owner has, in fact, given permission for such a meeting to be held on his premises and that the meeting will be able to accommodate not only the speakers, but the number of persons who are expected to attend.

The matter of exemptions, when dealing with the new section 118(a) it is quite clear in paragraph 1 of the Sixth Schedule which deals with religious meetings, the descriptive words, “for the purpose of” are used. That is not to say that religious leaders will be policed to see whether at any time they slip and refer to what they see as social or other ills. These comments cannot become the main subject matter of a meeting purportedly called within the provisions of the Schedule. For

example, if members of a board of directors meet to review an auditor's statement and discussions come up concerning the results of the World Cup, this discussion does not change the purpose for which such a meeting was convened. Once it is a religious meeting it cannot be branded as anything else if any other subject matters are alluded to.

It would be beneficial to address the practical needs for the legal rationale for the regulation of rights which I have already mentioned.

1.55 p.m.

We know that crowd attracts attention and it does give people who have sinister motives an excuse to carry out illicit acts under the guise of participating in what would normally be a legitimate march or an approved meeting. So, the matter of policing these activities is critical.

Mr. Vice-President, I would like to mention that based on reports received from the Commissioner of Police, it is estimated that approximately 120 requests for meetings are received per annum. The length of notice generally given by persons or groups desirous of conducting public meetings is usually from one to five days; notices from persons holding marches are usually received 10 to 15 days in advance. The number of offences detected under section 109 of the Act has been nil and there was no need to prosecute any offences.

Again, before closing I would like to mention also the issue that faces the police service when responding to or dealing with these applications. Besides the permit to march or hold meetings being made in the name of the applicant who will be held responsible for actions associated with the event, the permit also stipulates that the applicant must liaise with the senior superintendent in charge of that division before the march or meeting to ensure that proper arrangements are made. By that it means that simply sending in an application does not mean that the person, on the day that the meeting or march is planned, can simply go ahead with the assumption that approval has been granted.

Sen. Shabaaz: Mr. Vice-President, I just want some clarification. The Minister said that 120 applications are received by the Commissioner of Police, but I am not too clear as to how many of those are meetings and marches. Also, can he clarify the question of the religious marches.

Sen. Prof. Spence: Mr. Vice-President, can the Minister state the nature of the change in the number of applications with time because this, really is a critical issue. We are told that the average is 100 or whatever it is, but really, unless we know how it has changed with time we are not in a position to judge whether it is justified to change the Act now.

Sen. Brig. The Hon. J. Theodore: Mr. Vice-President, the question asked by Sen. Prof. Spence is one that I had also asked. The filing system in the police service is such that it could take quite a while to get that information. It is not computerized; as I am told it is normal files that do not go back more than three years, I believe, because these applications are destroyed after a period of time. What I am told is that one senses that there have been more applications but they were not in a position to tell me how many took place in 1994, 1995, 1996 or 1997. I did, however, ask the question because it is logical that one would be curious to know percentage increase. I am sorry I cannot give more specific information.

The point I made about the meetings and the reason I hesitated is because I simply got a figure which dealt with the total number of requests received and I suspect the figure covered both requests for meetings and marches. On the religious side, the point I was making about the religious meetings that are exempted under Schedule II is that since there is an exemption and one does not have to apply for permission, if there is a religious service taking place and the priest refers to some issue that is going on in the community, that mention in itself does not change the purpose of the meeting. The meeting is still a religious one and there is a certain leeway that in a religious meeting other matters affecting the community can be accommodated. The example I gave is that if a board of directors is meeting to review an auditors' statement, talking about the world cup does not change the purpose of the meeting. It is part of the discussion, but the purpose of the meeting would still be religious in the case of the religious organization and with the board of directors dealing with the auditors' report. One cannot be so strictly tied in to be talking only about the subject matter. Even with agendas people do stray and other matters are discussed.

What I am trying to show here is that the manner in which these exemptions are looked at is not so rigid or close as to find fault with anything that appears to deviate from the subject matter.

Mr. Vice-President, I would like to continue dealing with the activities that the police have to address. This is critical to the whole need for the additional time that is being sought here with the amendments. The question is: Why 48 hours and why not leave it at 24 hours? Basically, because while the police have made efforts to meet the 24-hour deadline, they feel that they will be better able, not only to meet the deadline, but to meet the deadlines for additional applications if the need arise. For example, besides the applicant liaising with the senior superintendent in charge of the division, according to the interview with the applicant, the senior superintendent in charge of the division would recommend a strength, that is, the number of police officers who would be required to work on that day.

The division would decide if traffic needs to be diverted, always bearing in mind that the marchers walk in the direction of the traffic—they walk facing traffic, so again, it is another consideration. So, one finds that when a route is planned the police would advise on what would be the most appropriate route to take without taking away from the area or the intent of the march.

The senior superintendent in charge of the area will also ensure that the route is correct—the names of the streets—and probably lay it out on a diagram so that they can follow where the march starts, where it passes, where it is supposed to end and that police notices are posted, for example, “No Parking” notices to keep the route clear. What we are seeing here is co-operation to allow the marches to take place and not any restrictions to prevent any such marches from taking place.

Mr. Vice-President, sometimes it is necessary to deploy extra manpower from outside the district. In these instances arrangements have to be made to augment the station’s strength in depleted areas to ensure protection and service for businesses, residents and citizens. A police superintendent simply cannot say that the strength of the station is only 15 and he can only spare seven officers, therefore seven officers would deal with the march. Once the number of police officers is determined, efforts must be made to find these officers and have them assigned to supplement the numbers to make sure that the march takes place without any interference—maybe from either traffic or business people—and that they are able to complete their march safely and without any interference from any other party.

2.05 p.m.

The Traffic Branch also plays a part in assigning motor cyclists to ensure that the marchers conform to the regulations of the commissioner. After the application is made, checked and investigated, a report and recommendation is forwarded to

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the commissioner by the senior superintendent in charge of the division. The report states whether approval is granted to the applicant and the terms and conditions that apply. Similarly, if the application is refused, the commissioner must advise, in writing, informing the applicant why permission is denied.

Again, for meetings, there are requirements to use a public address system. This is one of the major needs for permission. Even for persons driving around in cars, if they try to use loud speakers to advertise any event, they need permission. This does not mean that someone is trying to deny them the opportunity to do so. This is to ensure that if this is done, it is done in a manner that stays within societal norms.

Applications for the use of public address systems must be made 24 hours in advance, stating name, address and telephone number; purpose of use of the public address system; venue and time of use. The procedure is to prepare the permit with the name of the applicant, informing him that approval has been granted. All affected divisional headquarters are notified. Applicants are advised to liaise with the divisional headquarters for further advice and instructions.

Permission for the beating of drums publicly is also dealt with under this schedule. [*Interruption*] Maybe, we are all not too clear on what these rules and regulations say. It is a good idea to acquaint ourselves with what is required, so that we can appreciate that there is no desire to restrict.

This procedure takes two weeks from application to response. Permission can be sought and obtained in a shorter time. The police service normally requires one week's notice to process the applications properly. I am reading the facts as they pertain to the police service today.

I will touch a little on demonstrations to clear the air on the difference between a demonstration and a march or a meeting. All demonstrations are illegal. However, this is not why I am here. I am simply stating what is in the law.

The police try to maintain a humane approach to demonstrators, who usually have a problem which they perceive can only be solved by drawing the attention of the public to themselves. The police, therefore, avoid confrontation and conflict in these situations.

It is an offence to cause obstruction—to litter the streets with timber, car bodies or any other material. It is an offence for human beings to impede the flow of traffic by standing in the roadway. What the police try to do is to persuade

demonstrators to remove the obstruction, or to remove the obstruction themselves by the use of appropriate equipment. We note that, as long as the demonstrators do not attempt to interfere with the police in the performance of their duties, demonstrations virtually all turn out to be incident-free.

The matter of demonstrations is taken in the same context as marches and meetings. I am aware that there have been demonstrations in the streets around the Parliament building and I thought it might be useful to point out that the police do turn up. For instance, if a union decides to hold a meeting with its followers, it would normally do so on its premises. If for some reason the meeting is held where it is obstructing traffic, the police may be called but all they do is ask the people to clear out of the way and avoid blocking the traffic.

We see here an effort to co-operate and allow the people of this country to express themselves; all within the precepts of the law. The passage of this Bill, when objectively reviewed, is not by any means an attempt by the Government to circumscribe the rights and freedoms of our citizens, but rather to ensure that the observance and exercise of these rights do not in any way or at any time contribute to the breakdown of peace, order and good government, which is the hallmark of Trinidad and Tobago.

Question proposed.

Sen. Danny Montano: Mr. Vice-President, I would like to look backwards a little to note, for Senators, that the parent legislation was made law in 1972. I understand it was debated in both Houses in 1971.

I recall that during that period there was no formal opposition in the House of Representatives, but notwithstanding that, the Bill was passed in the form in which we now see it. I am unaware that any significant amendments have been made since.

Senators would recall that in March 1975, the present Prime Minister was arrested for taking part in an illegal march. He was arrested under the auspices of this Act. If the present Prime Minister had been in Parliament in 1971, I wonder what he would have said. His sentiments, with regard to what happened in 1975, are certainly a matter of public record. However, when this matter came to the other place for debate, the Prime Minister had nothing to say about the genesis of the legislation, notwithstanding his personal involvement on the other side of the fence.

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I make that point at the beginning of my contribution because it sets the tone for what we see really taking place. It is very much a question of who is holding the sword and whether the person who is holding it has any intention of letting go and what he intends doing with it.

2.15 p.m.

Mr. Vice-President, we have heard a very reasonable presentation from the hon. Minister of National Security which was done in his very low keyed style and is always interesting to listen to. The Minister has made virtually no case at all for this legislation. [*Desk thumping*] I would ask my young friends on the other side to listen. He has made some arguments to justify the administrative requirements of the police in order to process applications for marches. He indicated the extent to which a march can disrupt the population and so forth. Therefore, his arguments with regard to marches may have some merit. I say, may have some merit. The Minister has made virtually no argument at all as to why the 24-hour limit for a meeting needs to be extended. Under the law—this is not being changed—if you want to hold a meeting you only need to notify the police. The law does not require the police to do anything else other than to be notified. That is all.

We have heard nothing about the number of breaches that have occurred. In the Minister's presentation made in the other place, he made certain arguments saying that most of the applications, if not all, are always made well in advance of the 24-hour time limit. In fact, he quoted one today about the Oilfield Workers' Trade Union which wanted to hold a meeting on July 18 and applied on June 29, clearly indicating that there were no breaches of the existing legislation. He has said that of the 120 applications received there was no particular problem with them. It is not as if they were applying at the last minute. Notwithstanding that, we have not heard that everybody of the 120 or 119 applied at the last minute and the police could not cope with the flood of applications. That has not been said at all. So we are simply presented with a situation where, quite frankly, the hon. Minister has been set up and there is no practical need for this. At least the Minister has made no case to indicate that there is a real need to change the legislation.

Mr. Vice-President, we on this side, in looking at the actions of this Government over the past three years, and beginning with the thread of my opening statement, have to look at what we think this Government is trying to achieve. I started off by using the metaphor, holding the sword and not wanting to let go and how you intend to use the sword. What do you intend to do with that?

We heard the Prime Minister say, “We are here until the year 2015. We are not going to let go the sword.” Is that just vacuous rhetoric? How are we supposed to interpret this along with other things that are being said, such as, “Anybody who criticizes my Government is not going to get away unscathed”? Then the next thing we are presented with is this Bill.

Mr. Vice-President, the Government is forcing us and the population to come to certain conclusions that there are improper and sinister motives designed in their legislation. [*Desk thumping*] The way we see it is that this particular piece of legislation is designed to stifle spontaneous meetings when there are urgent public matters and issues. What the Government intends is to hold a cooling-off period; let the matter cool for 48 hours before anybody can meet and really deal with it.

My young friends on the other side, think about what you are doing and do not stand there blindly waving a UNC flag, because one day that sword can be used against you. Pay attention to what we are saying. This is dangerous and freedoms have to be protected; they have to be fought for and you do not just let them go because you are waving a UNC flag.

Mr. Vice-President, people who want to hold a spontaneous meeting to talk about the condition of a road, the condition of water or flooding in the country, have to wait 48 hours before they can just hold a meeting. No permission is required from the police. They merely have to present notice that they are holding a meeting, but they have to cool off for 48 hours. It appears very clear that Government intends to crack down on the population. They intend to crack down on dissent and opposition in the country. Pay close attention, because I am the last man who wants to stand and say I told you so. I do not want to say that. Nobody here wants to say that, but unfortunately, we may have to. We are here to prevent that from happening.

We have already spoken and given you the indications of a creeping dictatorship.

Sen. Mohammed: It is galloping now.

Sen. D. Montano: What we are looking at is a police state. [*Desk thumping*] It is a matter of public record, that in the other place, every single matter that the Opposition of the day has brought to the Parliament as a matter of urgent public importance has not been allowed to be heard. If it cannot be heard in the Parliament and it cannot be heard in a public place—

Sen. Mark: Mr. Vice-President, on a point of order, is the hon. Senator querying the ruling of the Speaker of the House of Representatives? The point of order is 35(5) which states:

“No Senator shall impute improper motives to any Member of either Chamber.”

The Speaker is a Member of the House of Representatives. What the Senator is doing is actually querying the ruling of the Speaker of the House of Representatives.

Sen. John: Shame! Shame! Let him apologize.

Mr. Vice-President: If, in fact, the statement that was made—I myself did not pick up exactly what you were saying clearly—could be construed in any way as questioning the ruling of either the Chair in this Senate or in the other place, I am going to rule you are out of order. I do not know if you would like to repeat what you said and I would give a ruling, or whether in fact, you would just stay clear of that particular indication because that certainly would be out of order.

Sen. D. Montano: Thank you very much, Mr. Vice-President, but I was not imputing anything at all. The fact is, I was merely stating the facts. The hon. Senator on the other side made a certain inference. I am not imputing anything, with all due respect.

To continue, Mr. Vice-President, the second part of the Bill deals with increased penalties. It does two things. It increases the fine from \$2,000 to \$10,000, the terms of imprisonment from one year to two years. As an accountant understanding the impacts of the effects of inflation, I do not have any particular difficulty in realizing that a fine of \$2,000 in 1971/72 might have the same economic or financial impact as a fine of \$10,000 in 1998. There may be some justification for saying that it is merely a rectification of the fine in order to adjust it for inflation.

Insofar as the jail term is concerned, I was completely unaware that inflation had anything to do with jail sentences. I cannot see how a crime in 1972 that deserved the punishment of one year in jail, now deserves two years in jail under the UNC administration. That is the point. Why all of a sudden it is a bigger crime in 1998 than it was in 1972? What happened to change it? Everybody here knows that the state and condition of the prisons are a heck of a lot worse than they were in 1972. So you know that one year in jail today is a far harsher punishment than it was in 1972, but now it is doubled to two years so the effective punishment is much greater.

Mr. Vice-President, the hon. Minister said absolutely nothing about that in this Chamber. We do not know why, but I go back to the sinister motives behind this Bill. What is the rationale for giving a crime a two-year penalty? How many breaches have occurred in recent years, months, whatever, to justify cracking down on and increasing the deterrent prospects of the legislation? We have heard nothing at all. With all due respect, the Minister has been set up. He did not design this piece of legislation. He is administering the police service and came here with arguments concerning the administration of the police service. He did not come here with any arguments concerning the justification for the strong-arming of the population as a whole, but the backbone of this legislation does precisely that. We have had no explanation.

Mr. Vice-President, the third part of this Bill is a new clause. I can only assume that the Minister did not give us the real reason for this new clause. Again, he has made no case to suggest why we should have this. This is clause 5—just to remind Senators—that says:

“A person who purports to hold a meeting for any of the purposes listed in the Schedule...”

And he mentioned teachers and preachers.

“...and who in fact holds such a meeting for purposes other than those listed in the Schedule commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.”

2.30 p.m.

What is he talking about? Why has this piece of legislation been brought? Who has been offending whom? Who has been doing this? How many breaches of this have we had in recent times? Most dangerously, is what the Minister said—and with all due respect, I am not a *Hansard* reporter but I will try to quote almost exactly:

"Religious meetings cannot be branded as being held for something else simply because social matters are mentioned in the religious meeting."

That is what the Minister said, but that is not what the law says. The law merely says for any purposes other than what is listed in the Schedule.

Mr. Vice-President, who outside of the meeting is the one to decide whether the meeting is within the confines of this Schedule or not? Who decides? What is

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being set up is a very arbitrary system. With all due respect, this is precisely what occurred in Nazi Germany in 1933. What happened in Germany—for the benefit of the younger Members on that side—was that a system of informers was set up and people started to inform on everybody else. Is that what the Minister is trying to propagate in Trinidad and Tobago, in our churches? Shame! We on this side would not accept that! That cannot be right for the fair and beautiful people of Trinidad and Tobago. [*Interruption*]

With all due respect to the Minister, I do not make racist comments. I used the term "fair" to mean equitable.

Let me reiterate, what we are seeing is a creeping dictatorship. It is eventually going to lead to the formation of a police state unless we are very vigilant. [*Desk thumping*] I read an article from the *Independent* newspaper of June 8, 1998 which captured the sentiments very well. It reads:

"**THE LATEST** step in the piecemeal but rapid erosion of fundamental rights by the UNC Government is the ludicrous but at the same time ominous establishment of a police 'sedition squad'. A sign of the Government's determination to curb legitimate dissent is that it is not ashamed, by invoking the concept of 'sedition', to hark back to the era of absolute monarchy and its prolongation in colonialism.

Anyone who thinks we are not well on the way to a police state..."

I would remind you of the statements I made about the Prime Minister in the opening moments of my contribution. You would remember the Government's attacks on the media in the early parts of their term spearheaded by the Prime Minister and his refusal to sign the declaration at Chapultepec, the withdrawal of this country from the American Human Rights Convention and the pending Equal Opportunities Bill which has a paragraph to curb free speech under the guise of curbing discrimination, when it is already outlawed in the Constitution, and now the Summary Offences Bill. [*Desk thumping*]

I refer hon. Senators to two other issues in deciding whether they want to support this piece of legislation or not. I remind all Senators of the association that the Government and the Attorney General had with the Jamaat Al Muslimeen just before and during the general election. I draw Members' attention to the actions of the Attorney General as regards the Privy Council. He is, in effect, literally subverting the Constitution by attempting to get the Privy Council not to hear

criminal appeals from Trinidad and Tobago. If the Privy Council fires us, as it were, then we have no right of appeal, the Attorney General would have effectively frustrated the Constitution and we would have no choice but to change it.

A government must act, not only lawfully, but with morality and fairness at all times. The more taunts we hear about their being here until 2015 and so forth, I ask: how are they going to do that? When this is the worst Government this country has ever had, how are they going to stay here until 2015 unless they hold a sword at my throat and everybody else's? No, we cannot let this pass. I implore Members on that side to think very carefully before they let it pass and not be so blind to sit back and say, "Oh, no, no, that cannot happen here." It can happen here! You can talk to the six million Jews in Germany who said that could not happen there either.

I do not wish to be alarmist, but we are three years into this regime and the signs are very clear; the noose is around our neck and it is gradually getting tighter, and I am choking on it.

Thank you.

Sen. Prof. John Spence: Mr. Vice-President, as usual I would be brief.

I find it very difficult to understand the reason for the amendments set out in this Bill, being brought at this particular time. I tried to ask the hon. Minister some questions along the way which I hoped would lead me to some rationale for the amendments being made. Certainly, he seemed to be justifying them on the basis that there was a larger number of applications for marches and meetings at this time, but he could not support this with any data. Thus, clearly, one has to discount this reason for making the changes.

When it comes to the changes made under section 5, I am particularly concerned because it seems that the example he gave was not a very good one and I could give a better example which I think would justify my fears. He suggested that if there was a religious meeting, the preacher of the sermon would not be prevented from touching on social issues. This may be very obvious. What about the case of an educational meeting in which a political scientist is giving a lecture on some aspect of the current political scene? That would be a more likely case in which a government might decide it was indeed a meeting called for an educational purpose but, in fact, dealt with political issues, and would use this legislation to prosecute and perhaps get a conviction under clause 5. Therefore, frankly, as far as this clause is concerned I would be totally against any such provision.

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With respect to my friend and colleague Sen. Montano, who suggested that because of inflation, a \$2,000 fine in 1971 was perhaps the equivalent of a \$10,000 fine now. I would take a different view, because the disparity between the rich and the poor is much greater now than in 1971, and is becoming more and more so. It is usually the poor who protest and hold meetings, demonstrations and the like, in order to get some measure of redress to wrongs they want righted. Quite frankly, I cannot see the reason for increasing the fine either. It seems to me that they would be just as punished now with the \$2,000 fine.

I also agree with Sen. Montano with respect to the prison conditions and, therefore, the increase in the length of time one must serve as punishment. Again, the hon. Minister has not suggested why this time has been increased. Is there a problem that a deterrent has to be made greater? Is it a deterrent at all? Has there been a problem? That, too, I cannot support. There may be some argument for increasing the time from 24 to 48 hours, but if this measure has been functioning since 1971 and there have been no serious difficulties with it, then it seems to me that we could be discussing many other matters now, including the Private Members' Bill which I think is extremely important and which we have had to postpone, rather than to decide that the police may need more than 24 hours to carry out their duties, therefore, we spend our time increasing it. [*Desk thumping*]

Having said that, I would certainly not spend any more of the Senate's time on this issue. I see no justification for my supporting it and therefore I intend to oppose it.

Thank you.

Sen. Vincent Cabrera: Mr. Vice-President, I rise to support this Bill to amend the Summary Offences Act.

I take the view that the amendment goes nowhere near other sections of the Act which can be described as oppressive and/or excessively regulatory. The amendment is a necessary one. I take the position that the amendment is necessary based on national security considerations, and I am not willing to have the Minister of National Security come to this Senate, put forward his views and have them dismissed. I also posit that the amendment is not an oppressive one. I shall make reference to certain clauses to prove my point.

I draw the Senate's attention to section 63 which virtually outlaws all cultural activities between the hours of 10 p.m. and 6 a.m. The question arises: Who is responsible for having that legislation on the books? The very same organization

responsible for it, as if they had gone to sleep on that question for many moons and have suddenly awakened to realize that apparently somebody wants to take away people's rights. They accused us of being the worst government but the most hypocritical Opposition that could be found in the history of the Caribbean is the People's National Movement. [*Desk thumping*]

In the same Act, the law specifically bans the use of chac-chac and bongo. Imagine, the PNM came to this Parliament—and as I was reminded by the hon. Senator who has since left the Chamber—banned chac-chacs and bongo! It seems as though they were part of the cultural imperialism that the third world was suffering from at the time. They were not only chaining the people but taking away their culture and cultural activities. Is this not more oppressive than the amendment before us?

2.45 p.m.

At a period when we are speaking of emancipation, I remember well those of us who were speaking of emancipation then were ignored by that same PNM. It is only with the rise of the UNC that we are seeing African people taking an interest in their culture in this country. I am certain that many cultural organizations, many people's organizations, in fact, have lost all faith in the PNM because of that Summary Offences Act.

Mr. Vice-President, I remember quite clearly the period of the 1970s when that Act was brought into being. In fact, the PNM was so oppressive that it was imprinted on the psyche of the people that every time you talk Summary Offences Act you are talking oppression. That is why there are certain trade union officials who have taken in front, so to speak, on this matter.

We of the trade union movement and of the UNC are not afraid to stand up for any law that this Government is bringing in the country because this Government is not only about making Trinidad and Tobago a total quality nation; it is about doing that in the fastest possible time. Those people who come here every Tuesday and attempt to frustrate what we are doing are not concerned about the people in this country most of whom are descending into a ghetto culture. I believe the Prime Minister spoke about that recently. A total breakdown of laws; a total breakdown of everything. This new Government has scared the Opposition so much so that every Bill we bring here they see a manifestation of their own backwardness.

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Sections 43 and 44, Mr. Vice-President, assume that superstitious devices exist amongst the people and that certain rituals, including obeah, are injurious to others. This is the PNM law assuming that. The effect of this is that non-worshippers of a particular faith were being set up to judge worshippers of another faith. By whose yardstick are these practices to be judged? This was certainly an attack on the Orisha belief system as well as others. Again, I want to make the point that the so-called African party taking away whatever semblance of African culture remained after our historical experience—I suppose we must congratulate them for that.

I shall move to section 55, Mr. Vice-President, which allows the Minister to prohibit, during certain periods, the beating of drums. This is a serious matter. The law that they put on the books allowed the Minister to ban the beating of all drums. They have learnt from the colonial masters very well. This is why they will find it so difficult to ever regain power in this country. Their track record is a rotten one. In terms of my understanding of the culture of the people of Trinidad and Tobago, when one talks about banning drums, one is discriminating against African as well as Indian culture.

If the Opposition is saying that the entire Summary Offences Act should be changed, they are admitting that they failed when they brought that law into being. That same Act bans the blowing of any horns, any dance or procession and even the carrying of a lighted torch as Lancelot Layne learnt when he began the emancipation celebration.

Sen. Prof. Spence: Since I do not know when the hon. Senator is going to end, I thought I would interject at this stage. It seems to me that he is making a very powerful argument for the repeal of the Bill.

Just so that we can be prepared and know how to act should it arise, could I ask him when he intends to move an amendment which would ask that the whole Bill be repealed or, if I move such an amendment, could I ask whether he would support it?

Sen. V. Cabrera: I would refer the hon. Senator to my preamble and I shall continue.

Section 60 says that under an order, any police officer can enter private premises and arrest people if they are assembled to the number of 10 or more. That is the kind of discriminatory law that the People's National Movement introduced into this country; where if 10 or more people assemble the police can enter and lock them up.

I remember when Lancelot Layne started with the carrying of the torches in the borough of Point Fortin this itself presented a problem. It is pure hypocrisy and boldfacedness for the PNM to even raise their voices on this matter.

Section 71 bans the flying of kites within municipal limits. This may be necessary but it seems as though they were banning so many things that they were banning children from playing in the cities, they were banning people from playing chac-chac, they were against parang and they were against the culture of the people.

Sen. Montano: Mr. Vice-President, I cannot find the section he is referring to anywhere in this Bill. I do not see what the relevance is to this at all.

Mr. Vice-President: I would allow him to continue as I assume it is a comparative reference he is making to other parts in the Bill.

Sen. V. Cabrera: In section 83—I did my homework—bullbaiting and cockfighting is also outlawed.

Sen. Mohammed: The hon. Senator is misleading the House. The Kite Flying Prohibition Order was way back in 1940.

Sen. V. Cabrera: Section 83 bans bullbaiting and cockfighting. I am sure, Mr. Vice-President, that the PNM would want to say something on cockfighting and this has nothing to do with the cocks fighting for the leadership of that party at this point in time.

I will turn to the direct nexus between this amendment and the relevant section. I speak of Part II which deals with public meetings and public marches. The section prescribes notification limitation and it was said at the time of the passage of the Bill even the British colonial system allowed marching without such limitations. If the PNM found in the 1970s that it was necessary to pass these laws—

Sen. Montano: On the last occasion I asked the relevance of this contribution and in fact, all the sections he has referred to had absolutely nothing to do with any PNM administration and it has even less to do with this Bill.

Mr. Vice-President, you did not actually rule on the relevance of what he is talking about. You simply said you would allow it. Can we have a ruling as to whether or not he is being relevant to the legislation and even being relevant to the PNM which had absolutely nothing to do with the sections he is talking about?

Mr. Vice-President: On the question of relevance generally, forgetting the individual sections or the genesis, I would allow it as being relevant to the debate before us on the basis of a comparative reference. If there is a particular section that, as you indicated earlier on, has misled and has developed a relationship between the former regime and the particular section, I would be prepared to hear you on it.

Sen. Mohammed: Mr. Vice-President, on a point of order. The hon. Senator is misleading the House

Sen. V. Cabrera: Mr. Vice-President, on a point of order. Can two people interrupt like that?

Mr. Vice-President: I am inviting them to assist me.

Sen. Mohammed: Mr. Vice-President, the hon. Senator referred to the Kite Flying Prohibition Order and he made reference to cockfighting and so forth. The references, when you look at the legislation, comes from legislation enacted since 1921 and the Kite Flying Act was really way back in 1949. Mr. Vice-President, on that score he is definitely misleading the Chamber.

Mr. Vice-President: Could I invite you to read section 71 for me?

Sen. Mohammed: Section 71 deals with flying kites prohibited in Port of Spain and any borough or proclaimed area. There is a reference in the second page of this Act that refers to the Kite Flying Prohibition Declaration Order (R.G. 5.9.40).

Mr. Vice-President: I assume that when the Summary Offences Act was, in fact, put into law in 1972 the Kite Flying Order of 1949 was assumed into the legislation.

Sen. Mohammed: Section 71 of the Act deals with flying kites:

- “(1) Any person who flies or attempts to fly any kite in any place within the limits of the city of Port-of-Spain or of any borough, or in any other area which may be declared by the Minister, by Order, to be an area to which this section applies, is liable to a fine of forty dollars.
- (2) Any police officer may destroy any kite which any person flies or attempts to fly in contravention of this section.
- (3) This section shall not apply to the flying of kites in the Queen's Park Savannah in Port-of-Spain and in the Arima Savannah.”

Sen. Montano: Mr. Vice-President, if I could just help you. The sections that the PNM brought in, I think, came in from sections 107 onwards. Those were the sections that the PNM passed in 1971. Everything prior was from another administration.

Mr. Vice-President: I have not examined the Act in its totality but I am led to believe, without the benefit of studying the Act in its totality, that the whole Summary Offences Act was assumed into law in 1971. Am I correct?

Sen. Montano: It was an amendment.

Mr. Vice-President: There was an amendment in 1972.

Sen. Montano: *[Inaudible]*

Mr. Vice-President: The law that predated that date—

Sen. Montano: What existed before then was a series of amendments.

Mr. Vice-President: I do not want to spend any more time this afternoon debating kites nor any similar situation. It is clear to me—if, in fact, we are not being misled here—that the Summary Offences Act is, in fact, what the name says. That it is a summary of an amalgam of offences that have been consolidated some of which have their genesis over a very long period of time.

I have to believe that some of the references that are being made are to offences that did not have their genesis in 1971 or 1972 and, therefore, I do not see them as being relevant to the debate before us now. I would invite you to continue and try to focus on that aspect of the Summary Offences Act as it relates to the amendment before us or, if you want to, on a comparative basis, relate it to the origins of the sections, to limit it to those that, in fact, have their origins in the 1972 amendment.

Sen. V. Cabrera: I accept your ruling, Mr. Vice-President.

I know that some people do not want to accept the truth but the fact of the matter is— *[Interruption]*

Mr. Vice-President: Shall we proceed?

3.00 p.m.

Sen. V. Cabrera: Thank you, Mr. Vice-President.

Now, there are some people who do not want to accept the truth, but the newspaper clippings of the 1970s are still there, including the banning of Stokely Carmichael by the People's National Movement. They talked of repression; they

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talked of the Government wanting to be like Hitler; they talked about Nazi Germany. I am not speaking about Nazi Germany here; I am speaking of Trinidad and Tobago in 1970/1971 and they cannot take it. The track record is there. They were at war with the Army; they were at war with the labour movement; they were at war with the opposition; they were at war with the people; and, most of all, they were at war with the Black Power Movement in the country.

I want to say that whereas a Senator spoke about what happened there, I want to speak about what is happening here. When the last state of emergency was declared, regardless of what anybody said, the entire work of the trade union movement had to come to an end and workers suffered. I am asking if the Government of the country, in its wisdom, has taken a decision to put an additional 24 hours for a period of notice, what really is the issue? We should have gone on to another piece of legislation a long time ago.

I am indeed not sorry that I raised these points, because since raising them, we are seeing the reaction of the PNM Members who are afraid that the people would know what they did in the 1970s, and I shall be speaking more about it in other fora in the future.

I thank you, Mr. Vice-President.

Sen. Martin Daly: Mr. Vice-President, oh dear me! Who said, "Not a damned seat for them"? Who said, "If you do not like it, get to hell out of here"? Who said, of the attempted coup in 1970, "It is a family quarrel"? Who said, "If the media wishes to criticize my administration, they must run for election"? Who said, "No-one will do certain things and escape unscathed"? And who remembers, from this sample that I am giving, the body language that accompanied those remarks? So, why do we not, Mr. Vice-President, try to get serious? All politicians, without exception, dislike criticism. That should receive however many we are today, 30 ayes, and we could move on.

So the question is, when we look at a measure like this: Is there something happening in the country that requires us to strike some balance between good order on the one hand and the vital practices of democracy on the other? Apart from the last very unfortunate contribution, I think the point has been made that in order to accept any curtailment of a necessary practice of democracy, an exceptionally strong case has to be made.

This is not, as some would have us believe, just an administrative tidying up. The issue, may I say through you, Mr. Vice-President, when in an historically warped contribution, the last speaker asked, "What is the issue?", the issue is if you are altering to the disadvantage of the potential practitioners of democracy some piece of legislation, you have to make a very strong case. There are many things that we treat more sensitively than others and anything that affects the practice of democracy that is going to be altered, must be looked at very carefully. That, in a nutshell, is the issue.

Nothing is going to be gained by anyone attempting to show that someone else was more potentially oppressive than the other. I start on the basis that all politicians and all governments are potentially oppressive. But, regrettably, someone has to run the country and, therefore, we have to hand them huge amounts of powers, but those powers must be balanced by necessary checks and balances of which marches and public meetings are essential balances.

I start on the premise that we are going to waste—I know we are going to do it and it is going to be very entertaining. I know we are going to spend a lot of time trying to show who is more potentially oppressive than the other. I have had the misfortune, Mr. Vice-President, of being personally abused by three Prime Ministers, each of a different political party, so I have a certain personal interest in the study.

I should remind Sen. Montano, as the PNM insists—I hope they would not do it—but if they insist on taking this *soi-disant* high moral ground, probably the biggest example of "I told you so" in my short career in the Senate was when certain Members of the present Government were a lot quieter now than they are in office, read tomes about a man called Acker and begged a certain administration not to sell the airline to Mr. Acker. I think that is the biggest "I told you so" in politics. So, come off that scene about who is more oppressive than the other. Because, anyone who is told with the appropriate body language, "If you criticize my administration, you will not escape unscathed", will receive a certain message no different from being told, "If you do not like it, get to hell out". So, let us come off the scene about who is more potentially oppressive than the other and let us have a serious discussion about whether any curtailment of this necessary practice of democracy is necessary.

In fact, I certainly try to take a balanced view of things and I certainly can think of one excellent reason, I should say one heartfelt reason, why the Prime

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Minister could confidently predict his administration will last until 2015 or 2020, and I do not think it has anything at all to do with oppression. Well, unless of course, unwillingness to reassess one's own leadership position is a form of oppression.

I think we must be very careful and I am trying to give examples that are numerically balanced. Certainly, while I have my misgivings about the unscathed remark, it is no less or no more unfortunate than many other remarks that have preceded it. But I must say that I think the references to 2015 and 2020 are politically, scientifically, probably correct and they have their origin in political science, rather than in any sword, or any threat to democracy, and I am sure that Sen. Montano and a number of his colleagues understand me very well.

Like Sen. Prof. Spence, it is a serious thing to withhold one's support from a Bill, but simply on the ground that sufficient case is not being made for it, I propose to withhold my support from this Bill. I also propose to do it on the additional ground which I have already stated, that if you are going to take some measure that potentially curtails the practices of democracy, then you have to have a particularly strong case, indeed, and I hope that some of the advice which we have had the temerity to offer, about "who badder than who" will be accepted for the rest of the afternoon.

Thank you, Mr. Vice-President.

Sen. Prof. Julian Kenny: Mr. Vice-President, I would not say "Oh dear". It is just that I am rather saddened by this debate because there are so many other important matters that really require the attention of this Senate, that I am afraid that we will run out of time. I will, therefore, be very, very brief in my sadness.

There is nothing quite as fundamental to democracy as the right of assembly and I am not persuaded by the arguments from the other side where the exceptions are listed. It would seem to me that what the Summary Offences Act is all about is regulating political commentary, and it bothers me that perhaps if 11 of my friends decided to meet on a matter, that I would have to notify the police that we were meeting. We may be meeting to discuss very, very important political matters, and I do not think it is necessary or desirable that we have to notify the police about the meeting. I agree fully that if you want to march on the streets, obviously you are going to inconvenience people and you have to have a fair amount of time.

The thrust of what I am going to say here relates to some of the facts stated by the hon. Minister of National Security. One hundred and twenty applications for the year is one every three days. That does not strike me as needing to have 48 hours' notice. I think there has been an admission from the hon. Minister that the police service, as far as its record-keeping is concerned, is grossly inefficient. It is not computerized. There are bits of paper in files. It runs for about three years or something like that. It strikes me that if that was the one argument in favour of giving them more time, then perhaps we might be addressing efficiency of the police service in terms of the notification required in terms of its record keeping.

I am amazed that today where everything is computerized—well, in the world with which I interface—we should have a problem like this. So, I really want to ask the question of the hon. Minister: Should we not be thinking in terms of increasing the efficiency of the police service so 24 hours is adequate? I am not persuaded that 48 hours will be any different.

Mr. Vice-President, I, too, have reservations about supporting something which is not really thoroughly argued.

While I am at it, I would like to go back to one of the bugbears of mine—in fact, it is a disincentive for me to travel. You know when you go to Piarco, the state feels you up. [*Laughter*] It does, and I resent this. I am not suggesting, or I am not going as far as Sen. Montano about what might happen here, but it seems to me that there is—I would not use the word “creeping” or “galloping”—it would seem, a sort of sliding into the state feeling that, “Listen, if 10 of you want to talk; you have to notify us.”

3.15 p.m.

To me, it is a basic fundamental right to assemble with other people without having to notify anybody but my friends. I realize that in a democracy, there are people who might do this and who might be picking up guns and trying to overthrow the Government, but these are fringe elements and I think the state, through its security services and intelligence services really ought to be sensing what is going on out there and not infringing on basic rights.

This right of freedom of movement—why should the state look at me as I am going about my lawful business and say to me: take all your keys out of your pocket, without any grounds at all? To me, this is a fairly basic right and it really creeps up on you.

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I have been invited by the hon. Minister of Works and Transport to serve on a committee on marine wrecks and I go along to the meeting and as I enter the new building, I am very roughly treated by the security. He says to me: "Take all your keys and your money out of your pocket." I said to him I have a letter from the Permanent Secretary, Ministry of Works and Transport inviting me to a meeting, and he says "This is the rule, you have to do this." So one creates problems for the citizens. Are we headed towards more and more of this kind of thing? To me, this change from 24 to 48 hours is an indication.

Thank you.

Sen. Rev. Everson Sieunarine: Mr. Vice-President, thank you for the hospitality extended to me since I substituted for my colleague, Sen. Rev. Teelucksingh.

Yesterday, many of us marked a very historic and sad day in our island's history and today we are having before us an amendment to a Bill which is telling us something about freedom, about circumscribing some of our rights and privileges. One of the components of democracy is the right to dissent, the right to disapprove, and the right to be dissatisfied with anything in our country, be it religious, secular or anything at all. While all of us cherish a society which is well-disciplined and orderly, yet we cannot sacrifice orderliness and discipline on the altar of a police state.

In looking at this amendment before us, I thought that the Minister of National Security would have given us a background of why this is before us. I thought that we were going to hear some of the fears which the present Government is facing, some of the threats and the problems which are overwhelming our society that require this kind of warning that if one fails to do certain things, one's fine and imprisonment can be extended. We did not hear that kind of background and I wonder why today we need to tell people if they do not do certain things within a certain time, they are going to pay very dearly for it.

People do have a right to express in so many ways their fears and dissatisfaction. In fact, when the attempted coup took place, one of the things the nation said is that it is proud to live in a country where people have so many ways to express themselves when they are dissatisfied with something: through the media, marches, meetings; and they are proud of that. Here there is a Bill telling us we have to be careful in how we express our dissent, disapproval and dissatisfaction.

With regard to the comment made by the Minister on section 118 that exempts religious meetings from this kind of conviction, other than those listed in the schedule. Mr. Vice-President the word religion can be very broadly interpreted and it does not always mean people gathering to pray and read their scripture. A religious meeting can be a meeting where people can say that they feel that the supreme being has instructed them to talk about certain important things in our country, and if they feel constrained to do that, people can say that they are following a very good tradition in all the scriptures where prophets have been persecuted by rulers for speaking against injustice and against all kinds of social problems in their country. So one has to be careful that we do not narrow the term religion and say only an illusion to a social problem because that can be very arbitrarily interpreted and I wonder who is going to interpret for purposes other than those listed.

Mr. Vice-President, I do have a little problem supporting this, and I would have liked to hear a background on why the necessity for this at this time in our nation's history.

Thank you.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, I am very grateful to join this debate on the amendment of the Summary Offences Act which is aimed at updating the law dealing with the holding of public meetings and marches, as well as other related matters. I have listened very attentively to Sen. Montano's contribution and he spoke about taking us back and he went as far as 1972 in attempting to take us back. This Government led by the UNC is not about curtailing, it is not about subverting, it is not about undermining the democratic processes and consequently, the rights and freedoms of the citizens.

Mr. Vice-President, whether we like it or not, history has a way of haunting us and the facts must be laid very fairly and squarely on the public record. So as we sit this afternoon to discuss and debate this very important matter, and when we listen to Sen. Montano's statement and expressions about the Government being committed to cracking down on the people, being committed to the establishment of a police state, it speaks about a creeping dictatorship. We hear sinister motives behind the amendment which is before us today and the need for the PNM as an Opposition, to protect the rights of the people and the citizens at large.

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The Minister of National Security at the appropriate time may wish to deal with matters as alluded to by Sen. Rev. Sieunarine in terms of national security concerns which he would probably want to address. That is not my portfolio. I want to say it was the former PNM and I have here with me—if for instance their memory bank is short—a Bill entitled “an Act to make provision for the public safety, public order and defence of Trinidad and Tobago”, the infamous Public Order Act of 1972 and we are talking about police state. *[Interruption]* It was the PNM, you were an infant at that time but when you speak about cracking down on people and about police state, creeping dictatorship, we must be able to understand the history.

Mr. Vice-President, those who forget the past are condemned to repeat it. We have to be very careful. The former PNM, in 1972 was the administration which first sought to amend the Summary Offences Act and it was clearly pointed out that it dates back to 1916—1917 when the British were here and it was amended. This is the latest in a series of amendments. At that time the purpose was to deal with public meetings and marches against the background of the 1970 black power movement. I am talking about measures which the PNM implemented.

Mr. Vice-President, before the Summary Offences Act was amended in 1972, people did not require notice to have a demonstration, the PNM brought this. The ISA which was brought in 1965 and amended to the IRA in 1972 allowed people to engage in freedom of association and join a trade union of their choice. It was the PNM who in 1965, in a matter of 48 hours went through both Houses of Parliament and declared a State of Emergency. Williams said in his book *Inward Hunger* that one of his greatest achievements was passing that ISA to keep the Africans in oil separated from the Indians in sugar so that he can rule Trinidad and Tobago.

3.30 p.m.

So when we are talking about repression, about a police state and creeping dictatorship; do not forget the past. Do not forget your own records and history.

I am going to demonstrate this afternoon that what we are doing here is not inconsistent with freedoms in terms of assembly or association, or freedom of speech, as the case may be. In many Caribbean countries today, and I will demonstrate, what we are amending is already in existence in those countries. So with regard to these statements that we hear, I will give you some explanation as we go on in terms of what you were trying to do back then, but the masses of people revolted and that is why you were stopped in 1970/1972.

Mr. Vice-President, in that amendment which the PNM brought to this Parliament to deal with public marches and meetings, at that time a meeting, according to section 107, was defined as:

"any assembly or gathering of persons called together or held for the purpose of the transaction of matters of public interest or for the discussion of such matters or for the purpose of the expression of views on such matters."

That was the meaning of "meeting". That is what was introduced by the PNM in 1972 when they amended the Summary Offences Act.

In that amendment, they also talked about a "public march", which meant:

"any march or procession in a public place comprising (whether wholly or partly) pedestrians, vehicles..."

And others, and there are certain exceptions in order to preserve the peace and to prevent riot in order to promote an orderly society.

The PNM was faced with a revolution in 1970, a black power uprising, where the state was under threat of being overthrown. The PNM, in 1970, in an effort to maintain law and order, amended the Summary Offences Act. They are the ones who introduced this issue of a 24-hour notice in 1972. Under the 1972 legislation, both in respect of public marches and public meetings, a 24-hour notice was required. It had to be given to the police. In other words, under the existing law which we have now, at least 24 hours before the day on which a meeting or march is held, an application has to be made in the case of a march, and a notification in the case of a public meeting to the Commissioner of Police.

I am saying that we have to put this thing in some context so we can understand where we came from, where we are and where we are seeking to take the country. It is not the case of an attempt to change 24 hours to 48 hours but, as the Minister explained, to give the police an opportunity to better administrate its affairs. How does this constitute a breach of freedom of expression or an attempt by the Government to interfere with the fundamental rights and liberties of the peoples of Trinidad and Tobago? How does that constitute a breach of freedom of expression?

We look around the Caribbean and, as we speak, we talk about harmonization of laws in the region. There is a big struggle going on: they want labour laws and company laws to be harmonized; they want a single economy and market in the

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region, and the issue is harmonization of laws in the Caribbean. We observed that in many Caribbean countries, and I will identify a few, they decided long before today on 48 hours' notice in terms of public meetings.

The Barbados Public Order Act, for example, Part II, section 3 provides that:

"No person may organize, hold or call any meeting in any public place unless a permit has been issued in respect thereof, by, or on behalf of the Commissioner of Police."

Section 4(1) of that said Act provides that:

"Any person who desires to hold a meeting in a public place shall at least two days before the day on which it is proposed to hold such a meeting, apply to the Commissioner of Police or to a member of the police force in order to obtain a permit."

So it is already in existence in Barbados. Is anybody saying Barbados is a repressive state? Is anybody saying that in Barbados the people's rights are being undermined by the Government of Barbados? These things have been in existence for a long period, since 1970.

Mr. Vice-President, in respect of marches, section 9 of the said Act provides that a permit is required for public marches.

Section 10(1) provides that:

"A person who wishes to organize a public march shall at least three days before the day on which such a public march takes place apply to the Commissioner of Police for a permit."

Is anybody saying that the Barbadian people, if they want to hold a public march in Barbados, and have to apply to the Commissioner of Police three days before that public march—is Barbados a repressive society? *[Interruption]* We are dealing with principles and norms, do not be hypocritical here. We are saying that Barbados is a country to look at in terms of human rights record. *[Interruption]* They signed the Shiprider Agreement. Jamaica also signed it after we organized it.

Let us be serious here. We are saying that in terms of human rights and fundamental liberties, Barbados is one of the outstanding countries in the world. They have something that we are now trying to deal with. We are not talking about three days, you know. Those fellows are saying three days one can have a public march, and that 48 hours before one has a public meeting notice must be

given. As I said, we are asking for an amendment of 48 hours or two days. In Barbados it is three days.

Sen. Shabazz: What about Suriname?

Sen. The Hon. W. Mark: I do not know about Suriname. Barbados has three days. Caricom had taken a decision, even when the PNM was in power, that we must all try to harmonize our laws to bring them in conformity with each other.

Sen. Prof. Spence: I wonder if the hon. Minister would say whether the Barbados legislation has a clause similar to the clause 5 that is being introduced? What are their fines or punishments for breaches of the law? Are these laws provisions from the beginning or have they altered them recently? Thank you.

Sen. The Hon. W. Mark: In terms of actual fine that you are speaking about, we can always research that for you. I am dealing with the numbers here.

Sen. Prof. Spence: But the hon. Minister argued very strongly that it was all in the case of harmonization. All I am trying to find out is: Are we harmonizing just on this point or are we gearing toward the Caricom argument of harmonizing the whole law with that of Barbados?

Sen. The Hon. W. Mark: Mr. Vice-President, I made the point that there has always been the thrust on the part of the region to harmonize. Prof. Spence, I will come back to your point. *[Laughter]*. I am trying to explain, but he seems to want to overtake me.

Mr. President, I go to Jamaica. In Jamaica there is a Public Order Act and Part II provides for marches and processions. Section 4 of that Act says:

"It is unlawful for a public march to take place at night."

Section 6 provides that it is unlawful for a public march to take place in daylight unless a permit has been issued in respect thereof.

Section 7 provides for applications to be made for permits to organize a public march at least three days before the intended march. That is in Jamaica. It is in Jamaica as well.

With respect to Guyana. In their Public Order Act, section 3(1) requires that any person who desires to hold a public meeting in a public place to notify the appropriate officer of the police of his intention to hold the said meeting not less than 48 hours or no more than one month previous to the time at which he desires to hold such a meeting.

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So, Prof. Spence has asked about total harmonization. We are entering into a period of regionalism where we are seeking a single market and economy. We are in a period of so-called globalization. Within Caricom there is a continuous call for harmonization of laws. From the information provided, there can be no doubt that this piece of legislation by the Government, to my mind, does not, in any way, contradict the spirit, undermine the rights, subvert the Constitution and all the freedoms that we have in our Constitution.

The proposed move to change a 24-hour notice to a 48-hour notice, in no way, as far as we on this side are concerned, interferes with the freedom of our citizens. Our Constitution states in section 4:

"(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;"

We are not doing anything subversive. The courts in Trinidad and Tobago are open. If this Government is doing anything to subvert the rights and freedoms of the people, any Opposition member—except, do not go as Patrick did. Do not go in your personal capacity, because you will be sued like the hon. Leader of the Opposition. *[Laughter]* Do not go like him. Take a class action. Go as a PNM group. Do not go as an individual. Because up to now the man cannot pay his \$1.2 million, you know! I understand there is a Mafia group saying, "We will pay for the hon. Leader, but he must go, so we could put Rahael or Mottley". *[Interruption]* No, no. What are you worried about? You get jittery every time we talk about Patrick, man.

Sen. Shabazz: Mr. Vice-President, I just heard the hon. Minister speak about a Mafia group in Trinidad. I really would like him to give me some information on that group. Is there a Mafia group in Trinidad?

Sen. The Hon. W. Mark: I would not want to provide all the information at this time, but we can speak behind doors.

So, Mr. Vice-President, the key point I was making is that in our Constitution, if the Government of Trinidad and Tobago is violating the rights of citizens, we can be challenged in any High Court. One can take the matter straight to the Privy Council. If we have done anything here, if we have brought any legislation that is inconsistent with sections 4 and 5 of the Constitution, any citizen can challenge it in the highest court of the land and it can be overturned.

Let us deal with reality. The Constitution of Trinidad and Tobago does not say that one cannot take away property—it does not say so—or the right to liberty. It says that one can only take away these rights if one practises due process of law. This is what we are doing. It is due process that we are engaging in here. It is not arbitrary arrangements that we are engaging in. It is due process, and the law says that; the Constitution says that.

3.45 p.m.

Therefore, if one is to be charged and tried for an offence it must be done in accordance with due process of law. One cannot take away one's freedom or liberty except in accordance with due process of law.

Mr. Vice-President, we must always remember that rights are never absolute. I remember, for instance, when I was doing British Constitution in my earlier days, one of the points that always kept ringing, it was said this chap was walking down some avenue in the United States saying "I am free, I am free". He had this long stick on his back and the end of the stick tipped a man's nose who said, "Your freedom ends where my nose begins." *[Laughter]* Freedom is not absolute.

Let it be clear that we are not about taking away the rights of people or their liberty. We are not about to take away the right to security. If we are to do that, we can only do so through due process. We come here and debate issues. *[Interruption]* We will talk about the PNM a little later. I want to deal with some of the reality we are dealing with at this time. The Constitution of our country guarantees the freedom of movement. This same freedom—*[Interruption]* I think you need to have a private audience with the Minister of National Security, Sen. Julian Kenny.

Mr. Vice-President, this is why for instance, when I sit here today and listen to Sen. Danny Montano, my good friend, speak about cracking down on the population, Nazi Germany, Adolph Hitler, police state, a crusader, all of a sudden the PNM has become crusaders of freedom.

Sen. Shabazz: We were always that.

Sen. The Hon. W. Mark: This government which wanted, just a few years ago, to illegally remove the police commissioner from office and had policemen marching around this Red House for the first time ever in our history as an independent nation; this repressive, oppressive, weakened Opposition is coming here today to tell us about freedom, police state and Occah Seapaul. Do not forget

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these people. You all have short memories. You are talking about Nazi Germany and police state.

Mr. Vice-President, these people sold out. Imagine Dole Chadee occupied almost 30 acres of the prime state lands—in fact, 116 acres—for nine years and the PNM allowed that. It was only when this Government came into power we took the people's land from that gentleman. You did not do it. Your leader could not do it because he bought a car for Dole Chadee. He had a link with Dole Chadee; he had no interest in that. He bought a car, sold it to Dole Chadee, said that God told him something. Do not come with no God thing. That is a fact.

Sen. Mohammed: The hon. Senator is imputing improper motives against a Member of Parliament.

Sen. The Hon. W. Mark: Sell out! Talk about freedom and oppression. Mr. Vice-President—

Sen. Mohammed: Mr. Vice-President, on a point of order, the Senator is misleading the Senate.

Mr. Vice-President: Proceed, Sen. Mark.

Sen. The Hon. W. Mark: Mr. Vice-President, when one talks about freedom and liberty, the PNM is guilty of some of the most heinous crimes committed against humanity in the Republic of Trinidad and Tobago.

Sen. Shabazz: Nonsense!

Sen. The Hon. W. Mark: The same point that Sen. Daly made on Acker, you all sold out BWIA boy—PNM, the people's pride—for a few pieces of silver to a white—a chap, a fellow who was well known for bandit activity internationally.

Sen. Shabazz: A white bandit?

Sen. The Hon. W. Mark: No, a bandit, a bandit.

Sen. Shabazz: You said white.

Sen. The Hon. W. Mark: The point I am making is that they sold Farrell House to their friends; they sold National Fisheries for \$2 million. A whole industry was destroyed by the PNM and they come here to talk about freedom, liberty, police state and we want to crack down on people. The PNM declared a whole state of emergency in St. Clair to arrest a poor Speaker, Occah Seapaul.

Sen. Mohammed: A poor speaker?

Sen. The Hon. W. Mark: Yes, a poor lady. Domestic violence. That is criminal violence on the part of the PNM, yet you come here talking about we want to—

Mr. Vice-President, the record is clear. Imbert was on radio last night talking—he should be somewhere. We would have to find him. Project Pride, La Brea—we are talking about corruption—close to \$175 million—I think it is \$250 million—went down in the ground. [*Interruption*] That is freedom. PNM wanted to undermine service commissions. You are talking about freedom?

Mr. Vice-President, I take these moments to just remind the Senate that this Government is not about undermining the rights of the citizens of this country. We are committed to due process and this is why we are here. I want to tell Sen. Prof. Spence that section 20 of the Jamaican Act is the same as what we are proposing, so we have harmonization in that regard.

Sen. Prof. Spence: Could you read that?

Sen. The Hon. W. Mark: I do not have it, Sir, but I will read it to you before I leave.

Sen. Shabazz: Mr. Vice-President, just again, to understand the hon. Minister, I want to again ask what Sen. Prof. John Spence has asked. Is it harmonizing fine and time or only with time? That is all we want to know.

Sen. The Hon. W. Mark: I would let you know at the end. As I said, I take these few moments to remind this honourable Senate and the PNM in particular, how they sought to destroy the fundamental rights and freedoms of the people of this country. The Public Order Act that these people sought to foist on the nation in order to deal with criticisms, they sought to destroy our rights and entrenched freedom.

Mr. Vice-President, Part I of this infamous Public Order Act of 1970—

Sen. Mohammed: Who published that?

Sen. The Hon. W. Mark: The PNM led by the late Dr. Eric Williams, brought this infamous 1970 Public Order Act. Part I of this Act that the PNM—these children of the old PNM—brought in 1970 sought to abrogate the right of every citizen to freedom of assembly, freedom of association and the right to join even political parties and express political views. That Act was brought here in 1971/1972 when there was a no-vote campaign when the PNM had 36 seats in this House and they knew that, for instance—

Sen. Shabazz: They had 35. Richardson was on the other side.

Sen. The Hon. W. Mark: Well, of course, 35. Richardson had to move. The point about it is that when you come here and Sen. Danny Montano talks about freedom, this Government wants to take away people's right, we are cracking down on the population, it is a Nazi state and 6,000,000 Jews disappeared. That is rhetoric, alarmist statements when the PNM in 1970, sought to bring a Public Order Act to take away the rights of the people of this nation—

Sen. Mohammed: What happened to it?

Sen. The Hon. W. Mark: What happened to it? The masses of people exploded, revolted, rebelled and forced the PNM to withdraw that Bill in 1970. That is why this Bill never became law in 1970. The masses in Trinidad and Tobago would not allow it.

Sen. Montano: Listen to the voice of the people.

Sen. The Hon. W. Mark: Mr. Vice-President, although it appears in Part I of the Act, in 1970 this Act was seeking to give the Commissioner of Police the discretion to permit or prohibit the holding of public meetings and marches. We are saying, "Look, 24 hours; we are saying 48 hours."

Sen. Montano: Mr. Vice-President, on a point of order, the Minister keeps referring to the Public Order Bill as an Act. He just said it was never passed, so it is grossly misleading to keep referring to it as an Act.

Sen. The Hon. W. Mark: It was a Bill.

Sen. Montano: It was withdrawn.

Sen. The Hon. W. Mark: Yes, it was withdrawn.

Sen. Montano: It was withdrawn by the government of the day.

Sen. The Hon. W. Mark: Why was it withdrawn? So it was a Bill, Sen. Montano. It does not change the price of cocoa. It was a repressive piece of legislation that was brought here and the masses of people revolted against it. You cannot come here and play Pontius Pilate today with a clean hand and a clean slate when you know that you—

Sen. Shabazz: And you playing Judas Iscariot.

Sen. The Hon. W. Mark: No. Mr. Vice-President, the PNM has short memory.

Sen. Shabazz: A trade union man like you selling out playing Judas Iscariot.

Sen. The Hon. W. Mark: Section 4 of this same Bill compelled the Commissioner of Police—*[Interruption]* You do not want us to expose the PNM.

Sen. Shabazz: Judas Iscariot.

Sen. The Hon. W. Mark: You want to come here and attack this Government; you want to come here and say we have a police state; you want to come here and have the freedom to say that this Government is cracking down on the people and we are on nazism. When we expose your bankruptcy, your corruption, your deceit in this country in this Parliament, you say get on with the business.

Sen. Mohammed: The population knows the fact.

Sen. The Hon. W. Mark: We just want to remind them so they will never forget the acts of genocide committed by the PNM when they were in government. Never! Acts of genocide. You come here and play innocent.

Sen. Mohammed: Mr. Vice-President, on a point of order, the hon. Senator has just imputed improper motives on every single PNM Member of Parliament in both Houses of Parliament.

Sen. The Hon. W. Mark: Act of genocide.

Sen. Mohammed: Act of genocide, prove that.

Sen. The Hon. W. Mark: You must never forget a man called Glen Ashby was hanged in this country. The PNM murdered the man—that front Bench. Criminal conduct.

Sen. Mohammed: Withdraw that statement.

Sen. The Hon. W. Mark: The international community said that you all committed murder.

Sen. Mohammed: Point of order.

Sen. The Hon. W. Mark: What is the Senator talking about? Point of order?

Sen. Mohammed: Point of order. The hon. Senator is once again imputing improper motives to every single Member of Parliament who belongs to the People's National Movement, and I ask that he withdraws that statement.

Sen. The Hon. W. Mark: The international community condemned PNM for that action.

Mr. Vice-President: Sen. Mark, you may continue.

4.00 p.m.

Sen. The Hon. W. Mark: Mr. Vice-President, I think that one has to go into history to see what these people did here. In this Bill that the masses rebelled against, and it went through the window, the Commissioner of Police was supposed to obey the directions of the Minister of National Security, whether these directions were special or specific. This is what they were trying to do in 1970. This would have invested into the Minister of National Security absolute power in respect of holding public meetings or marches and thereby would have effectively created the probability of the suppression of the Minister of National Security of these fundamental rights and freedoms. They are talking about police state! That is what that Bill was going to create.

Part II of the Bill was so wide in its definition of unlawful statements and publications that it was foreseen that legitimate use of freedom of speech could fall within the scope of that definition. People had no right. One must never forget. Sen. Cabrera made the point that an internationally renowned freedom fighter, Kuame Ture—*[Interruption]*

Sen. Shabazz: You all did not pay him the money.

Sen. The Hon. W. Mark: He got US \$12,000. The PNM banned Kuame Ture. The first time he entered this country was under the NAR administration and then we lifted the ban and he got VIP treatment when he came in 1996. You all declared a state of emergency and arrested C.L.R. James in Barataria. It was stated he could not move from that area—and you are here talking like innocent children and young virgins who do not know what is happening.

It was discovered that Part III of this Bill would have given the Minister of National Security the right to determine whether organizations should be formed or not. The Minister of National Security at that time was supposed to be given the authority under this Bill to declare anything to be ammunition. The point is, anybody would have passed into the brew under this Bill if it were not withdrawn as a result of the pressures being put on the people. Moreover, the Minister of National Security would have been empowered to impose restrictions on the movement of persons within the country. That is in the Bill. The Minister of

National Security would have been able to impose restrictions on the rights of citizens to travel outside of Trinidad and Tobago. That was done by the PNM. They were proposing to do this.

When we see for instance, this dying regime, kicking on its death bed about to go into oblivion, this PNM administration talking about “UNC Government trying to create a police state and trying to bring about a Nazi Germany”, if the masses of people did not rebel against this infamous 1970 Public Order Bill, there might have been a police state in Trinidad and Tobago today. [*Interruption*] They were so committed to transforming it into an Act. They are wicked! It was a very desperate regime at that time and they are now behaving as if they committed no sins. They should seek repentance. They need to visit purgatory and then come back out; they should repent for their sins. It is the PNM administration that was seeking to transform this society into a police state.

Clause 4 of the Bill was intended to establish a police state. The defence force at that time would have played a secondary role to the police in that so-called Bill. [*Interruption*] Sen. Prof. Spence, they wanted to make it into an Act and the masses rebelled. [*Desk thumping*] When we look at this carefully, we realize that they were attempting to establish a full-fledged dictatorship in the country, that is what the PNM was trying to establish. They come today to tell this Government that is 2 1/2 years old, doing so much good for the country—everybody is talking about the good things. I do not believe in polls but it is a snap-shot of a government’s performance at any time. Over 70 per cent of the people in Trinidad and Tobago believe that this Government is doing a very good job. What was nice about the poll is that they asked: Do you think the PNM would have done any better, and only 7 per cent said yes. They are in a very bad state.

Sen. Mohammed: Mr. Vice-President, I cannot understand the relevance of the Minister’s contribution for the last 10 minutes, to the Bill before the Senate.

Mr. Vice-President: The relevance from my perspective is, the Minister is responding to the allegations made earlier on. I am going to allow him to continue.

Sen. The Hon. W. Mark: Mr. Vice-President, if there was anything in the history of this land designed to suppress the rights and freedoms of the citizens of this country, it was the Public Order Bill. We thank, pray and genuflect to Almighty God that the men and women of our country back in the 1970s, were able to stop this beast, this monster called the People’s National Movement that was seeking to entrap and imprison us, and forced the regime to withdraw that

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very vicious, oppressive, repressive legislation that they were thinking of introducing to become law in this country.

This repressive Opposition continues to seek ways and means to undermine the fundamental rights of our citizens. They were not successful in this Bill, they withdrew it. When they could not get through with the repressive Public Order Act of 1970 they amended the Firearms Act so that police got more power to enter and search homes without warrants and they also amended the Sedition Act so that people did not have the freedom of expression in this country.

One could not bring in a communist manifesto in this country under the PNM. The PNM banned all communist literature in 1970; that repressive Opposition that talks about they care about the people and we want to crack down on people. People did not have the right to read what they wanted to read.

Mr. Vice-President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. B. Kuei Tung*].

Question put and agreed to.

Sen. The Hon. W. Mark: Mr. Vice-President, the history of the Opposition will show wherever legitimate opposition confronted any PNM regime, they sought to suppress it when they were in office. It started with the late "Father of the Nation," Dr. Eric Williams, it went through Patrick Augustus Mervyn Manning, and we on this side are committed to upholding fundamental rights and freedoms in this country.

4.10 p.m.

Mr. Vice-President, we on this side, as I said, are committed to upholding fundamental rights and freedoms in this country. We must never forget that there was a commission established in 1965, I think—maybe the professor would be able to remind me—which was on a witchhunt. Do you remember that commission? I think it was the Mamphebo Commission.

Sen. Cabrera: Mbanefo.

Sen. The Hon. W. Mark: Mbanefo. You cannot remember that Sen. Shabaaz? In 1965 the PNM, under the leadership of Eric Williams?

Sen. Mohammed: The late Dr. Eric Williams.

Sen. The Hon. W. Mark: The late “Father of the Nation”. That commission was on a witchhunt in 1965, targeting leaders of the Progressive Labour Movement whom they perceived as being serious opposition to PNM policies at that time. They established that commission in 1965 in Trinidad and Tobago. They sought to destabilize, ward off and unnerve political progressive people in this country who were likely to support C.L.R. James in a struggle against the PNM at that time.

As I said, one of the most infamous crimes committed by the PNM when they passed that ISA in 1965 was to keep the sugar and oil workers divided. Dr. Williams said in *Inward Hunger* that was one of his greatest achievements.

Sen. Jagmohan: What page deals with hunger?

Sen. The Hon. W. Mark: You go and read it.

Sen. Alfred: I have a copy.

Sen. The Hon. W. Mark: Mr. Vice-President, when you think about the kind of activities that regime was involved in, yet they come here today accusing this Government when, simply, we are following Jamaica, Barbados and Guyana. They have come here to tell us that we want to suppress people’s rights in this country and that we want to take away people’s freedom when these things are taking place in the Caribbean and those countries are democratic states; Barbados in particular.

Mr. Vice-President, the PNM had no idea. They had no real direction and did not understand development in a serious way. They came, they left and therefore, I must state that there is enough evidence to show that the Opposition has no credibility or moral authority to pronounce on this Government. They should go back to the ISA, the IRA, the Firearms (Amdt.) Act, the Sedition Act and the infamous Public Order Bill that they wanted to introduce. [*Desk thumping*]

As I said, the PNM arrested people—C.L.R. James and the rest of them. At the end of the day, when we look at it, these things highlight, to my mind, the tendency of the PNM, in government and now in Opposition, to really move against the masses of people. This is why what we heard here this afternoon from Sen. Montano is a kind of panic reaction; paranoia. It is a concern that he has because when people are accustomed to oppressing people they feel that when this Government, or another government, seeks to bring about some changes on the grounds of national security, that we are also on a mission to suppress people, but we are not about that.

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Mr. Vice-President, this Bill is going to allow the Minister of National Security, in the interest of public safety and order, to deal with the whole question of marches and meetings in certain circumstances. Therefore, I think that this amendment is not one that offends because we are freedom lovers. We are committed to deepening and strengthening the democratic process in this country. Therefore, I think that as we remove the heat and allow some more light to penetrate on this matter, we would appreciate that what we are doing here in this simple amendment to the Summary Offences Act is not to deny, extract or subvert. It is designed to ensure that there is peace, good government and public order in the Republic of Trinidad and Tobago.

This is what the PNM attempted in 1970 when they were faced with a revolt. They brought a Firearms (Amdt.) Bill and so forth which did not get through. At the end of the day Trinidad and Tobago belongs to everyone of us and we have to preserve it. We have to bequeath a legacy to our citizens to come that they can be proud of. We on this side would do nothing to undermine that process. We want to build on it, but we are in Government and we have a responsibility to preserve law, order and good government. We have that duty. When the Opposition gets into Government it can continue.

Mr. Vice-President, at this time I would like to indicate that this Bill is a very important piece of legislation and I think it requires the support of all of us in this Senate. It in no way abrogates or violates the rights or freedoms of the people. All it is designed to do is to ensure that the hon. Minister of National Security, in the interest of national security, public order, good government and peace is able to exercise, through his security forces, a certain kind of management so that the people can go about their lawful duty and business uninterrupted and in a peaceful manner.

Thank you very much, Mr. Vice-President.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I would like, in this very brief contribution, to say something on the Summary Offences Act and then to comment on the amendments.

About the Summary Offences Act, it is law; it is offensive and oppressive in many places, but I do not think that at this stage we should be concerned about who brought it in or who brought in parts of it. What history is going to remember is who repealed it. Therefore, I am urging all present legislators to reconsider the Act and win the gratitude of posterity by remedying it in the light of our present knowledge, attitudes, values and beliefs.

Mr. Vice-President, I turn now to the present amendment. The hon. Minister made a case, perhaps, for extending the 24 hours to 48 hours with respect to marches and he did the same with respect to meetings, but I have some misgivings about 118A which I would try to explain by looking at the parent legislation.

First of all, I must say that the right of assembly is a fundamental, democratic one and I do not think that any meetings, private or public, should be forbidden on the grounds of political content. I do not think that any meetings should be forbidden since we have laws about incitement to racial hatred, violence and obscenity. So, let them hold their public meetings and if the content is an incitement to racial hatred, violence, obscenity or in any other way offends the law, those people would have convicted themselves because they did it in public.

4.20 p.m.

My bottom line position is that I do not think there should be any ban on meetings. The Summary Offences Act, bad as it is in some places, does not in any section say that a meeting should be banned because of its content. Section 109(3) states:

“If the Commissioner of Police, having regard to the time at which, the circumstances in which or the purpose for which any public meeting is to be held has reasonable ground for apprehending that the holding of such meeting may occasion a breach of the peace or public disorder...”

That is the only ground: that he thinks it will be a breach of the peace or cause public disorder. There is nothing about its political or religious content. I am worried about the amendment at 118A because it subtly or accidentally changes that.

I think—and I hope I am reading this properly—a mistake is being made about the schedule. The schedule is not a list of the meetings that can be held. It is a list of the kinds of meetings that can take place without seeking permission. We cannot refer to the schedule and say: “That is not in the schedule, therefore you will have to get permission for it”; that you cannot say that what is not in the schedule is under suspicion. The schedule merely says that for certain types of gathering you do not have to seek permission.

Section 118A now tells us:

“A person who purports to hold a meeting for any of the purposes listed in the Schedule and who in fact holds such a meeting for purposes other than those listed in the Schedule...”

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This makes it sound as if you have to seek permission for a meeting that is in the schedule and got permission because it was in the schedule. The schedule is not what decides whether a person gets permission or not. It is a person's right to hold a meeting, provided it will not cause a public disorder or breach of the peace. That schedule is now being misused to allow this frightening phrase, "for purposes other than those listed in the Schedule". I feel that this is either a mistake or a very wicked perversion of the provisions that now exist in the law.

I join my independent colleagues in saying that I am not at all happy with these amendments. I do not think that the Minister has made a case with respect to meetings and I am very worried about the amendment of section 118A. I really do not think that I can bring myself to support this amendment in its present form.

Sen. Joan Yuille-William: Mr. Vice-President, it appears to me that this Government is having nightmares—serious nightmares. Before I came to this Senate, I went through some of the legislation that has been brought this year. Clearly, the Government is seeing something which we have not seen and which has guided it in a particular direction.

This is why I say that they are having nightmares. I do not think that they can rest comfortably at nights. They are seeing shadows: they are hearing voices. Things are happening out there which lead them to do certain things. This is serious.

I tried to find out what was causing this reaction, because no sane persons who have taken over a government would besiege a parliament with legislation of this kind if something was not affecting their minds and their actions. It must be nightmares.

I sat here this afternoon trying to find out what is happening. I listened to the hon. Minister and could not find out. I listened to one or two of his colleagues. One almost scared me to death sitting here, so much so that I wondered if I were going to participate in the debate. Thank God for some soberness which brought us back to where we were.

Then, I heard Sen. Mark, to whom I always listen, and I got an idea of what the problem is. Sen. Mark said that history has a way of haunting us. That put the record straight. History seems to be haunting this Government, which is the reason for its actions. I will write this saying down when I get home: "History has a way of haunting us."

I will, therefore, change what I was going to say and go back in history. I walked with the book *Crisis*. I have been trying to read parts of it for three weeks because this is history. The contents of this book must haunt the Government. I would be haunted myself. What they are seeing, therefore, is a reflection of themselves many years ago: their thoughts and their activities are well documented in history and they are scared of themselves.

Let me reassure the Government that this is a law-abiding country. They should not run scared. The people will not do what they were tempted to do at that time. The shadows that they are seeing, which are their shadows and which are instructing them to go in this direction, they can relax and forget and get on with the business of governance, rather than having us go through all this. As someone said: "We could have been doing so many other things this afternoon, rather than having to be always looking at the kinds of legislation that the Government is bringing."

I heard much ranting and raving in the Senate this afternoon. I heard much about what the PNM government did. I heard much about the Public Order Bill. I can say that, at the time, the government of the day felt that was necessary, but the people said that it was not. The people included some of their colleagues. A government is a government of the people. It listens to the people. If the people say that they do not need a bill; that it is not necessary, it withdraws it. The PNM withdrew the bill and moved on. We can stand here and say that the bill was withdrawn. That is what a government does when people tell it something is not necessary. Follow that example!

This amendment was brought to the other place in 1997 and so many interest groups have said it is not necessary. Why is it still here? Things must be withdrawn when the people say it is not necessary. They have an example of good government. Withdraw it! I can tell you all the groups.

I am looking at *The Independent* dated Monday, December 1, 1997, "Curtailing Human Rights". The thing about it is that all the leaders of that government are recorded in history as doing the things that I have here and are now afraid that other people might do it. They know what they did.

I am looking at "Curtailing Human Rights". We will go through some of these very quickly. It starts:

"The Prime Minister, who built his political career on marches and protests, now seems intent on closing that door behind him."

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It is here. It is history. It is haunting people.

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I can go on again. The article tells us of some of the people. In fact, in this article, the *Independent* editor referred to Jennifer Baptiste, the President of the Public Services Association and Secretary of NATUC, as one of the persons who, on behalf of her organization, said that was not necessary. PSA said it was not necessary through their leader, withdraw it!

Then I look at another article in the *Independent* of December 2, 1997 which states: "OWTU warns govt—Union condemns new laws on public meetings" They condemned it, withdraw it! Listen to the people as we did. The article continues:

"The OWTU calls on the government to withdraw this piece of legislation,' the Union said in a statement signed by President General Errol Mc Leod yesterday, 'Allow for the fullest freedom of expression and get on with the business of good governance, one measure of which would be the speedy passage of progressive labour legislation, and the building of an environment that provides for 'peace, bread and justice.'"

His own colleagues said that! People who were with him in 1975 said that the Minister should not forget. History must haunt him because he had ulterior motives then.

In this article the OWTU leader said:

"...it was significant that Prime Minister Basdeo Panday himself had been arrested under the same law while engaged in the struggle..."

Today, what is he doing? He is making it even more oppressive. I am sorry for Sen. Cabrera, because for all he was trying to say, the Minister should come to repeal all of it. I have to say something else and I will tell you why. This is interesting and I need to put it in the record:

"He (Panday) attacked the law then as being colonial, anti-worker and repressive,"

This same law, and they are going to make it even harsher! How come? The same people from that Government who said that the law was "colonial, anti-worker and repressive", how could they sit here and tell us that they see nothing wrong with increasing the time to 48 hours when they said then it was repressive? The history is here to haunt them because they knew they were not speaking the truth!

The article continued:

"The Attorney General, Ramesh Lawrence Maharaj, the Minister of Information and Public Administration, Wade Mark, to name but two other Cabinet ministers, were similarly opposed to the law."

Mr. Vice-President, it is here. That Senator who just spoke was opposed to the 24 hours' notice and the ban on marches, and today he comes to justify it, saying that Barbados has done it, therefore we are following them and all that nonsense. How could he change so quickly? The history is here to haunt him. He would not sleep comfortable at nights. He would see shadows.

Another one of his colleagues, Clive Nunez, told the *Independent* that he too condemned it. It is all written here:

"Nunez recalled that he along with another cabinet Minister, John Humphrey had previously campaigned calling for the withdrawal of such legislation and suggested that this one should be withdrawn also."

These are his colleagues. I am sorry for the hon. Senator who had to pilot the Bill. It is the same people who today want to make it more repressive who said that the one before was repressive. How could we sit and justify it?

I sit here and I feel very uncomfortable. If they had come to Parliament to repeal it because the PNM had brought in repressive legislation, we could say nothing. But look at what they are saying now: make it even harsher. The records are here, you are going to be haunted!

Listen to this:

"The All Trinidad Sugar and General Workers Trade Union of which Panday is President on leave, advised the government through General Secretary, Sam Maharaj, to be very cautious in anything it does that may appear to be a curtailment of freedoms in the country."

All the interest groups, one by one, are saying: do not go in that direction.

They came here to lord over all of us this afternoon and say that the PNM brought this repressive legislation and all kinds of things. Yes, we withdrew that Bill, but look at them. They said we listened to the people, they should listen as well. They have to listen! [*Desk thumping*] Nobody in this Parliament could sit here comfortably and say we are going to make it even worse. If they found that it was bad then, how is it they are going to increase it?

I honestly do not like to say anything about the hon. Minister. I would rather I did not have to. When he spoke and tried to defend the indefensible—he cannot defend this amendment—he said that it was the extension of wisdom which was enshrined in the earlier legislation. Just what he was condemning he now says that there is "wisdom enshrined" in it and would continue in it. He tried to defend it but there was no way he could defend it. I felt sad.

They cannot continue like this. He knows about the article, "Peace, bread and licks" by Denis Solomon. I am not afraid to talk about it. Denis Solomon went back to what had happened before and started his article:

"Everyone has the right to freedom of peaceful assembly and association (Article 20(1) of the Universal Declaration of Human Rights).

Not in Trinidad and Tobago. Here, you have the right if the Commissioner of Police feels like giving it to you. If you want to hold a demonstration or march you have to give the police twenty-four hours' notice of your intention so that they can forbid it if they want to."

He went on to show that the Government carried that time to 48 hours. This is Denis Solomon speaking here. He could not believe that they would go in that direction. He also said:

"Furthermore, if you deviate from the declared purpose of the event—specifically, if a 'religious' march turns out to be political—you will incur the same penalties."

He too thought that they should be calling for this to be repealed. He did not think they could justify anything by coming to Parliament to increase the time.

This is interesting, in the second part of that article he also said:

"Now it is Mr. Panday's government that is planning to beef up the Act, and to make sure nobody can use the 'religious procession' dodge, which he invented. His purpose is clear."

Mr. Vice-President, do you remember the religious dodge that Mr. Solomon is referring to? They called it a religious march when all the religious leaders hugged each other and marched in front of the *Guardian* building. I honestly feel that they were misled. Does the hon. Minister remember when he went there and he said that it was a religious march, January, February and the crowd said march? He should know the history of it. It has come back to haunt him.

He knew what he had in his mind and the underhanded things he was trying, at the time. [*Desk thumping*] Everybody is not the same. Look how long this has been on the books. What would suddenly want to make him go in this direction? I would have been embarrassed as a Member of Government to bring this to Parliament. There is no justification whatsoever for bringing it. I do not care what was in his mind.

Mr. Vice-President: Hon. Senators, at this time we would take the tea break. We will resume our debate at 5.07 p.m.

4.39 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Sen. J. Yuille-Williams: Mr. Vice-President, I wanted to continue looking back a bit into history because, as we said, history has a way of haunting us. I want to continue to look at the article by Denis Solomon from the *Express*. I heard the hon. Senator talk about what happened in Barbados. In that article Denis Solomon said:

“In democratic countries the police do not have the right to prevent demonstrations, and if they break them up after they have begun, they have to justify their actions as necessary to preserve public order.”

He went on to say:

“Even in Northern Ireland, where the present situation of direct rule is the equivalent to a state of emergency, the police do not try to stop the yearly Orange marches that are so provocative to the Catholics. The most they do is to modify the route, and even that arouses considerable protest.”

I am not saying that we are not going to try to institute law and order and leave everything as a free-for-all, but even in countries like Northern Ireland where there is this ongoing feud, the kind of system that is put in place is that the police just try to modify the route and even in doing that the people protest.

He continues:

“...One of the severest critics of the Public Order Bill, and one of the most spectacular challengers of the Summary Offences ordinance was a certain Basdeo Panday.”

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The same Bill that we are attempting to amend now, he is saying here that one of the most spectacular challengers was Basdeo Panday. I could not believe, in the other place, how this gentleman felt when we were trying to debate increasing what he had said was oppressive legislation—because he said that is what we did in 1975 and if we go by what he said he just made it much worse.

Again, I wanted to show the groups that came out against it because I am convinced that we had heard enough comments from the population through the various leaders to stop this from going any further.

This article from the *Independent* dated December 1, 1997:

“Public meeting Bill worries unions

...Guy said, ‘Well, if the government says it is so, it is so.’”

Here is another one who could not even defend police action.

“When asked by *the Independent* if the police did in fact need the extra time, as the Attorney General commented on Friday, Guy said, ‘Well, if the Government say it is so, it is so.’”

He could not even give a response that would justify that the government needed extra time. The police themselves could not give it. He continued:

“The process of notification, Guy said, simply involves informing the Commissioner of Police of one’s intentions beforehand, and it does not require one to wait for a response from the police.

‘If the Commissioner does not tell you anything at the time, then you just go ahead,’ Guy explained. He said he could not comment on Maharaj’s notion that the police needed extra time for this process to take place because it was a piece of legislation in question, and if the Government wanted to go ahead with it, they could.”

This is somebody who just could not find an answer, very desperate and frustrated and said if they want to pass the Bill let them pass it, and that is the police talking.

I am convinced that the police had no problem at all and the hon. Minister, here and in the other place, indicated that there was no problem with the time. That, in fact, people were given more time than was absolutely necessary. Clearly, therefore, there must be some other notion why the—and I would not only want to say repressive—time and the penalty have been increased. As someone in this

Parliament quite rightly said, probably it could be to stop the spontaneous marches or the spontaneous protests. A person cannot really wait if something affects them. If your water supply is not there and you want to protest, 48 hours certainly does not make sense; you may have lost the momentum. Therefore, I am still to understand why it is that we are moving from 24 to 48.

More important to me at this time is why does this Government not listen to the people? The people are telling them: the Public Service Association. How many public servants do we have? They represent the public servants. The teaching service—I did not even read that one for you. I will read that part:

“President of the Trinidad and Tobago Unified Teachers’ Association, Anthony Garcia, said the new provisions are absolutely unnecessary since his union found the existing law to be working.”

That is what Mr. Garcia said. He is speaking for the teachers of this country. That is another area.

Another political leader from the NAR said that this amendment:

“Threatened erosions of people’s fundamental rights and freedoms and this is yet another occasion for cause of concern.”

What has happened? All over the country one can get all the documents here which show that people are very concerned about the legislation. Therefore, I ask the Government why are they still trying to use their majority in the Parliament to push this upon us? I am saying do as has been done with the Public Order Act, withdraw it. Probably they would need to look in the other direction and give us the constitutional right. The 24 hours to 48 hours is not necessary.

Therefore, I ask what is the purpose for these amendments? Someone quite rightly said—and I noticed that when one Senator was speaking a number of people were laughing and throwing picong at what the Senator was saying. Let us all remember that this is going to affect all of us at some time. I know for some of you it is difficult, when you come to the Parliament and it has been brought here, to make a decision but something must be done at some point to advise people that they cannot come to the Parliament with legislation like this.

That brings me back to the legislation which we did last day, Mr. Vice-President. We debated a piece of legislation in which two words, “or prison” meant so much and had such great significance that we would rather give up the authority

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to you to open that prison because we wanted to say no to that part. I think the hon. Members here need to look at the legislation and ask themselves, even before it gets to the Parliament, "Do I really believe that?" Try some system or strategy to see what can be done because one cannot come to the Parliament with legislation like that and expect us to sit here and vote for it.

Yes, we wanted that prison open but we are not going to say yes to it with that tagged on there. I suppose afterwards people would go outside and say the PNM do not want to have a prison opened; they do not want better conditions for the people and so forth. We have to take to the roads now to tell people differently. What I am trying to say is, when legislation like that comes, people must have a commitment. Somewhere along the line one has to be involved in it because this is going to affect you, your families and groups in which you participate. One has to do it. One cannot come here and just try to defend the indefensible or sneer at other people for what is happening.

That is why I said at the beginning, Mr. Vice-President, that history is really haunting us. We must have nightmares. One cannot rest comfortably when these things are happening. In fact, some people are now predicting the direction in which this Government will go with legislation. We are just taking up the legislation and altering parts.

I might be ruled out of order but just this year at carnival one of our calypsonians already knew that they were going to put "or prison" there, so he went to the tent dressed in the clothes because the Minister could declare where he was going to do his number "or prison". He predicted it and he predicted it based on the trend which he sees in the legislation. Say what you want, he predicted it. I am saying they better look to see what they are doing at all times.

Mr. Vice-President, if we want to look a little further on in the second part which I consider, again, they are threatening the freedom of speech where there are exempted groups. They are saying that if a meeting is held for any other reason or purpose than for which the licence is granted, if they feel something is happening then there is a penalty.

Let me just ask, is there a dichotomy between religion and the secular? Could you put a definition or draw a line and say this is religious and that is secular? With due respect to the men of the cloth here, could we divide that and say this is religious practice and this is not and, therefore, you are supposed to stay within this line and you cannot go on the other side? I am not talking about alluding to. I

am talking about the whole religious thing which is holistic and takes in the political and social. When I saw that, I consulted with a number of church leaders. I called some, some called me back and some round-robbined with their colleagues. First of all I was a bit surprised some of them did not even see that amendment. In fact, when I started to speak first, everybody was jumping on the equal opportunities because it seemed as if they were studying that all day and night. When I first spoke they thought I was talking about equal opportunities. I had to tell them, "No, that is not it." Fax the thing to me.

5.25 p.m.

I could easily read it to them. When I visited one, he was very surprised. He could not understand. I was with a church leader yesterday who walked the length of his living-room and back. He continued walking and asking questions. He was concerned that at this time in our history, we could put something like that into the law. He asked me: Who defines what is religious and what is not religious? Who defines that? How would we know what is reason and what is not? How would we know when we are crossing the line?

He told me he went to Cuba at some time and he had to submit his sermon to the authorities before he preached and that someone sat in the place where he was supposed to preach to ensure that what he was saying was there. Have we reached that stage, where we have to tell the leaders what is happening? In Cuba, he said there was a Ministry of Religious Affairs. I do not know if that is the direction in which we want to go. I see people looking at what is happening in other countries—Jamaica, Barbados and all around—but I remind this Senate that His Holiness went to Cuba and everybody was able to listen to what His Holiness said on the radio. Times have changed.

Why are we trying to go in directions like that? Do not say that it is being ridiculous. This is what is being implied. I sat with some heads of religious organizations; they went through it and they asked questions. One of them asked, "In fact, to whom will we have to submit these sermons? Do we have to give a plan?" People are asking how it is going to be implemented, and do not think that is too far-fetched, because there is not going to be an amendment which is not backed up in some way. If there is an amendment which says that it can be used for other purposes than religious purposes, then you must have a way to check that out. So, are we sending people to the places now to find out, or to listen to people—to hear what they are preaching? And I am not talking about "alluding" to

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it. "Alluding" means making a passing statement. I am talking about how your sermon is preached.

If a person wanted to make a political sermon, will that person be told, "No, you cannot"? You were not given the command to do it. The religious ministers say they have divine authority to do what they are doing and they are very, very concerned with the way in which things are going.

A priest asked me, "Could I no longer advise my flock?" He said, "Suppose water was a problem in my area, could I not bring my flock in and talk about it in whatever terms I wanted to talk about it? Would that be called secular and not religious? Could I not do it?" These are some of the concerns. You may wish to smile and laugh if you care to, but these are the concerns of the people out there. They want to know what are your intentions? What do you have in mind with this amendment?

Then, of course, they said, "Take them back to the United States of America. Put them in those black pastors' churches. Let them visit Martin Luther King." If Martin Luther King was in Trinidad and Tobago now, certainly he would have been held, charged and sent to prison. Martin lost his church. He spoke out about the things he wanted to, right there. He spoke and the bus strike began right there. Are you saying that we cannot have Martin Luther Kings in Trinidad and Tobago anymore?

Let us be serious about it. Think about what we are putting in here. If I am wrong, then you correct me. I am subject to correction, but the interpretation is open and people are confused. I am not saying scared, because those religious leaders I spoke to are not scared because they feel that they have divine authority. If they have to preach, they are going to preach and they are going to advise their flock if they feel they should do it. But they are very much concerned about the direction in which this Government is going.

When I saw this amendment put in there—in fact, I do not wish to go into it, but they went into it. All through the Bible, we would have seen where leaders spoke against things about the heads of government. We would have seen it happening. We would have seen John speaking about Herod and his lifestyle. It is only in Trinidad and Tobago now that you cannot speak about people in the way you want to. So a pastor cannot speak about somebody in the Government with whose lifestyle he did not agree. They could speak about people. What are you doing? It has happened in the Bible and they will do it. They have to continue to preach.

We have to be serious. This is no joke at this point in time. You have to be serious and, with due respect to the people—I am sure there are Ministers here who would advise—I am saying there was the concern and I do not think there is anyone who spoke to me who is not concerned. So much so that when I got home, I got some voice mail. They called one another. Apparently, they have a very good system going and I must compliment them, even on the other bits of legislation which they are concerned about and on which they are going to speak out. Is it that there is some religious group about which you are worried? What is this? Are you getting scared of yourselves and the shadows you are seeing? They are not of our people. Those are things that were there before and, as I said before, probably you feel that this religious march will come back.

But I am still saying that I do not see the need for that amendment. Just allow the leaders to practise. They know what they have to do, and if you do the right thing, there is no need for them to speak out against you. What are they going to speak about? They have to talk; they must talk; they are not going to shut up. If they see unrighteousness and injustice in the society, they are going to speak about it. “Nobody speaks against my Government.” But they have to speak; they have a mission to do it. Are you going to try to use this opportunity here to bridle people? You cannot. They must be able to comment on the society. They are teachers; they are leaders; they are going to comment on the society and I am not saying just allude, as the hon. Minister said. They could preach an entire sermon if they cared to on things which affect society.

My pastor said, you really have to interpret this amendment to me because I cannot believe it. One pastor said, “The gospel has many dimensions. It cannot be preached in a vacuum.” It takes in the whole of life; it is holistic and there are different people with different views and different interpretations. I am wondering if this Government really sits back to understand the nature and extent of the kind of amendment it has introduced. Just as the ministers will pray for you whenever you disobey and go off the track, they are going to let you know. That is how it works.

Therefore, I am hoping that the hon. Minister will look seriously at this amendment. No honest person can sit here and accept what is said here and see our rights being eroded, or our liberties being eroded for any reason. We have not been convinced that there is any reason why this amendment is introduced, not even a semblance, except your own shadows coming back to haunt you. That is not good enough. We cannot penalize an entire nation for that. I do not care what

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happens in other countries. We need to lead; we know what is right and, therefore, I will ask this Government to take a second serious look at what is in this Bill.

I saw that they were able to take a second look at the Prisons (Amdt.) Bill—I do not know if we agree with it—but a second look was taken. That is what I think should happen when something is brought to the Parliament and the people speak out against it and try to show where they felt things were wrong. Any good government, anybody who is in charge of governance, will know that it is their business to go back and look at what has been said.

I am going to advise that these little snippets that we are pulling out at all times—I would not even say that they are irritating—we see them as eroding our fundamental rights and freedoms. It is not, as you think, just a little thing, or, as some people say, simply to change the period. It is more than simply to change the period. If it were so simple, why is it being changed?

I am a manager. I did a lot of sport. I was the manager of a national team. I went with national netball all over the world and when we put a national team together and there was a winning team on the last game, we do not change the team. The hon. Senator knows that. Why would you change it? You are winning. What are you changing? Mr. Vice-President, simply to change the period, why? It was working well. There were no problems. Things were happening. I, myself, notified the police on several occasions to do certain things and I am worried. Do you know what I got worried about a while ago when I heard someone speaking? Even our young people, having their day on the football and netball fields and winning, and they, too, have this spontaneous way of coming up the road enjoying the music. What are we trying to do? Just muzzle everybody and take the spirit and fun out of living? In this country, we want to live. We are accustomed to enjoying things. Your team has won and you are going home, parading with the music. What are you telling me? That we must have 24 hours' notice to do these things.

Let us be fair to ourselves. Let us do certain things. I am only saying that we have to look to see what we are doing with life. Do not be afraid. If you are governing well and if you can predict that you will be the government in this country for a long time, it means that you are governing well, and if you are governing well, you would not be afraid even if something happens and somebody wants to have a protest or demonstrate and after 24 hours they are heated; let it happen. Do not try to muzzle the people. That is where the democracy is, but you

seemed to be scared about something. Why is it you wanted everybody to simmer down and not allow the demonstration to go?

That is not what history tells us. When I read this, I see these people in here who are your people, your leaders at the moment, tried everything to march. They changed the name of the march to a religious march. They did not say march, they called the months of the year, "January", "February", and the people shouted "March!" and they all went on. All kinds of things were done here to get it going. These are the things that you are looking at. They did everything because they felt that the same Summary Offences Act was keeping them back and they felt they wanted to march. Come on. At that time, you were crying out about the 24 hours and about all the things then which were oppressive. How come it was so then? Why change it now? What has happened since?

We have been peaceful; we have been oppressed, but we have not gone to any extent to do anything. We have been very peaceful. People have been talking. They get on the radios, on the call-in shows; they say all they want to say. We have been doing that. Come on. Why do we have to go to this extent, when you yourself knew and spoke out against it? What is worse is that the very people in "Crisis" are the people running the Government today. That about-turn is what really has me confused.

Therefore, I feel very sad because what I feel people are doing is, somebody is saying, "I am in charge. Do as I say." Regardless of what happens, you have to go there.

Today, the hon. Minister brought this amendment to the Senate and I do not know how convinced he was that we needed it. Senior police officers in the police service did not give any impression that we needed it. He presented the Bill and, in doing so, he did not convince us heart and soul that he found it was necessary. I have listened to others on that side who did shout, rant and rave and go off-key talking about things that did not apply; trying to accuse us of other bits of legislation which I still say, repeal.

If you find something was wrong then, now that you are in Government, correct it. If you find that in the law books things are oppressive, you have a chance now to repeal them. I will vote for it if you find something is oppressive and needs to be repealed, but do not tell me it was oppressive then and you are making it worse now, and then talk about all the things which were included and then go off the track, as we say.

I am saying that the PNM is a big political party. Yes, we did some things which you did not want and you said, "Go back with it and we took it back." I am saying that this Government will do exactly the same if it can look in the face of the people out there and say, "Look, this thing is not necessary." We have so many things to do. Poverty is out there and so many people need to be helped. We have the entire country to look after; we have time to sit here—we had a nice motion for Private Business which I really wanted to contribute to, because I have great respect for the mover of the motion but I had to give up that to talk about something which is absolutely unnecessary for us on this side.

Therefore, clearly I cannot support this. None of us on this side will be able to support it and I am hoping that good sense will prevail. Those of you who love freedom; those of you who know the Constitution; those of you who know what it is to be free; those of you who want your pastors on the pulpit to tell the people what is right and wrong; those of you who would like to be able to say, "I do not like it and I will go out there and march"—these are democratic things, allow them to do it—if you feel that way, then I think you should tell whoever is responsible in the Government at this time to withdraw this amendment. There is nothing else to be done but to withdraw it.

5.40 p.m.

Do not blame the PNM for anything that you call oppressive legislation because all you have done is made it 10 times worse. You have a chance now. This is a Government, in everything it does, it says why did the PNM not do it before. I have sat here for many days and heard that the PNM did not do it. I suppose the Government will blame us for not making it 48 hours and for not carrying the fine to \$10,000 too, because everything it does, it says we should have done it before.

Well, we would not do it and we would not have done it. As far as I am concerned, some Members of this Government feel that there is a certain period of time when laws are made and the country is governed and after that it is over, because every time they come here they would say why this was not done; which means to say all the things which needed to be done in a country should have been done before and there should be nothing left to be done. If it were so, do you think England needs a Parliament? They would have done everything and stopped governing. They would not be making any more laws and there would be no need for legislation at all because all laws would have been made. Every time I hear the words; why did you not do it, you left it for us to do, I say to myself, so what! Why did you come into Government ?

This is a continuous process and things have to go on all the time. Do not say why did the PNM not do it. The PNM did what it could have done in the years it was in office, and each successive government would continue to do so, and as long as life shall last there would be people coming to Parliament and making laws. Just get that straight. We are here today, you look through the law you do not like them because they are oppressive, you can get behind the people and repeal them. This is why you are here, you are not here to point out what the PNM did not do, but to do what you think should be done, and we are going to be ensuring that while you are there you do what should be done and when you do the thing right we would support it.

Last week when the hon. Minister brought the Motion on fishing there were loopholes in it which needed to be tidied up, but we knew why he wanted to go with it and we supported it. So if there is something which needs the support of this side, we would support it and that is why we have a Parliament. I know you can do it without us, but not because you could pass a bill without the votes on this side we would say we are not supporting and oppose everything, no. Unlike your leader who said he was not there to make the government look good when he was in Opposition, we are not saying that. We look at the country as a whole and as long as legislation which we feel will benefit this country is brought, we will support it 100 per cent, but as long as there is legislation like this one which we know would not benefit us and feel it is infringing on people's rights we would certainly say we cannot support it.

Mr. Vice-President, we are going to go on recess but I am hoping that good sense would prevail and when the hon. Minister replies he would tell us he is withdrawing the Bill. One of the areas I would really like him to talk on is the issue which impacts on the religious people because I am here with a mandate because people really want to find out exactly how that will work. It is not too clear and so much is implied in it that they do not know when they are going to cross the line, when would a police just walk up and take away the microphone.

I heard the Senator talk about if you do not like it challenge us in court. You know there are poor people in this country and they cannot challenge you in court and, therefore, you must not say things like that. We speak on behalf of the people of this country. 'If somebody does not like the legislation, take us to court.' Why should we stretch them to that? If you know the legislation should not be brought, do not bring it; but do not challenge people to take you to court. How many people could take you to court? Court is an expensive thing and the poor man out

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there cannot do it and we are speaking on behalf of them and, therefore, it is wrong to come to this Parliament and say if you do not like it take us to court. Why? That is not the way for governance. You do not govern like that, you do not say that.

Think about it and see where you went wrong, and what could be done to fix it. And when you say “nay” or “yea” to something, in your heart you must know that you are saying “yea” to something in which you really believe. I know people can sit there and laugh at things and just because it is on my side, say “yea” and “nay” and at the end of it all it does not work. We look forward to the hon. Minister’s response and hope that after he has heard the cries of thousands through their leaders that the amendment is taking us nowhere and there is no need for it— if there is need for it and it comes to the Parliament, it would be supported. There is no need to aggravate anybody or to get people scared, no need to see your own shadows, just keep on governing.

Thank you, Mr. Vice-President.

Sen. Muhammad Shabazz: Mr. Vice-President, it is the first time since I have been to this Senate that I am getting up to speak with a bit of sadness for more reasons than one. Indeed, this Bill as they have tried to put it to us that it is a simple Bill, maybe it would have been so had not the Opposition taken a certain position before now.

We are saying here is a Bill which is being moved from 24 hours to 48 hours, the fines are being raised and suggesting that it should go up to more and also putting a fine with a question of imprisonment for two years.

It is said that the reason it is asked that the Bill be changed is mainly to give the police service, the Commissioner of Police more time. I have asked before what is this thing constantly of giving this Commissioner of Police more time all the time? He was just given more time and you are coming back to give him more time on a piece of legislation. What is this obsession with continually giving this Police Commissioner more time?

It is said that 120 persons have applied for permission to hold meetings and marches. It has been forcibly brought to you that means three persons every 10 days or so. Why can you not improve the strength of that division so people can deal with marches more effectively? Why are you saying that you want to carry it to more days in order to give the Commissioner of Police more time? That in itself

may seem to be reasonable but we know that one of the things which would have pushed this Bill is that march or meeting which took place somewhere at Royal Castle. That is what caused you to bring this Bill and to talk about a sedition squad which needed to be formed.

The hon. Minister has said there have been no problems with the applications and with this Bill. People normally apply more than two days before, they do so within 1—5 days before. What indeed is the need for this Bill? The last time we had a problem with this Bill was when the political leader of that regime was in a position, that was the march in 1972 or 1975 and since then there were no problems. If there were no problems then, there is no problem now; probably because you are seeing there would be problems in the future you are bringing this Bill.

When the hon. Minister presented this Bill he said it is being done not to circumvent anybody's rights, but it is the intent to keep Trinidad and Tobago on the right road of democracy, which is a hallmark of Trinidad and Tobago, and this is why I am sad. This has been a hallmark of Trinidad and Tobago because the People's National Movement maintained that. The People's National Movement for 42 years ensured this is how the country would go.

We know and I would be the last person to stand here and say that the People's National Movement was a perfect organization because any organization which lived for 42 years must have been doing something good to reach there. We are saying it made mistakes but we preserved something and did something good to reach 42 years and within that time there must have been problems. It must have done something which was wrong and reached out in certain ways which could not have been agreed to and I accept that.

When one has a child who is two and a half years getting on naughty and doing stupidness and wrong things, that is cause for concern. This is a two and a half year old child we are talking to in that regime and they are behaving as though they do not care, they are fully grown and doing what we would not expect even a 16 year-old child to do, and this is why we have to take them to task.

Do you know why I am sad again? I am sad when I hear the Minister of Public Administration, a trade union man supporting this Bill. It hurts me because he was a brother who fought in Laventille for the people and he was opposing it. Now he is supporting it and says he sees nothing wrong with it. Do you know why they could take that position? I have no objection to the Minister of Public

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Administration being annoyed with the PNM because it is a PNM Minister who took away half of his ministry. I think he is in order with his obsession with the wrongdoings of the PNM, because if a PNM minister had walked across to my party, who was not even a member and did not join and was given my ministry, I would have been annoyed. When I see the Minister of Public Administration as a trade union leader—now, I think he is an ex-trade union leader—I am concerned and worried about the position he is taking and continues to take.

I remember him, I used to look at him on television and I used to admire his fighting spirit although I was a PNM. He used to get up there and fight, and I see God took him to a position even though the election was drawn—and I say it again this is the only Government which has never won an election and that is where the fear has come in. I told them before they would never win an election and return to this side and they would have the honour of being the only Government which has governed this country and never won an election.

I feel sad when I hear him talk. He brought the Public Order Act which was repealed by us. We did not push it through, we withdrew it. The Minister speaks about PNM corruption and he does that every time he stands up to contribute in this Senate. Do you know why they are pushing this? This is a trend we need to look at. All the trade union people and those who fight for the people in this country were tied up. There are three of them sitting on that side supporting everything that is being done, whether it is wrong, or right and things which they would have fought against. There is one in the Lower House and they talk about *Inward Hunger* and what Eric Williams said. I could tell them that in *People's Magazine*, their leader showed how he outsmarted Rampertarsingh to become the head of the union and instead of taking a job in the office he took a Public Relations Officer job to go out in the field and meet the people in order to influence them so he could take over the union. It is the same kind of tricks they are trying in the House. They are slipping in two words in a bill, three words in a bill, one clause in a bill, half a clause in a bill in order to trick us to take this country in the direction they want it to go.

5.55 p.m.

I want to put forward certain things to this Senate. Just as they have conquered the trade union movement, they are on the same course with the press. With the press, the first thing they had done was the Green Paper. We have incidents of them going and taking over the press. Bringing in one of their own people to try to head the news department, they moved him. The board resigned. A member who is

a minister there resigned, because their aim was to take over the press. They tried to keep the head of the teachers' union—that Government that is about trade union leaders—out of the press and television. Then they passed a law to bring all the press people together. So what is one finding?

Firstly, the Ministry of Information joined up with one of the television stations, which does not come to the Parliament anymore, I am not seeing them. Only their press comes to the Parliament and reports in a certain manner for them now, so that no coverage seems to be given. I want to tell that press station to be careful, because when these people move out of the Government they will understand that one has to be fair and free. They will understand that. We are asking the press not to take that line. Sunday, right on the Red House premises, they did not attend the function. And you know what happened? The same Trinidad and Tobago Television did not come either. Is it that the press is only going where they go and where they do not go the press would not go? It is a serious thing to be asking.

When we say that they are taking a certain course of direction, they seem to get annoyed and seem to only condemn the PNM. The hon. Minister condemned the "Father of the Nation", and just the other day his leader was at Mount Hope praising Dr. Williams and saying how good he was and the kind of work he did for this country. I want to ask him to be careful because when he goes against his leader, he could find himself losing the next part of his ministry to a PNM Member in his Government and feeling very sad. As a matter of fact, I understand that they are looking for a Ministry for Dr. Lasse and he could eventually lose the next part of his ministry and just be sitting there on that Bench and finding himself not even being Leader of Government Business in the Senate. It is a sad thing, but that is the truth, that is the reality. That is how hard this Government goes.

The leader of that Government was marching through Laventille—and they are trying to stop marches—when he found a little "Laventillian" and said that he would adopt him. A promise that, up to today, he still has not kept. He neglected the little "Laventillian", went his way and said that he only met him on a march. They keep making promises and when one tells them, like the last time I said it in the Senate, they got vexed and said things like, "No one will remain unscathed."

The hon. Minister said that the PNM hounds murdered somebody in the last regime. That is what they do. When we hang, it is murder; when they want to

hang, it is in context of the law, due process of law. They are not murderers, we are murderers for hanging. But the seeds they keep sowing keep coming back at them.

I was able to hear two labour leaders on your side. I have heard one religious leader here objecting. I would like to hear the views of the religious people on your side. Are they going to take that same position that the labour people took? These pseudo-labour people. They are now pseudo-labour leaders when they can bring a Bill like this to the Parliament. They all are no longer labour leaders. When I pick up the papers and see people saying that, "Wade Mark has betrayed us", I understand. They spoke about Jennifer Baptiste who used to be his good neighbour. The trade union people marched by his house. I believe he is living at Flagstaff now. From the time the trade union leaders marched by his house, a person who was so tolerant, so loving to them, is now up Flagstaff living because Government has changed him so completely.

I feel sad to be in this Senate. I feel as though the PNM won the election and they said, "Shabazz, you have to cut your dread in order to sit at the desk of government." He has changed so vastly, so unjustifiably. It is like a dreadlocks who cuts his dread because he gets a position. That is how Mr. Mark has become. *[Interruption]* I must be hurting. When he has taken such a strong position against a Bill like this and brings it forward. He talked about Dole Chadee, and who sold out to Acker. He did not call Acker a bandit—I do not know if they recorded it—he called him a white bandit. A bandit is a bandit.

Sen. Mark: On a point of order. I think that the hon. Senator is misleading the Senate and misrepresenting what I said. On the record it would show I said, "The man is a bandit". He has now added to that statement. I did not say "for the record". I said "bandit". So do not mislead the Senate.

Sen. M. Shabazz: He said "bandit" for the record but, as they always do, he said "white" underneath his breath. I am saying in this Senate that I heard him say "white". If a man is a bandit it has nothing to do with the colour of his skin. They are talking about Africans. They are not Africans because they do not wear a tie. I feel that if we are talking African, I am more African than most of them. Whether Acker is a white bandit or a black bandit, he is a bandit. The people that they support in all the corrupted activities, in taking all the money out of this country, are bandits regardless of the colour of their skin. They support that. So, I do not care what they have to say. It is my view that they are doing the thing in such a way that makes us afraid.

They talked about the people repealing the Bill. Yes, the people repealed it. The people came to the streets and we took notice. We hope that the people do not come to the streets like the people in the Philippines and Indonesia. We hope that when they come to the streets—if they continue on this course—they will understand our intent is good, their intent is good and they will turn around and go back home after they have done what is expected of them.

I hear them talking about Barbados; how they are following Barbados and all these countries. When we told them that we are going to form a union with Barbados, Guyana and Trinidad and Tobago, they jumped up and bawled, "No! We are going with Guyana and Suriname". If Barbados is so democratic: why are they going to unite with Suriname and not Barbados? They like Barbados? And they called a Barbadian journalist a foreigner? And they are following Barbados? Jokers! They are only talking. They are trying to fool us. That is why we are afraid of them.

They condemn the PNM. Most of the Opposition and Independent Senators here today objected to it; not a word about the Independent Senators. It is only the PNM Senators who are bad. Do you know why they are not going against the Independent Senators? For some reason I do not know why.

Last week a minister came up to this Senate and said that it was his feeling that this Senate was debating at a different level and he was surprised. He was surprised because they want us to talk about the contents and the quality of the Bill and not talk about them. But we need to talk about them and about how they are. Why are they only on us when we go against them? Why are they only on the PNM when the PNM says things against them? You know why? Because when we say things against them which they know are true, they feel somehow we are reaching the people.

One knows how they do things. They talk about the poll. What about the poll? How much per cent says the PNM—They are not telling us that 3 per cent said their leader is not a good and worthy leader; only 3 per cent like him. They are not telling us that Mr. Baksh is one of the most hard working ministers and the people like him more than everybody else; they are not talking about that. They are not saying that when they ask for Mr. Mark, nobody even gave him anything in the ratings, he did not even get zero per cent, because people were asking, "Wade who?" He has gone into oblivion with his style and manner, the people have forgotten him and you know why? Because he himself has forgotten the people. If

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he could come and support this Bill—I wish he did not talk on it—after the positions that he had taken, he has indeed forgotten the people of Trinidad and Tobago, the masses, the hard-working, the people who were the downtrodden. They are making them downtrodden, because people are talking about coming out into the streets and marching on impulse. Yesterday people were vexed in this country. I want to tell him that. I also want to tell him why. The Brad Boyce situation made people in this country annoyed. They are talking about marching and we have to talk to them and tell them to cool it. Because that is what one is hearing out there. They are not doing anything about that.

We heard Sen. Cabrera talk about this Bill and all the bad clauses he saw in it. I want to ask him: Why is legislation not brought to this Senate in order to repeal those things which they say are not good? Why are they spending time to bring legislation to this Senate which has nothing to do with the things that are not good? They say there are jumbie things in the Bill, which they try to put on us, and was not us. Why do they not bring legislation to repeal that? Why are they bringing legislation to repeal other things?

I would also like to mention that the situation in Trinidad might be different from the situation in Tobago. Let the Tobago members on that side come out and say what they would like to see in Tobago rather than what is happening in Trinidad. They are all silent, because they are either supporting or they are not saying anything, because they are in agreement. When the vote is taken one would hear them saying "aye, aye, aye". *[Interruption]*

I will be coming on that side in the next few years, if not sooner. That could go into the records because there is nothing I say in this Senate that I would not want to go on record. I am not going to say things under my breath and be afraid of it going on record, and then objecting and saying I did not say that because *Hansard* did not pick it up.

With regard to the labour leaders, if a bill is for one day, just as they say it should not be for a day and it goes to one day and one minute, they are starting to erode the rights of the people. The first time we did not see these labour leaders march with the people of this country was on Labour Day. The parasitic oligarchy which they speak against, their leader was in Tobago playing golf with that parasitic oligarchy and they are not telling the country that. The union which he led, and he probably still is the leader, did not even go to that march on Labour Day. And they say they are labour people. I am so ashamed.

This hon. Senator does not know that the reason they do not want kite flying in town is because the kite tail sticks up in the wire and the little children could be electrocuted. He does not even know that. So he feels that we repealed kite flying because we are going against the children. Nonsense! They do not want people to fly kites in town because the kite tails with the razor blade that they make zwill with, could get stuck in the wire and it could shock the little child who is flying the kite. One hears the level to which they take the debate. When the television station picks it up, they might pick up his view and get the little children to believe that. Luckily, there are intelligent people in this country, there are still good reporters who they have not scared away, who they have not gotten afraid, who are still prepared to write the truth and will know that these are some of the truths. I want it to go on record. *Hansard* could record anything I say. I am not hiding.

6.10 p.m.

The truth is, the children were asked not to fly kites because it was dangerous to them and it gave the Trinidad and Tobago Electricity Commission a lot of problems, it interfered with the electrical lines and so forth. That hon. Senator who is a labour leader should understand that and should know better, so as to inform the people.

I do not want to go into the whole question of religion and religious marches and the oppressive and regulatory ban of the PNM. I want to leave him there. They spoke about religious leaders. I know of a situation where a psychic came to the Parliament and put red bands on some of their leaders' arms. The other side liked what that psychic said. When other religious leaders say anything against them, they oppose it. They liked the first psychic because she predicted that they would remain in government.

Mr. Vice-President, when another psychic came here and said that certain things would happen to certain Ministers, do you know what they said? They said that they did not like that one. Only when people talk in their favour, or say what they want to hear that they agree with them, love and care for them and think what is being said is important.

Do you know what they did with Kwame Turé? They said that the PNM banned him. He came to this country sick and they made him a big offer of money, but after a year and a half he still did not get his money. He had to object in order to get his money from that Government which has all those labour leaders.

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In winding up, Sir, one government said that the steel beam would kill us and it did not. This Government said that it will push us into the Gulf of Paria; it did not, could not and would not. We cannot die because we believe the greatest miracle is the resurrection. The PNM will always be there to face this Government either in Opposition or in Government. We have been here for 42 years, the longest, strongest and most powerful political organization with one of the greatest leaders that the Caribbean has ever seen.

We will continue to be here while the other side makes noise, talk about us, bad talk us and talk wickedly about us. The reason they take those positions is because they never thought that they would have ever been in power. Make the thing good! They should talk about issues like the Shiprider Agreement which they signed just like that.

I would take one short point. The Minister spoke about a Mafia group and that we did not want to provide all the information about it. We would like to discuss that. That group is a figment of his imagination, an illusion haunting him just as the previous Senator said. There is no Mafia group coming. If anything is rising up in this country, it is because they are creating it and would continue to create it by the half-truths, the innuendoes and all those other things that they are doing to divide us in Trinidad and Tobago. Thank God that the PNM is, at least, still in Opposition. They have not and will not kill us and we will continue to be the fighters and the watch lions for the people, protecting this nation from this regime that seems to be so repressive, two-timing, two-tongued.

Mr. Vice-President, I hope that this is not a two-year Government. I hope they make four years.

Thank you.

Sen. Selwyn John: Mr. Vice-President, a debate I felt would have taken a few minutes even if the Opposition voted against it, should have been finished by now. I heard Sen. Shabazz speaking a while ago and I told him to keep talking on his own, do not let people advise him. He goes wrong sometimes and misses the point.

I begin by welcoming Sen. Yuille-Williams. A couple sessions ago I said that she had uplifted the debate in this Senate, although we would miss Sen. Mannette. We thought she made a wonderful Senator and brought some professionalism to the Senate. She was a very keen debater. We thought maybe we would have lost Sen. Shabazz if she had remained. [*Desk thumping*]. I would have missed a good friend.

I would be very short in this debate. If there was anybody affected by the law that Sen. Montano said at the time it was brought to Parliament there was no opposition, it is me. In fact, they brought a Draconian piece of legislation to control people like myself and those who would have protested, and people who had no opportunity to oppose or vote against the measure in Parliament. They introduced this law, that today, if this Government had repealed it, the very Opposition would have said that there was some sinister motive for doing so.

We cannot go back to the law of the jungle. If this law was repealed there would have to be another law to immediately replace it. Referring to that very Public Order Bill, I have not seen anybody on that side who was involved then, either supporting or proposing it at that time. I suffered under it as a leader in my vocation. I had to organize workers into a union, not only being harassed, but locked up for getting workers organized, because of the government at the time. On the one hand, Sen. Shabazz is saying that the then government was for freedom of the people but it brought measures to curb and curtail everything the workers of this country had been doing and later on the mass movement of people that organized the black power movement.

Many people talk about these things, but this all began in the trade union offices of the National Union of Government and Federated Workers in 1968.

PROCEDURAL MOTION

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, in accordance with Standing Order 9(8), I beg to move that this Senate continue to sit until the conclusion of the matter before it, as well as the Prison (Amdt.) Bill.

Question put and agreed to.

SUMMARY OFFENCES (AMDT.) BILL

Sen. S. John: I hope provision has been made for meals to be given to the Members who have to stay late, because I feel to talk a little longer as we have the opportunity now to debate.

I remember in 1968 we had the famous bus strike in which the members of the Transport and Industrial Workers Union had difficulty in their negotiations with the Public Transport Service Corporation so they went on strike. As a consequence of all the happenings and the repression of the then government against workers, a mass movement was begun. It ended up becoming a group

called the National Joint Action Committee, the name given to it by the trade union. That created history in this country, in the sense that for the first time, some of us began to see ourselves as citizens who had to create a future destiny for all of us and for the first time to see people being accepted for what they are and not who they were.

People started to get jobs in places like the banks and trade unions too because there were many trade unions that began to organize workers. I think the Bank and General Workers Union started around the same time. People in the financial sector became aware of their right to begin getting benefits as workers and joining trade unions.

I also remember that in a speech I made in Woodford Square while addressing those bus workers who were on strike, that the then Prime Minister—I am not seeing Sen. Shabazz—the Father of the Nation, had written so much about slavery in history and so forth, that he was practising at the time. The man never talked to me after that. The British Government offered me a scholarship to attend the Oxford University and the then government demanded that the offer had to be made to the Government of Trinidad and Tobago. The British Government did it. I was told by a member of the then Cabinet—whose son is in the Senate today—that the old man said he was sure there were better qualified people than Selwyn John, and as a result they did not recommend me to the British Government to be awarded that scholarship.

This was the kind of viciousness that existed. People on the one hand pretended that they supported workers and citizens of the country but at the same time brought legislation that cramped and compelled them to shrink into oblivion, and prevented them from achieving things they were entitled to. That famous Public Order Bill is something that people in the labour movement could never forget, because they were part of a mass movement, the famous committee of 22 that included all sectors of the society of Trinidad and Tobago, that protested the measure, to the extent that the then Attorney General tendered his resignation when the leader of the government insisted that he pursue it.

I want to put into *Hansard* that the hon. Karl Hudson-Phillips tendered his resignation as Attorney General because of the insistence of the then Prime Minister that he should proceed and have the measure implemented. There was no question of their withdrawing it. [*Interruption*] No! He was my lawyer at one time, the legal advisor to my union. The man saw it was wrong and he told them so but they insisted that he went ahead with it.

I do not think that Sen. Mohammed was born yet, maybe she was around, but I do not know her to be that old. [*Laughter*] She may say it went another way but I know Williams insisted that Hudson-Phillips proceed with it. He said no, and was called upon to resign, because the absolute leader he was, when he gave an instruction no man could have refused. They had to obey or resign, and Hudson-Phillips resigned eventually.

6.25 p.m.

He had to resign because he would not work with the fella but that is beside the point.

Sen. Mohammed: Two man rat cannot live in one hole.

Sen. S. John: Maybe, but when Karl won the elections to replace him, the "Doc" felt that Kamal should have been the man. He came back and said he never wanted to resign. These things are not important to us.

Coming back to the Bill and looking at the provisions. I was asked by the *Independent* some time ago when they felt the matter was coming up for debate how I would vote because the Bill is seeking to extend the time to apply from 24 hours to 48 hours. I asked them what was the difference between 24 hours and 48 hours. I see nothing wrong with it because I had been one of the leaders who had been involved in applying for permission to march in this country. Some of the largest trade union marches in this country were called and led by me. I had the difficulty of having applications that I made turned down because at one time Richardson Henry, Acting Commissioner of Police, said he did not have sufficient time to process it. My demonstration was Saturday and he waited until Friday afternoon at 5 o'clock to turn it down and then told me that I could go to the Minister.

This is the difficulty one has with this type of legislation. As Sen. Montano said, the PNM brought this at a time when they had no opposition in the Parliament. The alternative to it, if we feel it repressive, is to repeal it. It is not so simple. In every piece of legislation, particularly this question, is a combination of a lot of laws some of which we never heard of, but which would be brought when some charge is to be manifested against people like me. One would be surprised to know they would find it in things like this Summary Offences Act. We have gone through this and we have experienced it.

I also remember applying for permission to march in San Fernando. The then Assistant Commissioner of Police, Mr. Regis, called me to come and walk the route with him and timed me to see what time we would finish because the High Court on the Promenade goes to half past one so we could not finish before half past one. There was a necessity for some provision to be made where the police had sufficient time to look at the application and decide in what manner they would process it and proceed with it.

I see some justification in the legislation. I do not see any sinister move. As a labour leader I welcome it, because once my thing is regulated and I have an opportunity to do what I want, within the law, it would prevent me from breaking the law. If I have to do something and achieve something and it necessitates my going to march and I did not get permission to march I might break the law to achieve what I want. I cannot agree with Sen. Shabazz in saying what we should do is repeal the law. The law is not for me alone. It is for everybody.

I witnessed recently an organization applying for permission to hold a meeting. They said that they applied but we know they did not apply and they eventually made a statement that the time was too short to apply. This type of amendment will give them sufficient time to apply and you know what I am talking about. I think the Government is sensitive to this. You do not give the opportunity to anybody to say that they were prevented because they did not have sufficient time. I feel, Mr. Vice-President, that rather than just keep complaining about this Government bringing laws or doing this and that, they should get up and move an amendment. Let them bring their amendment and, maybe, we too may agree with them if we can see justification in the amendment.

However, I think that this matter goes back even beyond that time. I remember having to represent some workers who had a march on the Constance Estate—I was looking for Sen. Ramchand who I think has left—in Cedros against the employer cutting their pay because they did not complete a task. They got up spontaneously and protested and they were shot at. Two or three workers were injured by gunfire and at the time we complained to the then Minister of Home Affairs and a commission of enquiry was set up under the late Justice Clement Phillips. I remember L. C. Hannays being part of that commission. A lot of big lawyers were involved in it and at the end the workers were found wrong; they had no right to march. In fact, one of the recommendations of that commission was that workers should apply for permission from the police to march. It was the first time we were hearing of it; long before 1972, under a famous Minister of Home

Affairs, hon. Gerard Montano, whose son is talking here today about the very thing that we were hearing—that workers must get permission to march.

In my day, when I started in the trade union movement in 1951, all the requirements of the law were that if one wanted to march, picket, or demonstrate, once you did not stand and obstruct the entrance, or stand on one part of the pavement and were moving, it was okay with the police. It is not like that now. The then government, which is today saying that they had no opposition, brought this piece of legislation which required us to get a licence to march and if we failed to do so we would be thrown in jail.

I remember, Mr. Vice-President, sitting in one of my union meetings and a police corporal was in the middle of the meeting taking notes and we could not get him out. His name was Randolph Burroughs, a man who subsequently became a Commissioner of Police. That is what we had to tolerate as trade unions under the rule of the PNM. Sen. Jagmohan would know the kinds of things we had to go through with them. It was not an easy matter. As I say, let us repeal that law, but we cannot return to the rule of the jungle. There must be an orderly replacement, if any, to the current law. What has been done over the years is that a set of laws have been incorporated so that if one wants to get rid of the legislation—one has to seek the permission of the commissioner to march—one has to get rid of a whole series of "Master and Servant Acts" and everything that came from the colonial powers from time immemorial. We have gone through it and the pity about all this is I was locked up three times because of this kind of law.

I do not know, I may still get lock up again because one of the difficulties one has to deal with is that very Opposition, when in government, took decisions that today are still haunting us as a trade union. I have attempted to correct a situation and I will repeat it and keep repeating it—where that government, in 1994, entered into an arrangement with the Inter American Development Bank to access a loan for highways development and maintenance and agreed to retrench the entire workforce in the Highways Division of the Ministry of Works and the Roads Section of the Tobago House of Assembly. We had to fight that. That was nearly 11,000 workers going out.

They agreed that the bank would lend them money to provide severance pay to these workers and that the ongoing development and maintenance would be contracted out by inviting international tenders. Therefore, if today there is an Argentine firm being the main contractor on the highway development, it was done

in 1994 by the then government, so that today we have to fight to protect and preserve the jobs of our local people against that international competition.

There was an instance when a Police Commissioner told me he was not giving me permission to march and if I wanted to march I had to break the law and march. This Government has only been in office for two years. I was a little surprised last week when I heard the very Opposition asking a question on land acquisition: "When will you pay?", when they have not paid for 40 years, "Tell us, give us a date when you will pay." This Government has been in power for two years and for 40 years they were not paying. That is the type of behaviour we have to accept. How will the Government give you a date? Why should they give you a date? What they were able to do, they got away with murder. It worries me because my union, the NUGFW, decided that we were going into housing. We bought a parcel of freehold land in Santa Cruz, applied for permission to develop and we were turned down. They said it was agricultural land although—

Sen. Montano: Mr. Vice-President, on a point of order. All this is really completely irrelevant and it is getting late. Some of us would like to go home.

Mr. Vice-President: Sen. John, I find that your contribution has gone away from the Bill. I invite you to return to the subject of the Bill please.

Sen. S. John: Thank you, Mr. Vice-President.

We look at the transparency of some of the things that were done that required us to march. One of the marches we had was against the then government deciding not to give us permission to build houses. That is one of the reasons we had to march. We eventually got permission, one month after the *Gazette* advertised that the government was acquiring half of the land for public purposes. They acquired half of the land. We were going to build houses; they built houses. They invited applications to give out the land. This land is in Santa Cruz but not a resident of Santa Cruz got a piece of the land. Who got it? Senators on the Government Bench then and people who did not pay one cent.

6.40 p.m.

Mr. Vice-President: Sen. John, I am inviting you to return to the Bill. I do not want you to be straying away from the debate.

Sen. S. John: Mr. Vice-President, I was talking about the reason we had to march in 1973. When they attempted to lock up some of us for marching in 1973

because we protested the high-handedness in taking away the lands from the union for public purposes and it being given to their own party supporters. You talk about transparency; we talk about corruption.

The unions decided that they would not allow the government alone to have the problem of supplying and providing houses and they got involved, too. Everything was done. We had to march and the result of our marches was that the government eventually decided to give us land at Valsayn, Real Spring. Whereas Sen. Shabazz talked about Jennifer Baptiste living there and Sen. Wade Mark building there; this is the National Union of Government and Federated Workers development. "Jaggy" was involved in it, too.

Sen. Mohammed: Did Sen. Jagmohan get land there?

Sen. S. John: Sen. Jagmohan did not want land there. I did not get any, either.

There is the point being made about the church people not being able to have their meetings because they could be charged with an offence, and I think what the Minister tried to explain was that if a church meeting was called that the church people could not be charged if, in the course of the meeting, some matter of public interest or maybe politics came up that needed to be dealt with. I think it is unfair to twist the matter in the manner in which some of the Opposition Senators tried. Anywhere you go, you would have this.

I feel that the churches have no problem, unless in one of the churches, the pastor decided that he wanted to be Prime Minister. If he tried to agitate people as a consequence of having his church meeting, trying to get people to be seditious or trying to bring down a government, I think the law would provide for that. Mind you, that goes for everybody, including the trade union people, too, if they do things which are in breach of the law. The law is not for us alone, it is for everybody, I think the consequences are there.

We see nothing wrong with the amendment.

Sen. Yuille-Williams: Mr. Vice-President, since the hon. Senator came to a point in which I am very interested, could he tell me how he would determine whether the pastor was doing something seditious, or something that would bring down the Government?

Sen. S. John: Mr. Vice-President, that is only a simple matter to determine. The church determines it itself, not me or you. It decides what would be its entire approach to this thing.

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I want to compliment Sen. Rev. Sieunarine. He heads my church in San Juan. I know he would have no difficulty in administering things like these. He is no politician; I am not a politician either. *[Laughter]* I try to be one, but I cannot make. I cannot fool people.

Sen. Mohammed: That is exactly what you are doing now.

Sen. S. John: I am just a simple trade unionist who tries to make a contribution to better mankind and if the law requires me to do something, I would try to obey the law. When the law was changed to require me to do something, I tried to obey the law. When the law was changed to require me to do certain things, if I could not do them, I would have broken it, but I try to keep within the law.

I feel that the Senate and, particularly the Opposition Senators, would have no difficulty. There is nothing sinister in the amendment and if it is felt that we should repeal it, just tell us. We would sit and look at the legislation to be sure that we do not think that we go back to the law of the jungle, but, for the moment, it is a simple amendment that does not bring any hardship or difficulty on anybody.

Thank you, Mr. Vice-President.

Sen. Cynthia Alfred: Mr. Vice-President, it is indeed a pleasure for me to talk on this Bill, yet, at the same time, as my hon. colleague said, it is, indeed, a sad day.

I want to start with something that Sen. John just said. He said he does not see any sinister motives behind the amendment to this Bill but he further went on to say, if we felt that it should be repealed, we should say so. Therefore, I am saying so and I am saying it on behalf of all of us here, because I am convinced that not even the Minister himself was convinced about what he was saying about the Bill.

I have heard the hon. Minister of National Security more than once and there are times when he has been very good, lucid, comprehensive, *et cetera*, but, today, one noticed some hesitation in his presentation and that could only be attributed to the fact that the Minister himself was not convinced about what he was saying.

He mentioned more than once that there was no desire to restrict; no attempt to circumscribe the rights and freedoms of the national community. He made expressions like these more than twice and I said to myself, "Methinks the Minister doth protest too much".

Hon. Senator: Shakespeare!

Sen. C. Alfred: Mr. Vice-President, I am sure if we took a poll of all the Senators on that side, as individuals, not politicians, that every one of them would vote against this amendment. They would vote against it because, as citizens of Trinidad and Tobago, they would not sit back and see their rights and freedoms being eroded and do nothing about it.

This Bill is claustrophobic. One feels as if a net is enclosing one, because this is only another such Bill that has been brought to this Senate. It is not the first, the second nor the third; it is a series of bills being brought and we are beginning to feel that we are hemmed in, that our rights and freedoms are being eroded and I am sorry that it is this particular Minister who had to pilot this Bill. I say that without any reservations because I know this Minister stands for law and order and so forth. But somebody had to present it and it fell to his lot.

I would like to turn my attention a bit before I go into the Bill proper, to two things said by Sen. Cabrera. He said that most people who come here on Tuesdays—correct me if I am wrong—come to frustrate the work of the Government. May I remind the hon. Senator about the role of the Senate, particularly the Opposition.

It is said in the Standing Orders that the role and purpose of the Opposition is to prevent the Government from rushing bills through this honourable Senate. So, how could the hon. Senator impute that we are coming here to frustrate the workings of the Government? We are not coming here to frustrate, we are coming here to ensure that the rights and freedoms of the national community are protected and we are the ones to articulate this. That is the first point.

Sen. Cabrera also said—again, I do not know if I am misquoting him—words to the effect that it was only since the rise of the UNC that African people were allowed to take part in cultural activities. Obviously, this is a statement without merit. I have to let the Senator know that from 1971 to 1996, I was the head of the Division of Culture in Tobago and I will dare and challenge the hon. Senator to go to Tobago at any time and ask anyone if, at any time, the African people were prevented or restricted from taking part in cultural activities. The answer, obviously, would be no and not only no, but a vociferous no. Mr. Vice-President, I wish that when parliamentarians make these statements, they can back them up.

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Now, Mr. Vice-President, I come to Sen. Mark. He made allusions to one of the greatest statesmen who has ever lived in this country, perhaps in the Caribbean, the late Dr. Eric Williams. He made allusions to Dr. William's book, *Inward Hunger—The Education of a Prime Minister*. I prefer to quote, not just make allusions, because when you allude, most times you misrepresent. I took the liberty of sending for the book. I tried to identify the areas about which Sen. Mark spoke.

I came up with statements made by Dr. Williams which would obviously and naturally refute what Sen. Mark said. Let me start with page 304 of *Inward Hunger—The Education of a Prime Minister* by Dr. Eric Williams. I quote:

“All that I can say tonight is that I would far prefer to have the Government of Trinidad and Tobago accused of not dividing up the community into racial groups...”

I emphasize the word “not”.

“...rather than have it accused of constitutional provisions which would establish a Negro President and an Indian Vice President, or a Republic with a fixed proportion of seats or places to the various racial groups in the Cabinet, in Parliament, in the Judiciary, in the Police Service and in the Civil Service. As far I am concerned that way madness lies.”

Is this the gentleman who—

Sen. Mark: Where are the other quotes?

Sen. C. Alfred: Wait. I am coming to the other quotes, but you accused him of Africans for oil, Indians for sugar, thereby separating them and ruling. In other words, divide and rule.

I go further. On page 311, Mr. Vice-President, it says:

“My outstanding responsibility in Parliament in the second five-year period was the Industrial Stabilisation Act. This was introduced on March 18, 1965, in a situation in which we had to declare a state of emergency in the sugar areas. The subversive elements in the society, with James in the forefront, were at work; the background was an open attempt to link the trade unions in oil and sugar.”

So, obviously, your allusion was not correct.

“I therefore presented a bill to provide for the compulsory recognition by employers of trade unions and organizations' representatives of a majority of workers for the establishment of an expeditious system for the settlements of trade disputes.”

Three trade unionists spoke and each one said things about Dr. Williams. Here he is telling us that he made special provisions for employers to recognize and to give the dignity, if you like, to trade unions that they—

Sen. Mark: Oil and sugar. He said that.

Sen. C. Alfred: He mentioned oil and sugar but not in the way that—
[*Interruption*]

6.55 p.m.

On page 339, Dr. Eric Williams says:

“The essence of the colonial system was internal disunity—evidenced by the attempts to segregate African tribes, the separation of African freedmen from Indian immigrants, the contrast between countryside and town, the confusion of racial origins among the labouring section of the population, the deliberate imposition of colour distinctions and gradations, the conflict between metropolitan flags in the area, the emphasis on the differences between island and island.”

This is the gentleman, to whom, each trade union person on the other side in the contribution made allusions saying that Dr. Williams was somebody who was trying to hold on to power by any means, but mostly by segregating. This was in 1969 and what he said then still stands today, and the final bit is on page 342.

He said:

“This is the Reality of our Independence. We lack the tribal animosities of Nigeria or the religious passions of India or the economic difficulties of Ceylon or the political difficulties of Israel. By and large we have an interracial harmony...”

Is this a man who is trying to divide and rule?

“...disturbed at election periods, which many will envy.”

Dr. Eric Williams said this in 1969 and it still stands good today. The PNM's policy has always been to integrate, not to disintegrate, and I would not sit here and have speakers on the other side make allegations like this without refuting them.

I am not convinced that this is a question of 24 or 48 hours. It could be 24, 48, or 72 hours, that is not what I believe. I believe it is a question of consistent and

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persistent erosion of the rights and freedom of the people of this nation. First, it was Republic Day which was one of the most significant and important days in the life of this country. It is now celebrated in a watered-down fashion, but can you imagine of all the holidays we have in this country to commemorate a day like this which is one of our most important, that day, of all days is going to be removed so that some other thing can be put in place? That tells you that this Government is not serious in the way in which it is administering this country.

Sen. Cabrera: On a point of order, Mr. Vice-President. I would like to get clarification from the hon. Senator as to what is replacing Republic Day so I can understand her contribution.

Mr. Vice-President: It is not a point of order. He is asking for clarification, so you are free to answer it or not. The question is, can you tell the Senate what day replaces the Republic Day holiday? I am ruling that it is not a point of order.

Sen. C. Alfred: I am sure the hon. Senator is aware as I am. I am not saying that something else should not have come in place, what I am saying—and I will not fall into a trap by saying that the Spiritual Baptists should not have a holiday. Not at all. What I am saying—I would not insult the intelligence of the Baptists by making such an accusation—is that to remove the holiday, Republic Day when people can reflect on what the people of Trinidad and Tobago have achieved over the years was a sad day in the lives of the people in this country.

Then, of course, there is the threat to the calypsonians, the pressure on the media, this question of the Privy Council. If one looks very carefully, there is a gradual chipping away of the rights of the people of this country and we are going to find ourselves, if we are not careful, in a position where two or three years down the line something may happen. I would come to that.

Everybody has asked the question on clause 5, and I am asking it too. Who is to determine what falls within the ambit of the legislation? When a meeting is called, the religious people and other persons who do not have to subscribe to that particular piece of legislation, when they have their meetings, who is to determine? Do you know what message that is sending to the national community? Stay home! Do not go out and talk because if you do, you can be brought in for libel, sedition or whatever.

Mr. Vice-President when a people are not allowed to go public or openly, they go underground and that is when the problem starts. Not for the people, but for

the country. When people are pushed to the limit they explode, then I suppose the Prison Act would take effect. As a parliamentarian, I am very concerned about the state of the country now, and the direction in which it is heading, and that is putting it mildly, but as a citizen of this country, I am very definitely alarmed because the net is closing in and for anyone to say they see no sinister motives in this legislation, then something has to be wrong with the thinking of some persons on the other side.

Mr. Vice-President, my colleague Sen. Montano alluded to absolute monarchy. We are going back in history because the other side is going back in history, so let us all go back in history. I am sure those of us who know a bit about our history would have heard of the French Revolution. This started somewhere in 1787; it reached its first climax in 1789. One of the reasons this French Revolution came about was because of the state of absolute monarchical regimentality which came about in France and it was because of that, the first aristocracy, then the ordinary people began to get scared and made their own move. If this Government is not careful, that is what they are going to precipitate. People are going to get so afraid and they are going to start to demonstrate; restrictions are being put on that. When they apply, most likely they would be turned down and then what happens? Are you going to throw everybody in jail? Are you then going to put into effect the Prisons Act? One sees how the whole matter is tied up. I am wondering if it is the intention of this Government—because we cannot put anything beyond them—to push the people maybe, gradually over the next two and a half years to the state where the people decide to take matters into their own hands. We know what is going to happen—a State of Emergency is declared and then we are told there cannot be an election, perhaps that is what is meant when they say they would be in office up to the year 2015. One has to look beyond what is being said. One only has to look at the legislation that is being attempted, to recognize, as one colleague said, “if it is creeping dictatorship, it is no longer creeping, it is galloping.”

Mr. Vice-President, to end my discourse I would like to say that we are not going to support the Bill in the way it is presented. We are convinced that it is only one other in a line of Bills which have gone before and if we support this—indeed, we did not support the others—then we shall be putting our signature to something we know to be wrong and could not possibly benefit the national community and, after all, the national community is the responsibility of the Parliament. If we put our signature to this Bill, then we shall be writing the death

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sentence for Trinidad and Tobago. On those words I take my seat, only to reiterate, we shall not support the Bill in the form in which it has been presented.

Thank you.

The Minister of Culture and Gender Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Vice-President, I am very pleased for the opportunity to be able to speak on this Bill.

I would like to address some of the comments made by Members on the other side, particularly the last speaker with whom I will start. We have been hearing this afternoon, all kinds of talk about we are being sinister, not allowing people to speak and so forth. I will comment on the defence which was just given in relation to the text which was written by Dr. Eric Williams in *Inward Hunger*, and I say there is no way that the quotation of dividing the country can be denied because it is a fact. The hon. Senator has just quoted certain parts of the text which are not referring to the quotation which was identified by Sen. Mark.

Mr. Vice-President, in my own research, when I was working on my MSc thesis, the name being "Class Formation and Ethnicity in Trinidad" which was completed in 1984, I had cause to look at all these issues in relation to class and race in Trinidad and Tobago and matters related to trade unions and the administration of the country, and indeed, reference to the statement that the author of that text, Dr. Eric Williams, said that his greatest political achievement was not bringing together the workers in oil and the workers in sugar at that particular point in time. That is a fact, and it cannot be disputed. It is in the text. So reference to that is very clear, whatever else is said, that was said in relation to that condition which was taking place at that time.

Sen. Mohammed: Why do you not quote the page number and date?

7.10 p.m.

Sen. Prof. Spence: Mr. Vice-President, is it not the custom that when quotations are being done, that chapter and verse should be given?

Mr. Vice-President: I do not think the hon. Senator, is in fact, quoting. She is, in my view, arriving at a conclusion that she says she arrived at after reading the book. I did not get the impression that she was trying to quote the text.

Sen. Prof. Spence: Mr. Vice-President, ask her to clarify it, because my impression is that she was quoting.

Mr. Vice-President: Could you let the Senate know whether, in fact, you are quoting the text of *Inward Hunger*, or otherwise.

Sen. Dr. The Hon. D. Phillips: Mr. Vice-President, I am not quoting. I do not have the text in front of me, it just came up in the debate. I am saying, my experience in carrying out my own research at that time, that was an issue we dealt with academically and that was the sentiment, the approach, to dealing with that political situation at that point in time. I am not quoting. This has come up because of the reference the Senator just gave to that.

Mr. Vice-President, in relation to the last Senator and what was said, something about in the Division of Culture in Tobago, African people were not restricted from participating in culture; something to that effect. Again, I am not quoting, and I hope I am giving the context in which, at least, I understood what was said.

With regard to the whole issue of Africans in culture and so forth just a few months after we entered into Government, we at the Ministry attempted to increase the grant to the emancipation groups way in advance of what it had ever been previous to that, and from that time until now we have seen a massive upsurge in the celebration of emancipation throughout the country. That has, in part, been possible through the allocation of funds and resources, including facilities to keep the shows and to have the celebrations. This is the first time, while this Government is in office, that emancipation—which has been the claim of the African population, and the African population has been one to look at its own history and also to celebrate its own successes—has been fully supported and has been given the fillip, the engine of development that we have facilitated.

This whole issue about denying African people participation in their culture, I am saying that in the history of our country, our independence, and our understanding of who we are, that African participation in their culture has never been more supported than it is now. Part of that too, has been facilitated by the naming of the Liberation Day for the Baptists and giving them an avenue for development. I am responding to some of the claims which were just raised by the last speaker.

With regard to the threat to calypsonians, and I note as well that one of the previous Senators also spoke about a calypsonian predicting that he was going to prison, or something to that effect. As regards the calypsonian who made that particular prediction, what I read in the press—again, I am not

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quoting—but that particular calypsonian said he was paid to sing the way he sang. So, the authenticity of that statement is in question—the whole prison thing and the whole environment under which that was taking place.

Let me get closer to the Bill itself. Several persons have commented that the Bill is not necessary, there is no need for it, it will infringe on human rights, on people's rights, does not allow for freedom of expression and there was also a whole lot which my colleague had suggested was going to take away the rights of preachers or religious leaders from saying what they want to say. There are several things one needs to say here. Firstly, preachers who are speaking to their flock, their audiences, in their churches, mosques or whatever areas they speak, nobody interferes with that. There is no question of limiting or interfering, in any way, in what a preacher, pastor or priest says to his flock. How we draw any equation between what a pastor is saying to his people in their churches, mosques, temples or wherever, that is not even in question. So, I do not see how that comes into being at all. The issue which is addressed by this Bill is public marches in the public, outside, public meetings.

Sen. Yuille-Williams: I just want to ask for a clarification there please. You have just talked about the religious meetings and you are saying it is not religious meetings they are talking about, it is religious marches. In the amendments that we are talking about, you are saying that nothing would happen within the church, mandir or temple. That the pastor, pundit or imam is free to say what he wishes within the confines of his religious building, as the case may be. Is that what you are trying to say? I was not quite clear about that. It is important to me, because that is one of the points on which I wanted to get clarification.

Sen. Dr. The Hon. D. Phillips: Mr. Vice-President, I am saying that the Bill, as I understand it, is addressing public marches and meetings and not what happens in the church, mandir or whatever, and it is not attempting to restrict those.

If we are concerned, as we all are, with freedom of expression, with rights of the individuals to make their statements while either in marches or otherwise, then the time we give people to register their intention with the police must be of significance. If we give them too short a time, then they will not be able to take advantage of their rights.

Let me share with this Senate my own experience in marching. As everyone knows, when we got into office we had been very concerned with the domestic violence problem. We have been trying to put various mechanisms in place to

address that problem. One of the things we did in 1996 was try to get together a men's support group to address that issue of domestic violence. There are several men—and we know that—who are concerned with this problem. With them we organized a male awareness week and we had the support of a fairly large number of men and women in addressing this problem.

On one of those days in the week the men planned a march through Port of Spain. This was unique. It was the first time, it was significant, and we were marching through. They wanted—and I wanted—the Minister to march with them, but it was largely a male group. We had decided on the route we were going to take through the streets of Port of Spain and it was to be somewhere between 6 o'clock and 7 o'clock in evening. We were going to march with lights, we had lighted candles or flambeaux in our hands; so it was dark. Again, I must emphasize that this was significant. It was the first time we could get men involved in those kinds of issues and they were doing it publicly and we thought it was significant.

We went to the law and the law said we needed 24 hours' notice. We wrote and made sure the letter reached to the police in the 24-hour limited time. But when we got a response, which was just a few minutes before we left the office the afternoon, the response said to us that the police did not advise that we take the route we wanted, we should take another route, which was good, and we had no problem with that, because the police understand the city and they know what is best and so forth. But we got that response so late, and we only got it because, in leaving the Ministry in the afternoon, there was no response and we had to call the police and they faxed a response. They said, "Yes, the march is allowed, but through another route". We had already told the people where we were going to pass, and so they were waiting at certain points for the procession to pass. We did not have the time—

Sen. Prof. Spence: Mr. Vice-President, I would like to point out to the hon. Minister that this legislation does not address the difficulty which she is proposing. Because even if one applies 48 hours in advance, the police would still give an answer the night before. What she must do is to move an amendment which says that they also have to reply within a certain time. It does not address her point at all.

I would like, since I am on my feet, to read the definition of public place. This is an extremely important point and I think the hon. Minister does not understand the legislation. In the Act, it states:

"'public place' means any highway, street, public park or garden, any beach and any public bridge, road, lane, footway, square, court, alley or passage,

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whether a thoroughfare or not; and includes any open or enclosed space to which, for the time being, the public have or are permitted to have access whether on payment or otherwise."

So that covers the definition of a church.

Sen. Dr. The Hon. D. Phillips: Mr. Vice-President, I am very well aware of the definition of a public place. I am addressing the issue of the time. *[Interruption]* If I will be allowed to speak, I would be able to say what I want to say. Maybe the Senators have not heard all that I want to say and, therefore, should give me a little time. I am addressing now my experience in trying to get a march through in time. Just let me speak about that.

7.25 p.m.

Mr. Vice-President, I am addressing the issue in the Bill about the 24-hour period to make an application. We had attempted to abide by the law and gave our application in. We had the 24-hour period of time. What I am saying about my experience in that march—which to us was a very significant one—is that, although it took place, some of the people who wanted to identify with us in solidarity and support were not allowed to exercise the right to do so. If we had more time the police could have communicated with us. We had no problem with the police telling us to change the route, the problem was the short time in communication. If we had another day we would have been able to get the information to our people at the various points so that we could have had our march properly arranged and have good order. This Bill addresses the time.

Sen. Montano: It does not.

Sen. Dr. The Hon. D. Phillips: We are attempting to increase the time. Sen. John also spoke about his experience in the trade union with getting responses late or sometimes a refusal, for whatever reason. If we had more time we would be able to put the arrangements in place so our march could have taken place and the impact of what we wanted to do would have been the way we had planned it.

We also think that people's rights are infringed if we have circumstances, arrangements and rules which do not allow them enough time to address those needs. Rights can also be infringed if the arrangements in place do not allow people the time to heed the rules. In that regard, the issue of the domestic violence problem in the important matter of getting men on board and allowing them to identify with the issue was timely, but it did not therefore, have the effect that it

should have had. That is my own experience and I think if we had more time we could have put the arrangements in place adequately.

On the matter of domestic violence, the Opposition has been telling us that we are infringing on people's rights, but this Government has been champions of the rights of women. We put the hotline in place to help these women and various—*[Interruption]*—I am talking about rights and what we have put in place—

Sen. Mohammed: Mr. Vice-President, on a point of order, what is the relevance of the Minister's comments to the Bill being debated dealing with summary offences? We are not dealing with a hotline! *[Cross talk]*

Mr. Vice-President: I invite the hon. Senator, with her references to domestic violence, to keep them in line with the issues before us and not go on a tangent and deal with the Bill as a domestic violence issue. I am prepared to entertain contributions that relate to domestic violence as long as it has some relevance to the Bill before us. *[Cross talk]* Could we have one person speaking at a time please?

Sen. Dr. The Hon. D. Phillips: Mr. Vice-President, as I said when we did the male march it was so important for us. Sometimes we march against domestic violence. We march as women in the women's organizations to support the issues of women and we also march to support situations of poverty. We need to know that when we organize a march for all these social issues: domestic violence, employment of women, poverty and these issues, we can have the assurance that we can organize our march properly, the police would be there on time and in place, and we can have the time. We think the time is important because those social issues are what we are marching for and what we support the NGOs and others for. Those social issues are so important.

Sen. Yuille-Williams: Mr. Vice-President, I do not like to beat this issue, but I really cannot just sit here. We are changing the time from 24 to 48 hours, but people have up to 14 days in which to notify the Commissioner and do not have to wait until the last day. It is their right. If 24 hours seemed too short it is because someone may have waited for that time. There are 14 days in which to make an application thus one has 14 days to tell the people where to line up. Why wait until the last day? That has nothing to do with the Bill we are talking about.

I am thankful to the last Senator who spoke. The church is a public place and public meetings are part of this amendment.

Sen. Dr. The Hon. D. Phillips: Mr. Vice- President, the law says that the minimum is 24 hours. If we are working on a minimum—for whatever reason, something may have come up, someone could have gotten butchered the night before and we may want to march about it.

Sen. Yuille-Williams: That is why you want 24 hours. [*Desk thumping*].

Sen. Dr. The Hon. D. Phillips: Mr. Vice-President, with all this noise the people are not listening to what you are saying. When you have 24 hours and you apply to police saying that this has happened and you want to deal with it, the police are not able. The Minister of National Security may say that they do not have computers and they have it in files or whatever, so that when we get the response it may be too late. We need to expand the minimum time to let the police do their work, respond to us and we could still have the march going on. That is the point I am making.

The whole issue about human rights and our having intentions—according to the last Senator—"to push the people until they are going to get a state of emergency so we could stay in Government", people not being allowed to speak and we are chipping away at the rights of people, is nonsense. We are attempting to give the people whatever is the limit for it to be a reasonable minimum time in which the police can do their work so that the people would get the chance to do their protest or whatever.

One Senator said she did not like the direction in which this Government was going, but what direction is that? In the last two years we have been able to do so many things that had not been done before. Just yesterday we opened four bridges. That is the direction in which this Government is going. You could march, drive, cross or get your agricultural goods out on these bridges. Even in the area of domestic violence, we have done so much: the Hotline, the domestic violence centres, of course, with the help of the NGOs.

What this Government has been doing is the direction we are going. In all areas of the economy and society this Government has been making headway. [*Interruption*] I am responding to what this Government has been accused of in the debate on this Bill and I have the right to do that. We have been dealing with people at their levels in the community. I do not have very far to go to make reference to what we have been doing, just this afternoon we opened community camps for children for the first time in Success Laventille, Morvant, Baratavia. [*Cross talk*]. Those children would not be on the street. In Laventille there are 225

children in one camp supported by the Ministry of Culture and Gender Affairs. That is just one thing that is at hand.

All these threats and insinuations of what we have been doing, this Bill, if it does anything, gives the people rights. It does not take them away. It allows people to exercise those rights and does not limit them in terms of the minimum amount of time. Those issues about not allowing people to speak, chipping away their rights and all of that, are not necessary.

Concerning the question of our not listening to the people, there has not been a listening government as this one. We listen to people. The Senator spoke about culture. We listened to the people who were trying to practise their emancipation rights. Look at the National Women's Action Committee which has been arranging the Young Kings Calypso Competition and has not had support at all for it.

The other side spoke about listening to the people, there has not been a government that has listened to the people as we have. They said that we are afraid, we are looking at shadows and all those kinds of stories. Freedom of association is the right of our people. We are not doing what the other side has been doing, saying that they "coulda", "woulda" and "shoulda", we are doing what is necessary to be done.

7.40 p.m.

Mr. Vice-President, in the area of rights and in the area of marches we think, from our experience in marching and in trying to support the rights of the people, especially the rights of the underprivileged, the down-trodden and those with problems and with needs, we have been trying to support those rights. If we have to do that by marching with the people, the time is important.

On the issue of calypsonians and rights in culture, as I said, never before has cultural activity been so high-profiled as it is under this Government. The people themselves have said, especially in celebration of their emancipation, never before. There has been a renaissance of African cultural activity in the last two or three years.

Mr. Vice-President, I support this Bill. I have no reservations about the need for the Bill. One of the Senators on the other side said if they took a vote everybody would not agree with it. I totally agree with the Bill because of my own experience in trying to carry out my responsibilities and the fact that, because of the limitations of present legislation, we were restricted and we could not perform

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as we wanted to and as we could have. I support this Bill and I congratulate the Minister for bringing it.

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

Sen. Mahadeo Jagmohan: Mr. Vice-President, I am glad to have the opportunity to speak on this Bill for not more than about 45 minutes but I lament my karma that I have to speak at a time when so many seats are vacant on the Independent Bench. All the Opposition and Government Senators are here. It worries me that the kind of Oath of Allegiance we took on December 27, 1995 is not reflecting itself in the Parliament at this time. It is my own feeling that all Members of this House should continue to maintain their zeal, enthusiasm and interest in whatever is being done in this Senate at this time. It is sad and it is regrettable, due to absences.

However, I do not want anyone to feel threatened. I will attempt to be brief. Trust is a very important matter. When one of the greatest American Presidents, Abraham Lincoln, decided to marry Mary Todd he trusted that it would be a happy and successful marriage because his love for Ann Rutledge was already devastated because of her death. That trust that Abraham Lincoln had that he would have an ideal wife was also devastated. When the great Indian Prince did what he had to do—I will not take this Senate through—to marry the beautiful Princess Sita, they did not know each other and when the families gathered for a kind of ceremony—I cannot explain this here because I would have difficulty in reaching everyone—the families of both persons asked who is the bride going to be and when it was pointed out that the two people who were going to get married did not know each other, the question of trust was established. It is coincidental that the World Ramayan Conference is taking place in Trinidad and Tobago commencing this weekend and the beautiful Sen. Tota-Maharaj has an administrative role in that regard.

The point I am making is, is there any trust between the Government and the people of Trinidad and Tobago? Does any trust exist at all? When Sen. the hon. Wade Mark spoke he referred to the “peoples” of Trinidad and Tobago. I have heard everybody refer to the “people” of Trinidad and Tobago and he keeps saying the “peoples”. I wonder what is the point. What is the message? What is he registering in talking about the “peoples” of Trinidad and Tobago? I have some friends who are specialists in the English language, I will have to do some work with them to clear my own understanding of what “peoples” of Trinidad and Tobago means.

However, on this Bill the hon. Minister who spoke—and it is difficult to speak just after her. Mr. Vice-President, allow me to read a little piece of the preamble:

“An Act to amend the Summary Offences Act Chap. 11:02, to update the law dealing with the holding of public meetings and public marches and other related matters.”

That is the dangerous part, “other related matters.” Which attorney or judge will interpret what the other related matters are after this becomes an Act of Parliament? Who could tell which judge how to interpret and give his decision? The point I am making is that this refers to everything that one can possibly think about. This could talk about gathering near the television in Woodford Square to look at whatever is being shown and the police can check one out and straighten one out on that.

Talking about marches on the business of this Bill. For this year alone I participated in a march that the NUGFW had to protest and agitate for job security around the streets of Port of Spain. I marched in the May Day celebrations in Port of Spain and for the Indian Arrival Day celebration from inside Chaguanas to the Divali Nagar site. The kind of willingness, understanding and co-operation the police gave is highly commendable and they must be commended for the kind of understanding they showed for the people participating. Therefore, I do not see this Bill as a police problem. An assistant commissioner and a number of senior police officers were recognized and identified around all these marches. The Labour Day march to Fyzabad, same thing. One deputy commissioner I recognized, two or three assistant commissioners; a whole galaxy of superintendents and senior superintendents. They all were very, very concerned and they guaranteed that the people were safe and comfortable. The police do not have a problem here. The Minister wants the Commissioner of Police to have more time but just tell us why, Mr. Minister. Why must they have more time when there is an efficient police service which has always done its work well?

Many people do not know that trade unions may experience a lock out at seven o'clock in the morning and by eight o'clock they wish to take action so that the whole nation would be sensitized about the repressive approach of a particular employer. Twenty-four hours to get permission to do that? When the Unemployment Relief Programme managers designate days for pay and they arrive on the scene, very often, because of bureaucratic bungling or red tape, no pay or money is ready and available. That is not the fault of any

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given person, the whole system causes that. The workers want to immediately—and they have been—get on the streets. Not that they want to vote out the Government and some of them want to become Senators, Members of Parliament or Ministers. They want the nation to know of their plight because they came from homes where the pangs of hunger are felt by everybody in those homes. As a result they want to highlight their plight. Twenty-four hours was working so nicely why 48 hours? I doubt the Commissioner of Police wanted more time.

I am urging the Government, whilst they did not win an election outright to form a Government, they have a coalition Government and coalitions are very often fragile. In this case they are in Government because of whatever happened. We are not saying we want to remove them by any uncivilized means to get into Government. We want to see them rule properly and govern in the right way. We want to see that their governance is something that is acceptable to the people and history will not record us as a bunch of ladies and gentlemen who came here and sat down and it did not matter to them if Good Friday fell on a Wednesday.

Mr. Vice-President, that is the position we are in at this time. Trade unions, which are largely misunderstood, are the ones which should be agitating the most for this piece of repressive legislation to be amended. In my humble view as an individual, there are certain constraints that have caused the entire labour movement not to be as vocal as it ought to be but the trade unions have spoken out and we should pay attention to what they are saying.

We are mindful, and we want to compliment the Government for saying that they want to achieve a total quality nation. They have adopted that from the People's National Movement. They have just used different words. We thank them for going along with us and agreeing that Trinidad and Tobago should become a world class nation. What are we doing with respect to improving all round? When legislation like this one is brought to Parliament the man on the street talks about it but they do not have a voice. The only thing they can do is wait for next time around when there is an election to vote out somebody. But whose idea was it? Who is afraid of what? Why do you want to increase the period of time for application and approval by one hundred per cent from 24 hours to 48?

As I say this I want to compliment the Minister. He was very cool and calm when he presented this and his facial expression told me—I could be wrong—that he was not pleased and happy presenting this Bill. I suppose he is a member of a team and a good team player and he is carrying along. I got that impression—I

could be wrong, but the Minister will forgive me if I am wrong. We should be talking about increasing standards, not putting draconian legislation on the statute books. We should not be doing that at all.

7.55 p.m.

A while ago, the hon. Minister who is in charge of Government Business here, spoke about how things are in Barbados and Jamaica with respect to that. He is not in the Chamber now, but I challenge him that he has not told all. His work is not well researched and he has competent staff at his disposal to do the research. The other regions are up in arms against Trinidad and Tobago about a number of matters—the Shiprider Agreement; the booting out of Julian Rogers, among other things—which have to do with free movement in the Caribbean. The rest of the region like Trinidad and Tobago; they do not hate the Government totally but they are upset about some of the decisions of the Government.

I urge the Government to increase its effectiveness, but not to increase statutory periods where the poor man has no other way of expressing his feelings except by demonstrating or assembling to talk. I state that the people to be affected most by this measure would be the working class people even if they are not unionized.

For example, out there at the Point Lisas Industrial Estate, for some strange reason, foreign nationals are coming in and doing the jobs that Trinidadians and Tobogonians are qualified to do. But, in some of the plants and firms where foreign nationals are coming as supposed experts, the workers are not unionized and, human nature being what it is, most people are afraid of losing their daily bread so they are not bawling out, but there are many foreign nationals around. The people want to march, but how are they going to do it? Again, I ask the Government kindly to be in harmony with the rest of the region on these matters.

Mr. Vice-President, in this country as in many other parts of the world, people are united for certain purposes. In Trinidad and Tobago, the petroleum engineers have their own body; the architects have their own group; the attorneys-at-law have the Law Association; big business has the Chamber of Commerce; what does the poor working class have? They only have the trade unions and trade unions are effective and have brought benefits to the working class.

Are we saying that after we get through with this change from 24 to 48 hours, that before the year ends there will be another piece of legislation to do something

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else to muzzle, or to control the working classes in the country? I am urging that the Government refrain from going in this direction because when the present Government came into power and it was given its dues and rights as a government, whether it is there by coalition or otherwise; it was given a chance to rule and the only way we recommend that they be removed from Government is by the civilized democratic means.

When the present Prime Minister was sworn in as Prime Minister, he started visiting trade unions, he and his Ministers, and some trade union leaders visited him. He promised a whole lot to the country. He promised the trade unions a great deal of relief and I want to say that some of his promises were kept. Give him that. Some of his promises were kept. But some of his promises were not kept and are not being dealt with.

The Leader of Government Business shows very scant regard for this Parliament quite often.

Sen. John: He listened to every word you said and he would reply.

Sen. M. Jagmohan: He spoke already and he is not the mover of the Bill. He cannot reply.

The point is I listened to an entire dissertation by the hon. Minister that had no bearing on the Bill, but she said she was replying and we accept it as a reply. I merely wish to say that something frightened me here and I am holding some of my senatorial colleagues responsible. When people's ethnicity is alluded to on related matters, the press reports it in a particular way and the man-in-the-street gives his interpretation and says, "You see, that bunch of 'fellas', they went in the Parliament. We paying them."

Sen. Cabrera: On a point of clarification. Am I to believe that Sen. Jagmohan is making a statement and being critical of the media?

Sen. M. Jagmohan: Mr. Vice-President, as I was saying, the People's National Movement holds the media in very high esteem and we are its only support in this country; nobody else supports the media as the People's National Movement does.

What I am saying is, it was in very bad taste the manner in which at least two Senators—one a Minister—spoke about the topic of race and ethnicity. The man-in-the-street does not care about relevance and in what context it is mentioned. It is taken for himself and given its own interpretation. As for me, in Trinidad and Tobago, we have one race, the human race; none other.

I say again, the Minister made a good try, but he gave no rationale, no background information. Did he have the satisfaction from the police? Has he uncovered a plot? Or, did the secret police of Trinidad and Tobago have some idea of something that will happen? I do not know, but the liberties and freedoms are being limited. Mr. Vice-President, do you know what this is doing? I hope this analogy will be understood. This is getting at the thin edge of the wedge right away and when the rest of the wedge is pierced in, it will be chaos in this country. Mark my words.

I want to say that it seems to me—will somebody tell me if I am wrong, please—that there is going to be overwhelming support for some other political party than the Government party come the next election, and there is going to be support by way of marches, rallies and all other kinds of things and, on that basis, the panic button has been pressed somewhere. Who cares to tell me where? I do not know, but there will be a heavy price to pay for disrespect for people's liberties. I am urging the Government at this juncture to withdraw the amendment, amend it and bring it back.

I said before, Mr. Vice-President, that all the other influential groups in the country have their associations. Workers do have the trade unions, but the trade unions are grass roots organizations. Therefore, if you create bureaucratic red tape and difficulty for them, that will frustrate them and I tell you 1,000 members of the Chamber of Commerce; or 1,600 lawyers from the Law Association; or 275 petroleum engineers; or 100 architects; they do not win any election for any political party. It is the masses who win an election.

Although the present Government did not win an election; it drew 50:50 with the People's National Movement but, as fate would have it, because of some kind of arrangement, it is in Government. I am saying that if fate has it that somebody else has to be in Government, we must accept that.

I am saying the trust between the people and the Government does not seem to be there nor to be effective at all at this time. Hon. Minister, do you have the permission, or the mandate, on the basis of your presentation, to amend that 48 hours? Let it stay at the original time which it was. Because, a number of us spoke on the different bills here and so many people went off on tangents—maybe I do not have the capability of going off on tangents, or I do not like doing it, but I merely state that we cannot support this Bill. Why can we not support it? Because it is taking away an existing right and privilege that the citizenry enjoys and bringing in its place, oppression in terms of 48 hours.

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I say that we have the most efficient police service in the whole of the Western Hemisphere. They could be put with the United States; they could be put with Canada and I happen to know that Sen. Selwyn John, who is a very experienced and knowledgeable person, alluded to his dealings with the police in obtaining permission. I want to state that I also had to write letters to the police seeking permission for several organizations and the police go about their business in a very scientific and orderly manner. They will continue doing this, I have no doubt, but we are now placing the police in a difficult position by the Minister opting to give the Commissioner of Police more time. What difficulty does the Commissioner of Police and his staff have at this time that they cannot deal with the matter in less time? I believe this matter of 48 hours' notice is repressive and is intended to control the number of marches and the extent to which marches take place.

Perhaps the feet of Sen. Comrade Mark are still tired from the number of successful marches in which he took part. Sen. Cabrera only joined the labour movement about 13 days ago. It is a way of speaking. He is not as experienced as Sen. John and Sen. Mark. Well, in the trade union, come August 17, I will be there for 40 years.

8.10 p.m.

I can tell you that all of us in this Senate are enjoying the benefits which the labour movement has brought to this country. They were not brought only for the low-paid workers, they were for everyone. I feel a bit saddened when an outstanding maestro of trade unionism, Sen. Selwyn John, has to speak on a Bill like this and not share another view. It sets me wondering whether I am in focus or not.

Sen. Mohammed: You are in focus, very much in focus. Do not ever sell your soul.

Sen. M. Jagmohan: I wish to state that no matter how anxious we are to get home, the point must be made. A great Chinese philosopher said it; Lord Buddha preached it under the trees; and in modern times, the Lord Jesus Christ spoke about it to his disciples and that is: Do unto others as you would have them do unto you. I am being interrupted. I did not interrupt the hon. Minister when he spoke.

So many things were said about the PNM having repressed culture. I am in a position to know that all the culture in this country benefited tremendously under

the People's National Movement government over the years. I am aware that people of African decent got an opportunity to go to all the African countries to see and learn. I am also aware that people of East Indian origin got many opportunities to go to India, to ancient/new schools of music and the other performing arts and they have enriched the culture of this country by virtue of the knowledge gained abroad, and this was all under the PNM. In essence, I am saying that the PNM supported culture totally in this country.

Mr. Vice-President, I can speak on this Bill for much longer, but the necessity does not arise because my colleagues have ventilated fully our thinking on this matter and I wish to state there are six Cabinet Ministers here and when they sit in Cabinet, they must be alert to legislation like this coming to the Parliament because we know they cannot be a second-term Government, but at least, they can be an effective Opposition as we are, so lay the foundation to get back in Parliament as an effective Opposition.

I thank you.

Sen. Nafeesa Mohammed: Mr. Vice-President, I know we have had a very long day, but as my colleague, Sen. Jagmohan, pointed out a while ago, this piece of legislation before us is indeed very serious and all six of us on this side have to seize the opportunity as we have done here today to express our strongest objections to this legislation brought by the Minister of National Security whom I honestly believe is being used and set up.

This follows a number of other pieces of legislation and measures which have now confirmed in my mind, beyond a shadow of a doubt, what is the real agenda of this UNC Government. It is there for all to see. I really feel sorry for the hon. Minister of National Security because I do have some faith and confidence in his integrity and commitment to freedom in this country. I have to express concerns because here, all these draconian pieces of legislation are seeking to erode our fundamental rights and freedoms and it is the poor Minister of National Security who is being used to bring these draconian, dangerous, and repressive pieces of legislation into the Parliament. We merely wish to appeal to his good conscience to keep that door in his ministry closed to those who may wish to encroach and assume so much more power unto themselves.

Mr. Vice-President, Sen. Selwyn John made a remark a while ago about not knowing how old I am, or being shocked at my age, but I feel very privileged indeed to stand in this parliamentary Chamber together with Sen. Andrew Gabriel

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and we happen to be, perhaps, the two youngest parliamentarians here at this point in time. It has saddened me to sit here this afternoon and hear the comments coming from those on the Government side, who are Members of the Senate, Members of this UNC coalition Government, who—as a child when I was growing up—I always heard them speaking about equality and justice for all and now—

Do you know what it reminds me of, Mr. Vice-President? Many years ago as a child in the 1970s—when this Summary Offences Act was amended to take into account the circumstances at the time—my grandmother's home had been rebuilt from a tapia house to a little concrete house. In those days, just the galvanize was put over, and there was no ceiling and at nights while trying to fall asleep, you would see lizards crawling around on the ceiling. There is a lizard which everybody knows that is called a 24-hour lizard. Today as I sat in this Chamber, I felt ashamed to see so many Senators sitting on the Government side representing the voice of labour changing like a 24-hour lizard and upholding this repressive legislation. Such hypocrisy! They stand in this Chamber and cast aspersions on the People's National Movement and they have no moral authority to do so. They simply confirm what Mr. Basdeo Panday has said so many times on the platform when he talked about those who will sell their souls for a mess of pottage—a jacket, some are not wearing the tie, but you have to say they are settling for a seat in the Senate. They have lost their voices, they are no longer representing the voice of the labour movement and they stand here to support this repressive piece of legislation. *[Interruption]*

As the Senator mentioned Hulsie Bhaggan, I would like to remind the Leader of Government Business, who is today a Minister, of the incident in 1993—1994 when there was severe flooding which took place in Central Trinidad and some Members of Parliament proceeded to summon a meeting of the residents in the area. Because of the urgency of the situation it was necessary to highlight the plight of those persons who were affected by the floods in Central Trinidad and it ended up with a Member of Parliament being put in prison. As a result of that incident, very effective measures were put in place to deal with the flooding problem, and today the present Minister of Works and Transport has derailed all the plans.

The Caparo River was going to be dredged and after two and a half years they are still bamboozling people in Central Trinidad and telling them they are fixing the Caparo River. That is why the flooding continues and the Prime Minister tells the people in Chaguanas and Central Trinidad: El Niño, El Niño enjoy the scenery.

Such hypocrisy! They have lied to the people of this country and ridden the backs of innocent people for many years and today they are sitting in the seat of power and this is the kind of draconian legislation they are seeking to put in place in Trinidad and Tobago, in 1998: in this day and age. It is a total shame. I cry shame on them! Each one of the labour representatives or persons who in the past seemed to be associated with the labour movement, stood here and they have changed. Some transformation has taken place within themselves. They have given up the struggles which they took on over the years.

Mr. Vice-President, as a child growing up in 1970 I remember the events of 1970 and throughout my life growing up, I have known about Sen. Selwyn John's contribution to the labour movement, and indeed, Sen. Wade Mark, but it is obvious they have sold their souls. It is only now I am getting to know about Sen. Vincent Cabrera, but the hon. Sen. Wade Mark stood in this Chamber today and had the audacity to flash a piece of legislation which we all know the history of—that Public Order Bill—and he himself admitted that it had been withdrawn. It was never enacted and he sought to mislead Members of this Senate and to distort the facts and history surrounding that piece of legislation. When that particular bill was introduced I distinctly remember that the name of a certain gentleman—whose name I prefer not to call—became a slogan in households throughout this country. People used to say, “I ’fraid him.” and you know about whom we are talking. Do you know what is being said today? “I ’fraid Ramesh.” Excuse me, Mr. Vice-President, but I am merely repeating what is being said all over the place.

Mr. Vice-President, there is something sinister that is coming through the Government side whenever they bring legislation. If one looks at the Order Paper, one sees it is not just in the Senate but in the other place too and one sees the kind of legislation in each affecting our fundamental rights and freedoms in some way or another. I have to wonder who is really drafting these bills, or from where the instructions are coming. Somebody seems to have a hidden agenda, but it is no longer hidden you know, it is there for all to see. I feel sorry for those Members who sit in Government who I know in their souls are freedom-loving people and do not wish to see an oppressive state being created, but they have no voice, they cannot speak out. They are afraid to say where to get off, and where to draw the line. If they open their mouth, they may lose their ministry as some people have lost parts of theirs already.

Mr. Vice-President, I have to appeal once again to the good conscience of our Minister of National Security to please do not allow himself or his office to be used

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by those who have other hidden agendas. The facts are there for all to see. Every week when we come to this Chamber we have to reiterate the number of oppressive measures which are being introduced by this Government. It is no secret.

The contributions of the other side on this Bill were so pathetic: it was deplorable. A very serious piece of legislation which is seeking to infringe once again on our fundamental rights and freedoms and they “ramajay” and talk a lot of irrelevant stuff. When the hon. Minister of Public Administration got up and talked about thanking the people for stopping the beast called the PNM, that is the beast over there. We have to stop this beast called the UNC Government. It is the most repressive Government we have experienced in Trinidad and Tobago to date and I say this without any fear, I say it because the Minister had the audacity to make these statements. What he failed to remind Senators in this Chamber about is, the fact that it was under the very PNM government—in the period 1971—1976 when there was not even an Opposition—a responsible government which enacted our Republican Constitution which sought to enshrine the same fundamental rights and freedoms in the Constitution which they are seeking to infringe upon today. They have no authority to speak. The People's National Movement has given to this country more than 34 years of sound and stable democratic government.

8.25 p.m.

Like any other government, we may have made mistakes and, if we made mistakes in the past, we have paid for it. Now it is your turn. It is your business to do better than we did. Going about in this rigmarole way and back door fashion to seek to take away rights and freedoms that we have sought to protect for the benefit of the citizens of Trinidad and Tobago is something we will not stand by idly and allow to take place. We have a duty and responsibility to speak out on behalf of the people of Trinidad and Tobago. Nearly every single Senator on this side of the Chamber today spoke out expressing concerns about this particular piece of legislation.

I merely wish to reiterate what my colleague, Sen. Joan Yuille- Williams, said in her contribution, when she called on the hon. Minister of National Security to rethink this piece of legislation, to withdraw it. If there was some pressing need or reason for it, come and say so; they did not say so. With all due respect, the hon. Minister of National Security laid absolutely no foundation for the introduction of this piece of legislation. Just as my colleague has said, history will haunt them.

Yesterday was July 27, a very sacred day in the history of our nation; a day all persons committed to democracy in our nation have to respect. We know the events that brought about what took place on July 27, 1990. I do not wish to call or refer to any particular group. It is just that the double dealing taking place in this Government, if they are seeking to introduce this particular Bill to deal with or to ban certain groups that they have relied on for help and for support in their election campaign, then come out and say so. Do not come to lie to us, fool, hoodwink and “bamboozle” us.

Mr. Vice-President, as I was saying, in terms of the presentation of this Bill by the hon. Minister of National Security, when we look at the Summary Offences Act when it was being amended in 1972, the *Hansard* is there for all to see. It gives the background. If one looks at the circumstances when section 109 was introduced into the laws of Trinidad and Tobago, one would see the references made to the background against which these provisions were made. Throughout the world there were certain changes taking place. Then we know of the events of 1970 and at the time these measures were introduced. What is even more ironic is that at that time the Labour Congress had expressed concerns, and I am sure Sen. John would know about the Labour Congress. So to come in 1998 to stand and support the very same kind of legislation that the Labour Congress expressed so much concern about is sheer hypocrisy and merely confirms how they have sold their souls for a mess of pottage, a jacket and a seat in the Senate.

We heard all sorts of comments about culture and what have you. I merely wish to state—because I am going to take my seat now—by reiterating that we on this side strongly object to this piece of legislation, we do not intend to support it, we are asking the Government to rethink their position with this Bill and to please withdraw it in the interest of our democracy in Trinidad and Tobago or what little is left.

Before I wind up, I just want to make reference to comments made by my hon. friend, Sen. Wade Mark, when he spoke about the laws in Barbados and Jamaica and harmonization. How convenient that they are talking about harmonizing the laws! The Barbados Act was passed many, many years ago, as was the Jamaican Act. Such hypocrisy! When the same Caricom that we fought for and struggled to develop and bring about that kind of regional integration; in their short two and a half years they have literally squandered all our gains with respect to Caricom. We became the laughing stock of the Caribbean when the Shiprider Agreement was hastily signed by the Attorney General; not the Minister of Foreign Affairs, for

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what reason we do not know. The Barbadian and Jamaican Governments took time off to renegotiate and to have different terms and conditions in the Agreement. The Shiprider Agreement was not all.

The insult, to the person who is still a household name in Trinidad and Tobago, Mr. Julian Rogers, that was inflicted on him by this Government that came here with the Immigration (Caribbean Community Skill National) Bill to “ramajay” so much and fool the nation with, the way they treated Mr. Julian Rogers leaves a lot to be desired. It just confirms everything about their desire to take away our right to freedom of expression. Today, our right to freedom of association, freedom of assembly and freedom of life. Every day they are interfering with some new right and we are not going to let them—I will refrain from finishing that sentence.

Mr. Vice-President, as the official Opposition in this country, as a watchdog in the society, we have a duty and a responsibility to protect our freedoms and our rights. We will represent the views of the people. If they in the labour movement have sold out, we the Opposition, the People's National Movement, the alternative government, the government in waiting, are here to protect the people's interests and to see about the people's business.

Before I take my seat, I do not know if I will have the opportunity to say these words, but one Senator had commented about what the UNC Government is doing for African culture. I merely want to state for the record that I am very proud to have come from a family that has been associated with the development and promotion of Indian culture in this country before I was born. I feel proud to know that it was as a result of our efforts over the years, and moreso when the People's National Movement was in government, that East Indian culture was allowed to flourish to the extent where today we have an East Indian renaissance taking place. If today, there is an African renaissance taking place in Trinidad and Tobago, then we say great. Hopefully, one day as we all arrive in this nation, we can put aside that race bogey and get on with the business of developing our nation together, hand in hand with each other.

On this note, I merely wish to take this opportunity, on behalf of all of us in the People's National Movement, to express a very happy Emancipation Day to the entire population of Trinidad and Tobago. [*Desk thumping*] It was said many years ago that whilst we may have come on different ships, we are all in the same boat.

I thank you, Mr. Vice-President.

Sen. Dr. Eric St. Cyr: Mr. Vice-President, the day is far spent and I would otherwise have held my peace, but I thank you for the opportunity to briefly make a couple comments on this very serious draft Bill.

It has been said that the price of freedom is eternal vigilance. I think we must be very vigilant, because I see in this, fundamentally, an attack on the political freedoms, the freedom to express spontaneous political feelings.

The Bill itself bothers me in one major respect. We know that Government has responsibility for the maintenance of law and order. As I read the Summary Offences Act I saw there were provisions designed to maintain law and order in the society. What bothers me most about this particular amendment is that whereas in every other case the penalty for violation of the Summary Offences Act ranges from one month in prison to 18 months; I see in this proposed amendment that this particular offence is being proposed to be punishable by a two-year period of imprisonment. I think this marks uniquely the marching without permission and the assembling without leave as the highest offences for punishment under this Bill. I wonder why the legitimate rights of people to assemble—because that is enshrined in the Bill of Rights, and I will speak on that in a little while—should be the crime most severely punished. So, I am bothered by that.

Bearing in mind the history of this country where, coming from a colonial background, the method of political expression has, over the years, been spontaneous demonstrations, organized marches and meeting for debate, discussion and the expression of political views; I wonder whether we are not doing ourselves a serious disservice by closing off those avenues of political expression. So I am very concerned.

I have not heard anything from the other side that convinces me that these amendments are at all necessary. We came close to making an administrative case for increasing from 24 hours to 48 hours, the required period for permission for marches, because various traffic regulations must be put in place, but even there I was not convinced and, certainly, we do not need any permission, peaceably, to assemble. If we ever give that one up, we would be going very much in the wrong direction and I would very seriously warn that we do not go in that direction.

The second area, briefly, I want to address—had we the time we could spend hours discussing this—is that this matter before us is of the longest historical vintage—the conflict between the executive and the people. It raises, fundamentally, the question: from where does power derive? Does power derive

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from the state, which then concedes some privileges to the people? Or does power derive from the people who put in place an executive to give expression to their choice of policies for their own self-government? As I said, this has a long history.

We could go all the way back to the 5th Century B. C. when, following the defeat of Athens in the Peloponnesian War, Pericles made that celebrated funeral oration. In it he really addressed the weaknesses of the Athenian democracy, but in it, he did repeat the celebrated dictum attributed to Socrates that, "Virtue is knowledge and can be taught". A statement for which, incidentally, the ruling elites were so incensed that Socrates was himself forced to drink hemlock for corrupting the minds of youth.

I am saying this to say that there has always been a conflict between established power and the rights of the people. This is not new. I could take you to a second example, the United States of America. Right on our door steps, just over 200 years ago, this problem was very seriously faced. Many of the states did not accede to the original federal government until a Bill of Rights was put in place. We could just remind ourselves that it was James Madison who spent most of his time in the Congress, because the high offices of President went to George Washington, Vice-President to Thomas Jefferson and the Treasury to Alexander Hamilton; and poor James Madison found himself in the Congress. He was able, by drafting a Bill of Rights which became enshrined in the first 10 Amendments to the American Constitution, to set at rest the fears of many of the states and people there.

8.40 p.m.

They had just come out from the oppression of colonial government. Well, so have we—and they were concerned that they were going to hand their right to self-government to another authority, albeit a home authority. In fact, one of the little stories I read was of a young man speaking to an older man concerning the entire American revolution asking him why they objected to the stamp duty. The old man told him that they did not object to it. The young man then asked him why they revolted against something else and he told him that they did not. So the young man asked him why then did they revolt. The old man told him because they felt they had a right to self-government. In other words, an independent people never give the right to self-government to any other people. If the people ever alienated that God-given right, whoever they give it to will become their oppressor.

Life is just like that, power creates a thirst for more power. It has always been like that, and the only way to deal with that is to put the source of power where it belongs, in the hands of the people, and they delegate what they would to whom they would.

It does not start by the state having the power and allowing the people some freedoms, but it starts with the power residing in the hands of the people. I repeat, the right to liberty is an inalienable right. It is one that you do not separate yourself from, that is what inalienable means, you do not separate yourself from that God-given right, the right to self-government.

Government is then a delegated function. I think that this is so important and we have gone through this before. The more the hon. gentlemen on the other side spoke, the more I became convinced that this piece of legislation cannot be supported. The hon. Minister of Public Administration nearly convinced me. Were the power I am speaking about not in the hands of the people, the Public Order Bill would have become an Act. [*Desk thumping*] That makes the case why we cannot now whittle down the rights of people. That is the case.

I am very glad that the cameras are not here because I am not speaking to a public forum to embarrass a Government. What I am doing is speaking to fellow Senators and saying: there is a wisdom that has come through the centuries, nay, the millennia: that governments must be restrained. It is the only basis of freedom.

Mr. Vice-President, I hope I have not made that point too aggressively because I really would like it to come over as a rallying position around which all of us in wisdom and for the benefit of this young fledgling nation must come.

I refer very briefly to the Constitution because I am not sure we do not need a two-thirds majority under section 54 because in the rights enshrined, we are told of the right of the individual to life, liberty, security of person, enjoyment of property and the right not to be deprived thereof, except by due process of law. By approving this we could deprive the population of some of those rights. The Constitution even goes further and speaks of freedom of association and assembly. That is my right, I do not need to ask anybody's permission to assemble. [*Desk thumping*] It is a right enshrined and I am not going to allow that right to be touched. I am speaking for all free-thinking people.

The Americans faced this. In the celebrated First Amendment it says that Congress should make no law respecting an establishing of religion or prohibiting

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the free exercise thereof. It is a God-given right for each man to worship his creator in the way he chooses. [*Desk thumping*] It also speaks about "abridging the freedom of speech or of the press or the right of people peaceably to assemble and to petition the Government for a redress of grievances." This was written in 1791. I say this because I really do believe that knowledge is virtue.

Thank you.

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. President, I thank you for giving me the opportunity to add my contribution and support to the Summary Offences (Amdt.) Bill which was piloted by my colleague, the hon. Minister of National Security.

I sat here for the last eight hours or so listening to the various contributions of Members of the Opposition and the Independent Benches. While I concur with the general feeling that this is, in fact, a very important piece of legislation, I would not have thought we would have been here at this hour of the night debating it, which, although very important, is a very simple Bill to understand.

Over the last couple hours we have heard the Bill described in various terms, forms and fashions. I fully appreciate the role of the Opposition Senators to articulate their own position and that of their own constituency, and also the role of the Independent Senators in bringing a balanced, erudite and scholarly approach to the debate. But one cannot help but detect a bit of alarmist type of alluding to and describing the provisions of the Bill which seeks in the first place, to extend the minimum time required to seek permission for a public meeting or march, also to increase the penalty and create a new provision which would make it a summary offence to hold an exempted public meeting for any other purpose than listed in the Schedule, and does not require a person to notify the Commissioner of Police.

In the debate this evening we have heard terms used such as draconian legislation, creeping and galloping dictatorship, and an attempt to muzzle the working class of this country and take away our fundamental rights and freedoms to create a repressive and oppressive state.

Mr. Vice-President, I state unequivocally that this Government, of which I am proud to be a part, has no such intentions. As a responsible Senator in a responsible Government, I cannot allow such accusations to go unanswered. This Government has absolutely no intention of taking away any fundamental rights and freedoms or creating a repressive or oppressive state.

In the debate this afternoon we have had numerous side issues being brought into focus, such as the issue of flooding, references to Hulsie Bhaggan, the Shiprider Agreement and the Julian Rogers issue, all thrown into a hodgepodge with motives which I cannot discern. I would deal particularly with the last contribution which, in my view was a very scholarly one from the hon. Sen. Dr. St. Cyr. I think it was worthy of listening to. Although at the end I had serious problems with the logic employed in summarizing his arguments.

I think he made reference to the freedom to express spontaneous feelings and to assemble, saying that power must be derived from the people and that the function of government is a delegated one. While in theory that sounds right and one can trace the development of the history of governments from the time of Aristotle and Socrates to the present time, the functions of a government have to be exercised with more in mind than the freedom to express spontaneous feelings, the freedom to assemble and other such noteworthy and praiseworthy references.

8.55 p.m.

As a responsible Government, one has to understand that a primary function of Government, a *raison d'être* for the creation of government is to protect the security of the nation and also to protect the security of its citizens. When one is speaking about circumscribing the rights of the individual one has to look at it in a balanced way. While we must look at preserving individual rights and freedoms as guaranteed under our Constitution, the security of the state of our country must be of paramount importance all the time.

As all Senators are aware, only yesterday we celebrated the eighth anniversary of an occurrence of which none of us in this country would be proud. As a state we have to be eternally vigilant to ensure, to the best means at our disposal, that such occurrences do not occur in the future. Of course, as a Government we have to take the appropriate measures to preserve the security of the state.

Looking at it from a more practical point of view, when a march is organized there are certain factors which any responsible permitting agency, such as the Commissioner of Police in this particular instance, would have to look into. We would have to look, among other things, at the safety of the participants of the march, the safety of the bystanders in the march as well as the security of the state. These are among some of the factors which we must consider. There are questions of access roadways, walkways and the provision of security.

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In modern times security has assumed a new dimension. One only has to look throughout the history of what is going on in the world today. Recently there was a march which created a tremendous amount of potential disturbance in the country of Northern Ireland. I was just in London and on the day I was leaving the Irish Republican Army was about to detonate a major explosive in the heart of London. One has to look at these questions of security of state in making these decisions.

Mr. Vice-President, only a few days ago we had the situation where a supposedly deranged individual invaded a major federal building in Washington and shot two of the security guards who died. We must all put these things within the context of Trinidad and Tobago and realize that we must put partisan politics aside and ensure that the security of our state is maintained at all times.

I am very gratified to hear Sen. Jagmohan say that the most efficient police service in the Western Hemisphere resides in Trinidad and Tobago. Apparently it took two and a half years for the population of Trinidad and Tobago to understand that or for that status to be achieved. We just saw the poll in the papers yesterday. I concur with my Leader in this House who commented on the performance of the police where, up to July of 1994, 24 per cent of the population was satisfied with the performance of the police service. From the poll yesterday performed by others it would appear that that number has shot up to just below 80 per cent. I am very grateful that the population of Trinidad and Tobago is becoming more and more comfortable with the state of security which is being put into place in this nation.

It goes without saying, and it is irrefutable, that based on what I have mentioned in this honourable House that the security of the nation is being well looked after. The population of Trinidad and Tobago is more at ease with what this UNC Government is putting in place. I think all praise and credit must go, not only to the Government, but also to the Minister of National Security for his unstinting efforts in supporting and leading the fight to make Trinidad and Tobago a more secure place.

I have sat here and heard people describe this legislation in all forms and fashions. We have heard it said that it is anti-labour. How could such a direct piece of legislation be considered as anti-labour? Among the points raised by Sen. Dr. St. Cyr was that the rights of people are being whittled down. This legislation always existed. All we are seeking to do is change 24 hours to 48 hours and that is why I have a problem with the logic in what is being contemplated.

Sen. Prof. Spence: Mr. Vice-President, with respect, that is not all we are doing. I would be grateful if the Minister, before he completes his contribution which I must say has raised the level of the debate from the political sides of the House, could deal with clause 5 because that does not deal with hours. It is extremely important that he deals with clause 5 before he finishes.

Sen. The Hon. F. Gangar: Mr. Vice-President, I thank the hon. Senator for the intervention. I am not winding up the debate. My distinguished colleague will wind up the debate but I will get to clause 5.

Clause 5 says that if one applies to have a march or a public meeting for a particular purpose one cannot have it for another meeting. This, again, deals with matters of the security of the state. I want to make that point absolutely clear.

Sen. Prof. Spence: I would be extremely grateful if the hon. Minister would read the clause because that is not what it says. One does not have to get permission for those items on the Schedule. I think he has misread the clause. It is extremely important. This is what I think Sen. Dr. St. Cyr was referring to when he talked about whittling down rights. The hours are one thing. I think one might have an argument about that but it is not really critical. The really critical thing is clause 5. I do not think the Government side realizes what is happening in that clause.

Sen. The Hon. F. Gangar: Mr. Vice-President, I will continue my contribution. As I said, my colleague the hon. Minister of National Security will deal with this particular point.

In closing my very brief contribution I want to reemphasize the Government's point. This Bill should not be interpreted as one which would take away our fundamental rights and freedoms. It is not intended to create a repressive state and it does not include any infringement on the rights of the citizens of the Republic of Trinidad and Tobago as enshrined in the Constitution.

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

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Vice-President, I would like to thank the Senators for their wide-ranging contributions. It seems as though we touched on quite a few issues and I should like to read the title of the Bill so that we can come back to the issue.

The Bill says:

“An Act to amend the Summary Offences Act, Chap. 11:02, to update the law dealing with the holding of public meetings and public marches and other related matters.”

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I say, again, “public meetings and public marches.”

To this end I would like to read the definition of a public meeting. Sen. Prof. Spence suggested that under "public meeting", which leads on to public place, that somewhere or other a church was located:

“‘public meeting’ means any meeting held in any public place except meetings referred to in the Schedule;

‘public place’ means any highway, street, public park or garden, any beach and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open or enclosed space...”

Open or enclosed space; space, not building. If it is that space is regarded as a structure such as this, I am afraid we would need to have a closer look at what an enclosed space is. I would like to complete the definition, Mr. Vice-President:

“...to which, for the time being, the public have or are permitted to have access whether on payment or otherwise.”

This brings to mind a public function. An enclosed space could be a car park but enclosed for the purpose of the gathering be it a show or whatever.

If it is, in dealing with a public place, the hon. Senator is suggesting that anywhere in the schedule that this matter of a public place refers to the meetings that are exempted from Part II being a religious service or meeting held under the authority of the head of any religious denomination, I am not quite sure how this public space, where people are allowed to go for the time being could be allied to a church. If it is an external gathering, yes, but the point is I thought a church was a place where people would be encouraged to be on a regular basis, not for the time being.

I can see a function being arranged in an open space and this open space, because of security reasons, will be enclosed. What it says here: “and includes any open and enclosed space.” This is an enclosed space. *[Interruption]* Well, whether or not it is an enclosed space I would like to stay with the point made by Sen. Prof. Spence that, for some reason or other, beside the remarks that my honourable colleague alluded to where an effort was made to make this Bill so draconian, where the remarks like draconian legislation and the claim that efforts were being made to remove people's rights, beside all those remarks for some reason the

matter of the schedule centred only on religious people. I do not understand why. What the Opposition Bench was seeking to do was to suggest—

Sen. Prof. Spence: I do apologize for interrupting but it is an extremely important point. My illustration was of an educational nature, not religious. That is you might be having a public lecture given by a political scientist. He might have it outside of the natural science building at St. Augustine and he might, during the course of his lecture, talk about politics and it might be considered that he is no longer having an educational lecture but having a meeting for another purpose. That is what could happen. Your Government may not always be in power. Some other government may be in power; ones that you have criticized, in fact.

Sen. Brig. The Hon. J. Theodore: Mr. Vice-President, I think this is where the trouble lies that the people who are exempted under this schedule are being regarded as people who, for some reason, would create another meeting out of an educational forum where a lecture or some discourse is being delivered. What no one seems to have considered is that this is protection for these very people who are exempted. Who are the people who will come to purport to be holding a meeting under this Schedule?

9.10 p.m.

These are the people who are not connected with matters of this nature who may not have the right to represent the groups, like unions and other organizations, to come to hold a meeting or seek permission. These are the people who could be regarded as infiltrators; people who will come to our country and under the guise of being a reverend or some educationalist, claim the privilege of holding a meeting under this Schedule. These are the people we are talking about.

These are the people who would be falsifying their position and not complying with the law. I do not see that this Schedule is in any way designed to fetter or stop the people who are covered here from conducting their legitimate business, but it seems as though every effort is being made to twist what is contained in this Bill to appear—

Hon. Senator: No, no!

Sen. Brig. The Hon. J. Theodore: Well, my Cabinet colleague listed all the terms that were used. These are the terms that we heard here today. There is an attack on religious organizations; poor people are not going to get an opportunity to be heard; an educational meeting—this is the point made by Sen. Prof. Spence—will somehow be misinterpreted.

Let me just state some of the other terms used, because two things came out of the debate today and it seems as though everybody, certainly on the Opposition Bench, was given the same terms to use. I did not have them all written down like Sen. Finbar Gangar, but I do have them here. Government plans to beef up the Act and this is giving power to the police to stop demonstrations; the religious leaders; how about: the intention is to muzzle everybody; the idea is to be repressive, to deny people their rights and their freedoms. There is nothing in this amendment that, in any way, seeks to deny everybody of everything.

Another thing being done is that the sections in the Act are being used by being transposed into the amendment to make it seem as though the amendment is, in fact, trying to cause these things to happen. I will give you an example.

Sen. Cabrera raised the issue. A number of these sections are immediately put at the feet of Government and the suggestion is made that these are the oppressive acts that we are trying to introduce. For instance, on peace preservation, section 55(1) says:

“The Minister may, by Order, prohibit during periods specified respectively in the Order any of the following things in any street, highway, or public place:

- (a) the carrying of any lighted torch;
- (b) the beating of any drum, the blowing of any horn, or the use of any other noisy instruments;
- (c) any dance or procession; and
- (d) any assemblage or collection of persons armed with sticks or other weapons of offence and numbering ten or more.”

Somebody had it to say that if 10 people go into Woodford Square to watch the television, immediately the security forces can arrest them. What is already within the Act is being taken to mean that this administration is going to use this. Now, if it had to be used, it is here. It has been here since 1972.

There is another section which was mentioned, to which I would like to refer. It deals with sections 60 and 59. I put them in that order because there was mentioned in section 60 that:

“Any constable may, at any time of the day or night with such assistants as he may take to his aid, enter such house, building, yard or place as mentioned in section 59 where he suspects any such persons as mentioned in the said section 59 to the number of ten or more may be together.”

Now, section 59 says, and I do not know if anybody is clear about what this section means:

“Where any convicted offenders, persons convicted of riot or affray, common prostitutes, rogues and vagabonds, and incorrigible rogues, to the number of ten or more, meet together or remain in any house, building, yard or other place, or are found playing or singing or dancing therein, or playing, gaming, or betting therein with any instrument of gaming or with any coin, card, or token, all such persons are liable on first or second conviction to a fine of one hundred dollars and on any subsequent conviction, to imprisonment with hard labour for three months.”

Now, if it is that people want to make the issue about rights and freedoms, this is where they look for that, but this Government is not seeking, in any way, to infringe or encroach on the rights of the people which exist. To suggest that asking for a 48-hour notice instead of a 24-hour notice, somehow or the other stops people from marching—the idea is not to stop anybody from marching. As a matter of fact, the idea is, more or less, to facilitate the very marching and the expression to which the people of Trinidad and Tobago are entitled.

On the matter of restriction, the restriction would be if somebody were to suggest that marches could only take place within a certain area, that marches could only take place on certain days of the week, that marches could only take place at certain hours as laid down. That is a restriction. But the matters of facilitating the police to administer and do the arrangements, do not constitute restrictions. It is an administrative provision because the bottom line is that the march can and will take place.

Perhaps I ought to deal more specifically with some of the points raised because, generally, these are the arguments being used to condemn this amendment, this talk of all the restrictions and removal of rights. No right has been removed. Nobody has been told they cannot march or have a meeting. This is not so. The rights are there; they are enshrined in our Constitution.

For instance, Sen. Prof. Julian Kenny talked about the assembly of 10 people or more which is contained in section 59. I read it and it is there. It is not that we put it there, but somehow or the other, it is coming across that it is this administration that is bringing this Act to Parliament today. This is not the case. If people were to concentrate on the amendment, I feel that we will get a more reasoned idea of what is the intention.

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For instance, Sen. Rev. Sieunarine spoke of whether or not there were threats or problems facing the society. We did not hear that kind of background. I do not know from what I heard here today, whether we need to hear that background because everybody on the Opposition Bench was suggesting that there is something sinister going on. It is bad enough for people to be causing the public to feel that there is some, as I say, sinister motive in what is going on here without my having to come here to reveal national security information as threats facing the society. We did not hear that kind of background. I am not quite sure that is the background that should be brought to this honourable Senate.

For instance, the hon. Senator went on to say that we are telling the people that they cannot express themselves. Under no circumstances is there any suggestion that the people cannot express themselves. But this is the trend and direction that the debate has taken. We have to be careful how the people express themselves; this suggests now that there is going to be some uprising or there will be some violence. Maybe it is the very manner in which this amendment is treated which would create a security problem, rather than give the people the comfort of knowing that the additional 24 hours is in no way designed to inhibit their rights.

In fact, much of this information has been changed around and has been made to look as though that is what is being done today. This Schedule, for instance, was not put in the Act today. According to what the amendment says at clause 5:

“Section 118 of the Act is amended by inserting the following new section:

Meetings
held for
other purposes

118A. A person who purports to hold a meeting for any of the purposes listed in the Schedule and who in fact holds such a meeting for purposes other than those listed in the Schedule commits an offence...”

He falsifies whatever information. You say to me he does not have to get permission. Granted. But maybe if he did have to get permission, the speakers would have to be recorded, the purpose of the meeting, the venue. I see a situation where a person wanting to say something could use this Schedule to do so. I see such a person not being genuinely covered by the Schedule.

The question is: How does one find out? One finds out these things from the public. People go to a meeting; they hear things and they come back and talk about them. There are morning programmes; there are letters to the editors; and the people in this country can tell the difference between what is genuine and what is being said or proposed to undermine the security of the state. That is where we get the information.

Let us take another point that was raised. Let us assume, as was said earlier, that for some reason this is directed to a reverend, or a pundit, somebody holding a religious service. The question was asked: Who would decide whether or not the person is holding a service, or is saying something else? Now, one must make the distinction between a service and a public meeting.

I agree with Sen. Prof. Spence that a service could be held in a public place. I am not disputing that but, generally, the way our society is set up, one has to take our society into account. Most, if not all these activities, are held within buildings or temples. Okay, you go to Laventille on a certain day in the month and it is held out in the open. Yes. But, the question I am asking is this: How does one determine? Again, I say the congregation will determine. I do not see people, as Sen. Montano said, going into the congregation to spy and hear what a religious leader is saying. I mean, if that is what the people in the Opposition are thinking, I really am concerned about their level of thought in matters such as these, and if they go to their people with that sort of story, that is going to create confusion.

9.25 p.m.

What we are saying is that Schedule II remains intact, nobody has interfered with it. People who choose to misuse Schedule II for their own purpose would be breaking the law.

Sen. Prof. Spence: I see the difficulty there. However, let us take the person who is not misusing Schedule II, but is deemed by the Government to have misused it, that is the problem.

If I am a political scientist doing a lecture at the university which happens to be of a nature which the Government does not like, let us say I am talking about free trade and the Government's policy is free trade, and by talking about it I am undermining the Government's policy. It may be said what I am doing is to set up a whole regime of students who would be against free trade. That is what may be said. That really is the problem. I understand the problem of somebody who is

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misusing the system and one wanting to control that, all I am saying is that there must be some other device to control it because by doing it in this way, the possibility is also being set up—not by your Government perhaps, but certainly in their contribution many Senators talked about governments in the past have tended to suppress the people. Let us suppose that sort of government got into power again, it could use this Bill wrongly. That is the problem.

Sen. Brig. The Hon. J. Theodore: The situation in a case like that would be difficult to try to resolve at this stage, but I take your point, Senator. The way I see it, the university is a place where freedom of expression resides. *[Interruption]* Your experience would be far more extensive than mine. I have been there at more peaceful times.

Somebody brought the point that there are laws which cover what people say that should in some way be seditious or in any way contrary to what Government is doing. Quite frankly, I am not going to debate the example which was given by the hon. Senator but I feel in cases such as those, I cannot see people going to listen because if there is a scheduled set of lectures, it would take a lot of manpower for somebody to be coming up there all the time. If there is a public meeting and it somehow gets into other activities, again, I am reluctant to go any further on this because from my personal opinion, I cannot see this being used to muzzle people in any way or to stop them from expressing themselves. I feel if a person is a lecturer, that is his job and he is talking to students he has the right to do that. What I see happening here is that people are looking at the content of what this person is saying, as was said earlier by other Senators, as to whether the person starts talking about matters political. From what we know everything is affected as people would say even at the very university there is politics in everything and I do not see this section as being one where people are going to be judged on the content of what they say.

The Schedule says if somebody—and I see it as a person who does not fit into these categories—uses one of these categories as a way of getting out of the application and holds a meeting; that is the person I am seeing. I take the point made by Sen. Prof. Spence and that could be an area of concern.

One of the remarks made by Sen. Yuille-Williams dealt with—I think Sen. Finbar Gangar dealt with the Orange marches in Ireland and although the Senator suggested that the marches became traditional and were never stopped, I am sure she would recall that barriers were put up this year and the marchers were in fact

stopped. The argument was that this right and liberty could not have been infringed.

Another point which the Senator made is that people have different views and interpretations. Exactly! It has been clearly demonstrated here this afternoon. We have different views and that is how the world is made up. We should be allowed our views and express ourselves and let people draw their conclusions.

The Senator spoke of a winning team and why change the team when it is working well. I would take you to the point where the team, having worked well for a number of years, hits a downward curve and with proper management one would see the signs and one does not wait until the team crashes outright and it is not in a position to win to start rebuilding the team. So to suggest that—I think the American expression is: if it is working why fix it? I am saying one must monitor the performance of the team and anticipate, one must see what is going on. It was seen in the World Cup that substitutes were put in at particular times based on the performance of the team. If you wanted a couple goals, the strikers were put in. My point is, to simply say that this Act is working so do not tamper with it, does not hold water. I am saying that based on—and Sen. Gangar raised the issue of the national security problems and the need to anticipate them. Yesterday was mentioned, July 27, and it is very significant and one must keep that date in mind because the very security of our nation was threatened eight years ago. The point is that we need to be on our guard, we need to ensure that we do not wait for something to happen. I have heard it said there was a breakdown in the intelligence, not so much the security, but the intelligence which caused the security agencies and arms of the state not to be aware of what was going on.

One must be vigilant. Threats to this nation are not necessarily internal they could come from outside. There are people who come to this country, and the very issue of the drugs which enter Trinidad and Tobago does not come by accident. Most of the people held with drugs are at the airport leaving Trinidad and Tobago. There are people coming in and out and we need to be vigilant. We want to make sure that our citizens whose right it is to express themselves are protected and given every opportunity to do so.

Talking about July 27 is very familiar to me because I am sure most of you here would appreciate that I was in a position seven years ago with the other officers of the defence force and the protective services to protect the very democracy of this country. We have that freedom here today which must not be

easily given away and whatever measures and controls that are necessary to ensure this freedom must be fully supported. Generally, I feel that we are a democratic nation, we recognize and respect the rights and freedoms of our people and what I want to get the Senators to understand is if they look at this amendment as it was drafted and intended, it is difficult to see where asking for an extra 24 hours is in any way designed to take away that right. The right is there.

Some of the famous words used are onerous and hysteria and one of the points raised was suppose something happens and the public want to bring it to the attention of the authorities and they need to have an immediate gathering, Sen. Jagmohan mentioned that it would be difficult to get approval if it were 48 hours. I am saying if something happens this morning and there is a lock out and the workers want to demonstrate, even 24 hours is not enough because that is reacting now for now and that is something which has to be dealt with in that context. So saying that the 48 hours would in any way stop people from demonstrating—it cannot—because one does not even have 24 hours to apply.

What are we saying? We are saying that demonstrations are treated by the police in a manner which is humane to the demonstrators who usually have a problem which they perceive can only be solved by drawing the attention of the public to themselves. That is their right. The fact remains that while in another Act, such a demonstration is illegal, it is regarded as something that has happened. I remember the Member of Parliament for La Brea raised the issue, he had a similar situation with which he dealt.

It was mentioned today, I am afraid I cannot remember by whom but I believe it may have been Sen. Montano, that there were a number of people who were objecting or wanting to march. We are talking about spontaneous meetings and dealing with conditions of roads, water and maybe the Government wants a cooling-off period of 48 hours and the Government plans to crack down on the people. Again there is much of this hysteric statement. I do recall that one of the Senators made mention of some problem which arose recently and they told them to “cool it”. That was the term which was used. “Cool it!”

Hon. Senator: It was Sen. Shabazz.

Sen. Brig. The Hon. J. Theodore: Thank you. The voice verdict. The people became very agitated and Sen. Shabazz very responsibly told them to “cool it”. That was a very good move and when people are talking about marching and they are being told to “cool it”, one assumes that these impromptu marches would not

be encouraged. While people can express themselves instead of rallying and riling them up and telling them come out and be heard, I think the hon. Senator made a very wise move and it is an example we can all follow. I thank you Senator for your very responsible behaviour. "Cool it." That is the term.

9.40 p.m.

In America, they extended the time that one can purchase a firearm, between application and receipt of the firearm; that is a cooling-off period. It is important that Members of Parliament and Government ministers act in a responsible way to tell the people who come to them for advice what is going on, rather than trying to agitate them and suggest to them that they demonstrate.

Somebody mentioned a calypsonian who was dressed in prison clothes, but in Trinidad and Tobago we do not wear black and white stripes, so we could not be talking about a Trinidadian prison. I suggest that person may have travelled and may be thinking about a US jail. *[Laughter]*

Generally, I appreciate the points made. In fact, I am convinced that most of the contributions were made genuinely with the interest of our people at heart, but it is difficult, because one of the Senators says that there is no guarantee that we will be here and there may be a time when one does not know how people would react. Certainly, from my personal point of view, I am very concerned about our democracy and the freedom of our people as has been demonstrated.

For what it is worth, this amendment will assist the police. We were asked: why do the police not become more efficient. Now, it is difficult when somebody like Sen. Jagmohan suggests that we already have the most efficient police service in the Western Hemisphere and should they not be given an opportunity to do their job even better. The police service is being computerized, it will take time, but the fact remains, we are doing something about it. As my hon. friend pointed out, the polls, which I do not normally quote, have shown that there has been a major improvement in the comfort of our people as far as their safety and security are concerned. I am glad to see that the efforts being made by the police service have been recognized and I feel that they have been put in such a high position, I may now have problems with the association and unions which may be demanding better remuneration. That being as it may, the police service is working and, as the hon. Senator pointed out, he has been in several marches and the police were there in numbers. Now the question is: How do they manage to get there in numbers if they do not have the time to organize and get in touch with the various stations to

find the manpower to man the area, clear the streets and facilitate the march? That is what the 48 hours is all about. I still contend that to suggest that 48 hours is taking away anything at all is completely misleading. Nothing has been taken away.

Sen. Dr. St. Cyr: Would the hon. Minister address the increase in fines to \$10,000 and the period of imprisonment from one year to two years.

Sen. Brig. The Hon. J. Theodore: I am advised, that during the period from 1972—1998, and I believe Sen. Montano touched on it—as an accountant himself, he saw where the money would have lost its value. I am told by an attorney that the matter of a fine, when an Act is amended that is always addressed. It was done taking into account the length of time and the present circumstances. I have also been advised that the fine and the sentence go hand in hand.

Sen. Dr. St. Cyr: Not possible, Sir, because whereas there is inflation; a year is a year.

Sen. Brig. The Hon. J. Theodore: Yes, but, again people are interpreting this section to mean that the fine is fixed at \$10,000 and that the two years constitute the sentence. This is the maximum. The magistrate has the alternative to fine, and usually, in the absence of paying the fine, there is a custodial sentence. So, the \$10,000 and the two years do not mean that anybody going before the court for this matter will be fined \$10,000 or two years imprisonment. They could be fined whatever figure the magistrate allows. It is not both, although it says and, I am told that in the Interpretation Act, that is also "or". So it is a fine or a prison sentence. From that point of view, the issue of the \$10,000 and the two years does not mean that is all that the court can award.

Sen. Dr. St. Cyr: Does that mean that if with inflation the fine goes to \$100,000 the sentence could go to 50 years?

Sen. Brig. The Hon. J. Theodore: Mr. Vice-President, I think I am stumped with that one, I would not attempt to respond. What I would like to say—and somebody did raise the point and one sees it in the courts today is that I have seen where judges have said to people that this crime is becoming too prevalent and the sentences have gone up. Sometimes people say, well, five years ago, but he had the discretion, nothing was changed. Somebody was saying to me: Why an increased fine? How is it that the person will have to pay more, be fined more or serve a greater sentence; that does not happen anywhere else? I want to remind this honourable Senate that there is this discretion in the court and, as I said, we

have all read in the papers, especially with things like domestic violence, where the judges use their discretion and, in fact, in some cases are imposing greater penalties. One of the Senators wanted to ask a question, I saw you about to stand.

Sen. Prof. Spence: I really do thank the hon. Minister and, indeed, the other Government Senators for being very tolerant about interruptions. I do apologize for having to do that. I just wondered if the hon. Minister, since he has advocated a cooling-off period, would agree to a cooling-off period on the finalization of this Bill for three weeks while we all have a chance to think about it.

Sen. Brig. The Hon. J. Theodore: Well, I had certainly thought, seeing that this Bill has been around for a little while, that one would have had an opportunity to think about it. I do appreciate the point made by the hon. Senator. Perhaps what was said here today may have given him second thoughts on certain points that he had stuck to when we came earlier, but I am of the opinion that the matter has been so well aired today and the contributions have been so voluminous and varied, that there should be very little doubt in anybody's mind as to how we should proceed.

Sen. Prof. Spence: I give you the opportunity to have second thoughts.

Sen. Brig. The Hon. J. Theodore: Maybe when we get down to the committee stage the matter could be raised. Right at this point, I would certainly like to end my contribution.

Sen. Yuille-Williams: I really tried to listen to you very seriously, because I was paying attention to what you were saying. In terms of that section 108 with the exemption and the Schedule to it, I really feel it was not quite clear how that was raised. I think when you went through it yourself you could see areas in which it was not quite clear. I think some of hon. Senators here would have agreed. Based on that I think that you really needed to look at it again. I am not happy that I understand what is going through there, I am not even happy at the way it is phrased, it is not quite clear. I think after listening and after you talked, I am being serious about it, I think we really need to look at it.

Sen. Brig. The Hon. J. Theodore: Mr. Vice-President, I take the point made by the hon. Senator. The way it is phrased seems to be cause for concern. It is a matter we could certainly look at in the committee stage.

I would like to close now by re-enforcing the position that there is certainly no hidden agenda lurking behind this Bill. There is no desire to deny any person or group of persons their right to assemble, protest or express themselves.

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Mr. Vice-President, I beg to move.

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

Senate divided: Ayes 13 Noes 11

AYES

Mark, Hon. W.

Theodore, Brig. The Hon. J.

Baksh, Hon. S.

Phillips, Dr. The Hon. D.

Gangar, Hon. F.

Tota-Maharaj, Mrs. V.

John, S.

Gray-Burke, Most Rev. B.

Baksh, N.

Gabriel, A.

Cabrera, V.

Teemul, Mrs. E.

Kuei Tung, Hon. B.

NOES

Mohammed, Miss N.

Montano, D.

Jagmohan, M.

Alfred, Miss C.

Shabazz, M.

Yuille-Williams, Mrs. J.

Spence, Prof. J.

St. Cyr, Dr. E.

Kenny, Prof. J.

Marshall, P.

Sieunarine, Right Rev. E.

Agreed to.

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Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: We have before us a Bill with five clauses. There is an amendment which has come from the House of Representatives and has been attached to the draft Bill.

9.55 p.m.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5

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

Mr. Chairman: The amendment to clause 5 has come from the House of Representatives and forms part of the Bill.

Question put.

The Committee divided: Ayes 13 Noes 11

AYES

Mark, Hon. W.

Kuei Tung, Hon. B.

Theodore, Brig. The Hon. J.

Baksh, Hon. S.

Phillips, Dr. The Hon. D.

Gangar, Hon. F.

Tota-Maharaj, Mrs. V.

John, S.

Gray-Burke, Most Rev. B.

Baksh, N.

Gabriel, A.

Cabrera, V.

Teemul, Mrs. E.

NOES

Mohammed, Miss N.

Montano, D.

Jagmohan, M.

Alfred, Miss C.

Shabazz, M.

Yuille-Williams, Mrs. J.

Spence, Prof. J.

St. Cyr, Dr. E.

Kenny, Prof. J.

Marshall, P.

Sieunarine, Right Rev. E.

Agreed to.

Clause 5 ordered to stand part of the Bill.

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

Senate resumed.

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

PRISONS (AMDT.) BILL

[Second Day]

The committee of the whole Senate resumed its deliberations on the Bill.

[Chairman: P. Hamel-Smith]

Clause 3 (cont'd)

Question proposed, That clause 3 stands part of the Bill.

Mr. Chairman: We have an amendment circulated by the Minister of National Security. It is a rewording of clause 3, as follows:

- 4(1) The Minister may by Order appoint any place as
- (a) a convict depot; or
 - (b) a prison.

- (2) An Order made under subsection (1) to appoint any place as a prison shall be subject to negative resolution of Parliament."

Sen. Mohammed: Mr. Chairman, with respect to the proposed amendment to this clause 3, we maintain the position we had when this Bill was being debated on the last occasion, insofar as this controversial clause is concerned. To this date, we have had absolutely no justification from the hon. Minister about the Minister having any power to appoint any place as a convict depot or a prison.

We made the amendment that seeks to subject this power to a negative resolution of Parliament, but we are not satisfied even with this. It is a known fact, once there is a simple majority whether the matter is debated in the Parliament or not, there is very little control. We are very concerned about giving the Minister such powers when no case has been made out, none whatsoever, for authorizing the Minister to have that power to declare any place to be a prison, especially in light of the fact, that when you look at the parent Act and the proposed amendment in clause 2, to actually have the maximum security prison named or listed as a prison, in the parent Act in section 3, it already designates those places that are deemed to be prisons.

If we have already listed all those places in Trinidad and Tobago that are to be prisons, why do we have to still give the Minister the power to declare any place a prison? This is all part of the creeping, if not galloping, dictatorship that we are concerned about.

We will continue to speak out about it and maintain our objection to the inclusion of this clause 3. We are repeating our call for this clause 3 and indeed the proposed amendment, to be deleted entirely from the Bill, if they wish to have our support.

We are not prepared to support this Bill with this clause 3 in it. We really thought that the hon. Minister would have come here today to indicate that he would be deleting the clause.

Mr. Chairman: Are there any other comments? The Senator spoke in support of her circulated amendment which is to delete the entire clause. This is what we are considering here.

Sen. Prof. Spence: I ask, just as a procedural point, if one wants to amend the Minister's amendment, at what stage is that proposal made?

Mr. Chairman: After we deal with this amendment. We are dealing with Sen. Mohammed's amendment.

Sen. Mohammed: I assumed that we were looking at the Minister's proposed amendment which seeks to subject this power to a negative resolution, but in any event, I have no difficulty in taking them in the context of our amendments that the entire clause be deleted.

Mr. Chairman: The issue being considered right now is the amendments as circulated by Sen. Mohammed to delete the entire clause. Do we have any discussion on that.

Sen. Shabazz: Mr. Chairman, what has happened is that the Minister took this Bill back to come up with something new on this clause, I feel he should have something to say about it. We said that he should delete it. He took it back and just sent something back to us.

Mr. Chairman: He would have something to say I am sure.

Question, on amendment [Sen. N. Mohammed], put.

The committee divided: AYES 7 NOES 14

AYES

Mohammed, Miss N.

Montano, D.

Jagmohan, M.

Alfred, Miss C.

Shabazz, M.

Yuille-Williams, Mrs. J.

Sieunarine, Rev. E.

NOES

Mark, Hon. W.

Kuei Tung, Hon. B.

Theodore, Brig. The Hon. J.

Baksh, Hon. S.

Phillips, Dr. The Hon. D.

Gangar, Hon. F.

Tota-Maharaj, Mrs. V.

John, S.

Gray-Burke, Most Rev. B.

Baksh, N.

Gabriel, A.

Cabrera, V.

Teemul, Mrs. E.

Marshall, P.

Sen. E. St. Cyr and Sen. J. Spence abstained.

Amendment negatived.

10.10 p.m.

Mr. Chairman: We now deal with the amendment circulated by the Minister of National Security and I would invite comments on it.

Sen Prof. Spence: Mr. Chairman, I would like to put a proposal for myself and on behalf of Sen. Wade Mark. We will say affirmative resolution.

Mr. Chairman: We have a proposed amendment to the amendment in that the word negative be replaced by the word affirmative. Any discussion on the amendment to the amendment?

Sen. Dr. St. Cyr: Once a Minister brings a resolution with a negative resolution it automatically goes through. Therefore, in order to have a debate it should be an affirmative resolution. I fully support Sen. Prof. Spence's amendment.

Sen. Mark: On a point of clarification, it does not necessarily follow that if there is—I understand the point the Professor has made in my favour. However, I just want to clarify the point about the negative resolution.

It happened just recently with the Minimum Wages Order. There is a 45-day period, or thereabouts, in which a private Member's Motion can be filed and the

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Government would give priority to it as we did in Sen. Philip Marshall's instance. I just wanted to clarify that. It is not that it would fall, there would be no debate. There will be a debate once something is final.

Sen. Dr. St. Cyr: To come to a prior oversight, no Motion need be pushed but if the onus was on the Minister to bring it for "affirmative" he would ensure—

Mr. Chairman: Dr. St. Cyr you are correct.

Sen. Prof. Spence: I could also make the point that the Motion might be brought on an affirmative and there need not be a debate. It might be carried if it is straightforward.

Mr. Chairman: That is also correct. Any other comments on the amendment to the amendment?

Sen. Mohammed: Mr. Chairman, I am still very concerned that even with this amended form being proposed by Sen. Prof. Spence, we have had no justification whatsoever as to why the hon. Minister needs this power.

Sen. Shabazz: Mr. Chairman, the question of justification is the whole point. The reason the Minister went back was so that he would talk with his people. They must have told him something for him to come with that situation. To bring it without saying anything to us seems not too nice.

Mr. Chairman: Any other comment?

Sen. Dr. St. Cyr: My understanding of the importance of the Minister having this power is that if, per chance, we built a new prison in another part of the country we would not need to amend the Act to put this on the books if it could be done by an Order.

Mr. Chairman: That is also correct. Would the Minister want to comment?

Sen. Brig. Theodore: Only that the reality is that Tobago needs a prison and if there is another prison to be built it will be in Tobago. It also means that it can be declared by an Order. I think the concern last time was the debate that was required. The affirmative proposal that has been suggested would cause that to happen as I see it.

Mr. Chairman: We have an indication from the Minister that he is in favour of Sen. Spence's amendment.

I will put the question on the amendment to the amendment that the word "negative" be replaced by the word "affirmative".

Question, on amendment, [Sen. Prof. Spence] put and agreed to.

Mr. Chairman: I now put the substantive amendment before you with the word negative being replaced by the word affirmative.

Question on amendment put and agreed to.

Clause 3, as amended, 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, read the third time and passed.

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, before moving to adjourn this honourable Senate to a date to be fixed, may I take this opportunity—it slipped me during my own contribution—to warmly congratulate Sen. Rev. Everson Sieunarine on his maiden contribution here today. We on this side of the House would also like to join with our fellow Senators on both Opposition and Independent Benches in extending a very happy, positive and progressive Emancipation 1998 to the entire community of Trinidad and Tobago, particularly our people of Trinidad and Tobago of African descent because we know as we move towards building this nation as one we move towards national unity, solidarity and we hope the entire community would join hands in celebrating Emancipation 1998.

Mr. Vice-President, I beg to move that the Senate do now adjourn to a date to be fixed.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 10:19 p.m.