

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

IN THE FIFTH SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON OCTOBER 17, 2002

SESSION 2006—2007

VOLUME 19

SENATE

Tuesday, July 03, 2007

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. Martin Joseph and Sen. The Hon. Arnold Piggott who are both out of the country.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D., President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. OVERAND PADMORE

WHEREAS Senator Martin Joseph is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, OVERAND PADMORE, to be

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, July 03, 2007

temporarily a member of the Senate, with effect from 3rd July, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Martin Joseph.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 26th day of June, 2007."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D., President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Arnold Piggott is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with effect from 3rd July, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 29th day of June, 2007."

OATH OF ALLEGIANCE

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

Overand Padmore and Magna Williams-Smith.

Bishop Anstey Association

Tuesday, July 03, 2007

PETITION
Bishop Anstey Association

Sen. Angela Cropper: Madam President, I wish to present a Petition on behalf of the Bishop Anstey Association.

I now ask that the Clerk be permitted to read the Petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro/Rio Claro Regional Corporation for the year ended September 30, 2002. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro-Rio Claro Regional Corporation for the year ended September 30, 2003. [*Sen. The Hon. C. Enill*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayaro-Rio Claro Regional Corporation for the year ended September 30, 2004. [*Sen. The Hon. C. Enill*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements South-West Regional Health Authority for the financial year ended September 30, 2003. [*Sen. The Hon. C. Enill*]
5. A Green Paper—Trinidad and Tobago Investment Policy 2007—2012. [*Sen. The Hon. C. Enill*]
6. The Immigration (Amendment) (No. 3) Regulations, 2007. [*The Minister of Public Administration and Information and the Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

Immigration (Amdt.) (No. 3) Regulations

The Minister of Public Administration and Information and the Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, may I also advise that the Statutory Instruments Committee considered the Immigration (Amdt.) (No. 3) Regulations and found that there is nothing to which the attention of the Senate should be specially drawn. The Minutes of the committee have been circulated to Members.

**EQUAL OPPORTUNITY BILL
Joint Select Committee Report
(Presentation)**

The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo): Madam President, I have the honour to lay on the Table the First Interim Report of the Joint Select Committee appointed to consider and report on the Equal Opportunity Bill, 2007.

**ORAL ANSWERS TO QUESTIONS
National Primary Schools
Assessment Examination**

72. Sen. Raziah Ahmed asked the Minister of Education:

Could the Minister indicate:

- (a) What number of students in primary schools have repeated standards 1 and 3 based on the National Primary Schools Assessment Examination, in the academic year September, 2005 to July, 2006?
- (b) What number of students will repeat the SEA in 2008 as a result of the non-availability of school places?
- (c) How many students who sat the 2007 SEA Examination had the experience of repeating any prior academic years?

The Minister of Education (Sen. The Hon. Hazel Manning): Madam President, I inform this honourable Senate as follows:

With respect to the number of students at primary schools who have repeated Standards 1 and 3 based on the National Primary Schools Assessment Examination, the National Test is an academic assessment administered annually to pupils of Standards 1 and 3 in all public and private primary schools in the country. The National Test is administered near the end of the academic year, usually in June and the subjects tested are English Language and Mathematics.

Last week Tuesday, our children sat the National Test. Reports received showed that the administration of the test was smoothly managed. I take this opportunity to thank the principals, teachers, parents and students for facilitating this process. The test serves as a benchmark and provides data on the performance of the education system at the primary level. This information is used in policy formulation and for feedback to schools.

The National Test was administered to public and private primary schools for the first time on June 22, 2004 for the academic year, September 2003 to July 2004. In the academic year September 2005 to July 2006, 17,410 Standard 1 pupils and 17,883 Standard 3 pupils wrote the examination on June 27, 2006. Of those who sat 651 or 3.7 per cent of Standard 1 pupils and 641 or 3.6 per cent of Standard 3 pupils were repeaters from the previous academic year, 2004—2005. It must be noted that pupils will only repeat the National Test if they repeat Standard 1 or Standard 3 classes.

It is not possible to say at this time how many children will repeat the SEA in 2008. However, the Government has ensured that there are sufficient places for all pupils who sit the SEA including repeaters.

Our information at the Ministry shows that approximately 17,883 are eligible to write the SEA in 2008. On the other hand, there are at least 18,100 spaces available in secondary schools for placement of the SEA students. It is clear therefore that no student in Trinidad and Tobago would be required to repeat SEA because of non-availability of places.

Information is available only on the numbers who have repeated Standard 5 and in so doing, repeated the SEA. This year, 2007, of the 17,802 pupils who wrote the SEA, 568 pupils or 3.2 per cent repeated the examination. Of the 8,840 girls who wrote the examination 311 or 3.5 per cent repeated. Of the 8,962 boys who wrote 257 or 2.9 per cent were repeaters.

Sen. Dr. Gopeesingh: Madam President, would the hon. Minister of Education be kind enough to answer to how many students who wrote SEA this year will have to repeat the examination in 2008. We understand that it more than 2,000. If you add 2,000 to 17,082 you would have more than 19,000 writing the exams in 2008.

Madam President: Ask the question.

Sen. Dr. Gopeesingh: If the school places are only 18,000, how many would write the exam in 2008 based on the 17,082, whom you mentioned plus those who are repeating from 2007

Sen. The Hon. H. Manning: Madam President, that would have to be another question.

NIS Pension

73. Sen. Wade Mark asked the Hon. Minister of Finance:

- A. Would the Minister state whether his announced increase in the minimum amount payable by way of N.I S. Pensions from \$1,000 per month to \$2,000 per month was determined as a result of an actuarial review of the National Insurance Scheme?
- B. If the answer to (A) is in the affirmative, would the Minister provide Members with a copy of the actuarial review?
- C. If the answer to (A) is in the negative, would the Minister state:
 - (i) the estimated cost of this increase in payment to the National Insurance Board; and
 - (ii) whether the increase can be effected and sustained by the National Insurance Board without increasing the level of contributions of all workers in Trinidad and Tobago?

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, I crave your indulgence. The question was presented to the PQC and they requested some additional information. It is not ready now but would be ready in two weeks.

Sen. Mark: Madam President, I want to say how disappointed I am. The hon. Minister came the last time and requested two weeks extension. Now he comes today and it is a game they are playing. I would like you to use your good office to ask him to submit this answer.

Madam President: I understand that. If the Minister says that he is waiting on the information, I do not think that we want him to bring an incomplete answer. I think that we should give him the opportunity to get the information.

Sen. Mark: When he came the last time he indicated that the information was technical. Now he said that he is waiting on information. I do not know what to believe.

Question, by leave, deferred.

Madam President: Could we move on to question 74.

National Transportation Study

74. Sen. Basharat Ali asked the hon. Minister of Works and Transport:

In respect of the National Transportation Study could the Minister provide:

- (a) A schedule of the payment of the \$10 million made to Parsons Brinkerhoff with the associated milestone of each payment; and
- (b) the dates and places of the Parsons Brinkerhoff 'presentation in at least four workshops before completion of the final report' as required in the Terms of Reference?

The Minister of Works and Transport (Hon. Colm Imbert): Madam President, payments under the comprehensive national transportation study are based on an agreed schedules as follows:

The fee is broken down into two components; a US dollar component comprising a total including reimbursable and contingency of US \$2,107,255 and TT dollar component inclusive of reimbursable, VAT and contingency t\$7,493,986.

The actual schedule of payments is as follows:

For mobilization the US dollar component is 10 per cent of the total US dollar fee and the TT dollar component is 10 per cent of the TT dollar fee.

For data collection the milestone value is 20 per cent of the total fee for the US dollar component and 20 per cent of the TT dollar fee.

For the draft analysis and diagnostic the milestone value is 15 per cent of the US dollar fee and 15 per cent of the TT dollar fee.

For the final analysis and diagnostic, the milestone value is 10 per cent of the US dollar fee and 10 per cent of the TT dollar fee.

For the draft final report the milestone value is 20 per cent of the US fee and 20 per cent of the TT fee.

For the land transport model, the final component, the milestone value is 5 per cent of the US fee and 5 per cent of the TT fee.

To date, mobilization; data collection component and analysis and the diagnostic draft report have been paid. No payments have been made for the final analysis and diagnostic report; the draft final report and the final report.

The land transport model has been paid for. The actual figures are as follows:

Item	US \$	TT \$
Mobilization	172,060	238,620
Reimbursable (fees)	107,257	1,810,582

For the items that I referred to previously as data collection, analysis and diagnostic and land model, total fees of US \$778,672 have been paid together with TT \$1,079,755. The total of all these payments inclusive of VAT is \$9,512,491.

In respect of the workshops that have been held in line with the terms of reference for the comprehensive national transportation study, the former consultants, Parsons Brinkerhoff and the Ministry of Works and Transport have undertaken a number of workshops along the course of the project as follows:

August 03, 2005 a stakeholder workshop for the air, land and sea components was held at the Crowne Plaza Hotel in Port of Spain.

On August 26, 2005, a travel demand model workshop was held at the head office of the Ministry of Works and Transport, in Port of Spain.

On November 08, 2005, a stakeholder workshop for air, land and sea components of the plan was held at the Hilton in Tobago.

On March 29, 2006, air and sea sector workshops were held for the purpose of diagnostic review at the Crowne Plaza Hotel in Port of Spain.

On April 25, 2006, a land sector workshop for the purpose of diagnostic review was held at the Trinidad Hilton.

On April 27, 2006, another land sector workshop for the purpose of diagnostic review was held at the Hilton in Tobago.

Sen. Ali: Could the hon. Minister say whether the final report is still being looked at by his staff or executives? What is the position on that?

Hon. C. Imbert: As I indicated previously, the final report was sent back to the consultants because the ministry was not satisfied with the quality of the report. The firm of Parsons Brinkerhoff was giving us an undertaking to remedy the defects in the report. The time period given was a period of 90 days which would elapse in approximately 30 days from now. We are awaiting the remedying of the defects in the report.

Sen. Mark: Could I ask the hon. Minister of Works and Transport whether there is an associated company with Parsons Brinkerhoff known as Trintoplan Consultants? How much money has been paid to this associated firm?

Hon. C. Imbert: Madam President, I am aware that Trintoplan Consultants did some work with Parsons Brinkerhoff, but in terms of the actual payments made to Trintoplan, I do not have that information at this time because it did not form part of the question. You can ask the question and I would answer it.

Rapid Rail Procurement Process

75. Sen. Basharat Ali asked the hon. Minister of Works and Transport:

Could the hon. Minister state:

- (a) With the termination of the contract related to the “Mass Transit Study System” in October 2006, what steps if any have been taken to provide advisory services for the Rapid Rail Procurement process?
- (b) If the answer to (a) is in the affirmative who is responsible for the retention of each service; and
- (c) In light of the deficient Comprehensive National Transportation Study and the terminated Mass Transit Study, what is the scientific basis for proceeding to commit this country to another contract based on rapid rail?

Hon. C. Imbert: Madam President, this question is more complicated and I am not ready with the answer. I respectfully ask for two weeks. I would answer it within a two-week period.

Question, by leave, deferred

WRITTEN ANSWERS TO QUESTIONS

Sen. Mark: Madam President, may I engage you once again. There are several questions for written answers. I think that the Minister of Community Development, Culture and Gender Affairs has been the main delinquent in this area. I will like you to urge the Minister of Community Development, Culture and Gender Affairs to make these answers available to Parliament in the shortest possible time frame.

Sen. Dr. Gopeesingh: Madam President, some questions on the health sector have been languishing from since February and the answers are not forthcoming. It is very irresponsible of the Minister of Health not to provide the answers to these questions.

Madam President: Senators, as you know, all I can do is appeal and I have done that. [*Interruption*] I may have to read the Riot Act.

2.00 p.m.

Madam President: Hon. Senators, I am not going to speak above the voices of Members.

**CRIME SITUATION IN TRINIDAD AND TOBAGO
(GOVERNMENT'S HANDLING)
[Sixth Day]**

Order read for resuming adjourned debate on question [January 30, 2007]:

Be it resolved that this Senate:

- (a) express its concern over Government's performance in handling crime.
- (b) call on the Government to explain to the Senate why the action of the relevant agencies have so far consistently failed to produce the desired results; and
- (c) agree that the Government outline, with specific performance targets and mechanisms for accountability, what concrete measures it intends to take to deal effectively with the serious crime situation now facing the country so as to facilitate the pathway to national consensus and civic mobilization. [*Sen. Prof. R. Deosaran*]

Question again proposed.

Madam President: The Members who have already spoken are: Sen. Prof. Ramesh Deosaran, mover of the Motion, Sen. Wade Mark, Sen. Overand Padmore, Sen. Dana Seetahal SC, Sen. Dr. Glenn Ramadhar-Singh, Sen. Dr. Eastlyn McKenzie, Sen. The Hon. Mustapha Abdul-Hamid, Sen. Raziah Ahmed, Sen. Althea Rocke, Sen. The Hon. Martin Joseph, Sen. Roland Phillip, Sen. Parvatee Anmolsingh-Mahabir, Sen. The Hon. John Jeremie SC, Sen. The Hon. Hazel Manning, Sen. Dr. Tim Gopeesingh, Sen. Mary King and Sen. Bro. Noble Khan.

Sen. Prof. Kenneth Ramchand: Madam President, I am tired of this debate. It began several years ago and for one bad reason after another, it has dragged on without resolution. Most of us have spoken twice and when this round is over, we would each have had three toothless bites.

Madam President: I do not think you are correct here. Nobody has spoken twice on the Motion.

Sen. Prof. K. Ramchand: It started three years ago and was aborted, and it came back and back.

Madam President, it is yet another indication of the lack of respect for Parliament and what goes on here, that even while this Motion was before the Parliament, the Government went around the country making a show of consulting the people on the subject of crime. I have asked this before and I ask again: If crime is such an important issue, why did the Government not use Sen. Prof. Deosaran's Motion to organize a special joint sitting of both Houses of Parliament and spend a week continuously on free discussion of our crime problem? An earnest non-party debate would have shown the nation that we are united against the minority who terrorize the society and united in our concern for the future of the society. Such a consultation within the Parliament would have extended naturally outwards into the society and would have formed a proper foundation for more direct consultations with the people. I feel we have made a mess of the possibilities that were opened up to us by this private Motion. We have fiddled and fiddled and fiddled, and crime goes on.

In my several contributions, I have advocated a number of measures, some long term and some short term, and I would like in one sentence to repeat some of those; the economic development of all regions of our country, local government and a system of local policing; a cadre of police in each region who will know every road, trace, track and river; police who know how to get to every habitation and hiding place in their particular region; a system that allows us to recognize at once the region from which any vehicle comes; a thorough census in which we find out the place of abode of every person living in Trinidad and Tobago; compulsory ID cards, a fingerprint database established by law which would contain the fingerprints of everybody living in Trinidad and Tobago; a proper curriculum for police trainees and an educational programme that will give every police officer a sense of the geography, history, sociology, culture, economics and thought of the country; an education that will bring them into alignment with the society to which they belong and in which they are there to protect and to serve.

I am aware that the root of the problem is an education system that has failed in critical ways; an education system that has been unable—not for want of trying—to make everybody recognize instinctively the value of every human life including their own; to develop awe and respect for the achievements of people like ourselves; to make people slow down and think of the purpose of their lives and the purpose of life; to arm people against imperialism and mindlessness, to make people value peace of mind, a sense of belonging and the simple pleasures that go so deep.

We are dealing with a kind of discontent and disorientation, alienation, lack of value, lack of respect, and lack of awe that is fertile ground for the making of a psyche bent towards crime. Our education system has to recognize that much more attention has to be paid to the making and the development of the human person in our society.

Madam President, I said I was tired of the debate, tired because we have talked about crime for so many months and hours and poor you, have heard it all before, poor you, you have to listen for the infringements, you have to watch for proper parliamentary language and behavior, but the rest of us, we are not paying much attention.

I will therefore confine myself to an unusual point I think, which I broached in this Chamber during the debate on the Police Service (Amdt.) Bill. By way of introduction, I want to refer to some findings in the Third Report of the Joint Select Committee of Parliament on the Police Service Commission. The sections I want to look at have to do with discipline and dereliction of duty.

Madam President, 4.10: the Commission admitted that the high number of officers on disciplinary charges was disturbing and that serious measures were needed to combat “the increased level of indiscipline within the police service.” And 5.62: “In light of the recent reported dismissal of about 1,000 cases, many concerns were raised by the Committee in their meetings with representatives of the police service about the dereliction of duty by police officers. The failure of police officers to attend court hearings in many instances, and the neglect of duty while engaged in employment outside the service.” I am emphasizing “police officers to attend court hearings.”

Madam President, I want to say to police officers that this is a greater pity than they themselves realize. It is a great pity, because it is an abdication, from a noble duty that the police have to perform on behalf of the majority of the people in our country, a noble duty towards the creation of a truly democratic society.

Madam President, follow my argument. Firstly, police officers are entrusted with the power to enforce the laws of Trinidad and Tobago. They are not judges, they are not lawyers, they are ordinary citizens who have now been entrusted with the power to interpret and enforce the laws of Trinidad and Tobago. That is real people power. Except in the case of senior imported officers in Jamaica who cannot resist the opportunity to go “Paki bashing”, police officers are drawn from the ranks of the ordinary people of our country, and the ordinary people of our country are today entrusted with the power to enforce the laws, not only against ordinary people like themselves, but against the rich, the high and the mighty. So

there you have the people being entrusted with a major responsibility to interpret and enforce at their discretion the laws of Trinidad and Tobago. [*Cellphone rings*]

Sorry, Madam President. I thought I had switched it off. Maybe somebody does not like what I am saying. I have just described a revolution. The laws of almost every country came into being to serve the interest of the powerful and the privileged and to preserve the status quo, all the laws against enslaved Africans were designed to keep them enslaved and to give the owners more control over them. All the laws against indentured Indians were designed to prolong indenture-ship and exercise control over the indentured. Many of the laws of the colonial period were designed to maintain control over the so-called free population, and what law could not accomplish the education system would have to achieve. Carnival was a crime, canboulay was a crime, Hosay was a crime; holding a shouter Baptist meeting in church was a crime; protesting against working conditions was a crime; forming trade unions was a crime. What is inherently criminal in any of the above?

So what we are saying is that in certain stages of a society the law exists to support the powerful, the privileged, and the rich and the ordinary people who are the victims of the laws have no say in the operation of the laws or the formation of the laws. Our literature is crowded with bailiffs, call them "bay leafs" and police figures who are hated and feared by ordinary people because these figures are enforcing the laws against the so-called crimes I have just described.

These figures of authority, our nascent police, I suppose, were not much different from thugs and they had no better prospects than thugs would have had. The powers that be understood very well the psychology that would make these people more brutal and bullying than people who did not come from the same class as the victims. You had police who were enforcing laws that were out of alignment with the needs of ordinary people. No wonder, as the Minister of National Security noticed, the police became out of alignment with their society. But the process to watch is the one by which, by slow degrees, some of the laws' protection was extended to ordinary people and the police were given additional responsibilities and could see career prospects of some sort in the roles they were selected to play.

Madam President, I am not a total innocent. Law still does more for the powerful and the privileged than for ordinary citizens. The powerful and the privileged have more means of accessing law than ordinary people, and it is also true that attorneys are now the main brokers in the law market and the rule of law still wins very often against what is right or just or fair. I am not naïve, but there is a noticeable ongoing process of democratization and enough powers are vested

in the police to suggest that the expansions in the role of police over the years have been major strides in the democratization of the law and in the democratization of the society.

And that is why I say it is a pity that so many officers are lacking in discipline and so many officers are guilty of dereliction of duty. It is as if they do not understand what has happened in their society and what has now been entrusted to them, a trust which can help to create redress in the society.

Madam President, when these thoughts came to me, I knew I could not be the first person to have been struck by them, and I also knew that if it were true, it had to be true in other countries so I made a very quick skim of the Internet and spent only five minutes. Thousands of articles came up about the law and democracy. I want to refer to one of the first ones I saw. There might be better ones, but my purpose is just to say that people have these concerns about law and democracy. And the article I want to refer to is entitled: "The Rule of Law vs Democracy" in a magazine called *By What Authority*, Volume 5 No. 1, Winter 2002. The following sentence caught my eye:

"We who seek to build democracy must not be bound by the false assertion that the rule of law is democratic."

A re-examination of history teaches us that our powerful legal system is a fortress against popular sovereignty and I am saying that the power the police now have is a power to break down that fortress and the police must realize and understand that and take themselves seriously as people involved in a large process.

I do not think anybody has ever told them that. The article argues very convincingly and very tellingly that that rule of law in the 19th Century United States was reshaped to favour the exploitative and dynamic forces in American society and it facilitated the industrialization of the United States and the growth of merchant and corporate power. But somehow, the law became the servant of those forces that were interested in a certain kind of development at the expense of communities, at the expense of individuals and people's rights. I do not think I have to go into great detail but, I would like to use the article's discussions of a matter relating to the railroad as a concrete illustration of how the law served the powerful and the privileged and was sponsored by the powerful and the privileged.

It says that sparks from the new railway and railroads which ran through Louisville, Kentucky were setting houses and buildings aflame. The city's authority sought an injunction against operation of the trains. They said until you solve the problem of the sparks, do not run the trains because people's houses are being

burnt down. The trial court was moved by the evidence of homes and livelihood being harmed and the court granted the injunction. But this was not the end of it. The Court of Appeal dissolved the injunction saying that “private injury and personal damage must be expected from agents of transportation in a populous and prospering country.” And furthermore, “the onward spirit of the age must, to a reasonable extent, have its way. The law is made for the times and will be modified by them and, therefore, railroads should not be considered a nuisance.” That was in 1839, Madam President.

I am sorry to say that talk about collateral damage is still with us, and we still hear about those unpatriotic environmentalists who are so stupid that they think that human life, biodiversity, and the fate of our children are more important than having smelters. Very silly people and prime ministers ought to rebuke them for that. I was trying to show how law—[*Interruption*] I do not mean that. I am being ironic. With irony, one says something and means the opposite. In that particular sentence.

I was trying to show, Madam President, how law in 19th Century America, favoured the powerful, the rich and the privileged, and by implication how those who interpreted and enforced the law were agents of the powerful and the privileged, and I am showing that in order to double underline the point that the ordinary people who are now the police have a chance to redress this kind of imbalance in our society. The class bias in the law existed here too.

I have already referred to the attempts to establish trade unions and to gain collective bargaining rights, how these were criminalized and relentlessly opposed. I do not have to tell you, Madam President, of how the women chased down a policeman called Charlie King, doused him with petrol and burnt him to death for his over zealous defence of property and privilege against the very class of people from whom he came.

Another part of that article says:

“We have inherited a legal system in which wealth and property have near absolute protections against the compromised rights of the rest of society and this will only get worse if there is not a strong countervailing people’s movement.”

The message I have for the police today, Madam President, is that they should buck up, pull their socks up, understand who they are and what their duty and privilege is, and what they can do for this society, recognizing themselves as the countervailing movement. Thank you.

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, Sen. Prof. Ramchand said that the debate on this topic has been long and I do not want to keep it much longer either. I make a brief intervention because this was addressed to the Government, and therefore, I feel it necessary to show not only what the Ministry of National Security can do and has been doing in terms of its fight against crime, the Ministry of Education, but also the contribution of the Ministry of Community Development, Culture and Gender Affairs very briefly.

But before I do that, I was a little disappointed when Sen. Prof. Ramchand said that the crime talks, to quote his words, “making a show”. I say so because I felt that this Government had been accused on several occasions of not consulting, and especially not consulting with the people. And, here was an opportunity for the people to be involved, and, therefore, I was a bit apprehensive at the beginning because I could not tell exactly what would happen. I went to two of those consultations and at the end of it, then I was sure that we did the right thing.

First of all, the consultations were very well organized by the Ministry of National Security and I compliment the Ministry for that.

Secondly, it was an open invitation which was well advertised so that all those who felt they had a contribution to make had the opportunity to do so. When we got into the place where the event was taking place—and I want to use a colloquial expression, the top brass of the security forces who were there, including the Minister of National Security and, of course, the hon. Prime Minister, head of the National Security Council. Then we had the people representing various community groups.

2.30 p.m.

Sen. Prof. Ramchand: I wonder if the Hon. Minister would allow me to clarify what I said. The consultations were not bad in themselves. I was just saying that there was a debate going on in Parliament, which we ought to have turned into a national debate and which could have occurred simultaneously or just before the inefficient, unnecessary or useless.

Sen. The Hon. J. Yuille-Williams: I think it is the same thing. The words “making a show” really disturbed me. When I went to those consultations, I was surprised at the level of the debate. The persons who attended were able to ask questions of those who were there. They gave advice, which was important. They also talked about programmes that they had been involved with and their success. There was interaction between the head of the security forces and the people. We could not have done better.

After the first consultation, all the suggestions were brought to the second and those who went to the second could look on the walls and read all the decisions taken, so they would not go back on those. That went on for all the sessions—five I am told. Other than that, there was an opportunity for those who had longer suggestions or those who wanted to bring papers to deposit the papers in prepared boxes there if they did not want to go to the mike to speak.

We cannot say it was a show. It was happening at the time the parliamentarians were here debating the same thing, so it was an opportunity for the communities at the same time. That is why I am saying [*Interruption*] just what the Senator is asking actually happened. The parliamentarians were debating crime and I am quite sure that at the end of day the Minister took note of what came out of the consultation. We were outside in the communities in a similar debate. I am really satisfied and I am sorry that you were not at any one of the consultations.

One of the things I remarked as I heard some of the persons present—I went to the one in San Fernando and the one in Laventille. We have a good education system. I was taken aback at the way some of the people who came to the podium expressed themselves about what they wanted and what they saw. In spite of the fact that we may not have many certified, something has worked right over the years, that they were able to articulate their views clearly.

Sen. Mark: [*Inaudible*]

Madam President: Sen. Mark, please, you had your turn!

Sen. The Hon. J. Yuille-Williams:—to enter into the debate as I would say, in a manner that was really appreciated. There was no bashing at that time. People criticized where there was need for criticism, people supported and people gave suggestions.

At the end of this, the Minister of National Security brought a note to the Cabinet. Some of the suggestions that came out of that consultation needed legislation. Some of the programmes or whatever they wanted, ministries have taken up. Some NGOs are already doing that. So there was an opportunity for the government to strengthen various arms.

I wanted to take a note of that because I felt it was useful. As I said before, I was apprehensive at the start but at the end of it—and from what you have heard—there were no riots. People came there genuinely wanting to contribute. They did that and they left. I was also surprised at the numbers who came to the consultation. People really came. That is one of the better consultations that I have attended. I really wanted to support it. It also gave us at the Ministry some idea of what could be done.

Briefly, I want to say that the Ministry of Community Development, Culture and Gender Affairs has complementary programmes which support those of the Ministry of National Security. When we first started, you always heard me talk about the AnaCulture Community Concerts Programme. We started seriously then and it continues. We work with the communities and when the then Minister of National Security introduced his anaconda programme, we had a softer side in which we brought in the AnaCulture concerts. That has run for all these years very successfully. In fact, many people did not realize that it was not just a concert where we allowed people in the community to show their skills, but we chose the artistes so that they improved their performance skills and got some mentoring from some of the other senior artistes there.

Most of the people from the communities who took part were those who were just idle but had talent. These are some of the people who would normally find themselves in criminal activity. We, through these programmes, brought them together and found the programme to be very successful, so successful that we saw a number of senior persons in the communities joining in these concerts and afterwards, when people had celebrations, they asked us to bring the concerts so that it would bring the whole community together.

Sen. Mark: [*Inaudible*]

Madam President: Sen. Mark, please allow the Minister to speak. You had your turn. I am not going to tolerate this kind of constant interruption! Keep your comments to yourself! Please continue!

Sen. The Hon. J. Yuille-Williams: Thank you, Madam President. Any time a community comes together in a manner like that, it augurs well for the future. Out of that, we found the opportunity to look at what was happening and build on it.

We moved from the AnaCulture concerts, which we still have, to the Community Safety and Enhancement Programme. As I always say, there were at that time some groups there called Neighbourhood Watch Groups, very vigilante-type groups. We formalized them into the Community Safety and Enhancement Programme and I am happy to say we got the support of the police, especially the Community Police—the police has been very supportive—the private sector, especially the Chamber of Industry and Commerce, non-governmental organizations and the Village Councils.

We consider these Community Safety and Enhancement groups to be very sustainable because they came out of the communities. The Ministry assisted financially as well as gave technical support. Again, technical support came from

the police and the Chamber, which already had programmes and there were a number of experienced persons who came forward.

To date, we have 35 functioning Community Safety and Enhancement groups. I will give a brief idea: Diego Martin, Freeport, Couva, Sangre Grande, La Brea, Laventille, Morvant, Arima and La Romaine. I have just given those because they are all over the country.

Within the Ministry, we have a separate staff. We have a coordinator, several regional coordinators and liaison officers. They support these groups as well as move around to encourage other communities to form groups. In each of these groups, we are hoping to have a Safety Desk, which is an Information Desk. There is somebody there; we pay a small stipend to the person of \$1,000 a month. They like to do it because they would go to that desk to receive and give information. Some of our better desks are located in the Beetham, Chaguanas, Diego Martin, La Romaine and Laventille. Each area is supposed to set up one of these desks and I want to say quite clearly that the police are aware of the desks. They are mainly to give information.

Community Safety and Enhancement Desk does not only have a side against crime, but also does things within the community to build the community. I will give you some of the things they have been doing and you will be very pleased with them. For example, we have a group on the North Coast called the North Post Safety and Enhancement Group. In addition to looking after the community and developing the people, they established a recreation and a tourism park. That is just an example of what these groups are doing.

We have the Restorers of Diego Martin. They held a fund-raising concert. You may say everybody holds fund-raising concerts, but this is a community effort and that is what makes it important. The group at Peytonville in Arima came together to celebrate Father's Day and had a camp for young people. St. Barbs in Laventille—think about that area—is an area about which we talk about the gang leaders. There is a Community Safety and Enhancement Group and one of the things they asked for was a literacy programme. Of course, the Minister facilitated them and they have now set up a group in literacy training.

The Safety and Enhancement group at Laventille organized sports meetings between rival gangs. I want you to understand that we are talking about crime and solutions and we have these Community Safety and Enhancement Groups organizing so that rival gangs come together for football and cricket as the case may be.

Government's Handling of Crime
[SEN. THE HON. J. YUILLE-WILLIAMS]

Tuesday, July 03, 2007

The St. Francois Valley Safety and Enhancement Group, interestingly, created safety signs in strategic locations in the country. I have just selected those to show you the different things the community groups can do when they come together in a manner like this. The community is working together. They are doing different things in each community with some success. I am extremely happy about that.

Of course, we have collaborated with other crime fighting agencies and they have shared their knowledge and experience with us. We have organized several seminars for all the groups because they need to know how to do things. Some of them can tell you what to do; they can tell you about safety for their children; they have these lectures.

Last year, the university had an international conference on crime and justice and they were invited—we were very happy about that—and we set up an information booth and presented a paper. I thank Sen. Prof. Deosaran. I am sure he initiated that opportunity to present a paper at that seminar. I am sure that some persons were impressed with what was presented because of the invitations that came out for similar seminar presentation in Canada and Australia. This means that Trinidad and Tobago is doing something that the rest of the world can pattern. I need to let the Parliament know these things because we are talking about solutions and here we have ready solutions. Thanks again.

We have several staff workshops organized by different groups. When we brought some of the early groups together, they had difficulty because some of them did not even know how to sustain a group. It gave us the opportunity to work with them so that they would know what each office holder is supposed to do. We also gave them ideas on crime prevention strategies.

We are launching a series of crime prevention expositions, the first one being on July 20, 2007, in San Fernando. We have some other venues already carded—Port of Spain, Couva, Sangre Grande and Mayaro. Those are some other areas where we will have this exposition. I want you to note the support the Ministry is giving in this fight against crime.

There are two other programmes which we see in a different light, but we do not look at the importance of those programmes to crime prevention. One is the RAP programme where we have retired persons working with dropouts and the unsupervised youths in the communities. Those are the people who really find themselves in trouble. We have used this programme to utilize the skills of

retirees in the community to work with them during the day. We pay the retirees, which also helps them because they get a little more than a stipend. We pay for the meals when they come to the centres and we pay for all the materials they use.

In addition to the academics, we allow them to enter sports and culture: So we may have a retiree who was probably an officer in culture, or whatever the nature of the work the retiree has done before and we will take that retiree to work with these youths. It is very successful because a large number of our people who were outside there unsupervised are now coming to these RAPP centres. We call them Retirees Adolescent Partnership Programmes, where we are making a partnership between them.

Particular to this programme is that module on life skills and from there we put them into training programmes. First of all, we brought them to the centres and, therefore, during the day, our community centres are a hive of activity with these programmes. We call this a proactive intervention because we are trying to keep these young people from getting involved in criminal activities.

Of course, the GAP programme, which everybody looks at as a nursing programme, I have been saying was not designed to be a nursing programme but to harness the skills of young people from 16 to 25 and put them in a relationship with the senior people so that they could be mentored and nurtured. At the same time, we give them skills to use so that if in that interaction they were called upon to use their skills to help the elderly.

Yes, we have got that spin-off that we have now moved into a placement programme from it where they have continued as a career and we feel happy that some of them have found careers in the nursing field. It was mainly the national service funds that we used, but we felt that we were doing something for these young people.

Again, a lot of that programme is focused on the discipline of the people and there is a heavy life skill component in it. If you think of all the programmes where you are bringing young people together and having them mentored and nurtured, you will see to what extent this is also helping with the prevention of crime. We are trying to keep them from entering that area.

I have spoken about the Defining Masculine Excellence Programme in this Parliament. I really want to use that programme again. We have tried to expand the programme. It is a programme for males, in which we want to let men see what excellence means, so we have almost a network for this programme. The men in this programme are now being given different tools so that they can understand, avoid and solve social conflict. They have been doing extremely well in the programme.

We have graduated about 10 groups. The programme is now located in St. Dominic's Home. We have two radio programmes—one on 95.5; one on 94.7—because we feel we want to expose this material to the wider community. I am happy about this one in particular because we gave it mainly to senior persons, male, who worked with a number of young men. That is what we did in the beginning. The security forces were there—prison officers and fire officers—then we decided to move down a bit and we took some of the men who were involved in anti-social behavior themselves. Some of them came out of the communities; some of you have felt that they were disadvantaged; some say they were criminals and my friends here say they were community leaders. However you describe them, we had put them into that programme for a period of six to eight weeks full time. I am happy to report that we have had very positive feedback and out of this we have taken some of these persons and moved them into training in heavy equipment.

I felt pleased when I looked at the areas which were really high areas of crime. We know that the figures are falling. I feel clearly the positive impact of this programme on some of those leaders. Where a leader could not attend the programme himself, he tried to get the members of his gang to come even if he had to bus them out and we felt that we had had some success.

The greatest success we had out of this is that those same leaders started using the tools we gave them on the programme to solve conflicts in their own area and that is very important. It was no longer the physical area. If you hear some of them talk and see the way some of them work, you would understand why we are now trying to advance this programme further to get more persons coming directly under its influence.

This is one of the better programmes, as I have said in this Parliament. It is one that I have felt would make a positive impact on the lives of males in Trinidad and Tobago. I hope that some of you would listen to the programme and meet some of the people. I took one of them with me on a radio programme the other morning and he spoke briefly, but people were so impressed with what he said and called in and asked if we could send the programme to other communities.

Along with this programme, we have had the "street theatres." Sometimes you cannot get the whole community coming into a building, so we initiated the "street theatres" and you know Hal Greaves and his team, they carried the message for us everywhere we went on the corners any Saturday morning or any Friday evening and through drama—culture in particular—we sent the message which some of them understood. Many of the people we used came out of the Prime Minister's Best Village Trophy Competition.

I want to say a little about that programme. That is a competition in which, last year, there were about 121 villages taking part. Multiply 121 by say 100 persons and you will see how many people are really involved. If they practise all year round, you can see how many persons who normally would have nothing to do are engaged in something like this. We also recommend that, as one of the things that we feel would help to keep our young people and our communities together.

These are some of the projects that we in the Ministry are doing which we say would complement the work of the Ministry of National Security. We will continue to work along this line because we feel that all Ministries, not only the Ministry of National Security can play some part. In fact, all individuals have a part to play in the reduction of crime.

On the last day we were here, there was an amendment to the Motion. Sen. Prof. Ramesh Deosaran would have that amendment. I think there is a typographical error, which I would like you to look at. In paragraph (i), we have deleted the word “worsening” because the figures have now shown that it is not worsening. I am really happy about that. We are doing much better and the results are very positive. We have, therefore, taken out the word “worsening” and the words “severe psychological” because that is no longer necessary. In paragraph (i) also, we said to delete the words “vast sums”. [*Interruption*] It was circulated since April 24. [*Interruption*]

It should read:

“*And whereas* the Government has expended money...”

The rest remains as is. That is the only typographical error that we wanted to change.

Madam President, these few remarks are mainly to let the Parliament know what is happening in the Ministry of Community Development, Culture and Gender Affairs, as we support the other ministries in our fight against crime. We think we have done something very positive and I wish to give the Parliament the assurance that we will continue in spite of the fact that many persons feel we should not associate ourselves with some of these delinquent persons. We feel that we have a responsibility to bring people back.

I see some people looking at me quite closely, some of us do not realize we are trying to stop them from going into the hills and using guns, therefore we want to give them a more positive example; we want to give them an option. They are citizens of Trinidad and Tobago and we have a duty to assist.

I thank you.

Sen. Prof. Ramesh Deosaran: Madam President, this Motion, being on the Order Paper for a relatively very long time, in the eyes of any reasonable person would appear as a very friendly, encouraging Motion to assist the Government, given its constitutional responsibilities, to deal with what has been called a very complex problem facing this country, the problem of crime.

There have been 20 speakers and, before I proceed, I would like to put on the record my very deep appreciation for the efforts they have made in contributing to the Motion and the sincerity with which they spoke on all sides. Really, Madam President, we are all very distressed about this serious matter of crime.

This morning, I had occasion to listen to Dr. Ramadhar-Singh on crime on the television and I think he is right. Crime is the number one problem facing the country; not in terms of statistics alone, but the unease, the insecurity, the lowering of our quality of life, no matter to which party we belong, no matter the part of the country from which we come. There is this embracing uneasiness that makes whatever we have worked so hard to acquire and expect to enjoy diminish in the benefits therefrom.

So it is really a problem. My colleague, Sen. Prof. Ramchand is right, hopefully as the Motion tries to indicate, this is a time and an opportunity to put all our hands and heads together. Madam President, in your own wisdom, you would notice the Motion is framed accordingly. If I should reemphasize the point, maybe I am missing something, but there is no hostility in this Motion. It is faithful to public sentiment, that is, the Senate must express its own concern over the way crime has been handled by the Government. When we speak about the Government, it should also be sensitive enough to know that it is not something run only by Ministers. Ministers must understand that there are agencies which fall under their jurisdiction and they should be doing their jobs.

So when we say government, at least from my point of view, I do not mean the Executive and the Minister of this or that, I would have expected the Government to be a little more deliberate and specific as to which agencies are performing well, which needs improvement and how such improvement would accrue so as to reflect what section (i) of the Motion says.

What I have found, not only on this occasion, is that Government seems willing to take all the blame without understanding how an Executive operates. You are in charge of a Ministry and the public servants, the police service and the rest of the protective services must also carry out this responsibility. I get the

feeling that Government is always putting itself on the defensive quickly, without having a more thoughtful approach to these very important matters. Maybe that is the adversarial system under which we operate.

I think that we should be more mature and seize an opportunity when such a one presents itself, as my colleague had pains to point out. It is true. In that sense, it is a disappointment. I do not think we wanted to attack the Government. It would not be productive at this stage, given the state in which we all are. I thought, when we say, as the Motion in the tail end says, “to facilitate the pathway to national consensus and civic mobilization”, if you take the meetings you had earlier this year calling everybody and talking with them then they tell you something in return, that really does not have the structure to retain the effort. The effort will dissipate as soon as the lights go out.

3.00 p.m.

When I say “pathway to national consensus and civil mobilization”, the word “mobilization” is a powerful word. It means bringing people together, creating a partnership and you have the energy being used to deal with the problem by the authorities.

I therefore ask the question: Is that happening or is it just an occasion where people express their views, their concerns and their grievances and that is the end of it?

For the record, I need to put one or two things quite clearly. The Senate, under a particular section of the Constitution; part of Parliament—to this Parliament, the Executive must account, that is clear in the Constitution. What the Motion seeks to do is to ask the Government to account to the people in this matter of crime. We are doing nothing wrong. As I have always said, and that is how it is, asking people to account is a very unsettling request. People do not like to account. Even little children do not like to explain where they went.

I have heard it said that a government is there to govern, but governing does not only mean ruling. There are certain mediating, intervening factors which must be considered in governing; one of those is, of course, accountability. We cannot just use the word governing to mean ruling, otherwise you would lose your legitimacy to rule. You gain your legitimacy or your moral authority, which, in such cases of crime, where credibility is so important, you have to maintain your moral legitimacy in order to execute the law effectively. That is why the police service is in such a problematic area, because whilst they have the constitutional responsibility, what they are lacking is the moral authority, linked to public confidence. More than anything else, that is a number one challenge for the Government.

Even if there is a change in government, I am not yet clear as to how this challenge will be taken on, by any new entity coming in. Because, like Sen. Padmore, not only is crime a serious problem, but reforming the police, given what we call at the university, the culture of the police, that is another very serious challenge.

Let me also underline another matter for the record. I think it came up here. When Sen. The Hon. Yuille-Williams was speaking, there is quite an impressive range of programmes, just as when the Minister of Education was speaking. There is a very impressive range of programmes. Of course, perhaps, more to the point, when the Minister of National Security speaks—a very impressive range of programmes.

I keep, at the back of my mind, as a professional researcher, how do you know these programmes are working well? How do you know these programmes are working well? Is it a 15 per cent improvement from last year, in what respect? How many children who have been delinquents are no longer delinquents? How many school dropouts you had in 2000 and how many do you have in 2007? In other words, you really have to put a quantitative hand on these impressive programmes, otherwise they will lose their credibility, as some of them—[*Interruption*]

Sen. Yuille-Williams: Thank you very much. I know from the wider question it might be difficult, but for each of the programmes that I have spoken about, there is a monitoring and evaluation officer attached to the Ministry. There is a department. We do that monitoring and evaluation and also there is a tracer study to help us with the participants. At least we could give you figures for those who participated, the results and the effect it had on the participants.

Sen. Prof. R. Deosaran: Thank you. I am happy and I am quite sure the Senator is happy that I have provoked you into making that welcome disclosure. That would have rounded off the argument. We have had all these programmes before. These have been recycled programmes; some of us are well tuned to this. We still see the problems in the society. There is teenage pregnancy, the spreading of AIDS, fragmented communities, police indiscipline and a lack of mentoring in some communities, especially those on the East-West Corridor. When we hear about these programmes, we must ask ourselves: What difference would these programmes make? If the Minister, as she has told us, is on the right track, I think we ought to support her and give her our acclamation.

The role of the researcher is one that should not and could not be politically partisan and sometimes the data creates discomfort. What I have found, not only recently, but throughout the years, governments do not like to face data which

brings them discomfort. They like to hear and feel that everything is working well. That is natural, especially if you have an Opposition that is always waiting to pounce and take advantage when things do not seem to work well.

But Ministers and the Executive must get the strategy now to keep the figures there, but separate, so much so, that they will not be held primarily accountable. That is a strategy that I do not see materializing, at least, in this part of the world.

I would encourage Ministers to gather the data, as much as possible and publicize the data and give an appropriate explanation as to why the data says so and so, without feeling that you personally will be liable or incriminated. Once you gain the confidence of the people in that respect, they will go along with you and provide what the Motion seeks to provide: civic mobilization.

The role of the researcher in this country, I will tell you, is a very hard and painful one. Politicians do not like you to come too close. They prefer to take somebody from abroad. It is safer, because the information would, perhaps, be concealed or treated with some kind of delicacy, which they feel the local researcher may not be able to provide. I think the jury is still out on that one, but it does not help what you call national development in the long term. These are very short-term exercises, as we have been witnessing regime after regime and year after year.

Some of us have our jobs to do, whether from the margins. Perhaps, that is a good place to observe things because you are not so immersed in the problems that we are faced with.

I think you are right, the whole history of laws has a tendency to support the rich and the powerful. I think, in criminology, there is an emerging discipline called the new criminology, which says that it is law and the way the law is exercised and framed, that contributes to resentment by the lower-upper and the under-class where they lose respect for society. They feel no guilt and so they transgress with ease, thinking that is their due because they feel exploited. That, in sum, is the essence of what is called new criminology. It is based on evidence.

When Minister Yuille-Williams was speaking about community empowerment, and she is right, when you speak to the young men and women at the Youth Training Centre or the St. Jude's Home and other such institutions, you get from them a feeling of resentment against the society. Locking them up, and putting them away for three or six months would merely aggravate that disposition. We have to get down to the basic reasons which have produced these young people with such anger and resentment. I am not saying that it is an easy job, but I hope

the Motion would have triggered a sense of camaraderie, goodwill, mutual respect in a genuine way and, perhaps, take Gordon Brown's word to heart, the new British Prime Minister. The first thing he said is that he wished to make his government humble enough to know that their place is to serve the people. That is not rocket science. It is something that our hearts should tell us what is the right thing to do.

I had hoped that this Motion would have closed the gaps, and created a partnership where free talk and genuine concern would rise above the otherwise pettiness, with which the Parliament sometimes immerses itself; the high ground, so to speak. But I suppose it is sometimes wishing for the impossible.

In reviewing what so many people said—I think one of the early speakers was my friend, former Senator and former Minister of National Security, Mr. Padmore. He made some substantive points and given his position, I believe, as advisor, in some capacity, to the Prime Minister, although I have my doubts as to whether the Prime Minister is really getting a modernized level of advice, or whether, perhaps, Mr. Padmore needs an advisor so that he can advise the Prime Minister more effectively. Something does not seem to be right. Maybe Mr. Padmore is trying his best. But the system, maybe the structure, the networking or the intelligent services, the delivery arm to protect and serve is not working so such advice to the Prime Minister's Cabinet may not be finding fertile ground because there is only so much a Minister can do, as I said earlier on.

Mr. Padmore made a point about drugs, and I keep hearing this repeatedly: that drugs is the major cause of everything—crime. I was in a Washington conference two weeks ago and I had to challenge the statement because it is becoming like a mantra and a slogan, where it takes the responsibility off a lot of people by saying it is the Medelline Cartel, it is coming from Bolivia so we are helpless as an in-transit station and you cannot blame us, it is the drug producers from the consumer countries of the north, so we cannot do anything, virtually. I think that is a hapless position to take; the reasons being two-fold. One is, where is the evidence suggesting how much drugs contributed to rapes, how drugs contributed to robberies, how drugs contributed to larceny, how drugs is connected to kidnapping, how drugs is connected to murders and gang murders? You will, or course, find some connection here and there, quite plausibly especially if gunrunning is linked to drug trafficking. That is the culture of drug trafficking.

But there are many other crimes for which a drug explanation is certainly not enough. You have to tell the national community and you as an Executive have to tell yourselves. We have to deal with these crimes too and you cannot use the

umbrella explanation of drugs, because Sen. Dana Seetahal's point in response to Sen. Padmore will have to be taken up. If you know that drugs is such a serious problem, what are you doing with your prevention programmes then in the schools? What is the effectiveness of those programmes, or are we going to keep complaining about the drugs now and forever; assuming that drugs is such a major culprit?

Sen. Padmore raised, to me, a more fundamental point. I was glad that he raised that point, at the international level. He said when these consuming countries make treaties and other arrangements, countries like ours are left out and the punitive measures taken by these consuming countries are inflicted directly or indirectly upon countries such as ours in the middle. I was proud to hear him say that he and perhaps his delegation and other people in his capacity wrestled with that and got them to put a particular clause in the treaty, where the consuming countries must also carry some responsibility for drug trafficking and drug abuse.

He challenged the Motion by saying that it did not talk about causes, if I remember correctly. But if we were to talk about the causes of crime, you know what would happen to time.

I want to refer to Mr. Padmore, because he quoted from the document; he quoted from a report by the Caricom Task Force on Crime and Security in another context. But to refresh his memory, that same document contained the explanation for the causes of crime. The reason I know that is because that document was prepared by Dr. Harriot in Jamaica and yours truly, for the Caricom Task Force on Crime. We can preach, rant and rave about the causes of crime, but it is not so much the causes of crime, it is how to operationalize those causes into finding solutions.

If you say unemployment, it is really not quite true. If you say economic depression, it is also not true. You can speak about some other things that my colleague, Sen. Prof. Ramchand, spoke about: character, values and some respect for lives, yours and others. Such things should come through the educational system. Are they really coming through the educational system?

As far as Sen. Padmore is concerned, I think it was, to me, a welcomed presentation that raised some important issues that we should bear in mind.

There are several other speakers and I know my time will be limited. Sen. Mark dealt with the economic conditions and crime, but I think it is not merely for the record, people being poor so they rush out and commit crimes. That linearity

is absurd, it is a misguided one and it should not be encouraged. People who are poor—when they do commit crime, it is mainly through resentment against the system, feeling that the bonds and the promise of the meritocracy are not working and that they are trying their best and they are not getting a fair opportunity. That resentment causes them to dislike the society in which they live.

The issue, therefore, is relative deprivation. The issue is to mount a platform and to spread an ethos of fair treatment. People do not mind being poor. Some of them are born in poor families. Poor families have been very respectful and obedient. They value other people's things. Once unfairness and inequity sink into a system, it disrupts the bonds of civility that we should all have in a community. I think, that more, in those few words, much more than poverty, is what is instigating a lot of youth crime in this country. I am not speaking by guess.

The Public Services Association asked me last year to conduct a study on the East-West Corridor, male youths primarily. What I am saying has come from such evidence, without belaboring the point. They are goalless. When I say goalless, I am not speaking about football. I am speaking about their life chances. They have no goals inside, but they all have a cellphone and two or three rings on their fingers in Forms IV, V and VI. I am not telling you what I read in a North American book, I am telling what myself and four researchers saw ourselves. I would not call the name of the school. We spoke to them and, of course, we made certain recommendations about career development in a concise systematic way. What you find some of these young men need is really inspiration.

I am glad Sen. The Hon. Yuille-Williams made the point about mentorship. It is true government may be lax. They may not know everything. None of us really knows everything, that is why putting the word “consensus”, so we learn from each other and “civic mobilization” so that we would all move together, having learned from each other. That is what I thought the Motion was about. When she spoke about mentorship she is right.

Where government has lapsed, I do not think that they should be left alone. We sometimes as citizens and patriots, with all the pain that it takes, should try and help the Government of the day until a new one might come in its place. That is our civic duty, in such a situation as crime. It is my choice. But it pains me to see that those who have ears to hear, do not always hear and those who have eyes to see, refuse to see, yes because of the politics; somebody does not like you, somebody does not have to like you as if it is a love fest that we have here, rather than getting our public affairs and our national community on the right track.

You have to be a patriot in this country to be genuinely interested in developing your country. Politics stands in the way and it is very hurtful, sometimes, for many researchers and people of goodwill who want to help and have to suffer the humiliation and the degradation sometimes, merely because they want to provide some assistance to a government under siege. There will be little consensus and there will be little civic mobilization.

Sen. The Hon. Yuille-Williams did correctly say that the talks the Government had with the public here, there and other places is a welcomed thing. Every time a government goes to meet its people, that is welcomed. I believe it has to do with the timing. Is it too late?

Mr. Padmore would remember that in 1977—that is why I always say that he is my friend because we go back a long way—I proposed to him something called a National Crime Commission with its tentacles across the community to mobilize, partner and get the energies of all aspects of the country at the behest of government. It will be a research arm, policy assistance and it will serve as a buffering between very sensitive policies and the national community not because the Government and the Minister cannot do it, in such sensitive matters, credibility is a critical factor. You can talk all you want, if people do not believe what you are saying they might as well remain silent, but three words, from somebody with credibility makes a big difference.

We were saying, Mr. Padmore would remember—I would not give you all the circumstances. I met him in his office on Knox Street. This is an example, it does not have to be the only thing. A National Crime Commission, if it had been formed then, all these things we are having now about talks here and there, we would have been a long way down the road towards solution and pushing back, what was called this afternoon, that terrible minority of criminals that is playing off, but it is politics. A Minister might feel if he forms a National Crime Commission, some of his power might be diminished, the loss of control. I have already told you what power does; makes men giddy, proud and vain. It is natural, that is why you have accountability and checks and balances in the political system because none of us could be trusted with power. Over the years, it is an aphrodisiac because once you get power, the first thing you want is more; just like money. It is like original sin, as if we are born that way, to want more and more power. It happens all the time. That is why I have a great regard for Gordon Brown's word, because he himself must recognize that the arrogance of power defeats many an otherwise good policy. That is part of the problem we are facing in this country; the credibility of public policy and the timing of things.

I mean no disrespect but if, as soon as the Government got into office, it had held those crime talks across the country and put together a package of people-centered and people-driven policies, it would have had the credibility. It would have had the civic mobilization and the consensus. It is not that something is done that is not right; it is the timing and the credibility. These nuances cannot be disregarded in the public policy. It has been the plea of many of us on the Independent Bench, over and over to get such things on the road.

When I say credibility, the question must arise, because crime, I must say, is not only for the police. Because the number of people who get off on bail in the administration of justice, in the Judiciary, and go and commit more crime, is not the fault of the police. It is the injudicious decision-making by the Judiciary. That is my question on the Bail Bill how many offenders were let out on bail who have committed more crimes that is languishing in the Order Paper. I do not have the versatility or flexibility of Sen. Mark to get up and always remind you about how long that question is on the Order Paper. I should tell you that Order Paper is breaking a new record in the Parliament of this country. Even if I do not get that answer, I would have created a record by default in this country.

Credibility, how can you have a Chief Magistrate behaving in this way, in the face of public opinion, in a matter as serious as witness testimony? Does that build credibility, yes or no?

Madam President, again, this is not the Government's fault exclusively too. That is why I say if the Government and the Ministers could explain themselves, out of this complicated matter of crime and justice, they would do themselves a good service. Confess where it is necessary. No government has been perfect. I am not going to recite the litany of mishaps and mistakes made by previous governments; we know what they are. Some of them had been punished for it, but punishment does not solve the problem. Changing a government in this country does not really solve many of our problems. There are structural conditions in this country. There are systemic problems facing this country; some of which Members of the Government would have recognized by now. That is why Sen. The Hon. Conrad Enill always speaks about the public service and the culture of resistance. A Minister has to be careful he does not cross the line, for fear of being accused of political interference.

In a previous debate I said that political interference is good sometimes, but my friend mellowed my view by saying: "What you really mean is political intervention", and I stand corrected. Political intervention is nothing to be fearful about.

Just like the Minister in the Ministry of Finance, Sen. The Hon. Sahadeo intervened in the FCB issue and she was accused of micro-management. I stood up there and said that she is right. When things go bad it is a Minister's responsibility to intervene. It would be irresponsible to do nothing and just remain loathing in the realm of macro management. It is not the word micro or macro. It is what needs to be done. It is similar now to the police service. I do hope the Bills that are passed would bring some relief. As I was saying, it is not Government's fault alone. There are other arms of the State.

The Witness Protection Programme is doomed to fail. That is a tragedy, because of so many things hingeing on a witness's testimony. Why would it fail? The country is disturbed that so many witnesses in serious murder cases lose their memory suddenly by magic. It is not that it is lost. It is lost with such disturbing frequency that you wonder if any conviction could ever arise in very serious cases, tempting many of us to feel that some bribery or underhand money was passed somewhere or somebody was threatened with his or her life seriously and therefore justice will not be served.

People are losing diaries. If the witness is not threatened directly, the family is. If you take a witness and you put him in the United States or Europe, his whole family is behind. This Witness Protection Programme is an ideal whose day would not likely come, because of all the problems, not only memory lapses, tremendous expense. Some of the small countries, I have heard, Prime Ministers are bawling like "40 Tarzans" because of the expensive demands of a witness protection programme.

This is the difference. If you could separate the elements, you would recognize that the Government has a role to play, the courts have a role to play and the police, as an agency, also has a role to play. When you have a serious murder case taking six or seven years to be finalized and you have a witness protection programme, this is haemorrhaging your Treasury, apart from the distress and the inconvenience by both the said witness and his or her family.

I am merely pointing out these things to underline my friend, Sen. Padmore's worth and language. This is a complex problem and governments all over the world are wrestling with it.

I have found, from the training I have, maybe, for whatever it is worth, that since a lot of crimes are sociological in origin and nature, the solution must accordingly be spawned. It must have part of a sociological, not just the law or arrest. That is why I suggested a broadly-based sociological network, a National

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Crime Commission, which, by the way, from that same report that Mr. Padmore referred to, the Caricom Task Force on Crime and Security, we proposed—
[*Interruption*]

Madam President: Senator Padmore.

Sen. Prof. R. Deosaran: Sen. Padmore. We proposed a National Crime Commission with objectives and establishment. Barbados accepted it, St. Lucia accepted it and one or two other countries accepted it and they are moving into networking and laying a foundation for civic mobilization.

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. E. Mc Kenzie*]

Question put and agreed to.

Sen. Prof. R. Deosaran: I will leave those details. There are many things we can talk about and I would have liked to pay some regard to the points raised by several other speakers: Sen. Ahmed, Sen. Mark, Sen. Dr. Mc Kenzie, Sen. Cropper, Sen. Parvatee Anmolsingh-Mahabir and all the others, including the Attorney General, Sen. John Jeremie SC, who gave a short, but very incisive commentary rather than a contribution.

I am obliged, reluctantly. I am forced to do so, but I think I must do my duty because the research that I do and the policy we try to develop; these things are done not only by myself, but I have a staff that work with me and they got very concerned and angry to hear that things that we have done are being used by other people, almost in violation of the copyright.

Before I get to those items, I want to refer to Sen. P. Anmolsingh-Mahabir's comment on the death penalty. It is connected to crime. A Minister in the other place said that it is time we have a public debate on the death penalty. Of course, we know the law, apart from the Privy Council's intervention or interference, which has put great strain on the Government's willingness to act accordingly.

On March 02, 1988 a Motion was moved in this Senate on the death penalty, accepted by the Government. It starts off:

“Where there is great concern over the status and effectiveness of the death penalty...”

That was in 1988. Almost 20 years we are in the same mess. People's hands are tied behind their backs and their feet are tied. The death penalty is dead, virtually dead. It is a joke. That is why I say the system has lost its credibility.

When a judge pronounces the death penalty on a person, that "fella" must be laughing his way to the cell. It is a joke. Why are you pronouncing on a sentence that is virtually dead? It went on, to cut a long story short:

"Be it resolved that the Government appoint as a matter of urgency..."

That was in 1988.

"a Commission of Enquiry to collect and examine views from the general public and appropriate professional groups on the status and effectiveness of the death penalty and that such Commission of Enquiry submit its report three months after its appointment, so that the Government could be guided into appropriate action at the earliest opportunity..."

That was since 1988. A Minister is now asking for a public debate? We should ask: What is the Government doing, in Parliament, and outside Parliament to get this death penalty matter fixed up, as it were, rather than hanging loose?

"Eh eh", this Motion was moved by yours truly, before I forget, for the record. I am forced to do these things because people say what are the Independent Senators doing. I do not get angry; I say perhaps they are ignorant because they did not know the facts. We do a lot of work, but we are not executors. We could merely contribute under the Standing Orders and this was done.

Mention was made of model police stations, commendable. Sen. King asked the Minister how long before will we see it bear fruit, he said within a year. That is not my point. Briefly, approximately five years ago—this is what has made my researchers angry—we submitted a proposal to the Government on model stations, with more precise objectives and a more indigenous understanding of what crime is all about. Look it here:

"The design and implementation of a quality management system for the Trinidad and Tobago Police Service, that is model police stations."

It lists the objectives. This is just the cover page. What the Minister was saying is shortchanging what the project should really include, and given what model stations should really be like, gap analysis, writing procedures, getting a manual, putting quality management system in place, audit quality management and a

number of things that could have been implemented, not in the way that I heard it from the Minister. You are almost drawing resources from other stations to enrich these five stations and matters of that kind.

I want to lay claim on behalf of the researchers who worked with me that we did propose this model police station approximately five years ago and it is a pity that it has not been implemented, but it has been brought into Parliament with such fanfare. But all the same, it is not a matter of fame or glory, we are still appreciative of the effort being made even at this last moment. We will support it wherever it requires support.

That is not all. We heard about CAPA, not car park. It is the Crime and problem Analysis Unit. It sounds new brand. It sounds as if it now came out from the over, hot and ready to go. Madam President, we submitted that long time. Look, the document is here: *Crime Statistics Report and the Establishment of a Center for Crime Research Statistics and Policy*. There was nothing like \$1 million here. People are asking all kinds of questions about money and money. There is nothing like money here. It was a public service, drawn from the intellectual capacity of local people and it could match anything, any part of the world, anywhere at any time. Look it here:

“The center will not only aggregate crime reports and the other information stated in the police report forms, but it quickly constructs several crime prevention profiles and time series trends for both policy and police response.”

Everything is in increment, step after step. It tells you what a professional outfit can do for the Government and the public.

Here is another objective. There are 12 objectives:

“The crime data will therefore be compiled and reported with a strategic description of the circumstances of the crime. This will enable more effective community policing interventions in sustainable ways and with benchmarking procedures. All this would place crime management and policing in a more solid scientific paradigm.”

Look at the language too. It goes on with the 12 objectives. Why do these things get lost on the shelves? Is it because it is given with such generosity and kindness of heart? As I said before, it is the pain that a patriot must endure and will continue to endure, because such is the nature of politics in this country.

Our pleadings and bleating will go in one ear, possibly, and come out the other ear because the system is structured to see everybody almost as an enemy, rather than stretching a hand to walk together and build a consensus and civic mobilization.

When I was speaking about the eyewitness issue, you would not just leave the witness programme to collapse. I venture to say, and I am quite sure the Government must have already recognized this, you have to rely more on forensics, the DNA, fingerprinting, toxicology, have sting operations. When you tell me about kidnapping and that the East-West Corridor is littered with crime, put out your sting operations. Develop some sophisticated machinery, based on the data that you should have strategically compiled.

There is a lot more to talk about, but I believe I have had my say. I do not know what we would do with the amendments. I do not like the word "vast" taken out because it is true. There is a lot of money, but I would not fight to the mat on this one. If the Government is of the view that by making these amendments, they would be better disposed to accept the Motion in the spirit of things and move forward, I am willing to concede, if my colleagues on the Independent Bench agree.

Madam President, thank you very much for listening.

Madam President: Hon. Senators, you will recall that the hon. Minister of National Security proposed an amendment to the Motion on Tuesday, April 24, 2007. That amendment was duly seconded and the question on the amendment proposed. We have been advised there was a typographical error in the amendment that was circulated and that (b) should read in paragraph 2:

"delete the word vast" instead of "vast sum" as was put in the original in the first line and all the words from "with" to "situation" in the second line. Therefore, in accordance with Standing Order 31(4)(a), I shall now put the question on the proposed amendment.

- (a) In paragraph 1, delete the word "worsening" in the first line and the words "severe psychological" in the second;
- (b) In paragraph 2, delete the word "vast" in the first line and all the words from "with" to "situation" in the second line;
- (c) In paragraph 3, delete subparagraphs (a) and (b).

Question, on amendment, put and agreed to.

Resolved:

That this Senate agree that the Government outline, with specific performance targets and mechanisms for accountability, what concrete measures it intends to take to deal effectively with the serious crime situation now facing the country so as to facilitate the pathway to national consensus and civic mobilization.

GOVERNMENT MINISTRIES (PART II)

**Joint Select Committee Report
(Adoption)**

Sen. Mary King: Thank you, Madam President. I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the First Report of the Joint Select Committee appointed to enquire into and report on Government Ministries (Part II) and on the Statutory Authorities and State Enterprises falling under those Ministries.

Madam President, the First Report of the Joint Select Committee (Part II) was laid in this Senate on February 06, 2007 and laid in the Lower House, in the other place on February 09, 2007.

Having reviewed most of the operations of the NWRHA, the report has recommended several areas which require urgent attention. I do not think that any of these will be new to us at this sitting, given that we have had already the reports of the Health Commission of Enquiry laid in this Senate and now a public document.

There are several issues arising of a severe lack of management expertise within the NWRHA, severe lack of research surveys which indicate for us or the population or the health authorities, what exactly is the position concerning chronic diseases. The budgeting process was of grave concern to the committee. We also found that there was no career path planning within the authority and, therefore, this jeopardized positions and continuity when there were persons leaving the system and, of course, very important to all of the authorities, I think it is now seven years that we have been working towards a centralized information management system, which is still not in place. Those matters were of grave concern to the committee and we have recommended and certain requests made of the Government that there be investigations into why all of these aspects are not being worked upon and why they are not in place.

We have also asked—given that we have not had financial statements for almost nine years now, from the NWRHA—that there will be an urgent forensic audit into certain departments within the health authority, namely the finance department, the human resource recruitment practices, procurement issues and, in particular, on procurement, the issue of the disappearance of many containers which were donated by the Living Waters Community to the authority.

We also recommend that serious thought be given to a change in management structure, in all the health authorities. It is very obvious that there seems to be problems within the management structures and the financing of the authorities. We are recommending that serious thought be given to reconstruction of the health system, in that there possibly ought to be some private sector involvement with management contracts given to the private sector; something like the Bolivian model of capitalization, where an investor who is experienced and who is an expert in his field, will invest and will also bring management to the authorities.

Those are the summaries of the committee.

Madam President, I beg to move.

Question proposed.

Question put and agreed to.

Report adopted.

**GOVERNMENT MINISTRIES (PART I)
(MINISTRY OF PUBLIC UTILITIES)
Joint Select Committee Report
(Adoption)**

Sen. Parvatee Anmolsingh-Mahabir: Thank you, Madam President. Madam President, I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the Second Report of the Joint Select Committee appointed to enquire into and report on Government Ministries (Part I) and on Statutory Authorities and State Enterprises falling under those Ministries based on an enquiry into the Ministry of Public Utilities and the Environment and its agencies.

Madam President, the Joint Select Committee (Part I) examined the Ministry of Public Utilities and the Environment and its agencies, which included—I would just for the benefit of the public enumerate some of these agencies: the

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Water and Sewerage Authority, the Trinidad and Tobago Electricity Commission, the National Social and Development Programme, the Solid Waste Management Company Limited, the Community-based Environmental Protection and Enhancement Programme, the National Commission for Self-Help Limited, the Meteorological Services Division, the Environmental Management Authority, the Forestry Division, the Zoological Society of Trinidad and Tobago, the Trinidad and Tobago Postal Corporation, as well as the Green Fund.

I am requesting that the recommendations contained therein, be given serious consideration. In fact, some of these recommendations have already been accepted and I am very thankful for that.

I would like to thank the dedicated members of the Joint Select Committee (Part I), for their contributions in making this report possible.

I want to point out also that the attendance record attached to the report will reflect these dedicated individuals.

I must also express my thanks to the support staff: Mrs. Lily Broomes, who was the secretary of the committee at that time; the Assistant Secretary, Mrs. Jacqueline Stoute; the Graduate Research Assistant, Mrs. Gertrude James and all the support staff for their assistance in making this second report possible.

Madam President, I beg to move.

Question proposed.

Question put and agreed to.

Report adopted.

GOVERNMENT MINISTRIES (PART I)
(POLICE COMPLAINTS AUTHORITY)
Joint Select Committee Report
(Adoption)

Sen. Parvatee Anmolsingh-Mahabir: Madam President, I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the Third Report of the Joint Select Committee appointed to enquire into and report on Government Ministries (Part I), Statutory Authorities and State Enterprises falling under those Ministries on an enquiry into the Police Complaints Authority an agency of the Ministry of National Security.

Madam President, the Joint Select Committee (Part I) examined the Police Complaints Authority and we arrived at certain conclusions. With your permission I would like to read briefly the conclusions and the recommendations.

“The primary focus of the enquiry was to ascertain the manner in which the Authority dealt with complaints received from the public on the conduct of police officers. In its recommendations the Committee concludes that the Authority and the Police Complaints Division of the Police Service should always be equipped with the full complement of competent staff and review of the legislation by insertion of a section which will empower the Authority to independently investigate and report on complaints on the conduct of police officers. The Committee is of the view that this would enhance the workings of the Authority and by extension improve the professional standards of the Police Service.”

You would be aware that legislation was passed to this effect and we are grateful for that.

Further, recommendations were made and I would enumerate briefly, some of them:

- “(i) appointment of additional complaints officers to deal with the daily complaints made on the conduct of police officers;
- (ii) the Authority and the Police Complaints Division be equipped with the full complement of competent permanent staff instead of contractual officers;
- (iii) members of the board should be appointed on a timely basis;
- (iv) provision of all the necessary resources and training of staff of the Police Complaints Division for the efficient, effective and expeditious investigation and resolution of complaints;
- (v) increase the number of investigative officers to deal with the volume of complaints received from the public;
- (vi) ensure that steps are taken to guarantee public awareness regarding police complaints procedure;
- (vii) ensure proper system to record details and provide assurance that all relevant evidence and information is complete and taken well;
- (viii) ensure that the IT section of the Authority accurately enters data into the system so that it can be readily available when required/requested, thus enhancing the image of the service;

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- (ix) ensure proper monitoring of the results and take remedial actions to reduce the timeframe to resolve complaints;
- (x) ensure proper and effective communication lines between the Police Complaints Authority and the Police Complaints Division to enhance processing and outcome of matters.
- (xi) implementation of recommendations made by the Police Service Commission in its 2001/2002 Report, as well as recommendations stemming from the Fifth Report of the Police Complaints Authority;
- (xii) That the Police Service Commission takes steps to reflect the importance of improving performance.
- (xiii) Implementation of legislation to strengthen the Police Complaints Authority.”

4.00 p.m.

Madam President, most of these recommendations have already been in place.

Again, I must point out that the Committee faced some challenges with regard to attendance, and this is reflected in the Appendix of this Third Report.

Let me thank all the dedicated and conscientious Members of this Committee for their attendance and contribution to this report. I must also express my thanks to the Secretary of the committee, the Research Assistant and all the support staff for their assistance in the production of this report.

Madam President, I beg to move.

Question proposed.

Question put and agreed to.

Report adopted.

EQUAL OPPORTUNITY BILL
Joint Select Committee Report
(Adoption)

The Minister of Legal Affairs (Sen. The Hon. Christine Kangaloo): Madam President, thank you very much. I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the First Interim Report of the Joint Select Committee appointed to consider and report on a Bill entitled the Equal Opportunity Bill, 2007.

The report that has been circulated shows that a meeting of the Committee appointed to look into the Equal Opportunity Bill was convened, and it was decided at that meeting that the input of technocrats from the Legislative Drafting Department of the Ministry of the Attorney General and the Law Reform Commission would be necessary during the deliberations of the Committee.

The Committee also agreed that comments should be invited from interest groups and members of the public, and those public consultations should be held throughout Trinidad and Tobago.

Consequently the Committee is now requiring an extension of time to report to Parliament and the report, therefore, is seeking an extension of two months to complete its deliberations.

Madam President, I beg to move.

Question proposed.

Sen. Wade Mark: Madam President, I am a Member of this Committee, and if I may remind you and this honourable Senate, the Equal Opportunity Bill is one of the many pieces of legislation that we had agreed upon with the Government. Whilst several pieces of legislation have now been translated into law and are about to be enacted or have been enacted, the Equal Opportunity legislation continues to languish. We have been told today that this joint select committee of which I am a Member has proposed an extension of two months.

We have refused to sign this report—I refused to sign it and my colleague from the other place—and the reason for this is that the view of the Opposition Members who sit on this joint select committee is that we should sit on a regular basis in order to have this piece of legislation become law before the life of this Parliament comes to an end.

When the matter is being extended for two months it tells us that the present administration has no intention whatsoever to bring this legislation to life before this Parliament comes to a close. [*Interruption*] So, I just wanted to put that on the record—Madam President, I know that you are acting a little hasty—

Madam President: I was not anticipating.

Sen. W. Mark: Sorry, Madam President. I thought you wanted to get up, so I was just indicating to you that I have an entitlement here. When we are debating a Motion, I have an entitlement. Madam President, let me not detain you too long, but to let you know that we wish to record our disappointment over the length of time that this matter is taking, and that the Opposition Members who are on this

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committee would like to record our disappointment. I would like that if the Government is serious about bringing the Equal Opportunity Legislation before this Parliament and before its life comes to an end very shortly in October, 07 this two-month period is not going to ensure that this happens.

I want to record our disappointment, our position and our regrets for the position taken by the Government on this particular matter.

Question put and agreed to.

Report adopted.

ADJOURNMENT

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate be now adjourned to Wednesday, July 04, 2007 at 1.30 p.m. when we will deal with items Nos. 1 and 2 on the Order Paper; Bill to amend the Motor Vehicles and Road Traffic Act and a Bill to amend the Legal Profession Act, 1986.

Health Sector (Deteriorating State)

Sen. Dr. Tim Gopeesingh: Madam President, the Motion that I filed for the adjournment is the deteriorating state of the health sector, as a consequence of the non-implementation of a number of promises contained in budget speeches from as early as 2002.

Madam President, good health care must be a right, and something that people ought to receive when they need; not poor health care as is widespread in Trinidad and Tobago. At any time, we must be working toward a health system which balances individual need for dignity of life and society's need for economic discipline.

Under the two Ministers of Health of this administration, there has been a total loss for the dignity of life, and life has become cheap in this country. What do we have today? Screaming headlines: "23 babies die at Mt Hope from enterobacter" and the Minister said that heads will roll, but not a head has rolled.

Roaches and rodents at San Fernando General Hospital kitchen; kitchen closed; people falling through the floor of the San Fernando General Hospital laboratory; rats and vermin are biting at the fingers of people who have died in the mortuary; and \$119 million went missing, which was supposed to be paid to the National Insurance Board (NIB) and the Board of Inland Revenue.

The Tobago House of Assembly Chief Secretary, Mr. Orville London, described the Scarborough Hospital as a frustrating experience. He said that the Tobago Hospital project is sick. The Tobago Hospital started in 2003, and not even the foundation has been completed and there are millions of dollars in cost overruns. Who has been charged for moving materials from this site to their private property?

A commission of enquiry indicated that someone must be held liable, yet the Attorney General and the Director of Public Prosecutions have not charged anyone. Is this because you have to charge one of your boys?

Fire at St. Ann's Hospital; toddler's death at Eric Williams Medical Sciences Complex; and baby burnt on the hand. Life has become cheap. Young Faith Williams has died from a simple hernia operation; a neonate was burnt with a hot water bottle; a young child waiting for brain surgery died the day before because there are no intensive care unit beds at the San Fernando Hospital. A young man died after being struck on the head. He was unable to get a CT scan to assist the neurosurgeon in the diagnosis. Four newborn babies died at Scarborough Hospital, and while all of this is happening almost \$15 billion is spent on the health sector.

The Minister of Health is becoming a movie star and an actor posing before the cameras and spending \$15 million on advertising and public relations in just two to three years, and millions more was spent on travel in the Ministry of Health whilst patients are dying throughout Trinidad and Tobago. All of this is happening while promises after promises—from 2002 to 2006—remain unfulfilled.

When one makes a promise to a child, and you do not fill that promise, that child cries and cries, but when this Government criminally and callously makes promises in the health sector and does not fulfil its promises people die. This is what is happening in Trinidad and Tobago.

Madam President, I want to read from the budget statement by the hon. Prime Minister in 2003. He said in his budget statement:

“Mr. Speaker, I now turn to the health sector.

As an urgent priority, we are now instituting a comprehensive reform of our health system.

We are currently engaged in discussions with the International Development Bank with a view to regaining lost momentum with respect to the health sector reform programme...

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We plan to fast-track the implementation of the reform programme...providing...health care in an efficient and equitable manner.”

Four years later, in 2007, this Gladys Gafoor Report of the Commission of Enquiry into the Operation and Delivery of Public Health Care Services in Trinidad and Tobago speaks about a number of problems in the health sector. Is this the health sector reform?

A severe shortage of health care professionals in all areas of the public health sector; a lack of comprehensive training programmes resulting in poor quality service, chiefly at the primary health care level; alleged negligence of doctors and nurses; indiscipline among staff; ineffective strategies for compensating and retaining staff; improper financial management; inadequate health care for women; high levels of neonatal and infant mortality rates.

Madam President, the hon. Minister came a few months ago and tried to mislead this House by saying that Trinidad and Tobago has one of the lowest neonatal and infant mortality rates. In fact, this report says that Trinidad and Tobago has one of the worst infant and neonatal mortality rates in the Caribbean ranking only behind Guyana and Haiti. Is this what a Government must be proud of?

This report goes on to speak about inadequate policies regarding procurement of equipment and medical supplies; lack of effective preventative maintenance programmes for effective health care facilities. This is what the hon. Minister of Health is presiding over. This is what this PNM administration has been presiding over for the last five years in the health sector.

There are dilapidated toilets and kitchen facilities at many health care institutions and an insufficient number of beds. People have to bring beds into the hospital while other persons are taking beds out of the hospital. This is what the Minister is presiding over. There is lack of storage facilities and insufficient blood supply at the Blood Bank and an inadequate ambulance service. These are just some of the observations that have been made in this report.

Despite the fact that they have contracted out the ambulance service and spending \$51 million, the UNC government spent \$19 million, and we had a response time of 10 minutes to 15 minutes and now the response time with this ambulance service is at least half an hour.

Madam President, in 2003 the hon. Prime Minister said:

“Mr. Speaker, the nation’s facilities will now benefit from increasing numbers of adequately trained and motivated staff.”

Here is the report telling you of the unsatisfactory working conditions; low wages and staff shortages which have all contributed to demotivation, low morale and lack of productivity.

The Ministry of Health has been unable to effect the full transfer of public health employees to the Regional Health Authorities (RHAs). Five years later when you took over the dual-track system has persisted, thereby undermining the ability of the RHAs to efficiently manage the human resources.

This is what the hon. Prime Minister spoke about in 2003. He said that the nation would benefit from increasing numbers of adequately trained and motivated staff. It says ineffective strategies for compensating and retaining staff. Do you remember the Medical Board Act? This Government brought on the parallel Medical Board so that they could bring in all sort of doctors from abroad. They brought in 75 doctors and made no improvement in the health service whatsoever. They brought the Pharmacy (Amdt.) Bill, but it was not passed in Parliament. They were trying to impose pharmacists from other countries who were not trained for this population.

It is this Government which took two years to settle the junior doctors' contracts. They filed an injunction and tried to "lock up" the junior doctors. They appointed an interministerial team and you have threatened to "lock up" the doctors, but you could not solve the problem with their contracts. [*Crosstalk*]

It took another two years to solve the senior doctors' contracts. Year in and year out they cannot solve the problems in the health sector but, today, the same Minister of Health who is presiding over the health sector is giving a medical chief of staff at Mount Hope Hospital \$84,000 per month, and he is presiding over and giving one particular doctor the tune of almost \$150,000 per month as a salary; working in the public sector and working in the private sector.

In 2003 the Prime Minister said:

"We are accelerating the construction and refurbishing of primary and secondary health care facilities, including the construction of the Scarborough Regional Hospital."

There are no new district health facilities being built. Six were promised and not one was built. No new hospital was built. We want to ask the hon. Minister of Health: How many health centres were initiated under the PNM and constructed and completed? We did 47 health centres during our short period of time.

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One of the main observations was that many problems impacting on the delivery of health care resulted from inefficient and ineffective management. This is what the hon. Minister is presiding over. He wants to be on the newspaper on a daily basis and being photographed as a movie actor.

There are several issues relating to the mismanagement of human and material resources resulting in persons occupying senior positions without the necessary qualifications. This is the PNM style; square pegs in round holes; appointing party groups in the health sector.

We understand from a question that we asked that there are almost 1,500 new employees employed in the RHAs since they came into office. How has that impacted on the health sector? A damning report; square pegs in round holes.

The Prime Minister said that they will install approximately 20 dialysis machines in the major government treatment centres and expand the capacity for cancer treatment with the establishment of Mount Hope National Oncology Centre.

They promised a burns unit at the San Fernando General Hospital; an intensive care unit at San Fernando General Hospital; the National Oncology Centre; a national health insurance system; and to bring all the employees under one employer. All these promises have been unfulfilled today.

They said in 2002 they will build the Point Fortin Hospital, and only this year; five years later, they are thinking about starting the construction of the National Oncology Centre.

Madam President, what is shocking in this report is that major revelations have been made in this health sector report. I want the hon. Minister of Health to speak about this matter. There is evidence of corruption or other maleficence. In others, the status quo simply cannot continue without incurring serious risk to the health of patients. That is a major finding of the commission of enquiry.

There should be an investigation into the cases of phantom companies operating in the public sector. Our enquiries have disclosed that nine companies were paid for services in the health sector without being registered with the Registrar or Companies.

They recommended that a forensic audit of the five RHAs be conducted, and they must investigate allegations of corruption, nepotism and mismanagement at the Eric Williams Medical Sciences Complex. The RHA board should be reviewed, and a new board should be appointed.

Madam President, all of these promises were made from 2002 to 2006; year after year, and they are being repeated in the health sector. This administration has undoubtedly been unable to perform in the health sector, and it has left thousands of lives in Trinidad and Tobago in jeopardy.

In fact, I want to close by saying that in the course of the commission of enquiry, its attention was drawn to a number of cases where people who would have been admitted to hospital for apparently a simple procedure or a minor injury either left the hospital in a worse condition or died. Relatives have reported that the treatment which they have received was extremely unsatisfactory and did little to ease their pain.

Madam President: Your time is up.

Sen. Dr. T. Gopeesingh: Madam President, we call on the hon. Minister of Health to be summoned for a detailed forensic enquiry into the operations of the health sector and the management of the Ministry of Health. He should do the honourable thing and resign, because Minister Rahael, his predecessor Minister Imbert and the PNM administration have failed to take care of the health of our citizens. Never before in our history has the health sector been woeful and unsafe. We call for your resignation. You should do the honourable thing and resign because you cannot continue to preside over this institution.

Madam President: Sen. Dr. T. Gopeesingh.

The Minister of Health (Hon. John Rahael): Madam President, again, it is always a pleasure to be in this honourable Senate. First of all, the hon. Senator spoke glibly about all sorts of different issues, and 15 minutes will certainly not give me the time that is necessary to deal with many of them, but I will have my turn.

The Senator continues to mislead this honourable Senate and the population of Trinidad and Tobago. He spoke about a Medical Chief of Staff at the North Central Regional Health Authority getting a salary of \$84,000. That is not accurate. That is the furthest thing from the truth. However, we in the public health sector recognize that what is required is the full-time doctors in our public health sector. [*Desk thumping*] The most important person in the medical profession in a hospital is the medical chief of staff.

If you want to attract a medical chief of staff who has the experience and knowledge about the health sector, who is qualified and working full-time in the public health sector, and who is not allowed to have a private practice—not

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allowed like the hon. Senator who was working in the public sector and the private sector and sending patients from the public sector into the private sector to his office. *[Interruption]*

[Sen. Dr. T. Gopeesingh on his feet]

Madam President: Sit, Senator. Sen. Dr. T. Gopeesingh, you said all that you had to say, and you made your accusations and nobody interrupted you. Please, let the Minister talk.

Hon. J. Rahael: Madam President, he cannot deny the fact that he was an employee in the public health sector and he also had his private practice. He cannot deny that fact. So, I am not misleading the hon. Senators and the population. I am saying to hon. Senators that if we want people to work full-time in our public health sector, we must be able to pay them. Quite honestly, TT \$84,000 is not a huge salary for someone who is working full-time in our hospital and does not have a private practice as part of his condition.

As a matter of fact, I want to go one step further and say that he should not even have an investment in any health institution in Trinidad and Tobago, but I am advised that I may be treading on his constitutional right and, therefore, the least that we would do is have someone who is working full-time without any interest in a private practice. We have to do the same with many other professionals.

The Senator talked as if he was never there. He was there for six years, and he has referred to this dual employment in the public health sector. When we came in 1995, it was 18 months prior to that we decentralized, as part of the health sector reform, the whole question of the RHAs. I would like to know from the hon. Senator: What did he do for six years about the dual reporting and dual employment in the health sector when he was there? He was there for six years. As hon. Senators and the population are aware, we have taken steps to address this matter. We have offered an enhanced VSEP package to all employees who are public servants in our public health sector. It is an enhanced VSEP and already 1,500 health care providers have indicated their willingness to accept the VSEP, and we are doing it in stages. We did the nurses; we have moved on to the pharmacists and we are doing the doctors and other types of clerical workers and so forth. In fact, we have not only started, but we have accomplished a number of successes in that respect. Again, he comes indicating that we have done nothing when, in fact, we have already done many things.

Madam President, the Senator also mentioned about \$109 million missing. No money was missing during this administration. It was through his administration

that money went missing. [*Desk thumping*] The fact of the matter is that an audit was done at the time, and it clearly showed that no money was missing with respect to the management of the public health sector during this administration.

The Senator referred to the Gafoor report and he talked about these phantom companies. Let me tell you that during the years 1996 to 2001, purchases were made for the health sector from those nine companies under his watch.

Hon. Senators: Oh no.

Hon. J. Rahael: I did not walk with all of the evidence today, because I do not have the time. The point is that those companies, including Calmaquip—do you know that name?

Sen. Padmore: A UNC associate.

Hon. J. Rahael: At the end of 2001 to present, the PNM administration did not purchase anything from Calmaquip. It was under his administration that purchases were made from Calmaquip.

Sen. Mark: So, the commission is wrong?

Hon. J. Rahael: The commission is very wrong. The United States Embassy has written us confirming that the four companies that have been identified as US companies are all registered and functioning and operating under the laws of the United States of America. There is one company from Canada; one company from the Netherlands; and another from the United Kingdom.

Madam President, I am going to walk with the instruments; the letters from the embassies verifying—this was in the newspaper, but we are going to publish it again. Out of the nine companies, there are two local companies registered in Trinidad and Tobago and are VAT registered. The other seven companies are not required to be registered in Trinidad and Tobago.

When you purchase things from a foreign company, that company does not pay VAT or duties; it is the importer that pays VAT and duties. So, the foreign companies do not need to be registered with the Registrar of Companies in Trinidad and Tobago nor do they have to be registered under VAT. Again, this is misinformation and the Senator continues to mislead the honourable Senate and population of Trinidad and Tobago. [*Interruption*] The report is wrong. It is simple as that. I do not know how many other things that may be wrong in the report, but I am not to adjudicate on the report. The fact is the report talked about these phantom companies and the Permanent Secretary wrote the embassies and they were verified. So, I am going to move on.

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The Senator talked about lack of equipment, and when we came into office, this administration found all the negatives that he talked about like the conditions of the hospitals and the lack of equipment, the same 11,000 citizens of Trinidad and Tobago that he left on a waiting list for surgery—he came here in this honourable House and made that statement. He said that there were over 11,000 persons waiting on surgery in the public health institutions. It is this administration—remember they were waiting up to 10 years—and this PNM Government that he kept speaking about is a caring Government, we decided that we are going to eliminate that waiting list. There are no thousands of patients waiting for any surgery.

Madam President, if 11,000 surgeries were done and four deaths occurred, that is very unfortunate. One death is too many, but people die. I do not want to get too personal, but the doctor himself has experienced patients dying under his own hands. That is not unusual; part of a team.

Sen. Dr. Gopeesingh: Madam President, I want to correct him. [*Interruption*]

Madam President: I am going to ask the Minister to withdraw that statement, please.

Hon. J. Rahael: I am not imputing improper motives. [*Interruption*]

Sen. Dr. Gopeesingh: How many patients died under my hands?

Hon. J. Rahael: Under his team. [*Interruption*]

[*Sen. Dr. T. Gopeesingh on his feet*]

Madam President: Senator, take your seat! I am warning the press not to print that statement. [*Interruption*]

Hon. J. Rahael: The fact of the matter is that we are providing state-of-the-art equipment to all of our institutions, and we were able to do that and save lives. It is this administration which made the services at the Eric Williams Sciences Complex available to all the citizens of Trinidad and Tobago.

Madam President: Quiet, please!

Hon. J. Rahael: Madam President, they do not like to hear the truth. The Senator also talked about the fact that we have filed injunctions against doctors, but they have also filed injunctions against doctors. Almost every administration had cause to file injunctions against doctors working in the public health sector. I am sure that their administration did that. They had nurses marching in Port of

Spain during their term. They seem to forget all of that. The Public Services Association and the Chief Personnel Officer negotiate salaries. That has nothing to do with the question of salaries.

The Senator also said that a Pharmacy Board (Amdt.) Bill came here to allow foreign pharmacists to work in the system. That was approved. We have 50 Filipino pharmacists working in the health system. That is why the Eastern Regional Health Authority could have advertised that the Rio Claro Health Centre instead of opening from 8.00 a.m. to 4.00 p.m. can now open from 6.00 a.m. to 8.00 p.m.

Hon Senator: What!

Hon. J. Rahael: So, the Senator wants to talk about the question of primary health care and providing services to the people of Trinidad and Tobago, and the Rio Claro Health Centre is opening longer hours, but that is not the only one. That has happened because of the input of the 50 pharmacists that we brought in from the Philippines. We brought 200 nurses from the Philippines; we brought additional Cuban nurses and doctors and more and more people are accessing the public health sector than ever before.

Madam President, I just want to give you one statistic and to the population at large. As I said, prior to January 01, 2005, because of the announcement by the hon. Prime Minister in his budget statement of 2004, when he indicated that the services at Eric Williams Medical Sciences Complex will be free—at that time you had to pay to get the services done at Eric Williams Medical Sciences Complex. You must have money or insurance to access the services at Eric Williams Medical Sciences Complex—in order to make sure that the poor and the less fortunate in our society who cannot afford to go to a private hospital would be able to get an MRI done, a CT scan done and open-heart surgery done. [*Desk thumping*]

Madam President, we have introduced more services than they have done in their six years in government. In 2004, 7,600-odd patients would have accessed the services at the Eric Williams Medical Sciences Complex.

For the year 2006, you would expect—well, what do you have? Is it a 100 per cent increase? It would have moved from 7,600 to 15,000. Is it a 200 per cent increase? Then it would have moved from 14,000, 18,000, 20,000, 25,000 or 30,000. Madam President, in the year 2006, 43,000-odd citizens of Trinidad and Tobago were able to access the services at Eric Williams Medical Sciences Complex at no cost to them. [*Desk thumping*]

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Madam President, last week, Sen. Dr. T. Gopeesingh talked about CDAP and the quality of medications that is on CDAP. I want to inform you and hon. Members that there is no such thing as CDAP drugs. CDAP is a programme that makes available to all citizens of Trinidad and Tobago medications for over 11 different illnesses. Madam President, it is the same medication prior to 2003 when we had the introduction of CDAP. This is the same medication that is on CDAP.

Madam President, I want to thank you for giving me the opportunity and I would have it again. I understand that in the Lower House there is going to be a full debate about the Minister of Health.

Madam President, thank you.

Madam President: We have a second Motion by Sen. Mark. Is the Minister here?

Hon. Senators: No.

Madam President: Okay. We are going to suspend for tea and we will return at 5.10 p.m.

4.40 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Madam President: So, we have a matter on the adjournment by Sen. Mark.

Bagatelle Residents (Regularization of)

Sen. Wade Mark: Madam President, thank you very much. The residents of the Bagatelle community and its environs have been locked in a virtual mortal struggle with this PNM regime, the Minister of Housing and the Land Settlement Agency concerning the issue of regularization through the issuing of deeds of lease for lands which they have been living on for the past 30 years.

Indeed, the people of Bagatelle have been agitating for several months for regularization of their lands having been issued with Certificates of Comfort by a UNC government between 1998 and 2001. We are told that the PNM regime have informed the residents that their Certificates of Comfort virtually amounts to nothing and, in the circumstances, have proceeded to intimidate, terrorize, victimize and nakedly harass the residents of this community.

Using money as a carrot, many residents have been duped into leaving their lands. The PNM is virtually breaking the law by not issuing deeds of lease to the

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residents of Bagatelle and the approximately 50,000 holders of Certificates of Comfort throughout Trinidad.

It is the firm view of the UNC that these residents must be issued with their deeds of lease. We in the UNC have given this dying regime until August 01, 2007, Emancipation Day, to issue deeds of lease to over 50,000 persons who are in possession of Certificates of Comfort, failing which, an incoming UNC administration will provide those residents—approximately 50,000 persons who are in possession of Certificates of Comfort—with their deeds of lease.

Madam President, using the fig leaf of a sporting complex to cover up their real secret and private hidden agenda, which we understand is to seize the people's land and hand it over to elements belonging to the parasitic oligarchy—the people of Bagatelle are crying out for consultation and meaningful participation in the decision-making process before any construction of any sporting stadium takes place.

We are told by Ann Hilton in her *Sunday Newsday* column that the Government has taken a decision to fully subsidize the extension of the Golf Course facility in Chaguaramas to the tune of \$125 million. We understand that a tiny minority will enjoy this new facility which is expected to reach some \$480 million and would be utilizing some 321 acres of prime agricultural land which should be put under intensive cultivation to control inflation and keep the prices of food down.

The people of Bagatelle, from what I have been made to understand, do not want to move from their community. They want to remain in Diego Martin and in Bagatelle, in particular, and not be sent to Toco, Sangre Grande, Chaguanas, Couva or any other place. Bagatelle residents are worried when they read the following statement by my hon. friend, Dr. Keith Rowley.

In the *Daily Express* of Wednesday, May 09, 2007 the headline is “Rowley we won’t renew River Estate farming leases” and it says:

“Farming leases in the densely populated River Estate Diego Martin area will not be renewed when they expire, according to Housing Minister Dr. Keith Rowley.”

He went on to indicate:

“Because of the residential development in the area it would be no longer reasonable for any farming activity to continue.”

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People also became concerned when they read in the *Daily Express* on Monday, May 07, 2007: “2,500 new houses for Princes Town, says Rowley” and I quote:

“Some 2,500 new homes are to be constructed by the State in the Princes Town area to deal with the high demand for housing...

The new development will be constructed on area of land called Fair Field...

The Fair Field estate, which comprises 510 acres of land, had been assigned to the Agriculture Ministry sometime after 1971, when it then had a tenancies and some agricultural activity. The estate had been designated for agricultural work.”

People are concerned.

In the *Guardian* dated Monday, May 07, 2007 headline: “Bagatelle Squatters demand deeds”. It says:

“Regularization for all squatters nation-wide.

This is the demand now being laid at the doorstep of Housing Minister Keith Rowley by residents of Bagatelle and environs.

In fact, residents are now calling for their Certificates of Comfort to be transformed into deeds which they claim were lawfully their right under the State Land (Regularization of Tenure) Act 1998.”

Madam President, I go again to concerns of the residents of Bagatelle on Monday, May 07, 2007. It says: “Bagatelle Squatters want deeds...before elections”.

“Residents living on State lands in Bagatelle, Diego Martin and its environs are now demanding that the Government regularize all squatters who have certificates of comforts and provide them with deeds before the upcoming general elections...”

Another article on Monday, May 07, 2007 says: “We will resist any plans to move us”. These are the people from the Bagatelle community. It goes on:

“Despite Housing Minister Dr. Keith Rowley’s tough stance regarding the relocation of Bagatelle residents to make way for a stadium, those against the move are to resist any plan to forcibly remove them. We demand we want regularization, deed of lease and we want these before election.”

I think one Anasthasia Dailey is quoted as saying 95 per cent of the people went through the process of getting Certificates of Comfort to be regularized and 15 years had passed without anything being done to achieve it.

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Madam President, the people are crying out for justice in Bagatelle. I saw on television some nights ago when the three representatives from Diego Martin East, Central and West had to face the wrath and anger of the residents of Bagatelle. I want to advise Dr. Rowley and this Government that the people are crying out for their deeds of lease. They have been there for a considerable number of years and all they seek is justice; all they are demanding are their deeds of lease.

I would like to ask the hon. Minister of Housing to provide these persons with what they are demanding. It is their right. Once you have a Certificate of Comfort which is a legal instrument that is the first stage toward getting your regularization wherever you are.

We know that under the State Land (Regularization of Tenure) Act, there are three stages or processes involved in arriving at your deed of lease which is for about 99 years or above. So, the cry of the people of Bagatelle and the cry of the people wherever they are located—those who have Certificates of Comfort in their possession—is for the Government of Trinidad and Tobago to regularize their status.

Madam President, they want comfort; they want safety; they want security; they want to go to the bank and know that they have a deed where they can borrow money to send their children to the University of the West Indies or the University of Trinidad and Tobago. All we call on the Government to do today is to listen to the people; listen to their cries. All they are asking for is their deeds of lease and they do not want it after the general election. They want it before the general election.

I have been informed that the Government is, in fact, preparing deeds of lease. I do not know when those deeds of lease are to be issued, but I wish to again advise the hon Minister of Housing that he should make haste and have those deeds of lease issued on or before August 01, 2007, Emancipation Day 2007.

The people of Bagatelle and all the other areas of Trinidad and Tobago—approximately 50,000 persons who are in possession of Certificates of Comfort—can, indeed, go into the future very comforted in the fact that they are now in a position to enjoy peace, serenity, comfort and safety. I think we must bring this vexing and outstanding matter of land regularization to a close, and we must do so by the issuing of deeds of lease. We know the first stage is your Certificate of Comfort; the second stage is your standard lease for 30 years; and then you issue the people with their deeds of lease which are for 99 to 199 years.

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Madam President, I call on the hon. Minister to ease the pain; to ease the pressure; to ease the tension; and to give the people what they are crying out for; their deeds of lease, and to bring about this serenity, peace, comfort, security and safety that the people are crying for; not only in Bagatelle, but throughout Trinidad. *[Interruption]* I think in Tobago you have your matter under control but, in Trinidad, we need to put this matter to rest and a close. I am happy that the hon. Minister is here and he could bring comfort.

My final point is that the people are saying that if you are going to develop Bagatelle and you have some big plan for them, they are asking to be part of the process. They want to see the plans that you have for them; they want to be participants in whatever plans that you have. I think in a democratic society, you cannot deny the people that fundamental right of knowing and having information on what is required in terms of their future, security and comfort.

This afternoon, I call on the hon. Minister to address the residents of Bagatelle; not me. I am just a voice speaking on their behalf. You are their representative and, I think, you should take this opportunity today to tell the people of Bagatelle what your stance is; what the Government's stance is; and when you are going to issue those people with their deeds of lease so that they could have security, comfort and peace.

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

The Minister of Housing (Hon. Dr. Keith Rowley): Madam President, thank you very much. I hope I was not late and did not cause any inconvenience to the House earlier on. I was trying to get here on time.

Madam President: No.

Hon. Dr. K. Rowley: I am very pleased for the opportunity. Since I have been invited by my colleague on the other side to speak to the people of Bagatelle, I would take the opportunity to say right now to the people of Bagatelle: Do not listen to Sen. Wade Mark. He is misleading you and would more likely get you into trouble than help you. *[Desk thumping]*

Madam President, there are two issues with respect to the North Diego Martin Development Programmes, and it is not Bagatelle. Bagatelle is but a part of North Diego Martin. The development programme in North Diego Martin, which is a large area and a very highly populated area, involves the establishment of a modern sporting facility on the North Diego Martin Recreation Ground. In

parallel with that is the squatter regularization programme for the River Estate area which is a 560 acre-parcel of land of which Bagatelle is but a part. There are two separate issues.

Madam President, let me deal with the first issue with respect to the establishment of a modern sporting facility on the North Diego Martin Recreation Ground. When one looks at the cadastral sheet, one would see an area marked and named "Recreation Ground." Most persons around northern Diego Martin will know that was the recreation ground, and over time persons have squatted on the borders and edges.

Interestingly enough, at one time, during the tenure of the UNC, even some persons who did not apply—because there are no application forms on their files—were given a letter to go and build on the recreation ground. In fact, the file shows that some persons were advised to build, by one officer, with temporary material and some by another officer to build with permanent material. So, people were being sent on the recreation ground to build on that designated area. So, let us clear this up. We are not moving people to build any sporting facility.

The persons who have built on the recreation ground—yes, we are removing them so as to get back the land to build the sporting facility. How has that gone? This has gone by way of a series of consultations and contacts which date back to 2005 by letter dated April 06, 2005; Wednesday, April 27, 2005, mass consultations; a period of six months of frequent visits; social survey, May 16, 2005; letter indicating what is going on in 2006; meeting on Friday, October 2006. What I am saying here is that there were a series of contacts in which I, myself, was involved with, at the very beginning, my parliamentary colleagues. So, anybody who says that there was no contact, and we suddenly sprung on the people is either mischievous or does not know what he or she is talking about.

There are 35 persons on the northern part of the recreation ground, who are required to be moved so that the construction can go on to phase II. Phase I is the cricket field on which there was no occupancy, and that is now being worked on. Phase II is for the indoor complex and people are living on the recreation ground where the indoor complex is supposed to go.

The Government has gone—contrary to what my colleague has been saying and his friends have been saying—beyond the requirement of the law and beyond the requirement of reason to make sure the most humane arrangements are in place. What we said to those persons was, yes the State Land (Regularization of Tenure) Act of 1998 says that they should not be there, because that Act

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specifically says that no person can expect regularization on any piece of state land required for a public purpose. That law was passed in here by this Parliament. If there is any place or any forum in this country where that should be understood it is in this Chamber.

So, you have persons—where it is spelled out in the law and even though we are regularizing the squatter communities—identified by the schedule of that law and there are 240 communities of which Bagatelle is one. It says that even as we are going to regularize you; give you infrastructure; upgrade you; and bring you up to national standard, if you are on land required for a public purpose or an environmentally sensitive area, you cannot be regularized on that location.

5.30 p.m.

Last year, the Cabinet in keeping with that arrangement of the law, which this Parliament passed, decided to proceed and instructed the Ministry of Housing and its agents, the LSA, to proceed to remove these persons by way of a relocation exercise so as to make the land available to the Ministry of Sport for the sporting facility. We have gone there; this has been going on very quietly and what has happened.

There were 35 persons in the north of the playing field; we got the commercial valuers in, overseen by the Commissioner of Valuations. Of the 35 persons, five persons received—listen to me—from between \$43,000 and \$355,000 for their structure. Remember it is state lands; we are paying for the structure. Two persons got lands; we said to them anywhere in the country we have housing available, if you wish to access any of those housing, wherever it might be, we will make it available to you, so as to facilitate your relocation.

So five persons took their cheques and said thank you very much, I will make my own arrangements and they went off with cheques between \$43,000 and \$355,000. Two persons, in looking at the schedule of what is available took lots in Picton in Sangre Grande, which is another area, which we have done squatting regularization; where you go now; it is a modern area with good roads, good drains, sewer and all of that. Two persons, for reasons best known to them agreed to go to Sangre Grande. Ten persons have been relocated to a major housing project in Edinburgh and they were paid between \$15,000 and \$372,000, and they chose to go to Central Trinidad. This is a voluntary move. One person chose to go to Wallerfield. That accounts for 18 of the 35 people.

We are currently in arrangements with another group of eight persons, where we have an agreement; they have not yet moved, because they voluntarily agreed to go to HDC units elsewhere in the country. Those units are not yet ready, they

are being readied, so the persons are still there but they have agreed to go and accept compensation for their structure between \$41,000 and \$563,000. There are nine persons who decided that it does not matter what the law says; it does not matter what the Government says; I am following Wade Mark and I "ain't" moving. [*Laughter*] Their compensation would range from between \$9,000 for a galvanize or plywood shack to \$369,000; that accounts for 35 persons. So we have 26 persons of the 35 agreeing, cooperating, and collecting their compensation and being assisted by the State with relocation.

We have even gone further. We said we have looked in the area of North Diego Martin; we have found 14 plots and we said to them, we would make those plots available to you. Madam President, you tell me, what more do you want a Government to do for persons who had entered upon state lands, upon a recreation ground and built their home on a recreation ground?

You know what their position is, Madam President? Following Sen. Mark and his colleagues. You know, Madam President, long ago before we had modern health services you had a thing called "so' foot" and "bum fly"; wherever there was a "so' foot" you had "bum fly" coming there. As soon as there is an issue anywhere in the country, where there is some disagreement or aggravation, certain persons show up. If there is any person who should not be supporting this as a national problem and aggravation it is a parliamentarian. Because it is this very Parliament that passed that Act to put an end to squatting on State lands. It is a parallel process; the LSA has two mandates.

One is to regularize the areas where squatting has already been done, but also to prevent new squatting. Where is it going to end? When persons in this society, where others are paying a rent, a mortgage, a lease, they choose to go on State land in defiance of the law, and then they get compensation; they get assistance for relocation; they get offer of a plot, ahead of those who are law-abiding and then parliamentarians come inside the Parliament to cast aspersions on those who have the mandate to uphold the law, where are we going in this country, Madam President? Where are we going?

All we are doing in Bagatelle as a Government, as a Ministry, as an agency, is upholding the law that this Parliament has put down. What is happening to us as a people? When we complain about the condition of this country, a lot of our difficulty in this country has to do with the hypocrisy that people profess when we say one thing and do something else. We cannot expect people to have the benefit of good behaviour if we encourage people to disregard the law in this way.

Bagatelle Residents
[HON. DR. K. ROWLEY]

Tuesday, July 03, 2007

I will tell you one thing; the law says if you are a squatter on state land by January 01, 1998, you have that right to apply for a Certificate of Comfort; it is voluntary. Some persons applied for it, others did not. The person who is leading the charge right behind Sen. Mark and his friends is a person who built in 2002. And what she is saying to us is, “to hell with the law.” That is what she is saying to us. “I had my friends in the political arena to come and tell me what to do.” But we are saying, no, we are an ordered society; we are a humane society. Granted that you have built there; granted that you are outside the pale of protection of the law, because officers of the UNC government have committed the State by giving you permission to build in contravention of what the law says, we are not discriminating against anybody, the only thing is, if you are on the recreation ground we will have to move you; you get the same compensation like anybody else and you are assisted to relocate.

So it moved from relocation, we are not moving, to “I am not moving unless I approve the plan for the sporting complex;” “I am not moving unless I approve the plan for the whole”—Madam President, different things, different responses. The sporting complex and its relocation is a separate issue, which is under way, which I have outlined to you; most persons have cooperated; they have received more than reasonable compensation and they have had the benefit of jumping the cue with respect to tens of thousands of persons who have applied for HDC housing. What more can we do?

Then on the other side with respect to the Squatter Regularization, Bagatelle squatter regularization is not as a result of this squatting on the playing field; it is part of a national programme, which is ongoing, and the programme has only just reached Bagatelle. The mistake we made, if it is a mistake at all, was when I called in the 71 persons who were occupying the playing field for direct consultation, because this issue has become a national regular news making issue; when they came into the Ministry we took the opportunity, while they were there, to show them what we were preparing as our draft concept plan for Town and Country for the 500 acres for all of Bagatelle.

The next thing we knew, every 2x4 politician who could not find a following, was in Bagatelle making an issue that has not even come to the fore. When we go with our concept plan for the regularization, there will be all kinds of consultation, but at the end of the day Bagatelle is a part of what we are doing.

Let me tell you what we are doing, Madam President.

Madam President: You have two minutes.

Hon. Dr. K. Rowley: I have one minute? Two minutes, good. Look what we have done in two minutes. [*Laughter*] Squatter regularization; Southern Gardens, Point Fortin, 68 families; Rice Mill, Arima, 21 families; Harmony Hall, 210 families; La Paille, Caroni, 110 families; Valencia, 450 families; Picton Road, Sangre Grande, 105 families; Jacob Hill, Wallerfield, 72 families; Samaroo Village, Ackbarali Trace and John Budhu Road, Rezin Village, 42 families, 87 families, 30 families; for a total of 1,195 families at a cost of \$45 million.

That is squatter regularization completed. Recently there were squatters with latrine, no road and no drain; you go there now they have sewerage, lights, roads, drains and then they have houses. [*Desk thumping*] What is on the way now is Race Course, Arima, 750 families; Pine Settlements, Sangre Grande, 369 families; Bon Air, Arouca, 457 families; Milton Village, Couva, 400 families; a total of 1,976 families at a cost of \$140 million and that is work on the way. And that is the programme that has reached Bagatelle, which is now being obstructed by itinerant politicians who are looking for a following.

Bagatelle has 1,600 households and if 100 get in front of the television and shout “ra, ra, ra”, it does not mean that the people in Bagatelle are in turmoil and the people of Bagatelle this and Bagatelle that. Any small church preacher could get five persons to walk behind him, it does not mean you are going to heaven, you are going to hell. [*Laughter*]

Madam President, Bagatelle is a community which is earmarked for squatter regularization. That process is in its infancy; the draft plan is being prepared; there would be full consultation as we move towards getting approval with Town and Country and the same thing that these communities enjoy, will be enjoyed by the people of Bagatelle.

Finally, you cannot get a lease or a deed in this programme until the infrastructural works are put in place and the boundaries are put so lots can be identified. The last thing that happens in the programme is the issuance of the deed, of lease, because you can now identify a plot with respect to its boundary, road, and drain and so on. So any person who is calling for squatter deeds in Bagatelle before election, has to be tomfooling or is tomfooled.

Thank you, Madam President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.40 p.m.