

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE FOURTH SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

SESSION 1999—2000

VOLUME 20

SENATE

Thursday, June 01, 2000

The Senate met at 1.35 p.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. Carlos John during the period May 28 to June 01, 2000; Sen. Selwyn John during the period May 27 to June 17, 2000; and Sen. Nizam Baksh from June 01, 2000 and continuing during his absence from Trinidad and Tobago.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from the Office of the President of the Republic of Trinidad and Tobago:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency GANACE RAMDIAL, Acting
President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

\s\ Ganace Ramdial
Acting President.

TO: DR. GEORGE DHANNY

WHEREAS the President of the Senate has temporarily vacated his Office of Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting President of the Senate:

NOW, THEREFORE, I, GANACE RAMDIAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2) and section 44 of the Constitution of the

Senators' Appointment
[MR. VICE-PRESIDENT]

Thursday, June 01, 2000

Republic of Trinidad and Tobago, do hereby appoint you, GEORGE DHANNY, to be temporarily a member of the Senate, with immediate effect and continuing during the period that Senator Ganace Ramdial has temporarily vacated his Office as Senator.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 31st day of May, 2000."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C., O.C.C., S.C., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson
President.

TO: MR. VINCENT CABRERA

WHEREAS Senator Selwyn John is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VINCENT CABRERA, to be temporarily a member of the Senate, with effect from 1st June, 2000 and continuing during the absence from Trinidad and Tobago of the said Senator Selwyn John.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 29th day of May, 2000."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C., O.C.C., S.C., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson
President.

Senators' Appointment

Thursday, June 01, 2000

TO: DR. ANNA MAHASE

WHEREAS Senator Carlos John is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ANNA MAHASE, to be temporarily a member of the Senate, with effect from 1st June, 2000 and continuing during the absence from Trinidad and Tobago of the said Senator Carlos John.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 29th day of May, 2000."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency GANACE RAMDIAL, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago.

\s\ Ganace Ramdial
Acting President.

TO: MR. JULES BERNARD

WHEREAS Senator Nizam Baksh is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GANACE RAMDIAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JULES BERNARD, to be temporarily a member of the Senate, with effect from 1st June, 2000 and continuing during the absence from Trinidad and Tobago of the said Senator Nizam Baksh.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 31st day of May, 2000."

Oath of Allegiance

Thursday, June 01, 2000

OATH OF ALLEGIANCE

The following Members took and subscribed the Oath of Allegiance as required by law:

Dr. George Dhanny, Dr. Anna Mahase, Vincent Cabrera, Jules Bernard.

PAPERS LAID

1. The 1999 Annual Report of the Environmental Management Authority. [*The Minister of Public Administration (Sen. The Hon. Wade Mark)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts and financial statements of the Sport and Culture Fund for the year ended December 31, 1995. (*Sen. The Hon. W. Mark*)
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts and financial statements of the Sport and Culture Fund for the year ended December 31, 1996 (*Sen. The Hon. W. Mark*)

ORAL ANSWERS TO QUESTIONS

Sen. Prof. J. Kenny: Mr. Vice-President, I do not know whether you are aware that Sen. The Hon. Phillips' daughter was injured in an accident and is hospitalized. May I suggest that we have the question deferred until next week?

Sen. The Hon. Wade Mark: No.

**Queen's Park Savannah
(Extension of Paved Area)**

12. Sen. Prof. Julian Kenny asked the Minister of Culture and Gender Affairs:

- A. Could the Honourable Minister of Culture and Gender Affairs inform the Senate whether the National Carnival Commission was granted approval to extend the paved area in the Queen's Park Savannah to the west and south west of the Paddock Area by the Town and Country Planning Division as required under the Town and Country Planning Act, Chap. 35:01, Section 8.
- B. Could the Hon. Minister also inform the Senate:
 - i. whether the National Carnival Commission was granted a licence under the State Lands Act, Chap. 57:01, to dig and remove material from the Queen's Park Savannah;

- ii. of the estimated volume and commercial value of the material dug and removed and the details of its disposal.

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. Vice-President, the question as to whether approval to extend the paved area in the Queen's Park Savannah was required under section 8 of the Town and Country Planning Act, Chap: 35:01, is open to two interpretations, that is, whether the said extension could be considered development within the meaning of the Act or not. The Chairman of the National Carnival Commission was of the view that no approval was necessary.

The question of the granting of a licence does not arise, since the chairman was of the view that none was required. *[Laughter]*

Sen. Prof. J. Kenny: Mr. Vice-President, I have several supplementary questions. Section 8 of the Town and Country Planning Act makes it quite clear the exceptions to the particular section, and whether or not the Chairman of the National Carnival—

Mr. Vice-President: We want questions that are supplemental to the original question to be asked.

Sen. Prof. J. Kenny: Mr. Vice-President, is the hon. Minister aware of the exceptions to section 8?

Sen. The Hon. S. Baksh: No.

Sen. Daly: Is it normal practice for the Government to accept the interpretation of ambiguous questions by persons who are not Ministers of Government?

Sen. The Hon. S. Baksh: No.

Sen. Daly: Why is the normal practice deviated from in this case?

Sen. The Hon. S. Baksh: Mr. Vice-President, I defer that question and I will subsequently be able to answer that.

Sen. Jagmohan: Mr. Vice-President, I wish—and I am entitled to that I believe. I did not hear the hon. Minister answer Part B ii of the question.

Sen. The Hon. S. Baksh: Mr. Vice-President, I will answer that as a supplemental question.

Sen. Prof. Spence. Does the hon. Minister not agree that it is nonsense for him to agree to answer the question if he does not know the answer to supplemental questions? *[Desk thumping]*

Sen. The Hon. S. Baksh: Mr. Vice-President, whatever supplemental questions I cannot answer at this time, I will get the answer and bring it to the Senate either in writing or supply it to the Senators.

Mr. Vice-President: Are there any other supplemental questions?

1.50 p.m.

Sen. Prof. Kenny: Thank you, Mr. Vice-President. I am not quite sure—the Minister answered the question and sat down. He suggested that in response to the question about Chap. 57.01, “to dig and remove material.” I had—under Question No. (ii), “of the estimated volume and commercial value of the material dug and removed and the details of its disposal.”

Sen. The Hon. S. Baksh: Mr. Vice-President, that might be part of Question No. 13, and the answer to Question No. 13 entails some of that.

My answer to part B is, the question of granting a licence does not arise since the chairman was of the view that none was required.

Sen. Prof. Kenny: Again, a supplemental question. Mr. Vice-President, in part (B)(ii), “of the estimated volume and commercial value of the material dug and removed and the details of its disposal.”

Sen. The Hon. S. Baksh: Mr. Vice-President, I am aware that the materials removed from the Queen’s Park Savannah went to the Botanic Gardens and the Hasely Crawford Stadium. I am not aware of the volume of this one.

Sen. Daly: Mr. Vice-President, on a point of order. What is going on here? The Minister—as I recollect, it is all happening very quickly—has answered Part (a) by saying it was the view of the Chairman of the National Carnival Commission that this was not development. And that there was room for two views about what was development under the Town and Country Planning Act. But I am not aware that he has, as yet, answered B(i). It cannot be consequential to say under B(i), that because the Chairman of the National Carnival Commission did not think this was development, that he did not need a licence under a completely separate piece of legislation. Just on a point of order, he cannot answer B(i) consequentially on (A).

Sen. The Hon. S. Baksh: Mr. Vice-President, the estimated volume of material dug was 1,961 cubic metres and its commercial value was \$49,025. The material was given to the botanic section of the Ministry of Agriculture, Lands and Marine Resources and the National Stadium.

Mr. Vice-President: The answer to Question No. 12(B)(i), as far as I am aware, was answered in the form that the Chairman of the National Carnival Commission did not apply for a licence. Am I correct?

Sen. Daly: Thank you, Sir.

Sen. Daly: A supplemental question on B(ii). What is the source of the information given by the Minister as to the volume of material, since we have information that it is worth \$2 million?

Sen. The Hon. S. Baksh: Mr. President, the source of the information is the National Carnival Commission. *[Laughter]*

**Queen's Park Savannah
(Boundaries of)**

13. Sen. Prof. Julian Kenny asked the Honourable Minister of Culture and Gender Affairs:

Could the hon. Minister state:

- a) the precise boundaries of that portion of the Queen's Park Savannah over which the National Carnival Commission has been given authority;
- b) the nature of the transfer of authority and the terms and conditions of the transfer of authority;
- c) whether curbs and drainage systems have been incorporated into the newly paved area;
- d) the total area now paved and the costs of this paving?

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. Vice-President, the boundaries of that portion of the Queen's Park Savannah, over which the National Carnival Commission has been given authority is that piece or parcel of land extending 300 feet from the northern face of the Grand Stand in a northerly direction, and using the same northern face of the Grand Stand, 630 feet, in an East-West direction.

Cabinet Note No. 362 dated February 23, 2000 agreed that:

- (a) The Minister of Agriculture, Land and Marine Resources be responsible for the maintenance of the Queen's Park Savannah except for the Grand Stand and associated buildings, with paved area North thereof, and the

Oral Answers to Questions
[HON. S. BAKSH]

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strip of land leading therefrom to the exit of the Queen's Park South opposite Victoria Avenue

- (b) The National Carnival Commission be responsible for the Grand Stand and associated buildings, with paved area North thereof and a strip of land leading therefrom to the exit of the Queen's Park South opposite Victoria Avenue.
- (c) Curbs and drainage systems have been incorporated into the newly paved area; and
- (d) The total area now paved is 241,289 square feet or 5.53 acres or 3.3 hectares. The cost of the paving of this area, to date, is \$5,874,432.

Sen. Prof. Kenny: Thank you, Mr. Vice-President. A supplementary question. What exactly is the nature of the transfer of authority? Is it a lease or a rental? What exactly is it?

Sen. The Hon. S. Baksh: Mr. President, it is, in fact, an administrative arrangement by Cabinet. *[Laughter]*

Sen. Prof. Spence: Mr. Vice-President, could the hon. Minister state where the \$5.8 million is coming from?

Sen. The Hon. S. Baksh: Mr. President, as far as I am aware, from the National Carnival Commission allocation.

Sen. Prof. Spence: Mr. Vice-President, is the National Carnival Commission self-sustaining, or does it get a subvention from Government? If the latter is the case, would he not agree that it is the taxpayers who are paying for this?

Sen. The Hon. Baksh: Mr. Vice-President, yes.

Sen. Daly: Mr. Vice-President, a supplementary question. In light of the Minister's answer, does the Minister regard it as important, to offset the cost, to have accurate information of the value of the material removed which we say is \$2 million?

Sen. The Hon. S. Baksh: Mr. President, I will not be able to give an opinion on that.

2.00 p.m.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, I seek leave of the Senate to deal with Bills Second Reading at this stage of the proceedings.

Agreed to.

PRAEDIAL LARCENY PREVENTION (AMDT.) BILL

[Second Day]

Order read for resuming adjourned debate on question [May 16, 2000]:

That the Bill be now read a second time.

Question again proposed.

Sen. Danny Montano: Mr. Vice-President, I cannot say whether I can support this Bill as it is. We have no particular difficulty with the general objectives of the Bill but we do have reservations with the specifics of it. I am a bit disappointed with the presentation of the hon. Minister. He said some things that I think I need to challenge and, certainly, his presentation, in his outline of the logic for certain of the provisions of the Bill, leaves something to be desired.

The first thing I would like to draw to your attention is this. We are talking not just about praedial larceny but theft. That is the bottom line. Whether it is theft of a motor car, theft of fruit, theft of chickens, eggs or whatever, the fact of the matter is, we are talking about stealing—theft. I was disappointed in what the Minister said and I would like to quote what he said.

“...it is a deeper problem. It is the expression in the way of thinking it is okay if you get something free. You do not have to work for it, you do not have to produce it, you go and take someone else’s fruits of their labour. That has to do with education...”

In other words, Mr. Vice-President, the inference is that theft is a function of education; that other people’s property is not respected and that is why people steal.

That is about the most ridiculous statement I have ever heard in this Chamber. That makes absolutely no sense whatever. It might make sense if you say that the people who are stealing are doing so as a means of livelihood because they lack the education to find a proper job, but I did not see that this is what the Minister

said, Mr. Vice-President. What he suggested was that people steal because they think that it is okay to take the fruits of somebody else's labour. That was the expression that—I find that really extraordinary and to use that in the context of praedial larceny again borders on the absurd.

The Minister said that approximately 25 per cent of local agricultural produce is stolen, but that would work out to approximately \$100 million per year. According to the *Review of the Economy*, the production of domestic agriculture last year was approximately \$409 million. Roughly a quarter of that would be \$100 million. Mr. Vice-President, in the retail sector in retail trade, it is a known statistic that merchants would lose anywhere between 3 and 13 per cent of their trade through pilferage, shoplifting, as well as all sorts of other theft.

Now, the value of the retail sector trade is approximately \$9 billion and 6 per cent of it, if you take an average it usually works out—or the experts say that the average level of pilferage is approximately 6 per cent—to be \$400 million. I would like to know whether the Minister is of the opinion or not that this, too, is a function of education, or whether it is a function of poverty. This is because it seems to me that when we are dealing with praedial larceny it is not just theft of a stereo set or theft of a pair of running shoes. What you are talking about is food. People are stealing food. Now, they are stealing it for one of two purposes. One is either to eat it or eat part of it and sell it but it does not alter the fact that it is plain and simple stealing.

Now, Mr. Vice-President, against that backdrop you have to understand that merchants in the community take extreme measures to protect their goods from pilferage, from shoplifting, as well as any other sort of pilferage. They put wrought iron on the windows, they put steel gates on the doors at night, they have television cameras and in some stores they mark the goods with a special marker that has to be erased before it leaves the store or it sets off an alarm. All sorts of elaborate and very expensive systems are used to reduce pilferage. What is interesting is, in recognizing that the loss to the retail sector is some \$400 million a year, and the admitted loss to the agricultural sector is \$100 million—only one quarter of the loss of the retail sector—the Government has seen it fit to bring this particular piece of legislation with very harsh punitive measures in it; yet we have heard absolutely nothing about the retail sector.

Mr. Vice-President, what the Bill is doing is this. It is really quite shocking what is going on here. I mean, I just do not understand the logic behind this. Clause 4 repeals the old section 3 and puts in a new section 3(1) that effectively

says that any person who buys produce or livestock to the value of \$50 or more, virtually anywhere, must have a memorandum of sale which shall be signed by the vendor. We do not really know who or what the vendor is. We will deal with that in a second. Section 3(2) says that any person who sells any of that produce must “give a signed memorandum of sale or delivery” and he must keep a copy of it.

Then subclause (4) says that any person who fails to comply with the provisions of subsections (2) and (3) is liable to a fine and imprisonment upon conviction. In other words, if the vendor refuses to give the signed receipt he is guilty of an offence and the penalty is between \$5,000 and \$20,000 and imprisonment for four years. That is the case. So, Mr. Vice-President, I just want to make it clear to us. The purchaser must have a receipt but as yet there is no penalty on the purchaser if he does not have one, and this is for \$50 or more worth of goods. Then the vendor in clause 3(2) must issue a receipt for items over \$50 and if he does not, he is guilty of an offence and there is a penalty attached to it.

We then go to clause 4(b), where a new section 3A is inserted and it says:

“Notwithstanding section 3 where any person is found in possession of any bag, parcel or package containing agricultural produce or livestock, whether or not of the value of fifty dollars or more...”

It goes on, and if he fails to give an account in subclause (2), and he fails to produce the signed memorandum of sale or delivery, then he is guilty of an offence. The penalty is \$5,000 to \$20,000 and four years’ imprisonment. In other words, now you find that the penalty is now on the purchaser and not the vendor. Whereas in section 3(1) the law is requiring him to have a receipt if the value is more than \$50, section 3A(1) is saying if you do not have a receipt, even if it is for a \$2 item, you are guilty of an offence.

Now, Mr. Vice-President, I want you to understand this. This is not saying that it is an offence to steal. What this is saying is that it is an offence not to have the receipt. In other words, it is an absolute liability. There is no question of being tried, and even if one is found innocent of the charge that one stole the vegetables in one’s handbag, the fact that one does not have a receipt for it means that one can find oneself in prison for four years. That is the point, Mr. Vice-President. That is a complete absurdity, quite apart from the fact that it completely ignores the commercial reality of normal trading. [*Desk thumping*]

We cannot stop the activities of Hi-Lo and have the vendor—and yet we do not know who the vendor is, whether it is the managing director or the boy who

helps carry the parcels from the cashier to one's car. We do not know who that vendor is, but the receipt must be signed by some vendor, and if one does not have that receipt on one's person—for how long I do not know—it is jail time. It is four years in jail. Now, that cannot make any sense. One is going to stall every commercial transaction of food in the country. That cannot be what is intended here, yet the Minister was very, very clear. He said, "You know, we do not intend to bring draconian measures and it is not going to be like that", and so forth.

Now, Mr. Vice-President, we have new Ministers who are supposed to have razor-sharp minds. I do not know how this managed to pass through those minds. Obviously, they have been dulled by the company which they are keeping. I would have thought that, perhaps, if the razor-sharp minds cannot be brought to bear on a matter like this then maybe, in fact, with the newly appointed Minister they wanted to bulldoze this legislation through the Senate. However, that cannot be right. It is not sufficient for the Minister to say that they are not intending to create a police state. The fact of the matter is, we would be negligent in our duties if we pass laws like this that can be abused by an unscrupulous government. *[Desk thumping]* That is what we cannot and must not allow. Whether it is that government, or the next one, or the one after that, we must not allow this to happen because what does happen is victimization. *[Desk thumping]*

Now, Mr. Vice-President, I would only have you refer to the nurses. The nurses are subjects of serious victimization at this point. *[Desk thumping]* So do not tell me that because I am an opposition Senator I will not find that all of a sudden my wife, upon coming out of Hi-Lo, is arrested because she does not have a \$6 receipt. I cannot say that would not happen and I cannot accept the assurances of the Minister. The nurses want to take legal action. When and if, unfortunately, they lose their legal action, are they then going to be saddled, those three nurses, with a \$2 million legal Bill for which they will have to reimburse the state?

2.15 p.m.

Mr. Vice-President, there is precedent for what I am speaking about here, so the Minister is improper to stand and say that he is not trying to create a police state. That does not make any sense. It does not hold any water.

I am not satisfied. In clause 11, the Minister made much of the fact that first time offenders are going to have a magnanimous view of the court and, instead of to a jail term, they can be subject to a suspected penalty and supervision for one year. Mr. Vice-President, that is at the discretion of the magistrate. It does not

mean that it is automatic. The way that this administration is making glaring attempts to interfere with the Judiciary and have its will imposed on the judges, I am not certain at all that if my wife were to be arrested, she would be given a supervisory sentence. I am not certain of that at all. I would like to think so.

Mr. Vice-President, I cannot allow this for myself and I cannot allow this for the rest of the country. I do not care what part of the country one lives in or what one looks like. The fact of the matter is that this legislation, as it is, is clearly wrong. It is clearly inappropriate and it has to be changed and corrected. [*Desk thumping*] It simply does not conform with the commercial reality of what takes place. It simply cannot happen that way.

Mr. Vice-President, there are others who would speak, and I know there is an amendment on the table. I do not think that is going to make the difference here. I think this thing needs to be taken back, and thought through. We are willing to work with the Government on this to get it right. If they want to send it to a special committee, we on this side are willing to work with them to try to put it right, but this cannot go in the form in which it is. [*Desk thumping*]

I do not care what the intentions of this administration are. We can have our private suspicions about what their intentions are, but we cannot pass legislation that depends on the intentions of the sitting administration. We cannot leave that kind of discretion to a political organization. There is too much history in this world. There is far too much history in this world that would tell all of us here that we must not allow that kind of thing to take place here.

I thank you very much, Mr. Vice-President.

Sen. Martin Daly: Mr. Vice-President, Parliament is a strange place. Here we find ourselves debating praedial larceny when we have in the face of the Parliament the successful harvesting of PNM fruit by the UNC Government, and we have planting material, namely topsoil, which is specifically mentioned in the legislation being removed from the Savannah, admittedly not in accordance with usual practice. This is Shakespearean irony.

I must congratulate the Government on its harvesting of some of the fruit which it has, which has been grown in other people's gardens. [*Laughter*] I will only make the comment that some of the fruit is green, some is ripe, some overripe and some hybrid or, rather, grafted. [*Laughter*] At least in the case of one of those fruits, it has been grafted from an NAR tree on to a PNM tree, and then re-grafted on to a UNC tree. Certainly, the Motion that was made by Sen. Prof. Kenny for science and technology development has borne fruit, if I may make a

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bad pun, since we have had this extraordinary hybrid grafting exercise.
[Laughter]

You see, Mr. Vice-President, when one is in a state of despair, one has to treat with it in two ways. One can try to treat with it lightheartedly with a certain amount of irony. I listened carefully to what has been said so far, and I am going to come now directly to specifics of this Bill. I do not know very much about agriculture, but I know much about “thiefing”, because I am the victim of “thiefing” all the time.

I am quite clear that praedial larceny is now part of our culture. It is no big thing if one finds someone in one's zaboca tree or orange tree, whether in Port of Spain or in the country. It is no big thing to them. In fact, if one remonstrated them, their usual response is, “What you getting on so for?” I am suggesting that the theft of property—certainly agricultural produce, and now topsoil—is part of our culture, and I mean that very seriously. I am not being lighthearted.

In order to reverse the incidence of praedial larceny which has, apparently, a deleterious effect on the agricultural economy, we have first of all got to persuade people to respect the property of others, and we first of all have got to persuade people that the society that lives by “thiefing” is not a civilized society. The difficulty is, who is going to teach the population? Certainly, no one who has participated in the charade of those parliamentary answers this afternoon has the authority to teach anyone that respect for other people's property is essential.

If 50,400 cubic yards at \$400 per cubic yard delivered, totalling \$2.16 million, has been removed from the Savannah by 10 trucks going backwards and forwards all day for two weeks, allegedly going west of Port of Spain, cannot be accounted for by the Government, then we are wasting time debating praedial larceny. I am absolutely convinced of that! *[Desk thumping]*

If we are going to contrive to have a parliamentary session on a Thursday to answer a question about praedial larceny, which has gone unanswered at the Government's request for five weeks in the absence of the Minister, with a sudden enthusiasm, and then it turns out that the person who is the source of the information is a Member of the Parliament who is out of the country, then we have no moral authority to be debating praedial larceny and “thiefing” today. I say so without regret and without reserve.

This whole thing is a complete contrivance. I dare say there are people who will say it is politics. It is politics. It is a clever political move to give an unsatisfactory answer to a parliamentary question about praedial larceny to cite as

one's source of information, a person who is a member of this Chamber, and to choose to answer that question on a day when that person is not here and could provide the necessary answers to the supplementary questions. More than that, to suddenly be enthusiastic to answer it, even though the asker of the question was prepared to defer it on the grounds that the Minister was not available. Nevertheless, we were told, "We are going ahead with that".

Parliament is full of ironies. It is \$2.16 million worth of material, and I say, Mr. Vice-President, that the Environmental Management Authority, which is a Government agency, knows and has these figures. They are not a figment of anyone's imagination. The Government had an option which was to come clean and say, "We made a mistake", but they have not exercised that. Now, they want to lecture people about praedial larceny, when we have unaccounted-for topsoil which I assume is planting material, and we are amending the legislation, amending the Parent Act, to widen the definition of "agricultural produce" to include planting material, namely topsoil, in order to catch those who steal topsoil. Is that not ironic?

I note, incidentally, Mr. Vice-President, that we are also repealing the definition of "cattle" and having a new definition of "farm animal" which includes swine. *[Laughter]* While I would not join Senator Montano in extrapolating about the Gestapo, I just wonder how really wide this definition of swine is, having regard to utterances on the Government Bench about swine and the relationship of people to swine.

I make these points, Mr. Vice-President, because we are not going to reverse the culture of praedial larceny by passing any law, good or bad, if the average person believes that getting into one's zaboca tree is no big thing. We have to reverse that. May I say at once that this Government is certainly not responsible for that culture. Let me make that very clear. They have inherited that problem, and they have inherited that problem because there were utterances and acts of their predecessors that match and sometimes surpass that of the removal of topsoil without authority. Let me make it very clear.

When Sen. Montano says that he is concerned, not necessarily about this Government but about future governments, I would like to add that I would be concerned about predecessor governments who were reincarnated. I am not going to put this law in the hands of anybody. Whether it is this Government, a government to come or a predecessor government that is reincarnated.

I come to the specifics. I just want, at the risk of repetition, to say that one cannot address sociological and cultural problems by passing a law, whether it is a good law or a bad law. [*Desk thumping*] I belong to the school of jurisprudence which believes that the law is there in order to catch a minority of the citizenry who commit the particular offence. If the majority of the citizenry commit the offence or do not believe that the offence is wrong, we do not have enough courts and jails to imprison them.

My philosophy of jurisprudence is simply that everything is lawful, except that which is forbidden by duly passed laws, and that criminal laws are passed on the assumption that there are a minority of persons in the society who are deviant in relation to the particular offence. My submission is that the majority, or a large number of citizens, certainly more than a minority, see nothing wrong with stealing agricultural produce out of other people's gardens or homes. Therefore, we will not be able to address the problem by passing any law—a good law or bad law.

Where the Government—whether it is this Government or its predecessors—lack the moral authority to discuss or persuade the population to alter the error of its ways, then the problem is compound, and the irony of ironies is that we are attempting today to get answers to the removal of \$2.6 million worth of material that belongs to the public, and the Government has had five weeks to check up. Why accept one person's word for it; particularly where that word is self-serving?

The Chairman of the Carnival Commission is my friend. This is not a personal attack, but it is clearly self-serving to accept any information from the person whose actions are the butt of the question! It is a very serious matter, and it makes me fear for the future of law and order in the country.

2.30 p.m.

Is it not doubly ironic that one of our upholders of law and order should have joined us as a colleague today? I take this opportunity to welcome the new Senators regardless of their alleged antecedents. But, is it not ironic that we are swearing in a well-respected and former Commissioner of Police on a day when we cannot account for \$2.16 million worth of material removed from the country? Is it not ironic? They really say that God wears pyjamas and he does not sleep.

So, they contrive to have this session today but, happily for us, we are discussing a Bill that is directly relevant to the unsatisfactory answer that passed before and it is only out of respect for Sen. Baksh—I can only speak for myself—who got up to answer this question that he was not even more vigorously pursued,

but he was the fall guy in the deal. I am sure he understands the nature of politics and what that means.

Now, to come to some specifics of the Bill. This Bill has, quite clearly, not been properly thought out.

First of all, I agree with Sen. Montano's analysis about the offence that is created and I do not wish to burden the Senate by repeating his sentiments. As far as I know, again, we have many surprises. The spirit of our Constitution is being violated. State enterprises and statutory bodies' chairmen have more power and are less accountable than Ministers but, as far as I know in this country, even in relation to murder, the burden of proof remains on the state. In exceptional circumstances, the burden of proof is tampered with. That is to say, you make provisions, like for example in relation to possession, that shift the burden. In certain tax offences, you shift the burden and so forth. That is the exception rather than the rule.

I believe what the draftspeople really intended to do was to shift the burden; that is to say, unless you could produce a receipt or some other evidence of how you came by the produce lawfully, you would be guilty of an offence. I think that is what they really meant to say. I cannot believe they meant to mean possession of a piece of paper, as analyzed by Sen. Montano, was an offence. I cannot believe they meant that.

I think that is what they meant and we, too, will join in helping the Government, as we did with the Dangerous Dogs Bill, which now, apparently, has disappeared from the parliamentary agenda because we had an undertaking of June 6. We had an undertaking that that undertaking would be publicly stated and, in the face of that undertaking, it was not properly stated. So, we do not know where we are.

Anyway, as in the case of the Dangerous Dogs Bill, which has mysteriously disappeared from the parliamentary agenda—we believe it was June 6. We were told it was June 6 and we were promised that a public statement was to be made on June 6, but that promise was not kept. So, as with the Dangerous Dogs Bill, I am sure I speak for all the Independent Senators when I say we are perfectly happy to get together with the Government to make this a workable Bill, but it can only work if this business of the receipt is going to be treated simply as a piece of evidentiary material, not as an integral part of an offence; and whether we go with a select committee, whether we do it as in the case of the Tourism Bill by an informal committee, we would be happy to rectify these errors. We would be happy to help the Government rectify these errors.

Moreover, Mr. Vice-President, I cannot accept the startling change of policy in this Bill where the burden of the law is now going to come down on the ordinary householder. I cannot accept that. I think, of course, what they are attempting to do, with the receipt of stolen goods—because by the time you get it in the market, you are receiving it; you are not actually stealing it. What they are really trying to do is tighten the law to make sure that the persons who are in receipt of the stolen goods—and perhaps the good officers of my good friend, Sen. Jules Bernard, who, incidentally, is covered by the new definition of “praedial larceny” because it covers strong oak and lumber and he knows that I always think of him as strong oak and lumber. I must compliment the Government on the political larceny of not only fruit but of lumber.

Perhaps my good and illustrious friend, Sen. Jules Bernard, may be able to assist the Government in the tea break, from his vast practical experience on this question of the difference between stealing and receiving stolen goods, because if you bring in the householder into this at all, you are obviously doing it on the basis of his receiving stolen goods knowing them to be stolen. That is why he will want to have the receipt and so forth. You cannot possibly think that by putting these penalties on the ordinary householder, making shopping, generally, a tedious business, that is going to seriously deal with praedial larceny. I see one of the fruit is shaking on the tree. We will deal with praedial larceny by punishing the ordinary householder in this way.

Mr. Vice-President, I can only describe the revisions conceptually. The revisions that have to be made to this legislation is, first of all, to treat with the receipt as evidentiary material and not as an integral part of the offence.

Secondly, we have to think again of the policy of involving the ordinary householder and if you are going to involve the ordinary householder at all, it has to be in relation to the lesser offence of receiving stolen goods, assuming you accept that policy at all, which I simply do not.

When I drive to Mayaro on weekends, I still see logs being hauled out of the forest. I still see them waiting at the Plum Mitán/Manzanilla junction for dark to make off with the logs. Is punishing the ordinary householder going to stop that? What are we really spending parliamentary time on doing? If you want to make an example of some people, go and make an example of the people who are hauling off those logs, not only in breach of the law, but also against the best environmental practice with which we are trying to proceed. But I guess the Government does not talk to the Environmental Management Authority, otherwise it would not have offered us those ridiculous figures and ridiculous explanations today.

Then, we have to look at—I do not know what to call it—this new idea that you are going to demonstrate an offence is serious by telling a court within what time it must deliver its decision. Well, I know that this Government is a government that believes in equal opportunity and if it is going to tell the court that it must decide a case in a month, the Government must tell us that it will answer parliamentary questions inside of a month. They are a government of equal opportunity.

Now, of course, I only make that sarcastic example to show how impossible it is, in the complexities of modern government, in the broad sense of the phrase, to tell either the Executive arm, the Legislative arm or the Judiciary, when and how they must do their work. That is absurd and I have given an example tinged with sarcasm simply to show how absurd it is.

If you ask, for example, as Sen. Prof. Kenny did on one occasion, for a list of all the treaties to which we are party and for which we have not legislated, the Government begged Sen. Prof. Kenny for months to answer the question because they were short-staffed, they had to go in their archives and so forth.

On the face of it, I am not getting into any controversy now about the Government and the Judiciary. I have made it very plain to everybody and it is apparent to everybody that I have stayed out of that. It is very plain. I am practising complete detachment where that is concerned so that when both sets of protagonists are finished mashing up the place, some of us will be there available to put it back together. I have made my position very plain on that. All I am saying is, it is not possible in the complex modern world to tell any arm of government.

Up to now, we cannot find out whether what Dr. Gopeesingh said is right; or whether what our esteemed colleague, Sen. Vimala Tota-Maharaj, said is right. Up to now, we cannot find out a simple thing like that. Over the last two weeks, we cannot find out yet who told the nurses what. I, of course, would immediately hang my hat—metaphorically speaking—on the peg of my good colleague when it comes to things like that, if only because—and I say this not because I choose who is correct—as a Member of Parliament, unlike the removers of the soil, she is accountable to us and her powers are constrained by the law, if the Government chooses to observe them.

I had cause, in the course of the last Parliament, to seriously remonstrate with this Government's predecessor about rogue elephants in the state enterprises. The airport is not a problem now. We had a rogue elephant in charge of the airport

under the last government. He gave them a lot of trouble. He went and saw about borrowing money from Canadian International Bank of Commerce abroad and it took months for them to answer a parliamentary question that I put down about it. I was hoping that this Government, at least, would be different from its predecessor in that we would have no Juliens—with the greatest respect to Sen. Prof. Julian Kenny—no Jackmans and no Johns. We do not want Juliens, Jackmans and Johns under any administration.

In fact, with the greatest respect to my dear and beloved brother and sister from Tobago, I am beginning to worry about the letter “J”. Happily, when one listened to their maiden contributions last week for which it is my first opportunity to congratulate them, it was quite clear that robustness is a national characteristic of Tobago and I dare say if this Parliament lasts too long, we may have another crisis of senatorial appointment because their robustness was very plain. Of course, I am always to be light hearted, if I may say, I notice, if the political grapevine is to be believed, then I dare say that each incoming female Senator on the Government side will know how long they have to wait for their reputed appointment to be made.

We have had the presence of Sen. Jearlean John in the Chamber for some considerable time and it appears that the Government is under-utilizing her talents, so let that put other new entrants on notice that there is a sort of John factor in how long it takes to get a ministerial appointment through the Senate.

Now, Mr. Vice-President, let me explain what is wrong, without getting into any controversy between the Executive and the courts about compelling the court to render a decision in a month.

First of all, I stated that it is unreal in a complex society and you have to leave it to the good sense of the people who run the country to do the right thing. If we have to legislate for people to be responsible and sensible, we do not have a civilized country because then we do not have enough jails to lock up all the stupid and careless people.

Secondly, what happens if a matter is not disposed of within the month? Can it be re-laid—because it is bound to happen—after a month, or will double jeopardy apply? I simply do not know and there is no provision for it.

Thirdly, are we going to have a debate on whether praedial larceny, serious though it is, is to be afforded, by statute, a higher priority in the Magistrates' Courts, than domestic violence which is killing people? That is quite absurd. It also underlines the point that the courts must be free to arrange their business

according to what they conceive of the priorities and in the light of their day-to-day experience.

We had a situation in the courts where, without any government giving a dicta to the Judiciary, Chief Justice Clinton Bernard, followed by Chief Justice Michael de la Bastide, to their eternal credit when confronted by Pratt and Morgan, set about attacking the backlog in capital cases and it was an approach which both Chief Justices embraced. Instead of wincing and whining about Pratt and Morgan, this country, to its eternal credit, through both of those robust Chief Justices, said, "Well, we have to try criminal cases within a time frame according to the Privy Council: we are going to set about doing it."

2.45 p.m.

But Mr. Vice-President, for nearly two to three years not one single civil appeal was listed in the Court of Appeal, in order that they could get down the capital backlog, not one single civil appeal. That is the choice that the wise administration of Chief Justices Bernard and De La Bastide made. But nobody had tied them to it and, from time-to-time, if people made proper representation, they would find a place in the list of the Court of Appeal in order to fit in other matters. We did not, as legislators, need to be arrogant enough to tell them: "You must do murder cases only." They knew what to do! They did not become Chief Justice by "vaps". They knew what to do! We did not have to lay down any law that would fetter their discretion.

The history of this country shows that when we have a difficulty or a crisis, generally our public administration and our people rise to the challenge. They rise to the challenge. On philosophical grounds, I oppose dictating to the courts that they must try something within a month.

I was not here when the Minimum Wages debate took place, but I understand, from the *Hansard*, that my colleague, Sen. Mahabir-Wyatt made a few remarks about this question of telling the courts what to do. The next thing I knew, there was a three-column response from some public relations person in the Ministry of Labour and Cooperatives attacking my colleague—very extraordinary. You want to attack Sen. Mahabir-Wyatt. You want to attack me for my views, do it in here where we have an impartial President or a Vice-President as a referee and we have rules about debate. If you do not agree with what Sen. Mahabir-Wyatt said why send some two-by-four public relations consultant to answer her in the newspapers. Answer her here! Debate it here! If you believe that your views have not been adequately represented in the press, write them, but debate it here.

As we come to the conclusion of this Parliament, we are starting to face a crisis. Questions have become a joke. Questions have become subject to manipulation of the parliamentary timetable to gain maximum advantage to answer them. Every criticism that is made of legislation in good faith by people discharging their constitutional duty, merits a response by some two-by-four public relations consultant, or by some remark on a political platform which, I assure you, does not bother any of us. In fact, the day that somebody does not feel that they need to intimidate me, I am a bit worried, then I am not doing my job. It does not worry any of us. But these are important issues which we must debate.

Then we have the other parliamentary scandal; that every time a Private Members' Motion is to be debated, the relevant Minister does not attend. So we have a debate on education and we cannot find the Minister of Education until the next day we look in the newspapers and she was in some function in some school somewhere. So they do not want to hear what we have to say. Well you will get the *Hansard* and you will read it and your public relations consultant will analyze it and tell you how best to deal with it. Like answering a question when the perpetrator is out of the country.

That is why people say: "Well it is politics and politicians, and they have no time for Juliens, Johns or—what is it?" I forget. Juliens, Johns or Jackmans. That is why we are in this problem. Do you think anybody is going to take a debate about praedial larceny today seriously in the light of that charade that took place earlier? I suggest not, Mr. Vice-President.

I am suggesting that if we are to revise the original Praedial Larceny Ordinance and the Summary Offences Ordinance to go along with it, I repeat, conceptually we have to do three things. If we are going to be dealing with receipts we have to deal with it as an evidentry item. If we are going to involve the householder at all, which I do not think we should, we have to deal with it as a matter of receiving.

Finally, Mr. Vice-President, on those grounds alone, if necessary. What we do in the Parliament is frequently understood. I have the deepest philosophical objection to directing the court as to when they must perform their functions. On those grounds alone we will have to have some compromise in this Bill or, for whatever it is worth, those of us who feel sufficiently strongly, would have to record a vote. Not because we are against the Government, but because we have a proper, bona fide, deep-seated, philosophical objection. Just as Sen. Prof. Kenny has a deep-rooted bona fide philosophical objection to people breaking the law

even—he and I might disagree on this—for a good cause. Because when you break the law for a good cause or a bad cause, the message you are sending to everybody down the line is, break the law. What are you going to tell me?

I always remember Lionel Seemungal, who is a very distinguished, multi-disciplinary citizen of this country, always telling the story that when he started off as a prosecutor—it was around the time of the Caura Dam scandal. We always seem to have water scandals in this country for some reason. We seem to do everything over and over again, I do not know why. Juliens, Jackmans and Johns. He had a blatant case of thieving. The person was acquitted. He met the foreman of the jury in a wild meat occasion somewhere. He is a very gregarious person. He should not have, but he and the foreman of the jury got into a talk about it, and the foreman of the jury said: “We eh convicting anybody for tiefing this month, look what going on in Caura.” That was in the 1950s. That was when we only had internal self-government. Then the money was small. Caura money was real small “yuh” know man. Even in those days the jury was saying: “We eh convicting anybody for tiefing this month.”

When you are finished with all the politics and the manipulation of the parliamentary agenda, it is really far better to say, if it is the case, “Well a person in a zealous attempt to deal with a problem exceeded his authority, he did this, that, or the other. We are very sorry, we will put systems in place to make sure it does not happen again.” That is really the way to deal with it and nobody in the population would get vex with you.

Look at how many times Clinton apologized and he is still there. And now we have a link with Clinton, or so it is said—a wise link with Clinton. That, Mr. Vice-President, would cause you to look at the Standing Orders, so I better not pursue wise links with Clinton. That would not be wise.

Mr. Vice-President, that is my view about what we need to do with this Bill. I think we need to be very humble today. I really do not think we need to be arrogant about what we are doing. We need to be particularly humble today, because we have had a shameful day in Parliament, and we need to be humble today. If there is something wrong with this Bill, let us try to fix it. This applies to the Opposition and equally to the Government. Let us just try to fix it. Let us make people feel that when we come here we are doing things in a kind of straightforward way and we are trying to get the best results. Let us try and do it as quickly as possible because, as I indicated, we have a promise that we would be going back to the Dangerous Dogs Bill on June 06, 2000.

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

Sen. Prof. John Spence: Mr. Vice-President, it is the custom that we should welcome new Senators to Parliament. I am certainly one for maintaining custom. In that light, I would like to welcome Minister Carlos John, who is not with us today, nevertheless, this is the first time I am speaking since he is in the Parliament. I must say that is not to be understood that I am in any way condoning anything that he has done before coming into the Senate. Nevertheless, I welcome him.

May I also welcome the temporary Senators, two of whom, at least, are new; Senators Bernard and Anna Mahase. May your time in the Senate be rewarding and pleasant.

Mr. Vice-President, I am a small farmer, myself, so I am well aware of the problem of praedial larceny. I have addressed the problem by not planting anything which, I think can be stolen and marketed easily. That is one way of avoiding the problem. Of course, that really does not answer the issues. But having been in the agricultural field for some 50 years now, I am aware of the pressure that farmers of this country have been experiencing over the years to have a serious attempt to deal with praedial larceny.

I have to confess—and my colleagues in the agricultural society may not be very happy that I am saying this—that I have never believed, myself, that praedial larceny is as much a deterrent to agriculture as it is sometimes made out to be.

2.55 p.m.

I have the feeling that if we had a vibrant agricultural sector, the total quantity of goods stolen in praedial larceny would not increase, therefore, the percentage of theft would be smaller. I really think the answer to praedial larceny comes by having a vibrant agricultural sector. Nevertheless, for the individual farmer who may have two cows and have one stolen or a dozen pigs and have six stolen to be slaughtered and sold illegally, that is a major blow. So for the individual farmer I am sure that we have a very serious problem.

I have on the Order Paper a Motion on agricultural policy, so I would not say very much on agriculture in general, but I would just like to make a comment about the lack of progress we are making in this sector. I want it to be made clear that I do not think that even if we are successful in addressing praedial larceny that we will have any major effect on the decline in the agricultural sector. There are many other things that I think we need to put in place, and I hope that we can address those things in a Private Members' Motion.

Just very quickly, Mr. Vice-President, the number of persons employed in agriculture over the last five years was reduced by some 8.2 per cent. That could mean that we have a more efficient agricultural sector that we have mechanized. Unfortunately, it does not mean that, because, in fact, we have not mechanized to any degree over the last five years.

The food import bill has increased by 22 per cent and the agricultural gross domestic product has reduced by 15.5 per cent. Those are the stark facts to indicate where our agriculture is going and we need to do something about it in addition to what we may do with respect to praedial larceny, which, as I said, I really do not think is a disincentive to agriculture, as it is sometimes made out to be.

Like previous speakers I have a difficulty with the shift that is being made from the person who is selling goods at the various outlets of the market and along the highway and so forth, to the purchaser. In effect, what we are doing is this: previously, the onus was put on let us say some 2,000 people in the market, let us even say 12,000 people who are selling in the market and other places, but we are now shifting this to a minimum of 200,000 people. There must be, at least, 200,000 people in this country who purchase goods in the market, supermarket and so forth, and food from locally produced sources, so now we are trying to police 200,000 people as opposed to some considerably smaller number before. I really think that we are creating what I can only say is a monster here, and I think we must think carefully as to whether this measure is necessary with respect to controlling praedial larceny or whether we cannot address it in some other way.

With respect to the Bill itself, the requirement is that an individual vendor need only give a receipt if he is selling more than \$50 worth of goods, but the purchaser, having left the market or the supermarket, where that person may have purchased from three, four or five different vendors and have now collected a total of over \$50 worth of goods, that person has to show receipts for where the goods were before.

This means that the provision that the vendor does not have to produce a receipt under \$50 is clearly nonsense, because the purchaser must insist that each individual vendor give him a receipt in order that his total, if it comes over \$50, would have the necessary receipt. So that, certainly, is something that has to be corrected in the Bill. Clearly, if we are requiring the purchaser to show proof of buying over \$50 worth of goods, then we must also insist in the legislation that each vendor, whatever the value of goods that he sells, does so by way of a

receipt. Think, indeed, of the effect that this measure would have on the market on a Saturday or Sunday morning with respect to the purchase of goods.

With respect to clause 4 in the Bill, which repeals section 3 of the original Act and introduces a new section 3, I do not quite understand why the original section was repealed. It seems to me that the intention must have been to put in the new section in addition to the original section, because we seem to have, in effect, now omitted the vendors in the market from themselves having to produce receipts for goods which they may have purchased from wholesalers. So really, it seems to me, if this is the way we are going, that we want to retain the original section 3, and have the new section 3 in addition. So we have not only the vendors having to produce receipts, but also purchasers in the market; if that is what we want to do.

In the list of markets I notice that mini markets have been mentioned, but not supermarkets and, surely, this also must be an error in the sense that if we are listing the number of vendors, then supermarket is certainly not one to be exempted as opposed to mini markets and other forms of market.

I really would have liked to have an opportunity, before coming to this debate, to have contacted the supermarkets to determine what their reaction would be to having to produce bills for the sale of their agricultural produce. The supermarkets normally do not give you a bill, they give you a printed list from a machine which does not identify the individual objects. So it means that when you go to HI-LO, in future, if you brought produce from their green grocers section you would have to ask them not just to produce this printed list but, in fact, to give you a bill signed—as I think Sen. Daly or Sen. Montano pointed out—by whom. The person to sign on behalf of the supermarket presumably would be identified by the supermarket itself. It must be clear in the legislation that the supermarket has the authority to designate one person to sign on its behalf.

Mr. Vice-President, I think when the hon. Minister was making his presentation I did raise the issue of farmers' registration and whether squatters would be allowed to register. In fact, there are a number of squatters who are excellent agriculturists. I am not suggesting that we should encourage squatting, but I can say to the hon. Minister that if he goes to Central Experiment Station behind the cocoa research at La Reunion, he would see an area of land there that is cultivated annually, with the knowledge of everyone.

These cultivators come in with tractors—and it is government land—and machinery and so forth, cultivate the land and produce an excellent crop of vegetables. Will such persons get a registration card? Perhaps, they should not. I

do not want to answer the question, I just raised it at this stage, but it does mean that we are going to have quite an issue with respect to a very substantial production of vegetables that is done on land not owned or leased by the person who is doing the farming. Perhaps, this Bill is one way of getting at that illegal practice as well; I do not know.

I am not quite sure how the proof of agricultural produce in its possession will be engendered by someone producing a deed or a lease. I suppose that this just means the person would then own land and, therefore, could have been producing the agricultural produce. Of course, it is quite possible that somebody could own a bit of land but not produce the produce which is being stolen. I am not certain that the production of a lease or a deed, in itself, would answer the proof of ownership. It does say “or some other proof of ownership”.

Mr. Vice-President, I agree that praedial larceny is a problem; certainly for individual farmers who can be subjected to very substantial loss and, perhaps, fatal loss in the sense that they may have to go out of farming if the loss is too great, and one needs to deal with that. Personally, I think that the way that has to be addressed is in the rural environment and not at the market. I believe that an attempt is being made to have special police patrols for praedial larceny. I think that is the way to attack it, because the produce has to be taken from a farm, initially. If it is being stolen from a farm—and this is what the farmers are complaining about. The farmers are not complaining about whether there is secondhand stealing in the market; what they are complaining about is their produce having been stolen from the farm. Really, what we have to address is the movement of that material from the farm to the markets or wherever else it is going to be vended; that is the issue, and that is where I think we have to address it.

I just want to make the point that with respect to praedial larceny, it is not quite the same as other forms of theft. The difficulty with farming is that you have a large area of land, which you may or may not live on, and which is much easier to steal from than a warehouse, a building or some enclosed place where it is easier to have security. It is extremely difficult to have security if you have a large area of land.

Some years ago I was told by a large producer of watermelons that the cost of production actually doubled because of the security. That is, if it cost 10 cents a pound to produce the watermelons, another 10 cents in full-time 24-hour security from a commercial security firm was necessary in order to protect the goods. So that I am also saying that it is possible to have enough security, even in a rural environment, but there is a cost to it. I think that we need to understand that.

I agree with Sen. Daly with respect to the time limit. I think he said to me the last time that all it needs is two medical certificates from the person accused, which the courts are likely to accept, and then the month is passed because usually these things are postponed for some period of time, and after one month then, what happens? No more prosecution. So it seems to me that the limitation of one month is going to let many people slip through the net, rather than the reverse which has been intended by the legislation. I think we need to look at that again.

Mr. Vice-President, I certainly agree that we need to address the problem of praedial larceny. I certainly agree that we need not only to address this issue by legislation, but also in the field; I think that is where the real action has to be. I would hope that we would have an opportunity to look at this Bill in more detail in some form of committee, informal or select committee, so that we may determine which parts of it might go forward and which parts might be modified or which additional provisions might be included in order to address these issues.

Thank you.

Sen. Cynthia Alfred: Mr. Vice-President, the Praedial Larceny Bill and Summary Offences Bill, we have been advised, are taken together because of the correlation. Praedial larceny is nothing new to, I believe, most persons in this society of ours.

I remember very clearly some years ago that we had a beautiful bunch of green bananas on a tree and just the evening before, I think it was a Sunday, my niece and I remarked how lovely it looked and that we would cut it the following morning. We awoke the following morning, only to discover that somebody had anticipated what we were going to do and the “owner” had removed it. So we know what praedial larceny is about, and this is just one example.

I was trying to get some information from Tobago in respect of the situation there. I did get some information in that there were about five cases that were taken to the courts last year, and about the same the year before. When I was told that to get further information, I had to go through a certain procedure, that I had to write to the Assistant Commissioner of Crime and he, in turn, would instruct the relevant person in Tobago to pass on the information. I was not able to go that length and I am sure my friend who was sworn in today, the former Commissioner of Police, would, perhaps, with his phynx-like smile say: “Well, if that is the way you have to go, that is the way you have to go.”

3.10 p.m.

As it is—I am not sure—if five cases were reported, that would be only five cases known, but the majority of persons do not even bother to report the cases. I want to take this further and I have to agree with Sen. Prof. Spence when he said that praedial larceny, on the one hand, should not be encouraged and certain factors must be put in place to deter persons, but I will speak later on deterring persons. We have to think and talk about agriculture because one cannot steal what does not exist, and certainly in Tobago, the way things are now, one can without fear of contradiction say that agriculture in Tobago does not exist and that is a lamentable situation. When one considers that agriculture in Tobago should be one of the major income earners, the situation now is so bad I do not know what is going to happen to the vendors as well as the people in Tobago. Here it is that the majority—I would say 98 per cent—of the vendors come to Trinidad and buy produce which could easily be produced in Tobago.

Mr. Vice-President, some years ago, a private contingent went to Atlanta, Georgia and it was told that a company in Georgia would be prepared to buy any amount of ground provisions from Tobago because Tobago farmers do not use a lot of chemicals. Here we have the beautiful opportunity of producing good non-chemical—as far as possible—produce in Tobago but what has happened? In the first place, the Kendal Farm School where young persons were being trained in agriculture was shut down; the youth camp where some agriculture was done was also shut down and removed.

Then we have a Secretary for Agriculture, and I must make it clear that I have absolutely nothing personal against that secretary, but he must surely own the dubious distinction of being the most inept Secretary for Agriculture, because here he has the opportunity to do things for agriculture in Tobago and he says things that have absolutely no basis in reality, and when other persons come up with initiatives, he tries to kill these initiatives.

I know of young persons, having been sidelined by the Tobago House of Assembly in respect of agriculture, who have decided to get together and do their own agricultural production. When some of them were fortunate to get some assistance from a particular source, having gone to the secretary informing him that they got some assistance and would like to get some land of their own because they are renting and would have to vacate the land at any time, all the secretary could tell them after they had planted beautiful fields of seasoning, is that they have to go into poultry farming. If they want any help from the Tobago

House of Assembly, they have to go into poultry farming. This is the kind of thing we cannot tolerate because here we have young persons with expectations and who are ready, willing and able in the sense that they are physically fit to go into agriculture and are being told all sorts of nonsense. When one gets on the air and makes inane statements about what has been done about agriculture in Tobago, anybody can challenge statements like those because they are known to be untrue. So I do not know what is going to become of Tobago with respect to agriculture.

Mr. Vice-President, I was tempted to ask this Central Government if they would help agriculture in Tobago, but I know the answer would be a categorical no because just recently, on the question of the NIPDEC facilities, I was told that the Tobago House of Assembly is the one responsible. With respect to the Motion on the adjournment, with respect to the Three Chains Act, I was told the Tobago House of Assembly is responsible, but with respect to relieving Senators from Tobago with respect to the Tourism Development Bill, we were told in this Parliament that the Executive has overriding control. Mr. Vice-President, it is like playing a game of chess with the people of this country. On the one hand, it is said the Tobago House of Assembly is responsible; when we approach the Tobago House of Assembly, they tell you nonsense and then, on the other hand, it is said the Executive has the overriding responsibility in respect of Tobago. So it is a game of chess and the people of Trinidad and Tobago, especially the people of Tobago, are moved here and there and they get nowhere. I am sure that somebody at the end of the day laughs and feels good, but I know that somebody is not a citizen of this country residing in Tobago.

Mr. Vice-President, there is a particular secretary in Tobago who is not the Secretary for Agriculture, but he is a secretary and in one of their public meetings he said that the PNM in Tobago has killed agriculture, forgetting that the PNM has not run the Tobago House of Assembly for the 20 years of its existence. He was asked the question, even if the PNM had killed agriculture in Tobago, how long does it take a banana tree to grow? If the PNM had killed it 20 years before, which of course was not so, a banana tree only takes about a year. So when one wants to shift responsibility one makes statements that, of course, could only sound foolish and have no basis in reality and in truth.

I notice in the Praedial Larceny Prevention (Amdt.) Bill, in clause 4(2), mention is made about fifty dollars and then in clause 3(a), again mention is made of the fifty dollars. What it is saying, in essence, is if someone is caught with goods of the value of fifty dollars or more that person can find himself in trouble,

but if a clever person really wants to avoid being caught by the law, all he or she has to do is ensure that the goods he or she has is under the value of fifty dollars. In other words, this same person can go to different holdings and steal \$40.00 worth of produce on Monday; on Tuesday, \$30.00, on Wednesday \$40.00 and at the end of the week that person might have stolen \$200.00 worth of goods, but because he or she is caught with only goods worth, as the law says, fifty dollars or more, if that person is caught with \$40.00 or even \$45.00 worth of goods, then that person will always escape. So I suggest this “\$50.00 or more” be looked at. In other words, if you are going to arrest someone for stealing, whether it is \$50.00 or \$30.00 then I think you should have the law accordingly.

On the question of penalties, it was mentioned by Sen. Montano that taking the fee for larceny from one figure to a very high figure would not necessarily deter anyone from stealing. The person may say he may as well be hanged for a sheep so taking the figure to ten thousand dollars is not going to make any significant difference to the person who decides for one reason or the other to steal. Mention was made that if they steal, one of the penalties is that they go to jail for a period of time.

Talking about prison, I must mention on a matter of clarification that just this morning the Prime Minister mentioned the Maximum Security Prison at Golden Grove and I am sure it was a slip of the tongue on his part. He said that it was built by this present Government. May I remind him and this honourable Senate, and indeed the nation, that the Maximum Security Prison was built by the previous administration and if this Government has the distinction of opening it, that is a different matter, but to say it was built by the present government is going back to the question of half truths and innuendoes and I would not like one to believe that this prison was built by this present administration.

Sen. Brig. Theodore: Mr. Vice-President, on a point of order. For accuracy, I acknowledge that the start of the construction of the Maximum Security Prison was done by the last administration, but to say built suggests a completion of the work. The prison was completed by this administration and the occupation was started by this administration, so both parties contributed. To say it was built, suggests that the whole prison in its entirety was completed by your administration.

Sen. C. Alfred: I thank you for the clarification, but I must say that the Minister of National Security has, perhaps, given the correct explanation in which case the Prime Minister should have said part of it was built by the former administration and the other part completed by this administration.

Mr. Vice-President, I tend to agree with previous speakers that this particular piece of legislation, both the praedial part and the summary need looking at again. As was suggested, we are not here for confrontation, but to make corrections where necessary and give our opinion on how any piece of legislation could be to the benefit of the national population, because that is what we are here for, so that the national population benefits. This one, especially the part with the praedial larceny, needs looking at again and I would suggest, if indeed the Minister would like to pull it back, we would be quite prepared to give our suggestions, as I am sure the Independent Senators would also, as was said by Sen. Daly, so that when we do have the final piece of legislation, it would be something with which everybody is comfortable.

3.25 p.m.

As I have said, time and time again, whatever is done in this Parliament should be done for the good and welfare of the nation. This particular piece of legislation needs to be tidied up, so that, in the final analysis, hopefully, agriculture would improve in this country, not only in Tobago, certainly in Trinidad, because one is as bad as the other. Statistics were given a little earlier on, and we cannot afford, in this honourable Senate, to take things in isolation and hope that some miracle would happen to improve situations in another field. We have to take everything together and see how we can get the best for the people of this country.

Having said that, Mr. Vice-President, I would like to thank you for the opportunity of speaking on this Bill.

Sen. Dr. Eastlyn McKenzie: Mr. Vice-President, I would also like to congratulate the new Senators who have been sworn in this afternoon. I want to tell them that the experience in the Senate is, indeed, an interesting one, and I hope that they will certainly benefit from the interactions with us here.

I would like to begin by congratulating the Government on bringing a piece of legislation that will make people sit up and listen to the problem of praedial larceny in the country. I am not sure that the Bill would do much more than that, because I do not think that it is possible to implement and enforce the rules as they are set out presently in this document. But the fact that the discussion would sensitize people to the fact that the Government is concerned about theft of crops and animals, I think that will send a message to the thieves that nobody is condoning that type of behaviour.

I would give some experiences of the Tobago situation. Not too long ago we have had an instance of the people of one village; one man losing four of his big rams, and in search of them, went to a valley and found 14 heads of sheep freshly slaughtered. Tied with a string, which gave the impression that some vehicle was going to be there to take them and tote them away, as we say. And nobody knew. Nothing came of it, but that these people lost 14 heads of sheep. Later that day, they found the four big rams miles away. Somebody had untied them from the yard of the owner and carried them away, obviously, to be slaughtered there, or to be picked up by some vehicle. We have had the experience of a farmer losing his pigs way off from where he lived. Well, that matter was taken to court and somebody was fined.

Mr. Vice-President, this one annoyed me more than even those that I have mentioned. There was a secondary school with their agricultural division and they had planted their patchoi and all these things, ready to reap at a certain time; and they had their crops all ready and set just for reaping and the fowls for market. The next morning when the poor young people went back to school the coops were empty and all the patchoi *et cetera*, were reaped out. I felt it for those young people. Because here we are trying to encourage young people in the schools so that when they leave school they can go into agriculture and the experience is one where: I sow and you reap.

Mr. Vice-President, there is need for some sort of action to be taken against people who go in and steal other people's produce. They sell what they do not own. What is even more bothersome is the fact that many of our small farmers are old people and the people who steal from them are young people. So the old sow and the young reap. No one could be happy about that.

I would like to suggest to the hon. Minister that one of the practices I think he can look at is where people are allowed to slaughter animals and then take the carcass to the abattoir to be inspected and stamped. You see, Sir, that encourages theft. Because they can go to someone's field steal a cow, a goat or a sheep or whatever have you, slaughter it there—there is no rule to stop that—then they take the carcass to the abattoir and have the Inspectors inspect the meat *et cetera*, and stamp it.

Whereas, if you have the rule enforced where all animals to be slaughtered and put for sale should be taken to the abattoir because they keep them there for 24 hours before they slaughter them. By the time you miss your cow, you can rush to the abattoir—as many people have done—and find their cow tied there ready to be killed, and they can do something. I am not saying that this would

eliminate the problem, because there are the people who will have one animal slaughtered in the abattoir; one animal stolen and killed and mix the meat. So I am not saying it will eliminate it, but I am saying that, at least, some sort of action could be taken in that direction.

I am saying that although the intention of the Bill is good, the way it is set out is almost impossible to enforce. If you really buy two good Tobago yams that would be \$50.00; two solid Tobago yams could be put in a four-pound paper bag and there you have \$50.00 under your arm going. Many of the vendors would not even bother to read and write to make up a receipt to give you for your yams, plantains and so on, especially if there is a harvest and you are really buying plenty provision. You will have to get a clerical assistant to make up receipts for you. Mr. Vice-President, the people who really helped the Minister to make up this thing do not really know what they are doing; they do not know what you are talking about; some of them “never even sell chenette on a tray” further more to talk about market and produce. They hear about market, produce and ground provision; two proper Tobago dasheen—*[Interruption]*

Sen. Cabrera: Mr. Vice-President, I am happy that the hon. Senator gave way because I have heard it being dealt with for the second time. Is it not the present law with regard to receipts?

Sen. Dr. E. McKenzie: Mr. Vice-President, I do not know that, because I have been buying provision all the time without getting receipts. I know that the market people go to the vendors and they pay for the things. Well, nobody enforces it. So that is to tell you that what I am saying is that it cannot be enforced.

Mr. President, I will tell you something. In our Tobago culture, what the people did 30 to 40 years ago probably will have more effect on this praedial larceny than what the Minister is trying to do, Sir. Long ago what the gardener did was hang up a blue bottle on his tree and everybody was scared to go in his garden and pick anything. That will have more effect than this thing that the Minister is talking about praedial larceny.

And I will tell you, again, about another folk thing that we had: We had a folk thing that the people used to tie you in their garden and when you went there to steal, you will steal as much as you want, but you will work in that garden until the owner of the garden came and found you there and then he will hit you one kick and release you, and you would be out of his garden never to return. Probably we need to go back to the little folk thing. And I will tell you that it will

have more power to scare people from your garden than this Bill in its present state.

Thank you very much, Mr. Vice-President.

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I would like to welcome the new Senators. I hope that their experience in the Senate today would, indeed, be most interesting.

3.35 p.m.

Mr. Vice-President, I do not know where the hon. Minister got his information and how he arrived at the phenomenal figure that 25 per cent of our agricultural produce is subject to praedial larceny and I would like to hear more on those figures. I would like to know if he could give details about where the thefts occur and how the stolen produce gets sold and so forth. I would like to have more details about this. I am not denying that praedial larceny is a major problem in this country. I do not know if they have ever quantified the personal problems of people like me.

I have the experience of seeing a praedial larcenist patting my dangerous dog on the head while he is picking my oranges. I have gone down to Curepe and I have seen a vendor selling my shaddock and I asked him, "Where you get that shaddock?" He said, "A fella pass here with a bag. He pick it from his yard". I then said, "Do you know the name of the fella?" "No". I said, "Well, that is my shaddock". I cannot prove it is my shaddock. I cannot take it away from him. If I call the police, they will ask, "How do I know it is my shaddock?" However, I know it is my shaddock.

Mr. Vice-President, I have seen a man stealing my dry coconuts. I then drove down the road and caught him walking down the road looking for a maxi with my bag of dry coconuts on his back. I called the police; the police came and caught him. They said, "Listen, take the coconuts. We ain't go do anything. We go just carry him down by the station and put a licking on him because, it ain't no use. That's all we could do". So, we all have had experiences of praedial larceny at the personal level and I do not know if that kind of loss is being documented. Still the Minister says it is 25 per cent. Even if it is 20 it is still a very large number and it is very depressing.

We are not even counting, for instance, things that we know about; that one can get tractor parts from Caroni; one could get whole tractors from Caroni, one could get fertilizer from Caroni; one could get chemicals from Caroni to buy. That

is praedial larceny too. Mr. Vice-President, this is an important piece of legislation and, of course, I accept Sen. Daly's argument that today was a very good day for it to come up because we have had private questions about praedial larceny. It is an important question.

It raises questions about our respect for labour and for the work of people's hands. It raises questions about the respect for property but, more than that, it focuses on the barbarism of a culture that does not recognize the art and the spirituality of agriculture. That is what it reminds us of, that we are living in a civilization that refuses to be a civilization; and the beginning of civilization is agriculture. Ask Virgil; ask Erasmus Darwin, Mr. Vice-President. Agriculture is culture. Agriculture is art. Agriculture is values and therefore a praedial larcenist is a criminal of a very serious kind.

About the Bill itself, I do have some misgivings. I am not too sure that selecting praedial larceny to be the crime on which we are going to speed up judgment gives a good signal. I mean, there are many criminal acts taking place. Why have we chosen praedial larceny to be the one that has to be settled in one month? Are we going to be able to do so? I am a bit worried, should I say puzzled, by the supervision order. I really do not understand when and why the supervision order will come into effect and I hope the Minister would clarify this when he does his winding up.

I do not understand the circumstances being envisaged when the supervision order would be put in place and how this supervision order relates to the Prevention of Crimes Act which provides for a supervision order upon a second conviction. This amendment allows the supervision order to a first-time offender and it says it is only for first-time offenders. So maybe the Minister would explain the purpose and working of the supervision order and how it relates to the supervision order in the Prevention of Crimes Act. The main part of my contribution, Mr. Vice-President, has to do with what I see as a radical effect in that the amendment would produce—and the effect would be, to shift attention from theft to sale and to shift attention from places where theft is taking place to places where stolen stuff is being sold.

Now, when the Minister presented the Bill, the following morning I went down the hill and said to my vendor, "Your prices are getting so hot that every time I buy from you, you will have to give me a receipt because every time I buy from you it costs me more than \$50. Not only will you have to give me a receipt, you will have to show me the receipt that was given to you when you bought the stuff". "What!" "What", she says. "All yuh doing stupidity. If all yuh want to

ketch the real thief and them all yuh have to find out where to go and what vehicles to stop and what house and land to search”. So this is a vendor who is telling me, “Do not go to the market-place. Go to the countryside. Go to the farms. That is where the theft is taking place.”

The Government is bringing legislation that abolishes the thing about the farms and the countryside because, Mr. Vice-President, when one looks at the existing legislation, section 3(1) deals with persons purchasing or obtaining agricultural produce. Section 3(2) deals with persons selling or disposing of agricultural produce and in both 3(1) and 3(2) we see the phrase, “in any place other than a public market”. Now that is being deleted and in its place we are getting:

“...in any market, grocery, mini-mart, road-side stall, vehicle or in any other place where agricultural produce is sold...”

Mr. Vice-President, the existing section 3 seems to be trying to cover surreptitious wholesaling of agricultural produce stolen from farms, fields or storage places. Section 3 in the original legislation speaks of produce of the value of \$100. The distinguished Sen. Dr. St. Cyr has informed me that \$100 in 1963 is equivalent to \$1000 today. Teachers were getting \$300 a month. So when the legislation talks about produce of the value of \$100, they are not talking of somebody with their little shopping basket, they are talking about somebody with the Datsun van who “gone to buy 20 bunches of plantain and 11 bunches of silk fig”. So the original intention of section 3 was to deal with theft and purchases taking place near the farms and in the countryside, et cetera.

If the thinking behind the amendment is that we are wrong to focus on the countryside and the farms, because that is not the problem area, I feel I should have pretty lengthy explanation and factual evidence for this shift in thinking. It is a shift so radical that it causes us to—this is not an amendment. This is an utter change. It is a turning upside down of the legislation. So, Mr. Vice-President, I would really like to have an explanation for the deletions being effected to the existing legislation that would take us away from theft to purchase in the market-place.

That is the main burden of my presentation. I have these misgivings. I have this sense of it not being possible to implement the kinds of procedures that are being suggested. I have tabled the two amendments. One seeks to get the individual purchaser in the market on market day exempt from having to obtain bills. If I am going to buy a watermelon, a chicken and two bundles of spinach,

that is \$50 already. So one of my amendments suggests that people who are doing the Sunday or Saturday shopping should be exempt. The second amendment says that every vendor should have in his possession documents to prove that the stuff he is selling was legitimately acquired. I am not sure, however, that these amendments can tidy up what I think is a Bill that really needs thinking about.

So, Mr. Vice-President, I support the view that almost every other speaker has expressed, that this Bill should go to select committee for possible revision in philosophy and approach and for the drafting of implementable procedures. I thank you. [*Desk thumping*]

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Vice-President, I join this debate on the Bill to amend the Praedial Larceny Prevention Act to make a short contribution on the preparations being made by the Ministry of National Security to enforce the provisions of this Bill.

It has been mentioned by a number of speakers that enforcement is the weakness as far as praedial larceny goes and it probably gave rise to praedial larceny becoming so prevalent. It is a fact that the praedial larceny squad in the police service before now comprised just six vehicles and a limited number of policemen. What tended to happen was that when these officers were available, most of whom were stationed somewhat centrally and away from most of the farms, they would respond if time and equipment permitted. However, should there be other reports, there was a tendency for praedial larceny to get very little attention and be relegated to the bottom of the list.

That being the case, with the drafting of these amendments, I held meetings with the hon. Minister of Agriculture, Land and Marine Resources. We held several meetings with the Commissioner of Police and other senior officers to understand and to determine just what was important as far as making the provisions of this Bill applicable. What we agreed upon was the importance of a timely response from the police service, when a report of praedial larceny is made, and the importance of the need for enforcement.

In order to deal with that, the Police Service has entered upon a programme of recruiting and providing more officers for the praedial larceny squads. In the past, there was the Praedial Larceny Squad, which suggested there was one entity. The plan is to have praedial larceny squads decentralized to 19 stations, and there will be a complement of 152 officers.

3.50 p.m.

First of all, Mr. Vice-President, I will give an idea of where these praedial larceny squads are meant to be located, because these locations will change, depending on the demand. The praedial larceny squads will be established in areas such as Siparia, Penal, Gran Couva, San Raphael, Matelot and in Tobago at Moriah and Charlotteville. These squads will each comprise one corporal and six constables, and the new units will now ensure that personnel who are trained are not transferred to other branches. Like other services, officers are trained in a particular discipline, and either through promotion or for other reasons, they end up being transferred to other divisions. Either they are not replaced, or they are replaced by people who do not fully understand their responsibilities.

What I was concerned about, and what I think most people are concerned about, is the manner of operation. How these squads will operate. In discussion with the hon. Minister of Agriculture, Land and Marine Resources, what we found was necessary is that these praedial larceny squads should not remain at the stations and await a call.

What we are trying to do in the Police Service now is have them visit the farms and become familiar with the farmers. They should try to understand what is being grown and keep track of the crops when they will be reaped, when the farmer will be going to the market and, as pointed out by Sen. Alfred, to make sure that if the “owners” turned up and reaped one’s crop before one had time to do so, they would be properly intercepted. This is where the matter of the registration, and so forth, comes in.

What I am glad to say is that this squad is already in formation. People have been identified and vehicles have been identified. One of my concerns is that the farmers in the area and the police develop a partnership. We saw this as being virtually an extension of the community police, because the role of the community police is to work with the community and try to prevent problems rather than investigate after the event.

What, again, we need help in is to make sure that the farmers become familiar with the people who are responsible for their areas, and keep the police informed of when they plan to move their produce, what is going on, and to make reports. The most important element of this exercise is the frequent patrolling and visiting the farms by the police, because we all know that by the time a report is made—this was brought out by Sen. Ramchand—one’s produce and the culprit are well gone.

These vehicles and these police squads will be in radio contact with the station, and they will be in radio contact with each other. We feel that only the use of proper communication, dedicated officers and reliable vehicles will get this system to work. I am dealing purely with the matter of the interdiction side. I am not going to go into any detail about the Bill itself, but the Bill does demand that the police take certain action. I simply wanted to give this honourable House the assurance that again—

Sen. Prof. Spence: Mr. Vice-President, the hon. Minister seems to be winding up, so perhaps I will ask him if he does not agree that those measures which I think are admirable and exactly what is needed, really apply to the existing legislation, whereas this legislation is shifting from that emphasis to the emphasis of the purchaser? It seems to me that they can only police that shift if there would be more policemen patrolling outside of markets and supermarkets. I agree with what he is doing. Please do not misunderstand me. I think that is where the emphasis should be, but it is not necessitated by this legislation. That applied to the old legislation as well.

Sen. Brig. The Hon. J. Theodore: Mr. Vice-President, I appreciate the point made by Sen. Prof. Spence, but one will notice that I am staying clear of the aspect of who will be responsible. One will notice that I have been focussing primarily on being familiar with the farmer, but listening to the comments that were made today by the majority of speakers, I would rather concentrate on the preventative aspect of it rather than to wait until somebody purchases the item, the responsibility shifts and it becomes awkward or an embarrassing situation. The point is well taken and I assume the hon. Minister has also taken note of those comments.

Basically, what we are trying to do, and maybe as the hon. Senator said, is what we should have been doing all the time, but because of the amendments, the increase in fines, the tightening up of the regulations and the meetings the police service has been holding with the Ministry of Agriculture, Land and Marine Affairs, we felt it was important to put measures in place well in advance, because there is always this lapse of time which takes place.

The legislation is passed, then the police are told to create a squad. Meanwhile, six months later we are still creating the squad and recruiting people. Back at the ranch, nothing seems to happen. The Ministry of National Security seeks to deal more in a preventative mode and to take steps to anticipate and to prevent something from happening rather than to carry out an investigation and deal with it after the fact. This is the same arrangement we are making now, and I

am glad to say that despite the apparent shortage of personnel in the police service, people are being identified.

What I must confess has been a problem is that because of the demands that are made on the police service, sometimes dedicated units such as this become depleted because of the need for manpower or personnel in other areas. What we are hoping to do in the police service of today is to ensure that dedicated units remain dedicated and remain staffed. I cannot put my head on a block for that. It is our intention and what we hope to achieve, and we are receiving cooperation from the Police Service. I think I mentioned recently that only a few weeks ago I received approval from Cabinet to increase the size of the police service by an additional 700. Again, 700 people cannot be trained overnight, and that in itself is going to take time. So, one must appreciate that while we have immediate and short-term solutions, most of the solutions are long-term and will occur over time.

Mr. Vice-President, I simply wanted to make this contribution dealing with the action that will be taken by the police and how they are preparing to enforce the regulations that are in this Bill.

I thank you.

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Vice-President, I thank all of those who have made their contributions in this debate and for the views which they have expressed. I notice Sen. Shabazz did not speak in this debate. *[Laughter]*

First let me make a general statement about the intent of the Bill. It is to emphasize that the issue of praedial larceny and its implications, and the transactions involved, do not take place at any one particular point. It is widespread in terms of the transactions involved with stolen items. While it is important and, in fact, that is where the focus will be, to place a great deal of policing emphasis at the level of the farm, if we are not able to detect at that level, then the intent of the documentation which seems to have been alluded to by a number of the Senators, is to see if we can have a trace of the transaction in order to verify where the actual theft took place.

It is in that context that we thought some measure of documentation was necessary in order to assist the police. Now, whether we have included in the Bill the level documentation that is required or not, I am willing to listen to the views of the Senators to see how this could be addressed, but we feel there is need, because it could be a transaction of theft, not from the farmer, but from the wholesaler to the retailer, then, from the retailer to the person who actually has the

produce in their possession. The possibility of larceny is at all these levels of the transaction. This is what we were attempting to capture.

The question that Sen. Montano talked about, praedial larceny being just theft, it is a theft of a particular kind, and it is a theft with a very significant deleterious effect on the farming community. This is why we are trying to put a measure in place that is equal to the mischief that is being perpetrated.

When I spoke about the issue of praedial larceny being part of a culture, and therefore needed to be remedied at a more profound level—at the level of education—I meant education in its wider sense. I meant education in values, a culturalization and whatever else is required to facilitate people to change their attitudes. That is what I meant. I did not really mean formal education, to which he thought I was alluding.

There are a few other issues I want to address, which is how we arrive at the estimate of the extent of the praedial larceny. As I mentioned in my presentation of the Bill, this is a very rough and ready estimate that the Ministry of Agriculture, Land and Marine Resources has come up with in terms of their discussions with the farmers and the farming groups as to the extent of the problem.

In certain instances, the whole produce of a farmer is stolen. All of it. The whole 100 per cent! In other instances, 50 per cent goes, and in other instances 10 per cent goes. So, it is a very widespread problem although some of the Senators do not think that the problem is as serious as it really is. It is very widespread and it is difficult to get a precise figure, but we have mentioned this figure to indicate, in our own judgment, and the judgment of the Ministry of Finance in its own estimation, what the extent of this problem really is. We do feel, Sir, that it is a problem of that nature.

4.05 p.m.

Now, I take issue with a few things here about which the Senator spoke. He said that praedial larceny is a function of poverty. I ask the question: How long are we going to use poverty as an excuse for criminal and other activity? Are we saying, if one is poor, that one has licence to steal and to break the law? Is that what the goodly Senator is saying? Is that the view that his government would take? Is that the policy that his government would adopt if ever it gets in?

Sen. Montano: Mr. Vice-President, on a point of order. That is not what I said at all. I am being completely misunderstood. I never said an excuse. An excuse is a very different word from an explanation. Thank you very much.

Hon. T. Sudama: An explanation which, indeed, will be condoned under his administration. This is what worries me about that other side, the Opposition. It is very worrying as to what extent it will go in order to appease people who break the law.

Mr. Vice-President, there is another issue. The implementation of this law will be done by the police. The current law and if this Bill becomes law, will be implemented by the police, not by the Government. He seemed to be implying that the Government is going to give instructions to the police as to who should be charged and who should not be charged. I think it is a very damning condemnation of the way the police service in this country operates; that, therefore, the Government will embark on a policy of victimization, but the only way the Government could embark on a policy of victimization is, it will have to issue instructions to the police so that his wife is not held up and charged, therefore, he will be a target and a subject of victimization. It is extremely worrying, the thinking of the Opposition.

Not only that, he went on to say the magistrates will enjoy a discretion under this as to whom it will place under a Supervision Order and who will not be placed under a Supervision Order? Again, he fears victimization by the Government, implying that the Government, then, will dictate to the Judiciary how it will carry out its work. Do you understand the thinking on the other side, Mr. Vice-President?

As I said, it is all well and good to oppose the measure but when we get these kinds of arguments coming from the PNM, it is every reason in the world that this country should never put them back into office.

Mr. Vice-President, to address some of the other issues. When we pass legislation—and I think it goes without saying—surely we pass legislation to deal with those who will break the law and those in any ordinary, civilized, operating democracy will be a minority of people, as mentioned by Sen. Daly. Therefore, we do not anticipate, if this Bill is passed and has to be implemented, that the police will go willy-nilly and try to do a blanket exercise by checking in the bags of everybody and so forth to see whether they have the documentation to prove from where the produce came.

The purpose of law is also a deterrent because the police and the other institutions will never have the resources to deal with every infraction of the law. That is never going to be the case, whether it is a traffic offence or anything else. They will never have the resources to deal with that. Therefore, the law serves

as a deterrent and its implementation will, of course, be directed to the minority and only to a portion of that minority, really, in the general scheme of things.

Sen. Prof. Spence spoke of the issue of squatters, whether when they engage in agricultural activity they would be entitled to a registration card as bona fide farmers. We have not reached that point yet to consider squatters under the ambit of the registration exercise. It will be given consideration, but what we are attempting to do is to regularize squatters as fast as we can do so and, having regularized them, they will then have lawful authority on the land; a legal right to occupation. It will take a while but we are attempting to do so as quickly as possible, especially on state and state enterprise lands, to engage in an accelerated programme of squatter regularization. As we do that, we will be able to issue them with registration cards.

The question of dealing with praedial larceny has to be attempted in a holistic and comprehensive manner. You heard from the Minister of National Security as to the strengthening of the police and dedicated personnel targetted towards the prevention of praedial larceny. We are going to put those resources in place and we also intend to precept other people—game wardens, foresters and other people—who are involved in the agricultural area, as well as farmers in the communities. Therefore, we will attempt to deal with that as a community problem initially, but in order to cover the full range where transactions involving stolen goods are taking place, we just cannot stop them. It has to be done in the places where the transactions take place.

That is the intent of the Government and there is no sinister intent in bringing this piece of legislation to the Parliament, I assure Members on the other side.

The question of agriculture in Tobago, that is another issue in which I do not want to get involved here this afternoon because, to a large extent, it is an internal issue between certain elements and factions in Tobago and I do not want to get involved in any domestic Tobago issue but, of course, we have an overriding responsibility and a facilitative role at the national level.

I just ask the question: If agriculture in Tobago is in decline, when did it really start? Certainly not four years ago, Mr. Vice-President. In those days when it started, we did not even have a Tobago House of Assembly Act, particularly the one that is in place that gives so much autonomy to the authorities in Tobago. But the Senator did ask the question: How long does it take a banana tree to grow?

Besides being the Minister of Agriculture, Land and Marine Resources, I am not really an agriculturist. Does it take about six months for a banana tree to grow?

Sen. Alfred: In nine months, it will grow.

Hon. T. Sudama: Am I to understand it is only nine months ago that agriculture went into decline in Tobago because that was when the last banana tree was grown in Tobago?

Sen. Alfred: Mr. Vice-President, if I may. One of the secretaries said that the PNM was responsible for the decline of agriculture and somebody asked the question: How long does it take a banana tree to grow? The Tobago House of Assembly as a body was in place 20 years ago so, obviously, it cannot be the fault of the PNM administration before that. I just wanted to clarify that.

Hon. T. Sudama: If I may refresh the memory of the Senator, 20 years ago the Tobago House of Assembly did not have the specific responsibilities that it has under the current legislation, to deal comprehensively with the issue of agriculture and other areas.

Sen. Alfred: It did. Read the Act.

Hon. T. Sudama: Anyway, I just wanted to make that point and to say that the question of agricultural policy comes under the Fifth Schedule of the Tobago House of Assembly Act—the agricultural policy and the implementation of that policy.

Sen. Dr. Mc Kenzie: The tourism policy, too.

Hon. T. Sudama: There is a role for the Government to play in terms of determining the national policy, but I must emphasize the point as to where responsibility lies in this area.

Sen. Alfred spoke about increasing penalties not being a deterrent. If that is the case, then this must be a peculiar situation because we worked under the assumption that even if it sent out a signal, the increasing penalties would, in fact, serve as a deterrent. If people knew when they violated the law the penalties were going to be that much more severe, then, of course, that might be a deterrent and it might be a preventative measure with respect to praedial larceny.

But I want to emphasize the point that if you say 30 years ago, the penalty was smaller, or the extent of the power of the police was to inquire into purchases of \$100 or more and that \$100 then is worth more today, all I can say is that praedial larceny today is not what praedial larceny was 30 years ago. The incidence of

praedial larceny, the intensity of praedial larceny and the disincentive associated with that activity is not what it was 30 years ago, therefore, the increase and the intensity has to be matched correspondingly by the penalties and the mechanisms that we put in place to try to deal with this very serious problem in the agricultural sector. If some Senators feel that this really is not a serious problem then this is not what is relayed to us.

As I said, I spoke to scores of representatives of organizations and I spoke to large numbers of farmers individually and almost in every case, I got the response that they have no incentive to go into agriculture because they cannot get the fruits of their labour—it is stolen wholly or in part—therefore, they see no reason to go into that kind of activity.

Now, if that is not the experience of some of the Senators, well I do not know. This is the reason that we were sort of impelled to take action which involved, not only legislation, but increasing the policing resources and attempting to deal with the problem also at the level of the Magistracy.

Now, the question is: How can we send a signal to the Magistracy to deal with these matters in a more expeditious manner? That is another issue.

But, certainly, we are not saying that praedial larceny is the only priority problem that Magistrates have to deal with. There are other issues. Domestic violence, I understand, is facilitated in terms of hearings at the court level. But we are saying that simply because we cannot get timely resolution of cases before the Magistrates' Court, that too serves as a disincentive to farmers, and we thought if something was done about that, we would be in a better position, in a more comprehensive and holistic way.

4.20 p.m.

Sen. Prof. Spence: Mr. Vice-President, through you, in some of the recent legislation, what is being done is that there have been special seminars for Magistrates and Judges, like the patent legislation and so on. I wonder if that is what is needed here with respect to this issue, although it has been around for such a long time. The fact is that it has not been treated seriously.

Hon. T. Sudama: If I may tell Sen. Prof. Spence, what we had intended to do, through the Attorney General, is to communicate with the Judiciary and indicate our concern about the length of time that it takes to have these things heard, and also, through the informal channels and through discussions, to get them to give greater attention and more priority to praedial larceny cases. This is also what is intended to be done. It is done both at a formal level and at an informal level.

The whole question of educating and sensitizing the community, and doing so in the educational system as well, as to the ill-effects of praedial larceny, not only praedial larceny but the whole issue of theft in the society, we thought that that also needs to be done. That, of course, while initiated by the Ministry of Agriculture, Land and Marine Resources, has to be a wider programme of going out to the communities and dealing with this; indicating the seriousness of the problem and the preventative measures which ought to be taken at the community level through a programme of training and education.

Mr. Vice-President, I think Sen. Prof. Ramchand raised the issue of the supervision order and what would be the intent of the supervision order, and how it will work out in practice. The idea behind the supervision order which, I think, is a new departure, is that you wanted to deal with first-time offenders in a different way than dealing with people who are repeat offenders. In doing that, the Magistrate has a discretion to put such offenders under some kind of police supervision; that they report at periodic intervals so we know where they are, we know their location, and we have an idea of what their activities and so on are, so that they will be prevented from getting further involved in praedial larceny activities. These supervision orders, of course, are time-bound and after that people would be free but, in the absence of a supervision order, the Magistrate might well have to impose a fine or a penalty on a first-time offender under the discretion that he has. This was meant to be a measure which softened the penalty on first-time offenders.

Mr. Vice-President, we are very clear as to why we have brought this piece of legislation, among other initiatives that we are going to take. I am willing to listen to the views and comments of the Senators, as to how we could improve the legislation, in order to meet the objectives for which it was drafted. At an appropriate stage we will make the appropriate statement.

Again, I wish to thank all for their contributions, and to tell the farming community that, while other administrations have merely talked in the past, this administration intends to do something about praedial larceny.

Thank you, very much, Sir. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, because of the many concerns expressed by hon. Senators, I beg

Praedial Larceny Prevention (Amdt.) Bill
[HON. W. MARK]

Thursday, June 01, 2000

to move that a select committee be established to consider and report on the details of the Praedial Larceny Prevention (Amdt.) Bill by June 20, 2000.

Bill referred to a select committee of the Senate appointed by the Vice-President as follows: Sen. Brig. The Hon. J. Theodore (Chairman), Sen. V. Tota-Maharaj, Sen. J. John, Sen. D. Montano and Sen. Prof. J. Spence.

SUMMARY OFFENCES (AMDT.) BILL

Order for second reading read.

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Vice-President, I beg to move,

That the Summary Offences (Amdt.) Bill be now read a second time.

Question put and agreed to.

Bill accordingly read a second time.

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, once again, because of the many concerns expressed by hon. Senators, I beg to move that a select committee be established to consider and report on the details of the Summary Offences (Amdt.) Bill by June 20, 2000.

Bill referred to a select committee of the Senate appointed by the Vice-President as follows: Sen. Brig. The Hon. Joseph Theodore (Chairman), Mrs. Vimala Tota-Maharaj, Mrs. Jearlean John, Mr. Danny Montano and Prof. John Spence.

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, before moving to adjourn this honourable Senate to Tuesday June 06, 2000, may I inform hon. Senators how we are going to proceed.

Mr. Vice-President, we are going to deal with some minor amendments that we had started at the last sitting of the Senate, which is under Motion No.1 on the Order Paper, that is amendments to the Sexual Offences (Amdt.) (No. 2) Bill, which was presented but we deferred it until the Attorney General was present. He will be here on Tuesday to address those amendments.

We will then proceed to Bill No. 5, that is the Dangerous Dogs Bill. That is the first Bill that we will be dealing with. Then we are hoping to complete two Bills that require minor changes, Nos. 18 and 19. The Attorney General is going to be here so we will deal with a Bill to amend the Supreme Court of Judicature Act, Chap. 4:01, as well as a Bill to amend the Petty Civil

Adjournment

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Courts Act, Chap. 4:21. We will deal with those two Bills immediately after the Dangerous Dogs Bill. We will then proceed to the Rent Restriction Act. That is a matter that we have to deal with.

If we have time we will continue with our debate on the licensing, regulation and control of homes for older persons, and, of course, a Bill to amend certain legislation of a fiscal nature and to provide for related matters.

We have about six Bills that we would like colleagues to consider, because we will be meeting from 10.00 a.m. to 10.00 p.m. We have a long sitting and we have these Bills to deal with, so we want everyone to be prepared for this exercise.

Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday June 06, 2000 at 10.00 a.m.

Question put and agreed.

Senate adjourned accordingly.

Adjourned at 4.30 p.m.