

*Papers Laid**Tuesday, July 17, 2001***SENATE***Tuesday, July 17, 2001*

The Senate met at 1.32 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Trinidad and Tobago Unit Trust Corporation for the year ended December 31, 2000. [*The Minister of Finance (Sen. The Hon. Gerald Yetming)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Couva/Tabaquite/Talparo Regional Corporation for the year ended December 31, 1993 [*Hon. G. Yetming*]
3. The Corporation Tax (Exemption) Order, 2001. [*The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette)*]
4. The Freedom of Information (Publication of Arrangements) Regulations, 2001. [*Hon. L. Gillette*]
5. The Freedom of Information (Fees and Charges) Regulations, 2001. [*Hon. L. Gillette*]
6. The Extradition (Commonwealth and Foreign Territories) (Extraditable Offences) Order, 2001. [*Hon. L. Gillette*]
7. Report of the Technical Team to the Bipartisan Team to Seek Solutions to the Problems Within the Police Service—Legislative Proposals, June, 2001. [*Hon. L. Gillette*]

ARRANGEMENT OF BUSINESS

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, I seek leave of the Senate to deal with Government Business, Bills Second Reading, at this stage of the proceedings.

*Agreed to.***MUTUAL ASSISTANCE IN CRIMINAL MATTERS (AMDT.) BILL***Order for second reading read.*

The Minister in the Ministry of Legal Affairs (Sen. The Hon. Gillian Lucky): Mr. President, I beg to move,

That the Bill to amend the Mutual Assistance in Criminal Matters Act, be now read a second time.

The Mutual Assistance in Criminal Matters Act was enacted to deal with the increasing levels of transnational organized crime. In order to put this amendment in perspective, I would read from the “Handbook on The Mutual Assistance in Criminal Matters Act”, prepared by the Ministry of the Attorney General and Legal Affairs, dated February, 2001. I would, with your kind permission, read a few paragraphs for hon. Senators and for the record, so that it could be understood what this Bill is about.

I quote from page iii:

“Criminal activity has become increasingly transnational in nature and the members of the international community must increase their level of cooperation if they are to be successful in the fight against the transnational criminal. The two main areas in which the international community has fought the transnational criminal are extradition and mutual legal assistance arrangements in criminal matters.

A milestone was reached in 1986 with the formation of the Commonwealth Scheme in Mutual Assistance in Criminal Matters, otherwise known as the Harare Scheme. The Government of Trinidad and Tobago realising that Trinidad and Tobago’s geographical location as a main transshipment point for drug traffickers and other illegal activities, such as money laundering, introduced the *Mutual Assistance in Criminal Matters Act 1997* to facilitate international cooperation for the apprehension of criminals.

The Act provides, inter alia, for the following:

- (1) Assistance in obtaining evidence or statements from persons;
- (2) Assistance in effecting service of documents;
- (3) Assistance in executing searches and seizures;
- (4) Assistance in arranging the transfer of persons to expedite proceedings;
and
- (5) Assistance in tracing property with respect to certain proceedings.”

Mr. President, from 1997, when the Act was passed, to today's date, 945 separate requests have been received. The majority have been investigated and the relevant information has been disseminated to the requesting countries.

The amendment to the Mutual Assistance in Criminal Matters Act, 1997 is necessary for two reasons. First, to allow the Attorney General, who is the central authority under the Act, to receive requests for assistance from other countries and also to make requests on behalf of Trinidad and Tobago for mutual legal assistance.

Section 3(1) of the Act states, and I quote:

“(1) ...the Attorney General shall be the Central Authority.”

Section 3(2) of the Act states:

“(2) The Attorney General may delegate to a public officer, any of his functions under this Act.”

One of the purposes for amending this Act is to enable the Attorney General to delegate his functions under the Act, not only to any public officer, but also to any legal officer who is in the Ministry.

Under the present law, the Attorney General cannot delegate his functions to a legal officer and in this Bill most of the matters involve legal matters and the Attorney General himself cannot do all the work. He has to get assistance either from public officers or legal officers. It is, therefore, important to give the holder of the office of Attorney General the power to delegate his functions, not only to a public officer, but also to a legal officer, who has the necessary experience and expertise.

I should also mention that although the functions may be delegated, the matters always go back to the holder of the office of the Attorney General. Having such an amendment is nothing new. In other jurisdictions such as Canada, for example, the Minister of Justice delegates his or her authority to legal officers working in the Department of Justice of Canada.

The second purpose of the amendment is to expand the scope of mutual assistance treaties to cover all criminal matters and not to have mutual assistance limited only to drug offences. Trinidad and Tobago, to date, has signed mutual assistance treaties with the United States of America, Canada and the United Kingdom.

Mr. President, allow me now to refer to the Bill itself. Clause 1 is the short title of the Bill. Clause 2 is, in fact, the interpretation section and subclause 3(2),

as I indicated earlier, is that clause which will allow the Attorney General to delegate any of his functions, not only to a public officer, but also to a legal officer who is employed in the Ministry of the Attorney General and Legal Affairs.

The other amendment, as indicated earlier, deals with section 40. That is, in fact, reflected in clause 4 of the Bill. Section 40 of the Act, as it now stands, provides a treaty before or after the commencement of the Act between Trinidad and Tobago and any other territory. It provides for mutual assistance in the detection, investigation, suppression or prosecution of drug trafficking offences. This section limits any treaty entered into between Trinidad and Tobago and another territory to only drug trafficking offences.

Clause 4, therefore, seeks to extend the mutual assistance to cover, not only drug trafficking offences, but also to provide mutual assistance in criminal matters that may not be drug-related offences.

If section 40 were to remain as it is, Trinidad and Tobago could be embarrassed internationally, if, for example, a request for information came for any other criminal matter or criminal offence that is not drug trafficking. It is at this juncture, Mr. President, that I must now extend an apology to all Senators. In the Bill with which Senators were provided, there is clause 4 and, in clause 4, reference is made to section 40, which would have been the section we are seeking to have inserted in the Act.

However, Mr. President, in preparing for today's Senate meeting, in going through what is the proposed clause 4 in the Bill and in looking at the substantive Act, it was recognized that, by virtue of subsections (2) and (3) of section 40, there is provision for the making of an Order that deals with mutual assistance when dealing with drug-related offences.

Clause 4 seeks, as indicated earlier, to make provision by inserting a new subsection, which will be called subsection 40(1)(a) to provide for mutual assistance in any other criminal matter. I hope by now that the proposed amendment to this Bill has been circulated. It will, in fact, be dealt with at committee stage.

What has to be done in the first instance is that there must be a subsequent amendment to subsections (2) and (3) of section 40 of the Act. The Bill seeks to introduce a new subsection, giving the Attorney General the power to make new and further Orders and, therefore, the subsection that deals with these Orders must also be amended. That is why, in the proposed amendment which has been

circulated, it is respectfully being asked that in the present section 40, additional words be inserted right after subsection (1).

1.45 p.m.

If I might just indicate, Mr. President, section 40(2) in the Act reads:

“An Order shall not be made under subsection (1) unless the treaty provides for its determination by either party to it.”

If that is left alone, Mr. President, it would mean that this new section 40(1)(a)—although it gives the Attorney General the power to make an Order—would have no subsequent provisions dealing with how the Order will be made or in what circumstances. It is proposed, therefore, that in section 40(2) and (3), what has to be added, would be the words—right after subsection (1)—“or subsection (1)(a),” so that subsections (2) and (3) now encapsulate the provisions being made in the new section 40(1)(a).

That is not all, Mr. President. Unfortunately what was discovered—when as I said, in preparing for today's Senate—was that the proposed section 40(1)(a) was not as encapsulating as it ought to have been. If we look at what is reflected in clause 4 of the Bill, it refers to, and I quote:

“Providing for mutual assistance in any criminal matter.”

What the clause is supposed to do, is not only to provide for mutual assistance in any criminal matter, but really also to provide for mutual assistance in any criminal matter or in any criminal offence because there is a distinction between a criminal matter and a criminal offence. What has been circulated is an amendment to what is, in fact, clause 4. Its effect is substantial but in terms of its form, it is not a substantial amendment. What it has done is really represented what is contained in clause 4 of the Bill before us and it has gone a little further in not just saying: “any criminal matter” but “any criminal matter or any criminal offence”. To make it very clear this criminal matter or criminal offence is not just one arising in Trinidad and Tobago but in, “Trinidad and Tobago and any other territory” with which we share treaty.

In those circumstances, that is why the new section 40—I would read it for the purposes of having it on the record, I know it has been circulated. Section 40, it is proposed, would be amended by inserting after subsection (1) a new subsection which would be called subsection (1)(a) which would read:

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“Where a treaty has been concluded, whether before or after the commencement of this Act, between Trinidad and Tobago and any other territory, providing for mutual assistance in any criminal matter arising or criminal offence committed in Trinidad and Tobago or such other territory, not including a criminal offence referred to in subsection (1), the Attorney General may, by Order subject to negative resolution of Parliament, declare that the treaty shall have the force of law in Trinidad and Tobago, subject to such limitations, exceptions or qualifications as may be specified in the Order.”

Certainly, I am sure when the hon. Senators were looking at clause 4 of the Bill before us there was really no reference to what is section 40(1) which remains part of the substantive Act and this new clause 40(1)(a). That is why the necessary words have been put in; that is why the necessary phraseology had to be adopted, because as we constantly say, the legislation must be right, it must be eloquent, it must do what we say it ought to do and it must reflect the policy that we say it ought to encompass. What is contained in clause 4 in the Bill certainly does not do that. Therefore instead of leaving it the way it is and perhaps saving any embarrassment, it is better at this stage, when we are still very young in the debate, that as we see it we make the necessary amendment. It does not mean that I am exonerated in any way from apologizing for any inconvenience that is caused by what is a late circulation of an amendment to the Bill. I do, in fact, apologize for any inconvenience that has been caused.

Mr. President, it is for the reasons as indicated before that we seek to have the Mutual Assistance in Criminal Matters Act, 1997 amended in these two material aspects. As I indicated earlier in one respect it is to enable the Attorney General to delegate his functions, not only to a public officer but also to a legal officer who is employed in the Ministry of the Attorney General and Ministry of Legal Affairs. In the second regard, which is to extend the mutual assistance not only to drug trafficking offences committed in Trinidad and Tobago and any other territory, but also in any criminal matter that is arising or any criminal matter that is committed in Trinidad and Tobago or any such other territory.

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

Thank you, Mr. President.

Question proposed.

Sen. Glenda Morean: Mr. President, my difficulty with the contemplated amendment is not so much with the nature of the amendment but with the fact that

there has to be an amendment at all. Why is this Act being amended at this time? That is a question I would like the hon. Minister to answer.

Some two sittings ago, Mr. President, one of my colleagues on this side voiced disgust with the fact that we have to spend so much time coming back to amend legislation. Mr. President, I, too, share this disgust. It appears to me that the Government has no clearly defined policy, or no policy with respect to its legislative agenda. It seems that the Government is just jumping from one area to the next without any plan whatsoever. Some months ago or some weeks ago, perhaps, we started and were scheduled to debate the Bill to amend the Trinidad and Tobago Cricket Board of Control. We left that off and we proceeded to something else, and this has been the pattern.

Perhaps, Mr. President, if we had some sort of timetable worked out we would not be coming back so often to correct mistakes or deficiencies in the laws we put on our statute books. I am not saying that it is entirely simply to avoid having to amend previous legislation at times, but we should not be coming back with such regularity, Mr. President, to amend legislation on which the Parliament had recently spent considerable time. Circumstances will change and amendments may become necessary from time to time but in many cases the time spent coming back here to correct mistakes could be avoided if the Government would pay more attention to the advice given by Senators on this side.

Also, there is no gainsaying the fact that a situation of urgency may develop which may require the urgent passage of legislation to meet the situation, but this would be the exception. Since the Government is supposed to be on the ball and to be aware of its legislative needs—if it is governing the country properly—it should be in a position to know well beforehand what legislative measures are required. We have, for example, the Bill we just passed which is the Civil Aviation Bill. This Government was advised long before it decided to remove itself from the British system of pilot licence accreditation and to accept the United States licences requirement, that it would have to update systems of laws to conform with the FAA oversight requirements.

What does the Government do? It sends away the British oversight officers; does not put proper systems in place, locally, with the result that our system is now downgraded. All this could have been avoided with proper planning. [*Desk thumping*] Our national airline would not now be scurrying around for additional routes in Britain and around Europe, which may certainly not be as economical as the North American routes. I will offer—

Mr. President: Hon. Senator, I think you know you must stop.

Sen. G. Morean: Yes, I will stop at that point. I have made my point. I will offer some free advice though to the Minister of Transport, Tourism and Tobago Affairs and I would say that the easiest way to get around this problem is to bring some of the FAA people here and let them help us out if we cannot—

Mr. President: Hon. Senator, we are finished with that.

Sen. G. Morean: Yes, Mr. President.

Now the proposed amendment to section 3 of the Mutual Assistance in Criminal Matters Act, 1997 proves no exception to what I have just said with respect to Government's lack of proper policy, foresight and unwillingness to pay due regard to the suggestions from this side. I say that because the PNM had expressed reservations with respect to the inclusion of this provision in the Act, in the debate leading up to its enactment. A provision which vested in the Attorney General, powers which at the time, had been vested in an agency namely, the Strategic Services Agency established under the provisions of the Strategic Services Agency Act, No. 24 of 1995.

Our main concern at the time was decentralization of power in the hands of the Minister, something that we see occurring with alarming frequency in the legislation proposed by this Government. In the model draft legislation made available throughout the world by the United Nations, the option was given for individual states to designate either a law enforcement agency or a judicial authority as the central authority.

Why does this Government have such a fixation with vesting power in the hands of Ministers? I accept that in some cases it may be necessary to give the Minister certain powers; in cases where the nature of the provision dictates that the Minister be the source of authority for policy and administration. Is this the case here? Should not a state agency be responsible for the functions of the central authority? The proposed amendment—that is the Attorney General may now delegate any of his functions under this Act to any public officer or legal officer employed in the Ministry of the Attorney General and Ministry of Legal Affairs, this proposed amendment goes to show that the Attorney General has, at least, recognized the need for some wider powers of delegation in respect of the functions of the central authority.

This, Mr. President, in my view, does not go far enough. The whole of clause 3 should be amended to designate, perhaps, the Director of Public Prosecutions or

a specially created agency the central authority under the 1997 Act, and this is what I propose with respect to this amendment.

2.00 p.m.

Now, with respect to section 40, unlike this present Government, PNM governments have always taken seriously and honoured their obligations under international conventions, treaties, protocols, et cetera [*Desk thumping*] to which this country has been a signatory, and would not lightly withdraw from any one of its obligations. If it became necessary for our country to be withdrawn from any such obligation, the PNM would consult with the population and advise the people [*Desk thumping*] of the implications of adopting this course of action before taking steps to go back on its commitments. [*Desk thumping*] Recently, however, we have seen the manner in which our country was withdrawn from being party to two optional protocols and the subsequent negative ratings we received from the international community. I therefore, Mr. President, take issue with the provisions of the proposed amendment to section 40.

Clause 4(1), as the Minister has rightly pointed out, provides for a treaty concluded in relation to the provision of mutual assistance in the detection, investigation, suppression or prosecution of drug trafficking offences committed in Trinidad and Tobago or such other territory, et cetera, to have the force of law in Trinidad and Tobago. In other words, by Order, the Attorney General or the central authority can declare that the treaty shall have the force of law in Trinidad and Tobago—of course, subject to such limitations, conditions, exceptions or qualifications as may be specified in the Order. What we note, Mr. President, is that the whole thrust of this bit of legislation has to do with drug trafficking, and all the provisions are designed to arrest the drug trade and drug trafficking in the region and to provide for cooperation and assistance between this country and other countries in that fight.

However, what do we have with the amendment? We are told here that the amendment now is relating to any criminal offence—[*Interruption*] or matter, yes. That is what it is saying. Let me look at the amendment.

“...in any criminal matter arising or criminal offence committed in Trinidad and Tobago...”

Now, Mr. President, this amendment is much too wide. We cannot see the full implications of all that may be covered under such an amendment. We are going quite outside the area of drug trafficking and we may deal with the question of where a person has committed a criminal offence in relation to a traffic offence, for that matter.

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So that this term “criminal matter” should be defined in clause 2 of the Bill. Just as you have in section 2 of the Act—that is the definition section—“criminal proceedings” and what it means, we should, in clause 2, define what is meant by “criminal matter” or “criminal offence” in the section so as not to offend against, perhaps, other legislation or to impinge on other legislation. Perhaps we may be working contrary to existing legislation on some particular aspect of a criminal matter. So, what I would like the Minister to do—which she has not done—is to tell us what is the reason for this amendment. What is the rationale behind this amendment? Why are we amending this section at this time on such a wide scale? That is the question I would like answered.

While we are on this subject of criminal matters, I would like to ask the Government what it is doing about crime in this country. [*Desk thumping*] Contrary to what some on the opposite side would have us believe about the crime situation in this country, nothing has changed since 1995 when this Government came into power with one of its main agendas being the reduction of crime. [*Desk thumping*] We are perhaps worse off today than we were then in respect of the wanton destruction of lives and violation of women and children. In fact, we are now worse off since the criminal element seems to have penetrated the corridors of power [*Desk thumping*] and have taken part, Mr. President, in our law-making process.

We are now faced with crimes of corrupt individuals appointed to high offices by this Government, [*Desk thumping*] which is spreading through the country like an epidemic. It seems like open season, Mr. President, and more than this amendment is needed to stem the flow. In fact, early in this Government’s first tenure we had a description of the situation then by economist Dennis Pantin as a “feeding frenzy at the national trough”. Now it is a stampede [*Desk thumping*] and this proposed amendment does nothing to assist us. In fact, we do not know what is the reason behind this amendment. We can only surmise; and, if we were to go by rumour, we would say this is a “Gocking amendment”. [*Desk thumping*]

So, Mr. President, other than the first part, I cannot support the amendment unless the Minister tells us what is the reason for this particular amendment. [*Desk thumping*]

Sen. Danny Montano: [*Desk thumping*] Mr. President, I had not really intended to speak this afternoon, and certainly it is difficult to follow on the heels of my colleague there, [*Desk thumping*] but I was here when we did the Bill the first time around, now the Act, and I certainly had some reservations about it then as I still have some reservations about it now. As my colleague has indicated, it seems to me, and from what we hear on the street—I mean, we did not hear it

from the Minister, but from what we hear on the street—that the *raison d'être* for this Bill is, in fact, the incident of the Gockings and the SUVs with the armoured plates and all this sort of business. I do not know if that is true or not but, from what I am advised legally, it in fact can be used to extradite the Gockings from New York.

Now, whether that is a good thing or a bad thing, I am not going to say. I think that a country like ours has every right to defend itself from persons who may be attempting to overthrow the Government by violent means and so on. That is a matter to which I would never subscribe and I would never condone, but certainly I think that the Minister ought to give us the real reason for what is taking place. However, Mr. President, my concern for this legislation really was part of what my colleague was saying at the end of her contribution. It had to do with the level of crime that we are now facing within our own shores and the fact that our society has become extremely violent, notwithstanding all the statements on the part of the Government in 1995, and since, that they were performing and they were going to eliminate crime and so on. The reality is that crime is far worse than it was in 1995 and the average citizen is threatened.

Now, Mr. President, that is not a political issue. That is not a political issue. That is an issue that every citizen, wherever you live, has to face. What concerns me here is that the Government is clearly showing a determined effort to be ruthless and relentless in certain crimes in certain areas. They are going to pursue the Gockings, this is what I understand, and perhaps it is that they deserve to be pursued. However, Mr. President, there are issues within our own shores that need to be pursued just as relentlessly and just as vigorously, [*Desk thumping*] and we have statements from Ministers on the other side that are frivolous and border on being rampantly stupid when we are talking about corruption.

Mr. President, that is an offence on every citizen's head and those crimes are not being investigated. [*Desk thumping*] What we find is a major scandal exposed, not by the actions of the Government per se. It was not an initiative of the Government per se that started the enquiry into the North West Regional Health Authority. It was not their initiative. Notwithstanding that, when we talk about other issues that need investigation—the airport, InnCogen, the hospitals—and the list goes on and on—the gas stations, NP, Petrotrin and Bear Sterns—the list is endless—the jeeps. Mr. President, everywhere you turned over the past six years there has been massive fraud. It is not being investigated and the Government must be held accountable. [*Desk thumping*] They must be held accountable and we demand enquiries into each and every one of these matters.

It does not suffice to employ a reputable firm, whose main business is consulting in terms of personnel, to investigate a major scandal in the health sector. [*Desk thumping*] Mr. President, how do you think we as citizens feel when the Government does something like that? That firm does not have the expertise to do that. I am not suggesting that the firm is not reputable or decent. I know that they are. They have the highest reputation in the country but not in the area of forensic auditing. [*Desk thumping*] So why have they been hired to investigate the North West Regional Health Authority? We have no explanation coming from anyone.

Mr. President, the airport—I am not going to get into that. I will get into that on another occasion, but I have no objection if the Minister says that this legislation is to enable the Government to pursue felons. I have no difficulty with that, but there are felons in their ranks who need to be investigated and we cannot get the investigations. That is the problem. [*Desk thumping*] We just cannot start the investigations and then we get all kinds of ridiculous statements such as, “Bring the evidence.” Mr. President, if we had the evidence we would do something about it, but obviously we do not have the evidence, we do not have the proof.

There are issues that require investigation but they do not investigate. They stand, close ranks and they say, “Bring the proof. Take it to the police.” It is not for us to do that. It is for the Government to do that. It is for the Government under this Bill to take whatever evidence they have and to initiate investigations and enquiries. When we, the people, ask for investigations, we are stonewalled. In other words, Mr. President, what we are told is that they are going to cover up. They are going to cover up everything and after six years, all the major scandals that started back in 1995 with the jeeps and the radios in the jeeps, up to now we cannot get a satisfactory explanation.

In the rice scandal there are issues that need to be answered. When the forensic auditors asked to interview the Prime Minister, he refused. Now, Mr. President, why would the forensic auditors want to interview the Prime Minister? If Neal & Massy was being investigated, Sidney Knox—I mean, would he be interviewed? Does it mean he would be somehow involved? Is it, then, that the Prime Minister was somehow involved in that scandal? No, Mr. President. Then the auditors are fired with no explanation. Petrotrin—Baldeosingh is fired.

Mr. President: Senator, the question before us is not one that would permit a full-scale debate on corruption in all aspects. What I think you have done is to make references but you cannot go into the details as you are purporting to do in

terms of these so-called corrupt acts. I also want to mention to you that you have to be temperate in your language. You made reference to “felons in their ranks” when, in the same breath, you say, “We do not have the evidence.” I think you have to be a little more careful with how you make your statements in the Senate.

Sen. D. Montano: Mr. President, I thank you very much and I agree with you. Perhaps I was carried away. The frustrations of the past six years tend to overwhelm me and I do beg your—Mr. President, that was all I really had to say on this Bill [*Desk thumping*] because the issues that need investigating need to be investigated. I would like the Minister to answer the question as to whether or not the issues that we raised, with or without substantive evidence, but with a certain amount of persuasive evidence, will be investigated and pursued with the same vigour and verve as the actions contemplated under this piece of legislation. That is what I would like to get from her.

I thank you very much, Mr. President. [*Desk thumping*]

Sen. Martin Daly: [*Desk thumping*] Mr. President, I have some technical and, possibly with a small “c”, constitutional misgivings about this amendment. First of all, it has been explained that the purpose of this amendment is to broaden the scope of section 40 to take the existing section 40 beyond drug offences. Now, in principle, that might seem like a good idea, particularly, I suppose, in the present climate, although I believe the first Swiss bank account came to our attention before we were independent, but that is another story.

2.20 p.m.

I would first of all like—on the question of broadening the scope of section 40—to be identified with what Sen. Morean has said. I do not think that we could simply take a leap, one long triple jump really, from a section that is confined to drug offences to a section that apparently would cover everything right down to cussing—obscene language. I think that is a bit of a big leap all at once. So I would certainly have thought that if the scope of section 40 was to be extended at all, we would be given a discrete list of major crimes; the ones that would come to mind, of course, would be kidnapping and things of that nature. So I have a little difficulty with the breadth of the section and I would like to identify it with what Sen. Morean has said on that subject.

Mr. President, I have another misgiving and I raise it because I do not know if there is any precedent for it. I will say it again; until we have research assistants one can give limited assistance to the Parliament, but my difficulty is that as far as I know, it is still that if you sign an international treaty, the provisions of the

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treaty do not become part of the domestic law, that is, if you sign a treaty in Switzerland with 85 countries, the provisions of the treaty do not become part of the law of Trinidad and Tobago until we enact legislation making the provisions of the treaty part of our law. As far as I know, that is still where we are.

Now, what this amendment is proposing to do, is to say that if we sign a treaty simply by a publication of an Order, the provisions of the treaty will become part of our law and I have a constitutional objection to that. We made an exception, so I ask the Minister to tell us whether there is any precedent—for the Government of Trinidad and Tobago whoever they are—being able to translate a treaty into the domestic law simply by an Order. That is what I would like to know. Is there any precedent for it, other than section 40 itself? Section 40 can be defended insofar as it may be the first precedent for that; it can be defended because it is generally recognized that many of the normal legal procedures have to be by-passed, or inroads have to be made into the normal, legal procedures in order to deal with the problem of international drug trafficking. So section 40 itself is not a precedent for it.

We have the difficulty that we are now going to make the provisions of a treaty part of our law in all cases to do with crime by an Order and I have difficulty with that. Moreover, Mr. President, of course the Order is being made subject to negative resolution, because if they put affirmative resolution, then it would come to almost the same thing as having to draft an Act making the treaty. So the fact that you are going by Order, irresistibly means that the Government would propose that it be subject to negative resolution. I would propose that it be subject to an affirmative resolution, but then of course, the Government would say—and I probably will propose it in committee—then it would defeat the whole purpose of being able to make a treaty part of our laws quickly.

But to summarize, Mr. President, I really do not like this amendment first of all because it extends to all crimes without limitation in one huge leap, and I do not know where that is going to take us. Secondly, Mr. President, I do not know what is the precedent for making the provisions of an international treaty part of our law simply by Order and we really had no explanation as to why this is necessary.

You see, Mr. President, this is not a sterile, legal point. All democratic societies have to balance the ability of the authorities to apprehend and successfully prosecute criminals of any kind; whether they are white-collar kind, Treasury kind, State enterprise kind—it does not matter. You have to balance the

ability of the State to apprehend and prosecute such persons with the rights of the ordinary citizen and every time you make an inroad into the traditional, legal framework, you are imperilling every ordinary citizen so that—and this is not with reference to the personality of the central authority, we are slowly in this country and again—we do not have research assistants, and I do not have the time, but I really would like to do a study to see how many authorities—what was it called in the case of the airport? A vicar general? Some long title, but anyway, I would really like to do a study for my good friend the Minister of Finance to see how many authorities we have set up in this country in the last ten years. All of which, of course, have to have offices, budgets, possibly Audis. It costs a lot of money to have an authority. So I would like to see exactly how many authorities we have. But in relation to legal matters, every time you set up one of these authorities outside the judicial system, you are giving more power to the State to invade the privacy and the rights of the individual citizen, and whether it is the Attorney General or some officer to whom he delegates the function, whether it is some other Minister, the fact remains, that being a civil libertarian I become uneasy about some officer being able to mutually assist anybody in another country about some relatively—all crimes are serious—minor crime, and the more authorities and the more of these structures you have with coercive powers, the easier it is to victimize individual citizens.

So that every time any government comes with legislation of this width, I expect it to be defended. I do not wish to give any civil liberty ground very easily. I think the ground for civil liberty has to be fought very closely, and indeed if I may be so bold, Mr. President, no doubt that is why you require some of us to temper our language sometimes and to make the distinction between felony and allegation of felony because you know in a febrile atmosphere people can be hurt very badly by all kinds of reckless statements being made and all kinds of wrong inferences being drawn. So I am very, very unhappy about this. We have not had any detailed explanation of either the widths of the amendment or why it is necessary to go so far. What is the precedent for making treaties part of our law subject to an Order being laid and negative resolution?

I want to emphasize, Mr. President, it is very important in the present atmosphere to emphasize, however febrile the atmosphere, how important it is not to concede to any government any more of our civil liberty than is absolutely necessary. When there is an atmosphere like this, people get into a sort of firing squad mode and they really do not try to sift who the bad guys are from who the good guys are. There is a general sort of tarring and feathering of everybody and

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that is not a good thing. So Mr. President, I would like to have some assistance on these matters, but as presently advised, I really have serious misgivings about the width of this, and you see, I am always anxious to say why my misgivings are not sterile, legal points.

Even when a country enters into an international treaty, the value—and even though you say it is a treaty obligation, and we absolutely have to do it—the fact is our country, like many other countries is party to all kinds of international treaties which we simply then do not make part of the domestic law for one reason or another. Sometimes it is inadvertence, sometimes it is because we really do not like the provisions of the treaty, or most importantly—and this is where I would like to go next—that the provisions of the treaty however noble they are, may run counter to the economic or cultural norms. A variety of aspirations are norms in the particular country because when people try to legislate, or to come to common objectives for 80 or 100 countries, not all of those countries are made up the same. Culturally, ethnically there are all kinds of differences and, therefore, one value of having to debate a treaty, even if it is a debate with a certain inevitability, whatever the country is, the government would use its majority to insist that the treaty be passed. At least you have some debate, and you make people aware of how far this treaty that is now being made into law is carrying them. So if we had to see—this is a bit of a blank cheque, this is in relation to treaties that are not yet made. It is sufficiently wide and it is in relation to treaties that are not yet made and, therefore, one of the purposes that a debate serves if you are enacting a treaty into law, is at least if the debate has an inevitable result, people become aware of what it is we have conceded internationally.

So for that purpose alone a debate serves a useful purpose and what better example we have than it was reported—and I express no view one way or the other because that itself would require a full-scale debate. It was reported yesterday that Portugal—a not insignificant country—had decided to decriminalize hard and soft drugs in an effort to deal with the drug problem in that country. I dare say there will be international reaction to this, but the fact is, that is a perfect example of a country deciding on a policy that it thinks is right for that country. Now I do not want to have a situation where we may be debating someday whether to decriminalize so-called soft drugs if there is such a thing. We may be contemplating decriminalizing soft drugs, but we have already written a blank cheque in relation to some treaty that ties our hands because we have automatically made the treaty part of the legislation. So I think this is a very important civil liberty question. It may seem very boring and sterile, but I think it

is a very important civil liberty question and we ought not to be conceding these kinds of powers and tying our hands in the way that we are.

Thank you, Mr. President.

Sen. Christine Kangaloo: Mr. President, I just have a few points to make on the proposed amendment. The first amendment deals with the delegation of the functions of the Attorney General and the proposed amendment seeks to include a legal officer who is employed in the Ministry of the Attorney General and Legal Affairs.

Mr. President, when the Act was first introduced in 1997, this particular section was fully ventilated with arguments from Members of the Opposition about having the Strategic Services Agency set up. The Attorney General was adamant that the department of the Attorney General was the proper department to deal with these affairs. So it comes as a surprise today, Mr. President, to see that it is sought now to include a legal officer in clause 3(2).

In the hon. Senator's address to us, no explanation was given for this amendment and nothing has been stated about who the legal officers are. Now, public officer—which is what obtains in the current Bill—is defined under the Constitution. I am not sure who this legal officer will be, we are only told that these legal officers work within the Ministry of the Attorney General, but what are the terms and conditions of these legal officers? Are we dealing with legal officers who are there on contract? What really are the terms and conditions of these officers? Certainly, I would ask the question: Should there not be some degree of permanence in these legal officers who are now going to be delegated these functions? Because a lot has been said about the importance of the functions and the responsibility that will obtain, pursuant to this Act, so that is a question that I would hope the hon. Senator would answer because we certainly will not want a temporary officer on contract dealing with these matters. Everything has been said about the confidentiality of the information that will be going to and fro and we would therefore want to see that a suitably qualified person, someone with a degree of permanence, and not someone on contract will be attending to these matters.

The next purported amendment seeks to widen the ambit of the Act and once again we have not been given an explanation. The hon. Senator has said that since this Act came into effect in 1997, there have been many requests. In fact she said 945 such requests have been received by the department, but she has not stated how many of these requests have come for non-drug trafficking offences. We have not heard anything about that; perhaps if we did, it could justify the

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widening of the ambit of the section at this stage, Mr. President. So I would hope that the hon. Senator would also address us on this issue because there are concerns as to why this amendment is being sought, why it is for any criminal matter.

Mr. President, I refer to an article that came out in the *Daily Express* on July 12, 2001. The article is headed “New summonses after Gockings fail to show”. It goes on to say:

“...the summonses were served at their home in Jamaica, New York.”

That is the Gockings’ home. The customs attorney then had to point out to the court:

“...that the ‘Mutual Assistance in Criminal Matters Act’—the legislation on which he was relying to have the Gockings summoned to court—was designed specifically for narcotics offences.”

The matter was subsequently adjourned, but the attorney for the Customs also pointed out that there was a Bill currently before Parliament which proposed to extend the Act to include all types of criminal matters. So Mr. President, we are not being paranoid on this side. [*Desk thumping*] In fact, it was the attorney who, and I quote:

“dismissed the Bill as the ‘Gocking bill.’”

It is not the Opposition here; it is the attorney who dismissed it as the “Gocking bill”.

Mr. President, once again we must point out that matters in this honourable Chamber should be taken seriously. Legislation should not be designed to meet specific, narrow situations. [*Desk thumping*] We are very concerned about that, Mr. President. Do not come here and purport to introduce legislation and not give us the facts that will support that amendment. Do not come and say that you are widening the ambit of a particular piece of legislation without telling us why. Without telling us out of the 945 requests that we have gotten, more than half deal with non-drug trafficking offences. Do not come here and simply say that you are going to amend to include giving such an act of responsibility to a legal officer. Why? We do not have any sort of explanation, and are these legal officers taking the oath of allegiance, or the oath of secrecy? We do not know, and we would like to know that, before we deal with this sort of Bill.

Mr. President, at the risk of being told that I—well, it would be three times lucky today. Just one thing I want to say in concluding is that while we are very

happy here to devote our energies to the criminal system, we are also a little concerned about reforms in the civil system and we would like to see as well, a genuine effort to reform the civil system. We have many things going wrong in the civil system and where things can be updated to assist in serving the process abroad and that sort of thing. So we would ask that an effort be made in that respect as well, because one is inclined, or certainly this particular Attorney General is inclined sometimes to criticize the civil system and we would ask that a genuine attempt be made to reform the civil system as well.

Thank you, Mr. President.

2.40 p.m.

Sen. Dr. Vincent Lasse: Mr. President, I rise to support the Bill to amend the Mutual Assistance in Criminal Matters Act, 1997, which was so forcefully and eloquently introduced by the Minister in the Office of the Attorney General and Ministry of Legal Affairs.

I came here really to deal specifically with the reasons that amendments are necessary from time to time. I think I should first address some of the concerns that were raised by Sen. Morean and Sen. Montano because there is a tendency by Members of the Opposition and detractors to blame Government for crimes and criminal activities taking place in the country.

I say very categorically that no government—past, present, continuing or governments to come—should be blamed for crime per se because crime is the business of everyone in the society. The criminal does not discriminate between the rich, the poor, the young, the old or the not so old. We are all targets of the criminal. That is why I say crime is the business of all.

In going back to the parent Act, the Attorney General in addressing the question of mutual assistance in criminal matters—the subject now before us—has stated that criminal activities have become increasingly transnational in nature and the members of the international community must increase their level of cooperation if they are to be successful in the fight against the transnational criminal; and the two major areas in which the international community has fought the transnational criminal are extradition and mutual assistance arrangements in criminal matters.

Trinidad and Tobago has an international obligation to put in place the so-called enabling legislation to deal with transnational criminal activities. This Bill should answer, in part, the concern of Sen. Daly.

I want to state that in fulfilling its obligation, this Government had responded to the 1986 Commonwealth Scheme known as the Harare Scheme for Mutual Assistance in Criminal Matters which was done in 1986; and whereas this international agreement was reached in 1986, it was not until 1997, more than one decade later, that this Government put in place the legislation to deal with this matter. And here we have Members opposite continually referring to this Government as not doing enough to deal with the crime situation.

Prior to this, crime fighting focussed on peripheral issues such as noise in maxi-taxis and so on. The morale was so low in the police service that police officers were forced to march around the Red House to demonstrate their frustration. We must recognize as we seek to amend the Mutual Assistance in Criminal Matters Act, 1997 that we on this side do not wish to return to those days of neglect and frustration by our police officers. It is also quite important for us to recognize that the hon. Prime Minister has taken on the portfolio of Minister of National Security to demonstrate Government's intent to fight crime.

The focus of Government is more police, more patrols on the streets and more investment in law enforcement, and above all, more legislation to deal with crime, not only locally but also transnationally. That is why we are here offering these two amendments.

I want to go on a bit on the Government's intent to fight crime. By the end of August 2000, Government had increased police presence on the streets with 741 new police officers on foot, mobile and highway patrol and the E-999 Rapid Response Unit was created. Also during that time, 12 new police stations were constructed, some in the remotest parts of Trinidad and Tobago. These were efforts to deal with crime but the Bill before us is dealing specifically with drug trafficking and we intend to put amendments to increase that ambit. Since these drug traffickers operate on the international scene, Members opposite should see the urgent need to support the amendment.

The Minister in the Office of the Attorney General and Ministry of Legal Affairs dealt in detail with the purpose of the parent Act and because of this I will not deal too much with it except to point out that the Act deals with assistance in obtaining evidence, but today because of this Act there exists a legally binding obligation on Trinidad and Tobago. Trinidad and Tobago has been placed at the forefront in criminal matters in the Caribbean.

2.50 p.m.

Mr. President, statistics will show that between 1997 to the present, in relation to the Act, some 933 separate requests have been received from countries such as

the United Kingdom, the United States of America, Canada and so on. I believe the Minister, in winding up, may be in a better position to give more explanation on the nature of these requests.

We speak here about getting it right. Every Tuesday we come here and talk about getting it right. The proposed amendments now before this honourable Senate would improve the Act considerably, thereby, getting it right. We also come here on Tuesdays to talk about Ministers having too much power. Here, we see that the amendment, clause 3, will allow:

“(2) The Attorney General...”

to be able to

“...delegate his functions under this Act to any...legal officer...in the Ministry...”

and not just a public officer and to expand mutual assistance by treaties which are incorporated into our domestic law to cover all criminal matters and not just drug offences.

Mr. President, I am making the point that we should get away from this archaic type of attitude whereby we say we are not getting it right. We come here to get it right. We say that too much power is vested in the Minister, now we are seeing where the Minister is passing on some of those powers. The time has come when we must call a spade a spade.

I mentioned earlier, Mr. President, that prior to the mutual assistance in criminal matters, requests made for assistance did not have the legal basis. I say this because, as a foreign officer posted in London, New York and Geneva, we received requests from time to time in those days. However, there was no legal basis for supplying the information needed. However, pursuant to the Act, requests for assistance to a Commonwealth country must be transmitted by the central authority of Trinidad and Tobago to the central authority of the Commonwealth country from which assistance is requested. This piece of legislation created the legal basis for this information.

Earlier I heard Sen. Daly, rightfully so, speak about civil liberties. I want to say here that pursuant to the Act, civil liberties are protected. The agreement has safeguards to the sovereignty, security or national interest of Trinidad and Tobago. I refer specifically to the agreement between the Government of the Republic of Trinidad and Tobago and the Government of the United Kingdom concerning mutual assistance in relation to crime. Article 6 which deals with Refusal of Assistance states:

- “(1) Assistance may be refused if:
- (a) the Requested Party is of the opinion that the request, if granted would seriously impair its sovereignty, security, national interest or would be unreasonable on other grounds; or
 - (b) provision of the assistance sought could prejudice an investigation or proceedings in the territory of the Requested Party, prejudice the safety of any person or impose an excessive burden on the resources of that Party; or
 - (c) the action sought contrary to principles of the law of the Requested Party;”

Mr. President, there are many safeguards in the Act itself, for example, where the fundamental rights of even the prisoner are protected. Here I wish to refer to section 13 which states:

“(1) Where there are reasonable grounds to believe that a person who is a prisoner in Trinidad and Tobago could give or provide evidence or assistance relevant to any criminal proceedings in a Commonwealth country, a request may be entertained by the Central Authority to transfer the prisoner to the Commonwealth country to give or provide such...assistance.

(2) The Central Authority shall refuse to comply with a request for the transfer of a person in custody if he...”

the prisoner

“...does not consent in writing to the transfer.

(3) The Central Authority may refuse to comply with a request for the transfer of a person in custody and shall be under no obligation to inform the requesting country of the reasons for such refusal.”

Most importantly, Mr. President,

“(4) A person in custody whose transfer is the subject of a request under this section and who does not consent to the transfer shall not by reason thereof be liable to any penalty or measure of compulsion in Trinidad and Tobago.”

So the question of safeguards and the question of civil liberties are covered adequately under the Act.

Mr. President, this is a good law. This is good law! [*Desk thumping*] The proposed amendments are designed to improve and update the existing Act. As I

see it, and as a witness earlier here today, there can be no arguments against the proposed amendments on the grounds of logic. There can be questions on the grounds of politics, but not on the grounds of logic. [*Desk thumping*]

With your permission, Mr. President, I shall explain why laws are amended from time to time. The law can be defined as a body of rules for human conduct enforced by a government as a means by which the control of society is achieved, but the law is not cast in concrete. Laws are amended to accommodate the changes in our society and a government cannot be blamed for that.

3.00 p.m.

The rules of law which exist today as a result of the process of gradual evolution are subject to change in order to be consistent with the realities of our time. In my research on this topic I read a publication entitled, *Basic Legal Principles*. Page 7 states:

“The life of the law has not been logic: it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellowmen,... The law embodies the story of a nation’s development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics....

The customs, beliefs, or needs of a primitive time establish a rule or a formula.”

The passage went on to state that there comes a time when there is the need to explain the law and to reconcile it with the present state of things. The rule is then amended to the new reasons which have been found for it. That is the purpose of amendment. This, in a nutshell is the rationale for certain amendments to existing good legislation. I must repeat that this piece of legislation is good legislation.

This Bill falls into this category. It is good law, but the proposed amendments are designed to make the law more appropriate to the present realities of the time. This being the case, I can only hope that hon. Members opposite would see the wisdom in supporting this amendment to the piece of legislation which is designed to deal not only with national crimes and drug trafficking, but also all criminal matters and not merely the detention, investigation, suppression or prosecution of drug trafficking offences.

Thank you.

Sen. Dr. Eastlyn McKenzie: Mr. President, I did not intend to speak. I just want to ask a few questions. I would like us to dispel the thought that whenever we do not have sufficient information and we seek that information, that we want to be obstructionists. If we do not have the information, we need to ask so that we make very informed decisions. It is not that we oppose or do not like or anything of the sort. I listen to a debate very, very attentively.

I would have liked to hear from the hon. junior Minister, Sen. Lucky, how many non-drug offences under this Act we have had to let bypass us because we did not have this. That is the type of information I would like to have. To say we had 900-odd cases to request assistance and out of these, only 10 we could have responded to because our present Act only covers this category, is the type of information I would have liked to have.

Secondly, I would have liked to hear her say that we could not cover these types of offences because we only cover drugs. We could not cover kidnapping. We had a case in the newspapers this week about a gentleman from the United States talking about his son being kidnapped. We could not answer that. We could not respond to gun running. Probably, the five or six criminal offences that came up we could not respond to because of the restriction of the Act, is what I would have liked to hear.

I would have liked to hear from the hon. Minister how many cases were handled by public officers. We had so many cases handled by public officers; we could not handle more and the Attorney General had to step in from his busy schedule to handle those. As such, if the Attorney General had the power under the Act to extend his powers of delegation to legal officers within the ministry, then he could have given himself to other matters and he would have been able to handle more cases. Because of the speculation, I would like the hon. Minister to say if this amendment is for a special case before the court. Yes or no? Plain talk.

Sen. Prof. Kenneth Ramchand: Mr. President, I do not intend to speak at length. I want to make an appeal. I know that Sen. Lucky is an attentive person who listens to good reasoning. I simply wish to let her know that I identify with the reservations raised by Sen. Daly and I do hope that she would consider them in her winding up.

Thank you.

Sen. Dr. George Dhanny: Mr. President, I have learnt quite a bit from the exchanges this afternoon. One thing is clear that some are dealing with the debate

in the area of politics and some with legal issues. I rise to speak in support of this amendment to the Mutual Assistance in Criminal Matters Act, 1997. I appreciate and I have taken note of some of the reservations which have been made. Please recall that this amendment has to do with an Act which is the law of Trinidad and Tobago. It arose historically, as you know, because of the need.

I would say something about treaties. When a series or a number of countries decide that they have a common problem and cannot deal with them in isolation, they may decide that the best way to do this is to do it together. That is how treaties come into being. It could be limited, regional, international or universal. Whatever the nature, it reflects the common need at the time of the parties involved in giving effect to the treaties. All the obligations, liabilities, options—there is always the option to withdraw, if you felt at any given time that the treaty was not consistent with your particular situation.

I think, perhaps, that Senators on the other side are forgetting that when we talk about the sovereignty with life in the people of a country, they may decide that in the interest of a bigger whole, to curtail or limit the sovereignty. It is argued that that act in itself is an exercise in sovereignty. A treaty would be designed to achieve specific purposes. As I said, if it does not suit your particular interest, you can give the necessary notice and withdraw.

Today, in the international arena there are forces that no country, it does not matter how large, no super power can deal with by itself. Therefore, there is the inevitable compulsion to get together in order to deal with those things. I do not think there is an argument about that. This amendment seeks to deal with problems that were not embraced in the original Bill; that is to extend beyond the nature of the offences. Every day, not only in Trinidad and Tobago, but also worldwide, one sees the ingenuity of the criminal mind working. To a large extent, that explains the need; because of the dynamic nature of criminal activity, the responses have to be made. Sen. Dr. Lasse did say quite correctly, that nothing is cast in stone. It may well be, though undesirable, that you have to respond on a frequent basis because of the dynamics of the social and political situation. That in itself is no problem.

I have recognized for example that when you enter into a treaty, it is an exercise of your own sovereignty. You decide to what extent and under what conditions you would become a party to it. It binds the people whom you are supposed to represent. In order to give effect to the treaty, it is required to enact legislation at the municipal level. Clearly, the purpose of that is to give the

representatives of the people, the opportunity to discuss and have their say, whether they like it or not, whether they want to amend it or not.

I too, believe that we should find a way to deal with the provision of an order which would seem to replace the need to bring a matter or an enactment before Parliament. That is something at which one can look. I am sure that there is sufficient goodwill in the face of the dangers that we face to have a common mind on that particular subject.

3.15 p.m.

To delegate if the burden becomes too heavy, what do you do? You delegate but the authority is vested in the Attorney General through due process, as lawyers would say. The delegate would have powers that are prescribed as the grantor of that power. It cannot be more, and in any event, you are responsible.

I do not anticipate, and I do not expect that what would happen is that you would employ some junior fellow who spent maybe three years or so, and after qualifying at the bar, then he is made the person responsible. Clearly, I think one can expect something far more than that. I assure Senators that it will not be the kind of thing that one should be fearful about. The delegation matter is another issue. That ought not to pose any big problem.

The other aspect of the amendment is, of course, to extend the scope. Crime is being committed and what one is trying to do is to shift away from being exclusively drug-related to other crimes. That holds no threat to anybody. It merely gives one the power to deal with. If people are confident in their own ability, hopes and aspirations, they do not have to fear these things but they would have to be very alert. It is always very interesting: people do a lot of theses on the question of poverty, crime and the relationship between the two. Sen. Prof. Deosaran is an expert on that. It is a matter for all of us thoughtful citizens who are concerned about our safety to see how to deal with it. The more I think about it, the more I am inclined to the view that it is not merely somebody who is innately criminal minded, although that might be so, genetically predisposed to criminal activity. It may well be that.

The question is, and which I will just pose without attempting to answer: Are our economic arrangements, our political arrangements, and our social arrangements such as to allow people the freedom to blossom to their full potential? Because, it seems to me when one is talking about crime, it is some kind of dissatisfaction with the way the thing is done, when one sees on one hand an obscene display of wealth and opulence acquired by very dubious means, and it seems to stratify the society so there are those who have and those who do not have.

If one enquires how they got it one might be shocked. There is something wrong with that and I merely raise it because the answer is not as simple as it would seem. In fact, it was a socialist professor, Laski, who said: the first ingredient that one needs in order to move out from a position of poverty or dissatisfaction or discontent is to have a strong feeling of dissatisfaction with your condition! That may have a spiritual quality, I do not know. But that is the first thing to say: "Why is it, whose will is it that I should be poor?" One would find out that it is not anybody's will but it is your own will, because your own will is too weak. You are saying no more, enough, no more. That is why it is said, give me freedom, liberty and death.

I support the rider, that, perhaps, we can consider some of the points raised. I think the amendment is very suited and is adequate to meet the emerging dangers and scenario. It is not premature. It is a response to a situation. It is not going to affect our ability to control our own lives because, any treaty before it becomes law, in the normal course of things, unless one is changing the whole parameter, would have to come to the Parliament.

Mr. President, I support the Bill, subject to what I have said, and I congratulate the junior Minister. I know that some Senators are asking for particulars. I suppose that could be provided. I am sure she can, but the principle is what we are dealing with, and the particulars could always be provided.

Thanking you, Mr. President.

Sen. Christopher R. Thomas: Mr. President, like Sen. Prof. Ramchand, I did not intend to participate in the debate. I think much has been said and we have learnt tremendously from the contributions made. I do not believe there is in the Senate any questioning on the value of treaties. I do not think there is any questioning either on the evolution of law. If there were, Sen. Dr. Lasse would certainly enlighten us on this. I do not think there is a question of delegation of authority and so, I certainly hope that we are not always considered as Senators of the Independent Benches, the other side. I do believe there are certain questions that have been raised which would need answers before we go into decisions.

Firstly, there is the question of the definition of criminal matters and offences in relation to civil liberty. What does the question of offences, criminal matters and criminal offences relate to? What is the scope of it? This is a fundamental question. It is the timing of the amendment at this time. The definition of legal officer: we need to have some interpretation of them; the provision of an order as opposed to enactment. To me, these are very fundamental questions. I do hope,

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like Sen. Prof. Ramchand, that Sen. The Hon. G. Lucky in her responses would enlighten us on this. I look forward to supporting these amendments subject to these considerations and these answers.

Thank you, Mr. President.

The Minister in the Ministry of Legal Affairs (Sen. The Hon. Gillian Lucky): Mr. President, permit me to begin by thanking all hon. Senators who made their contributions this evening. That will include: Senators Morean, Montano, Daly SC., Kangaloo, Dr. Mc Kenzie, Prof. Ramchand, Thomas and, of course, from our side, Dr. Lasse and Dr. Danny.

Before I try to commendably do what has been posed upon me, which is to answer the numerous concerns that have been raised, to indicate that when I heard the maiden contribution of Sen. Dr. George Danny, it took me back to about ten years ago. In fact, Sen. Dr. Danny was my tutor at the Hugh Wooding Law School, and in the same way that he was able without our preparation to still elucidate legal issues to us, I can only say this evening, I hope that I am fully prepared. Even though he is not my tutor, I think he has not lost his touch when it comes to the legal issues. [*Desk thumping*]

Mr. President, through you, I wish to begin my response by referring to a concern that Sen. Dr. Eastlyn McKenzie raised in her contribution. It was really a concern that contributions from the Opposition and the Independent Benches be not seen as merely acts of hostility or acts to raise things, if I may say, just to cause trouble. I wish to give her the assurance that is not how it is viewed by my side and in particular by me, because it is only by very forthright ventilation within these honourable walls, that we can really address issues in a mature and professional manner, and carry out the civic duty that is placed upon us as the lawmakers of Trinidad and Tobago. And that is the manner in which it is dealt with on this side.

It is because of this, that I do not intend in my response to deal with the issues raised in a political manner or try to get any sort of political accolade or mileage, but to deal with the concerns raised. I think they are significant issues. If it is felt that in the earlier presentation, certain issues were not raised, or there is certain information that people are concerned about, I hope that in my response I am able to allay any fears, and that I am able to boost confidence.

Although, Sen. Prof. Ramchand has given me a wonderful reputation for being somebody who listens, and I do think that I listen, let us always remember as I have said before, that sometimes in listening, we will churn issues in our

minds, but remember at the end of the day we may have to agree to disagree. It does not mean that we have not listened.

I, therefore, seek to address the issues that were raised in the various contributions. I begin with the issues raised by Sen. Morean. If I may put it succinctly, Sen. Morean asked the question: Why is this Act being amended now? Reference was even made to, perhaps, I am sure it was in jest but, perhaps it could be called the Gocking amendment.

One must remember that the Mutual Assistance in Criminal Matters Act was passed in 1997. In 1997 there was not the establishment of the Central Authority. The Central Authority which is given that authority or power to deal with these requests that arise in the issue or the arena of mutual assistance, that Central Authority was actually formed and established earlier this year. When the Act was passed in 1997, reference was made to the Attorney General having the power to delegate his authority to a public officer. In 1997 there was no Central Authority, but that Central Authority was established this year.

The Central Authority is not an ad hoc authority or an ad hoc department. It is a structured department which, of course, the Attorney General by statute is deemed to be and is the Central Authority. There is a senior legal officer and there are other attorneys who comprise that Authority and, because as Sen. Kangaloo correctly said, that public officer is defined in our Constitution. In fact, although specific reference was not made, I am sure Sen. Kangaloo will have no problem in agreeing with me. It is, in fact, in section 3 of the Constitution a "public officer" is given a statutory definition, which means the "...holder of any public office and includes any person appointed to act in any such office." "Public office" means an office of emolument in the public service and, of course, there is a definition of "public service." So that within the establishment of the Central Authority if, as there is, a senior legal officer who is, in fact, a person who has the expertise and experience to deal with these matters, as the Act stands, the Attorney General as Central Authority cannot delegate to such a person. Therefore, the amendment seeks not to remove the power of a delegation of a public officer but to allow and expand delegation to the public officer and also to the legal officer.

One has to take cognizance of the fact that the number of requests in 1997 would never have been the increased number it is in the year 2001, and I am going to be bold to say the increased number that they will be in the year 2005. That is not just the dynamics of law. That is the dynamics of establishment.

Sen. Daly: I thank the hon. Minister for giving way. Are there legal officers in the Attorney General's Department who are not public officers?

Sen. The Hon. G. Lucky: Mr. President, through you, if I might answer that question, the answer is yes. There are officers who are on contract and, therefore, they would not be deemed to be public officers.

3.30 p.m.

The Central Authority having the power to delegate to a public officer was not seen as sufficient in the year 2001. What is happening—and reference has been made to it before—is that many of the persons who have the expertise are persons who are not within the public service but who would be in that category of legal officer. It is for that reason and for no ulterior motive that the expansion has been done. It does not mean that the Attorney General will only now delegate to a legal officer. It just means that, be it a public officer and/or a legal officer, the Attorney General will have that power to delegate. We are widening the power to delegate, I agree, but when you look at the ramifications, it is really enabling the delegation of the power to a person who may occupy that office in the Central Authority, but who is not a public officer.

The question was also raised: Why the need to expand? This is not just with respect to the public officer and the legal officer, but the whole point to the proposed amendment to section 40 is the inclusion now of section 40(1)(a). I would like to assure Sen. Morean that what is being done is not being done with ulterior motive.

Again, if I might use the analogy, our laws with respect to confiscation and forfeiture were limited years ago to just drug trafficking offences. What was realized on the international scene was that there are persons who gain financial reward either through money itself or property, not just from drug trafficking or related offences. Thus, there was an automatic and inevitable expansion where now there is not only the ability to make forfeiture and confiscation orders with respect to matters related to drug trafficking but, by the Proceeds of Crime legislation, to deal with criminal offences and, of course, the criminal offences are stated. These are the natural extrapolations that take place.

In the same way, mutual assistance really began with the concept that there should be assistance in drug-related offences and everybody—not just Trinidad and Tobago—when the legal luminaries met, the concentration was on drug trafficking because the belief was that all major crime was related to drug trafficking. Do you know what was discovered years down the road, putting us into this century and into the year 2001? While it remains true that much of the crime is related to drug trafficking offences and we need to have that mutual

assistance, you know what? It is not just drug trafficking, it is a lot of other criminal activity and that is why we ask for the expansion. That is, again, not just dynamism in law. Unfortunate creativity in criminal activity calls for us to deal with it and get this mutual assistance. That is the real reason.

I remember Sen. Dr. McKenzie in her contribution saying—she used a phrase “plain talk”, which I identify with. Sen. Dr. McKenzie said to talk plain—say what it is. I say, in answer to Sen. Dr. McKenzie, that I will talk plain and be forthright and say that it is not because of one or two cases, it is because of a national need to deal with crime in recognition of the transnationality—that characteristic of transnationality in criminal activity.

Another point was raised, I think, by Sen. Montano. He basically raised his concerns, which were shared by other hon. Senators. The point was made that—if I might use the phrase—“charity begins at home”. We have to look at our own laws and our own criminal activity, which appears to be rising and what we are doing about it.

In answer to Sen. Montano, I would like to say that this type of legislation is meant to assist us, not only in our obligations and responsibilities to the detection and prosecution of crimes that are committed in our own territory or abroad by foreign nationals, but also to assist us in upgrading our own facilities. The concept used to be, “mutual legal assistance” where the concentration was on the establishment and implementation of laws. Now, it is given that wide phrase and terminology—“mutual assistance”. It is assistance, not only in the laws, but in terms of concepts and measures and financial support, where necessary, to deal with crime. There is, therefore, an obvious benefit that will be gained by passing this particular amendment.

What I would reiterate, if it gives Sen. Montano any renewed confidence, is that we are not turning a blind eye to what is happening here at home by the passage of this legislation, we are just making sure that we fulfil our home responsibilities and we also fulfill our international responsibilities.

Another point, Mr. President, was raised by Sen. Daly, Senior Counsel. Sen. Daly, if I got him right, was making a legal point when he indicated that he was concerned about the amended clause 4 in terms of our country and the methodology that was being used to implement a treaty and give that treaty a force of law. It was specifically asked of me whether there was any precedent for this and whether it had been done.

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I am not one to say that I have done something if I have not done it. It is good to know that we get parliamentary support. I think we always ought to say when we get the support of the legal officers assigned to our Ministry when they do yeoman service, not only in terms of the assistance in my preparation this afternoon. When the question was asked, immediately Mr. David West, who is assigned to the Central Authority, pointed me in the direction of the Extradition Act of Trinidad and Tobago. The Extradition Act, No. 36 of 1985, by virtue of section 4(1) says:

“Where a treaty has been concluded, whether before or after the commencement of this Act, between Trinidad and Tobago and any foreign territory in relation to the return of fugitive offenders, the Attorney General may, by Order subject to negative resolution of Parliament...”

At this juncture, I wish to thank Mr. West and all the other legal officers, whether they be on contract or in the public service, for this type of commitment in terms of answering, and, if I might use Sen. The Hon. Moonilal’s aside, their “rapid response”, because that is what it is all about.

Many times public servants are chastised for not having a high standard of work. I would just like to say there is always the good, the bad and the ugly. There are always bad apples among good apples, but thank God I have been the recipient of meeting the good apples. When I see the bad apples, I just do not bite.

So, in answer to that, might I say that this is not something that is not done. There are those, of course, who argue—and we will listen to them—that perhaps it ought not to be the norm. I will go so far to say boldly: Yes, it ought not to be the norm, but it has been done and it can be done.

Let us all remember that when amendments dealing with substantive legislation come before us, we must always have resort to the substantive Act. Let us not be worried that what we see in the Bill before us, which might appear to be very all-encompassing and wide in its ambit, makes us shake for no reason. We must remember that this amendment is being put in a perspective; there is already a parameter within which we have to work. For example, we are within the Harare Scheme. I think it was Sen. Christopher Thomas and Sen. Morean who had made the point about “criminal matter” and why there was no definition of “criminal matter”. Once again, I want to say that “criminal matter” has been defined in the Harare Scheme and that these treaties and our operation through the Central Authority will, of course, be mandated and guided by the Harare Scheme.

At this juncture, I really must commend this “Handbook on the Mutual Assistance in Criminal Matters Act”, which was prepared by the Ministry of the Attorney General and Legal Affairs. Very often we say that we pass laws and we do not do perhaps a more important function of disseminating the law, not just in terms of its sections, but in terms of its understanding. If there is one book I commend to the public of Trinidad and Tobago, it is this handbook, not only because it comes from my Ministry, but also because I think it is very helpful to us in understanding.

It comes from the Government. I think that our Government’s approach is not only to make law, but to make law user-friendly. The way to make it user-friendly is through public education and awareness. In this booklet, we have the definition of “criminal matter” explaining that a “criminal matter”—I would not quote from it, but I will say that a “criminal matter” is not just any traffic offence or running down action or “cuss” case, but it is a “criminal matter”, which is put in the context of a matter in which there can be confiscation and forfeiture proceedings or there is reasonable belief that there can be confiscation or forfeiture proceedings that arise.

That is why I just make the point—I know one has to be careful in the use of vernacular—that it is not a willy-nilly approach or a hodgepodge approach. It is an approach based on a comprehensive analysis of the situation looking at it from a holistic view.

Again, if any hon. Senator needs to have further confidence, we must be reminded that in the parent Act, which is the substantive Act, there is section 22 and by virtue of section 22, there are certain guidelines that are stated and certain instances in which we will not have to respond to requests. This is the point that Sen. Dr. McKenzie was making. In fact, the Government is bringing the amendments. Let us give the explanations that come with it. In the presentation I made earlier, I thought that these explanations, perhaps, were not necessary, but if it is raised, I think it is our duty and it is my duty to point out that these concerns can be put to rest because of a parent Act that has already considered that there will not be any ad hoc approach. It is a very structured approach in which there will be wise discretion exercised.

Sen. Dr. McKenzie specifically indicated that she would have liked to hear just how many of these 945 matters or, generally, how many requests which come to Trinidad and Tobago we are unable to deal with, due to lack of the amendment. Again, I commend Mr. West who, upon hearing the question asked by the hon. Senator, and without having to be told to get it for me, was able to furnish me

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with the fact that about 25 per cent of the requests that we receive deal with matters that are not related to drug offences, which is presently section 14.

When Sen. Dr. McKenzie points out something to me, I like now to take the ball all the way. I do not want to answer by just saying it is 25 per cent, I want to give her the whole picture and indicate when we do get the 25 per cent, we still try to assist. Mind you, there is no treaty guiding us, but we still try to give assistance. We call that voluntary assistance.

The amendment will now enable us to deal with these types of requests and other countries that may want to enter treaties with us, when they see our amendment, which is the expansion, they may be more willing so to do.

I have tried, I hope I have disappointed no one, especially and including the Sen. Prof. Ramchand, in terms of giving a response.

At this juncture, I wish to say, Mr. President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

3.45 p.m.

Senate in committee.

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

Clause 3.

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

Sen. Daly: Mr. Chairman, I do not want in any way to detract from the extremely comprehensive reply that we got, but can I find out, Sir: Are the people who comprise the Authority now public officers or are they all contract officers?

Sen. Lucky: If I might indicate Sen. Daly, they are contract officers.

Sen. Daly: Thank you.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4.

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

Sen. Lucky: Mr. Chairman, I had indicated in my presentation and also in the response that the proposed amendment is meant to extend the mutual assistance, not only to drug trafficking offences but also to criminal offences arising in Trinidad and Tobago and any other territory. Also in that particular clause it would mean that section 40(2) and (3) of the Act would also have to be amended because those two subsections refer only to subsection (1) as it now stands. This would be a new subsection and therefore there must be provision for it. That is why what is in paragraphs (b) and (c), insert the word “subsection (1)(a)”.

I beg to move the proposed amendment, which reads as follows:

Clause 4 Delete. Substitute the following clause:

Section 40 4. Section 40 of the Act is amended –
amended

- (a) by inserting after subsection (1), the following subsection:
 - (1A) Where a treaty has been concluded, whether before or after the commencement of this Act, between Trinidad and Tobago and any other territory, providing for mutual assistance in any criminal matter arising or criminal offence committed in Trinidad and Tobago or such other territory, not including a criminal offence referred to in subsection (1), the Attorney General may, by Order subject to negative resolution of Parliament, declare that the treaty shall have the force of law in Trinidad and Tobago, subject to such limitations, exceptions or qualifications as may be specified in the Order.
- (b) in subsection (2), by inserting after the words “subsection (1)”, the words “or subsection (1A)”;
- (c) in subsection (3), by inserting after the words “subsection (1)”, the words “or subsection (1A)”.

Question put and agreed to.

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

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

Senate resumed.

Bill reported, with amendment; read the third time and passed.

Mr. President: Hon. Senators, we will now deal with Bill No. 4 on today's Order Paper.

**TRINIDAD AND TOBAGO CRICKET BOARD OF CONTROL
(INC'N.) (AMDT.) BILL**

Order for second reading read.

The Minister of Community Empowerment, Sport and Consumer Affairs (Hon. Manohar Ramsaran): Thank you, Mr. President. I beg to move,

That the Bill to amend the Trinidad and Tobago Cricket Board of Control (Inc'n.) Act, No. 34 of 1989 be now read a second time.

Mr. President, this Bill has become necessary to amend the Trinidad and Tobago Cricket Board of Control (Inc'n.) Act, No. 34 of 1989 because of the need by the Cricket Board to complete its cricket academy. Therefore on behalf of our cricketing public I seek this amendment.

Mr. President, the change I am proposing is to add a new paragraph (d) to the present section 4 which reads as follows:

“To raise or borrow money and to provide security for such borrowing.”

The Trinidad and Tobago Cricket Board of Control has been attempting to complete the cricket academy for some time now. This has become necessary because of cricket as it now is. Mr. President, I am sure you are aware of the state of West Indies cricket and more particularly Trinidad and Tobago cricket. When we look across the globe we see that all our test-playing counterpart nations have established academies, not only to teach the game of cricket as it is now played but also to introduce modern technologies and so on which, I am sure all of us would know, discover the strengths and weaknesses of their opposing teams and players. I am told and I also know by talking to players that they know more about the player than the player knows about himself. This is indeed frightening for our test cricketers. when they walk to the middle, that the opposing players would know everything about them: where to bowl, how to field, what to do and so on.

Indeed this academy is long overdue in West Indies cricket. I know we have started one in Grenada but in Trinidad and Tobago we need to really improve the quality of our players who I know always have the raw talent. Today's cricket is much more than raw talent. Today's cricket is about understanding the game and understanding it fully, for example, 90 per cent of West Indians and moreso people who follow cricket, as a religion, are confused by the rate of scoring in one-day matches, with the different formulae being used and so on and we are at a loss to know how they arrive at the scoring rates.

Even players on the teams themselves when we ask them if they understood, they would blush and say they, too, were confused. With the academy coming into place we expect to improve the quality of our cricketing public, especially the younger players, to appreciate what is happening in the game, to really be in the know so that they would not be left out of the modern technology and indeed in creating that whole aura of successful cricket.

It is really the need that arises and being Minister of Community Empowerment, Sport and Consumer Affairs at this time, I think that we must assist in completing this academy. To say that, Mr. President, we—the Government of Trinidad and Tobago—have supported, financially, too—we have offered them assistance through our Public Sector Investment Programme and we have given them in this year's budget, \$1 million to assist in that area to ensure that we have the academy on time.

Mr. President, I want to quickly tell you what we are doing to assist cricketers in this country. We are laying turf pitches throughout Trinidad and Tobago and we have a very aggressive programme. This is one of the areas in which Trinidad and Tobago has failed our cricketers over time. We play cricket on matting and when we go to international and regional matches we have to adjust to turf pitches. Mr. President, I am sure that when you drive around Trinidad and Tobago you would see most of our national league cricket is now being played on turf. Over the next two years we are going to encourage the Trinidad and Tobago Cricket Board of Control teams to play on turf pitches, which is quite a successful programme.

We have reintroduced primary school cricket, which was a success over the last two years. We have had very good performances. In my own constituency, Mr. President, a youngster, 12 years old, scored a double century during this cricket season and indeed this is something that I am proud of.

We have now in Trinidad and Tobago organized cricket throughout the country in primary schools, under-15, -17, -19, -21 and -23. We hope that these competitions would encourage our younger players to stay longer in the game and to improve their quality. I want to record in this Senate our successes in the under-15 regional tournament over the last two years. Also, the West Indies team that won the championship last year at Lord's—you would remember that thrilling final. Featured in that team were six Trinidadians; one, Tishan Maharaj, was the captain.

Indeed, we are seeing something happening with our young cricketers and I know that with the coming of this academy we could really improve, as I said before, not only the skills on the field but indeed off the field and maybe how to stand up to sledging and so on. This will be taught to our youngsters; we will harden them up and toughen them up, so that the raw talent, which I know we have, could be used to win games once for Trinidad and Tobago and indeed the West Indies. Of course, the Senators too, we know they contribute to cricket.

Mr. President, just to allay the fears, the Trinidad and Tobago Cricket Board of Control is an affiliate of the West Indies Cricket Board—and they have dropped their control. Where the stakeholder, the company, so to speak, is the West Indies Cricket Board, Trinidad and Tobago is a shareholder, it is part of the West Indies Cricket Board. Now the Trinidad and Tobago Board of Control is also a company incorporated by Parliament and it has the power to raise funds; it has the authority to do everything except borrow, and we are now trying to give them that authority.

Mr. President, they submit an audited statement to the Ministry of Community Empowerment, Sport and Consumer Affairs annually, and they also submit a copy of that to the West Indies Cricket Board, so that they are collectors of public funds—when they play games and so on and from gate receipts—so they account for public funds, to me, in a timely manner and a good manner. We, too, know that we would be giving them this authority to borrow money and we would also be giving them government funding to complete this facility, the academy. We could send an auditor to audit their audited accounts any time we see fit if they need accounting. I want to allay any fears the Senators might have in this respect.

Mr. President, I say together with Government, the Trinidad and Tobago Cricket Board of Control and all our sports-loving public, especially our cricketing public, if we could support cricket as I think we need to—I want to make a plug for our young cricketers. Something is happening in Trinidad and Tobago that amazes me. The crowds do not go to support our youngsters; we only

wait for when the big stars are playing—and our stars would let us down from time to time—but the local cricket is not supported.

As a matter of fact, the Busta Cup tournament was free-of-charge to the public of Trinidad and Tobago and there are more people assembled here than there was at the Queen's Park Oval. Yet we would have critics criticizing what is happening, people who feel they know everything about cricket without actually going to see the team. We could do all we want: we could build more academies, pitches and facilities but if we do not have this love, care and attention for our youngsters—we could preach, we could talk about crime and everything else, but if we as adults do not lead our youngsters, encourage them, encourage stronger communities, indeed support our local clubs and talk, because we have so much talk—that is to me the best thing we could do in Trinidad and Tobago. How many of us would go and spend time with our community clubs, with our teams to encourage them, get them to understand what is happening out there rather than just criticize and try to blame somebody else? If we do this, Mr. President, we will go nowhere. I want to make this appeal as we attempt to give this cricket board some more authority so they could help themselves.

4.00 p.m.

[*Sen. Montano rose*]

Mr. President: Mr. Minister, just before you move—[*Interruption*]

Sen. Montano: I had a question just before you wind up. I was waiting to hear what you were saying. I thank you very much for giving way, through you, Mr. President. What I was trying to get at is this: we want to allow the cricket board to raise money. Now, raising money means that it has to be paid back. It is not the same thing as a government grant. So the question is, if they are going to have to pay back money, then one would assume that there are somehow going to be some increases in revenues or they are going to pay back these loans with interest. So therefore, what are the activities that are going to enhance the revenue stream of the cricket board? Is it that they are going to be doing something new or is it that, in fact, the Government is actually going to increase their subventions and so on? I heard you mention once a stadium. Is it that a stadium is being built? Is that what the intention is? So it is kind of a two-part question.

Hon. M. Ramsaran: Thank you very much. Well, I thought I would have done that in my winding-up, but maybe I will do it now. The cricket board has already received a request from clubs abroad to use its facility, which will be rented out—that is to use the academy—and they will be using the academy to

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raise some revenue, and also around the academy there will be another ground. They will be building a ground there. If you look at Balmain you will see a big piece of land is being cleared, so they too will have a cricketing centre which will be used for training as well as regional matches. So they expect to raise their own revenue.

As now obtains, the Queen's Park Cricket Club has the overriding—I do not know, somebody gave them that contract to host the international matches. Until such time as we could come up with other grounds in the country to compete with the Queen's Park Oval, it has almost a monopoly. We hope that we could do something to help the cricket board get some more revenue into its coffers, as now the Queen's Park Oval has the sole authority to do that. So we hope that this could happen.

The answer to your question is, on both counts, yes we are building. When I say we, the Government and the cricket board, will be building not only an academy but, indeed, an entire cricketing centre so that they could play cricket as well as teach cricket. The fact is that there would be, as I mentioned, an appeal before for support of our youngsters, whether it is cricket, football or whatever, so that this too will increase their strength to repay this loan.

So again, Mr. President, I beg to move.

Thank you.

Question proposed.

Sen. Joan Yuille-Williams: [*Desk thumping*] Mr. President, if I really had to depend on what the Minister told us this afternoon to support this Bill, I might have been thinking twice, and he knows that too. We have to recognize that when you are coming to the Senate, we really like to get the whole picture. This is because, sitting among us are many people who are very much interested in sport and therefore we would have really liked to hear a little more about the cricket and the sport itself. First of all, before I say whether I am going to support it and why, let me just go back a bit and put this whole thing into perspective and see where the Government fits into this.

We are part, and last week I think, or the week before, the hon. Minister—I cannot remember his title, it is so long—came here to talk to us about Caricom on, I think it was, the Skills Bill. One of the things he said when he came here is that we are one of the foremost proponents of this Caribbean integration and unity and whatnot, and we have given our support to most of the initiatives of the

Caribbean Community. Cricket is one of the sports that has found its way onto the agenda of the Caribbean Community. In fact, there is a cricketing subcommittee that had been meeting over the last year or two, bringing up a proposal for all the territories or member states, and what they have brought forward is supposed to be accepted and supported by all of us, including Trinidad and Tobago

I just want to go back a bit to what happened there, to relate it to what is happening here and to see whether or not the Government is fitting into the programme. Let me just read the rationale first and come down. The rationale of this Caricom/UWI Regional Cricket Subcommittee, as they will call it, is based on the fact that cricket is the cultural identity of Caribbean people and has performed a unifying role in Caribbean culture and history. It went on to say it is also seen as the largest income-generating source in the eastern Caribbean and has the potential to instil discipline and shape values, attitudes and skill.

Then they gave us a vision for cricket over the next 10 years, world leadership in cricket, mechanisms in place to develop cricket from the primary school to test level and a sustainable professional league. They saw cricket as an instrument for gender development; cricket enhancing the lives of players and preparing them for life after cricket; cricketers serving as positive role models, cricketers as a viable economic enterprise, generating income through cultural, entertainment, media, education and other enterprises, and cricket shaping the cultural identity once again. So we had that vision and there is also a plan of action. I am just going to read which are the target groups, and I need to tell you why I am reading this.

There is a plan of action and the target groups in the plan of action, which all member states are supposed to adhere to, are players, spectators, facilities and equipment—another target—cricketing professionalism, administrators, umpires and the West Indies Cricket Board. I only want to look at one of the target areas to relate it to what we are doing here today and that is the area of players and some of the issues which relate to players. Lack of technical competence, one of the issues that—and they have given you the objective and what are the actions required and the responsible agencies which will include ministries and Olympic associations, et cetera.

A second issue is lack of personal competence and I will read that. The objective on that one is to:

“Build confidence, discipline, and other personal/social skills.”

The action required for that is to:

“institute personal development training, e.g. Interacting with the media, literacy, nutrition, psychological conditioning;

develop written guidelines for players including dress code, social behaviour, the roles of persons in authority.”

I just want to read those actions and what they are doing because I am sure, as you think about your sportsmen today, these will come right to the fore. Then you have the professional players and other issues. Another issue in terms of the players—cricketers are not prepared for life after cricket, and they are providing an enabling environment for cricketers to maintain quality of life after retirement, et cetera.

Mr. President, why did I look at this? I am trying to cut on it a bit. I would not go on it as long as I thought, because of time. These are some of the plans of that Caricom Cricket Subcommittee and as member states we are signatories to that and we are supposed to put those things in place. You ask yourself, what has the Government done so far to facilitate the rationale, the vision or the draft plan of action? However, the Government has said that it intends to work through NGOs and at this stage I want to call some of these sporting organizations NGOs to assist in what it has to do. In Grenada they have started a cricket academy. What we need in Trinidad and Tobago to assist us with this is that development of cricket, that centre for doing it.

Now, the Trinidad and Tobago Cricket Board, which started as long as the PNM in 1956, in Balmain they are constructing this national cricket centre. I pass there every day. I even went there this morning. They are constructing the centre in Balmain—a national cricket centre. It is a huge complex that they are putting up, and that is the Trinidad and Tobago Cricket Board that is doing that. Now that centre, they have spent about \$3 million already on the construction, but important to the centre, and that is where I am coming from, included in the national cricket centre, there is a centre for cricket development. That is the important aspect I wanted to talk about because that is what Government would like.

Any government would like to do that because that is going to assist the Government in carrying out the vision of this Caricom subcommittee or the draft plan of action—a centre for cricket development. That centre is going to provide training, physical and mental—specialist training—technical, physical and mental. That is what we are saying we need at this time. My point in saying this is that the Government would like to have that done. Here is an organization that is

doing that and I am saying on behalf of the Government, it is an NGO. However, that centre costs \$2.64 million. The national Trinbago Cricket Board of Control is now asking us to amend that Act, section 4, so that they can have certain powers with special rights to borrow. I am not on that as yet.

As far as I am concerned, what they are doing is so important that I am asking myself, if this is part of what you are supposed to be doing as a government, why is it they have to be coming—we have to come to Parliament to amend this for them to borrow \$1 million to help them to complete this centre—\$1million? It cost \$2.64 million. They have raised their part. One million dollars is needed. In fact, \$1.3 million is needed to complete it. They should not be coming to ask us for this privilege to borrow that money at all. This should be an opportunity where we should want to give this money to them because that centre is a part of what they are doing for Trinidad and Tobago, and I hope you understand what I mean. It is part of the programme that you want.

This is just like you would assist any other NGO to carry out a function. They have raised half. Today I read about dollar for dollar in education. I think we could go dollar for dollar with this one because they have raised their part, and I am really standing here to ask if we could go a little further and not have them borrow this. Do you know from where they are borrowing this money? The sport and culture fund. Now, the sport and culture fund has been established to assist sporting organizations. The money came from scratch lottery or from whatever lottery, so it is not from the Treasury. [*Interruption*] It is not from the Treasury.

We donate—we give money from the sport and culture fund to organizations, and if the sport and culture fund has \$1 million which it is going to lend—although the loan is going to be interest free—we could take \$1 million from that. We have a lot of money in there. There is a lot of the money from the lottery that we do not claim and it goes there. We could give that money to this organization to complete this particular centre. I am not talking about the sporting complex that surrounds it, I am talking about the development centre because today we are hearing the Minister telling us about our young people and what they need in the schools.

So many of the organizations, so many of the branches—we have the schools league, we have umpires, we have the women's cricket board, we have everybody who could use it. In fact, when Sen. Montano asked the question about how they are going to be paying it back and you were talking about the people coming from abroad, none might come. We really are not building this for people coming from abroad. This we are developing for our own purposes. If they come from abroad,

they come, but we really want to use it ourselves, so we are not going to be depending on people coming from abroad to get any finance to pay back this loan in five years. That is not what it is.

We have all these young people—secondary schools, primary schools, women’s cricket, Tobago has a cricket league. Those are five areas and you know that very well. I am therefore asking this afternoon, why not give them the \$1.2 million to complete the development centre? We have to put our priorities right. There is a lot of money running around Trinidad and Tobago these days, “plenty money”, for the wrong purposes. Here is a reason, the right reason, because we have to do this ourselves and they are doing it on our behalf. Thank God you got somebody doing this for us. All sporting organizations need something. I do not know, probably others could use it too. All sporting organizations need to have that because, as we will see later on, in the long run we start to criticize some of our sportsmen, and we say all types of things against them when they do not do the things that we want them to do, but we have not facilitated that development.

Here is an organization, tried and trusted—began in 1956—and now, of course, they could get \$1.2 million to finish that development centre. I am sure the Minister will be very proud to know that that is Government’s contribution, and the money from the sport and culture fund, yes give it to them from that fund. It has nothing to do with the Treasury. You are giving everybody. How much money “we giving” Caroni every year? How much money “we giving” everybody? Give the sportspersons. This is development and I would have been happy this afternoon to have heard you say that you have decided—since the three or four times you were to come to this Parliament and you did not get this through—that you had gone on that basis and decided to give it.

I really find that if you had done a dollar for dollar, it would be the same thing, half of it. I am sure the Minister of Finance himself is a cricketer. He knows and I am quite sure he understands what I mean. This is something—this is where our priorities should be. This is worthwhile spending of the money and, at the same time, Mr. President, as we talk about this, we talk about developing our young sportsmen and sportswomen. Just recently we did extremely well in another sport in athletics. I heard the hon. Prime Minister saying that they are going to look after our gold medallists, but I am sure he means also the bronze medallists so I am quite sure that had to be a slip. I am sure he means the medallists—all of them out there. We are going to look after them.

I said yes, I am happy about it and, because of the person I am, and knowing sports as I do, I asked myself: I wonder how they got to Hungary? How many

problems did they have to leave these shores to get out there because sometimes we do not know the problems that these sportspersons go through to get there, especially when they reach to national level, and we need to be looking at all of that. It is nice to welcome them back but it is also about the development and the assistance that they need to go out there. It is extremely necessary. I want to tell you to use this as an example because this development is important.

We have been working with—for example, take one of the associations, the Netball Association. Everybody here “listening to netball in Dominica these days” to hear where our—what has happened. Everybody is listening. Some criticized them and said the standards have fallen, but the Jean Pierre Complex down there tells us one thing. At one time we were at world level. We won and people are now asking, “What has happened?” So people were just praying that some magic would have happened that our team in Dominica would have done very well. I myself said I hoped they would do well because—let me just tell you.

They went to Dominica for what they called an AFNA tournament. It meant to say that they were going to go to the Commonwealth Games if they had done very well. Jamaica was already there because they are world-rated. We were now trying to get through. If we had come second to Jamaica we would have gone to the Commonwealth Games. That is why we went there, because we know what sports can do for any country, be it cricket, football or basketball. We know how we feel and a lot of people out there know about us because of our involvement in the field. So we hoped that we would have. We did not. We tied with Barbados but—do not laugh, it is just something—we did not make it so we came third and a lot of us were sad, but I want to just tell you why I am raising this at this time.

All during the times when we should have been developing these players, and I am not criticizing anybody—we should be developing these players. They had a lot of problems.

4.20 p.m.

They were to leave two weeks ago on a Thursday to go to Dominica and by Friday the ministry told them all they could give them at this time is the exit tax. They had been trying all year, no tickets, the ministry was to give them tickets and they were hoping that the Ministry of Sport would give them accommodation. The ministry told them on Friday all they could give was the exit tax.

You know how people have to lobby, so on Monday they started lobbying the Ministry of Finance, or wherever they had lobbied and on Wednesday

afternoon—I am cutting a story short—about 5.00 p.m. they left the bank having received half of the sum for the tickets from the Ministry of Finance, and the other half from the Ministry of Sport so at least they had tickets. So they postponed their trip from Wednesday to Thursday and you could tell how anxious people were because the games began on Thursday and they were knocking all around and worrying about who gave them clothes and that was part of it and then we are all anxiously looking at them.

What was worse was that when they were leaving they had to ring Dominica to cancel the hotel booking because they had recognized by now, they would have no hotel to stay in. Therefore, they decided to go, collect whatever money they could find here and they rang Dominica asking for a house or some building that they could rent and the officials would cook for them.

Under those conditions we have to really warmly congratulate our players for having come that far in tying with Barbados, because they had the officials to be out with them early in the morning trying to cook. They carried things to Dominica for themselves for their meals and so forth.

We need to look at our sports a little more and that is why I am standing here this afternoon. I am not saying do not pass this Bill and give them the right to borrow for something later on, but for this particular development centre, we need to get the money out and give to the cricketers, and I am sure the Minister will be glad to hear me say that, so he could go and do what I hope he would want to do and it would be on the same dollar-for-dollar system. It is \$2.64 million for that development centre; I am not talking about the whole complex, but the development centre and they have put part of the money. They are \$1 million short and they are coming here to do all this to give them \$1 million so that they could continue the work.

We need to congratulate this association for doing some of the work that we would have liked to do and, therefore, in terms of this afternoon's Bill and the legislation—whatever happens later on, if we pass this and give them the powers to build, to borrow, for later on to do whatever they wish to do for the development centre—I am hoping that we would give them that kind of money. As we saw, one of the issues would be lack of personal competence and building confidence, discipline, and other personal and social skills and we have just been criticizing some of our heroes because some of us felt—regardless of how you want to feel—that they did not like how some of our players reacted under certain circumstances, and we ask ourselves: What have we done to facilitate and develop

them at this time? Sometimes we ask ourselves little things like that and in fact, this is the kind of thing that happens.

We need to guide and here is an opportunity with this development centre to do it. We are not going to bring down the vengeance of moko on anybody; we need to try to see what we could do to build. We need to honour all our heroes, even those who we might feel disappointed with; we have to, whether they are here or not.

I was looking at this newspaper today and it is about a footballer. It says the "Little Magician shines for Rangers." Whether the Little Magician is playing for us or not, all of us feel happy. Everyone will feel happy when we read that little news clip here. We all feel happy, because that is Trinidad and Tobago, so it has nothing to do with what we think about people at this time. We have a duty and a responsibility; we need to support our young people in every way and this is one area in which we could support them.

Probably if we had done some of the things that we are now trying to regret, it might not have occurred had we done it, but we did not do it and, therefore, we cannot curse anybody about it. Somebody did not take the captaincy, somebody did not go on a team, and we feel hurt about it and we bring down the vengeance of moko on them. That is not necessary. What we need to do is guide them; we have to help our young people to develop. Here is an opportunity for the Government to help the development in a particular sport, which is cricket. I want to ask the Government to give the cricket this; it is from the Sport and Culture Fund, which is money that has been earned through lotteries and other ways for this particular part of it. They have brought their half and it is almost like a dollar to dollar. Do give it to them.

As we celebrate all our heroes as they come home, let us remember that whatever happens, it is our responsibility to guide. I want to wish all of them the greatest success. We are all proud of them, and we hope that all of us in Trinidad and Tobago would pray for them so that they will be blessed and not cursed.

Thank you, Mr. President.

Mr. President: We will break for tea at this stage.

4.25 p.m.: *Sitting suspended.*

5.00 p.m. *Sitting resumed.*

Sen. Dr. Eastlyn McKenzie: Mr. President, I would like to raise a few questions on the Trinidad and Tobago Cricket Board of Control (Inc'n) (Amdt.)

Bill. My first question to the hon. Minister is whether the Minister of Finance would have to give approval to the Board to borrow money. I am looking at clause 51(b) of the Tobago House of Assembly Act and it specifically says that with the approval of the Minister, the secretary can borrow sums of money by way of long term loans for the purpose of capital investment. So I would like to find out whether the Minister of Finance would have to approve or give permission for the Cricket Board of Control to borrow money.

Secondly, I would like to find out what kind of security is intended when you say “to provide security for such borrowing.” Who provides the security and in what form? I asked myself whether they could give one of the pavilions as security.

Mr. President, I would like to make some comments on some points raised by the hon. Minister in his presentation. He spoke about the lack of big support for cricket. I want to voice my opinion for this lack of support. Cricket is a long game. It is not like netball that is an hour-long game; or football that is a 90-minute game or basketball; it is a game that can go for several days, and people like instant gratification. They like to see the end very quickly, except when you have a limited overs game. In addition to that, many of the grounds on which they play cricket are village grounds and as such there are no pavilions or stands or anywhere for people to sit and enjoy the game. I remember as young people going to see cricket we sat under the trees and it was fun but at the same time the game has become longer and longer and we have to look at that.

One of the other problems is that in the schools there are very few people who can coach cricket. Many people are versed in football and netball and that type of sport but we have very few cricket coaches specifically attached to schools. You may find a cricket coach for an area or an education division and so that is another drawback in developing the sport and the love for the sport.

There is another thing. Many of our sports people find it very lucrative to play good football or good basketball or even netball because they get scholarships, but we do not hear anything, except for Lara, about cricket being a sport where they can get a reward for playing excellent cricket, except playing at a higher level. I have heard parents discouraging children from playing cricket and encouraging them to concentrate on basketball or soccer because of the fact that they can get scholarships.

Another point is that I find the advertisement of cricket games is very casual. The hype you get in the advertisement of football and basketball games is really

tremendous and there is a lot of expense as well, but in cricket you do not hear any advertisements for good cricket except when an international side is coming to play, but the village games and the local games are not highlighted.

Another point is that we do not seem to have much public information in teaching the game. In fact, I think that the Ministry of Sport could do more to teach the game and get people to like the game, even if it is by way of slogans. I remember in our CPA game, my dear friend, Sen. Dr. Jones-Kernahan did not know when the ball went over the line that it was a boundary and so I realize that we could do more to educate the public.

Even when you listen to the commentary of a cricket game—I know the hon. Minister of Sport is an excellent cricketer and he understands what is "silly mid-on" and "fielding in the slip"—but very many people do not understand it and when people do not understand a game they would not go to support it. I appeal to the hon. Minister to see what his ministry can do to make the game interesting, to make the game fun and to make the game comprehensible to ordinary people.

Another point is that we do not make much of people who are good cricketers at the village level. I see it being done more now because I have seen the under-15 team getting a big hype and so on and we need to do more of that and have them in the newspapers and so on. We also know what is being done with the women cricketers. At one time Tobago had a formidable team that toured all over the place. I am appealing to the hon. Minister to make cricket more popular in the villages, in the communities, in the districts so that more people will support it.

5.10 p.m.

Mr. President, as to the Cricket Board of Control borrowing money, these days I have gotten so peeved about the word "board" that I am running very scared. It is such an unfair feeling about the boards that are straight, I must confess. [*Laughter*] I must confess that it is an unfair feeling, especially as I read a lot about the cricket, of what people are doing and so on. There are some honourable gentlemen on this Cricket Board of Control that, although I feel it is very unfair to comment about boards in the context of the cricket board, I must express my peevishness about boards. I wish you could have called it something other than the Cricket Board of Control. [*Interruption*] Oh God, that worse. [*Laughter*]

The Minister has given some good reasons why we need this privilege to be given to the board that they would be able to raise and borrow money. What gives me a little heart to support the Bill is that I know it will not be appointed by the

Cricket Board of Control (Amdt.) Bill
[SEN. DR. MCKENZIE]

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Government. In other words, this board would be selected by another type of procedure. This is what gives me the encouragement to support it.

I wish cricket well, Mr. President, as I like the game. In fact, I like to watch the game more than I like to watch soccer. To the honourable people in whom you are going to place this trust—and with the type of scrutiny that I know the hon. Minister of Finance is exercising these days, I am sure that he will not be blinkered by any type of foolhardiness people would attempt—I want to tell them not to try to bowl any googly for this hon. Minister of Finance. Let them come with a full toss. I know he is up to the mark to “lick” them over the boundary for six.

Thank you very much, Mr. President.

Mr. President: I know that the Senator not only likes cricket, but she likes to do commentary on it. [*Laughter*]

Sen. Michael Als: Mr. President, I am very happy to make a small but important contribution on this Bill to amend the Trinidad and Tobago Cricket Board of Control Act, No. 34 of 1989 as presented by the hon. Minister who, indeed, is responsible for a very important and critical ministry.

The reason I am speaking—is not as other persons who say they did not wish to speak—for the simple reason that when one looks outside of our Republic and the Caribbean, one sees that in Australia there are 11 cricket academics; in Sri Lanka there are two; in South Africa—it is on the internet—there are five of them, and in Zimbabwe they have just established a third one. What is most interesting is that in the case of the leading cricket academy in Brisbane, it is reported that there is not a single cricket game played that is not recorded. They have analyzed every single ball and stroke, and when they are training young players they teach them the art through computers. So that when one bowls a googly you know exactly where you are expected to receive that ball. If you bowl medium pace they are able to analyze that. It is not surprising, therefore, that when the Australians come to play cricket they come from a scientific basis. They come with scientific knowledge about who they are meeting and have a profile on every player that is put before them. They have a profile on how he does and does not play. It is not surprising that they are able to take the game into a scientific arena and, therefore, when they are coming to play test cricket, they come to play with an added advantage. Those are facts.

When the Minister comes before this honourable Senate seeking to amend the Act so that resources can be placed at the disposal of sport, I am exceedingly

happy to give support that would facilitate such an opportunity because it is way beyond time. In a sense, it is late, but it is never too late. We need to do it now to be able to give to all those fantastic young players who are fighting on raw courage and ability. When science is applied to a game you have to face the fact that most times the scientific side will defeat the side with raw courage.

The Minister's performance in a recent day's play, where I understand, he made quite a lot of runs, was able to contribute to the defeat of this Senate. I hope in the next round we here would be able to learn some scientific cricket so that when the Senate is dealing with the Members of Parliament we can more than accomplish a victory and teach them a few things. I think it is about time we were able to do that.

The fact is that this Bill does give an opening and an opportunity for our cricket to improve. I think there should be absolutely no suggestion of resistance to supporting this Bill.

In addition, of course, some people may speak about the capacity of the ministry to deliver facilities and opportunities in other disciplines. The fact is that when you look honestly at it—I am not talking about trying to score any points—although we continue to have difficulties in sport administration, the ministry itself is dependent on numerous other organizations that run sport in Trinidad and Tobago, and with which it needs to have relations.

It is easy sometimes, for instance, to blame the ministry for not providing airline tickets and things of that nature, but sometimes people come to the ministry one week or a few days before they have an event and expect the minister to immediately hustle to provide what they need. These things do happen. I tell you that because right now there is a person who is to represent Trinidad and Tobago in badminton and needs \$15,000 to do so. Last week they came to the ministry to say that they want \$15,000 to go wherever it is to represent Trinidad and Tobago. I am saying that in many of the sporting disciplines, the organizations themselves need to have a more rapid response when they are making demands on the Minister for resources because it is easy to blame a Government Minister for everything.

In that context, I want to say that this Bill is one to which we should more than just give support. When resources are being solicited, those of us who are in a better position should take the opportunity to make contributions towards the edification of cricket and other sporting disciplines in this country.

Mr. President, I thank you.

5.20 p.m.

Sen. Martin Daly: Mr. President, this is the first opportunity we have had in a long time to reflect on the administration of sport and culture in our beloved country. I have absolutely no reason to do anything other than foretell the following. The cricket board will borrow money. They would not be able to pay it back and eventually, the Ministry of Finance will have to meet the debt. I have never been more confident about anything in my life. That is the history of virtually every sporting and cultural organization in the country. We have heard absolutely nothing in the presentation of the Minister, as to how this debt would be repaid.

I know that he has said that they would rent the place and people would use it, but that is just pie in the sky. Have they got a strategic plan, a feasibility study or projections? Who is coming? From where? St. Vincent, Barbuda, Canouan? Where are they coming from to use this facility? It is the most romantic thing I have heard. Romantic with a small “r”. It is the most romantic proposition I have heard in a long time. This is a guaranteed “buss”. All that we would do is to invite somebody else to fail at something and go to the Treasury for relief. By all means, give the cricket board power to borrow if you want, but the time has come for the Government to say, “You borrow at your own risk.” There should be the clearest possible statement. Give them the power to borrow, but the terms are all important.

I have heard nothing to suggest that this borrowing is a success. We have a reaction to years of failure. Now, as Sen. Als has pointed out, when we are the shameful laughing stock of the world in a game in which we were always respected, even when we were not successful, we have plummeted from being a cricket area of the world that was always respected, to a shameful laughing stock of the world. It has to be said. As usual, I do not mind how unpopular it makes me. Essentially, our cricket administration has come to a point where very few people are interested in cricket. This time it matters. We are essentially, losers after many years of success.

The rest of the world has academies, so now we are hustling to have an academy too, with no real plan as to how this would work and pay for itself. I wish to join the debate to simply say, I have no problem with giving the cricket board power to borrow, but I would like to hear the clearest possible statement from the Government, that they would borrow at their own peril.

Moreover, this is an opportunity to debate why this should be so. I repeat. Essentially, if the Government puts any money into cricket now, it is rewarding

failure because cricket administration has failed. We can go into the reasons. My simple position is that the Government should take the most liberal possible position in providing financial support to fledgling sport and culture. Governments must not continue to throw good money after bad. We reached the top of the world in netball and we fell. They do not deserve any more money because they did not capitalize on their success. We reached the top of the world in cricket and we fell. We do not deserve any more money because we failed to capitalize on our success. I would go on and on and point out all the failures.

On top of that, in this part of the world, success in sport means only this to politicians, a photo opportunity and an opportunity to ride on the back of somebody else's success, in order to get a few points up in the polls. Somebody wins a medal and we turn the country upside down. Before they prove themselves consistent, we turn the country upside down. I hear people said so and so is a great batsman. I ask, has he crossed the threshold of 20 centuries? Deafening silence. I know that a batsman is a great batsman when he crosses the threshold of 20 centuries. Possibly, when he crosses that threshold and is nearing the end of his playing days, that is when you turn the country upside down. You do not take a fledgling success and hold on to it for political purposes and turn the country upside down.

I say without contradiction, that the motorcade killed Lara. I would debate that with anybody any time. The motorcade killed Lara. Why? Because the real objective of the motorcade was to run up and down the East/West Corridor to engender what the British politicians call, the feel good feeling, to scrape up a few votes in the East /West Corridor by a photo opportunity with a young man, whose head could only have been turned. We destroyed him. We made his life difficult. As Sen. Dr. McKenzie said, we wanted instant success. We were not prepared to wait to let the fruit ripe. We cut it down green, chop it up and make chow with it.

Sen. Dr. McKenzie: Flux mango.

Sen. M. Daly: What is it?

Sen. Dr. McKenzie: Flux mango.

Sen. M. Daly: Very good. Thank you. The reason we do that apart from our failings as a people, is that a sportsman to a politician in Trinidad and Tobago, is a man who could help him in the polls. It is a man or a woman for whom he can find a seat. I would not call names because I do not want to disrespect any of our successful sportsmen. We have this whole thing wrong. We talk glibly about heroes. Who are these heroes?

As far as I know we have one gold medallist. As far as I know, in all other countries of the world you have to come first. You get a reward for coming first. If you get the silver or bronze, nice try partner, we will do our best for you, but you have not won. We have had one winner, Hasely Crawford. He is still our only winner.

I feel so strongly about this, as you watch the few things that we were respected for in the world slip away from us. I say in passing, we do the same thing with culture. Year after year we give so called special interest groups governmental funding. To do what? What, precisely, are we doing? Starting with the Carnival Development Commission which it was called in the '50s, we have been pouring money into the same product and losing money every year. Will we do that forever? On what basis? What are we supporting? Where is the art that we are supposedly supporting? The art of the bathing suit?

I am saying with all the force that I can, that one of the subjects I feel strongly about is that the Government's policy should be to support fledgling organizations that have not yet failed; the widespread provision of sporting and cultural facilities throughout the country and out of that, you would get several good players and cultural ambassadors who will inevitably, when they are discovered, have to further their careers abroad. We have to recognize that if we improve our sporting and cultural facilities, we are simply making track for 'gouti to run. Once someone has succeeded in Trinidad and Tobago in sport or culture—apart from wishing success abroad and being thrilled for the person—the best you can hope for is that the person then represents an encouragement to others to make his or her fame and fortune internationally. That is what we should be doing.

The idea that we are hustling to encourage these people who have failed in administration to put up an academy, sickens me. They should have done it a long time ago. After someone has succeeded, you do not reward them at the moment of success, particularly if the person is a developing force in culture or sport. You do not reward the person instantly and turn the world upside down. Do what you can to support the person's efforts. When you have to be concerned about the person is when he or she comes to the end of his or her useful life. If the person's circumstances warrant it, then you look again to support him or her. To summarize the three pillars of sport and culture development should be, spread as much money as possible, liberally throughout Trinidad and Tobago; make as many sporting and cultural facilities available to as many people as possible; provide as much non financial support and encouragement as possible with the objective that the person would become good internationally and qualify for the international stage, where we will wish them well. At

the end when that success is matured, not when it is force ripe, you reward the person and when the useful playing days are over, if for some reason or other the person is in difficulty, then assist.

This idea of throwing money into netball and giving a few free tickets and carrying a band to Haiti for the day, I am totally against that. This is one time when this Government and the Minister could be assured that I say without contradiction, that the rot had long set in before 1995. It needs not be thin-skinned and think that I am criticizing it. I am sickened by the way we have dealt with this.

Steelband after steelband got chucked out of their yard. Then, what happens? When the bailiff comes to pitch the steelband out, everybody says, oh, a terrible thing; our culture, the only musical invention of the 21st Century. Badam! They still went in the yard. One of the most goosebumps making events in our national Panorama was in one year, when Huggins Pandemonium from Jerningham Avenue played a tune called Sailing. Bradley was the first man to make a band beat the side of the pan. Everybody followed and is doing it now, as frequently happens. A relatively unknown band, Scherzando did many years before, won the semi final and then somehow they could not produce it on the big night, or alternatively, the formula judges are too scared to give them the title. That is another debate.

We have done absolutely nothing to preserve and promote our sport and culture. All we do is react, wring our hands and cry crocodile tears when something bad happens, as we are getting wiped out in cricket. We have had no consistent form of thought-out development trying to provide the greatest good for the greatest number. It is always react, or if someone succeeds despite the odds, beat our chest and say he is from Trinidad and Tobago and we are so proud, when we have done virtually nothing.

Does the Olympics borrow money? They have a product that they have developed and can sell. Coca Cola fights with Pepsi Cola to be the main sponsor of the Olympics. That came about because an idea started relatively small and captured the imagination of the world. If we had provided the right development for the steelband or sport, we would have had international sponsors falling all over themselves to be not politicians, but associated with the success of these young people. That has not been our way. Our way is to let people struggle along and when they get desperate come for a handout. They say, "if they give me 18 tickets to Dominica, I will vote for you in the next elections." It is demeaning and pejorative to treat people like that. Most of all, it is unplanned. By the time the

Trinidad and Tobago team is ready to go to a netball tournament anywhere in the world, they should be near self-sufficiency by their own efforts.

How do you think that schools in this country raise money to build a little workshop or get books for a library? They have walkathons, bar-b-ques and mobilize themselves. We have created the dependency syndrome in our artistes and sportsmen where they have to ask for something. I need a ticket to go somewhere. Building a cricket academy now is almost irrelevant because we are so far behind.

My next question—I am not done. Who is going to use this academy? These people who are coming from abroad to use the cricket academy, I say, are as mythical as all the people who would come after Miss Universe. Let us look at local consumption now. Who is going to use this cricket academy? Who in the young generation that could tell you what Michael Jordan and Shaq O’Neal had for breakfast, is going to use the cricket academy? One of the reasons for our indolence—and my relevance is that we must not allow the cricket board to borrow money without an undertaking that the Government will not have to pay it back, because they are failures. Part of the reason they should not be allowed to borrow money is that they have not only failed in terms of keeping us in prominence in world sport, but also they have failed the country.

5.35 p.m.

While they have been fiddling, children have been turning on to other sports.

Sen. Als: Mr. President, I want to raise section 35 of the Standing Orders in respect of the relevance to the debate in the last few sentences of the Senator’s contribution in which the Senator was alluding that the academy would be of no use in our Republic. I am not too sure he could substantiate that.

Mr. President: Are you raising a point of order, or are you asking for an explanation?

Sen. Als: I am asking both.

Mr. President: You cannot ask for both.

Sen. Als: Sorry Sir, I wanted to raise a point of order.

Mr. President: On what grounds?

Sen. Als: In respect of the contribution made by the Senator, and in terms of quantifying his understanding of what would take place with the academy. I think

he was completely out of context in that regard. In respect of the Motion which has been brought by the Minister for the resources of the Trinidad and Tobago Cricket Board of Control. I do not think any one of us here could conclude, in the way that the Senator was concluding, that the proposal for establishing an academy could be inconsistent with the sporting development of the country. I think he was completely irrelevant on that.

Mr. President: I do not think it is a point of order. I believe you are looking for an explanation as to why he has come to that conclusion.

Sen. Als: Mr. President, therefore, I am asking for a clarification.

Mr. President: We will treat it as a point of clarification. If the Senator so desires to respond, he may.

Sen. M. Daly: Mr. President, I dare say that the pictures do not reach Toco. The pictures to which I refer, that is, because the Government has not provided them with proper transmission, and not for any other reason. I am not being pejorative about Toco, I am being pejorative about the signal providers.

When last, outside of a one-day game, has anyone seen the oval even half full of paying persons on the occasion of a test match? I know we had the last Matting test in 1954, and I was there with my little pan of sandwiches in the Bachelor's Stand on a long wooden bench. The place was full. When Walcott broke a wooden chair there was excitement not only in the oval, but also from all the people who were outside to see if they could get in. People used to be waiting until 1.00, 2.00, and 3.00 o'clock.

Sen. Als: Mr. President, I would like the Senator to be specific. He raised a question on the issue of the academy not being relevant to the sporting activities of Trinidad and Tobago, and he has gone into the oval and sandwiches and so on. That is no explanation and there is no clarity.

Sen. M. Daly: That is another example of the desire for instant gratification. Between the times, which I described, and which I remember well as a child growing up in Newtown and now, nobody has that level of interest in cricket anymore. My point is that if the older people are not interested in cricket, what force or bundle of young people are going to be interested in going to this academy? I think it is perfectly clear to everyone except the Senator, who probably understands very well that the truth offends. There is relatively little lack of interest in cricket anymore except on the occasion of one-day games which provide a different sort of entertainment.

Cricket Board of Control (Amdt.) Bill
[SEN. DALY]

Tuesday, July 17, 2001

I am saying the academy would be of little use because it will have very few consumers. The children were turned off cricket a long time ago. While we were letting cricket accomplishment go down the drain they were looking elsewhere for heroes and entertainment. [*Interruption*] I knew this would cause a lot of difficulty and that is my point. During the time we have sat back and done nothing; produced no academy, done nothing to support the game in a sensible way, just thrown good money after bad, gone for quick fix solutions, photo opportunities and motorcade, the entire game has sunk to the point where it is now a minority interest sport. If you do not want to face that, Sen. Lambert, Mr. President, through you, then remove the scales from your eyes. Go to the oval the next time there is a cricket match! I am saying give them power to borrow.

This is an occasion when I am appalled to hear that there is still talk about sport administration in terms of hustling to give them some tickets two days before they go to Dominica. That is a policy that has failed, and I know that this Government will repudiate that policy and will look to do something that is more enduring and more abiding. I would like to hear something—hence the white elephant—which would have no consumers. It would take a miracle to re-interest young people in this country in any serious numbers in a game of cricket, particularly when they reach their teenage years when they are so vulnerable to distractions from abroad. I would debate that anytime with anyone. This is just a plaster for a huge, festering, albeit very unpleasant sore. I predicted to my colleagues this will not go down well. It is the truth.

Because of the lateness of the hour, I will not list all the steelbands that have been evicted from their yards because there was no policy about providing a home for the steelband, which we said we value. I will not produce the statistics for cricket attendances from the 1950s to now which are a constant declining graph. We have not had a successful—in the sense of a commercially successful—sporting or cultural product, which we have been able to sell on a sustained basis to private sponsors. It has always been a cap-in-hand dependency syndrome approach. If I am upsetting a few people I am glad because whether they disagree or not they will go home and think about it.

Now things are so bad with the steelband that they are now having to organize a sort of parallel panorama in the yards to get people to come out.

Sen. Gillette: Mr. President, through you, in terms of attendance at cricket games, is that true also all over the world as in Australia, India and England, or is it only true of the Caribbean?

Sen. M. Daly: I cannot provide the statistics but what I know is, if one looks at the television pictures relatively speaking depending on who is playing, the grounds are full. If the Minister is implying that I should concede that the problem is not limited to Trinidad, then all that does is provide international evidence that the academy is not likely to succeed. If there is a problem with cricket worldwide then why do we think it is going to be any different for us? If it is not a problem worldwide, then we have to examine why it is a problem for us.

Mr. President, I do not mind who it upsets. This has been a beef of mine for a long time, and a few quick fix solutions will not work. This is one occasion on which I can draw a clear line in the Senate and I invite this Government who met the rot to consider carefully what they are going to do differently for the promotion of sport and culture in the country. I am very clear and my recommendation is: as many facilities spread as widely as possible throughout the country. One must aim towards self-sufficiency in all these things. We cannot continue to give people money to have concerts or games that flop commercially. One cannot continue selling a product that no one wants to buy. Nowhere is sport organized like that worldwide. People invest their money in facilities in the hope that they would produce people who are successful sportsmen and entertainers who can then earn money for themselves and their organization. The money is spent on the ground. I do not want to get into the giving of houses. Anything more controversial would be hard to find. Essentially, the support has to be given to facilities, but it has to be given to facilities that are relevant and to facilities that have consumers. It is pie in the sky to think that the day you open this cricket academy youngsters are going to be flocking in there to learn the game of cricket. Even if they come, before they reach their teenage years the drop-out rate would be phenomenal. So, you would be training people to do something that they then do not exercise.

Sen. Augustus: I just thought I should ask one or two questions. Mr. President, through you, I am not too sure the Senator is aware of how popular the game of cricket is still among people in south and central Trinidad. I am hearing consumers. Is it that the Senator is saying that a sporting academy is only for commercial benefits or for the development of youth or helping us to quell the indiscipline in the country, which the Senator has raised so many times in other debates? I will not want to go into the other areas of culture. I will leave that for another debate but I would like to get answers to those questions.

Sen. M. Daly: Mr. President, through you, my answer is crystal clear. We must provide funds for development, but it must be for relevant development and,

ultimately, I am saying the seed money you put on the ground must have as its objective commercial success thereafter. One does not have to agree with me. What I am saying is perfectly clear and perfectly consistent. The greatest number of facilities possible for the greatest number of people to be able to develop their talents to then go on to the international stage and succeed and then become important objects of support if necessary, in their twilight years. I do not think I can have said it any clearer. I am very clear about it. You put down seed money for development purposes with a commercial objective in mind and, if you have a product that is not commercially saleable then we would spend all our time just throwing money into a bottomless pit. That is my point, plain and simple. Since I have had the benefit of questions to sharpen me even better on this point, I thank you, Mr. President.

Sen. Rev. Daniel Teelucksingh: Mr. President, as Sen. Daly, I agree with him, not often we have this opportunity to examine aspects of sport in Trinidad and Tobago in the Senate. I cannot remember that there was ever a Bill within the last four or five years discussing any aspect of sports.

First of all, I wish to commend the hon. Minister for his efforts to develop sports both for the benefit of the talented sports persons there are and for the sporting public.

My first observation on the Bill, I know someone spoke about the word “board”. Possibly, the time has come for us to delete from the name of that board the words, “of control.” What does this mean? I really do not understand what you are going to control. I would like to suggest possibly a deletion from that. Let it be the Trinidad and Tobago Cricket Board. We do not have a West Indies Cricket Board of Control. We have a West Indies Cricket Board.

5.50 p.m.

I feel that the function of the cricket board is not to control, but to coordinate and facilitate. I do not know if this has to go back to the board or if some recommendation can be made. I most respectfully suggest that the organization be simply called the Trinidad and Tobago Cricket Board.

My first reaction to the reading of this briefly-worded Bill is to think that for so many of us—and you have to forgive us, Mr. President—this Bill is a small window through which we have no choice but to see West Indies cricket. We cannot get away from it. If we are irrelevant, then you will have to forgive us because there are many people in Trinidad and Tobago who know more about

West Indies cricket, the West Indies cricket team, their fortunes and misfortunes, than they know about zonal or league cricket down here. You cannot separate them, Mr. Speaker.

This Bill is merely an introduction to look at the state of West Indies cricket. The state of the West Indies cricket team is more important for us in Trinidad and Tobago than what is happening at league level. In fact, some people do not even know that there is league cricket right in their own communities. They have no interest in that at all, but will sit down at 3.00 o'clock in the morning to look at television, at cricket that comes from another place, far away.

Sen. Daly is quite correct, I do not think we can ever get over the humiliation of the once mighty West Indies cricket team. We have been really humiliated, beaten inside-out by some of those teams we had on the run for several years and we wonder what is happening. He is quite correct about the sell-out crowds. We know about sell-out crowds. I have been there 4.00 o'clock in the morning lining up at the Queen's Park Oval. Some people stayed overnight to get a place on "grounds". Not again! We will not have those sell-out crowds. At least we have not been having them.

Mr. President, the last bastion of West Indian cohesion is the cricket team. After the failure of federalism and lack-lustre efforts of Caricom at regional integration, the only hope we had about thinking of ourselves as a region was our team. It hurts the entire West Indies, not Trinidad and Tobago only. Therefore, I do not think that the concerns of the Bill about finding money will not lift the standards of West Indian cricket. Not at all! A million dollars, many millions; not at all! Whether they come from West Indian Tobacco Company Limited, Carib Brewery, the Ministry of Community Empowerment, Sports and Consumer Affairs or the Treasury. Now we have to go further. Money may not be the problem. Look at how many millions have been poured into West Indian cricket by Cable and Wireless and all the others—the local and international sponsors. We have had a lot.

This Bill is very significant in the sense that territorial cricket is the feeder for regional cricket. That is important. We need to understand the nature of cricket in Antigua now. Antigua and Barbados—it is not only a Trinidad and Tobago problem. It is a West Indian problem that the quality of the feeder group, that is, territorial and island cricket, somehow has fallen. Therefore, the regional team is suffering because something is wrong at the lower level. We need to examine that.

The question then—I know that the Government, the Minister and all those in the Ministry of Community Empowerment, Sports and Consumer Affairs are

struggling with this. What do we do to revitalize territorial cricket? If domestic cricket is weak, then we will always be beaten. We are winning one or two matches in Zimbabwe. This is another thing about us as far as sports is concerned, Mr. President. We can beat the weakest team in the world and feel that we are once more on top. I cannot understand that mentality at all. We do not have to do that. We need to be realistic. When the giants were here, we were humbled. That is the place we need to really measure the ability we have and where we really are on the world scene when it comes to cricket.

Sen. Daly raised a point and I think that it is extremely important that we look into this. Why is it, at the domestic level, something like cricket is considered a dead end sport? I would like to ask that. The Minister, through you Mr. President, knows that we identify our best talents at primary and secondary school level and once these boys pass their A'levels, you forget that. They are not going to take up cricket, not even athletics. They drop out of sport after A'level or in the A'level class. We know that they are excellent people. They have the potential. At age 18 we lose them. I think one of reasons is that these sportsmen and women, talented people, gifted people, somehow or other realize that it is too risky in Trinidad and Tobago to go further and that the better thing to do is to forget the bat, ball, basketball and hockey stick and get to a university and concentrate on a degree and look for a job.

That is the reason we are losing them. I believe that Government, if we are really serious about holding them—we have already identified them at Form IV right up to A'levels. We have identified the gifted persons. There is one in a primary school. That fellow is ambidextrous. I have just been reading about him. He is an 11-plus student and he is bowling well, making all the runs you can imagine. I remember one time going to a cricket game just because a fellow made two hundred and sixty-something runs. I told myself I want to see him bat. This is the star attraction that will pull us. We will want to go there.

We are losing them and I think that the Government needs to provide some kind of incentive. We need to look at our talented people and give them some kind of opportunities. I am not talking about houses and so forth, not at all. I am not talking about medals; not a bit of it! We need to develop policies possibly to encourage persons to continue investing and developing their talents in sports with assurances that they will not be on the breadline. Have we told any one of them: "You have a gift, go and develop it? We have 20 jobs for physical education teachers and you will get one." Do we have that kind of assurances to tell them that we need 40 coaches in Trinidad and Tobago and if they spend their time beyond A' levels,

if even they have to continue developing themselves in that particular sport and getting a degree at the College of Sciences, Technology and Applied Arts of Trinidad and Tobago (COSTAATT) or UWI, we have a job for them as a coach or as a trainer; that we have a budget where they can be physical education teachers at a Junior Secondary School or in any community programme? Certainly, if we can give these assurances to our talented and gifted people, they will be encouraged to stay on in it. We need to identify our talent. We need to encourage and give to them that kind of security. Security in sport is very important or we will lose that talent and we will always be searching for talent.

So far, sport is dead-end business for the young people and they are not going to be scrunting after that. Do not worry with that! They come to your school to kick football because they have a chance to do A'levels and we spoil most of them—some principals do that. I am talking about some of those gifted people. We lose them both sides. They fail the A'levels and, in any case, they drop out after that.

Mr. President, I want to change a little, but this is very important. I have not heard a word—maybe I have been out of touch—not a word when Ridley Jacob was recently suspended; not a single word when Dennis Lindsay, the referee, suspended Ridley Jacob for allegedly cheating behind the wicket. [*Words Expunged*] Our Ridley Jacob made a mistake. Fine! I think he should be dealt with. I may be wrong, tell me, but I believe the playing field is not level. That playing field is not level at all. [*Words Expunged*]

Our Ridley Jacob should be punished. I have no problem with that. We are not condoning his wrong, but I believe as far as the rules go there must be a level playing field or we are in serious trouble. I mean we are down and out but we are not so bad. I am seeing different strokes for different folks.

Mr. President, I want to add this. C.L.R. James' classic work, *Beyond the Boundary*, we cannot miss. C.L.R. James wove into *Beyond the Boundary* matters of cricket, our culture and politics. How could we separate West Indian cricket or domestic cricket from politics? Sen. Daly warned about that. It is very difficult to separate the giving of rewards and awards and getting involved in the motorcade. You cannot separate it and C.L.R. James recognized this. They go together in colonial days and even now.

All the allegations of match fixing—not only in 1993 with the bookmaker, Gupta in India—but so very often there are stories about cheating behind the stumps and match fixing. C.L.R. James, if he were here, would say a lot about that

and have it interwoven with our culture, politics and the whole social structure and behaviour in our own times.

I wonder if, at the end of day, we need to look beyond the boundary of the cricket field also—at the political, economic and social field in Trinidad and Tobago that is troubled with allegations of match fixing: allegations and counter allegations just as in the cricket world. They talk about match fixing, there is contract fixing, dishonesty behind the stumps, dishonesty in economic matters, political and social matters. Cheating behind the stumps gives way to cheating in boardrooms. It is not only captains like Hansie Cronie and Mohammad Azharuddin, but cheating Chief Executive Officers. You cannot get away from it. Something has to be wrong with us. Where do we draw the line? We need to look into that.

Mr. President, I want to close with this as a suggestion to the Government. I have noticed that the International Cricket Council has a chief corruption investigator. If the International Cricket Council has a chief corruption investigator, I think that in Trinidad and Tobago these days, where corruption charges are flying like bouncers, where there is chaos on the economic and political turf, then Government will do well to appoint such an investigator or possibly establish a corruption investigation unit in Trinidad and Tobago. We need that.

I thank you very much.

6.05 p.m.

Mr. President: I want to offer one comment. I am not too sure that a statement made by the Senator is correct and since we are on the Internet, I do not know what would be published in the local newspapers. You have called names and said, specifically, they have cheated. You called a wrong name; I know that because Dennis Lillee was not a wicketkeeper. Even though you may have corrected the name, I do not know whether you have evidence that the gentleman has cheated. It is a very serious accusation to make against an international sportsman. Unless that evidence is forthcoming, I would like to instruct those responsible, reporters and staff to delete from the records that comment.

Sen. Rev. Teelucksingh: Mr. President, for my own edification, was it about the Australian wicketkeeper?

Mr. President: Yes.

Sen. Rev. Teelucksingh: Thank you.

Mr. President: I am saying I do not know whether there is evidence that he, in fact, was declared a cheat. I do not think we can afford to have statements made by parliamentarians here, of international sports people declaring that they are cheats, when there has been no evidence adduced to support what you have said. On those grounds, I am instructing that that comment be deleted from the record.

Sen. Prof. Kenneth Ramchand: Thank you very much, Mr. President, I would like to see this Bill as part of a policy to be developed towards sports and culture as a whole. The aim of such a policy—the fundamental aim of such a policy, would be the cultivation of excellence, the creation of a society at peace with itself, and a society that has knowledge of itself and confidence in its art, culture and politics.

For a very long time, Mr. President, and here I want to agree and disagree with my colleague, Sen. Daly. For a very long time cricket has been associated with these aims and with these goals. Cricket has been all of these things to our society. Later on I would want to ask whether cricket or any sport now has that standing or is capable of having that standing. Being an old-fashioned cricket “bod”, I would also suggest that maybe cricket can be revived. If there is to be an academy and if we are to spend money on cricket, we would probably need to do our homework and find out what kind of interest there is. Is there something for us to work on? Can we agree, yes there is, and this is how we would set about it?

In principle, I am in favour of an attempt to revive cricket but I am not sure that the academy is the only, or the right way, or the way that needs to be embarked upon right now.

I want to spend a little time on this game. *[Interruption]* Yes, I can show my strokes in one or two minutes you know. All. *[Laughter]* Mr. President, cricket is so much a part of our way of life and our sensibility still, that there are images from cricket that we keep using. People would say: I am batting on a sticky wicket, or I am not going to leave “mih” crease and so on.

Recently at the wedding where, unfortunately, they asked me to make a speech, I addressed the young couple as if they were two opening batsmen about to go in there to take on some pretty torrid bowling. Some bowling which, after the torrid thing has passed, you get all kinds of spin or “googlies” coming up, the importance to build the partnership, to develop rapport, to be careful about how they run between the wickets, who should take strike and save the other one from having to take strike et cetera. I do not know, maybe God inspired me or what, but I went on for about 15 minutes seeing an opening partnership; and developing

a partnership as the couple living a life together. When I finished they said: “Boy, you can’t keep cricket out of anything eh”. [Laughter] And it is true. We can hardly keep cricket out of anything.

Nearly fifty years ago one of the most brilliant books to come out of the West Indies, a book every West Indian schoolchild should read called, *Beyond A Boundary* was written by our premier intellectual, Mr. C.L.R. James. A motif running through that book, Mr. President, a question that James returns to again and again and again, and one that he answers in chapter after chapter after chapter, that motif is: what do they know of cricket, who only cricket know, that cricket goes beyond cricket.

In that book we see cricket as art, cricket as self-expression. We see the relationship between cricket and the evolution of society. We see the black person in the society becoming recognized as a person through his participation in cricket. We see the emergence of professionalism. We see the connection between cricket and the economics—the whole Kerry Packer affair. James was writing about the emergence of the West Indian cricketers: a man who earns his living with his bat. The Mighty Sparrow sang about it. The crisis had come where the West Indian professional cricketer had come of age and he found that there were people who did not want to give him a wage for his money and Kerry Packer was giving him a wage so he took his wage.

Mr. President, that book is a social history of Trinidad. That book, in its description of cricket, speaks to us about how we can take a colonial influence and appropriate it. In the same way that we took the language of the Englishman and created a West Indian language, we have taken this sport of the Englishman and we play a distinctive West Indian brand of cricket.

Another very important section of that book, Mr. President, has to do with the integration of the races in the Caribbean. Relating to the book, James wrote an essay about Rohan Kanhai, an Indian from Guyana which is called “Kanhai a Study in Confidence”. He was showing that Rohan Kanhai, a descendant of Indians who grew up in Guyana playing cricket was the consummate West Indian, a person in whom all the cultures and all the ethnicities as it were, spiritual legacies had met. That Rohan Kanhai was a West Indian and it was through cricket that Kanhai registered his emergence as a West Indian. Mr. President, I think there can be no doubt about the importance of cricket in our history and in our society.

In the late forties and fifties people used to refer to these cricketers as calypso cricketers, the happy-go-lucky cricketers.

Mr. President: Hon. Senators, we have a procedural motion.

PROCEDURAL MOTION

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the conclusion of the Bill entitled an Act to validate the Motor Vehicles and Road Traffic (Amdt.) Regulations, 1999.

Question put and agreed to.

**TRINIDAD AND TOBAGO CRICKET BOARD OF CONTROL (INCN.)
(AMDT.) BILL**

Mr. President: The Senator may continue.

Sen. Prof. K. Ramchand: Thank you, Mr. President. As I was saying, in the late forties and fifties our cricketers had the stereotyped appellation, calypso cricketers, happy-go-lucky cricketers. They used to go out there and pelt bat and “vup”, and get out and everybody would say, “Ah boy, these boys enjoy their cricket but they always losing.” Over the next 20—25 years we saw this team, who the world saw as a bunch of brainless blacks, turning themselves into an international force, which brought respect to their country.

During that process we turned up heroes, people that the community could look up too, especially in the face of the kinds of politicians we had, politicians who people could not look up to and respect. We looked at these sportsmen, they went on the field, they got five for nine and nobody could say that a committee decided that they were getting five for nine. Nobody could pay them \$40,000 a month for doing nothing. What they did, was seen out there, there was transparency—the favourite word—and the community could honour and respect its cricketers because what they were doing had transparency. It is a lesson that I wish could have been extended to other areas of our life.

These heroes emerged and everybody knows about them, the three Ws, Viv Richards, Holding, Roberts, Marshall, Hall, Ambrose, Walsh, et cetera. Mr. President, I think, again, cricket played an important part in setting up models for our children, not to be great cricketers but to achieve. Those cricketers applied themselves to their work and they produced. Young people, whether they were doing Maths or History or whatever, looked up to them

In passing, Mr. President, I wish to correct my senatorial colleague on the case of Ridley Jacobs. I do wish it to be recorded in this Parliament, certainly, as my opinion, that Ridley Jacobs did not cheat. The ball was in one hand and he

stumped the player with the other and in the excitement he appealed like everybody else—[*Interruption*] He did not appeal—there was an appeal, the umpire gave the batsman out and the batsman went out. People fielding in the slips or at fine leg could have told the batsman: come back you are not out. It was not Ridley Jacob's duty or responsibility and perhaps he did not even think about it, to call back the batsman.

There are more instances of cheating behind the wicket where a batsman edges a ball or tips the ball. The camera does not even pick it up but the wicketkeeper knows. Later on the camera may show that it was a catch. Only the wicketkeeper and the camera knows it was the catch and some famous cricketing thieves never call a batsman back on occasions like that. There are a lot of other instances where wicketkeepers especially—

6.20 p.m.

Sen. Rev. Teelucksingh: Thank you, Senator, for giving way. I know the story very well. It is not a question of correction here. I just wanted to say that I know the story. I was really getting at the match referee. I was not blaming him. He was not a cheat. I know the story. Thank you, Sir.

Sen. Prof. K. Ramchand: Thank you very much, because that is what I think, that it is the match referee who probably had something against our boy. Yes, Mr. President, so I can sympathize with any attempt to do something to revive cricket and I am partly sympathetic to the notion of an academy, but we do have to ask in the year 2001: can cricket carry that burden?

There have been so many changes in the way the game is played. When James argued about the greatness of Worrell as a captain, he was talking also about Worrell's acceptance of certain codes of behaviour, about Worrell's manners. Worrell had manners, very good manners, and the public school principal, Mr. Arnold, would have regarded Worrell as suitable to be a head boy in the public school. That is what James said. So the game and the way the game is played has changed a lot and our application to the game and our commitment to the game has also changed. Our attitude to time has changed. As Sen. Dr. Moonilal said, I did not have time to build an inning in the match against the Senators, I just flashed my bat. So it is a different attitude to time. It is a different attitude to leisure.

I can remember, Mr. President, there used to be a time when I had to be at the oval to see them take the red ball out of the cellophane and I used to go every day. I do not know what my students used to do but I used to go every day, but

gradually because, you know, people are busy in the world and the world is changing, I cannot take five days of cricket. So even the audience for cricket, with all the goodwill in the world, cannot do it. So lots of things have changed and even more important, Mr. President, is that while this has been happening to cricket, other sports have become important, other sports have become recognized.

We have a long tradition of sprint going back to McDonald Bailey, Michael Agostini, Ato Boldon and now young Brown—[*Interruption*] Mottley? I was talking about the sprints. We have this glorious tradition. Our soccer is very good. It is true that they are in the primitive stage of being, what, “the Strike Squad” and the “Soca Warriors” and the “Reggae Boys”, but that will pass. We will become more mature, take ourselves more seriously and not have to give ourselves these kinds of names. Our netball was very good. A lot of basketball is being played. Our swimming—in many sports, Mr. President, young Trinidadians are showing ability and excellence and they need encouragement. So I am agreeing with Sen. Daly that we really have to look at this thing in the context of the much greater need to develop a policy that would give encouragement to the development of sports and culture throughout the island.

Mr. President, that is the gist of what I have to say. I had planned to inflict more upon you but I think, in the interest of time, I would just like to summarize that there is no opposition or hostility to the plan for an academy. There certainly is, on my part, no reluctance to see a programme to develop cricket and revive it or to make sport and culture mean to this society what cricket used to mean 50 years ago. It is in that spirit that I make my contribution and congratulate the Minister on his efforts, which we can see every day, to carry out this wider policy for Trinidad and Tobago.

Sen. Rennie Dumas: Mr. President, despite the threat to inflict more hours on us and my eagerness to go home, I thought it should not be allowed to pass that we have the rare opportunity to look at what is happening in sport through the opportunity given to look at cricket. I would just like to suggest that the Bill places squarely the responsibility for sports on administration. It says the authority will be to find this money and so on through the authority to borrow. If we really thought it was borrowing maybe there would be no debate, but the question that arises clearly is: what is the capacity to first find the money, because is it really borrowing or is it borrowing that is facilitated by the State or facilitated by the institutions as was suggested earlier?

The questions that arose about the capacity to market cricket and the capacity of the present administration of the board to market cricket and to provide for its development in a way which we could be confident would make a positive contribution—then we would be comfortable saying, give them the authority and let us go home. Unfortunately there are some problems that we have to face if we take that route and we have to recognize. I know the interest of the Minister. I have a friend who likes to boast that he was once an opening batsman partner with the Minister, and as an opening batsman the Minister would know what real speed is coming from real men who start the ball in any cricket game. There is a question of power and the use of it, there is a question of speed and the use of it and clearly the need for appropriate timing in facing such things. I would want to just raise a simple little matter.

When we give this power to borrow, we are in fact giving to an authority the power to manage people's lives. We are giving them dominance over people, particularly over young people. In this case, we are giving them dominance over the whole country and every young person in the country, because we are not just talking about the boys of a certain age, we are talking about the possibility of personal enrichment. We are talking about the possibility of empire building. I just want to take a few minutes to caution about giving that power and that capacity and the question of how we seek to ask them to account for it.

One or two Senators raised the issue of when we give this power, what is the control; what is the accounting and what has been the recent experience. I do not know what are the methods used by the Minister, Mr. President, but certainly I also heard no admonishments or no call for the exercise of responsibility in recent times when we had national officers of national organizations castigating—damaging, in my view—young sportsmen; the young men who were placed in their hands quite a number of years ago; sportsmen who grew up in their hands. The responsibility for their development was placed in the hands of those administrators.

I look in the country and I would like to suggest to you that I am chairman of the community sports club, which deals with both cricket and football, and I see no recognition of the role of small communities, of the responsibilities and cares of small communities that partake in the development of sports coming out of any of the national solutions. I think I could say with all honesty that what seems to be the issue with the national organizations, and I make no exception, is their own authority, their own power and the capacity to control and manage young people, what they derive from it. Therefore, I want to caution that in giving the power the

exercise of the care that you hold as Minister, that happens with the national organizations when they come every year, should be placed in some kind of a context for care, for responsibility and for development.

I would like to raise one other issue. I do not see the building going up in Balmain. It has no relevance for me but it holds a memory for me which goes like this. At age 14, you come to national trials and you come to a national institution in a strange place, strange part of the country, and you perform before strangers. You have never seen them before, you never see them after but they determine what happens with you in the sport. Oftentimes, the big facility has nothing to do with the area of the country from which you are, nor the ability to participate in the use of the best facilities as can be provided for some members of the various sporting fraternities. I want to suggest to you that the academy could be a great idea but no one academy, no one set of facilities, provided in any one part of the country can satisfy the responsibilities that you have. *[Interruption]* You can say that sneeringly or you can say that with meaning, but I will suggest to you that you cannot ignore any part or any set of our youth.

Mr. President, I want to come again to the argument that says: how do we market the development of the cricket to the players and to the audiences we hope to attract so as to develop and have that sustainability of the development of the sport? If we take it as a game—you can take the cricket as a game—or if you take your responsibility as a game, it will make no difference handing this authority and this power to the cricket board. Thank you, Mr. President.

The Minister of Community Empowerment, Sport and Consumer Affairs (Hon Manohar Ramsaran): Mr. President, I want to thank all those who participated in this debate. The emotional outpourings attested that there is hope for sports. We all love sport, especially cricket. Thank you very much.

Mr. President, I want to just put one thing on the table and very early, and this is that I am piloting this Bill not on behalf of the Ministry of Sport but the Trinidad and Tobago Cricket Board of Control. It is an NGO. I mentioned nothing about a loan. This was mentioned by Sen. Joan Yuille-Williams. I just came here to give support for the cricket board so that they could go on with their programme. I deal with 33 national sporting organizations and I have to deal with them as equally as possible, and I must deal with each sport as it comes.

So I want to just put on the record for Sen. Joan Yuille-Williams to understand—and I have written all the sporting bodies, netball, et al, to write the Ministry of Sport by February or March of each year outlining where they are

going, how much money they need, then I will ask the Minister of Finance, through our budget requests, to put this money there. What has happened over time, and this is a problem I have up to today, is that some of these bodies are so divided that they will write me as individuals and say, "I want \$15,000 to go to Tokyo." How could I deal with that? When I refer them to the sporting bodies they write me back and say, "Well the sporting body is in shambles and I cannot do anything." I want to signal to this honourable Senate that this Minister of Sport is not going to react to anybody like that. We have to do it and we have to do it properly. [*Desk thumping*]

When the netballers—I wish them well. As a matter of fact, I said when I opened the Mannie Ramcharam Stadium on Sunday that we must return to the glory days and I want to tell you something, Mr. President. When I went to the netball opening in 1997—I was invited by Lystra Lewis—I was shocked that people who talk so much and give so much of—you know in sports, especially when we do well, motorcades et al, when Lystra Lewis introduced me she said I was the first Minister of Sport to attend a netball opening in Trinidad and Tobago. [*Desk thumping*] We have had the captain of the Trinidad and Tobago netball team as Minister of Sport and, I mean, this was amazing and I was shocked. When I went to other functions across the land I was most often told that.

I went to Tobago to open a netball tournament there and the same thing was said, that it was the first time a minister came there to open their netball season. I have been working with sports because I see sports as the best vehicle to get our people out of where we are. So we must do this, we must understand that we have a lot of work to do. You know, when Sen. Joan Yuille-Williams talked about Caricom and UWI initiative and the Caricom sports ministers meeting, I want to let this Senate know, and you could ring Caricom in the morning, it was because of my initiative that we have had this Caricom sports ministers meeting, Mr. President. [*Desk thumping*]

I wrote Caricom, I told them of the state of West Indies cricket and cricket should be put on the agenda of Caricom and we have met and this will be part of the summit come October of our recently concluded sports ministers meeting to be debated at the heads, and for the first time sports and cricket will be debated at this level and this is because of what is happening here. [*Desk thumping*] When the Caricom/UWI seminars took place, Trinidad and Tobago was the first country to complete its consultations. We adhered to everything that was said to us and I appointed a committee, of course through Cabinet, that included people like Ian Bishop, Suruj Ragoonath, Dr. Iva Glouden and Mr. Neville Chance, amongst

others, to go throughout Trinidad and Tobago to talk to people and would you believe, not a single soul from the People's National Movement attended any one of those consultations to show that they did care about cricket or sports in this country. Let me tell you something—[*Interruption*]

Sen. Dumas: A point of correction clearly required. Tobago, Rennie Dumas was there. Further, Rennie Dumas wrote the strategic plan for Tobago cricket development. [*Interruption*] Still is.

Hon. M. Ramsaran: I did not at that time recognize him as a PNM person I suppose. [*Laughter*] I was referring to the people I know, I was looking for people I know who took part in sports. I was thinking about the shadow minister of sports. I was talking about people who would talk to me and come here and criticize. I want to apologize to you. I know Tobago's consultation was one of the best we have had, and I want to, if you were there—[*Desk thumping*] Now I remember you. I think it was one of the better ones we went to and it was well attended and it was well thought about.

6.40 p.m.

What I am saying though, the point is, Mr. President, that these consultations were held under my watch and we went through the nook and cranny of Trinidad and Tobago and we were the first Caribbean country to submit to Caricom what we found in Trinidad and Tobago. [*Desk thumping*]

Then we talk about why we did not give them the money. Let me tell you something and I know from where the Senator got her information, I was told. The person called me and said he is counting on support from the Senator because he spoke to her and gave her some information, but of course, he misled her. [*Laughter*]

As far as what I have here, and I want to give the cost of this facility. This is from the Trinidad and Tobago Cricket Board of Control. Funding, Ministry of Sports Development Fund. This Ministry has contributed \$1 million as a grant towards the development centre. The Sports Fund Loan and I want to read just what it says. The amendment of our Act of Incorporation to allow us to borrow is before the Senate and the process should be completed by the end of July 2001. That is another million. So we have already reached \$2 million. The Senator says \$2.4 million. I did some mathematics and maybe I will tell you the cost later on. This is where the corruption thing would start you know, something costs \$2.4 million then it reaches \$5.26 and they say somebody thief something, but it is wrong information.

Sport fund grant again from the Sport and Culture Fund, \$350,000 so the Government has already donated or given \$1.35 million to this project. Then they took another loan from the West Indies Cricket Board of Control of \$2 million, we drew down about \$500,000 against expenses for the administration centre and out field preparation. We received a further \$1 million from which we reserved \$250,000 fixed deposit and the balance is being used for ongoing payments. Final payment which was due by June 30, 2001 will be delayed because of the cash flow problems at the WICB.

Angostura, the next payment of \$100,000 is due in September and will be used to pay for indoor nets.

Shortfall—the shortfall so far is \$810,000 and this has added up to \$5.26 million which was the cost of the facility at Balmain. So to correct the Senator, it is not \$2.4 million, if it were \$2.4 million, the Government already would have given \$2.35 million to this project including the loan of \$1million about which I would talk later.

So this is support that we are giving to the facility and I want to correct what has been said, and I want to tell you that the Cricket Board is a unique organization in sports in this country. They are not one of the “gimme, gimme” syndrome. As a matter of fact, we only give them a grant towards team preparation per year and we assist them with one or two projects especially since I came into office to encourage an Under-23 competition, to encourage coaching in various areas and so on. They always try to be very independent.

As a matter of fact, when they came to me for this loan, I said: “Well why not approach the Government like other sporting bodies and see if you could get involved with our Public Sector Investment Programme (PSIP)? They resisted it for almost two years and when they could not do much better, then they came to my Ministry and we initiated talks and that is how they got their \$1 million in the year 2000—2001. So they are not the cap-in-hand type of organization to come and ask for money, they always try to be independent. Because of the cash flow in cricket—and you are quite right, I want to agree with you that something went wrong with cricket and I am not one to turn and die, I want to make sure that cricket lives on, that is why we are here today. [*Desk thumping*] I want to correct these mistakes.

The Senator mentioned heroes and I want to tell you something, Mr. President, before I came into office, heroes in this country came and went. It is since I came into office—and if it is boasting, I want to boast—I was the Minister

on my own initiative who recommended to Cabinet that we deal with our heroes especially in Trinidad and Tobago and we appointed a “Heroes Committee” that went throughout Trinidad and Tobago to get views from the public as to how to deal with our heroes.

I want to say now that we are dealing with our special achievers. We hear a lot about what is happening, but we are very careful to deal with these people. It is only a few we have. We have not recognized everybody who says he is an achiever as you may read in today’s *Trinidad Guardian*. We deal with achievers like Sonny Ramadin, Lord Shorty, Sundar Popo, Beryl Mc Burnie, Bobby Mohammed, these people who contributed to the development of our country in sports, culture and other areas and when they fall on hard times, we assist them.

Let us take the old cricketers about whom you know, Sen. Daly. When they played for Trinidad and Tobago and the West Indies, it was for free, and to me, a good cricketer—and I know, I was a fairly good cricketer—and when you want to be better than I was, you have to give up everything. Let us take Rangee Nanan for example, who is a personal friend of mine. When he started to play for Trinidad and Tobago and the West Indies, he had to resign from the police service because every time he went to work late, they would not pay him and they would put pressure on him. It was either he resigned from playing cricket, or the police service and he chose to resign from the police service.

What do we do with a person like Rangee now when he is finished playing cricket, does not have an income and wants to continue with his family life? Turn our backs on him? We cannot do that and this is why in your day, the day about which you mentioned, these cricketers were penniless and they must be rewarded. When I came into office, I could not allow that to go unrewarded, and I put the Special Achiever’s Fund in place to deal with these things. [*Desk thumping*]

Sen. Yuille-Williams: Thank you, I know the Minister did not want to give way, but I do not think that he understood exactly what I was saying and I need to clarify it, but before I do, let me say that I think he had one mistake about talking about the only Minister who ever attended a netball game.

Hon. M. Ramsaran: I was told—

Sen. Yuille-Williams: Yes, and I think it was just because Jean Pierre was a netballer herself and the Minister of Sports that you did not recognize her in that capacity and I was always there with her, but I think that is why he did not remember Jean Pierre. He is seeing her mainly as a netballer and not as the Minister of Sports for the area, and I want to clarify in terms of the development

centre and what I said about the West Indies conferences. I had only used that, whatever it was, to support an argument about the need for the development of the centre. I said nothing untoward against anything that you might have done, I am just using that as the centre, as part of what came out of this as well, and I am only using this as an example and I have used the fate of the netballers.

In fact, as far as I am concerned, if we had some of that development centre where we are doing the technical, physical, the mental and all kinds of training, some of the things that have happened might not have happened. All that I have been doing was to strengthen an argument for this centre and say that Government takes it as its responsibility and assists the cricket board.

Hon. M. Ramsaran: Thank you very much. I agree with that submission and I want to let the Senator know that I will depend on all resources to put sports back where we want it.

We heard the criticisms, the suggestions, and I want to agree, but there is a fundamental difference between the 1950s and the 2000s. We have so many distractions out there for our young people, we have to wake up and smell the coffee, we just cannot expect young people to come to cricket and football as they would have done. As a matter of fact, we had no entertainment even as the older people, other than to head to the oval and watch cricket. Today, even the spectators' time is divided but sports have a role to play in the development of this country and we must now encourage people—as was said by Sen. Dumas—to play sports in our communities.

I want to tell you the ground on which this match was played was built by my club, the club for which I had been president for the last 15—16 years and every block you see there was built with our help. We never depended on Government and I want to say this publicly that we are refurbishing the grounds and up to now I have not asked Government for one cent towards the fixing of the ground. This is a community project and it is community owned.

Now as Minister, people ask me to do this and do that, and I am trying to maybe do a little more by applying the normal way—my club will apply; I will not apply—to see if we could get little self-help projects going to build the place and this is what it is all about. I invite all Senators present here this afternoon, to let us work with our communities.

As Sen. Rev. Teelucksingh rightly said that people live and do not know what is happening in their backyards. If this continues, Mr. President, we are going to head faster downhill. We have to get up and get interested in our communities.

We have to donate some time, money, and effort in dealing with the youngsters and we must do this and do it quickly. We cannot just sit—I mean we are all in Parliament and we have to parlay from time to time, but just talking would not help us solve the problems. We have to go in there. We are leaders in our own right, we have to go—like Sen. Als—into our communities and get things going, encourage people to do things, make sure, like Sen. Dumas—now I remember him quite clearly, because I remember that presentation—we could go back into our communities and get things done and not sit and wait for somebody to recognize me and give me what I want. We have to make it happen for us.

If we could get our communities behind our sportsmen then it would build and we will have a national pride once more, but what we have now, and I have heard it said, and I want to say here today in this august Chamber that when Trinidad and Tobago was defeated by Canada in the Under-23 Tournament sometime last year, Jack Warner was sitting next to me and we were almost in tears because had we won that game, we would have been in the Under-20 finals. Canada beat us at the Hasley Crawford Stadium, two persons came to me who I know, I would not call names and they said, “Jack, I glad we lose.” I was shocked. They said if that team had won, the UNC would have looked good. I think this is totally dangerous. Once we divide our sports like this, we can only go downhill and this is one time we must unite in sports. If we do not do that, we will continue to lose and I know people are politically happy that our football team is not going to qualify for the next World Cup. I have heard it said, and in the tea room people tell me that, and this is quite sad. We live in Trinidad and Tobago, we belong to the same Parliament, we may be on different sides but Trinidad and Tobago is ours and we must unite and if we cannot unite anywhere else, we must unite in sports. [*Desk thumping*]

I sympathize with Sen. Dr. McKenzie. I want to let her know that her views are taken as usual by me and she is talking about the game being too long. I agree that something must be done and be done quickly, but I still feel that our game is the most beautiful game in the world. Cricket is life and I want to tell you something about cricket. Sen. Prof. Ramchand alluded to it in his wedding speech. [*Laughter*] Cricket is life and if you take a cricket game, it is a beautiful game. For people who did not play cricket would miss this, once a toss is taken, it is like the birth of a child and you look through from that time to the stumps that are drawn at the end of the game is like life itself. You mature, it is something so beautiful and at the end of the day or the five days, you would have lived through a life and when people like Sirulaj wrote on cricket, these are the tours that would have run through their mind. Cricket is a beautiful game and we must revive cricket in Trinidad and Tobago. We must.

I want so stay with Sen. Daly for a couple of minutes; he talked about a strategic plan. I will tell you that there is a strategic plan. I was there when the Trinidad and Tobago Cricket Board presented that plan and of course, as we know all plans in this country or anywhere else would change, and would have to be changed from time to time, but they do have a plan and being a non-governmental organization (NGO), the officers are not really paid, they are volunteers. This is another serious issue with our sports. The sports administrations do it for free, most of them, and the players get all the plums if there are any and the administration remains the same. So there would be this jealousy from time to time amongst players and administration when they feel that the players could have done more for the sports receiving their millions and so on and the administration will continue to be poor, begging here and there. So there is a natural problem there because when the players succeed, they hardly look back at the administration; but there is a strategic plan.

The Senator said our success was allowed to slip away from us, I want to agree with him, but sports, and especially cricket, we are talking about cricket now, so I will stick with cricket—but it could be said of all sports—is a roundabout thing; it will come and it will go. If you remember the glory days of cricket with Sir Frank and these people. Yes, but we did not win all games, in those days, it was win one and lose one. We never dominated cricket. When we lost Sir Frank and we came to Sir Gary Sobers, the same thing happened, we slipped, we won a few, we lost a few. Then when Clive Lloyd came on the scene, his first tournament was a 5—1 thrashing in Australia, but then we fought back and we had talented people like Sir Viv Richards and other people and we built a strong team then, but it always happens with any team sport, once you have good players, you do not look for the second-raters because you are winning and people like Phil Simmons and other good players could not come into the West Indies' team, they had to wait until their 30s to get into the team. Richard Gabriel from Trinidad and Tobago and you could go along the Caribbean. We had talented players, Winston Davis and so on who could not make the first team because of their players like Holding, Roberts, Ghana, Marshall, you name them, they were dominating the world scene for 10—15 years. So what happened? The people who were supposed to be playing almost as good—you must go back to your history and you will see the Red Stripe Competition, the Shell Shield, these stars that we have had like Sir Viv Richards, Gordon Greenidge and Desmond Haynes never dominated Red Stripe Cricket because they had other bowlers from the other islands who used to get them out early right here in the oval.

Inshan Ali and so on ran rings around Viv Richards once or twice, but they were not selected because of the strong team we had. So what would happen eventually, when these people would stop playing cricket, there would be a void and that is what we are suffering from at this time, but I want to tell you, and I want to be very optimistic now. I have seen the under-15 people play and I go to most cricket matches once I have the time, and I want to tell you that the talent I see now in Trinidad, we could dominate West Indies cricket and West Indies cricket could dominate the world cricket once more. Our under-15 stock is quite good and I will give you some examples. When we won the Cost Cutter Tournament last year at Lords, those players are now playing with the seniors, people like Aaron Ragoonath, Kishan Maharaj, they play with the senior clubs and they do quite well. Look at their records and see their scores 50s, 100s and they get wickets all the time and they are holding their own as was in the case of the 1960s when Bernard Julien and Charlie Davis used to dominate senior cricket, it is happening again and this is the signal to me that we are on the way up.

I also want to invite you to the coaching programmes we have across the country with the Bank of Nova Scotia Cricket Tournament, the KFC and we have a few companies that sponsor youth tournament. Primary school cricket is on the way up and this is an area that I always feel destroys sports in Trinidad and Tobago. This Common Entrance Exam where children would have to compete at age 11 for a place in school and those who would fall by the wayside had no place to go, and I want to repeat what I said in another place that 10,000 children per year would have to hit the streets. What happened before, and would happen now, I hope, when these children find themselves in schools, those who are not academically inclined could now play sports, take part in culture and that is why I am angry about what I am hearing about the school system that we must make it work for even those people who are not academically inclined so that we could go back to sports. I do not want to call names, but some of the better sportsmen of yesteryear were not good in school but they went to school and were given the opportunity to develop, and I hope the same thing could happen now so that our education system now, if used properly, could get our players like cricketers and footballers and so forth to take part in a serious way for the improvement of sports in this country.

I want you to understand what I am talking about. They will all be given a chance to go to school, but not all will be doctors, lawyers and senators like Sen. Prof. Ramchand, but indeed they can be cricketers, footballers and athletes of whom we could be proud if they are guided properly. I know there is much work to do, and being a Government Minister, I cannot really say what my plans are

until I discuss them with my Cabinet colleagues, but we have to go seriously into the primary school system and secondary school system to get the things happening. I think we have started in cricket and in some other sports and with our Under-17 World Cup Football coming, we hope that we could have a “footballmania” in Trinidad and Tobago so that people could get interested in sports. This is the only way we could do it. We have to be interested, we have to get the people out there, that is how we could get our sports going.

Cricket coaches were mentioned, I agree with you on that. Sen. Rev. Teelucksingh talked about a board of control, I share that with him and I would try to discuss it with the Trinidad and Tobago Cricket Board to see if we could do something about that, this is something on which I have also voiced my opinion. The Senator spoke about being beaten by teams and humiliated. As I said before, it is a cycle and I hope that the cycle returns in favour of the West Indies in the not too distant future. We must not only hope, but we must work for it and I think the academy will help. I am not putting all my faith in the academy, let me put that straight to you. That is why I am developing turf pitches across the country because I feel if you play on a good surface, you will learn to play cricket the proper way and as youngsters, once you play in the correct environment, you will become better cricketers. So we are developing turf pitches across Trinidad and Tobago and we want to create better facilities so that our youngsters could become better and better.

7.00 p.m.

The Senator said that we lose them at age 18, but we lose them before that. I think we lose them at the common entrance level, not at age 18. We lose them at age 12, when they fail the Common Entrance Examination and they roam the streets. Those we lost at age 18 are the better ones he was talking about. The cricket and football talent would have been lost at age 12. Maybe, now the school system can take these young people in and maybe we can save them.

The comment made about Ian Healy; as a cricketer who plays some sport and looks at cricket, I know that the match inspectors are a new phenomenon. They have been introduced about six years now and they have now become braver. I look at their decisions. Before they just selected the “man of the match” but now they have become very serious with discipline on the cricket field. I have seen incidents across the globe; I look at all teams play; I read the newspapers and I have noticed from time to time, matches suspension and so on, and I know that they are becoming more and more consistent.

What happened to Ridley Jacobs, I want to empathize with him because I saw it, he did not appeal and he could not go against his teammates. To me that was one of the most glaring pieces of cheating, if you want to call it that, by a wicket keeper, with the ball in one hand and stumping with the other. Long time they used to say the electricity flowing. [*Laughter*]

I agree that discipline should be across the board and we need that. I know Sen. Rennie Dumas alluded to the discipline of the players and the administrators. I want to be very firm with this. If sport, especially team sport, does not have discipline, you cannot win. You could be the best players in the world, cricketers or footballers, if you do not form yourself into a team you cannot beat anybody. I would always stand for people with discipline, once they are consistent and know what they are doing.

Sen. Prof. Ramchand spoke about reviving cricket. I cannot disagree, but I want to say that we have been doing a lot. I want to invite him, maybe Thursday morning, to go to the LRC (Learning Resource Centre) to a prize giving function with the under-13 cricketers in the country and he would see what is happening. As I mentioned earlier when I presented primary schools, under-13 and under-15, different categories: inter zone and inter clubs.

We have an under-21 national league, so we are trying to get the people back to playing cricket at the various levels because as Sen. Rev. Daniel Teelucksingh mentioned, we lose them and we do not want to lose them any more so we are encouraging more and more age group cricket.

It must be understood that we need the support of everybody and the reason I am supporting the cricket board for this loan is to let this academy finish quickly so they would not be sitting in a corner and saying that the Government did not support them, and cricket is dying and somebody is to blame. I do not want to blame people. I have my differences with the various boards; I talk to them from time to time and ask them to let us work together. The administration of sport in this country is something that should be much better.

Indeed, we have infighting in different bodies and sometimes cricket and other sport administrators—sport administrators want to hog the limelight more than the players do and this is something that we have to look at. They are there to serve the young people, as Sen. Dumas rightly said, and they must lead by example. They must get people interested in the job at hand; so I ask them when they do their jobs to do them well. I get letters from people saying that they have no confidence in the chairman or the secretary. If I were to investigate, that is all I would be doing. It would be worse than the corruption investigation.

Cricket Board of Control (Amdt.) Bill
[HON. M. RAMSARAN]

Tuesday, July 17, 2001

Mr. President, I thank all Senators for their support of this piece of legislation and I promise that I would work—because sport has been an integral part of my life. I enjoy sport at all levels; playing and watching. If I am going somewhere and there is an under-15 cricket match or football match and I look at just one over, it would be difficult for me to leave because I want to see what the young people are doing and how they are progressing.

I want to tell you, from my observation—and I hope that I am not wrong—that Trinidad and Tobago would be the leading cricket country in the Caribbean in the next three to four years and we would be the ones leading the West Indies back to the top. I do not want to call names because the names may change as we go along, but indeed, we have some really good talent in Trinidad and in Tobago. I have seen one or two youngsters in Tobago who have promise and once we can harness these young people properly, we can really make the difference in West Indies cricket.

So, we would be working very closely with the board. I spoke with Mr. Lequay today and he is free for audit at any time. I have some confidence in the cricket board because of its reluctance to go into this borrowing or even getting money from the Government. The board wanted to do it on its own, but I know that it cannot manage so we would be working hand in hand to make the academy a reality.

Mr. President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

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

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

Senate resumed.

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

7.10 p.m.

**MOTOR VEHICLES AND ROAD
TRAFFIC (AMDT.) REGULATIONS 1999 VALIDATION BILL**

Order for second reading read.

The Minister of Transport and Minister of Tourism and Tobago Affairs (Sen. The Hon. Jearlean John): Mr. President, I beg to move,

That a bill to validate the Motor Vehicles and Road Traffic (Amdt.) Regulations, 1999 be read a second time.

Mr. President, I am almost afraid to start speaking. [*Laughter*] Since we have been here, every bill that came before this honourable Senate has had only two clauses. This is also a simple Bill with two clauses.

This simple Bill, Mr. President, seeks to validate the Motor Vehicles and Road Traffic (Amdt.) Regulations made on September 9, 1999 by the President. That was approved in the House of Representatives on July 29, 1999, and by the Senate on August 10, 1999 and published as Legal Notice No. 197 of 1999. The Motor Vehicles and Road Traffic Act, Chap. 48:50, at section 100, provides for the making of regulations subject to affirmative resolution of Parliament. Members will recall that the then Minister of Works and Transport had brought to this honourable House in 1999, a motion amending, inter alia, regulation 27 of the Motor Vehicles and Road Traffic Regulations. The motion was duly passed, however, there was an error that has only recently come to light. The 1999 motion was purported to have been made by the President. However, this was not the true position under the Motor Vehicles and Road Traffic Act.

In 1997 Parliament amended the Act, at section 100, in order that the power to make regulations would reside in the minister with responsibility for transport instead of the President. The motion that was passed in 1999, unfortunately, was reflective of the previous position, that is, the President was made the enacting authority. It has, therefore, become necessary to procedurally correct this flaw by means of a validation bill in order that the vehicle inspection process be resumed with full force. This shall immediately alleviate those private garage owners and their employees who have suffered much financial difficulties as a result of the decreased rate of inspection.

More importantly, Mr. President, the inspection regime shall then be properly empowered to conduct its most important work, the preservation of life and limb and the facilitation of safer driving and safer vehicles in Trinidad and Tobago.

The Bill itself is, indeed, very simple; it has only two clauses. Clause 1 is self-explanatory and clause 2 validates Legal Notice 197 of 1999 by deeming those regulations to have had effect from the original date of approval in the Senate as if made by the minister to whom responsibility for transport has been assigned.

Mr. President, I beg to move.

Question proposed.

Sen. Joel London: Mr. President, I looked at the Order Paper today and some of the things there, as far as “Motions” are concerned in terms of the wording of the Motion, states “And Whereas” on a constant basis followed by the words “it is expedient”. There are at least three motions on the Order Paper where we see the words “And Whereas it is expedient”.

The dictionary defines expedient as appropriate, necessary, advisable and timely, suitable and appropriate during an urgent situation. The question we have to ask ourselves this evening is: Expedient for whom? While I would like to agree, I would like to believe in the statement that the hon. Attorney General constantly makes in the House in terms of the need to get it right, and, indeed, the need for all of us to work to get it right. The hon. Minister made a statement this afternoon about bad apples, good apples and so on and I believe that, to a certain extent, she is right. There may be some very good apples, but I want her to also know what goes on when you put good and bad apples together and I hope she does not stay among the bad apples for too long.

Mr. President, sometimes it becomes necessary for us to ask ourselves whether we can take the Government seriously. Sometimes it seems as though we cannot take the Government seriously. This Bill before us passed through the House of Representatives and the Senate in 1999, when Government was attempting to convince us that it was serious about pollution. The Government was attempting to convince us that they were serious about the carnage that is taking place on our nation’s roads; they were serious about the number of derelict vehicles on the road; non-road worthy vehicles. They were trying to convince us that they were serious about doing something about the traffic jam, and we have to remember that an election was around the corner.

Almost nine months after the grace period and more than a year after the error was noticed in the first place—more than a year after that piece of legislative bungling. We may come to this honourable House and say it was an oversight on our part; some people would call it legislative bungling and some might even go so far to say it was incompetence. We may want to ask ourselves if this, for example, was one of those pieces of legislation that was passed in the still of the night that we keep hearing about over and over again, that we constantly have to revisit. We spend wee hours into the morning and we happen to miss certain things. Was this one of those bills that was passed in the still of the night?

Maybe, it was just a bit of bad advice. Maybe the minister’s advisors gave him some bad advice, but we have to ask ourselves: Who is responsible? Who do we

now hold accountable for the fact that we have to constantly revisit these things? Perhaps, we have to think that the regulation was in the right place, if it is that the President was the one to have proclaimed it. If we have a situation where some ill-advised drafter sought to have the minister, or the minister himself, may be now seeking to be elevated to proclamation status in this time of golden halo-like arches. This may be just the thing that the Minister may need to climb two notches on the self-importance scale.

Be that as it may, I want to say that I have a problem with the Government's agenda in terms of what it considers to be expedient and what it considers not to be expedient. While we can sit and debate what is expedient from what is not expedient the carnage continues on the roads. While we sit and talk about what is expedient the pollution continues to rise. Even after the grace period has passed, and an additional nine months have passed, we still have a situation where there are unacceptable levels of pollution on the nation's roads. After one year and nine months the road rage and carnage continue. After an additional year and nine months there is continued racket in the foreign-used and roll-on/roll-off market. These are things that the Government is aware of. The Government is aware that there are unacceptable levels of pollution in the atmosphere because on a constant basis they see it in the Environmental Management Authority's report. The Government is aware of the traffic situation as it exists today. They are aware that there are derelict vehicles on the roads that we need to have removed. The Government is aware that there are levels of fraudulent activity in the foreign-used market. The EMA report stated that there were unacceptable levels of carbon monoxide and hydrogen sulphide in the atmosphere.

I remember the former Minister of Works and Transport, himself, talking about the level of fraudulent activities taking place in the foreign-used and roll-on/roll-off market. He said that he was working closely with the then Minister of National Security on these matters. He looked at the fact that in the market, dealers were taking out large engines and putting in smaller engines in order to register the vehicles. He looked at the fact that the registration numbers from vehicles that were written off after accidents that were supposed to be discarded were being transferred to foreign-used vehicles.

7.20 p.m.

Mr. President: Senator, a lot of latitude was permitted in the last two Bills which were relatively short. This one deals with the validation of regulations which were signed by the President but ought to have been signed by the minister. I would not permit a reopening of the debate on the Motor Vehicles and Road

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Traffic Act. I ask you to concentrate on the Bill to validate the regulations which were purportedly laid by the President.

Sen. J. London: Thank you, Mr. President. I cannot help but wonder if the Government would consider some of the problems that were encountered at the end of the grace period and those which can be encountered when inspection restarts. If they did, then, this would not be the only amendment we would be seeing today. From the little that we have seen, the inspection process can be deemed a total failure. From the very genesis of the inspection, it has been fraught with scandal and if I am allowed to say, “bobol”.

Mr. President: You are going back into the same thing. I told you, we are not debating that aspect of the Bill.

Sen. J. London: Thank you, Mr. President. I would like the hon. Minister to indicate in her response, apart from the legislation placed before us, how the ministry intends to address some of the problems that are encountered. My questions are: What is the level of enforceability as far as the law is concerned? How does the Government intend to ensure that the public at large adheres to the dictates of the Bill? What is the level of accountability on the part of garages? What are the checks and balances to ensure compliance and discourage fraudulent activity.

Thank you.

Sen. Stanley Ryan: Mr. President, I would like you to allow me a brief moment. Based on what the super minister has said, the Bill is very simple and short. It would be remiss of me if I do not join my colleagues in saying thanks to the Senators on the Independent Bench for the warm welcome extended to us in this honourable House. I would like to thank Sen. Dr. McKenzie for the courtesies she extended to me and by extension, my family, on the occasion of our swearing in. On each occasion they continue to send their love and best wishes to her. I am grateful to her for her kindness and to Sen. Prof. Kenny for his encouragement to us all.

Despite the Opposition’s absence on that given day, I believe that they do mean well. To me it is quite evident. Some of us if not all of us have the ability to exert a phenomenal and unquestionably beneficial influence on the citizens of Trinidad and Tobago. While we may not agree with each other on some very important human issues, we will all affirm that there are qualities of virtue throughout the human race that transcend politics, race, culture, language, or

inherited religious background. Therefore, we must learn to put our differences aside that our country demands.

We should have the capacity as individual human beings to rise above our times and circumstances and to change if only just a little, the direction of human time, to maintain purity in the face of great temptation. Our age with its habit of instant judgment of the fragmentary and proverbial sound bite is often impatient with detail, nuance and depth. Young people model themselves after flashy athletes and emulate entertainers of dubious characters. As the dailies exploit rumours and investigative reporting delves into people's personal lives, few women or men in leadership positions are left standing as role models. This we must all struggle against. I would like to quote from the book, *A Charge To Keep*, by George W. Bush, President of the United States of America. He calls us to our highest and best. It speaks of purpose and direction. He says,

“When you come into my office, please take a look at the beautiful painting of a horseman charging up what appears to be a steep and rough trail.”

What adds complete life to the painting is the message of Charles Wesley, that we serve one greater than ourselves. It is associated with a Bible verse, 1 Corinthians Chap. 4:2 to which Sen. Rev. Teelucksingh could allude.

Mr. President: Senator, I hate to interrupt you. I am not sure if this is the Senator's maiden contribution.

Sen. S. Ryan: Yes it is.

Mr. President: Go ahead.

Sen. S. Ryan: I have almost completed. It is required that those who have been given a trust must prove faithful. It is a lesson that will serve us well to remember.

Re the Motor Vehicles and Validation Bill, 1999, this is about validating a previous amendment made to the Motor Vehicles and Road Traffic Act which purported to affect these amendments under powers given to His Excellency, the President to make regulations. This was not so because the parent Act, the Motor Vehicles and Road Traffic Act authorized the Minister of Transport and not the President to make regulations. We are therefore in legal jargon, fulfilling a lacuna or curing a legislative deficiency which would otherwise provide fertile ground for litigation and probably defeat the entire purpose of these worthy amendments.

It is a matter of executive and administrative necessity. Apparently, it escaped the attention of Members of both Houses when the amendments were debated and

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slipped through. Thankfully, though, the error has been recognized on this side and we have now moved with expedition to rectify the situation to avoid any problems. I humbly ask that all Senators support this very simple piece of legislation, so that we can give effect and meaning to the amendments which were previously defected which are *a fait accompli*. We can move on to more serious business.

Thank you.

Mr. President: Congratulations to the Senator on his maiden contribution. I was a bit lost at the beginning.

The Minister of Transport and Minister of Tourism and Tobago Affairs (Sen. The Hon. Jearlean John): Mr. President, I wish to congratulate Sen. Stanley Ryan for his maiden contribution. Very well done. I thank Sen. Joel London for his very spirited contribution. It is just unfortunate sometimes that in the cut and thrust of the politics, we must give a little heckle. I did hear him and basically the inspection garages are providing yeoman service.

In 2000, we had 135 fatalities. Although that was not the best picture, certainly, I think it was down from 1999, when we had 181 and 1998, when we had 150 fatalities. Maybe, there is a correlation between the implementation of this regime of inspection across 70 private garages and what had happened in terms of the reduction of road fatalities. To date, it is now 81 and we are only mid year and climbing at a tremendous rate, in that four children, 56 males and 21 females have died. That is not a positive picture. He touched on how can one enforce. Where are the checks and balances?. I listened to Sen. London. I am sure when we come next week with a few simple amendments to the regulations, he would get the opportunity to speak further.

There are provisions under the Act for a host of measures when members of the public are treated unfairly at testing stations. They can appeal to the Transport Commissioner who would review their cases and make a ruling on the decisions of the private cars testing stations. In cases where there is a serious breach, then, the Transport Commissioner has the authority to decertify or terminate. Further, if one is convicted of fraudulent dealings pertaining to the operation of that testing station, one can be fined \$40,000 upon conviction. Examiners can also be similarly decertified if they are involved in fraudulent dealings.

There is a roster of officers coming out of the Transport Division who go around on an *ad hoc* basis, sometimes on a scheduled basis to check on these garages. I can assure you that I have been discussing with the Transport Division,

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the implementation of quality control. With the computerization of licensing, maybe you have heard about this many times. We are about to go through the Central Tenders Board for the computerization where there would be a linkage between the Transport Division, the insurance companies and the police. These inspection garages would also have limited access. I hope in this limited way I could more or less address his concerns.

Thank you.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

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

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

Senate resumed.

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

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Lindsay Gillette): Mr. President, before moving the adjournment, let me just give the agenda for the following two weeks.

By agreement between the Leader of the Independent Benches and the Leader of the Opposition, next Tuesday was supposed to be Private Member's day. It was agreed that the following Tuesday we would have Private Members day. Next week Tuesday we would come back to finalize, and hopefully, pass the Land Acquisition Bill. We would like to begin that at 10.30 a.m. Also by agreement, we said we would also meet next week Thursday, July 26, 2001.

At that time, we will do three Bills; a Bill to amend the Freedom of Information Act, a Bill to amend the Companies Act and a Bill to amend the Indictable Offences (Preliminary Enquiry) Act.

Mr. President, I now beg to move that the Senate do now adjourn to Tuesday July 24, at 10.30 a.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.39 p.m.