

JSC (Appointment of)

Tuesday, January 18, 2011

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

**JOINT SELECT COMMITTEE
(Appointment of)**

Mr. President: Hon. Senators, I have received a letter from the Deputy Speaker of the House dated January 14th, 2011 on the appointment of a Joint Select Committee.

“At a sitting held on Wednesday, January 12, and Thursday, January 13, 2011, the House of Representatives agreed to the following:

‘BE IT RESOLVED that a Joint Select Committee be established to consider the Legislative Proposal for the Amendment of the Prevention of Corruption Act, Chap. 11:11 and report to Parliament within three months from the date of appointment.

AND BE IT FURTHER RESOLVED that the Joint Select Committee be authorized to:

- (a) consult with stakeholders and interested persons;
- (b) send for persons, papers, records and other documents; and
- (c) recommend amendments to the proposal.’

Accordingly, I respectfully request that you cause this matter to be placed before the Senate at the earliest convenience.

Respectfully,

/s/ Dr. Fuad Khan, MP

Deputy Speaker of the House’

PARLIAMENTARY SEMINAR

Mr. President: Hon. Senators, I take this opportunity to remind you that we have a parliamentary seminar beginning on the 25th and going on to the 26th of January, and of course, the session on Tuesday 25th is going to be postponed particularly to permit you to attend as Senators on that parliamentary session. So I

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do urge each of you to participate in it. We look forward to seeing you on those two days of the seminar which will be held in the Hyatt. You will be getting a special invitation this afternoon and we will ask you to indicate the time of your attendance.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, with respect to the Standing Orders Committee of the Senate for the first session 2010/2011 of the Tenth Parliament, I wish to advise that in accordance with Standing Order 64(2), and on the advice of the Leader of Opposition Business in the Senate, I have appointed Mr. Terrence Deyalsingh as a replacement for Mr. Ted Roopnarine, whose seat was declared vacant with effect from October 21, 2010.

CONDOLENCES (Sir Ellis Clarke)

Mr. President: Hon. Senators, at this point I wish to draw your attention to the fact of the passing of Sir Ellis Emmanuel Innocent Clarke who died on December 30, 2010. I now invite those Members who would like to pay tribute to Sir Ellis.

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Thank you very much, Mr. President. Sir Ellis Clarke has been described as the grandfather of this nation, and indeed, it is an honour which he richly deserves. From a constitutional point of view, Sir Ellis Clarke was our last Governor General and first President. It is said, Mr. President, that Sir Ellis Clarke was instrumental in the drafting of the independence Constitution, and it seems, Mr. President, that he put a lot of thought in the drafting of that document in that he separated, he ensured that there was separation of powers.

What was noticeable, Mr. President, is that prior to that occasion, the Attorney General was an advocate who advocated in the courts, and many persons saw that as infringing the separation of powers. In that Constitution, Mr. President, the role and function of the Attorney General was defined, and hence, the Attorney General, although the titular head of the Bar, does not enter the courtroom and prosecute, but instead, Mr. President, is chief legal advisor to the Government.

Mr. President, indeed, this country has to be grateful to Sir Ellis Clarke for that kind of work, for that kind of insight which he had, to ensure that this society develops as a very democratic society. Mr. President, he was also an ambassador who departed himself with decorum and dignity that no one can ever question.

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Also, as a president, although it was basically a ceremonial president, he ensured, Mr. President, that certain powers were allocated to the President to ensure that the Executive does not become a runaway horse. That is manifested, itself, Mr. President, in sitting appointments.

I have heard many politicians say in the past that Sir Ellis Clarke developed or has put a new spin to the word “consultation”, in that he used the word very effectively to ensure that the Constitution worked properly. Mr. President, although he was such a great Constitution lawyer, it is noticeable that Sir Ellis Clarke was never given the honour of silk. I saw him in court one day, Mr. President, and that incident, or that issue, brought out in Sir Ellis Clarke a certain amount of humility of a great man. In the courts, Mr. President, you know there is the inner Bar and the outer Bar, and Sir Ellis Clarke was invited to come to the inner Bar and he said, “Thank you very much,” very graciously. “No, no, no. Only after that, many people found out that Sir Ellis was not given silk.

Mr. President, as I say, he was a very humble man, he was a very generous man, and he was a person who never flaunted authority; because he could have used his authority and sat wherever he wanted in the court, but he led by example. Mr. President, this country is indeed very grateful to have someone, or to have had someone like Sir Ellis Clarke leading this country for such a long time. On behalf of the People’s Partnership, we thank Sir Ellis Clarke, the late Sir Ellis Clarke, for all the good work he has done for the people of Trinidad and Tobago, and may his soul rest in peace.

Thank you. [*Desk thumping*]

Sen. Penelope Beckles-Robinson: Thank you very much, Mr. President. I, too, would like to join my colleague, Sen. The Hon. Subhas Panday, Minister of State in the Ministry of National Security, and I would like to say on behalf of my colleagues on the PNM Bench, I would like to take this opportunity to pay a special tribute to a true patriot and hero of this country, the late Sir Ellis Clarke.

Indeed, we are truly privileged as a nation to have had the guidance and expertise, as well as the dedicated service of such a patriot. His legacy, both within and out of the halls of the political arena, has and will continue to forever guide and shape the destiny of this nation which we love so much. Though we may attempt, I think it would be very difficult appropriately to bestow upon this truly great son of the soil his rightful due after giving an entire lifetime of dedication and service to Trinidad and Tobago, the Caribbean and the world.

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[SEN. BECKLES-ROBINSON]

Being one of the main architects of our Constitution, Sir Ellis Clarke, like the proverbial grandfather of the nation, a title that many have graciously bestowed upon him, guided this fledgling democracy through the testing waters of sovereignty in his capacity as our nation's Head of State. Even as we matured as a nation, Sir Ellis Clarke remained one of the foremost authorities on constitutional matters and his advice was often sought after.

Now, as we approach our golden anniversary, 50 years as an independent nation, we usher in this new era in our nation's history for the first time without the guidance of this great founder of our nation and Constitution. [*Desk thumping*] It can certainly be said that it is through the hard work, dedication and the distinction of service to our country by Sir Ellis Clarke that we have grown and matured as a nation and strengthened as a democracy under his steadfast gaze.

Now, as we move forward to forge our destiny as a nation, we can look back and appreciate the gift of a true patriot who we, as proud citizens and public servants, can emulate. If our level of commitment, dedication and service to our country can be only a small fraction of what was given by Sir Ellis Clarke, then we can genuinely move forward. [*Desk thumping*] Trinidad and Tobago will certainly become the great nation envisaged by this truly great son of the soil.

I thank you.

Sen. Basharat Ali: Thank you, Mr. President. It is indeed my privilege, on behalf of the Members of the Independent Bench, to pay tribute to Sir Ellis Clarke, the first President of our Republic, on his passing. Mr. President, there have been so many tributes to Sir Ellis, all in the superlative, that I wondered what I could say to add to this outpouring. I have chosen two subjects for this tribute; his deep devotion to God and his immense contribution to our Parliament, and more specifically, to this honourable House, the Senate.

Mr. President, we both have something in common with Sir Ellis, and that is our alma mater, St. Mary's College. I am virtually one generation after Sir Ellis, who entered college in 1929 and left with a scholarship and gold medal in 1936. My less illustrious career was 16 years later, from 1945 to 1951. He entered as a good Catholic and left as a devout Catholic. I entered as a Muslim and left as a good Muslim.

I am convinced that Sir Ellis' deep faith in God would have been developed during those formative years at St. Mary's and I say so from my own experience. In my first year, I was selected to sing in the college choir, whose repertoire was mainly the Catholic mass sung in Latin, Irish ditties and Gilbert and Sullivan

opera. My first year, I was not required to sing in the chapel. I was asked once whether I would like to become a Catholic, and once I said that I was happy with my own religion, that was that and we were all on equal footing.

In his homily at the State funeral, His Grace, Archbishop Edward Gilbert, said of Sir Ellis, he loved God and he loved people because of God. The chief celebrant at the holy mass of St. Mary's College chapel, Father Ronald Mendes, in his homily, described Sir Ellis as their "most illustrious student and a gift to the nation, and his humility before God was the secret for his achieving greatness." This is an excerpt from the *Trinidad Express*, January 13, 2011. The Clarke name will be written into the annals of CIC for many years since Sir Ellis' son, Peter, and his three sons chose CIC as their alma mater.

With respect to the Senate itself, we are all aware that the Constitution of the Republic of Trinidad and Tobago provides for the appointment by the President, in his discretion, of nine Senators, and I quote, "from outstanding persons from economic or social or community organizations and other major fields of endeavour". As the first President of the Republic, it fell to Sir Ellis so to do. His task would no doubt have been made easier since he was the last Governor General of independent Trinidad and Tobago.

The first Republican Parliament began to reflect the requirements of the Constitution with such appointments as Dr. Krishna Bahadoorsingh, Dr. Michael Beaubrun, psychiatry, Rev. George Chen, clerical, Mr. Michael de la Bastide, whom we all know, and Dame Louise Horne. I listened to Dame Louise as she came to pay her respects at the rotunda. She expressed her gratitude to Sir Ellis for appointing her to the Senate, thus giving her the opportunity to put forward a case for meals for schoolchildren; a reality today. So, many owe their thanks to Dame Louise and Sir Ellis for this important element of school nutrition.

My friend and former colleague, Prof. Ramesh Deosaran, who would have been one of the longest-serving Independent Senators, between 1987 and 2010, wrote a heartfelt tribute to Sir Ellis in the *Sunday Newsday* of January 09, 2011. He recalled the day he was asked by Sir Ellis to serve as an Independent in the Third Parliament, which would be January 1987 to November 1991. He described what I would call a "dream team" put together by Sir Ellis, among whom were Dr. Eric St. Cyr, Allan Alexander SC, Gerald Furness-Smith SC, Krishna Bahadoorsingh, business and academic, Winston Joseph, Anglican Canon, Michael Mansoor, banker, John Rooks, oil man, Dame Louise, as I said, and of course, Ramesh Deosaran himself. His article closed as follows:

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“He once told a female interviewer, ‘I am not reluctant to admit that I like pretty women, champagne and ballroom dancing.’”

And Ramesh continued:

“Only a person with a very rich understanding of human nature can say that in public. What a man! What an iconic man!”

From Prof. Ramesh Deosaran.

The Independent Benches brought to the Senate fine debating skills, well researched presentations, a sense of decorum and independent thought. Successor Presidents were careful in their selection for subsequent Parliaments to maintain a team of Members who carried on this tradition. Thus, under President Hassanali, we had the likes of Martin Daly SC, Diana Mahabir-Wyatt, Prof. John. Spence, Rev. Daniel Teelucksingh and Prof. Julian Kenny. Under President Arthur N.R. Robinson, a number of incumbents were reappointed, including Dr. Eastlyn McKenzie, who went on to serve in the Sixth, Seventh and Eighth Parliaments.

As we have entered into the Tenth Parliament, it is my hope and prayer that the spirit of the institution which has been established will continue to be maintained by all of us in this honourable Senate. One final word on the announcement by the hon. Prime Minister to endow at UWI the Sir Ellis Clarke Chair in Commonwealth, Parliamentary and Constitutional Studies, I believe it is most fitting and that it will be a living memorial in honour of this most illustrious son, a true patriot.

We thank him for giving so generously of himself and we pray that the Almighty will grant him eternal rest. Thank you. [*Desk thumping*]

Mr. President: I wish to join hon. Senators who preceded me in paying tribute to Sir Ellis. He certainly was a statesman extraordinaire and a pre-eminent son of mother Trinidad and Tobago, and of course, his accomplishments, as each of you have recounted, are well known and, therefore, perhaps do not bear repeating, though of course that is not to say they are any the less that sustain the memory of Sir Ellis.

What I do recall of Sir Ellis, and what stands out for me, has been his dignity, his decorum and his civility; and I asked myself, what lessons could we, as parliamentarians, learn from Sir Ellis? What would Sir Ellis say to us if he were here? And I suspect that he would say that as parliamentarians we are required to be exemplars; that we, as leaders, have a solemn duty to set the tone for the rest of society.

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You see, Sir Ellis would say that society mirrors its leaders and, therefore, if we as parliamentarians want to send a signal to society that there should be less lawlessness, that there should be more discipline, then it is by our actions, by our words and deeds, that that process must begin. And so, I think no more fitting tribute can be paid to Sir Ellis than that we should adopt the very decorum and civility which were the hallmarks of the public and private life of Sir Ellis. And so, in the name of Sir Ellis, I say to you, these are what I look forward to from parliamentarians, both in the Senate and the House, so that we would have a living tribute to Sir Ellis.

At this point, I would like to ask Senators to stand for a minute of silence in tribute to Sir Ellis.

[The Senate stood]

Mr. President: Thank you. I will ask the Clerk to send a fitting condolence letter to the family in the name of all the Senators here.

**FINANCE (SUPPLEMENTATION AND VARIATION OF
APPROPRIATION) (FINANCIAL YEAR 2010) BILL**

Bill to supplement and vary the appropriation of the sum the issue of which was authorized by the Appropriation (Financial Year 2010) Act, 2011. [*The Minister of Finance*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. W. Dookeran*]

Question put and agreed to.

PAPERS LAID

1. Minimum Wages Order, 2010. [*The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday)*]
2. Administrative report of the Tourism Development Company Limited for fiscal year 2009. [*Sen. The Hon. S. Panday*]
3. Annual administrative report of the Diego Martin Regional Corporation for the period October 2008 to September 2009. [*Sen. The Hon. S. Panday*]
4. Policy on Tertiary Education, TVET and Lifelong Learning in Trinidad and Tobago dated October 2010. [*The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Fazal Karim)*]

5. Report on the exercise of the functions and powers of the Ministry of Health for the period October 2004 to September 2005. [*The Minister of Health (Sen. The Hon. Therese Baptiste-Cornelis)*]
6. Report on the exercise of the functions and powers of the Ministry of Health for the period October 2005 to September 2006. [*Sen. The Hon. T. Baptiste-Cornelis*]
7. Report on the exercise of the functions and powers of the Ministry of Health for the period October 2008 to September 2009. [*Sen. The Hon. T. Baptiste-Cornelis*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the College of Science, Technology and Applied Arts of Trinidad and Tobago for the year ended September 30, 2001. [*Sen. The Hon. S. Panday*]
9. Second report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the College of Science, Technology and Applied Arts of Trinidad and Tobago for the year ended September 30, 2002. [*Sen. The Hon. S. Panday*]
10. Legislative proposal for the amendment of the Prevention of Corruption Act, Chap. 11:11. [*The Attorney General (Sen. The Hon. Anand Ramlogan)*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2006. [*Sen. The Hon. S. Panday*]
12. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2007. [*Sen. The Hon. S. Panday*]
13. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2008. [*Sen. The Hon. S. Panday*]
14. Petroleum Company of Trinidad and Tobago Limited the annual audited financial statements for the year ended September 30, 2009. [*Sen. The Hon. S. Panday*]
15. The Thirty-Second annual report of the Ombudsman for the period January 01, 2009 to December 31, 2009. [*Sen. The Hon. S. Panday*]

ORAL ANSWERS TO QUESTIONS

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, with your leave, the Government is in a position to answer all the questions on the Order Paper, save and except for the Hon. Minister of Trade and Industry, who had an emergency, hence his absence. Mr. President, having regard to the hour of the day, we have about 60 minutes for the answering of questions. May I humbly seek your indulgence, and the indulgence of the House, to allow our visitors who are here to have their questions answered first? For example, Mr. President, question 5, question 11 and question 14.

Thank you very much, Mr. President.

Mr. President: I think that makes absolute good sense. We will let visiting Ministers, the questions to them, go first. Therefore, Sen. Beckles, I think you are up first with No. 5.

**Arima Community Centre
(Details of)**

5. **Sen. Penelope Beckles-Robinson** asked the hon. Minister of Community Development:

With respect to the Arima Community Centre now under construction on Anglican Street, Arima, could the Minister inform the Senate:

- (i) what is the estimated cost; and
- (ii) what is the scheduled date of completion?

The Minister of Community Development (Hon. Nizam Baksh): Thank you very much, Mr. President. As I stand here, I recall the period I served in this Chamber from 1995—2000, and it is indeed a pleasure to be here again. I want to take this opportunity to extend my best wishes to the Members of this august Chamber for a blessed and productive 2011. [*Desk thumping*] My question here this afternoon is:

With respect to the Arima Community Centre now under construction on Anglican Street Arima, could the Minister inform the Senate:

- (1) what is the estimated cost; and
- (2) what is the scheduled date of completion?

Mr. President, to answer, it is necessary to give a little background information on this community centre programme.

A robust programme of construction and refurbishment of community centres began in 2007 when approval was received by the Ministry of Community Development to construct 100 community centres over a period of three years; 2007—2010. By the last year of that cycle, 2009—2010, 84 projects started and only 42 were completed. The main constraint on progress was the lack of funding which was never allocated in proportion to the magnitude of this programme. In August of 2009, the Ministry approached Cabinet with a request for additional funding which never materialized.

In the 2010 budget, only \$55 million was allocated for the programme, construction of community centres, \$40 million, and refurbishment of community centres, \$15 million. Mr. President, by the end of the year 2010, in order to avoid embarrassment and meet some of the commitments to the contractors for work completed, the Ministry of Community Development sought and obtained approval to vire \$15 million from allocation under the Ministry's Infrastructure Development Fund, IDF. This means that the total sum expended for fiscal year 2010 under the Community Development Community Centres Construction and Refurbishment Programme is \$70 million.

The Ministry, therefore, has a total of 60 projects under construction with insufficient funding to support the programme. Associated with this status is a situation where further arrears are owed to contractors in the sum of \$41.9 million from these 60 projects. The 60 projects are at various stages of completion. Given the different levels of completion, these centres were prioritized into three categories.

Category one: Mr. President, in this category there are 16 centres that are over 70 per cent completed. Some of these centres can be completed within 12 months at a total of \$21.8 million. Category two: this category consists of 16 centres that are between 27 to 68 per cent completed. They can be finished within 13 to 18 months at a total cost of approximately \$79.6 million.

Category three: there are 28 centres in this category which the Ministry of Community Development is proposing to complete during fiscal year 2013 at a total cost of \$187.3 million, provided that this sum is made available. To date, foundation works on 23 of these centres have commenced. Preliminary works on five centres have commenced. Mr. President, in fiscal year 2011, the Ministry of Community Development has allocated the sum of \$75 million. This is aggregated as follows: construction of community centres, \$60 million; refurbishment of community centres, \$15 million; making a total of \$75 million. Out of this allocation, the Ministry is proposing to complete 23 community centres.

Responsibilities for the reconstruction and refurbishment of 21 centres currently falls under the purview of the National Commission for Self-Help Limited and are to be completed by the fourth quarter of fiscal 2011. In addition, centres are also being constructed by National Insurance Property Development Company Limited (Nipdec) and the National Maintenance Training and Security Company Limited (MTS).

In summary, Mr. President, the overall cost of the construction of centres referred to above is as follows: National Commission for Self-Help, \$54.294; Nipdec, \$5.959 million; MTS \$2.447 million, making a total of \$62.701 million. Given the decline in Government's revenues and the Ministry's limited capital allocation programme for 2011, the Arima Community Centre, which is only 7 per cent complete, is a category three project and the Ministry is currently unable to continue the construction of this centre.

Until funding is available, one cannot anticipate any significant increase in the Ministry's allocation for the construction and refurbishment of community centres in the immediate future. The approved contractual cost of the Arima Community Centre now under construction on Anglican Street, Arima is \$7,007,118.22. Expenditure to date on this project is \$1,401,423.65. The percentage completed of this project to date is 7 per cent.

Mr. President, in light of the current economic situation the country is experiencing, it would not be practicable to give a scheduled date of completion for the Arima Community Centre located on Anglican Street, Arima. Thank you.
[Desk thumping]

Mr. President: Sen. Fitzgerald Hinds?

**Record of Pregnancies
(Primary Schools)**

11. Sen. Fitzgerald Hinds asked the hon. Minister of Education:

- A. Would the hon. Minister indicate whether his ministry maintains a record of the students of the primary schools of Trinidad and Tobago, both government and denominational, who had to demit their pupillage on account of their own pregnancy?
- B. If so, would the hon. Minister indicate the number of such cases reported from January 01, 2005?

The Minister of Education (Hon. Dr. Tim Gopeesingh): Thank you very much, Mr. President. I consider it a distinct honour and a great privilege to be here in this august Chamber once more, this, the Tenth Parliament of the Republic of Trinidad and Tobago. I remember my first sojourn here in the Seventh Parliament in 2001, and I am happy to see so many familiar faces still here in this august Chamber. I want to wish each and every Member of this august Senate a very healthy and happy new year, and to you, Mr. President; to you and your families. [*Desk thumping*]

In answer to question No. 11, the question is whether this Ministry maintains a record of the students of the primary schools of Trinidad and Tobago, both government and denominational, who had to demit their pupilage on account of their own pregnancy. That is part A. And part B, if so, indicate the number of such cases reported from January 01, 2005.

With respect to part A of the question, the Ministry does maintain records of the students of the primary schools in Trinidad and Tobago, both government and denominational, who had to demit their pupilage on account of their own pregnancy. With respect to part B of the question, the records of the Ministry show the following:

- 2006 to 2007, three cases;
- 2007 to 2008, two cases;
- 2008 to 2009, two cases; and
- 2009 to 2010, three cases.

Thank you very much, Mr. President.

Sen. Hinds: A supplemental. Given the age of the students involved, are we to be comforted that appropriate police action would have been put in place in those circumstances?

Hon. Dr. T. Gopeesingh: I do not think I could give you an answer in terms of if there was legal action subsequent to this. I will check at the Ministry, subsequent to your asking this question, to determine that. But as we are all aware, pregnancy before the age of 16, I believe, is illegal, and this is one of the reasons we might have also had underreporting to the Ministries, because a number of students who would have become pregnant would have just left school on their own or with the assistance of their parents, and then come back to the school subsequent to the deliveries.

The Education Act does not have the authority to suspend any child or to do anything, because they would have left school on their own volition without informing any of the principals or teachers, because they know it is illegal and somebody would have had to be held responsible because of the illegality of their pregnancy; and that is why there has been some underreporting.

Sen. Hinds: Further supplemental, Mr. President. In those circumstances, does the Ministry have a clear procedure for following up on the children who simply drop out of school, some of the 4,000 you spoke of recently?

Hon. Dr. T. Gopeesingh: I think that is another question, Mr. President. I will be prepared to answer that question if it is asked by the hon. Senator.

Mr. President: Yes, I do agree it does not elucidate the answer. It does not come from the answer. That, certainly, is a separate question Sen. Hinds has posed on this occasion; therefore if, Minister, you require further time, we will have to deal with it on a different occasion.

Local Government Reform (Government's Policy)

14. Sen. Penelope Beckles-Robinson asked the hon. Minister of Local Government:

Could the Minister indicate Government's policy on Local Government reform and the time frame for same?

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, I humbly apologize to the Senate for the absence of the hon. Minister of Local Government. However, in answer to the question, "Could the Minister indicate Government's policy on Local Government reform and the time frame for same," the review of Local Government policy is an ongoing exercise. The Government is currently studying the existing policy framework that governs local government in Trinidad and Tobago, submissions made by the stakeholders and international best practice in other Commonwealth jurisdictions. Given that the process of policy formulation is ongoing, no timeline can be assigned.

Thank you.

**Special Anti-Crime Unit of Trinidad and Tobago
(Status of)**

8. Sen. Fitzgerald Hinds asked the hon. Minister of National Security:

With respect to the Special Anti-crime Unit of Trinidad and Tobago could the hon. Minister state:

- (i) whether the Government intends to disband the unit;
- (ii) if not, what are the Government's medium-to long-term plans for this organization;
- (iii) whether this organization is still engaged in anti-crime operations;
- (iv) whether the legislation to formalize this agency is to be presented to Parliament, and if so, when;
- (v) how he intends to ensure that the skills and training acquired at public expense, by the former investigative personnel of this agency, would not be lost and therefore yield no further benefit to the people of Trinidad and Tobago?

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. President. Mr. President, I too, like my colleagues who spoke before me, wish to embrace this opportunity to extend to you, Sir, best wishes, and as well to the Members of this honourable Senate, God's richest blessings for success and productivity in the year 2011.

Sen. Hinds: Thank you.

Sen. The Hon. Brig. J. Sandy: You are quite welcome. Mr. President, hon. Senators are advised that in October 2010 Cabinet agreed inter alia to the establishment of a steering committee to oversee the restructuring of the Special Anti-Crime Unit of Trinidad and Tobago to review its operations, make recommendations and report to the Minister of National Security on the outcome of the review, with such recommendations to be submitted for the consideration of Cabinet.

Given the urgency of the situation, the steering committee was given a three-month period to complete the exercise. The committee commenced work on September 21, 2010, and submitted its report in December 2010. The report is currently under review by Cabinet, following which, the Government will make a decision on the future of SAUTT. Question 8(ii), having regard to the contents of question 8(i), is not applicable. [*Desk thumping*]

In answer to 8(iii), hon. Senators are advised that the Special Anti-Crime Unit of Trinidad and Tobago has continued to provide support to anti-crime and safety and security initiatives. For the period July to September 2010, SAUTT participated in several operations which included joint mobile patrols, road checks and roadblocks, and the execution of search warrants resulting in 13 arrests and seizures of firearms and illegal narcotics. SAUTT also assisted in the investigation of 17 murders and contributed to the arrest of four suspects.

Additionally, at the request of the Commissioner of Police, the investigative arm of SAUTT was fully activated at the end of September 2010 to assist the Trinidad and Tobago Police Service in addressing gang-related murders. While the air ship has been grounded for repairs, SAUTT's other aerial assets have been utilized in providing aerial and logistic support to the National Security Council, and operational support to the Trinidad and Tobago Police Service, including the Anti-Kidnapping Unit.

SAUTT's canine assets have also been used to support the Trinidad and Tobago Police Service in the search for illegal firearms, ammunition and narcotics; and the organization continues to gather and provide intelligence to various arms of the national security.

In answer to question 8(iv), with respect to the passage of legislation relating to the Special Anti-Crime Unit of Trinidad and Tobago, hon. Senators are advised that the drafting of this legislation, which commenced prior to this Government taking office, has been put on hold pending the conclusion of the review mentioned at 8(i) above. In answer to question 8(v), in light of the ongoing exercise to comprehensively review SAUTT and its operations, matters pertaining to that organization's resources, including its human resource and physical technological assets, will be considered upon completion of the exercise.

Mr. President, if I may proceed to question No. 9?

Mr. President: You may proceed.

Sen. the Hon. Brig. J. Sandy: Thank you, Mr. President.

Serious Crimes in Trinidad and Tobago (Details of)

9. Sen. F. Hinds asked the hon. Minister of National Security:

- A. Would the hon. Minister indicate the number and classes of serious crimes reported in Trinidad and Tobago between June 1st, 2010 and the present date?

- B. Would the hon. Minister briefly outline the main and other approaches taken in the response to these crimes?

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. President. In answer to (A), hon. Senators are advised that records obtained from the Trinidad and Tobago Police Service indicate that within 13 classes of serious crimes, the following was reported for the period June 01, 2010 to December 08, 2010: Murders, 232; woundings and shootings, 294; kidnappings, 50; sexual offences, 396; burglaries and break-ins, 2,440; robberies, 2,569; fraud offences, 96; general larceny, 2,032; larceny, motor vehicles, 656; larceny, dwelling house, 304; malicious damage, 321; narcotic offences, 251; other serious crimes, 116, with a grand total of 9,757.

Mr. President, the statistical data reveals that, with the exception of June 2010, there was an overall pattern of decrease in the number of serious crimes reported during the period June to November 2010—[*Desk thumping*]—when compared with the corresponding period in 2009. In total, there was a 14 per cent decrease in reported serious crimes during the 2010 period under review. [*Desk thumping*]

In answer to 9B, Mr. President, hon. Senators, notwithstanding that encouraging movement, the police executive and the People's Partnership Government continue to view the existing level of crime as unacceptable and, therefore, is committed to continuing to review and analyze its crime data to develop policies and programmes aimed at further reducing the crime level in our country.

Among the initiatives being undertaken by the Trinidad and Tobago Police Service is the decentralization of its crime plan to take into account the peculiar needs of each division. Moreover, the current mandate focuses not only on deterrence and prosecution of offenders, but also on crime prevention and suppression.

The main approaches involve the following:

- Weekly COMSTAT meetings utilizing crime and problem analysis data to manage crime;
- Weekly executive meetings and monthly commanders meetings;
- Consultations with stakeholders such as the Chambers of Commerce and community-based organizations;

- Town meetings held with communities;
- Intelligence gathering;
- Training of police officers at all levels;
- Working in collaboration with other arms of the protective services such as the Defence Force;
- Hosting of lectures, seminars and exhibitions, for example, at schools and business organizations;
- Community policing activities, for example, youth club meetings, formations of new clubs;
- Increased cordon and search operations in crime prone areas.

Other approaches involve:

- Increased working hours for stipulated periods, for example, July—September 2010 and November 2010 to January 2011;
- Increased recruitment of police officers;
- Recognition of police officers, for example, hosting of award functions and distribution of commendations;
- Forging new partnerships, for example, in security companies.

Mr. President, quite apart from those initiatives, we are also looking at the social aspect where we are at present in pursuit of a powerful programme in which we intend to ensure that most of the young men of our country are given the guidance that they require so that they will not pursue the life of crime entering gangs.

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

Mr. President: You have a supplementary question?

Sen. Hinds: Supplemental question to the hon. Minister. In respect of part A, is the hon. Minister as shocked as I am at those figures, 9,000-plus serious crimes in the period since you came to Government, given that you had assured the nation that you had the solutions to all of those problems? Are you as shocked as I am?

Sen. The Hon. Brig. J. Sandy: I am as shocked as you are, and I remain as shocked as I was over the last five years. [*Desk thumping*]

Sen. Hinds: Further supplemental. In respect of part B, with great humility and respect to my friend, the hon. Minister, is the Minister mindful of the fact that

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every one of the so-called initiatives that you have outlined in relation to part B, you have identified absolutely nothing that is new? And, therefore, how can you call them initiatives?

Sen. The Hon. Brig. J. Sandy: They are initiatives because they are different. Our predecessors, in most instances, had ideas. They implemented nothing, Mr. President. [*Desk thumping*]

Sen. Panday: Come again.

Sen. Hinds: I will respond to that later. [*Laughter*]

EXPIRATION OF QUESTION TIME

Mr. President: Hon. Senators, I am advised that the time allocated for questions has now expired, so that we will move on to the next question on the Order Paper; the next issue.

Sen. Beckles-Robinson: Mr. President, if I could enquire whether the questions will be circulated?

Sen. Panday: It will be.

Mr. President: We will circulate the answers.

Sen. Beckles-Robinson: No, if it will come up on the next Order Paper.

Mr. President: The questions that have not been dealt with, which I think are 4, 15 and 16, will be on the next Order Paper.

Sen. Beckles-Robinson: Thank you very much, Mr. President.

The following questions stood on the Order Paper:

Metrology Act No. 17 of 2004 **(Details of)**

4. With respect to the Metrology Act, No. 17 of 2004, which was assented to on June 25, 2004, but not yet proclaimed, could the hon. Minister of Trade and Industry advise the Senate of:

- (i) the steps that need to be taken prior to Proclamation;
- (ii) the schedule for commencement and completion of such steps; and
- (iii) the estimated date of Proclamation? [*Sen. B. Ali*]

**Port of Spain General Hospital
(MRI Machines)**

- 15.** Could the hon. Minister of Health indicate:
- (i) whether the Port of Spain General Hospital is outfitted with an MRI machine;
 - (ii) if the answer to the abovementioned question is in the negative, could the Minister indicate whether Government intends to purchase an MRI machine for the Port of Spain General Hospital;
 - (iii) if the answer to (ii) is in the affirmative, could the Minister indicate the proposed date of purchase of the equipment? [*Sen. P. Beckles-Robinson*]

**Socially Displaced Persons
(Government's Policy)**

- 16.** Could the Minister of the People and Social Development inform the Senate what is the Government's policy on socially displaced persons? [*Sen. P. Beckles-Robinson*]

Question time having expired, questions 4, 15 and 16 were not dealt with.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Fitzgerald Hinds:

**Eastern Boys and Girls Government Primary Schools
(SEA Assessment Performance)**

With regard to the Eastern Boys Government Primary School and Eastern Girls Government Primary School both located on George Street, Port of Spain, could the hon. Minister of Education:

- (i) Provide the Secondary Entrance Assessment performance record for the past five (5) years for each school;
- (ii) Provide the statistics as to the number of entrants,
- (iii) the amount of such entrants who scored over 60% of the total mark; and
- (iv) the secondary school placement in each case?

Vide end of sitting for written answer.

**PUBLIC ACCOUNTS COMMITTEE
(Senator's Appointment)**

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Thank you very much, Mr. President. I beg to move the following Motion:

Be it resolved, That this Senate agree to the appointment of Mr. Terrence Deyalsingh to the Public Accounts Committee in lieu of Mr. Ted Roopnarine.

Thank you, Mr. President.

Question put and agreed to.

**FIREARMS (AMDT.) BILL
[Third day]**

Order read for resuming adjourned debate on Question. [November 16, 2010]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: The debate on the following Bill which was in progress when the Senate adjourned on December 14, 2010 will resume; a Bill entitled an Act to Amend the Firearms Act, Chap. 16.01. The list of those who spoke on Tuesday, November 16, 2010; first, there was Sen. The Hon. Brig. John Sandy, Minister of National Security, who moved the Motion, Sen. Faris Al-Rawi, Sen. Elton Prescott SC, Sen. Kevin Ramnarine, Sen. Terrence Deyalsingh, Sen. Helen Drayton, Sen. Danny Maharaj, Sen. Shamfa Cudjoe. And on Tuesday, December 14, 2010, there was Sen. Fitzgerald Hinds, Sen. Corrine Baptiste-Mc Knight, Sen. the Hon. Rudrawatee Nan-Gosine-Ramgoolam, Sen. Penelope Beckles-Robinson, Sen. Subhas Ramkhelawan, and on his legs when we completed was Sen. the Hon. Subhas Panday. He now has 39 minutes of normal speaking time left.

Sen. The Hon. S. Panday: Thank you very much, Mr. President. [*Desk thumping*] Having regard to the exhaustive answer which was given by the Hon. Minister of National Security to the question asked by Sen. Fitzgerald Hinds, my

contribution has been cut in half. It was indeed a very exhaustive answer and has given the indication as to the direction and the initiatives which this People's Partnership Government is embarking upon to deal with crime.

Sen. Hinds asked the hon. Minister, Brig. Sandy, about initiatives and he got the appropriate answer. I have been working with Brig. Sandy and would like to inform this population that, apart from those meetings which the hon. Minister has indicated, we meet almost every day, meetings with the various divisions to deal with the issue of crime. Even as late as Saturday—the Brigadier pulled all of us out to work on Saturday to deal with crime.

It is the intention of this Government to pull out all stops to ensure that we deal with the issue of crime; however, Mr. President, when you heard the hon. Minister speak today, we want the population to know that we are working very assiduously, however, the mess that the PNM has left this country in, it will take some time to come out of that hole. But we guarantee this population; we give this population the undertaking that we shall do our best to deal with the crime, but wait a little.

It is eight years we have been put into that hole. It was eight years of incompetence and inefficiency and lack of willpower to deal with crime, and it is only eight months we are there now and the hon. Senator, Minister of National Security, could announce to the population that there has been some decrease in crime. The hon. Minister has indicated he is not happy with it, but I am saying that indeed, it is some sort of comfort to hear the hon. Minister inform the population that we are on the way down on the issue of crime and that we are working hard in that direction.

The hon. Minister's answer, which would have really been the second half of my contribution—and I wish, and all our Members on this side of the House, we concur, we endorsed and we have committed our lives to ensuring that the vision of the hon. Minister and the Government of the People's Partnership are realized. [*Desk thumping*] Mr. President, because crime is such a serious matter and it affects persons in such a severe and sudden way, the population is eager for immediate results, and total and immediate results. We are saying, bear with us. We are working hard and we are going in that direction.

Mr. President, on the last occasion when I spoke in this honourable Senate in December, I indicated that there were police officers who had worked overtime and that they had not received their moneys and they would be getting it in

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January—receiving in January. My information is that that situation holds at the time, Mr. President, it is public knowledge that many of our police officers are now attending interviews for promotion and we want to say that we wish each and every officer good luck. We wish them success in their interviews.

We have heard also, Mr. President, that yesterday, officers of the second division received their packages to study in order to prepare them for promotion in the second division. We say again, we want to congratulate them and wish them success. But the point about it is, really, to congratulate the Government, the People's Partnership Government, for taking steps to fill a number of vacancies in the Police Service and other protective services which had been left unattended for a long time by that PNM government. [*Desk thumping*]

They want us to solve crime and we have decided that we cannot do the things that the PNM did and expect different results; hence the hon. Minister of National Security has insisted that we do things differently, and one of the things which we are doing differently, Mr. President, is trying to fill all the vacancies in the police service so that the morale in the police service will be elevated.

Mr. President, this is the direction of this Government, and this is the commitment of this Government; but when one looks at the contribution of some of the Senators on the other side, and in particular the contribution of Sen. Hinds, one would ask the question, what sort of brass face he has to put questions like those to the hon. Minister of National Security when the PNM itself did very little to deal with crime. Since the PNM never had the will to deal with crime, hence the reason so many people make so many allegations against the PNM.

I quote from his contribution on this Motion on December 14, 2010, when he said:

“Some of the most honest and upstanding, and if I may use a Rastafarian concoction ‘upfull’—speaking about this Government, and speaking about the people of—“...Laventille and Morvant, John John and...Beetham...”

He says:

“...I am of the view that they are mistaken in the belief that the crime problem in Trinidad and Tobago exists in certain parts of the country and not...others.”

He is attacking us, you know in that manner, you know; and he says:

“It is perpetrated by a certain section of the community, and not by others.”

We, the Government of the People's Partnership; a Government of all the peoples of Trinidad and Tobago, and hear the accusation which the PNM is making against us. He says: "We feel that:

"It is perpetuated by a certain section of the community and not by others. I have heard comments..."

And as though he has information, he says:

"...and do not call on me to justify because I can."

I call upon him now to justify. He says, Mr. President:

"If that is the basis on which they prepare legislation..."

Attacking our legislative programme:

"If that is the basis on which they prepare legislation and come, we have to watch them...carefully..."

We are asking the people, yes, we are not concerned with the Opposition on this issue. Yes, people of Trinidad and Tobago, watch us closely and you will see that we have the concerns of the people of Trinidad and Tobago at heart.

He said:

"If that is the basis on which they prepare legislation...we have to watch them...carefully, because they may feel that the penalties may be directed at some to punish some, to deal with some, foolishly..."

Calling us foolish.

"was foolishly thinking that it was a sectional thing rather...troubling us across the country."

He went on to say:

"You see some very severe measures coming in the Anti-Gang Bill...the Bail Bill and—the Firearms—Bill."

That is the Bill before the House, very soon:

"Very, very severe measures coming and probably emanating from that mistaken impression; probably emanating from that."

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That is, passing legislation to target a small geographical location and a certain type of people. What subliminal message are the PNM and the Opposition sending to the country? What kind of message is that? And you are attacking this Government? That is a most frightening message. You are dividing the country along certain lines. Is that the position of the PNM?

I see my fellow Senators on the other side. Sen. Beckles-Robinson, is that the position of the PNM? Sen. Dr. Lester Henry, is that the position of the PNM? Sen. Al-Rawi, is that the position of the PNM?

Sen. Al-Rawi: Present.

Sen. The Hon. S. Panday: Pardon? Do you subscribe to that view? Do you subscribe to that view? Sen. Deyalsingh, what is your position, Sir, through you, Mr. President? If you cannot answer that, you have forfeited the right to speak in this Senate. This is the kind of vitriol that emanates from the PNM to destroy this society.

No wonder persons have asked—when you all were put in government in 2000, what was the first thing you did? What was the first thing you did? You held a party at the Crowne Plaza for the criminals. Instead of carrying them up the road at 103 Frederick Street, you carried them in the Crowne Plaza. That is what you did. You feted them and fed them in the middle of the night, away from the glare of the people. Everybody knew who they were. They were the gang leaders. The first thing the PNM ever did when they were put into office in 2000 was to fete the gang leaders at the Crowne Plaza.

It had to be that, because, soon after that, when you fed them and you gave them names as community leaders, you saw that you gained nothing from it. The gang leaders gained everything, and hence, it was after that you saw that the murder rate rose from 120 in 2000; 151 in 2001—after you feted them, fed them and hugged them; 2002, 169; 2003, 229; 2004, 260; and as though, having put fertilizer into the system at the Crowne Plaza, 2005, 386; 2006, 371, ending up with 550 young men losing their lives in 2008. In 2009 what it was? Five hundred and ten. The hon. Minister, Brig. Sandy, at least informed this Senate, we have been working, and for this year it was below the 500 line.

And we ask that question, who is the PNM to be telling us about crime and attacking us, when the PNM itself, as a party and as a government, hobnobbed with the criminals? Mr. President, as they hobnobbed with the criminals, what

did they do? They gave the impression that they intended to deal with crime, and so, the budget to the Ministry of National Security to deal with crime increased from \$1,000,400,000 to almost \$4.5 billion in 2008; and in 2009—sorry, \$5.128 billion. So they kept on throwing money away and giving the impression that they were dealing with crime. They saw the crime rate increase and they did nothing.

Mr. President, we on the other hand, our Prime Minister, when the Cabinet was formed, called in the Cabinet and gave us a mandate, especially the Ministry of National Security, “Gentlemen, your work is cut out.” We are not going to make jokes with the criminals. We are not going to hobnob with the criminals. Although we may have social programmes to help the people, we must take a firm view on crime.

Mr. President, we ask the question then, again, dear PNM, is that the reason you had all these pieces of legislation, which we call the “omnibus package”? When we deal with the Anti-Gang Bill, you had the Bail (Amdt.) Bill, you had the Anti-Gang Bill, the Security of Information Bill, the Interception of Communications Bill and the Firearms (Amdt.) Bill. Why did the PNM, having had these Bills on the shelves gathering dust since 2007, not bring these Bills before the Parliament? We ask these questions and we expect to have answers from the PNM.

If you cannot answer them, then the question is, did you not have—is it because of the statement made by Sen. Hinds in this debate, attacking us; is it because of that that you all decided that you all were not bringing legislation to deal with the issue of crime? That is the question we ask. Because there is no logical reason for not bringing the anti-gang legislation and the various pieces of legislation. Mr. President, is it because of that you felt that you did not want to hurt your own? Is it because of that you did not have the willpower to bring legislation? Is it because of that we have seen over 3,000 young men littering the cemeteries? Tell us. Tell us.

Mr. President, if you look at all the debates and the contributions of most of the persons who have contributed on the various pieces of legislation, like the gang legislation, all of a sudden, most of them here and in the other place, most of them are giving the impression that they are so interested in human rights and attacking us, attacking us at every turn to prevent the legislation from going forward.

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They spoke on the anti-gang legislation. They said that the penalties were too harsh. They made all sorts of excuses. Why? When we came to the Bail Act, same position; talking about instances where there might be extreme cases or very few instances where there might be some problems, and they took those fine points and tried to derail the legislation.

Mr. President, the PNM has brought this country to a crisis situation, and although the PNM had brought this country to a crisis situation, when the Government, this honourable Government, reviewed the legislation, it was basically the same sentences which we introduced in this Senate; yet that PNM Government attacked the legislation. The same thing happened with the bail legislation.

I will show you, Mr. President, in a few minutes, the hypocrisy of this Opposition, but before I go to that, I wish to indicate that these are crisis times. We are in crisis times and we need strong legislation to deal with the problems we have. It is our fervent hope and desire that no one commits an offence under this Act and suffers the consequences of the Act. Hence the reason for the hon. Minister of National Security indicating to this House the other initiatives we have; the social initiatives to help young people. But we think at this point in time that it is necessary to pass this legislation.

Mr. President, they tried to paint us into a corner in the eyes of certain people in this country; however, we want to indicate to this population that when we pass laws, we do not pass laws targeting any small group of persons in any locality. We pass laws, Mr. President—not we, but any government that is worth its salt should pass laws for the benefit of the whole society. As Sen. Subhas Ramkhelawan would say, in terms of Bentham, “The greatest good for the greatest number.”

We do not pass laws to spite anyone, but we pass laws that assist the whole country. Mr. President, to show the hypocrisy in this thing, just last week this Government introduced in the other place legislation dealing with the legislative proposal for the amendment to the Prevention of Corruption Act. Assuming that they were hurt because of the other piece of legislation, we want to indicate to them that this piece of legislation does not refer to those whom Sen. Hinds spoke about in his contribution basically, but also white-collar criminals, white-collar crimes; those persons who feel—or who appear to be in the upper strata of society.

What this legislation does, Mr. President, and I would not go into it for fear that I offend the Standing Orders which deal with anticipation of legislation, but merely to make a cursory reference to it by indicating that this piece of legislation is dealing with the increase in penalties dealing with corruption and corruption in high places. It is a very important piece of legislation, and the intent of the Government is very clear when the Government decided to deal with whistle-blowers.

Mr. President, this Act will deal with persons who have a certain amount of wealth, and when one looks at those persons in public life and when one sees in the legislation, it says that:

“The...Commissioner may investigate any person holding public office where there are reasonable grounds to suspect that that person—

(a) maintains a standard of living above which is commensurate with his present or past known sources of income...”

To investigate also a person who:

“(b) is in control or possession of pecuniary resources or property disproportionate to his present or past known sources of income...”

Mr. President, who is this legislation geared against? It is geared against anyone in society who performed these types of acts. And this is not a case of where we single out any particular persons, but again, it is legislation to protect the population. This legislation was necessary because under this legislation there can be forfeiture. Previous to this, we had the PCA, the Proceeds of Crime Act, and under the PCA you had to obtain a conviction before you moved to the seizure of assets. In this case, we intend to go a step further to prevent corruption, and corruption in high places.

Mr. President, that government never had the will to bring legislation like this. And you know, when Sen. Hinds spoke about what he conceived of our aim and objective of passing legislation, when we bring this piece of legislation—when the Government brought this piece of legislation to the House, to the other place, you know, this hypocritical Opposition decided that they were not going to support that Bill?

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So, Mr. President, when one looks, this country cannot take this PNM seriously. As a matter of fact, many persons have said, in order to deal with crime, you have to deal with the PNM first. In order to wipe away crime, you have to wipe away the PNM. Mr. President, we merely wish to indicate—

Sen. Hinds: Sounding good.

Sen. The Hon. S. Panday: We wish to indicate that we are determined to deal with the issue of crime and we shall leave no stone unturned to deal with this issue. As I said before—

Sen. Hinds: “Ol” talk.

Sen. The Hon. S. Panday: Yes, that is the way the PNM really thought they would deal with crime. With “ol” talk and never doing anything. Mr. President, this Government has not only dealt with legislation in order to deal with crime—although that is one of our main plans in dealing with crime; in order to deal with crime, we thought that the institutions which execute the law must be put on a sound footing. As a result of that, the first thing this Government did when it came into office was to ensure that a Commissioner of Police was appointed, and the aim of that was to put stability in the police service. [*Desk thumping*]

Sen. Hinds: Two weeks early?

Sen. The Hon. S. Panday: You see? That is the nonsense; “two weeks early”. You know why?

Sen. Hinds: Two weeks early. Break the contract and fire him.

Sen. The Hon. S. Panday: Same argument you used in your debate about passing the anti-gang legislation, perpetuating incompetence, inefficiency and corruption, same argument, and that is the hallmark of the PNM. Incompetence; that is the hallmark of the PNM.

Sen. Hinds: Are you saying that Mr. Philbert was incompetent?

Sen. The Hon. S. Panday: I am saying the PNM is. I do not know if you are saying that he is a PNM and you are joining him with you. I never said that. I do not know if you knew that he was a PNM. When I say the PNM is incompetent, you bring him in the loop? Well, you probably have insider information which I do not have, and I do not intend to cast any aspersion on any officer who has served this country.

3.00 p.m.

Sen. Hinds: Rather decent of you.

Sen. The Hon. S. Panday: I am certain the day will come when I can say the same thing, how decent of you.

Mr. President, they had the police service in a state of uncertainty where you had an acting Commissioner of Police. They never gave him any substantial term, only short terms, so they had him in a position where he could not deal with the police service. As a result of that, when he gave orders to the police officers they used to say, "He going home before me." They only gave him one, three or six months. The PNM had the police service in that state of uncertainty. While they had the police service in that state of uncertainty, the crime rate ran away. That is PNM thinking and that is PNM logic.

Mr. President, that is why, when I started, I said that we are happy that steps are being taken to deal with the issue of promotion to fill vacancies, to lift the morale of the police service. As I said, we are not only introducing legislation to deal with crime, but the former government, for the Summit of the Americas and CHOGM bought 200 vehicles and they were not used for 200 hours. They bought 200 vehicles and did not use them for 200 hours. After CHOGM—

Sen. Hinds: It is no longer 200, it is 199. Do you know why?

Sen. The Hon. S. Panday: We gave one to the hon. Patrick Manning. [Laughter]

Sen. Hinds: Would you give way?

Sen. The Hon. S. Panday: No, you had your time. [Laughter]

Sen. Hinds: One was written off by the Minister of Sport.

Sen. The Hon. S. Panday: And one is at San Fernando, but I do not intend to bring the honourable former Prime Minister into this debate. We respect his office. You have been the cause of bringing the former Prime Minister into this debate.

Sen. Hinds: I was speaking about the Minister of Sport.

Sen. The Hon. S. Panday: Well, it seems to me that you say one thing and mean the other.

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Mr. President, after using those vehicles for less than 200 hours they parked them in VMCOTT, exposed to the elements, while the police service was crying out for vehicles. When one makes a call to the police station one is told, “We have no vehicles.” The police had no mobility and the PNM, after their profligate spending, they parked up these vehicles as trophies at VMCOTT. [*Interruption*]

Mr. President, Sen. Hinds had the opportunity to say that, but instead of saying that you heard what he said in his contribution. Regardless of what has happened before, the point is that the police was crying out for mobility; crying for vehicles and they were parked there as though they belonged to them.

What did this Government do? When this Government came into office we decided that we were not going to waste money to buy vehicles and let those sit there and rot. What the hon. Prime Minister and Minister of National Security did—when people made complaints that when they called the police stations and were told there were no vehicles or insufficient number of vehicles—was to call in the police authority and say, “Tell us, what are your requirements in terms of vehicles?”

They said 65 in the first instance; this Government gave them the 65. Those of my colleagues in Cabinet would remember that they came back the following week and said they wanted 10 more vehicles. This Government never flinched. This Government gave them 10 more vehicles. We asked, “Is that enough? Is that sufficient?” They said, “Yes”, and this Government—being a Government that cares about the people; a Government which is concerned about dealing with crime—attempted, within its powers, to ensure that the police received all the equipment and machinery they required. This is what this Government did.

Mr. President, we also had the Police Service Commission appointed. Our information is that the Police Service Commission has been appointed and is working. More than that—more than that PNM; more than that incompetent PNM—you know what you all did? In 2006 we passed the amendment to the Constitution; we passed the Police Service Act; we passed the Police Complaints Authority Act as a package of legislation to deal with crime. Do you remember that? You do not know that, or you do not want to know that? That is what the PNM government did. You know, Mr. President, they allowed the Police Complaints Authority Act to sit on the shelf. I think it was proclaimed, but that government never appointed a Director and Deputy Director to the Police Complaints Authority.

There were hundreds of complaints; thousands of complaints and the PNM sat on them. We ask you, “Why?” You like to talk, Sen. Hinds, you like to ask questions. Through you, Mr. President, I want to ask him one question. Why, in 2006, you did not appoint the Director and Deputy Director to the Police Complaints Authority? In 2007, 2008, 2009, up to 2010, for four years you allowed the Police Complaints Authority to become ineffective. You allowed it; the PNM did it.

Sen. Hinds: Would you give way?

Sen. The Hon. S. Panday: No, you had an opportunity and you did not want to do it. Sitting and giving way to you at this time is really to permit you to make some facetious statement which I cannot tolerate at this time.

So, Mr. President, the Police Complaints Authority was to ensure police discipline within the police service and also to protect the citizens from certain actions of police officers. Members of the public, when they thought that they were not being treated properly by the police they could make a complaint to the Police Complaints Authority and thousands of complaints were made.

The government knew that those complaints were made. While we were in Opposition we asked questions about it, “How many complaints are there?” How many have been solved? Why are you not appointing a director to the Police Complaints Authority? They sat as though nothing happened.

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

Motion made, That the hon. Minister’s speaking time be extended by 15 minutes. [*Sen. F. Hinds*]

Question put and agreed to.

Sen. The Hon. S. Panday: Thank you very much, Mr. President and colleagues. I indicate to my learned friend that I would continue my contribution in such a way as to show my gratitude to him. [*Laughter*]

Sen. Hinds: Would you give way?

Sen. The Hon. S. Panday: You asked for 15 minutes for me and now you want to take it back. No. [*Laughter*] Only 15 minutes you asked for me and you want it back now? Sorry, I cannot accommodate you at this time, maybe at the end.

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Mr. President, what one observed during that period of time was that indiscipline within the police service increased to the extent that the situation became so bad that many police officers found themselves before the courts, bringing the police service into disrepute. If that Police Complaints Authority had been put into motion, many of the problems that affected those police officers would have been addressed before reaching the stage where the police service was brought into disrepute.

Mr. President, what did this Government do? This People's Partnership Government that Sen. Hinds likes to speak about—which consists of the UNC, COP, MSJ, NJAC and TOP—came together and said we have to deal with the issue of crime. Putting the Police Complaints Authority in order was one of the most important things in dealing with crime. [*Desk thumping*]

We chose a former colleague of ours. We made such a good choice that even the Opposition agreed with that appointment. The moment that person, Master Doyle, was appointed, they publicly indicated what the situation was. They indicated the enormity of the backlog and decided to deal with it.

We want to indicate to our police officers outside there that the Police Complaints Authority is now working and we beseech you to work in accordance with the law. We respect you and admire you. Police officers, we know you do a good job, but we just want to inform you that there is now a system in place to assist you in walking the right track.

Mr. President, as you see, this People's Partnership Government is not only dealing with law but is dealing with other issues in order to deal with the issue of crime. As I have said, we are trying to deal with the issue of institutions.

Another area that needs redress is the prisons. We shall not make any adverse comments about the prisons in public because it is under the remit of the Minister of National Security, but I would say that the Ministry of National Security is taking steps to ensure that whatever problems exist in the prisons are dealt with so that we may have more efficient prisons which will, in its own way, have a favourable impact on crime. We intend to ensure that we deal with those issues.

Mr. President, the hon. Minister also spoke about the social services. We want to indicate that although the Government is passing what appears to be draconian legislation, we are giving assistance to persons whom we feel might fall through the net. As such, the hon. Minister spoke about family life.

On Fathers' Day we expect you, gentlemen, to join us. Come with your sons so that we would build family. *[Interruption]* Daughters would come for Mother's Day. The Minister wants fathers and sons so that we would knit. We have heard social workers say that when a child is at that age the slightest matter triggers him off. A criminal, when he was counselled, indicated that he turned against the world when one day there was a PTA meeting and every parent came except his parent. He felt so embarrassed, hurt and angry that he said, "If nobody cares about me I eh care about anybody either." That triggered that little thing in him and he turned out to be a criminal.

This People's Partnership Government intends to address those issues. This is why Brig. Sandy, the Minister of National Security, is being given so much kudos. One would not expect a gentleman with a face like Minister Sandy, that is always serious, to be talking about mentoring, about bringing family together—that is why he is getting so much kudos.

Mr. President, we also have a Citizens Protection Security Programme. What this Government has done was to send people to the University of the West Indies to do programmes—persons from the environment where these unfortunate persons exist—so that when they have qualified and become professionals, if they suspect a person is about to commit a wrong, they can go there and counsel them. This Government is not only using the sledgehammer to deal with crime—indeed, we are using a sledgehammer to deal with crime—but this Government is also putting that human face; that love; that caring, to deal with the issue of crime.

As a matter of fact, under the guidance of the hon. Minister of National Security, the Cadet Force Division of the Ministry of National Security has given an undertaking that cadets programmes would be established in as many schools as possible. Eight schools are ready to start. *[Interruption]* The Minister says he also wants it in the boys' industrial school. We are only waiting for a date when the officials would be available for us to start. We intend to do those eight schools within two months, and 22 before the end of the academic year.

We feel, Mr. President, that when we introduce these things in schools, we inculcate a sort of discipline which would be emulated by others. So, we are thinking down the road. The legislation is for now. It is for the present time, but we are looking to the future to deal with the crime and are introducing things like the cadets. Every Monday the hon. Minister goes out into communities—we do not want to call them hot spots—in various parts of the country and speaks to people, bringing them into the loop. You will see, very soon, the impact we have from that.

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Mr. President, the people in this country want to solve crime. They want to join the Government in solving crime. People heard that the Government has embarked upon establishing cadets in schools and we are now getting requests, advice and counselling from the population. We are being asked, “Why don’t you start boy scouts in the primary schools and girl guides?” We are working on that. We intend to move forward.

As I said, the hon. Minister, in the other place, on Friday, made a statement on the reduction of crime and violence, and we ask you to read it. If you do not have the time, we would photocopy it and pass it to each of you. Today, in answer to the question by hon. Sen. Hinds, he also indicated where we are going.

So, we ask you all to let us forget what has happened. We ask you all—all of us, all the people of Trinidad and Tobago—to join this crusade with the People’s Partnership Government and together we shall deal with crime.

Thank you very much, Mr. President.

Sen. Dr. Rolph Balgobin: Thank you, Mr. President, for giving me the opportunity to rise and make a brief contribution to the debate on what I think is a very important and worthy piece of legislation.

I would start by making reference to something that Sen. Ramnarine said in his contribution, really, to reinforce his point that the research is very clear that crime is injuring our competitiveness. The national competitiveness of Trinidad and Tobago continues to be harmed, not just by the level of crime but the perception and fear of crime which of course, in itself, can incapacitate a population or a community. The cost of doing business has become very high. People cannot trade freely and that places a damper on commerce at precisely a time when we need entrepreneurial endeavour the most.

Mr. President, if you look at the murder statistics for Trinidad and Tobago—you have had more than 1,000 persons murdered here in the last two years—going back to 2002, you literally have thousands of people being killed in this country, violently, by murder. You really have to stop and think about that and wonder. Murder here has come to be almost like a sport where people hunt people.

I think that the Minister of National Security is absolutely right in saying that something must be done, and something must be done. The question is, what? I think he is decoding some of the answers. I also think he has bought a fight that is legitimately the fight of the entire Government and the key stakeholders in the national community. By those people I mean the labour movement, NGOs and so on. I would come to that in a moment.

If I look at the data, almost three-quarters of the murders that are committed in Trinidad and Tobago are being committed with firearms. So, I went to the FBI to try to understand what was happening there in a developed country like the United States. The data is quite interesting: 21 per cent of all aggravated assaults in 2009, in the United States, were committed using firearms. Forty-three per cent of all robberies involved the use of a firearm, but 67 per cent of all homicides in 2009, in the United States, involved the use of a firearm.

So, firearm acquisition, firearm usage, can be directly traced to a rising murder rate, not just in Trinidad and Tobago but in several other societies in the world. In fact, you often see an inverse relationship between the murder rate and the wounded rate. That is because some people postulate that firearms themselves have become far more efficient, and the ammunition too, therefore, the kill rate has become higher. People are no longer wounded. I cannot tell you when last I have read of an attempted assassination. Even in Trinidad and Tobago the kill rate is almost 100 per cent. This is a social catastrophe.

Mr. President, we have this thing that has become like a sport and you have a firearm being used, so you get the impression when you hear people speak that a firearm might not be a big thing; there are a lot of them. So, it begs the question: what can a firearm do? What can a firearm do? Well, a Mr. Lochner in Arizona, about a week ago, used a Glock 19 hand gun which would fit in your front trouser pocket—a little bulky, I am sure, but it would fit—and shot no fewer than 17 people. I think he killed six or eight, including a nine-year-old.

So, how dangerous is a single firearm? Extremely dangerous. He used an extended magazine that holds 33 rounds—33 bullets—and he was only stopped when he stopped to reload. So, this guy walks up to a member of Congress, shoots her in the head and then proceeds to shoot everybody else he could see, including a young child. He is only stopped when he runs out of bullets.

Now, until 1983 or thereabouts, the average gunfight in the United States of America involved the use of less than three shots. Less than three rounds were expended. In those days you had a revolver. A revolver would, typically, have six rounds in it, so that was a gunfight. Now you have a young man with 33 bullets in a gun—with presumably one in the chamber so we say 34—and he empties this thing in a crowd. This is a semi-automatic pistol. If you pull the trigger fast enough it is almost like a machine gun.

So, for the national community, I think they have to pay attention to what the Minister of National Security is saying; to what members on all sides of this Senate are saying, when we talk about how serious a single gun—ownership or

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improper possession of a single gun—can be for the society. A single gun can wipe out an entire family, even more than one family. It can really place a dent on the population of a small community.

So, I think that any effort to restrict the tendency to own or possess, rent, borrow or steal a firearm is extremely important. So, while it sets aside or injures in some sense, our civil liberties, I am reluctantly in support of that part of the Bill which says that a person found with a firearm, until the contrary is proved, is deemed to be in possession. I understand that this reversal of burden, at least to my mind, has become necessary. [*Desk thumping*]

I do not think that there is any way around it. I think, however, it is also indicative of the weakness of the Trinidad and Tobago Police Service, and that is not a criticism. I think that we need to strengthen the investigative capability of the police so that they can make a better or more effective determination and a faster one.

Sen. Al-Rawi spoke to the length of time that the forensic department would take to establish who has been interfering with this firearm. We need to get that fixed. We need to improve the capacity of the police service to very quickly assess who is actually in possession of this firearm.

I am of the view that a crime plan will not solve this problem. I understand the need for a plan, but it is something that features in the Commonwealth and in most post-colonial societies, the panacea or what is marketed as a solution is a plan. Now we probably have plans to plan. In all of this planning very little can get done. I know that the Minister and his Ministry are now emphasizing a bias towards action and I applaud that. I think that should be lauded. I hope that their efforts—I am a civilian, but just objectively looking at it—to recruit more officers bear fruit as quickly as possible. My guess is that you need 2,000.

3.30 p.m.

I know that one of the Ministers of National Security had indicated what their service strength was short by, and I think it was in that region, 1,500. I like 2,000. I want more, and I will explain that in a moment.

So there are three things that really need to be core elements of any strategy to deal with crime. One is, we need better and confirmed leadership, which the Government has taken care of. The other is, you need more men. You just need more men. The third would be to improve the quality of investigative capability in the service. However, Mr. President, even with all of that, I think that the Minister of National Security has come upon something that is so significant that, as is our wont as a national community, we almost ignored it completely.

I listened to him for the last couple of weeks and he continued to say it, and what he was saying was reported and nobody else picked up on what he was saying, and I thought, “Well, this is interesting,” because it again speaks to our capacity to focus on the irrelevant. I think if someone said that we are going to all die tomorrow, people will be concerned about how they are going to look. I think that we ought to pay attention to what the Minister was trying to say, and it is a pity that the Minister has to say it. What the Minister had to say, perhaps without saying it directly, was that there is a tremendous failure of fatherhood in Trinidad and Tobago—a tremendous failure of fatherhood.

We have gone generation to generation countenancing absent fathers and people making children all over this place and not taking care of them. By taking care of them, I do not mean handing the mother or the grandmother \$50 or \$100 a month. I mean taking emotional care of them; providing some spiritual guidance. That ball has been dropped, Mr. President, and we are paying the price for it now.

So it is not, in my view, the Minister or the Ministry’s role alone, and I emphasize that word. I am not fighting with anybody. It is not their role or his role alone to tackle this issue of fatherhood. It is not a wishy-washy issue either. If we look at the geopolitical trends in the wider world, what you will find is a very significant clash of cultures between East and West, and the base unit of societies like ours is shifting from the family to the individual, and people are acting individualistically. That is why a man will drive on the shoulder and put himself in front of everybody else. There is a breakdown in community thinking as people’s focus shift to the “I”, to the individual.

So we can cry for the good old days. I do not know if they will come back, but as a society we have to find a solution; we have to find a way; we have to find a new beginning; a new tomorrow, some sort of manner or mechanism to treat with this problem, because what is happening is, everyone is acting individualistically—well, not everyone, but many people—and when you do that, and you, in the course of doing that, sire children that you do not take care of, what happens is, as Sen. Panday alluded to—of course it is not a universal rule, but the probability goes up, probably exponentially—that you are not going to receive the kind of discipline and the kind of grounding that you would get in a traditional nuclear family.

Now, how is that going to be treated with? Mr. President, that has implications, I would argue, for competitiveness, for innovation, for everything that is going to happen in this society in another 10 or 15 years. It is happening now. So there is a sense of sadness in reviewing this legislation, because, while it raises the penalties, you really have to look at our context and say, “We have a

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context here of low enforcement,” not law enforcement, “low,” as in not high. So we have a context here of low enforcement; low consequence for improper action, and this is one of the challenges, for example, with the public service.

You ask all the time. I go into an organization, one of the first questions I ask is: what is the consequence for improper action? If you do something wrong, what is the consequence? If you are a criminal and you are operating in a low or no consequence environment, then there is absolutely no motivation to stop. But most importantly, and what this Bill does not and cannot treat with, is the fact that these penalties here are weakened as deterrents because many, many of these criminals have what we would consider here an extremely low life expectancy. They expect to die before they are 30. I myself am surprised when I see someone who is a victim of this kind of activity now who is 32, 35. I say, “Wow, he had a good innings,” which is what you would normally say for somebody when they die in their 80s or 90s. This is where the society is going.

So we have this legislation, which is all we could do, but we are dealing with a community of people, in part, that is not in any way deterred by these kinds of penalties. That is why I am saying that this is not just for the Minister and the Ministry of National Security to answer. It is a far, far bigger problem than that. So it occurred to me when I looked at the Bill, and in particular the contentious clause that reverses the burden of proof of innocence, that if your friends have to answer for you, it occurred to me that your family should have to answer for you too. Those are about the only people who I think many of these hardened criminals cry for and grieve for—their very own family. You really have to wonder: To what extent can we hold parents now responsible for the criminal actions of their children?

It is, in a sense, or it poses some interesting gender questions for us, but the gender reality is galloping ahead of gender academia and gender theory, and not enough work has been done on the slow disaster that is taking place here. We are in the midst of a very significant tidal wave of a problem. What do we do with our young men? Look here, I mean, the answer to question 10 just circulated says, Mr. President, over the last five years, Eastern Boys’ Government Primary School has consistently performed below the national means in mathematics, language arts and creative writing. This is a primary school. Mathematics, 37.5 to 49.2. That is the mean. The mean has not touched 50 per cent. Of course, the girls are higher—language arts, 37 to 41 per cent.

So not only are we, as a society, producing children who are having grave difficulties with fundamental aspects of literacy, but boys are being left behind and we do not need these statistics to prove it. We just have to look at the graduating classes of the universities. Look at the masters classes, they are all now two-thirds or more girls, in a society with a 50/50 population. That cannot be a good thing, because if you look at the indices or the statistics for the world and the places with the highest murder rates, it is also the places with the highest population of young men.

Where there are young men, there is the potential for violence, and we need these young men, therefore, to be parented better. We need them to stay in school; we need to keep them in school; we need for them to finish school and get a job. There is a big, big problem here that we have to answer, that we have to treat with, and I hope that the Minister's message is heard by the wider Government. I am sure it is.

Sen. Hinds: You cannot be too sure.

Sen. Dr. R. Balgobin: No, I am confident it is. So that has to factor or feature in the planning, because I think we have gone beyond ethnic divisions or rural and urban divisions, or divisions of geography. We now must also consider what is going on with our young men and what we are going to do about our young men.

Mr. President, there is a section here that talks about the Firearms Appeal Board and my colleague, Sen. Subhas Ramkhelawan, spoke about that briefly in his contribution, but what I wanted to say about that is this: nowhere in our Constitution could I find that citizens of Trinidad and Tobago have the right to bear arms. I do not know if that is there, but I could not find it. I do not believe that you have a right to bear arms, but the way that the Firearms Appeal Board, and the way that the applications process is set up, it is almost as if you have that right and the police commissioner must deny it to you, and if you are denied, you can appeal.

Here is the difficulty with that, Mr. President: The difficulty with that is that in an environment of fear and of high crime, everybody wants a firearm, so how on earth is the Commissioner of Police—I am sure since Sen. Brig. Sandy has become the Minister of National Security, he has been inundated with requests, both from inside and outside of this Chamber, as honourable and as august as it is, for firearms. I am not looking at him, so he does not have to nod. Everybody wants a gun.

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Now, the problem with that, Mr. President, as the Minister of National Security will tell you, is, while everybody can have a gun, not everybody can handle a gun. You can talk to the younger, fitter men in the society, and particularly to trained operatives in the defence force, and they will tell you, “I do not need a gun, you know. I will just go and take one from somebody who has one.”

Having a gun is a tremendous responsibility, a tremendous burden. When you have a firearms process that says that the police commissioner, on the one hand, can deny you a firearm, but then you can appeal, what happens is, you place the burden on the commissioner to say why, and the commissioner might not always want to say why. He might not always want to say, well, he is aware that you consort with people that they have some suspicions about, or he has some information that he cannot quite pin down, but he is just not quite certain that you are the person with the type of temperament or character that he should give a gun to, having due regard to the fact that a single gun can kill a lot of people.

So what you set up here instead is a Firearms Appeal Board, and what does the Appeal Board have the power to do? It says, and I read section 22(a):

“allow the appeal and direct the Commissioner with or without conditions to grant or reinstate the licence, permit or certificate.”

So the Firearms Appeal Board has the power to grant a firearm user’s licence. This of course explains—I have no information, but it is very easy to figure it out—if there are thousands of applications and nobody is hearing anything, it is because the commissioner does not want to tell them no, because if he tells them no, then they go and appeal and then he has to go and answer in the appeal.

Sen. Al-Rawi: There has not been a functioning board for a long time.

Sen. Dr. R. Balgobin: For how long?

Sen. Al-Rawi: A very long time.

Sen. Dr. R. Balgobin: But even so, he does not want to set himself up to deal with these appeals because it takes up all of his time. The process is onerous and I think it ought to be a little more difficult even. I do not think that people should have a natural right to appeal a decision of a commissioner to get a firearm, because I can find nowhere in our Constitution or in our history that says that citizens here have a right to bear arms. That is so in the United States of America, but there are very clear historical situations that determine that that should be how it is.

So what I wanted to say, Mr. President, is that I think if I look at this whole notion of applications for firearms, people's perception of crime and so on, one of the emptiest places I have ever seen, one of the emptiest government offices or outposts that you will ever see is a police station. Nobody goes there. You really have to want to go there. There are reasons for that. I mean, they treat you like a criminal. They do. The treatment is bad. The treatment is bad. You know, I laughed when I saw in the legislation, "You must take the firearm you find to the nearest police station."

I had a situation once where I had something to report and none of the police I went to could tell me where the nearest police station was. You go to one and they say, "No, it is not here, you have to go over the road," and they send you over the road, and they send you somewhere else, and you go "pinballing" around the place until you find somebody who is willing to sit down and "boof" you up, and then, okay, you have found the right station, which is quite funny because there is a big poster in most police stations that says, "One station policy," which means that you can report any crime in any station. I do not know if this takes cognizance of that; probably not, but perhaps this policy is being reversed.

The police, Mr. President, in my humble and uneducated view, are overrun, and I think that they have staff maybe to keep the peace, but not to fight a war, and they are fighting a war. They are fighting a war and so we need more men, yes; we need better processes; better leadership; better training. I also think that we need to remove the obvious irritants.

So we are hearing nice things about SAUTT today, but people in SAUTT appear to work for far more than people in the police service, even with the allowance, and those are obvious irritants that, I suppose, over time will have to be amended or dealt with. Really, what I am saying, Mr. President, and it is not a comfortable thing to say, so I will try to depersonalize it, what I am saying is that crime—I am not saying criminals, I am saying crime—if crime is like garbage, the protective services and the police, in particular, are garbage men. They see the worst of the society.

When we are home sleeping, they are out in the bush, in the air, on the water, keeping us safe, and if they do their job well, we will never know that they passed in the night outside our homes or in front or behind us. Sometimes it is even their duty to die quietly. These are almost invariably young men and women who run very counter to the view that we have lost our youth, because they are playing a very positive part in keeping us safe when they can. But if you are a home or a

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household and you keep throwing more and more garbage into the few containers you have in front your house, at some point it is going to overflow, and that is not the time to get vexed with the container.

That is not the time to get vexed with the people coming to move the container. That is the time for you to assess yourself and say, “Why am I producing this amount of garbage?” And the society has not done that, so we are vexed with the police, we are upset with the army or whoever, but the society has not really sat down and asked itself: “Why are we producing this and what is it we need to do here?” So I think we have got to a place where all the police can do is record crime, because, as fast as they take your report, something else is happening, and I think that that is a most unfortunate situation, because it means we are not building and developing the kind of investigative skills that we need in the service.

I very broadly support the Bill and several of the amendments here, which we can take at the committee stage, but in throwing my support behind the Minister of National Security, I really want to beg of Government, Opposition and the wider stakeholder community that we pay close attention to what the Minister of National Security is really saying when he says we need to see fathers with their sons. I think we have to pay close attention to what he is saying and try to treat with what he is saying, because it is not his job, it is not his job to deal with that alone. That is a much wider, wider problem.

Unfortunately, in dealing with it, we have to lose some of our civil liberties, hopefully not too many, but I am hopeful, Mr. President, that with the passage of Bills like these and the strengthening of the various services, we can start to make a dent in this matter. However, I am mindful that bigger bins and more effective means of collection will only take us so far. It is like bandwidth on the Internet, the more you get, the more you use, and we need to find a way to arrest this tsunami of male failure in the society and turn it back around again.

So with those few words, Mr. President, I thank you for the opportunity to speak. [*Desk thumping*]

Sen. Prof. Harold Ramkissoon: Thank you, Mr. President, and fellow Senators, for giving me the opportunity to enter this debate on this Firearms (Amdt.) Bill, which deals with one aspect of the larger problem, crime, the major issue facing our nation.

Mr. President, how we deal with this problem will, to a large extent, determine the future of our country. It is for this reason I think we are very much at the crossroads of our history. Failure is certainly not an option, for if we fail, we will condemn and be condemned by future generations. I am heartened to note that two similar Bills in the Lower House, a Joint Select Committee has been set up to look at those two Bills, and maybe this Bill should go the same route.

I want to also commend all parties. It is very, very encouraging to see the various parties getting together to deal with matters of national importance and putting party interests aside in the greater national interest. Mr. President, I want to urge that Joint Select Committee to deal with the assignment with some urgency as the crime situation, in spite of the assurances we have heard earlier, continues to spiral out of control.

On December 20th last year, five persons were murdered, including two mothers, one of whom happened to be at the wrong place at the wrong time. At the beginning of this year, there were four murders, of which two of the victims were pensioners. Murders are now taking place in this country at any time and at any place. We say in science the murders are taking place in a time-space frame that is indifferent.

I want to put the crime situation in some sort of perspective before getting to the Bill, Mr. President, and I crave your indulgence. I kindly request some latitude. Sen. Panday did give some history with respect to the number of murders we have had over the last decade. We have moved from 180 murders in the year 2000 to 483 in the year 2010, peaking at 550 in 2008. What this means is that in the last decade, we have had a five-fold increase in the murder rate in the country, and this has now become one of the highest in the world. Only recently, 16 murders were committed over a 10-day period, that is, the first 10 days of this year. Who, 10 years ago, Mr. President, would have predicted this sorry state of affairs in our republic? It threatens the very foundation of our democracy.

I want us to go beyond our shores. We have witnessed in recent times, with disbelief, the open confrontation between the criminal gangs and law enforcement officers, the armed forces in Jamaica and in Mexico. In Jamaica, the battle, which was brought into our living room, and which went on for a number of days, resulted in over 70 casualties. And while calm has seemingly returned to that country, which has a potent mix of politicians and criminals, the battle in Mexico is an ongoing one. Mexicans are deeply concerned about the future of their country, where guns, drugs and gangs are daily features in their newspapers.

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A recent BBC documentary paints a rather bleak picture of neighbouring Guatemala; 14 murders were reported in one day. Most of its institutions have collapsed, having been infiltrated by criminal elements that seem to be in control. At the end of the documentary, the question posed was: “Is Guatemala a failed state?”

Last month I was in Rio de Janeiro and stayed at a hotel just miles away from a war zone. Tanks had moved into one of the favelas, that is, one of the depressed areas, trying to flush out guns, drugs and gang leaders. The exercise apparently is an ongoing one. Recently here in Trinidad, one of our depressed areas was locked down.

Mr. President, Latin America and the Caribbean is the region with the highest crime rate. Put another way, the region, with the exception of a very few countries, including Costa Rica, seems to be engulfed by crime. More specifically, to quote a United Nations Office on Drugs and Crime Report dated March 2009, “The Caribbean is the region with the highest murder rate in the world, surpassing even regions with armed conflict.”

Notwithstanding the transnational, transregional nature of our problem of guns and drugs, we need to act with a sense of urgency and come up with solutions. Our people are losing hope. Moreover, to do otherwise would result in a state of anarchy. The Government of the day, Mr. President, is, I believe, fully aware of this and has brought the Firearms (Amdt.) Bill to our Senate, reflecting one of the strategies to deal with the crime situation. Their focus, however, to date has been on the punitive and not a known holistic approach.

Sen. the Hon. Nan Gosine-Ramgoolam assures that such an approach exists, but this is yet to be revealed in its entirety. While this punitive approach may be necessary in the short term, in order to deal comprehensively with the problem, one must identify and treat with the root causes.

4.00 p.m.

Mr. President, I want to get into the two major root causes. Narcotics trafficking, as we all know, is the major contributor, and gun ownership is the outgrowth of this trade. We also know that Trinidad and Tobago is a trans-shipment area for cocaine coming from South America and bound for the North and, as stated in a recent *Newsday* editorial, and I want to quote from that editorial, Mr. President:

“Guns have been brought into the twin-island State over the years by drug majors to ‘protect’ the landed narcotics as well as sales in the respective turfs within the country.”

Hence we need to stem the flow of guns and drugs by making our borders less porous. I have been told, Mr. President, that many a night on our southern beaches, some of our southern beaches, the language spoken there is not the national language, and this has nothing to do with our attempt to go bilingual.

The Government has, I understand, cancelled the order for the offshore patrol vessels, and they may have good reason for doing this. It would be most helpful if we are informed of the effective alternative arrangements for protecting our coastlines. [*Desk thumping*] This is most critical in our battle against crime. For example, is the Government exploring the possibility of joint patrols with the Venezuelan Coast Guard, or is this already in place?

Now, Mr. President, I want to turn to another fundamental cause which I do not think too many people have, in fact, addressed. According to a BBC report, Latin America and the Caribbean is the region with the greatest gap between the wealthy and the poor. Colombia leads the region in this respect. In Trinidad and Tobago, over 15 per cent of our people live below the poverty line and I suspect—this is just a crude estimate—that over 50 per cent of our people are struggling to make ends meet. Surprisingly, after my crude estimate, there was an article which appeared in our *Newsday* dated January 13th, and I want to quote from that article, letter to the editor written by Dr. Trevor Grant and I quote:

“A visit to any community in TT would reveal the harsh reality of the substandard conditions that many are living in because they are too poor to live in better conditions. This is further compounded by their lack of resources to purchase basic food items for their families’ sustenance.

No one really believes that the poverty rate in TT is 17 percent as stated by Government officials. Realistically speaking, the poverty rate hovers more around 30 percent as there are thousands of citizens living on less than \$1USD a day, thousands more who are menially employed and underemployed and earning less than the poverty line of \$665 per month for a family of one person and \$2,660 per month for a family of four persons and thousands more who are unemployed and have been unemployed for a long time.

Reducing poverty in TT is a monumental task for the People’s Partnership Government, more so now as the country is undergoing a serious economic decline...”

The article was titled “Harsh, economic times ahead for TT”.

Our society, Mr. President, is therefore in dire need of reconstruction and we must decide on what type of society we want to reconstruct. We must go beyond tinkering. Countries with tremendous inequality are, in general, violent societies.

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Examples in our neighbourhood are Colombia, Brazil and even the USA. On the other hand, in countries such as the Scandinavian countries and Canada, where the inequality is not particularly significant, violence is not a major problem.

The current state of our Republic where the have-nots vastly outnumber the haves, where there is a get-rich-quick mentality, where gated communities, affluent communities and depressed areas are part of our landscape, and in some instances almost juxtaposed to each other, where some workers who struggle to make ends meet are still exploited, that state is untenable. This is particularly responsible for the internal stresses and rage that threaten to rupture the very fabric of our society. When a working father or a working mother or both are unable to meet the basic needs of a family, domestic violence sets in.

Mr. President, we have the responsibility to help the less fortunate law-abiding citizens of our country by, among other things, converting depressed areas into sustainable communities where residents are provided with skills so that they can have meaningful jobs, where they have access to water, electricity, roads, schools, recreational facilities and a reasonable quality of life.

We must not make the same mistakes we made in the past with respect to low-cost housing developments. There were few facilities and many individuals were unemployed. That has been a recipe for disaster. In short, we have to create a more equitable people's society and whether the People's Partnership is up to that task is left to be seen. Mr. President, the hon. Senators Brig. Sandy and Hinds have been able to rise above their environment and we salute them for this but the odds are stacked against the many living in depressed areas.

Mr. President, I want to turn now to some of the consequences and some of these consequences we are aware of and some, in fact, one particular one was mentioned earlier by Sen. Dr. Balgobin. Apart from impacting on everyone directly or indirectly, violence and crime are also major obstacles to our development. This was stated quite clearly in a UNDP World Bank report and I quote:

“Crime and violence present one of the paramount challenges to development in the Caribbean.”

They make it difficult to attract investment, both domestic and foreign.

Mr. President, I want to go a little further into investments. I was in Hyderabad last October, the second largest high-tech city in India, and I was fortunate to be based in the heart of the high-tech city. Apart from being a safe

city, what was done to attract foreign investment was to build a new airport, the airport is now three years old, and if there is ever a user-friendly airport, that is a user-friendly airport. So they built a new airport, they built a new highway connecting that airport to the high-tech city and they provided tremendous incentives to the high-tech companies which include IBM, Oracle and Tata Information Systems. The point I wish to make is that the competition for foreign investment out there is tough and I think we are fooling ourselves if we think we can attract substantial investment without solving our crime problem.

There was a quiet debate in this Senate sometime ago. Someone said that crime does not play a major role in attracting investment. Someone else was of the contrary opinion. If you have natural resources and you have a market, crime would not play a major role but if, like us, you have an insignificant market and you have dwindling natural resources, resources that are becoming more and more finite, you had better solve your crime problem and you had better create a cadre of highly trained workers. These are the essentials that you need to attract foreign investment.

I want to quote from a study that was done recently on crime and the cost of doing business in the Caribbean, and this was carried out by one Mr. Noel Corwell of the Mona Campus of the University of the West Indies. The following observations were made with respect to Jamaica, and I think they are equally applicable to Trinidad:

Businesses that reside in crime-ridden societies cannot escape the effect of crime. The business therefore becomes a victim.

Increasingly Jamaica management is losing control of the workplace.

Thirdly, crime increases the cost of doing business and reduces GDP.

They claim it reduces GDP by approximately one per cent, and if you take that same figure here in Trinidad, it means that it reduces our GDP by TT \$1.5 billion.

Fourthly, the Jamaica government is spending over 4 per cent of GDP on private security.

Again, if you convert that to our situation, it means that we would be spending TT \$6 billion on private security.

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Crime, Mr. President, is also responsible for the major human capital flight, our brain drain, not only from Trinidad and Tobago but from the Caribbean region in general. We lose six out of ten of our tertiary level graduates every year. Guyana loses seven out of ten and Jamaica eight out of ten. Some of our best and brightest are leaving our shores. Some would like to return, if and when the situation gets better. Crime also affects our universities. The principal of the St. Augustine campus is finding it difficult to attract internationally renowned scholars. What that means is that our attempt to create a Centre of Excellence at UWI is going to become more challenging, increasingly more challenging.

Now, Mr. President, I want to turn to the Bill. While it has the potential to act as a deterrent, certain questions and concerns arise. One: what would be done to ensure effective implementation? This has always been our problem. We seem to have problems implementing even the simplest of laws. People still drive recklessly, sometimes on the shoulder of the road, sometimes through red lights, leading to the road carnage we are witnessing. We need to deal with the lawlessness, not only on our roads but in our schools and elsewhere in our society. Mr. President, I firmly believe that sorting out the lawlessness on our roads would go a long way in bringing greater order to our society. This is not only my view but the view of a number of citizens, and I hope the Government would give due consideration to that.

What measures are being taken to improve detection and conviction? That has always been our problem. What measures are being taken to oil the wheels of our justice system? We need swift justice. Assuming that the average age of an offender is 25 years and that offender gets a 25-year prison sentence, what type of person would emanate from the walls of the prison at age 50 when middle age has set in? Is the Government considering prison reform and meaningful rehabilitation programmes?

I am not sure what fraction of crimes is committed by re-offenders. I tried getting some figures from the Commissioner of Prisons and it is so difficult getting figures in this country. We need to strengthen our Central Statistical Office. Figures are available on the Internet for California but we cannot get the same figures here, even from our officials. But back to the Bill; if this Bill, as intended, increases the rate and length of incarcerations, then some effort must be made to ensure that those leaving the prison system do not become repeat offenders. In other words, this Bill makes the rehabilitation and training of prison inmates an even more significant component of crime prevention, and I hope that the Government understands this.

Is justice being dispensed in a realistic and uniform manner? I ask this question because a Latvian woman was recently sentenced to two years because she was in possession of cocaine valued at \$1.5 million when the maximum penalty is supposed to be 10 years. I fail to understand the logic of the magistrate. In some countries, Mr. President, death would have been the penalty, not that I am advocating this, but death would have been the penalty.

If the measures are successful, one of the things it would mean is that you are going to have an increase in the prison population. A number of these people who are caught, offenders, are not going to be able to pay the increased hefty fines. So you are going to have an increased prison population. Has the Government taken this into consideration? Do we have additional prison space? Is the Government considering a special gun court to expedite trials?

Mr. President, I now turn to specific clauses. Clause 5: here in the case of gun possession the onus is on the defendant to prove innocence. I am not sure how this will play out and I hope we are not going down a slippery slope. Two things worry me here. One is that it is going to be easy to frame innocent individuals or easier to frame innocent individuals and that worries me. The second thing that worries me is that it is more challenging having, you know, to defend yourself and I worry that people who cannot afford good attorneys are going to have a problem. Moreover, the presumption of innocence, as we all know, is a fundamental right enshrined in the Constitutions of modern democracies and I think one has to be very careful in making exceptions.

Clause 6 which *inter alia* makes the person convicted for the third time for a thing or having on one's person a prohibited weapon liable to life imprisonment is somewhat draconian. If my calculations are correct, Mr. President, a person committing a third offence would have served somewhere between 16 and 50 years. That is at the end of the second offence and the question therefore is: do we really need life imprisonment for the third offence?

I want to go to California. The largest application of a three strikes law has occurred in California and I want to give some statistics. It is a pity I cannot make the comparison here with respect to the figures in Trinidad and Tobago because I do not have some of the figures available, but nonetheless I will give you some of the figures with respect to California. I say that the largest application of a three strikes law—there are currently 4,000 inmates who are serving life sentences for non-violent crimes under this law. It is costing California, with a population of about 37 million, over \$500 million to support additional inmates and increased

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sentences. Twenty-five per cent, and this is important, of the 170,000 people in prison are repeat offenders. Again, just for noting; and it is unfortunate we cannot make a comparison and a projection if we had figures for Trinidad and Tobago in terms of the number of people in prison now and the number of re-offenders in the prison at this point.

Clause 17 calls for the chair of the Firearms Appeal Board to be an attorney-at-law with at least 10 years' experience. I think our colleague, learned Senior Counsel on the Independent Bench, has handled this quite well, and has come up with a recommendation. I think what you are seeking is a well established, reputable individual.

Mr. President, I now turn to the question of gun ownership and my good friend here, Sen. Dr. Balgobin, also touched on gun ownership. There are no doubts that the barbarians are within the gates. They are within our gates and they must be treated harshly, but we have to be careful that we do not get down to the same level as the barbarian. We must deal with the problem in an unemotional way and not on the basis of an eye for an eye and a tooth for a tooth. More guns in the hands of citizens would not solve the problem. [*Desk thumping*]

I feel the pain and anguish of the loved ones of the many victims of crime. Some are most heinous by nature. I feel for the children who have lost a mother who was at the wrong place at the wrong time. I can understand the cry of the hon. Alleyne-Toppin, Minister of Tobago Development, on hearing that two bodies have been dumped not far from her home—I empathize with her—and for the romantic Sen. Prof. Ramkhelawan—we are sorry that his Maracas moonlit nights are no more—but making more guns available is not the answer. We need fewer guns in our society.

The open gun policy in the US, coupled with the internal divide in terms of poor and rich, has made it a violent society. Gun violence there has led to the loss of lives in, among the other places, you saw recently the shopping centres, on campuses and colleges; we note, and someone mentioned this, the recent killing spree in Arizona where six people were killed and 13 persons were injured, including a congresswoman. Moreover, anyone legally in possession of a gun becomes a target for criminals.

Mr. President, I have had the honour of serving on what is called the Pugwash Conferences. The Pugwash Conferences shared the Nobel Peace Prize in 1995 and one of the objectives of the Pugwash Conferences was the elimination of

weapons of mass destruction, including nuclear weapons. As a member of that group I cannot support the proliferation of any type of arms or weapons, be they of mass destruction or otherwise.

I want, with your permission, Mr. President, to just move a bit on the lighter side. We have heard mention in the other place and here about draconian measures. During the 6th to 7th Century BC, Mr. President, some Greek city states were ruled by tyrants and attempts were made to bring about reform and it is out of these reforms was born the first democratic government of the world. Later on, citizens of Athens, the city state of Athens, wanted to give the greater power to the freemen so that they could have a voice in the running of their government.

The citizens of Athens decided therefore to identify someone to bring about laws, to give the freemen a greater say in the running of their city state and also to help protect the poor from the rich. And the man chosen for that job was no other than Draco. Who was Draco, Mr. President? Who was Draco? I quote from a reliable source. And I quote, unfortunately Draco:

“...was a professional lawyer and very much out of touch with ordinary life.”

Mr. President, let me make it quite clear, our attorneys and lawyers in this august Chamber are very much in touch with the reality out there, okay, and our Attorney General is, by no means, another Draco. [*Laughter*] Anyhow, the laws that were framed by Draco:

“...were so severe they could not be”—implemented. In fact, it was claimed that they did not have enough rope in Athens—“...to hang all the criminals under their new system of jurisprudence.”

To end, to cut a long story short, Mr. President, it was left upon a widely travelled scholar called Solon to create the laws for the citizens of Athens and he did it based on the Greek principle of moderation and he was also able to improve the conditions of the poor without destroying the prosperity of the rich, and that has some relevance for us in our society.

Mr. President, I now want to move on to specific recommendations that, in my view, can help us move in the direction of a less violent society. The first thing I would like to recommend is the upgrading of depressed areas. Criminals are, in most cases, victims of circumstances and their environment. I do not personally

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think that anyone is born a criminal. It is therefore in everyone's interest to help change that environment. We need to identify those depressed areas, and let me make it quite clear; they are not restricted to any particular county or area. One such area is a growth pole of the Government's programme and maybe added impetus should be given to this area. Upgrading these areas is going to cost money, and here I believe that the more fortunate ones in our society, if called upon, will assist.

Mr. President, notwithstanding the Government's determination not to add new taxes, and at the risk of being labelled politically naïve, I would like to make the following suggestion or recommendation: that a surcharge, a special tax of at least 5 per cent on incomes over a certain level, be levied and that it go into a special fund to be used exclusively for upgrading depressed areas, and that that fund should be monitored by a select committee. It can be called the poverty alleviation fund.

My second recommendation, focus on the youths and education and I was very much heartened by hon. Sen. Brig. Sandy in his efforts at getting at the youths because I think it is most critical to our success in bringing down crime in the long term. In fact, I believe it is the key. One cannot overemphasize this. Punitive measures alone will not solve the problem. We have lost a number of our youths and common sense therefore demands that we proceed to save the next generation. Here I wish to commend the Minister of Education. I think he is doing a marvellous job at rescuing some of the nation's youth.

My suggestions with respect to the youths are as follows: compulsory education from ages three to 16, ensuring that our students can read, write, are computer literate and are exposed to sporting and cultural activities and a course on ethics and civics. I was glad to hear Sen. Dr. Balgobin talk about getting the kids in school for as long as possible. That is one of the reasons I am suggesting ages three to 16.

The introduction of a summer programme for disadvantaged youths, and I have heard about other programmes, but I want to talk about a specific programme and this programme has been running at MIT, Massachusetts Institute of Technology, for a number of years and, in fact, it is headed by a friend of mine, a West Indian professor. What we need to do is to identify from the depressed areas some of the better youths, take them during the summer to the campus and

expose them to an intensive programme and bring them up to the level where they can apply for entry to our universities. This is my recommendation. As I say, it has been done and continues to be done at MIT.

The University of the West Indies and the University of Trinidad and Tobago are recipients of generous grants from our Government, and I have no doubt that they would be willing to assist with this project. As regards the students, I think we need also to involve our senior undergraduate students at the university in this project and I am sure they too would be willing to take part in this sort of social activity. After all, our students do not have to pay the \$90,000 their colleagues are paying in the UK or the \$120,000 plus that their colleagues are paying in the US for tuition fees. So I am sure they would be willing to assist with respect to this social programme.

I want to also suggest remedial schools in the north, central and south for misguided and undisciplined youths from high school. Discipline must return to our classrooms. Those who wish to learn must be able to do so in a conducive and undisturbed environment. For these remedial schools of course you would need specialists such as psychologists, and if you go along with this you would have to ensure that there is attendance in these schools and they have got to be monitored closely with the help of the police and the parents.

Another recommendation: we need to monitor and assist all youths who leave school at age 16. This is the most vulnerable group in our society. Someone has suggested some form of national service for those not engaged in meaningful activities—something worth considering. While most teachers act in a responsible manner, there are, however, a few delinquent teachers and they need to be disciplined. No classroom in our school must remain unsupervised. Introduce an effective substitute teacher system using, if necessary, retired teachers.

Mr. President: Senator, it is now 4.30 p.m. I propose that we take the tea break now and resume at 5.00 p.m. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. President: I think we now have a quorum. Sen. Prof. Ramkissoon, you were on your legs. You have 17 more minutes.

Sen. Prof. H. Ramkissoon: Thank you, Mr. President. I have made a number of recommendations with respect to youth and education. As I stated, I think we have to have a two-pronged attack with respect to solving the crime problem in the country: one is punitive and the other one is non-punitive; youth, education focusing on depressed areas.

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The whole idea with respect to the recommendations concerning the youth in education is to provide the youth with meaningful alternatives and so deflect them from the gangs. We note from a recent newspaper that in the 2010 SEA examinations, 30 per cent of the students, which is approximately 5,000, received a mark of zero. What has become of these students? That is a question I would like the Minister to answer at some point in time. The other question is: is our education system failing us?

I want to turn to the last, sort of, recommendation and I want to tread here with care. We have observed a slight decrease in crime over the last six months. Some believe that it is still not sufficient. Some are of the opinion—and this includes one distinguished citizen and a columnist—that we may need to declare a limited state of emergency. I note that the precedent was set with respect to a limited state of emergency in 1961. I only hope that the crime situation does get better and we do not have to make that sacrifice, but if needs be and the crime situation does not improve with time, I do not think there are many options left and we may have to pursue a limited state of emergency and that can be done under section 8(2)(c) of our Constitution.

I want to end my contribution by first reminding the Government that the people are interested in crime legislation to the extent that it brings relief to their suffering. They want results. Secondly, by returning to the drug/gun problem, the scourge of our times, some of the recent Bills are meant to target this area. In my respectful view, they will impact mainly on the small drug dealers, but the big fish who most likely is living in the gated community, who most likely may even have bought respectability and who may even be a role model in our society, will continue to live a life of luxury within his gated community while the small fry will be incarcerated for a major slice of his or her life in a different type of gated community. A just society is very much an elusive dream.

I thank you most kindly, Mr. President. [*Desk thumping*]

Sen. Dr. James Armstrong: Thank you very much, Mr. President. I join this debate, in general, to support this Bill, but I have a few observations and some concerns. In looking at the Bill, the first thing that I ask myself, really, as a planner, of course, is: what is the problem that we are trying to address? I always have to ask that question because if we do not understand the problem that we are trying to address, we are not going to come up with proper objectives and outputs to address the specific problem.

I recall that my colleague, Sen. Baptiste-Mc Knight, raised a question, whether, in fact, this was a money Bill because of the fact that the punitive measures seem to increase the sentences for gun crimes as well as increase the charges; the penalties. But that is not what we are really trying to do. The situation is that there is a proliferation of guns and today the user will not hesitate to indiscriminately shoot, particularly the youth. This seems to be most evident in depressed areas.

Now, Sen. Hinds raised the issue in his contribution of whether, in fact, there is a correlation between poverty and crime. I think this is something that I would like us to consider. In the work that I have done in this area, I would not say that in all poor areas there is crime or that, in fact, it lends itself easily to crime. However, what I would say is that where we have found significant crime, there is also poverty, not necessarily that because you are poor you are going to get involved in crime, but it is with a great amount of ease that people can be influenced into deviancy.

Therefore, what we are really trying to do is to eradicate crime, particularly with the use of a firearm, to protect the rights and safety of law-abiding citizens as enshrined in the Constitution. Therefore, we have to come up with a measurable output for that and to ask ourselves, one: where are these guns that we are trying to get rid of? Where are they located? Where are they coming from? And try to come up with a profile of the communities in this society where we have the proliferation of firearm offences.

In arriving at that, I tried to come up with a profile. I would like to see whether it fits with some of the things that we have been talking about and some of the things that we are trying to address. From looking at the literature and looking at the reports, it seems as if crimes are concentrated in areas where you have underemployment; unemployment; low injection of public or private sector investments; long-outstanding land tenure issues; female-headed households, and the converse side of that, a lack of daddies, as was indicated by the Minister of National Security; substandard housing; underperformance in school at the SEA; high-school dropouts. We heard recently that there are about 4,000 high-school dropouts; people who are missing; areas where you may find that we are providing subsidies for electricity; subsidies for water; maybe it is low self-esteem; marginalization; where people have less than average life expectancy, as was indicated today.

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Now, if you have communities with this sort of profile, we have to expect that it is going to create anger; it is going to create disappointment; a sense of helplessness and very often, given the opportunity, someone with that sort of attitude and that disposition is going to get off the rails and lock your neck, and with access to firearms will shoot without thinking twice. We have had communities—and I do not want to call names; what I want is for us to look at these indicators, look at where these would apply and then say, “Okay, is it this community? Is it that community?” There are communities that fit the profile.

The other point that I wish to make is that if even the problem is not one of poverty, as I have found in a number of countries in which I have worked, there is also a problem of disparity, of inequity. So that even when you do not have abject poverty, which I do not think we really have in Trinidad and Tobago compared to some of the other countries around; we do not really have abject poverty here. I agree that we have depressed areas, but what we really have here is a significant amount of disparity, in other words, communities operating on different levels. It is very difficult to subject our citizens to these kinds of conditions, to this sort of situation, and for them to sit in their yards and see folks going by, where they see your Mercedes Benz, or your BMW, or your Volvos, and not for them to think, you know, “I am annoyed; I feel left out; I am marginalized.”

To compound that, this is a country which has spent a vast amount of money over the past decade or so. Did that do anything to integrate depressed areas that are not far from where we spent a vast amount of that money, into the mainstream of the economy, to be inclusive, to let these people feel, “Well, look, someone is looking out for me; there is hope and I should expect better things tomorrow”? That has not happened. Therefore, I do not think that we can police ourselves out of crime. It is not going to happen. Crime abatement is something that we have to do. It is one of the things that we have to address, which is why I said I would support this Bill in general.

5.15 p.m.

Policing by itself, is not the only thing that we have to do if we understand the problem. If we say what we are trying to do is to really get the guns out of the hands of indiscriminate people who will shoot you by increasing a sentence from 10 years to 15 years, a chap who is going to point a gun at you and shoot you is not going to stop and say, “Oops, you know instead of 10 years, I might get 15 years.” He is not going to do that. That is very unlikely. It is very unlikely, but let us give it a shot. We have to try everything. So it is for that reason that I am prepared to go along with these measures, but we need more.

You know, this reminds me of a chap whose mother-in-law had died. The undertakers came in, took the body and a little later called the chap and said, “Look, we have your mother-in-law here, what should we do with her? Do you want us to bury her or cremate her”? He said, “Do both. Take no chances”. That is the problem we have here. We have to try everything. I do not think that this is—

Sen. Prescott SC: You will get into trouble.

Sen. Dr. J. Armstrong: I would not. [*Laughter*] So, I do not think, Mr. President, that we are really going to find one with criminal intent saying, “Look, you know instead of having to pay X amount of money, I will have to—”. But I will go along with it.

What I want to advocate, Mr. President, is really to support some of the things that I have here and some of the things my colleague, Sen. Prof. Ramkissoon, mentioned a while ago, that we really look at the structure of the society that we have and try to determine where we want to go as a people. Unless we can do that and demonstrate it, let people have hope again, high expectations for self-realization, you are going to find that those people who have been left out, who have been marginalized for years in a situation in which we had an economy in which marginalization was not necessary—it was not necessary and, therefore, you also have anger. To increase sentences, taking these punitive measures, I am also not sure that in the long run we are going to achieve the overall objectives of a developed society, of an equitable society. Because as I have indicated, if you overlay these indicators—and we now have a spatial context—you will find that the offenders are coming largely from certain communities. So it is really imposing additional stress, if even not on the perpetrator of a crime itself, on that person, on the families, on the communities, we have to look at that. So again, it is not something in my view that the police alone can deal with. It is not. It is something that we all have to deal with.

While I appreciate the measures being taken by the police, I have often felt that crime abatement is really a primary function of the development planning agency. In fact, I see Sen. King’s Ministry as being quite central, as being the engine room of crime reduction. Now, someone might say, “That is the Ministry of Planning, what does that have to do with criminals”? But again, let us go back to what is the objective. The objective is not really to lock up people. We do not want to lock up everybody. We cannot. There is another objective that we are not identifying and we are not recognizing, that is, people-centred upliftment, and that cannot be, “You commit a crime, we are going to lock you up.” We have to try

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and find out, how did he get that way? It took a very long time for that situation to develop. If you go back 40 years, it was not like that. You had some “bad johns”, but nobody was putting a gun in your face and shooting you.

It took a long time for us to get to where we are today, and if we think we are going to get out of it next year, you know people saying, “Well, you know, what’s happening? Crime nah going down”—a year, two years, we are not going to get rid of this problem that easily. We are not. I would suggest that we set ourselves some realistic targets to say, “Look, crime reduction, murders, we want to reduce it in a very systematic way by X amount over this period of time; the next year so and so, the next year so and so”, but do not figure that in a few months we are going to see this startling decrease in murders and crime. We are not tackling the real problems that got us to this point, and if we are not doing that then we are not really going anywhere.

So I think we have to recognize that this is a serious problem. We are simply not going to police ourselves out of it. We have to plan ourselves out of it, and that is what I think is missing. I am not hearing a lot about the plans that we have to change the mindset. Guns do not shoot people, people shoot people with guns, and there is a mindset that we are dealing with in this society. If we cannot change that mindset, then we are not really doing anything and we are not really going anywhere.

I have had to deal with this problem, Mr. President, in a number of projects around the world while I was at the UN. There are some communities that I have gone into—I am saying it is not simply a question of poverty—where the people were very, very poor, but I felt very safe. I go in, stayed there until eight o’clock in the night, nine o’clock in the night, and I had no problems. However, there are other communities that I have gone into where I did not go unless I had either the police or the army with me. The difference that I found was that in those poor communities where there was hope, where there was a belief in tomorrow, people were willing to cooperate, to listen and to work towards their own deliverance. If you take a country like Ethiopia, for instance, a lot of poor communities; maybe Tanzania, a lot of poor communities; you go in, yes, you can help. You go into a place like Kenya, some serious slums, Matere Valley, but it is a society where—do you know at that level of poverty people were also able to see a level of affluence that was not accepted in the society? So I would suggest, Mr. President, also, while we are trying everything and we are supporting this Bill, that we also start with the younger ones in the communities. You have to “ketch” them early.

I remember Sen. Dr. Balgobin saying sometime ago that we have to be manufacturing deviance. So we have to tackle it from both ends. We have to “ketch” the youngsters from age three, four, five and nurture them on a path that is away from what has been happening and what they have been experiencing in the communities. I therefore want to see more early childhood centres. We have to place emphasis on that.

Sen. Prof. Ramkissoon spoke a while ago about the importance of education. I have some notes on that. I do not need to go over that any more, but we need to emphasize that. We need to emphasize that because it is one of the ways out of the dilemma in which these persons have found themselves. You cannot subject people to this sort of living for years and years and years and then say, “Listen, you must be considerate”. It is not going to happen.

I want to turn directly to the Bill and some of the concerns that I have with the provisions in it. I have noticed, for instance, the whole business of three strikes and you are in prison for life. As indicated by my colleague, Sen. Prof. Ramkissoon, I think that is draconian. I think it is very, very harsh. It is not a component or an element of the Bill that I can support. But I noticed something else as well, that the person who commits a crime with a firearm and might be charged, convicted and so on, and will have to pay a fine of \$30,000, you increased that to \$50,000.

5.30p.m.

When you go to the back of the Bill, the other part of the Bill, actually clause 26, you would notice that the persons who are also importing guns—there is very little difference between a person using a firearm, in terms of the sentence, and the person who is importing a firearm, and we have to change that, if we are going to increase the sentences for those people who are actually users of firearms. We do not manufacture firearms here in Trinidad and Tobago, as far as I know, so it is coming from somewhere. If someone is actually importing it, whether it is to protect their turf, their drugs, or whatever it is, when we catch that person, we need to deal with that person in a very, very severe way.

I have circulated an amendment proposing that, in clause 26(a)(i), in (iii) and (iv), we delete the words “seventy-five” and “fifteen” and increase that to “three hundred and thirty-five”, and a similar amendment in (b).

There is something that I want to introduce in that section, which is new (c).
[*Interruption*]

Sen. Panday: Senator, could you kindly indicate which clause you are referring to, please?

Sen. Dr. J. Armstrong: It is clause 26(a)(i), as well as (b), and to introduce a new (c), that would make reference to, in the case of an offence of the importation of multiple firearms; in other words someone importing firearms to distribute or to sell. That is the man we need to put away in jail for life. That is the man who has to go. That is—whether you want to call him “Mr. Big or” “Mr. Big’s cousin”, brother or whatever—the person that we need to target and put away for life. There is no provision in the draft for that sort of thing. I have circulated an amendment which I would like us to consider at the committee stage of the Bill and to insert that amendment.

I would like to conclude by briefly citing a movie that I saw recently, and I believe you might have seen it. I think it is titled “Seventy”. It was really looking at the events of 1970. I think one of the Government Ministers, in fact, was one of the producers of that film. In that film, it was indicated that in 1970 we had a lot of disruptions in the society, and that had to do with disparities.

I listened to one of the officers in the army at that time, when he indicated that he had a number of men under his control, with firearms licensed to, or permitted to shoot, and they were squaring off, at the time, with the coast guard. He said that the men under his charge were prepared to shoot the coast guard out of the water. He said he was able to indicate to them: “Listen, those are our brothers.” He said they had sufficient firepower to shoot the coast guard out of the water. The army chaps were ready to do just that. He said, as an officer exercising discretion, he told them: “We cannot do that, because basically we are in the same boat.” That is the lesson that I would like to leave my colleagues with; that we have to exercise judgment and compassion.

We cannot allow—I agree that if people are shooting at us, we have to do something about it—I agree, but I am not satisfied that sufficient attention is being given to the upliftment of our brothers and sisters who are far less fortunate in this society, and those who have lost their way; that what we shall now do is to invoke these punitive measures. I do not think that is the society that we want. I think we need to take what I would call and what Sen. Gosine-Ramgoolam spoke about, an holistic or more integrated approach to this problem, and that requires proper planning. I think there are sufficient planners and expertise around in this country for us to address this problem in a broader framework, so that we can complement the work of the protective services, and that this Bill would really have some effect, once brought into law.

I also like to mention for those who, perhaps, are not familiar with some of the approaches to crime, other than punitive measures, that I would like to recommend a colleague of mine, who I interfaced with in the UN, by the name Caroline Morser. She is really what I would call a social anthropologist. In preparation for this debate, I went to some of the work that she had done recently, and there is a document entitled “City Violence and the Poor”. I would recommend—it is from the Brookings Institute—that we read that.

There is another article that she wrote: “Reducing Urban Violence in Developing Countries”. Those two documents are very, very informative and I recommend that we all have a look at them, so that we can have a much broader perspective or view of the problem that we are trying to deal with.

I thank you very much, Mr. President.

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. President and Senators. We are all aware of the high number of violent crimes that are committed today in Trinidad and Tobago. It is a fact that a large number of these offences are committed often with unlicensed and, therefore, illegal firearms.

In an effort to reduce the rising number of firearm-related crimes that are committed on an almost daily basis in our country, this Government has introduced the Firearms (Amdt.) Bill, as we are of the opinion that the illegal use and possession of firearms and ammunition can bring with it no viable excuse. Criminals need to be made aware that their actions, indeed, carry consequences, not only for their victims, but for themselves as well.

Our situation, we know, is aggravated by the drug lords and their cohorts when, as a trans-shipment point, the drugs come through Trinidad and unfortunately the firearms remain much to the detriment of Trinidad and Tobago, so we have too many communities living in fear.

It has become a situation where, within communities themselves—I am speaking of communities where there are barriers—people who are living 200 metres up the road, cannot cross the barrier and go 200 metres down the road. We visit communities, mostly on Monday afternoons. We go into the challenged communities and speak with the youngsters and the people.

There is one community, just about five weeks or so ago, which we visited. There are three buildings, which are called Building 6, Building 7 and Building 9. They are approximately, at most, 200 meters away from each other; that is

Building 6 and Building 9. People from Building 6 cannot go into Building 9 and vice versa. When we ask the youngsters why this is so, since they know each other and went to school together, there were flimsy excuses. “They cannot come over here to get no women.” I had to tell the youngsters my wife is from La Brea and I am from Port of Spain. What are you saying then, having grown up together as friends; it is now a situation where you have become enemies for simple things like that?” We are talking about one community. This is how bad it has become.

It is not my intention to take you through the Bill again. We have ventilated it thoroughly and already elucidated upon the amendments we wish to have passed. I just wish to respond to a few of the comments that were made by my colleagues on the other side during this very enlightening debate.

Clause 5 of the Bill: Sen. Prescott SC, in his contribution, stated that the language of the proposed section 5(2)(a) would be inconsistent with the language used in the existing section 5(2) of the Act. Section 5(2) currently provides that:

“In any prosecution for an offence under this Part or Part IV—

- (a) a person who is proved to have had in his possession or under his control...

The words “proved to have had” do not appear in the proposed amendment to section 5(2) of the Act. Sen. Prescott SC proposes that the words “or prove to have had in his possession or under his control” be retained and inserted in clause 5(2)(a) after the words: “(a) a person who—is found with...”

5.45 p.m.

He submitted that the retention of the words “prove to have had” would ensure that not only persons found in the actual possession of firearms can be charged, but also any person who may be escaping hot pursuit and in the process throws the weapon away. In such circumstances, the person could, upon proof to that effect, also be deemed to be in possession even though he was not found with a firearm in his possession or on his person.

We agree with Sen. Prescott SC that the words “prove to have had” should be retained for the reasons he outlined and, therefore, proposed an amendment to clause 5 to take this matter into account. Accordingly, the list of amendments before the Senate contains an amendment to clause 5 of the Bill to replace clause 5(2) as follows:

“For the purposes of any prosecution for an offence under this Part or Part IV a person who—

- (a) is found with any firearm or ammunition;
- (b) occupies, controls, or is in possession of any land, building, room, vessel, vehicle, aircraft or place in or on which is found any firearm or ammunition;
- (c) is proved to have had with him or under his control any firearm or ammunition; or
- (d) is proved to have had with him or under his control anything in or on which is found any firearm or ammunition;

shall be deemed to be in possession of such firearm or ammunition in the absence of lawful excuse, the proof of which lies on the person.”

Mr. President, Sen. Prescott SC also stated that the words “until the contrary is proved”, appearing in the proposed section 5(2)(a) are ambiguous and should be deleted. I wish Sen. Prescott SC to note that these words can be found in the existing section 5(2) of the Act, and are not new and, therefore, not a creation of this Government. However, we heed his call and remove any further ambiguity by deleting the word, and instead inserting that “the accused person shall be deemed to be in possession in the absence of lawful excuse, the proof of which lies on the person”. This language is used in the Canadian Firearms Act of 1995.

Both Sen. Prescott SC and Sen. Al-Rawi suggested that the initially proposed 5(2)(a) and (b) contradicted each other in that different language is used in each provision to reverse the burden of proof. With the proposed amendment that I have just read, there is no contradiction. The language is clear and unambiguous. The provision creates a rebuttable presumption of possession, shifting the burden of proof to the defendant. This is fair and reasonable in circumstances where there are serious practical difficulties facing the prosecution in proving a fact which would not faze the defendant who is able to disprove that fact. In this case, the difficulty for the prosecution would relate to the need to prove, for instance, that the owner or occupier of the premises had no knowledge of the presence of the firearm on his premises.

For those Senators who wish to quote the oft-cited 1935 English case of *Wilmington*, which Sen. Al-Rawi referred to in his contribution, and referred to the presumption of innocence. I, myself, wish to cite the case of *Johnstone* decided by the English House of Lords in 2003. In the context of a serious trademark offence, carrying a substantial term of imprisonment, the court emphasized the need for due deference to the will of Parliament and warned

against any finding that an imposition of a reverse burden was a disproportionate response by Parliament to the social mischief prescribed by the offence. The matter dealt with Article 6(2) of the European Convention, which became a source of English law via their prescribed Human Rights Act, 1998.

Article 6(2) expressly provides that everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law. Article 6(2) did not stand alone, observed the House of Lords, it was subsumed within the guarantee of fair trial provided by Article 6 as a whole. A reverse burden did not necessarily preclude a fair trial. It could, as was the cause for the trademark offence considered in *Johnstone*, be a proportionate response to a serious and current social or commercial mischief. It is in this context I wish to reiterate that the use of firearms in the commission of crimes is too prevalent to ignore, and is quite a serious and current social mischief which, in this instance, would necessitate such a measure as reversing the burden of proof.

Clause 5(2)(b) of the Bill: Sen. Al-Rawi suggested that the initial proposed section 5(2)(b) is open to abuse as it can catch an absentee owner of the property in which a firearm or ammunition is found. An absentee owner can be caught by the amended provision as well. However, this is not a new concept or a challenge to an absentee owner. An absentee owner can also be charged with possession under the present section 5(2) of the Firearms Act.

Clause 6(h): Sen. Prescott SC suggested that the new section 6(5) proposed by clause 6(h) of the Bill should be revisited as it may not achieve the intended purpose. The language of the proposed section 6(5) suggests that a prosecutor is being directed to pursue the matter indictably and rather the three strikes rule should come into being after the conviction of the accused, and should apply to the penalty to be imposed by the judicial officer. In response, I wish to say that it is necessary to provide that the third offence must be tried indictably if the penalty of imprisonment for life is to be imposed.

The purpose of the amendment is to increase the prison sentence of persons convicted of a firearm offence where such persons have previously been convicted of such offences, and to limit the ability of the offenders to receive punishment other than a prison sentence. In order to clarify the clause, we have sought to amend clause 6(h) by inserting immediately after the words "liable on conviction" the words "of the offence".

Mr. President, this Government wants to get rid of the revolving door phenomenon that we have seen in the past with respect to repeat offenders. We submit that this particular version to the three strikes law shall be more effective,

because it targets these repeat offenders who would have thereby proven unable to change their criminal behaviour. With the numerous restorative programmes available to inmates in the nation's prison, offenders have ample opportunity to avail themselves of a positive change in their lives.

Mr. President, I am sure we are all aware that there are those, regardless of what programmes they are exposed to, who will never change. These are the inmates or the perpetrators that we will be targeting. I remember many years ago, deceased Randolph Burroughs, indicated on an operation on one occasion that there are two types of felons, the criminals and the lawbreakers. The criminals are those who would be repeat offenders and regardless of what you do they are going to be repeat offenders; the lawbreakers are those who can be reformed.

In this instance, if you are convicted on three occasions for firearm activity, it is fair to conclude that you have no intention of changing. If they fail to participate in the programmes offered, or neglect the teachings instilled in them whilst behind prison walls, then surely a longer stay in the nation's prison is needed for such career criminals. The mandated life sentence for third time gun-wielding offenders aims to keep this particular class of repeat criminals off our streets, and the threat of such a long sentence may deter a two-time offender from committing a third gun possession offence.

Clause 7(1): Sen. Prescott SC drew our attention to an apparent duplication of the existing law between sections 7(1)(a) and 7(1)(l) as both provisions provide for the exemption of the Director of the Trinidad and Tobago Forensic Science Centre and officers designated by him for the need to have a Firearm User's Licence. We agree that there is duplication and, accordingly, a new clause 6(a) will be inserted in the Bill. The new amendment will seek to delete paragraph (l) of section 7 of the Act, and the list of amendments reflects this change. I wish to thank Sen. Prescott SC for his advice in this regard.

We are also proposing another amendment to section 7(1)(h) of the Firearms Act. That provision exempts a person who comes into possession of a firearm or ammunition in the capacity of executor or administrator or in the capacity of trustee in bankruptcy or liquidator for the need to have a Firearm User's Licence.

The exemption is valid for a period of 15 days after the day upon which the person came into possession. However, section 40(1) of the Act provides that those persons referred to in section 7(1)(h) have 30 days from the date on which they came into possession of the firearm to deliver the firearm to the police unless within that period they obtain a Firearm User's Licence. There is a discrepancy

here in terms of the grace period. Accordingly, we are suggesting that section 7(1)(h) of the Act be amended by increasing the exemption period from 15 days to 30 days.

Clause 15(b): the question was raised with respect to a concern regarding clause 15(b), in terms of the scope of protection which is afforded to persons who are the victims of domestic violence offences. Sen. Prescott SC again stated that we ought not to be waiting until the conviction under the Domestic Violence Act before somebody has taken upon himself the authority to remove the weapon from the accused person.

To give some context to the Senator's remark, we should note that clause 15(b) of the Bill proposes to amend section 21(B) of the Act. The amendment would repeal the existing subsection (2), and substitute a new subsection (2) which would confer on the Commissioner of Police, the power to refuse to grant a Firearm User's Licence to a person who has been convicted of an offence under the Domestic Violence Act, Chap. 45:56.

Under the existing section 21(B)(1) of the Act, the commissioner can, if such a person is already in possession of a firearm user's licence, suspend his licence for a period of five years from the date of conviction.

Sen. Prescott has proposed that there should be a provision in clause 15 of the Bill to enable a judicial officer to order the removal of a weapon from a person who is accused of a domestic violence offence prior to conviction, perhaps at an ex parte hearing on the matter. We share the concern raised by the Senator, however, we wish to draw Sen. Prescott SC's attention to section 8(2) of the Domestic Violence Act which deals with interim orders of the court in ex parte proceedings. Under subsection (4) of that section, an interim order may contain any or all of the prohibitions or directions specified in section 6 of the Act.

6.00 p.m.

Mr. President, clause 6 deals with the terms that may be included in a protection order, including under subsection (1)(c)(v), the direction that the respondent or accused relinquishes to the police any firearm licence, firearm or other weapon which he may have in his possession or control and which may or may not have been used. It appears, therefore, that the Senators concern has already been addressed in the Domestic Violence Act.

Clause 17: it has also been suggested by Sen. Prescott SC that the wording of the proposed section 22(b), addressing the composition of the Firearms Appeal Board, should be adjusted along the lines of the language used in the Supreme

Court of Judicature Act, Chap. 4:01. Section 7 of the Supreme Court of Judicature Act provides for the qualifications of judges of the High Court and Court of Appeal who are required to be an attorney-at-law within the meaning of the Legal Profession Act. It was suggested that this would ensure that the member would be a practising attorney-at-law. Although the wording used in the Bill has customarily been used and is a standard for a provision like this, we have no objection to the amendment proposed. The clause has accordingly been amended along the lines of the formula used in the Supreme Court of Judicature Act.

Sen. Prescott SC also raised a query regarding 22(c)(e) of the Act. This provides a list of the categories of persons who are disqualified from being members of the Firearms Appeal Board. Paragraph (e) specifically disqualifies persons who hold or act in any public office or who have held public office within a period of three years prior to the date of appointment. Although the Bill does not purport to amend section 22(c)(e) of the Act, we will nevertheless attempt to respond to the query raised.

Essentially, the question raised was whether a police officer would be disqualified under this section of the Act. Section 4 of the Police Service Act provides that the Trinidad and Tobago Police Service is constituted of the public offices set out in the Third Schedule to the Act. Accordingly, police officers would be excluded from being members of the Firearms Appeal Board under section 22(c)(e) of the Firearms Act.

Clause 23—both Sen. Al-Rawi and Sen. Prescott SC expressed concerns about the effect of the proposed repeal of section 20(1)(b) of the Act. This section requires every person who finds a firearm or ammunition to deliver it to the police within 24 hours of finding it. The Senators expressed the concern that the removal of the protection afforded by section 28(1)(b) is likely to have the effect of deterring persons who come into possession legitimately or good Samaritans who find firearms and wish to deliver them up to the police. I wish hon. Senators to note that section 28(1)(b) is not, in any case, in effect, as it has not yet been proclaimed. Further, an argument in favour of its repeal is that the provision is open to abuse as there is nothing which prevents persons, when found in illegal possession of firearms or ammunition, from invoking the provision as a readymade defence. The burden will then be on the prosecution to prove otherwise.

Bearing in mind that we have moved to purposely shift the burden on to the accused, we cannot now allow him to simply invoke this section and say that he has just found the weapon and was on his way to turn it into the police when he

was stopped, as could easily be done by our clever perpetrators. It would not only be an anathema, but would be quite contrary to the mischief that this Government wishes to cure by instituting this legislation.

Mr. President, my dear colleague, Sen. Ramkhelawan, spoke about the granting of firearm users licences to all upstanding citizens, I guess to those who apply. At present, there are those with firearms who are inadequately trained. I am not speaking so much in use of the firearm, but in the mental training that one is required to have when he or she is in possession of a firearm. This afternoon we heard his colleague, Sen. Dr. Balgobin, advising us with respect to the possibility of arming all those who apply, of course within reason. I think we will not want to arm all the law-abiding citizens of Trinidad and Tobago, because, as was indicated earlier on, it is a great responsibility. Too often we have heard of law-abiding citizens with firearm, misplacing or losing them.

Once you are not practising with your firearm, once you do not use it, more often than not the owner becomes scared of it, and when something happens and he is required to use it, he does not, because of fear, so we would not want to go down that road.

There is also the situation where those with firearm user's licences with children in their homes—We have heard of a number of occasions where children are harmed or a son would take his father's firearm and go somewhere and end up harming one of his colleagues or friends. Those are some of the things we need to guard against.

Sen. Beckles-Robinson contributed handsomely, as usual, and brought to the fore the concerns of presence versus ownership or control. I would like to thank her for providing me with a document, the case of *Bharath and Others v the State*, Criminal Appeal 49 and 50 of 2008. I am sure at committee stage she would elaborate on it. I thank her for offering the document.

This afternoon we got the contribution of Sen. Dr. Balgobin and he indicated very early that the Minister of National Security bought the fight of the Government; I probably bit more than that. I bought the fight of Trinidad and Tobago. [*Desk thumping*] I am asking all my colleagues and the national community to assist me and my Government in that fight. [*Desk thumping*]

Gang warfare of four or five decades ago was confined to pelting “big stone”, bottles, iron bolts, knives, white handled razors, cutlasses and the like. So when we go back to the days of Lawbreakers and Thunderbirds and Applejackers and

Silk Hats, that was the type of gang warfare we had, pelting bottles and stones. Even if a gang member was hit with a stone, shot or chopped or stabbed, the likelihood of this being permanent was very rare. Today, our gang warfare has escalated to guns and the finality of the act is detrimental to Trinidad and Tobago.

My friend, Sen. Dr. Balgobin, also spoke about intervention and I wondered whether he was reading my notes, because from day one I had said there was no way that the law enforcement thrust alone would solve our problem. I indicated that there must be a multipronged, holistic approach towards fighting crime, principal of which must be the social input. So we are talking about our mentoring programme, our intervention in schools; we are talking about other programmes that we are pushing towards the gangs and the young people. That is where my thrust is, apart from law enforcement.

I agreed with both Senators when they made the point that we must get involved at a young stage. I agree that we might very well start at age three. This is why our thrust, quite apart from that law enforcement and suppression aspects, is the intervention aspect, as we follow this holistic approach, in the same depressed areas we spoke about. I totally agree. This is why we are going that route.

Similar sentiments were offered by Sen. Prof. Ramkissoo when he spoke about prison reform, which is another area we are looking at as well. Sen. Panday is personally responsible for the prisons and the prison reform that we are looking at. The remedial school is another area we are looking at as well, because our youngsters who, for some reason, cannot keep up with their respective classes, disrupt them. When they are unable to do their home lessons they come the following day and disrupt the class. That is the easiest way out. The teachers send for their parents and the parents do not show up, so they suspend them. When they suspend them, they go back home on the same blocks that we want to keep them away from. So I totally agree that we need to get that remedial input in our schools.

My experience has been, and this is why I gave birth to the idea of "Fathers bring your sons and come", in all the communities we have gone to, we are speaking to the parents, because we are targeting them as well, more often than not, in every instance, females largely outnumber the males.

I remember at the Beetham a couple of months ago, I asked the males, "Where are your friends?" "Where are the fathers?" The other side of that is the mothers seem to glorify themselves in saying, "I am a single parent." This is why I am

Firearms (Amdt.) Bill

Tuesday, January 18, 2011

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

targeting fathers. I want fathers to step up to the plate and accept their responsibilities. I feel, quite apart from targeting the youngsters, trying to keep them away from the gangs, we need to target the parents, inclusive of the fathers.

The marginalization aspect to which Sen. Dr. Armstrong referred is a key ingredient. This is why we came up with the initiative that we call, the Community Patriotism Initiative, trying to get the people in the community themselves to raise the standards in the communities, and it has a lot to do with the mind. We are working on the mentoring, our school programme, the dropout programme that you spoke about, the adult programme and, of course, with emphasis on the fathers.

Mr. President, Members of this honourable Senate, I wish to end with this. Studies suggest that firearm involvement in crimes significantly increases the probability of death.

6.15 p.m.

The number of firearms used in murders in Trinidad and Tobago for the year 2009 was 369. This by far overshadowed any other weapon used; for example, sharp instruments number only 77 for the same period. For the year 2010 there were 355 firearms used in murders for the period January to December. While this reflects a miniscule drop from the previous period, the figure is still far too high and unpalatable.

This Government is seeking to institute this legislation in a move towards zero tolerance of illegal gun possession. Too many innocent lives have been lost in the crossfire between gangs and members. Unfortunately, some of our senior and prominent citizens refer to this as collateral damage. Too many law-abiding citizens imprison themselves in their houses; in their homes hiding behind burglar proofing and high walls and wires, while the gun-toting offenders are free to roam. It reminds me of Penguin's calypso a few decades ago, "We living in jail." We need to come out of those jails and get our citizens out of those jails—self-imposed prisons.

Mr. President, this legislation is a move to better management over those persons who are the legal holders of licences and those who are so exempted. In accordance with the amendments they shall now be held accountable for misuse and mismanagement of their firearms. With the introduction of the amendments, we intend to hold the members of law enforcement to a higher standard than they currently possess; for they are the ones who wield greater power and have easier access to weapons. As I have said before, with that comes greater responsibility to treat that power with a greater deal of respect.

Mr. President, distinguished Senators, I am sure that you on the other side agree that we need stronger gun-control laws and we need them now.

Mr. President, with these few words, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

PROCEDURAL MOTION

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, with your leave I humbly beg to move that the Senate continue to sit until the completion of this Bill and the Finance (Supplementation and Variation of Appropriation, (Financial year 2010) Bill, 2011.

Question put.

Mr. President: Do we want a division? I could not hear clearly the last response. [*Laughter*] I did not quite hear where it came from, so shall we ask that question again?

Question put.

Mr. President: Well, I see just a strong Front Bench and a support, I think the ayes have it. [*Desk thumping*]

Agreed to.

FIREARMS (AMDT.) BILL

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 4.

Question proposed, That clauses 1 to 4 stand part of the Bill.

Sen. Al-Rawi: Mr. Chairman, sorry, even though I may be premature in this request, the hon. Brig. Sandy was very gracious in going through some amendments in his wrap up; regrettably I have not seen those amendments and I am very interested in them, because I thought some of them were excellent amendments as proposed. Could I enquire whether they have been circulated?

Mr. Chairman: Could we let him have a copy?

Sen. Panday: It was circulated.

Sen. Al-Rawi: I regret that I have not received them nor my colleagues to my left or right.

Mr. Chairman: We would try to make those copies.

Sen. Al-Rawi: Much obliged.

Sen. Panday: We apologize to you.

[Pause]

Mr. Chairman: Could we begin? We would try to make those copies available to you as soon as we can.

Sen. Al-Rawi: Mr. Chairman, the reason for suggesting, is because none of us have received—we have just received, but it may help to short-circuit your process because the substantial amendment really relates to clause 5 which comes very, very early, so if we could just be permitted that?

Sen. Panday: Sure.

[Documents distributed]

Mr. Chairman: So, we will proceed.

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

Clause 5.

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

Sen. Panday: Mr. Chairman, there is an amendment which we have just sent out again to clause 5 which says, “delete the proposed section 2—which is in the Bill—and substitute in its place the new subsection (2) as circulated.”

Mr. Chairman: The Senators have that subsection (2) as revised before them?

Sen. Al-Rawi: Yes, Mr. Chairman.

Mr. Chairman: Any comments to the amendments?

Sen. Al-Rawi: If we could have just one moment, Mr. Chairman, to get up to speed?

Mr. Chairman: Sure.

Sen. Prescott SC: Mr. Chairman, forgive me, may I please make an enquiry? I am not certain that we are all singing from the same hymn book. I have a consolidation, which I think you, Sir, had created for us, and then there is a pro forma of the Bill—I cannot distinguish it from any other. Is that the one we should be relying on?

Sen. Panday: Hon. Senator, this is the Bill which we are amending. [*Shows Bill*]

Sen. Prescott SC: This is the one we should be using now?

Sen. Panday: Yes, thank you.

Sen. Prescott SC: Dated 5th? Okay, fine.

Mr. Chairman: Senator, are you satisfied with that?

Sen. Prescott SC: I think I have the one that is—

Mr. Chairman: You have the correct Bill in front of you?

Sen. Prescott SC: Yes. May I now ask, the Minister had said that he had accepted certain amendments suggested for clause 5—they do not appear in this document?

Sen. Panday: No.

Mr. Chairman: But do they appear in the sheet that is being circulated?

Sen. Prescott SC: They appear in the sheet marked “Proposals for Amendments”.

Mr. Chairman: So there now is before this committee a proposal that subsection (2) be deleted and be replaced by subsection (2) as appears in the typed version.

Sen. Prescott SC: If I am supportive of that change I should say, “Aye”.

Mr. Chairman: I would think so.

Sen. Panday: Senator, this was as a result of your contribution to which the hon. Minister had alluded. What we did, we took what you said and we did the background work and formulated this amendment, so this amends what had come here before, amending the previous Act.

Sen. Prescott SC: Thank you.

Mr. Chairman: The question is, Senators, that clause 5 as amended now stand part of the Bill.

Sen. Al-Rawi: Through you, Mr. Chairman, insofar as the proposed amendment, in particular 2(d), is an attempt to encapsulate the contributions of

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my learned Senior Sen. Prescott SC, may I, through you, enquire of him, and perhaps to the Leader of Government Business or the hon. Brigadier himself, the intent behind 2(d), because it reads:

“is proved to have had with him or under his control anything in or on which is found any firearm or ammunition;”

That section is potentially a dangerous section as proposed, because it could include a cooler, it could include something upon which something is rested; I mean, it is open to just such a wide construction, I was wondering first of all, before getting to the palatability of the amendment itself, whether the intent behind the amendment could be articulated, perhaps for our consideration?

6.30 p.m.

Sen. Panday: On the previous occasion we had muddled the amendment according to section 5 of the Narcotics Act. Certain organs of State had asked for strict liability and we came with reversing the burden. This clause here deals with the situation where it is proved that you had it under your control. That is to deal with the point that Sen. Beckles-Robinson raised where the court tries to distinguish between mere occupation and control. So, we incorporated the learning from the case of *Bharath v the State*, into the legislation.

Sen. Al-Rawi: I am grateful, one, for the statement of mischief on the record as an aid to interpretation. Secondly, I then enquired—thank you, hon. Sen. Panday, for that explanation; it is a cogent one.

Sen. Panday: Yes.

Sen. Al-Rawi: I am wondering about the juxtapositioning of concepts that go with:

“...is proved to have had with him or under his control...”

If the intent is control, I am wondering, because control brings unto itself an entirely different line of defence, perhaps, or even prosecution, relative to the element of control, whether the words “to have had with him”—I am just having a bit of difficulty in understanding those words.

Sen. Panday: “...to have had with him”, really, the concept is either in possession or control. Possession here includes if you have it in your possession you have it under your control. I do not know if you find that the language “to have had with him” needs to be tightened up.

Sen. Al-Rawi: If I could express the difficulty I am having, the difficulty I am having is that I may very well know that I picked up my child from school; I grabbed his cooler, which is a little cooler which he takes to school for lunch every day, and somebody plopped—I see Sen. Oudit smiling because she knows the reality of picking up coolers—a gun in it. I may very well have had in my possession the cooler and had it under my control, but then that takes with it the concept of having the firearm as well.

Now, if the root of the mischief we are looking at is gun control, this section in itself, albeit that I understand it—this is why I had raised, using sections 5(a) and 5(b) in the original debate in the manner in which it had been originally proposed because they came from different parent legislation—the Narcotics Act in one instance, and another Act.

So, I am wondering about the palatability of (d) in itself because it is open to just so much difficulty. It brings itself akin to the removal of section 28(1) which is the ability to turn in a firearm, a good Samaritan as an example, and it causes you difficulty here. I am just having a conceptual difficulty at how wide the proposed 2(d) actually is. And, in that context I am wondering whether it ought to be included, *per se*.

Sen. Beckles-Robinson: Can I ask a question too, for my own consideration? What is the need to have “have had with him”?

Sen. Panday: For example, if you have with you or under your control, anything on which is found—for example, if you are in the airport and you are in possession of your luggage and you have that with you, or you have a bag or a pouch with you, you are caught by this piece of legislation.

Sen. Al-Rawi: Mr. Chairman, it is exactly that point. In the Narcotics Act it makes sense because a narcotic is a narcotic is a narcotic. In the Narcotics Act you have got varying amounts, whether for trafficking—depending upon quantity. One may be put to an indictable offence because of the quantity of narcotics found for trafficking purposes as opposed to—let me put it in layman’s terms: half a joint versus a kilo. There are consequences, but nonetheless, it is still a narcotic.

My fear with clause 2(d), as proposed, is that the definition of “ammunition” under the Bill is so wide as to include elements of explosive things and elements of firearm, that it is not as clear-cut a position as a narcotic, which is a simple trip to the forensics lab and you prove it is marijuana, cocaine, *et cetera*; I mean, a portion of a gun shell, an explosive instrument which could be put together.

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I say this openly; somebody with a surname like mine, Iraqi, Arab, passing through the United States of America, as an example, now passing through Trinidad's airport and something innocuous is found, it is quite easy to have a difficult charge facing you. So, the difficulty here is that the definition of "ammunition" being as large as it is, as wide as it is, does not lend itself to the same pot as a narcotic. So, the importation of a narcotics provision, which clause (d) clearly is, and which I understood it to have come from, is a misfit, in my view, to firearms.

Sen. Panday: My advice from the experts is that the definition of "ammunition" is not so wide. Further, how will the police or the officer deal with the situation, where it is found in your luggage, for example, and you are in possession of and in control of your luggage? All you are going to say is, "I have no liability if they find a gun in my luggage?"

Sen. Al-Rawi: Respectfully, your expert should be guided to the preliminary section 2 of the Act:

"ammunition" means—

(a) ammunition for any firearm of any kind"

And it goes through (a), (b), (c), (d), (e), (f) and (g).

Sen. Panday: "...shell, cartridge, bomb..."

Sen. Al-Rawi: Yes, and then it also includes firearms and it also includes flame-thrower; it also includes an explosive. I am looking for the term specifically, but this was the subject of a specific contribution.

"prohibited weapon" means—

(a) any artillery or automatic firearm;

(b) any grenade...like missile; or any weapon of whatever description or design which is adapted for discharge of any noxious liquid, gas or any other thing;"

So I could not possibly accept that your expert says that the definition for ammunition is not wide, because it includes a piece of a shell, a piece of a noxious flame-thrower. It is just not that. It cannot be.

Sen. Prescott SC: Sir, would you permit an intervention, please?

Sen. Panday: Sure.

Sen. Prescott SC: Because, I am not certain we are looking at it the way it ought to be. Is 5(2)(d) not meant to deal with a situation where the holder of the thing—let us say the container, for the time being—has given up control, as in the bag in the airport? He has given up control because it has now gone through the chute, et cetera; such a person. It appears that what 5(2)(d) is meant to do is say to that person, “You remain in control unless you can provide us with some excuse pertaining to the thing that we have found.” It does not matter whether it is a firearm or ammunition, by any definition.

If that is all that 5(2)(d) is after, then it seems to be best captured in the language that we have used.

Is Sen. Al-Rawi seeing something more in it?

Sen. Al-Rawi: Through you, Mr. Chairman, the answer is yes. The intention of (d) originally—I know you have clarified this for us, hon. Sen. Panday—is to put the mischief of guns squarely into a hard category. We are being tough on gun control. The original intent—I know we will come to amend the preamble—was to have a strict liability. We accepted that is not the purpose of this proposed Bill. Instead, we are looking for the reversal of the usual burden of proof.

In my opinion, clause 5(2)(d), as proposed, is too open to abuse. I am of the respectful view that finding it in possession is the extent to which I wish to personally intrude upon someone’s personal rights and liberties, particularly when we are reversing the burden of proof. I find the concept borrowed from the narcotics legislation of being in control of a secret compartment in a suitcase, or some compartment that somebody has access to otherwise, I find that too wide, bearing in mind how much of sections 4 and 5 of the Constitution we are intruding upon.

Sen. Panday: I beg to defer and to indicate that I agree with Sen. Prescott SC. If it is proven that you had it with you—you checked out the luggage—and at some time later it is found in your luggage, you had it under your control. That is the sort of situation we are attempting to capture.

Sen. Al-Rawi: I accept where you are going, Sen. Panday, and I join you in wanting strong gun control. I am going to support the legislation, but I think that (d) is too wide because it is possession of the thing, as opposed to the gun itself; or the bit of ammunition; or the prohibited weapon itself.

Sen. Panday: Look a situation where—

Sen. Al-Rawi: Sorry, Sen. Panday. What I am really going to is that (d), really, encapsulates the minute that you are in possession of the thing, within which the firearm, ammunition or prohibited weapon was found, you are caught. What I am saying is that insofar as we are reversing the burden and we are causing a variation of sections 4 and 5 of your civil liberties under the Constitution, I find that stepping a little too far, on this occasion.

Sen. Panday: With the greatest respect, we have passed that stage. We must look at a situation where, for example, you are at the airport and you see a security guard coming and you drop the purse or bag in a bin. In a situation like that, if they go into the bin and find the bag with the article in it, you had it in your possession and you are liable for the contents of it.

Sen. Prescott SC: May I, once again?

Sen. Panday: Sure.

Sen. Prescott SC: If we look at (c) and (d), (c) speaks to the firearm or ammunition being in your control, or previously in your control. Clause (d) says if the firearm or ammunition is in something or on something—in a bag, on a clip or what have you—what the police would find is two things: the container and the firearm. They are not going to be separated. The charge, therefore, is that you have had under your control the thing and the firearm. Is that not so?

Sen. Panday: With the greatest respect, Sir, the thing, by itself, that situation is an innocuous situation. It says, the thing under your control in or on which a firearm has been found.

Sen. Prescott SC: Having the thing on its own is not an offence.

Sen. Panday: No.

Sen. Prescott SC: Does that make it any—

Sen. Al-Rawi: Hon. Senator, it is the conjoined effect in (d) of the firearm and the thing. There is always going to be found together, but proof of the *actus*, in this case, is really possession of the thing; the firearm is always going to be in it. What I am saying is that I, respectfully, am of the view that (c) encapsulates (d). If we were to strike (d) we would, in any event, be getting—

If I were to just borrow the argument that you have just put, you said that I should not have a concern because the thing of itself if not the *actus reus*, in this crime, that it must be the thing with the weapon. However, subclause (c), actually, catches it:

“...is proved to have had with him or under his control any firearm or ammunition...”

If the thing itself is not so important, then why go so far as borrowing a narcotic thing where there is—you see, I am dealing with the concept of an innocent mule. I accept the point, but I think that (c) can encapsulate the point because it says:

“...is proved to have had with him or under his control...”

6.45 p.m.

Sen. Panday: We need to widen the vista of that argument, in that we have been confining it to a bag or something like this. Let us take an example of a motor car:

“...is proved to have had with him or under his control anything in or on which...”

You have this gun in this car, you spot the police coming, you jump out of the car and you run and it is found in the car. You were in control of the car and the gun was found in the car. So you are caught by that section.

So it is not only a section dealing with a purse or something like that. That might fall under (c), but (d), under his control anything, a car, lorry, a bigger article.

Sen. Al-Rawi: I catch the point, laudable, but clause (b) catches that already. (b) deals with:

“occupies, controls or is in possession of any land, building, room, vessel, vehicle, aircraft or place in or on which is found any firearm or ammunition;”

So it is there in (b) and (c), and what I am saying is that (d), which is a narcotics point, and which I could understand evolved around the specific mischief that narcotics had with it, and the sophistication in “muling” or in transportation of narcotics, I am saying that (d) is not apposite to our best purpose here and can cause difficulty.

Sen. Panday: I beg to disagree with you, in that it is not confined to narcotics, because if one looks at the parent Act, you will see on this document we have, you will see the exact terms being used:

“In any prosecution for an offence under this Part or Part IV, a person who—

(d) is proved to have had in his possession or under his control anything whatsoever in or on which is found...”

a firearm or anything. So that is the law as it stands at this point in time, and the purpose of that was to deal with the mischief of motor cars, because many a time persons are found in motor cars, and the case that Mrs. Beckles-Robinson spoke about, mere occupation of the motor car does not catch you. You must be in control of the motor car in order to be caught, and this is what the Court of Appeal dealt with in the case of *Bharath*—occupation versus control.

Sen. Hinds: Mr. Chairman, through you, if that is the position, what happens if I am in control of a borrowed or rented motor car, did not check inside the spare tyre or in the trunk, below the carpet in the trunk or so and the thing is there? I am in control of the car, but I am not aware.

Mr. Chairman: Presumably that is where the access of lawful excuse comes in.

Sen. Hinds: Well, yes, but you see, this is the difficulty which we had raised. I know we have gone past that about the reversal of the burden. Now I have to prove that I did not know that the thing, the drugs, were in that spare tyre in the trunk, and I may not be able to prove that.

Sen. Prescott SC: May I once again? Sen. Hinds, give consideration to whether what this legislation is saying is that essentially if you have had control of the thing, the vessel, the carriage, what have you, then you must be able to give some reasonable explanation for having been in control of that thing, let us say the vehicle or the bag. It is not a matter of proof. The standard of proof is very low, because what is expected of you is a reasonable excuse.

So, for example, “I had borrowed the vehicle and had not checked,” might well suffice, but, “It is my lunch kit or my bag.”

Sen. Hinds: That is precisely what someone who is caught with a suitcase of cocaine in the airport says, “I took the suitcase from a friend.” Last week we saw that in the court. That is typically the excuse, and I gather from my learned friend that that is precisely what we are trying to get to. So there are some difficulties.

Sen. Panday: Not really. That will defeat the whole purpose of the legislation.

Sen. Hinds: I understand.

Sen. Panday: That argument will defeat the whole purpose of the legislation.

Sen. Hinds: I accept that, but I am just highlighting that is the very heart of the difficulty that these situations would create, because that is precisely the

excuse. For example, we heard from the Minister when he was making his presentation—

Sen. Panday: Therefore, the law that we are passing imposes an obligation on you. That is why in the airport they ask you, “Did you prepare your own luggage? Did anybody interfere with it?”

Sen. Hinds: I have come across this in the court before. I have come across this in the court before and I understand, and when the Minister was winding up, he gave the example of someone who—he gave an example of someone who may be found with the thing and uses the “clever”, as he described it, excuse that he was now on his way to the police station.

That is precisely the mischief that we are trying to deal with.

Sen. Panday: Yes.

Sen. Hinds: So I am just saying that there are difficulties.

Sen. Panday: I am happy that you have agreed with us.

Sen. Hinds: There are difficulties.

Mr. Chairman: But the jury will have to come to some assessment of the reasonableness of the explanation.

Sen. Hinds: This is why we had argued, and I am not harking back, that if that be so, Mr. Chairman, it means that the same application of the law and the analysis by the judiciary, in the circumstance as you have explained it, it would not have changed.

Mr. Chairman: It narrows it.

Sen. Hinds: This is why I had argued in debate that what we are doing now may not have necessarily changed the law.

Sen. Ramlogan: Senator, I think there is a slight shift in the policy, because it has been far too easy for people to claim that they had no knowledge about things and it is very difficult. I understand your point about innocent people, but the prosecution has a Herculean task of proving that you knew this was in your trunk, or you knew this was in your room.

Now, in reversing the burden, what we are doing is saying to persons—for example, if you get a PJ, because a lot of crime is committed by people who take a little PJ on the side, they are doing a little private job, you are under an obligation

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to check to make sure that the man who come in with a black bag, that before he puts it in the trunk and you know that he is asking you to do a run two o'clock in the morning, that you know that it is something lawful.

As you know, we have had cases before the courts where the person who is taking them or to be the lookout claimed, "I did not know them fellas was on this scene. I didn't know what they had in their bags." They are walking free sometimes. So that by putting the responsibility on the citizen to actually make a thorough check, and I think the analogy with the suitcase is a very apt one, that, look, if you packed your suitcase yourself, you are in charge of it, or you are in charge of these premises.

Now, there is the defence and the room for it, whether you have a lawful excuse. So if a taxi driver says, "I picked her up by the market and traffic was heavy and I did not really check to see what she had in her grocery bag", that might be a lawful excuse, but it really is to cater for the situation where someone wants to sneak in and exploit a loophole. And the reversal of the burden, I think, really is a reflection and a sign of the times that we live in, because we need to ensure that we place responsibility on those who transport criminals and those who house them and harbour illegal weapons.

Sen. Hinds: Hon. AG, I take your point, and this is why the case that hon. Sen. Beckles-Robinson advanced, where it was demonstrated in that case that the court has—in that case, I understand what the court has done is to demonstrate that it is able, with the current law, to manage these difficult issues. It has worked out a formula, if you like, to manage these admittedly difficult issues. They have worked something out. They have come to a position in the Court of Appeal on the current law, and this is why I am of the view—I am not going to impose this—but I am of the view that these amendments do not really change that, in terms of working out. And I am saying that these amendments do not remove the difficulties that we have identified, and that case really has the Court of Appeal saying, "We have grappled with this situation over the years and this is the formula we would apply." And as the Chairman indicated, we would, on the basis of our experience and on the evidence and the nuances of the witnesses and all of that, be able to manage that situation.

Sen. Al-Rawi: Just to add a point to my learned friend, your contribution is sterling, as it always is, hon. Attorney General. The lawful excuse does not take me over the point that I am getting at, because the *Pharmaceutical Board* case

established, and this is out of the Appeal Cases, this is a Privy Council case, that when you are importing *mens rea* into a provision like this, and you have reversed the burden of proof, that burden is a very high one.

Sen. Panday: No, it is on a balance of probabilities.

Sen. Al-Rawi: It is actually not a balance of probabilities. I know where you are coming from there, but if I may just say—

Sen. Panday: In any criminal matter in which the burden is placed on the accused, the burden of proof is on a balance of probability and never beyond reasonable doubt.

Sen. Al-Rawi: Yes, it is stated to be on a balance of probabilities in that instance, but it is not in actuality, and if you look at the appeal case language, in particular, it is not actually done that way.

My point is this, you were very correct, hon. Sen. Panday, when you pointed to the existing 5(2), which is a very tightly drafted point, because there are the same words:

“...or under his control anything whatsoever in or on which is found any firearm or ammunition...”

But in breaking the provision out, my fear is that, having reversed the burden of proof, this paragraph (d), in the manner in which it is stated, is burdensome.

We could perhaps curtail this. I mean, I do not want to protract the business of the Senate. If it is ultimately going to go to a vote point or position, I will of course be guided, but I just wanted to state on the record my concern that, with the reversal of the burden of proof as it is, that I find (d), sectioned out in the manner in which it is, a different form, a different beast from subsection (2) as it currently stands, and my fear is that there is mischief in it. So I will leave it at that point, hon. Senator.

Sen. Panday: So you are differing from Sen. Hinds, who said that there is no change?

Sen. Al-Rawi: No, no, no, I am not differing, because I cut him short before he made his conclusion.

Sen. Panday: We have noted the concern, for the record.

Mr. Chairman: Shall I put the question again? The question is that clause 5 as amended and circulated now stand part of the Bill.

Question put and agreed to.

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

Clause 6.

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

Sen. Panday: Mr. Chairman, there is an amendment which is circulated which states:

Insert, immediately after the words “liable on conviction”, the words “of the offence”.

This is merely an editorial amendment.

Mr. Chairman: “For the offence.” Is that in your version, you see “for the offence”?

Sen. Panday: Instead of “of”, “for”, and that is merely an editorial amendment.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Mr. Chairman: Clause 6A, we are going to come back at the end of it. It is a new clause that is being re-inserted with a different procedure, so we will go to clause 7.

Clauses 7 to 14 ordered to stand part of the Bill.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Chairman: There has been an amendment circulated, clause 15(b). You should have that in front of you.

Sen. Panday: In addition, please, Mr. Chairman, there is a proposed amendment from Sen. Baptiste-Mc Knight, as it pertains to the whole of clause 15, which the hon. Senator is asking that this whole clause be deleted. If this clause is deleted, then we shall revert to the original clause in the parent Bill.

The hon. Minister of National Security indicated that the Domestic Violence Act, I think it was chapter—we are saying that domestic violence is not only about violence, but it deals with matters like financial abuse, matters of that kind, and I quote now from section 3 of the Domestic Violence Act, Chap. 45:56, in which it says that a domestic violence offence includes financial abuse:

“...means a pattern of behaviour of a kind, the purpose of which is to exercise coercive control...or exploit or limit a person’s access to financial resources so as to ensure financial dependence.”

We were submitting that since the definition of a domestic violence offence is so wide and includes financial abuse, it should not be obligatory on the Commissioner of Police, as stated in the parent Act, to say he “shall” confiscate the Firearm User’s Licence, but you give him that discretion that he “may”.

Also, Mr. Chairman, in the Domestic Violence Act itself, it says in section 7, that even at an *ex parte* hearing at which the defendant may not be present, the court has the power to—it is section 6(c)(v), the court has the power to cause to:

“relinquish to the police any firearm licence, firearm or other weapon which he may have in his possession or control and which may or may not have been used;”

So when the court listens to the matter, the court gets all the information and the court has that power at that stage to call for the confiscation of the firearm or any weapon. It is wider than firearm, and it is expanded to any weapon.

So, therefore, at the level of the hearing, whether it is *ex parte* or not, the court has that power. Then if we put into this legislation now, if the court finds that there is no need to confiscate the firearm under the Domestic Violence legislation, then it will be too onerous on the defendant to make it compulsory for the Commissioner of Police to seize it at that point.

That is why we thought if further evidence was adduced to the Commissioner of Police, then he may, in addition to the section 6(c)(v), introduce that requirement. Hence, hon. Senator, we humbly beg to differ with the amendment by hon. Sen. Baptiste-Mc Knight.

Mr. Chairman: Sen. Baptiste-Mc Knight, can I hear from you?

Sen. Baptiste-Mc Knight: Thank you, Mr. Chairman. The sum of all that has been said is that under the current law, given section 6, the current legislation is that someone who fails to provide financial assistance under a domestic violence order shall lose the firearm, as of now. What this is doing is reducing that penalty.

In other words, we are saying that the financial obligation under the Domestic Violence Act is not important enough. I think this is sending a very bad signal, in a day and age where domestic violence is a problem. What Government is doing by putting this here is signalling that it is okay not to pay your maintenance for

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your children, because it is not really too important. You can keep your firearm, so that if the children's mother objects, you can use it on her. I cannot agree to this, Mr. Chairman.

Sen. Panday: I humbly submit, Mr. Chairman, that the domestic violence offences have been enumerated in the Act, and to say if a man does not pay, for example, the mortgage, and he has a firearm, what is the connection between the mortgage and the firearm to seize the firearm?

However, if that person uses the firearm or threatens to use the firearm or to put the person's life in any way in danger, of course the court at that point in time could take the firearm. If evidence comes afterwards that he may be so inclined, the Commissioner of Police may then seize it, but to say a man has not paid the mortgage and you will take his firearm, we are not really sending any message.

Sen. Baptiste-Mc Knight: Mr. Chairman, can I ask the hon. Senator to listen to himself? What I am hearing is that the mortgage is not paid, and the gentleman is allowed to keep his firearm. So that when the mother of the children offers to go to the courts, he could use the firearm before she even reaches there. That is what this current legislation is trying to avoid. I do not know whether this is a gender thing, so that I am seeing it totally differently.

Mr. Chairman: What I understood, Senator, if I may say, that this Act does not seek to make any amendments to the Domestic Violence Act, and as at present, if a wife/spouse believes that there is any danger, any risk whatever that she might be at the wrong end of a firearm which is owned by her spouse, that she may apply to the court *ex parte* to have the court make an order taking away that firearm. That remains in place. I thought that was the mischief that you were concerned about.

Sen. Baptiste-Mc Knight: No, Mr. Chairman.

Mr. Chairman: I see. Well, perhaps I have not understood.

Sen. Baptiste-Mc Knight: Mr. Chairman, what I am concerned about, it is not a mischief, it is a murder.

Mr. Chairman: Precisely.

Sen. Baptiste-Mc Knight: And it is likely to happen before this lady could get to a judge to say, "Your honour, Sir, My Lord, he has not paid the mortgage."

Mr. Chairman: Can you tell us what your proposal is?

Sen. Baptiste-Mc Knight: Leave the law as it is, where it says that once there is a problem with domestic violence, you cannot keep a firearm for five years. It is that simple. Protect the women in this society. I am sure some of the good ladies on that side would understand what I am saying.

Sen. Hinds: Mr. Chairman, I understand the point that the Senator is offering. I think as it now stands, the Commissioner of Police, prior to this 21(b) that we are proposing today, as it now stands, the Commissioner of Police, if he gets a report from a spouse, a troubled spouse, he has within his discretion to retrieve the firearm right now. What I think the Senator is saying is that if you apply 21(b), it now raises the bar, because it requires a conviction.

Sen. Panday: Sir, with the greatest respect, I would like you to read the original 21(b) which says that the commissioner gets that power only after conviction.

Sen. Hinds: No, as it now stands, the commissioner grants a Firearm User's Licence and he can retrieve it in his own discretion.

Sen. Panday: Yes.

Sen. Hinds: So that if someone complained to a police sergeant in the police station that his spouse used her firearm menacingly or threateningly, the sergeant sends it through and it gets to the Commissioner of Police, he has the power, as it now stands, to retrieve the firearm long before a formal domestic violence complaint is made or a conviction is had. This is what the Senator is saying.

Sen. Panday: And this does not affect that position.

Sen. Hinds: No, this now requires a conviction.

Sen. Panday: No, the original law says that.

Sen. Baptiste-Mc Knight: Allow me to explain what I am saying. My point is on the basis of "shall", which means that the commissioner has no choice but to take away the firearm. What we are saying now is that the commissioner may take it away.

Now, especially in a day and age where we have a commissioner who is not too into the culture of this country, and who probably understands that gentlemen of the ilk that he is accustomed to deal with would never think of using a firearm to justify not paying a mortgage or not paying \$500 maintenance, you cannot now take away that protection from the woman by saying he may remove the firearm.

Sen. Ramlogan: Chairman, if I may, the first thing I would like to correct the hon. Senator on is that I do not think it is appropriate or proper, quite frankly, to suggest that the Commissioner of Police, regardless of where he comes from, that they may be less prone, statistically or culturally, to domestic violence. I do not know that that is an appropriate comment to make. I think Trinidad and Tobago is a microcosmic reflection of problems that take place in every culture and in every society.

Furthermore, the point is not one that should be made by reference of gender, because there are a number of women who hold Firearm User's Licences, for example women in the armed forces, women police constables and wives of businessmen and other persons. So it is not about gender at all.

The third point really is this: you have to retain discretion. When you make a law and you say "shall" and you impose it as a mandatory thing, I think it deprives the decision-maker of having regard to circumstances that may well be justified.

For example, a man or a woman may have good reason or some explanation for the conduct. You may have a reprimand and discharge by a magistrate. You may have a myriad of circumstances, but I think inherent—the fundamental flaw, with respect, that I see in your submission is that you are assuming that the Commissioner of Police, because we give him a discretion, will act irrationally and not take away a firearm in an appropriate circumstance where it is justified.

I for myself, as Attorney General, would not want to deprive any Commissioner of Police of that discretion by putting the word "shall" and instead put "may," or by including "shall," and taking away "may," because there may be too many instances that we cannot now think of here, and the permutations are endless, and we really ought to leave the discretion to the Commissioner of Police, because it is not just the Commissioner of Police himself. As Sen. Hinds quite rightly pointed out, this does not happen overnight. It comes through the district police station and it goes up the chain of command. In fact, oftentimes the Commissioner of Police may not be the person to make this decision, except on advice of a chain of command, with everyone having their input along the food chain, as it were.

So I think we should leave the discretion in the commissioner. We have had so many laws where we gave the Commissioner of Police and other people discretion, and that is with good reason, because we simply cannot think about everything that may occur right now.

7.15 p.m.

I would prefer to see, for example—just to give you an example—I had a real life situation about this in court in my early years in practice. The husband came from a remote area and he used to hunt and sell wild meat for a living. He did not have much education and he was getting on in age. There was a domestic dispute at home and, yes, the wife reported him, and, you know, the magistrate convicted him. It was sorted out and so on. But they made back up and the wife came to me after I had written the letter to the Commissioner of Police and so on. Whilst the thing was in the pipeline, the wife came to me to beg me to write to the Commissioner of Police so the husband could get back the firearm because his only source of income happened to be that he hunts and sells the wild meat.

Add to that, the police officer's wife; add to that the soldier's wife, and you can see why the commissioner may want to retain a discretion, because if a wife, for example, writes to say, "Listen, it was the first time. My husband and I have made up. We have five children. My daughter is now going to have to stop university and no security firm is going to hire him without a firearm if he is precepted or not" what are you going to say to the five children? They must starve even though they make up and they have reconciled their differences?

That is why I am saying the permutations are too endless and the myriad is just too much for us to grasp, and I prefer to leave it to the discretion of the Commissioner of Police. And that is not about a man; you could have a woman police constable; she is nearing retirement age; clean bill of health; she finds her husband with another woman; she hits him a slap—

Hon. Senator: Shoot him.

Sen. Ramlogan: She could shoot him too, yes. You want her to shoot him. I now catch you. Yes, fine. [*Crosstalk*] But you get the point I am making, why I support the discretion as opposed to the mandatory. I think the permutations are endless, to be honest.

Sen. Hinds: Hon. Attorney General, that is the point. He now has that discretion before conviction or after.

Sen. Panday: No.

Sen. Hinds: After conviction? This says after he has a discretion. This is what this is proposing. But he now has that discretion. I want you to apply your mind to the situation I am advancing. When the law now says, "upon conviction", it means that if he, on a complaint from a spouse, exercises the discretion, one can

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go and say, “Listen, it was improperly exercised. I have not yet been convicted”—an application for judicial review; an improper application of the law. I am saying there would be one thousand and one situations before conviction where the seizure of the firearm would be quite justified, and I am wondering and I want you to consider that by putting in clause 21(b) you may be lowering the bar, as it is—

Sen. Ramlogan: By changing “shall” to “may”.

Sen. Hinds: No, by the section altogether. You are not saying that it can only happen—he can exercise after conviction, and I am saying that there can be a thousand situations before conviction where seizing the firearm would be quite justified, and if it is seized before conviction I can go to court and be heard to say, “I am not yet convicted. Why are you taking my firearm?” Not me, because I do not have one and I am not interested in one; I am just speaking generally.

Sen. Ramlogan: I do not think this provision is meant to interfere in any way with the commissioner’s discretion that he has under the Firearm’s Act. The commissioner will retain that discretion, Senator. This will not oust that or interfere with it.

Sen. Panday: As a matter of fact, section 21—

Sen. Hinds: Why he has that discretion under the Firearms Act, the thing that triggered it was a complaint from a spouse under the domestic violence situation. And that is the point.

Sen. Drayton: Mr. Chairman, just two points of observation. Financial abuse should be seen in the context of domestic violence and in the context of the domestic violence law. So that a person not paying their mortgage could be for all sorts of reasons, but in the context of withholding payment to children or payment to mortgage, it goes to the heart of domestic violence, which is the exercise of control over an individual. Once you have that situation, then, as far as I am concerned, the door is open to all sorts of other abuse. I think it must be seen in the context of domestic violence.

I have not heard any rational response as to why you want to lower the bar. We are saying, okay, give the Commissioner of Police the option. Well, then, you might as well give him the option in the context of all the penalties and everything that you have here, because you are prepared to infringe my right as a very

innocent person, where you are taking away a fundamental right: “I am guilty until proven innocent”. And here you have a case of a law in the context of domestic violence—because that is the framework; that is the context, and you want to lower the bar. I, too, would not accept this.

Sen. Abdulah: I am not so sure that colleagues recognize the fact—if my understanding of the Domestic Violence Act is correct, and the lawyers will correct if I am wrong. My understanding, from what has been said, is that under the existing Domestic Violence Act the victim of alleged abuse can, in fact, make an *ex parte* application for the firearm to be removed. That, therefore, is putting the burden of proof afterwards in effect. In other words, it is no different, and that remains, because the firearm can be removed from the person under the Domestic Violence Act. This does not alter the right of a person who is the victim of abuse before being convicted.

Sen. Drayton: If I may—

Sen. Abdulah: Sen. Drayton, I listened to you very carefully; I listened to Sen. Baptiste-Mc Knight very carefully. The victim of abuse, before any conviction is determined under the Domestic Violence Act, can apply and have *ex parte* without the holder of the firearm licence even being present to say yea or nay—can apply and have that firearm removed. If that is the case, then the firearm does not even exist in the hands of the perpetrator of the abuse upon conviction. So the issue of “may be by the Commissioner” removing the firearm licence, and so on, upon conviction, will come long after the *ex parte* application for it to be removed. So I do not know that this discretion being given to the commissioner upon conviction of a person of an offence under the Domestic Violence Act alters the rights of the victim or weakens, or anything else, because the victim could have had that firearm removed a long time before the matter is even determined under the Domestic Violence Act.

It is a sequencing issue that we are looking at, and we are not saying, therefore, that the victim will be killed because of this discretion, because if the victim felt that he or she could have been killed, that matter could have been addressed under the Domestic Violence Act at a very early stage. If I am wrong, I want the lawyers to advise me that I am wrong. That is what I understand Sen. Panday to have said, under the Domestic Violence Act.

Sen. Baptiste-Mc Knight: Thank you, Mr. Chairman. Mr. Chairman, I would like to suggest to Sen. Abdulah that he has a look at section 21(b) of the consolidated Act that we were given. The current legislation in the Firearms Act

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says that when the person is convicted, the commissioner shall suspend it. What we are now trying to do here is to weaken that and give the commissioner another set of work to decide whether he will or will not. Is this a reduction in the penalties or not?

Sen. Beckles-Robinson: I think you have to distinguish when a protection order is made before the magistrates' court that is not a conviction. It is only if you breach the order there is a conviction that is made. In addition to which, the *ex parte* application, the magistrate really does not have the power to revoke the licence. As you know, the only person who has the power is the commissioner. What you will do is use the protection order if she said that, "He shall not do anything to constitute a domestic violence", you take that then to the Commissioner of Police by application and he is the only person who has the power to remove it. But, I mean, in the interim stage, of course, as you would know, anything could happen. I think we just have to be clear on those things.

Sen. Ramlogan: I think if you look at section 6 of the Domestic Violence Act, section 6(c)(v), the court has the power, on granting a protection, to order that they relinquish the firearm, and I think as well, elsewhere, there is the power to make an order to protect the subject of the domestic violence by taking away that firearm or that they surrender it as the case may be.

The point I want to make is that, that discretion is given to the judicial officer, and I want to underline the word, "discretion", because when you give that discretion to a judicial officer, it means that the judicial officer will listen to all the concerns raised and they may choose, in an appropriate situation, not to go that far. Now, we who have experience in the courts, sometimes we see things in real life playing out and sometimes we see life beyond and after the conviction and beyond and after the immediate protection of the woman, and sometimes in the long run, the magistrates, based on their experience, they understand why they may want to exercise the discretion not to go the extra distance.

Now, that discretion—what has happened here is that the Act that was previously there mandated the Commissioner of Police, post-conviction, to take away the firearm licence. So what you had was a situation where, what the judge or the magistrate felt in the exercise of their judicial discretion was not appropriate on the facts and circumstances of that case, we are now, by law, mandating the commissioner to do that which the judicial officer did not do. What

we are seeking to do is to say that that cannot be right, because, by law, if the judicial officer did not do an exercise in their judicial discretion not to go that far, you cannot now come through the back door and mandate a non-judicial officer, who is the Commissioner of Police, to do that which the judicial officer expressly, in the exercise of their discretion, refused to do.

So for example, I have seen in the magistrates' court, the magistrate may convict; issue a protection order; it may be breached, the magistrate may say, "You see you? I am going to give the woman the maximum she has asked for under the maintenance order". In fact, I have seen magistrates even say, "I am going to give you more." But in their mind they recognize that the nature of the domestic violence was such that it did not involve any physical violence, or this man may have had a moment of temporary insanity because of a love affair, or whatever the case, but the situation could change. I have seen magistrates say, "Look, this was a situation where this man fell out of love, or this woman fell out of love; they did whatever."

Domestic violence is widely defined. It is not about "ponging" up on someone alone. The magistrate may say, "Look, I am giving the woman more on the maintenance, but I am going to allow this man to keep his firearm because the wife never made any allegation pertaining to the use of that firearm. This man has been a licensed firearm holder for 30 years; never had a complaint and that firearm is what is going to enable him to get a job or continue in his present job to help pay the increased maintenance to take care of the very woman and the children."

In those circumstances, a magistrate may say, "I am giving the woman everything she wants, but I would not go that extra step." What the law as presently drafted did is to mandate the Commissioner of Police, without any exercise of discretion—even if the Commissioner of Police agrees with the magistrate, the law as is was mandating him to do that which was against his own belief and conscience by saying he must take away the firearm licence.

7.30 p.m.

What if the domestic violence situation had no bearing or relationship whatsoever with violence or firearm licence, or anything to even touch and concern a man's ability to carry a firearm licence? What if it had nothing to do with the woman police constable pulling her firearm or even threatening—it was not even factored into the equation at all? Are we going to prevent her from

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moving on with her life when the man leaves and goes to lives in America with the next women, that she now must be prevented from having that licence to help take care of her children behind? No! The situation is endless—I think we are looking at it with blinkers on because we think that violence is pounding up on the women, beating her and so on. That is true too.

In those situations, the Commissioner of Police in his judgment may very well say, “I will take it back.” But do not legislate to keep bad law on the ground that we are protecting women, when what we are doing is ironically depriving the Commissioner of Police of a discretion to exercise that discretion genuinely, fairly and properly in a situation where we gave the very same discretion to the court and we will be mandating the Commissioner of Police to do that, which the judge and magistrate in their discretion expressly refused to do. That is what it is about.

I think it is a commendable policy decision, based on my own practical experience, that we will do away with the mandatory provision because as a matter of public policy it really does strike you as being a bit odd that we will give the court a choice in the matter and a discretion to exercise, but give the Commissioner of Police through the back door, as a back attack, the power to expressly have no say in the matter, mandatory, you must take it away.

I think we have to trust the Judiciary, trust in the experience of our magistrates and judges and know that if they did not want to do that, they must have some good reason, and if they did not have good reason the Commissioner of Police could still review it. So suppose the magistrate “take a bribe”, or the magistrate is sleeping with the wife or husband, “or the husband or wife sister”, if that is the case and the magistrate “pull a fast one” and did not take it away, the Commissioner of Police looking at the matter again could say, “How could he do this? He crazy?” On the basis of the facts before him, the Commissioner of Police could now come back and still—we are not depriving him of doing it—say in an appropriate case, “I disagree with that judicial officer and I want to take it away.”

Sen. Drayton: Sen. Ramlogan, let me put it this way. I feel so sorry for the Commissioner of Police. [*Laughter*] I do not like the argument.

Mr. Chairman: We had an amendment also promoted by Sen. Prescott SC. Senator, do you want to look at that now because we have only dealt with—

Sen. Prescott SC: Thank you, Mr. Chairman.

Mr. Chairman:—or we could do both together?

Sen. Prescott SC: But three minutes ago I was signalling to the Attorney General that he had already won his case and should stop. I do not wish to make any further contribution.

Mr. Chairman: So you would remove your amendment?

Sen. Prescott SC: Yes.

Mr. Chairman: The question is that clause 15 be amended as follows:

In the proposed subsection (2), delete the word “Commission” and substitute the word “Commissioner”.

Question put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Sen. Panday: Mr. Chairman, there is an amendment that was circulated in relation to clause 17:

Delete paragraph (a) of the proposed section 22B and substitute the following:

“Chap. 90:03 (a) The Chairman who shall be an attorney-at-law, within the meaning of the Legal Profession Act, with not less than ten years standing;”.

We took on board Sen. Prescott SC’s suggestion in which he said that the chairman should be an attorney-at-law within the meaning of the Legal Profession Act, but with not less than 10 years’ standing. Sen. Prescott SC had indicated—if you say within the Legal Profession Act, what it really meant was a practising attorney. We took that on board. We thought that was a good amendment.

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18 ordered to stand part of the Bill.

Clauses 19 to 24 ordered to stand part of the Bill.

Clause 25.

Question proposed, That clause 25 stand part of the Bill.

Sen. Panday: Mr. Chairman, there is an amendment which has been circulated.

Delete and replace as follows:

- | | |
|-----------------------|--|
| Section 30
amended | 25. Section 30(5) of the Act is amended— |
| | (a) in subsection (2), by deleting the words
“other than an offence against section 28”;
and |
| | (b) in subsection (5), by deleting the words
“ten” and “four” and substituting the words
“fifteen” and “six” respectively. |

Mr. Chairman: So we are looking to replace the entirety of clause 25 by what is in the amendment? Sen. Al-Rawi do you have a question?

Sen. Al-Rawi: Would Sen. Panday mind repeating that? Sorry. Mr. Chairman, if I could mention just for the record, in taking several sections as we did up to clause 24, I just wanted for clarification on the record, through you, Mr. Chairman, confirmation that section 28 of the Act as it stands and there being the proposal that 1(b) be deleted, that that has not been proclaimed.

Sen. Panday: It had not been proclaimed and it is not a part of the law. That is it.

Sen. Al-Rawi: Okay. Much obliged.

Sen. Panday: Hence when we said in subsection (2) by deleting the words “other than an offence against 28”, since it was never a part of the law then it is not relevant.

Sen. Al-Rawi: Understood. It is in that context I asked for the clarification.

Question put and agreed to.

Clause 25, as amended, ordered to stand part of the Bill.

Clause 26.

Question proposed, That clause 26 stand part of the Bill.

Sen. Panday: Mr. Chairman, there is a circulated amendment from Sen. Dr. Armstrong in relation to clause 26 of the Bill.

A. In sub-paragraph (a)(i):

In lines 3 and 4, delete the words “seventy-five” and “fifteen” and substitute the words “three hundred” and “thirty”.

Really meaning that the fine is to be increased to \$300,000 and imprisonment from 15 years to 30 years.

Mr. Chairman, we agree with changing from seventy-five thousand to three hundred thousand, but we have been told that 30 years is beyond a life sentence. A life sentence is between 20 and 25, and hence the reason we had said 15. Probably we would say about 20 which is almost a life sentence, or which could be a life sentence in certain circumstances.

Mr. Chairman: Is “twenty” what you are proposing, Senator?

Sen. Panday: Yes. Thank you, Mr. Chairman.

Sen. Al-Rawi: Could I ask? We have a summary and an indictable offence consideration in this subclause. Is there to be a distinction meaningfully then between the summary and indictable? Correct me if I am wrong. We are looking at section 31 of the Act as it is—

Sen. Panday: Sure. I agree with you. In clause 26A, paragraph (a)(i), by deleting the words—and we said under the summary it would move from “fifteen” to “twenty”. But in B deleting the word “twenty” and substituting the word “twenty-five”. So summary was “twenty” and indictment was “twenty-five”. No fine for indictable. Does that satisfy you, Sen. Al-Rawi?

Sen. Al-Rawi: Much obliged, Sir.

Sen. Panday: Thank you so much.

Mr. Chairman: You are leaving it just as it is? You are not accepting the proposed amendment by Sen. Dr. Armstrong?

Sen. Panday: We are. In 26A we are saying we are deleting the words “seventy-five” and substituting the words “three hundred”—

Mr. Chairman: Yes, I understand that.

Sen. Panday:—and delete “fifteen” and substitute the word “twenty”.

Mr. Chairman: Next subparagraph also suggests an amendment to that.

B. In line 3, delete the words “twenty-five” and substitute the words “thirty-five”.

Sen. Panday: The same argument, twenty-five is a lifetime and hence we would leave that one as it is.

Sen. Dr. Armstrong: Understood.

Mr. Chairman: So the “twenty” and “twenty-five” remain as is?

Sen. Panday: Yes.

Mr. Chairman: All right. There is a new subparagraph C that he is proposing. Before we come to C, there is a proposal that you will delete paragraph B.

Sen. Panday: Yes.

Mr. Chairman: So that comes out. So in fact, the C that Sen. Dr. Armstrong is proposing should really become a new B if you want to consider it?

Sen. Panday: We are not accepting that one because that is captured by section 31 of the Act. What Sen. Dr. Armstrong is trying to insert in section 28 is captured by section 31 of the substantive Act.

Mr. Chairman: Can we read it out?

Sen. Panday: The penalties have already been increased in section 31:

- “(a) in the case of an offence relating to a prohibited weapon—
- (i) on summary conviction to a fine of seventy-five thousand dollars or to imprisonment for fifteen years;
 - (ii) on conviction on indictment to imprisonment of twenty-five years;”

So it is captured in section 31.

Mr. Chairman: Sen. Dr. Armstrong was specific about importation.

Sen. Dr. Armstrong: My concern really is about the importation of arms for distribution or sale and I do not think what exists really addresses the concern that I have.

Sen. Panday: Sorry, I started to quote from the middle of the section. Part IV: Importation of Firearms, et cetera.

It says under section 31:

“(1) Notwithstanding any other law but subject to section 32, no person may import into Trinidad and Tobago any firearm or ammunition...”

So it is covered by section 31 and this is merely stating what the amendment is. In the case of an offence of the importation of multiple firearms, this is really captured. If you import one or two or more of multiple firearms it is already captured in section 31 of the parent Act.

Sen. Dr. Armstrong: Yes, but the penalty right now is up to 25 years?

Sen. Panday: Yes, and we said that 25 years is tantamount to life imprisonment.

Sen. Dr. Armstrong: Okay. That is a legal—

Sen. Panday: And in summary it was increased from 10 years to 15 years. We just increased it according to your amendment, Senator, to 20.

7.45p.m.

Mr. Chairman: I would put it once more. Of course, it will help if we had the substantive Act with the amendment shown in it.

Sen. Panday: We have it. That is what we are using.

Mr. Chairman: Everybody has it?

Sen. Panday: The substantive Act, with the amendments was circulated.

Mr. Chairman: Very good. Thank you.

Sen. Panday: Does that satisfy you?

Sen. Dr. Armstrong: The concern that I had, Senator, is the fact that, in the previous section of the Bill, someone who uses a firearm and someone who is actually importing firearms for distribution, or sale, the penalty seems to be quite similar. What I wanted to capture really was to suggest that someone who is importing firearms—because we do not manufacture it here, that person should be given the severest penalty possible.

Sen. Panday: My instructions from the expert are that you do not go beyond life imprisonment.

Sen. Dr. Armstrong: It equates with life? Well, why do we not just say life then?

Sen. Panday: Earlier in the legislation, under the three strikes, we said life. It is up to—

Sen. Al-Rawi: Mr. Chairman, we are looking at importation of firearms. Section 31 in the substantive Act, and my difficulty with Sen. Dr. Armstrong's proposal, whilst I understand the intent that it shows greater gun control and more abhorrence for the mischief, is that it also includes ammunition, and it is really in a singular sense. Sen. Panday was very correct when he said that we did not need to go as far as multiple firearms, because one would suffice. In this case, a piece would suffice. It could be a bullet shell, and you are good enough to go for 20 years or 25 years.

I am a little uncomfortable with the concept of three strikes existing, and the fact that the legislation, if amended as proposed by Sen. Dr. Armstrong, my view is that amendment would be too draconian.

Mr. Chairman: We are not accepting—that amendment is not being accepted because we are remaining with section 31.

Sen. Al-Rawi: I thought we were still debating the palatability of that amendment.

Mr. Chairman: I think Sen. Dr. Armstrong gave up that, recognizing that the provision already exists. Am I misconstruing?

Sen. Dr. Armstrong: The problem that I am having is if someone—you have the three strikes part of the life and you get life for that. Someone is importing firearms because he wants to distribute, I do not know, maybe 20 or 30 or 40 to protect his turf, he is given a lesser penalty than somebody who is simply using a firearm. That is the concern that I have. It is either you go back and look at the earlier life sentence that you gave, or you give an equivalent penalty for someone who is importing multiple firearms.

Mr. Chairman: It is under consideration.

Sen. Panday: We have considered it. One way in which life sentencing is proposed, is that the third time you commit the offence and are convicted, then the life comes into play. In this case, on the first occasion of an importation, we said 25 years.

Sen. Dr. Armstrong: I am not saying—I was being advised by Senior Counsel here that is just as bad. A person importing with the intent that this would be used by a gang or whatever it is, by his lieutenants and so on, that is perhaps even worse. Therefore, I do not understand why you are giving someone who is using it a life sentence and the person who is importing it and importing several, not just one, for sale or distribution, because he wants someone now to go out there and shoot, he is getting a lesser penalty. It does not seem to make a lot of sense to me, really.

Sen. Panday: Just one minute.

Sen. Dr. Balgobin: I do not know if you would consider just changing it to life and be finished with it; unless you really want to hold back those five years for some reason.

Mr. Chairman: Let the experts—

Sen. Dr. Balgobin: I am trying to influence the experts.

Sen. Panday: We have been advised by the experts that we can take it on board, include it as a new (b), in which we say:

“In the case of an offence of the importation of multiple firearms or distribution or resale upon conviction on indictment.”

It is not in the Magistrates’ Court. I have been further advised, in the case of an offence relating to the importation of multiple firearms for distribution or resale, on conviction on indictment to imprisonment for life.

Sen. Dr. Armstrong: That would be acceptable, thank you.

Sen. Prescott SC: I am very supportive of that, chief.

Sen. Panday: Sen. Armstrong?

Sen. Dr. Armstrong: That is fine, thank you.

Mr. Chairman: It reads:

“In the case of an offence relating to the importation of multiple firearms for distribution or resale, on conviction on indictment, to imprisonment for life.”

Sen. Panday: Yes.

Sen. Hinds: If A is importing multiple firearms, passes it on to me in Blanchisseuse, is convicted along with me; I did not import—I am about to distribute. A imports. He gets life, what do I get?

Sen. Panday: Yours could be on summary conviction or indictment. If it is on summary conviction to imprisonment, 15 years, on indictment, 25 years.

Sen. Hinds: For what? What is the offence, possession simpliciter?

Sen. Panday: That is importation.

Sen. Hinds: No, I do not import, A imports.

Sen. Panday: Okay, just give us one minute.

Sen. Hinds: The SIA is paying attention, A imports, they have that worked out. He passes it on to me in Blanchisseuse and my intention is to distribute. We are both arrested and charged. He gets life for importation. What do I get? What is my charge?

Sen. Panday: If we look at section 6, possession, that section states \$15,000 and imprisonment of eight years on summary conviction and on indictment, conviction, 15 years.

Sen. Hinds: We are saying multiple for firearms and the severity is for the importer.

Sen. Panday: Yes.

Sen. Hinds: But if I am distributing multiple firearms, I would be charged for possession simpliciter and get 15 years. That is it?

Sen. Panday: Yes.

Sen. Hinds: Okay then. A question aside for the Attorney General who, as the Constitution envisages, is the conduit between the Executive and the Judiciary. Is the Attorney General aware that the magistrates in this jurisdiction are virtually afraid to impose the kinds of sentences that we are prescribing here, and the fear is that the Court of Appeal has consistently, substantially reduced it on appeal to a fine? Or if a magistrate imposes a sentence for seven years for possession of a firearm, it is very likely, for whatever reason, that the Court of Appeal will make it to—or a fine of \$3,000 or some such thing?

If the Attorney General and my colleagues are aware of that, is there any plan, as the conduit to the Judiciary, to try to see whether we can cause them to become sensitive to the matters that we have canvassed in this debate and to justify our increasing the sentences as we have prescribed them?

Sen. Ramlogan: It is not a matter strictly related to the Bill, but out of deference to my colleague, I shall respond briefly to say that the Attorney General and the hon. Chief Justice have embarked on a series of active consultations and

meetings and this would be among the matters that I would raise, without, of course, seeking to transgress my constitutional jurisdiction to influence the Judiciary one way or the other.

Suffice it to say that I believe the Judiciary will be sensitized appropriately to the concerns of this Senate and the other place, so that they will understand why we felt it necessary to take such dramatic measures in the Legislature.

Mr. Chairman: Thank you, Attorney General.

26. A. In sub-paragraph (a)(i):

In lines 3 and 4, delete the words “seventy-five” and “fifteen” and substitute the words “three hundred”.

B. Delete paragraph (b) and replace that with the words “in the case of an offence relating to the importation of multiple firearms for distribution or resale, on conviction, on indictment, to imprisonment for life.

Sen. Panday: Could you kindly give my colleagues a few minutes please?

Mr. Chairman: Sure.

Sen. Panday: My advice is that the new (b) will be inserted as section 31(2)(b), because you have (a)(i) and (ii). It will come after that.

Mr. Chairman: We will do 31 when we come to it.

8.00 p.m.

I would like to read the amendment as proposed. Clause 26 reads as follows:

Section 31 of the Act is amended in subsection (2) as follows:

- (a) in paragraph (a)(i), by deleting the words “fifty” and “ten” and substituting the words “three hundred” and “twenty” respectively;
- (b) in paragraph (a)(ii), by deleting the word “twenty” and substituting the word “twenty-five”;
- (c) by inserting after paragraph (a) the following paragraph (b) which reads as follows:

In the case of an offence relating to the importation of multiple firearms for distribution or resale on conviction, an indictment to imprisonment for life.

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- (d) in paragraph (b)(i), by deleting the words “fifty” and “eight” and substituting the words “seventy-five and twelve”;
- (e) in paragraph (b)(ii), by deleting the word “fifteen” and substituting the word “twenty”.

Take out the word “and”, and the old “(b)” is deleted.

Sen. Al-Rawi: Mr. Chairman, for completeness, we would need to renumber the paragraphs accordingly, because you have essentially introduced a new “(b)”, so “(b)” would become “(c)”.

Mr. Chairman: That is right.

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 30 ordered to stand part of the Bill.

New clause 6A.

Mr. Chairman: I propose a new clause 6A which reads as follows:

Section 7 amended 6A. Section 7(1) of the Act is amended—

- (a) in paragraph (h), by deleting the word “fifteen” and substituting the word “thirty”; and
- (b) by deleting paragraph (l).

New clause 6A read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New clause 6A added to the Bill.

Preamble.

Question proposed, That the Preamble be approved.

Sen. Al-Rawi: Mr. Chairman, just for clarification, the Preamble as set out where?

Sen. Panday: The Preamble in the Bill.

Mr. Chairman: In the Bill itself, not the explanation. The explanation does not form part of it.

Sen. Al-Rawi: Agreed.

Question put and agreed to.

Preamble approved.

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

Senate resumed.

Bill reported with amendment.

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

The Senate divided: Ayes 29

AYES

Panday, Hon. S.

Sandy, Hon. Brig. J.

Ramlogan, Hon. A.

King, Hon. M.

Bharath, Hon. V.

Baptiste-Cornelis, Hon. T

Fazal, Hon. K.

George, Hon. E.

Gosine-Ramgoolam, Hon. R.

Ramnarine, K.

Oudit, Mrs. L.

Abdulah, D.

Watson, Prof. P.

Moheni, E.

Maharaj, D.

Beckles-Robinson, Mrs. P.

Hinds, F.

Henry, Dr. L.

Cudjoe, Miss S.

Al-Rawi, F.

Deyalsingh, T.

Ali, B.

Ramkhelawan, S.

Drayton, Mrs. H.

Balgobin, Dr. R.

Ramkissoon, Prof. H.

Wheeler, Dr. V.

Prescott SC, E.

Armstrong, Dr. J.

Sen. C. Baptiste-Mc Knight abstained.

Question agreed to.

Bill accordingly read the third time and passed.

8.15 p.m.

**FINANCE (SUPPLEMENTATION AND VARIATION OF
APPROPRIATION) (FINANCIAL YEAR 2010) BILL**

The Minister of Finance (Hon. Winston Dookeran): Mr. President, I beg to move,

That a Bill to supplement and vary the appropriation of the sum the issue of which was authorized by the Appropriation (Financial Year 2010) Act, 2011 be now read a second time.

Mr. President, this Bill pertains to closing the accounts for 2010. It has been passed in the other place, and it simply provides an accounting authorization for closing the accounts of 2010. It pertains to expenditures that took place in the fiscal year 2008—2009 and 2009—2010. It does not envisage any change with the appropriation for 2010—2011, which was passed by this Senate, and indeed the other House, during the budget debate.

It is required, Mr. President, so that the authorities can now close the accounts and set the books correct. In terms of variations from the appropriations of the years that I am speaking about, there are two significant appropriation changes. One deals with the supplementation of the 2010 accounts and the other deals with the variation of that account. The supplementation is to now authorize a change from the appropriation that was done previously by including now a new sum of \$1,184,000,904.01 on the supplementation to the 2010 accounts, and a variation of the appropriation for the fiscal year 2010 in the sum of \$568,842,137.

Mr. President, the appropriation is being supplemented under two headings, that is, the \$1.2 billion, approximately, is being appropriated under two headings. One is the Ministry of Finance and the other is the Ministry of the People and Social Development. Under the Ministry of Finance, Head No. 18, we are now seeking authorization to increase the appropriation, that was agreed to previously, by \$826 million. This amount represents progress payments for the period 2009 to April 2010. These are payments that were done in that period in respect of the construction of the power plant by the Trinidad Generation Unlimited at the Union Industrial Estate, La Brea.

These payments were made from advances from treasury deposits with the expectation that a loan would have been mobilized from external financial markets to replenish the treasury deposits. The 2010 fiscal year ended without the resources being mobilized, so it became necessary to bring the expenditure on the power plant to account in the books. As a result, the sum of \$826,064,606 is now required to retire these advances in accordance with section 17(1)(b) of the Exchequer and Audit Act, Chap. 69:01.

The other area in which supplementation is being requested from this Senate is under the Ministry of the People and Social Development, under Head 56, and here, an increase of approximately \$358.8 million is being sought. The amount represents increases in the level of payments under the senior citizens pension, social assistance and disability grant. Consequently, an advance of the sum of \$358 million was issued from treasury deposits to honour the commitment.

In the case of the senior citizens pension, an additional requirement was consequent upon the increase of the senior citizens grant to \$2,500 effected in May 2010, and the subsequent increase to \$3,000 implemented in the renamed senior citizens pension in September 2010. As a result, the sum of \$358,000,000—and I am rounding off the figures, Mr. President—is now required

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to retire this advance in accordance with section 17(1)(b) of the Exchequer and Audit Act, Chap. 69:01. Those are the two main additions that are now being put forward for authorization for closing the accounts.

It is also necessary to have a variation of the appropriation in the sum of \$568,842,137 for the 2010 fiscal year, and this is for two broad reasons. The first is an amount for \$439 million, approximately, to realign the provisions in line with the new assignment of responsibilities to ministers, and the creation of new ministries. And as you are well aware, that had been done soon after the Government came to office.

The second variation is in the amount of \$129,292,172, which is required to do three things: to retire advances from the contingencies fund in the sum of 30 million, which was used for the conduct of parliamentary general elections and the local government election in 2010 by the Elections and Boundaries Commission. Secondly, to bring to account an outstanding sum of \$36 million, for which the Ministry of National Security had insufficient funds to meet, and represents the balance of disbursement made from the US Export Credit Facility for the purposes of the supply of medium twin-turbine helicopters, and from the Australian term loan facility of Australian \$58.3 billion from that export credit facility for the supply of six fast patrol craft. These were all decisions that were made previously, and we are now seeking the virement of these funds. These are not additional funds.

And thirdly, to bring to account interest payment in the sum of \$62,129, 424 made by the Central Bank of Trinidad and Tobago on behalf of the Government of Trinidad and Tobago, in respect of three fixed-rate bonds totalling \$1.542 million, sourced by Nipdec to finance the Programme for Upgrading Road Efficiency, which is \$1.433 million, and for the procurement of goods and services for the establishment of the Drivers and Vehicle Licence Authority of Trinidad and Tobago, \$109 million, both of which fall under the Ministry of Works and Transport. Essentially, those are the main accounting changes that have been required.

Mr. President, there is also, in the Bill before us, the need to transfer funds between subheads of the same Heads of Expenditure. This is normally done by the Minister of Finance on the request of the appropriate Minister, and it does not constitute, in any way, a change in allocation or a variation in appropriation.

The details of this were, indeed, provided to Senators in the submission on this Bill, so I would seek your indulgence not to go through those details at this

point in time. They do not represent either a supplementation or, indeed, a variation, but it requires the authority for the transfer to have taken place.

Mr. President, now that the fiscal data for 2010 is substantially finalized, the provisional outturn in Central Government's fiscal operation is a deficit of \$3,334.7 million or \$3.3 billion, to round it off. This was \$472.2 million less than the revised projections presented at the time of the presentation of the 2011 budget. The variation was mainly as a result of higher than projected revenue of \$1.2 billion and higher than projected expenditure of \$767.1 million.

The variations, Mr. President, are again reflected in the documents that have been presented before us on both the revenue side and on the expenditure side. You will note that the original estimate of the budget deficit in 2010 was in the order of \$7 billion but, as it turned out, it was recorded as \$3.3 billion in light of these changes. [*Desk thumping*] Every time that happens, of course, it puts less burden on our debt profile, and that is why I appreciate the applause.

In the category of taxes on incomes and profits, receipts from the oil companies were higher than anticipated, and it should be noted that estimated oil revenues for fiscal 2010, as governed by the Heritage and Stabilization Fund Act, was \$10.386 million, where the actual revenue collected was \$15.431 million. It is important to acknowledge, Mr. President, that the Heritage and Stabilization Fund has now reached a level of the order of three plus billion US dollars, and is now beginning to resemble what could well be a serious Heritage and Stabilization Fund for the future. [*Desk thumping*]

It is still, however, far from what is achieved in other countries as a percentage of revenue or as a percentage of GDP, and most countries that have benefited from that have been able to get over 150 per cent of the GDP in the stabilization fund. But it has taken them some years to do so, and if we are to get to that stage, then clearly we would have sufficient buffers against external shocks that will always be part of the economic terrain in which we operate.

Mr. President, as I indicated, I will not go through the details of these changes since they are somewhat tedious, but they are submitted to you in the document before us. The major area in which expenditure was higher than projected was in the area of current transfers. And this, I mentioned to you earlier, pertained to the Trinidad Generation Unlimited in the form of meeting the payments that were incurred in 2009.

Other occurrences contributing to higher than projected expenditure had to do with an unplanned transfer of \$61.1 million to the Sugar Manufacturing Company as equity investment, and an unbudgeted transfer of \$164.4 million to Caribbean

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Airlines Limited, to meet its equity funding in Air Jamaica. These amounts were partially offset by lower levels of transfers to the following programmes: The Food Price Support Programme; the Support for the Acquisition of Housing Programme; the Estate Management and Business Development Programme; Caroni (1975) Limited Programme; Tucker Valley Agricultural Enterprises Limited Programme, the International Financial Centre, and the Trinidad and Tobago Revenue Authority. They will reduce allocations to accommodate those increases.

On the development programme expenditure, Mr. President, it was \$1.5 billion lower than projected in terms of disaggregation; expenditure was lower under the Consolidated Fund and under the Infrastructure Development Fund, which comprised the two components of that programme.

Essentially, the Bill before us is to give the authorization to change the appropriation in both supplementation and variation, as well as in transfer of funds to close the accounts of 2010, and, therefore, will allow us now to start with a closing balance as we begin to look at the 2011 outturn. I repeat, it does not represent any increased allocations for 2011 neither in expenditure nor revenue at this point in time. It is for the mere purposes of closing the accounts.

This Bill has been fully debated in the Lower House in an all-night session, and every possible aspect of finance was raised and “unraised”. [*Desk thumping*] I make one small comment, and this is for the committee that has been established by your good self, Mr. President, and the Speaker of the House to look at parliamentary reform, and within that context it seems to me a little difficult that a budget had to be presented in September, debated; a Finance Bill had to be presented in November, debated in both Houses; a Variation Bill had to be presented in January and debated. In other words, for six times we have had to debate the very same issue in this Senate, and regrettably for six times we end up debating the same thing. I do not know if this could be considered as part of your reform of the parliamentary practice in Trinidad and Tobago. It is just a suggestion for the effective use of the very valuable time of Parliament, when many of these things are repetitive, but they are required by the system of accounts we have, and, therefore, it is necessary to do it.

With these words, Mr. President, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Dr. Lester Henry: Thank you, Mr. President. I have been thrown off a bit in the sense that I came here expecting to discuss and comment, make my remarks at an earlier stage in the day, but given that, we must proceed

nevertheless. I will adjust my remarks accordingly, as the Minister of Finance has recommended that we do. But I must raise a few issues that I think we should discuss here, or at least should be thrown out in the public domain in terms of what is happening with our economy and what is going on at this present time.

I do not want to engage in a full-fledged budget debate all over again, but we have some serious matters in terms of what we see happening here, and in terms of some of what I heard in the Lower House that I had no—of course I cannot contribute there, so I have to make my contribution here, and it is in terms of one or two issues I will just touch on quickly. I was planning to say a lot more, but in the last few days—the first issue I will address pertaining to our finances and the state of our economy is the issue of the recent A rating given by Standard and Poor's, for which newspaper articles and for which the Minister is congratulating himself. I mean, come on, all your quotes are here, you are quite happy—*[Interruption]* Yes, yes, yes, which is what I told you from September. *[Crosstalk]* As the Minister himself is being quoted as saying, this is an important indicator of the confidence of the international community in the financial management of the country. It is the reflection of the way we rise to the challenge and so on—the A rating: But was the A rating not there last year and earlier in 2010? So was not the astute management and so on applicable under the previous regime? What, in terms of—*[Interruption]*

Hon. Senator: But you were awash with funds. It is easy to manage in times of plenty.

Sen. Dr. L. Henry: You will have your chance, assistant or wannabe Minister of Finance.

Hon. Senator: We will have to deal with you. That statement is not good. *[Crosstalk]*

Sen. Dr. L. Henry: What we are looking at now—but you yourself just admitted that the fiscal deficit for the last financial year is a lot less; a figure you quoted of \$3.3 billion if you withdraw contributions to the Heritage and Stabilization Fund, what would the figure be? Even a lot less—under one billion. So let us be honest and let us be fair; give credit where credit is due. We understand that somehow you do not want to admit that you met a strong economy; even after this time—after all the discussion—*[Interruption]*—you of all people should—*[Interruption]*

Remember we talked about crying wolf way back then? And now they have to understand that the wolf has come to bite, because one problem that we have to face is that when there is a differential assessment by foreign investors than that

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of your domestic investors, that is not necessarily a good thing for the country, because what we are seeing, while we are getting this positive rating from S&P, which is no magic bullet; we have to be realistic. S&P are the same people who put triple A ratings and all sorts of junk that perpetuated the international financial crisis.

So it is not something we should get terribly excited about, even though I agree it is good news generally, but what you have to understand is, at the same time, if you look at what is happening in our economy, domestic investors are taking their money out. We are experiencing a period of significant capital flight, and that is what is putting pressure on the exchange rate, which we understand has not depreciated to the point where we should panic or be the cause of any major concern. I am aware of that. I am fully aware of the fact that we have the reserves to intervene in the market, so it is not necessarily a major problem. But what you are seeing is a vote of no confidence on the part of significant domestic investors. [*Desk thumping*]

Mr. President, I have all the quotes—you can see them—and in terms of what is taking place, the Governor's recent presentation in which he talked about the fact that every time you cleared the queues for foreign exchange, you see a queue re-emerge. I believe that in November he said they pumped in US \$300,000,000, cleared the queues, and then within a matter of days or so on, you see the queues pop back up again.

So what we are seeing here—which should be cause for concern, Mr. Minister—that while we are getting good marks because our macrofundamentals have been good, and they were good before May 24, we are seeing that there is still a lot of uneasiness in the domestic economy on the part of our own investors who are taking money, putting in into US dollars and, either putting it outside the country or God knows where they are taking it, but it is happening and it is a fact. We cannot avoid it. And when we look at what has happened in terms of the slowdown in the economy, we have not seen the movement yet, Mr. Minister, that you have been predicting since September. We have not seen the domestic expansion, especially in the non-energy sector.

What I am trying to say is that—one of the things I warned about was that the positive outlook, for example, that even the Standard and Poor's report talks about that we might get 2.5 per cent economic growth by the end of 2010, a lot of that is based on the recent increase in energy prices, where oil approached \$100; I think today it was up to \$97 and gas was about US \$4.4 per MBTU. So a lot of that is basically energy driven once again.

Like I have said in my previous contribution, you would have a situation where the energy prices would rebound and save this Government in terms of providing the revenue to spur on economic growth, and they would come back and pat themselves on the back and say, “We have performed such economic miracles.” Whereas, as we know, as we speak today, over the last few months the domestic economy is in a tremendous state of stagnation. And what are we going to do other than try to push a lot of talk about incentives and so on? How are you going to get this economy moving? That is still the million-dollar question, not only for me as a Senator of this side, but the business community, the Chamber and many others are still asking.

Some of the problems—the Minister mentioned a transfer to the Caribbean Airlines Jamaica operation, and I think this is one of the main causes for concern in terms of where our domestic funds are going to be invested. The CAL/Air Jamaica deal apparently, according to one informed source, claims that we are losing US \$4.5 million a month since the takeover. And the deal is also encountering much resistance from Jamaicans at all levels. The Jamaican pilots are not signing the bonds in which Trinidad and Tobago Government funds are being used to train these pilots and they have no obligation to stay with Caribbean Airlines.

Our fuel subsidy has been extended to the Jamaican operation. We are subsidizing the fuel, and at the same time, the Government is sending signals that they want to cut our domestic gas subsidy. So I would like to get some clarification, if the Minister chooses to respond, on some of these issues. And the deal, from all reports, can turn quite sour, and I am asking anyone on the Government side, will they come clean and tell us what was the real reason why Captain Brunton was fired? Was it because he opposed the Air Jamaica deal, or was it some other reason? The public would like to know.

With these few remarks, I thank you. [*Desk thumping*]

Sen. Subhas Ramkhelawan: Thank you, Mr. President, for giving me this opportunity to speak on this Bill, an Act to supplement and vary the appropriation of this sum for supplementation and variation.

Mr. President, given that we have spent already an inordinately long time on a previous Bill, I will attempt to be succinct. The hon. Minister has already made the point that the supplementation and variation relate to the previous year, and it is about closing the accounts for the past year. But it would be remiss of us, not to

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crystal-ball and look a bit into the future in terms of what is ahead of us. One is very clear that, if not the Minister, the country is to be congratulated on receiving, once again, an A rating by S&P. [*Desk thumping*]

The credit rating agencies, as we all know, when they give a rating they also speak to the outlook, whether it is stable, whether it is negative going forward or whether it is positive, and there are significant, as they like to put it, headwinds that we face as a country, and I would want to summarize those, very, very crisply in thinking about going forward.

One is that on the fiscal side we will continue to experience a deficit in the order of \$7.6, \$7.7 billion, because, while gas prices are rising above budgeted levels—while oil prices are rising above budgeted levels, gas prices are going the other way, and, therefore, when we do our count, the figures more or less balance off and we are still at that deficit count. If you look at gas—yin and yang, if you look at gas versus oil, we still have that deficit position.

Secondly, on the monetary side, we face the headwinds and the challenge of no credit growth—in fact, a decline in credit growth, which really represents a fall-off in borrowing by the various sectors and, by extension, a fall-off in expenditure and investments by the various sectors. That is so on the consumer side where you have a flattening to declining outlook in terms of credit. It is much more so on the business side where you have had significant declines from the previous year in the order of 6 to 10 per cent depending on which month you look at. And, therefore, the dependence is heavily on public sector expenditure as the driver for any activity in the economy.

And there have been delays in terms of the level of investment or the quickness and speed of investment into the economy and as long as that is delayed, you are going to see some lack of activity, economic and otherwise, in the system. That is one area that is well within the purview of the Minister of Finance, and I call on him to accelerate that position as much as can be in the context of the fall-off of the two other sectors, which is the private sector on the one hand and the consumer sector on the other.

The issue of unemployment; we have seen that increase in unemployment and we have heard the Governor of the Central Bank opine that the figures would be higher than have been shown in the more recent official estimates. These are the headwinds that face us, and, therefore, it would call for decisive and critical action by the one player that has the cards in its hands, which is the public sector, through the Minister of Finance, his advisors and his executives.

So, Mr. President, I have no difficulty in supporting this particular Bill, because it is a Bill that seeks to close off what has already happened. The conversation going forward will be of more value to us, but maybe today is not the time to engage in that much wider conversation, apart from putting succinctly to the Minister that I do not know S&P or any other credit rating telling you stable or telling you positive outlook should give you cause to pause. What it should really do is—we know our situation here better than most people, and we understand what the headwinds are, and we understand what the initiatives must be in order to create some sort of activity in the system, because economic growth is a key driver to what we need in order to get this economy going again. And as I said, much of that lies in the hands of the hon. Minister of Finance to get the public sector expenditure, the PSIP, on the road again.

I do have one question for the hon. Minister in terms of what is presented in the Bill and the variations, and that is Trinidad Generation Unlimited, an expenditure or a payment in the amount of \$820 million. I think we would like to know much more about this entity, because I do not know whether it is a company or not, but we would like to know much more about the entity. An explanation has been given in the document, but how much more is there to be paid, as we go along, for the services by the provider. Is it 2010 only, or is it that we are going to have repetitions in 2011, 2012 and so on? So I hope that the hon. Minister would give some explanation as he winds up as to what this significant expenditure is about, and is it going to be recurring in the year 2011 and beyond?

Let me close by suggesting that we do not get complacent with an A credit rating. Ireland had an A credit rating, some of those other countries in Europe had an A credit rating, and suddenly, without warning, without forewarning, they did not go down a slippery gradual slope but they fell off a very sharp and high precipice, and we do not want to be caught in that mindset or that trap of somebody from outside telling us that things are honky-dory and we sitting inside of the fortress know that they are not necessarily so. I thank you, Mr. President. [*Desk thumping*]

Mr. President: Hon. Senators, the time is now 8.55. I propose that we take a break for dinner and we will come back at 9.35. We will take a half-an-hour break. This Senate now stands suspended until 9.35.

8.55 p.m.: *Sitting suspended.*

9.30 p.m.: *Sitting resumed.*

Mr. President: When we took the break we were on the appropriation financial Bill, and the debate will continue. Sen. George. [*Desk thumping*]

The Minister of Public Utilities (Sen. The Hon. Emmanuel George): Thank you very much, Mr. President. It is my pleasure to rise in support of the Finance (Supplementation and Variation of Appropriation) (Financial Year 2010) Bill tabled in this Chamber by the hon. Minister of Finance. The Bill before this honourable Senate is in no way new and unheard of in the way of financial management of this country. Indeed, it is an essential housekeeping measure to ensure allocations increased or reduced from their respective allocations are approved by the highest law-making body of the land. What is novel about the Bill before us is that it does not seek to cure the defects of the Government tabling it but to rectify those of its predecessor.

One heard Sen. Dr. Henry earlier on belabouring the point that the People's Partnership inherited a buoyant economy, but he knows, and we know better. The fact is that the People's Partnership inherited an economy that is saddled with wastage and debt, and it is a tribute to the prudent management of the hon. Minister of Finance that it has come to the point where Standard and Poor's can give Trinidad and Tobago an A rating.

Sen. Ramkhelawan also referred to the Bill as being one that is dealing with the past and suggested that we have to look into the crystal ball and predict the future. He spoke about the uncertainty of the oil and gas prices and so on, and that was something that we had to pay attention to, and he also referred to the increasing levels of unemployment in the economy, and said that these are the things that must form part of the conversation going forward, and he spoke a little about the fact that the economy needs to get a boost that will inject some life into it, so to speak. I want to refer to what the Ministry of Public Utilities and the part that we will play in the efforts of Government to set the economy on a good footing. We have embarked on certain initiatives that will greatly assist the Government's current thrust towards development in an economically prudent manner.

It is our view that the critical strategy to ensure the expansion of the nation's economy is that of improving its infrastructure, and in particular its public utilities. Towards this end, the Ministry of Public Utilities, and the agencies within its purview, are working to ensure the achievement of some realistic and other very ambitious goals. But the focus of all of this is to improve the lives and quality of life of our citizens. I want to identify certain projects that we are doing that will give the economy the boost that it requires, but that are focused on improving the quality of life of our citizens.

During the period May to December, there is a programme within the Ministry called the National Social Development Programme that saw the wiring of some 561 houses at an approximate cost of \$7 million, and also we spent \$7 million on four community electrification projects. We spent \$12.9 million on 25 recreation grounds, all to improve the lives of our citizens, and those recreation grounds are located all over the country. We have them spread in, say, St. Augustine, Oropouche West, Tunapuna, Siparia, St. Joseph, Tabaquite, Caroni East, Tobago East, Diego Martin North/East, Laventille West, St. Joseph, Port of Spain North/St. Ann's West, Arima and so on. These are projects that help people to have a better life, and this is, of course, the focus of the Government.

I have spoken before about the approval of Cabinet for the Ministry, and WASA in particular, to have available to it approximately \$1 billion to spend on improving the water infrastructure and therefore the supply of water to the population. We are on the cusp of receiving these funds, and, when this comes in, it will prove a significant injection into the economy. Together with all of the other Ministries that will be carrying out projects like these, funded by the Government or by loans, we expect that the employment situation will improve, because a lot of contracts will be going out to the contractors who will be able to employ all of these people that we expect to be employed under these programmes.

So that, Mr. President, in keeping with the trend set both by Sen. Ramkhelawan and Sen. Dr. Lester Henry, I will be brief and say that that is what we are going to be doing in the Ministry of Public Utilities, just to give you a brief overview of what we are going to do, and I therefore will say no more, and give over to my other colleagues to continue the conversation. Thank you. [*Desk thumping*]

Sen. Penelope Beckles-Robinson: I must say my hon. colleague has put me under some pressure, because he has only spoken for seven minutes. [*Laughter*] [*Crosstalk*] No, I was saying that he was saying he was following the trend, which is a reducing trend. So he is really telling me I am speaking for six or five.

Mr. President, I join this debate, and I, even if we had not sort of discussed this approach, I still would not have spoken for a very long time. I just want to make some points, more in relation to some concerns about us working smarter rather than harder, because I saw early in the day that some comments were made from the Government that they are hoping that the Opposition will be prepared to work harder. I would want to suggest that harder does not equate smarter. [*Desk thumping*].

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Mr. President, I hope you will bear with me, because I was very heartened by your earlier statements in relation to what the late Sir Ellis Clarke would have said to us if he were talking to us as parliamentarians, and I took note of some of your comments, which I endorse entirely. I say that because I really feel that as we sit for this year that there are—just as how we have made some agreements tonight to be reasonable, and I would say both the Opposition and the Independents have been very reasonable—and the Government—normally in the Senate. [*Desk thumping*] But you know, I say this because I do not know if you have had time, because I did not, and I saw this in passing, to have a look at the *Newsday*. And I hope we all had a look at the *Newsday*. The *Newsday* says: to keep parliamentarians awake during marathon sessions, Government promises bake and Milo for MPs. [*Interruption*] Well, you see, they did not consult with you.

My real concern is that there are four persons who are in another space sleeping, and one of them is the Minister of Finance. Now, I am not saying that to embarrass him, because he can defend himself. But we had the Minister of Finance here from since 1.30 this afternoon. He is not a member of the PNM. He is a member of the People's Partnership or the UNC-led coalition. But the point is that he is a visitor here, and I think we owe him a better courtesy. [*Desk thumping*]

If he comes here at 1.30, he should not be speaking at 8.15. I really feel that that is not how we should conduct our business, because, at the end of the day, I think the papers tomorrow could have had some of us looking similar to our colleagues in the Lower House. And, you know, when you think of—I mean, now that we have Facebook and Internet and Twitter and all of that, it really does not help us for this kind of front page to be going all over the world. I hope that as Government, as Opposition and as Independent, we would all take some kind of decision, because, at the end of the day, it is the entire Parliament that really does not look good.

I mean, I have noticed that—I mean, I am not sure how you do it, but I have seen you sitting continuously [*Desk thumping*] from 1.30 on one occasion, almost to four o'clock in the morning. Some people have the luxury of leaving and taking a little sleep here and a little sleep there, but let us try to be a bit smarter. I do not know if, when *Hansard* sends our transcripts to read, I think sometimes we cannot even believe we have actually said it, because some of it does not make any sense.

So, Mr. President, I wanted to make the point that today was not one of my better days in this sense, because, I must tell you one of the things I do not really like to feel is as though we are either tricking each other or we are not

comfortable with what we are doing. Because we could have simply—I know I have a very good relationship with my friend, the Leader of Government Business, so I am not sure how we ended up here today. We could have either started at ten o'clock, eleven o'clock, or we could have done the Firearms Bill last week. So we could have—this Bill here is very important, you know—very important. People look forward to the debate from the Senate, and in a sense I think we are short-changing ourselves and we are short-changing the country.

The last point I want to make on that is that, you see, we have to be mindful that the young ladies who sit there, who are paid a paltry sum of \$6,500 a month with a duty allowance of \$1,200 inclusive of tax. Those persons are now being paid \$50 a page by the private sector. If we examine what transpired last week, the Parliament sat on Wednesday, finished after four o'clock on Thursday, as far as I know they had some committee meeting on Friday morning—two committee meetings on Friday, then they sat on Friday afternoon, finished 20 past 6.00 on Saturday, had committee meetings on Monday and had committee meetings this morning.

So that if we were not responsible people, then we will be using the same staff to continue until tomorrow morning, for Parliament to sit on Wednesday, for committee meetings on Thursday—on Friday morning, and to go back again on Friday evening. Now, we have to do something about it, because the point about it is [*Desk thumping*]*—and this is a collective responsibility, because some of it happened under our time as well.*

I sat as Deputy Speaker, I sat as chairman of committees and I raised it, so that I am not throwing blame and saying that it is a creation of the Government. I am saying it is a collective problem and we need to deal with it, because those people are really—we cannot expect them to be taking down notes accurately. So I really hope that at the end of the day, as I said, we are going to work smarter, because somewhere along the line, when we do not perform in the way—and I remember Sen. Ramkhelawan, we all spent a very long time debating the effectiveness and efficiency of the Parliament, so those things should be fresh in our minds. Therefore, as we continue for this year, I hope we will be mindful of your good self as well, and all of us as we try to do a better job.

We do not want, at the end the day, when we do not deliver in the way in which we should, to be blaming people for our inability to deliver or for our very poor quality of work, because I have observed in the newspapers within recent times, as the Government is changing permanent secretaries, which they are entitled to, that part of it has to do with them not delivering in the way that the

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Government expects. We will not want to be blaming anybody in the Parliament for any similar issues. So let us be a little more mindful, and I know that—I think it is—one of the Senators is recommending that we consider looking at how we do things differently.

Now, in many parts of the world where the Senate or the House of Representatives sits every day, it is because those are all backbenchers, and I am sure now that many of my colleagues on the other side are Ministers, they realize that they have no time for themselves, whether it be Saturday or Sunday. I mean, people feel that a lot of politicians are idle, and that they do nothing, and really, your job is 24 hours, because people feel that they have the right to call you at six o'clock in the morning and at twelve o'clock in the night. So in essence, your job is full-time.

Therefore, as we try to expedite the legislative agenda, and as we recognize that we have a responsibility to deal with crime and to deal with the economy and to deal with other things, that we do a little better so we do not put some pressures on our ourselves, particularly where, with regard to health issues, Members of Parliament have no medical plans, and some of us do not realize how much it takes a toll on us.

Mr. President, that is my contribution. Thank you. [*Desk thumping*]

Sen. Dr. Rolph Balgobin: Thank you, Mr. President. I rise to make a contribution, keeping in mind the trend that has gone before which seems to emphasize brevity, and, of course, the thing that makes a trend a trend, as opposed to a certainty, is that it can be broken. However, I can assure my colleagues that I do not intend to speak for more than an hour, with your kind permission, of course.

Mr. President, I think that, of course, the object of the Bill is right and sensible. I did have one question on what the Trinidad Generation Unlimited Company was, that has received \$826 million in 2009. I do not know if it is 2009 or in fiscal 2010. I have not been able to determine whether this is a state enterprise. It does not show up on the list of state enterprises, and, if it is an agent of the state, I find it interesting that it would be an unlimited company, States, of course, doing business with corporations that would either be limited liability or limited by guarantee, for example. So this is kind of a novel governance arrangement for us to be putting \$826 million into, but perhaps there is an explanation. It is something, however, that does jump out at one.

9.50 p.m.

What I wanted to say, Mr. President, is that our competitiveness is waning. We started in this country doing competitiveness research in 2003, and pretty much year-on-year since then, Trinidad and Tobago has slipped in the rankings, and every year when the results come out, people have been quick to say the methodology is wrong; that we did not interview the right people, but I think if you look at the results over time, they have been pretty much correct.

I think it is a little known fact—in fact, it is probably absolutely not known—but the person responsible for starting the country on the track for doing research on competitiveness is now the Minister of Finance, because I visited him many years ago and it was the Minister of Finance who passed the contact for the Harvard Business School and the World Economic Forum to me. I did not know of the existence of the initiative before then. So it was he who passed it on.

In picking it up and researching it, you get a fairly keen sense of what the fundamentals of a good competitive economy and society look like, and it is quite clear that the problems that beset us here have featured very prominently on the national landscape for several years. I think, therefore, that there is an opportunity and a necessity in looking at some of these headers and some of the spend involved, for the Government to recognize the duplication in arrangements between, in many instances, ministries and agencies of the State—that will be state enterprises or other state organizations—and try to eliminate some of those duplications where they occur.

On a more fundamental level, there is a need and an opportunity for the Government to decide what kind of private sector Trinidad and Tobago should have and should develop going forward. The private sector has reached a point in its evolution where it needs a further injection of dynamism and further maturation, and paradoxically those things cannot come from the private sector. Government must play a significant role in the further development of the private sector, and that will not happen if Government does not see the importance that the private sector must play in national, economic and social development going forward.

I am sure the Minister of Finance and the Minister of Planning, Economic and Social Restructuring and Gender Affairs appreciate this, but I think it is something that bears noting, given the kinds of sums of money that we are spending and given the deficits that we are running.

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So, Government, in my view, should take some of these costs out. As suggested in the budget, it is time to privatize. There is an opportunity for the State to get out of some of the things that it is involved in, and when you look at some of these costs, you see quite clearly that there are things the State should do and perhaps things the State should not be doing.

In terms of comments on the perspectives of external agents on the performance of our country, I am always a little skeptical about that, because we are inside the castle and we know the state of things inside the castle. Somebody standing outside can say, “Yes, well, the castle is looking all right”, but we would know the truth, and so external ratings really do not tell you much. Ratings really speak directly to a country’s capacity to service its debt. It does not say much else, and so if we get good ratings, then that should be applauded, but there is not much else to do with those.

Similarly, I am not encouraged by the IMF’s positive outlook, from the report that they published late last year. It read fairly generically to me, and I think it is far more important that our people, our society, our countrymen, the citizens of Trinidad and Tobago understand what the root challenges are in our economy so that we can all pull together and treat with those.

I am saying that because you have stakeholders in the economy who are at the present time taking a fairly unreasonable position on things like wage and salary negotiations. I say it is unreasonable because it is either you can afford to do it or you cannot, and if you cannot afford to do it, then I think it is something that we all need to appreciate and work through together so that everyone can come out of this a winner. I do not think that the way to win is by force. The time for antagonism like that, I think, is over.

The one thing I would add here, and perhaps my most important point in reading this through, is a quasi-political point, which is not a criticism of the Government or of the Opposition, it is more a comment on our political culture and how it has evolved, and that is in looking at the spend. In looking at the various initiatives of governments present and past, I think one of the greatest dangers to our competitiveness going forward, having regard to our limited labour supply, is the fact that several of our initiatives—and by “our” I mean state-driven initiatives—actually serve to further the institutionalization of an underclass.

I think that is something that is not commonly accepted, and I think that is a monster we need to look square in the eye, because we have a number of programmes that are either make-work or not too far off that, that increase

dependency over time. What that does is, it just creates a need that successive governments must fill. Of course, the trade-off, presumably, will be votes, and so there is an element of political patronage involved. That obtains everywhere else in the world, but I do not think that we need to hold ourselves to the rest of the world's standards, given where our country and our society, and particularly our economy are.

There is an opportunity to take a lot of these folks and train them, develop them and grow them. I do not mean train them in the superficial way that most people talk about it. I am talking about really train them. We may not need more grass cutters, Mr. President, but we need more electricians, more plumbers, more tradesmen, more carpenters, masons, and maybe we have to find a way to produce more of those and spend money on that, even if it means paying people to go to class.

I think that to continue with any kind of initiative set that continues the trend of institutionalizing an underclass is really an example of where you will see quite clearly the strangulation of common sense. I think that is something that we ought to be cognizant of, and I will just sound a note to all involved that it is something off of which we need to wean our citizens or many of our fellow citizens, because we need a vibrant private sector and we need people to be more involved in the private sector if we are going to have the kind of equitable stakeholder participation in moving Trinidad and Tobago forward.

You might have suspected by now, Mr. President, that I in fact had very little to say, and now that the reality is evident, I shall thank you and take my seat.

The Minister of Public Administration (Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam): Thank you, Mr. President, for affording me the opportunity to contribute to the Finance (Supplementation and Variation of Appropriation) Bill.

Mr. President, this Bill is what might be referred to as a normal parliamentary exercise in good financial management and financial probity of the finances of the country, which were appropriated by the Parliament. It is a routine measure, so it is normal that we do this. This comes to Parliament after the Appropriation Bill and the enabling Finance Bill have been passed in both Houses. Therefore, our exercise here today is just routine, as I indicated, and as Sen. Ramkhelawan said, it focuses on the past tense. We should note that information in the past tense, information gleaned in the past tense, can really give us lessons on how to proceed in the future. So I believe from that perspective, it is important that we look at this Bill.

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Insofar as my Ministry is concerned, that is the Ministry of Public Administration, I wish to draw attention to Part II of the Schedule to the Bill, which reflects the details of clause 4, that is, reduction in Heads of Expenditure in the sum of over half a billion dollars, that is, \$550,008,637.

Mr. President, it is interesting to note that of this reduction in allocation to Heads of Expenditure, the Ministry of Public Administration reflects a decrease in allocation in the financial year 2009/2010 in the sum of \$129,292,172, approximately 27 per cent of the total decrease over a quarter. This figure tells a story, and that is the point we have to look at. What story is this figure telling us? The story is, Mr. President, that this Bill speaks to the accounting period 2010/2011—that is shared by both administrations, approximately eight months of the last government, and four months by our current Government. I make this point as I am about to refer to the reasons why the Ministry of Public Administration was able to have in excess \$129 million unexpended and available to be reappropriated to other ministries.

Hon. Senators would no doubt have received a document labelled “Senate Document,” which deals with the details of the Bill, and this is interesting. I will refer Senators to page 48 of this document. At the top of that page is the heading “Reasons for Savings,” and with respect to my ministry:

“Delays in the filling of vacant positions and the processing of the payment of increments and acting allowances because of the non receipt of the necessary approvals - \$9,249,800.”

That is interesting to note—non-filling of vacancies. We will get back to that.

Mr. President, this is an HR function. I wonder what HR was doing. Probably I have a lot of work to do. Mr. President, it means that employees who worked for their money did not get it. This does not sound too nice. It does not sound too good.

“Delays in the installation of a number of leased lines in the Phase II Backbone, and in the award of a contract for the Service Level Agreement II under the National Information and Communication Technology Company Limited, respectively - \$25,840,000.”

I continue to quote:

“The suppression of expenditure under Minor Equipment Purchases to give priority to commitments under Contract Employment and Other Contracted Services, respectively - \$1,337,955.

Funds provided for the lease payment for property situated at 13-15 St. Clair Avenue, Port of Spain, were not utilized in the fiscal 2009 - \$\$6,557,307 as the necessary documentation was not finalized.”

So we go back again to the issue of HR, administration, leadership. I suspect, Mr. President, that this had to do with the non-appointment of a Solicitor General, whose responsibility it was to vet the deeds and the contracts. I suspect. If I recall, it was just before the general election last year that the Solicitor General was appointed, after this post remained vacant for a few years.

Another reason for savings, according to the document:

“The Ministry suppressed expenditure under several sub-items in order to facilitate transfer of funds”—in the tune of—“\$39,221,833.”

Mr. President, I am not aware of any government policy to suppress funds. The information is clear, the message is unambiguous: Delays in the filling of vacancies; delays in the payment of increments to public officers who have toiled hard; delays in the payment of acting allowances to public officers; delays in the installation of leased lines, that is, ICTC, the iGovTT; suppression of expenditures on one item to give priority to contract employment and delays in document finalization for lease payment of property.

Mr. President, we must note that the revised estimate for 2009/2010 for contract employees was a whopping \$46,458,808. If we link this to what I said earlier, the filling of vacancies, you will realize that there is a mismatch in the balance of treating with our employment in the public service, something that my Ministry again has started to address.

These delays are clearly a reflection of serious fissures in the human resource management functions occurring not only in my Ministry but I am pretty sure in many of our ministries, and therefore, hence the need for my Ministry to focus on issues of HR, which we have started doing; issues of leadership, which we have started doing; issues of good management, financial management, which we are in the process of prescribing, and about to launch somewhere in mid-March. This issue we see will have to form the basis of our transformation exercise, which will include a lot more activities.

I now turn to the delays in the technology, the ICTC and the delivery of the ICTC agenda, and I would like to assure this Senate that, with the newly appointed board, this issue is going to be taken head-on, and the board met, had two meetings already, and I am pretty sure we will begin to address this long-standing issue that has been confronting us.

Mr. President, the Ministry of Public Administration, my Ministry, when we looked at it earlier in the year, saw that it suppressed expenditure under subitems in order to facilitate transfer of funds in the sum of over \$39 million. Since coming into office, I have tried hard—probably someone can help me—to look for a policy directive in which we can suppress funds; neither did this Government, our Government, issue any policy mandating any ministry, including mine, to suppress expenditure under subitems. So it is an issue that we are looking at very seriously to see how this could be addressed.

Let us look specifically at two items, for example, just to highlight the point. With respect to my Ministry, under subitem 08, Rent/Lease—Office Accommodation and Storage, in 2009/2010, the original provision—and this is interesting, because while we have unspent balances, we need to understand while there is a decrease in one, we see an increase in the other, and let us see why this happens. So in 2009/2010, the original provision for subitem 08 Rent/Lease, Office Accommodation and Storage was \$634,216,300. The revised provision was \$158,766,885. Yet in 2010/2011, the provision is \$830,049,549. Why so much? I will explain later, because I want to give another example.

Under subitem 09, Rent/Lease, Vehicle and Maintenance, the 2009/2010 original provision was \$108,562,300. The revised provision was \$84 million; difference unexpended \$24,562, 300. I think for the first subitem, I did not mention that the unexpended difference was \$475,449,515. Yet, in 2010/2011 for the second subitem, the provision allocated was \$270 million. What does this say, Mr. President? You would notice that while the provision for 2009/2010 reflected a marked decrease under these subitems, for 2010/2011 these two subitems reflected a significant increase. So while it decreased on one hand, it increased in the following year. What has caused this aberration, Mr. President? I think I need to share with this honourable Senate: the Waterfront Project; the Government Campus Plaza; the Ministry of Education Plaza; the Ministry of Education Tower and the Chancery Lane Complex.

The history of the Waterfront Project is well documented in the report of the Uff Commission and I really do not intend to treat with that matter further, except to inform the Senate that the Estimates of Expenditure for 2011 contained provisions for my Ministry to make mortgage payments of \$263,822,882 for the year 2011. This is an annual commitment and will continue for the next 13 years. That is an annual commitment of my Ministry for the next 13 years, Mr.

President. Provision is also made for over \$152 million and \$75 million respectively to cover outfitting and maintenance costs. So total costs for 2010/2011, for the Waterfront Project alone are \$491,578 104. Now we begin to see why the increase for 2010/2011.

Mr. President, I am really pleased to report that, since coming into office, my Ministry has moved swiftly to provide accommodation for at least seven ministries in the Port of Spain International Waterfront Complex, Tower C. The following Ministries have been allocated accommodation:

- The Ministry of Labour two floors, on a temporary basis;
- Ministry of Tourism has been assigned two floors, presently being outfitted for occupancy;
- Ministry of Justice has been assigned three floors which are presently being outfitted for occupancy;
- The Auditor General's Department has been assigned three floors;
- The Ministry of Foreign Affairs occupies five floors. This is Tower C I am speaking about.
- The Ministry of Energy and Energy Affairs occupies six floors.
- The Ministry of Science, Technology and Tertiary Education, they are currently being outfitted and they will be occupying three floors.

The Trinidad and Tobago International Finance Centre is expected to be relocated to Tower D.

Mr. President, we will be moving expeditiously to outfit for occupation the Government Campus Plaza, and you may have read in the newspaper quite recently that the legal towers have been completed and now the Ministry of Legal Affairs has initiated the process to outfit the building so that the ministry can move into that building. We are also moving aggressively to outfit the Ministry of Education Tower and the Chancery Lane Complex, so that we can move ministries and staff into them, so as to reduce our rental bill.

Mr. President, another thing I wish to mention is that, over time, Bills of this nature become necessary for two reasons: one of the first reasons is probably the inability to anticipate situations that will require funding, or as a result of ad hoc policy; the second reason is insufficient care and attention to the preparation of estimates of expenditure. That may be one of the reasons.

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In the first instance, this Government intends to live within its parliamentary appropriation, so that it will try to ensure that only in very exceptional circumstances will it be necessary to come to the Parliament to authorize supplemental appropriation. So we would want to live within our means and try to make it better, and it would engage a process in doing so.

In the second instance, my Ministry will be engaging on a programme of training throughout the public service, via the Public Service Academy, with particular reference to financial management in the public service, to enhance competencies of those charged with the preparation of estimates and expenditure. I think that is critical for the effective functioning of the public service.

In summary, Mr. President, there are no earth-shattering provisions in this Bill. It is basically an accounting mechanism to deal with the regularization of appropriation of funds by the Parliament for the year 2009/2010. It is in this context I have sought to highlight some aspects of my Ministry as these relate to this supplementation and variation of the appropriation Bill. The Bill deserves the support of all the Members in this honourable Senate.

I thank you very much, Mr. President, for affording me the opportunity.

10.20 p.m.

Sen. Terrence Deyalsingh: Mr. President, thank you for allowing me the opportunity to contribute to this Bill relating to the supplementation and variation of estimates 2010. There was supposed to have been some sort of gentleman's agreement as to how this debate should have gone. I intend to keep my end of the bargain, as far as time is concerned, but not as far as rebuttals are concerned.

The hon. Minister of Public Utilities opened the door slightly in referring to the Standard and Poor's Report. He tried to paint a picture that the A rating was a recent event and he tried to counteract Sen. Dr. Henry, so the door was cracked open a bit. But then Sen. Gosine-Ramgoolam took a couple tonnes of C4 and blasted it wide open, much to the chagrin of her colleagues who wanted to go home.

Sen. Al-Rawi: "Nah, dey ready to debate."

Sen. T. Deyalsingh: It is ironic that the Government is talking about fissures, as mentioned by Sen. Gosine-Ramgoolam, as they should know about fissures, because they are cracking at the seams of their own fissures. It is ironic that she would talk about leadership, because the economy is suffering from a lack of leadership. It is ironic that she would talk about ad hoc policy, because adhocism in management of the economy is what has us where we are today, with an economy which is stagnated. [*Desk thumping*]

I want to let the hon. Minister of Finance know that over the Christmas period I took the opportunity to speak to a lot of your supporters, Sir. I use the word “Sir” in the best tradition of the hon. Attorney General. Many of your supporters who are business people: small, medium, large; big hardware—we do not need to call the names—small hardware, medium sized hardware, supermarkets, pharmacies and parlours that supported you, if you took a poll now, Mr. Minister of Finance, you would find that they are so disheartened. They are not only disheartened by the state of the economy, but they are disheartened that they can see no plan to take us forward. That is what is disheartening.

The population understands that in times when things are bad, everyone has to tighten their belts, and your supporters understand that. But what they do not understand is why no coherent plan has been articulated to take the economy forward, to create employment, to stimulate the economy and they are tired of the flip-flopping over the Clico and HCU issues.

If you took a poll of your most ardent supporters, your foot soldiers and your contributors, they are disheartened. If we talk about the Standard & Poor’s Report, all I can say is poor Standard & Poor’s. The name has been bandied about here tonight and I think the average person listening is probably more confused about what Standard & Poor’s is or what it is not.

Standard & Poor’s, as Sen. Dr. Balgobin said, is merely an indicator of a country’s ability to service its debt. Am I correct? That is one of the main pillars of Standard & Poor’s. Sen. George alluded to the positive rating that we just received. He alluded to the fact that it was because of your financial wizardry. That may be so, but if we go back to December 2009, Standard & Poor’s said that the ratings of the Republic of Trinidad and Tobago reflect a solid fiscal profile. What are we to deduce, Sir?

Can we agree that the country has been benefiting from positive S&P reports for some years, in our time and now in your time? Can we agree to that and put this thing to rest, once and for all? You take some of the credit, we take some of the credit; the country benefits. Could we agree to that? Sen. George, can we agree to that? No; you want all. So the 2009 report means nothing to you? Standard & Poor’s was wrong then; you opened the debate.

Sen. George: You go ahead and talk.

Sen. T. Deyalsingh: Let us put that to rest.

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This is Standard & Poor's:

“The stable outlook reflects Standard & Poor's expectation that the Government will be able to muddle through...”—the international financial crisis.

We did not create the international crisis; we did not create it. All countries were victims of it—as well as through its intervention in the CLFG bankruptcy, without material erosion in its balance sheet. I rest my case, as the lawyers would say.

Mr. President, coming back to my point about the most ardent supporters of this UNC-led coalition, your hardware dealers who supported you, Mr. Minister of Finance, your furniture manufacturers who supported you, the non-oil sector where a lot of your support came from—they account for 95 per cent of our employment—they want to know what is the plan. People who used to come to your office in Tunapuna, when they complain to me now about their businesses, do you know what I say? “Well, tell Mr. Dookeran to come and shop at your hardware.” “Tell Mr. Dookeran come and shop at your supermarket; what yuh telling me that for?”

Mr. President, the PNM took the country from a \$12 billion budget economy to a \$44 billion economy. What was a lot of that money spent on? It was spent on education, early childhood centres—which I heard somebody said they wanted more of, fine—it was spent on housing, it was spent on health and it was spent on social services, where one of their own Ministers is now distributing from the trunk of his car, which is probably illegal; it was spent on buses to transport people. When the maxi-taxis went on strike those buses did not magically appear here. The purchase of buses has a gestation period. When were those buses ordered?

If we talk about gestation periods, the hon. Minister of Public Utilities mentioned \$1 billion to fix pipelines. Was that project conceived on May 25 or was that there before? I rest my case. Let us all take credit where credit is due. What we want to know is that they are very good at saying what we did not do or what “coulda”, “shoulda”, “woulda”, but they do not tell us what they are going to do. What is the plan for the economy? What is the plan to protect our coastal areas, which they spoke about again tonight under the Firearms Bill?

Sen. Panday spoke about the morale in the police service and went on to say that we have forfeited the right to debate. What a most undemocratic statement to make in a Parliament, that we have forfeited the right to debate, and we call ourselves a democracy, and that was the Leader of Government Business. That

goes around the world. What does he want? Do you all want a one-party State? Is that what you want, when you supported and clapped Sen. Panday when he said that we have forfeited the right to debate? Where is the sense in that? Where is the morality in that? Where is the ethics in that? It makes no sense. The vacuous statements that emit from that seat are a thing to behold. I will never forfeit the right to debate.

In our budgets, over 45 per cent of our budgetary allocation went to services, which I mentioned already. Minister Gosine-Ramgoolam spoke of a mortgage she has to pay of \$263 million, but she did not quantify the rental savings she would get in moving into those buildings, she just mentioned rental. If you go to quantify the expenditure, why not also quantify the savings, so we could balance out the thing and put a correct pictures towards Trinidad and Tobago? Do not just give us one side of the story; let us be fair. What is the projected rental savings? I do not know; she just spoke about rental savings, but a lot of effort went into talking about the figures to construct those buildings, but that is fine.

Many of these projects, by their very nature, are going to have a long gestation period. This country has had a history of bad-mouthing projects, like Point Lisas when it first came up, and I think even Sen. Prof. Watson in one of my earlier contributions agreed that we were right to diversify around oil and gas, but at the time the predecessors of the government had everything negative to say about it. These projects have a long gestation period and we must be patient.

Mr. President, on another note, for the last budget under the previous administration, we all could agree that the anticipated budget deficit was not as great as originally anticipated, even when in 2010 things were not as rosy as they should have been. Even though in a recessionary period, through no fault of our own, through international forces, we were able to reduce the projected budget deficit and keep the economy going.

Under the last administration those hardware dealers were happy; the supermarkets were happy; the little pharmacies were happy; the furniture manufacturers were happy, and the mom and pop shops were happy, because the economy was going over.

What is the plan to take us forward in 2011? That I would love to see, because the inertia is getting people worried. The one thing you do not want to have in an economy such as ours is a lack of confidence. We keep saying this, but people are losing confidence in the ability of the Minister of Finance to articulate a plan forward. If he has done so, I have not heard it, and all these little business people have not heard it.

I am speaking on behalf of the little business people tonight, even though I should not, because we are all appointed here. Nobody voted for me or for those over there. But we still have to look at Trinidad and Tobago as one big constituency.

10.35 p.m.

We in the Senate have a responsibility sometimes to pick up these causes and to speak on behalf of those who do not have a voice here. This evening I am speaking for those business people who do not have a voice; for those business people who go to work, open their businesses and spend their time doing nothing, and who have to start to lay off people. What is the plan? Ninety-five per cent of our employment comes from the non-oil sector. Small businesses which are not mechanized are the people who suffer unemployment. We need to get them going; we need to get them productive, so we need to know what the problem is and we need solutions.

Mr. President, as I promised, I would be short but no less decisive. So, in closing I would like to urge the Government to articulate a way forward for the economy, to articulate a way forward to get a positive growth pattern going and to articulate a position where all of us could at least maintain our current standard of living.

Thank you very much, Mr. President.

Sen. Prof. Patrick Watson: Thank you, Mr. President. I really did not intend to speak because I want to go home as well, and after all, this is a Bill to close off some old accounts, but, I think in a way I have been provoked and I want to speak a bit about the performance of the economy, some of the points just raised by Sen. Deyalsingh, but said in similar ways by Sen. Dr. Henry before as well. I am going to speak a bit about the Standard and Poor's, what it is and what it is not and so on.

There is one thing I must say, I am getting a bit tired of the Opposition, in particular, beating like the proverbial road march that there is no confidence in the economy, there is no sign of growth—I just heard that when the Governor of the Central Bank in a recent discussion mentioned that we are going to have positive growth in 2010, when the final figures become known, predicts that there is going to be growth of about 2.3 per cent in the coming year; predicts that there is going to be increases in the contribution of the non-energy sector to GDP. The Governor of the Central Bank is not a Member of the People's Partnership coalition. That is reality!

What the Standard and Poor's item does in particular, whereas nobody wants to exaggerate—and the hon. Minister said so this evening and I think Sen. Subhas Ramkhelawan said the same thing—whereas we do not want to overdo what it is, it says something positive about what has been happening. It says that we are doing what is right, and whereas there is no fully articulated plan, and I would agree with that, there is a plan that is being laid out.

The best indication of that, of what we are offering, is what was stated in the budget of 2010/2011, where there is a whole series of incentives. Where we are going to start a project—we have identified five growth poles that have been outlined in the budget, work has already begun on putting into place the activity for developing these growth poles, and in particular, towards the end of this month. There is going to be the turning of the sod for the highway between Point Fortin and San Fernando, which, in a very short space of time, ought to be generating about 20,000 jobs with the concomitant extension of economic activity elsewhere and so on.

So, it is one thing to make a statement. I should warn Sen. Deyalsingh, certainly, when it comes to taking polls and discussing them, the anecdotal evidence that he brings to us of the discussions, I would like to see something more formal about that. I am not saying that people are not saying these things, but it is a nice thing to come and just build up a straw man and knock it down and talk about our supporters who are in the hardware business and things like that.

Sen. Hinds: They are all over!

Sen. Prof. P. Watson: We are saying in particular that in the very short space of time—it is not easy when people are putting together a long-term plan, it is not in seven months, especially when you come into office and there is a whole set of fires to put out, in particular the Clico fire, that has something that is continuing. They talked about flip-flopping.

This is not an easy matter to deal “eh”, and every time we turn we find something different in this Clico affair. One thing you cannot fault this administration on, is taking head-on and trying to deal with this Clico matter. We met something that was festering for 18 months and we decided to deal with it and bring an end to it. It has not been easy because a lot of things happened in that period; it has not been easy dealing with it. But we have been complimented, both by the International Monetary Fund and, in fact, by Standard and Poor's for our treatment of Clico.

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I dare say, what is—and I digress a bit in that regard. One of the things that they warn about in this document is that that rating would go down, for whatever it is worth. The rating would go down if we behave imprudently, fiscally speaking, if we should do anything about developing and extending that budget deficit. And if anything is the hallmark of the current administration, it is to be fiscally prudent in all of the matters.

It is not easy. They talked about the unpopularity of the Member—I am not finding that at all. In fact, if I must say so, I find he is a tower of strength in the People's Partnership coalition Government—I genuinely believe that—in that he is undertaking some of the unpopular things; things that have to be dealt with, things that must be dealt with, and is finding that not everybody is in agreement. But the general trend, those who know and those who talk about it are saying that this is how it has to be done.

I should remind the current Senators on the other side that George Chambers—I like to refer to him—the opposition at the time gave George Chambers a bad name and kicked him. Yet, when history is revealed, many people say that George Chambers was one of the best Ministers of Finance of all times, and that is a reality. Sometimes the unpopular decisions—because things are difficult to deal with—tend to bring reproach and people tend to want to take advantage of that. But there is no way that the international community, the financial community, in particular, is not acknowledging the efforts being made by the Ministry of Finance at this point in time.

I do not share the view that the confidence is lacking. Yes it is and it is not something that started with us. The inflation started before we came into office; the joblessness started, the growing joblessness in the non-energy sector started, and it is true, it accounts for most of the employment. But there is a prediction again coming out of the Central Bank, coming out of the International Monetary Fund that the job—the growing unemployment is going to be halted and there is going to be a rise in employment in the coming year.

It is not that we are going to sit and let the things come to pass. We have to work to make it happen and some of the things that have been put into the budget, some of the things that have—the incentives that have been given, they are taking to it slowly but surely and it is to take root. I am also convinced that when we do get the Point Fortin road on the go—by the way, something that started with the

old administration and they never put it into effect “eh”, it is we who are putting it into effect and it is we who are going to develop the road and that would result in the development of one of the most depressed areas in Trinidad and Tobago, which is the south-western peninsula.

Talk about it, that is their territory. If you speak to the people of the south-western peninsula, they will tell you that they feel more isolated than the people in Toco or even Charlotteville, and that is after so many decades of the rule of that administration. That is going to come to an end. This is not going to happen miraculously. Some of these things, as Sen. Deyalsingh quite rightly pointed out, they take time. It is not going to be easy.

We hear talk about—we entered into a system where we were on a slippery slope and the slope is being halted, but it is not going to disappear in a short space of time. But the fact that top administrators of the country, like the Central Bank Governor, are talking about positive growth, are talking about a growing contribution of the non-energy sector to the economy, is something that we should show respect for and not simply respond to what I think is largely the amount of propaganda being led from the other side.

You hear words like “devaluation” and the Central Bank Governor has to rush and say, we have 12 months’ import cover. We could intervene and put a stop to it but I suspect what is happening is that there is an attempt to make people be—so we are in a floating exchange regime and we must get accustomed to moving within bands. That does not say that there is not the power to keep the thing under control, and the Central Bank Governor is at pains to say, “Don’t fret about that, we have the foreign exchange reserve to deal with the matters”, not like other countries like Jamaica where it did not happen.

There is that basic element that is below the surface, coming out slowly but surely. It is happening, and we are going to see—and I continue to say that this so-called lack of confidence is a figment of the imagination of the Opposition and they are going to “beat it like the road march” as I indicated. In fact, it is in many of their interventions that they lay claim to it and I am not necessarily seeing it. The proof of the pudding is going to be in the eating. I do not want to say much more, I want to respect the tradition that has been developed so far about this, but I do want to say one last—

No, Mr. President, I think I have said enough and I am going to leave it to the Opposition. [*Desk thumping*]

Sen. Fitzgerald Hinds: I thank you very warmly, Mr. President. *[Interruption]* I want to begin by responding to the last speaker, who, though brief, spoke with a measure of enthusiasm that one cannot ignore.

He began his contribution by reminding us that the Governor of the Central Bank—notwithstanding the concerns that some of us have in the society—told us that we would have some growth, 2 per cent actually, in the current fiscal. He did not tell us, however, that the Governor was quite clear that this growth is expected in the energy sector and nothing else. The Governor also told us—and he spoke on January 15, 2011 just a couple of days ago, last Friday, and I am quoting him:

“There will be a significant increase in unemployment in the country this year, Central Bank governor Ewart Williams said yesterday.

For the period 2009—2010, activity in the non-energy sector declined by a cumulative ten per cent. Now, the non-energy sector amounts for 97 per cent of total employment. And, therefore, if it declines by ten per cent, we must be facing pretty serious unemployment problem, much greater than indicated by the data 6.7...per cent...”

And he continues.

Mr. President, in the absence of a statement like that, one just has to go around the country—I cannot tell you that I see anything substantial happening anywhere in the city. There was a time a short while ago when everywhere you went you saw construction. It was criticized, but you saw construction. There was a time when recently tradesmen were calling for \$300 and \$350 a day; today they are knocking on your door asking for work.

10.50 p.m.

The retail dealers are complaining that last Christmas business was slow. A businessman I know who would tell me that for Christmas he would bring six and eight containers of stuff, this year he brought two and did not even sell all. Wholesale operators are complaining.

I understand the hon. Senator’s job, as a member of the Government. I would expect that he would speak that language, but I still expect—truth, being the highest principle—he would speak truth as well. The fact is that everything has come to a standstill, a halt. Nothing is happening. That is the reality of the situation.

Insofar as confidence is concerned—[*Interruption*] Yes, and not only the Governor. I am being reminded that the head of the association of the grocery business, the Supermarkets Association's President, Vernon Persad, said that shopping for food items at supermarkets this year was the worst in nine years. He, too, is not a member of the PNM, nor the Government. DOMA had its say; Richard Young had his say. Everyone understands that. The ordinary man in society is feeling what he is feeling.

We have an issue, as we were pointed to earlier today, of capital flight. This is not something that we must celebrate. This is the reality. I said here before, oftentimes when a government changes you see a spike in the market. There was no such spike. Everyone is depressed. So, you are trying to make proverbial blood out of stone, but I understand your plight. The question of confidence—for the reasons I have already stated, confidence is clearly gloomy and lacking. As Sen. Deyalsingh pointed out, when things are bad, we feel bad, but if you could see some hope along the way then you have reason to feel good. But, with you, there is no hope.

China, in this international climate, continues to grow at a phenomenal rate. I was thinking a couple of days ago that I would have seen that this Government would have been directing the people of Trinidad and Tobago to the China model or some such thing, given today's circumstance. We heard about Ireland, we heard about other examples. China is growing at a phenomenal rate notwithstanding the circumstances as exist in the world.

I have had reason to say here before that in poor Haiti there are rich people and in rich America there are very poor people. So, it is not where you are; you can transcend the prevailing circumstances depending on how you do it. When we introduced the OJT, the CCC and all those so-called make-work programmes, we understood the importance of them. You criticized them.

Today your Minister of Science, Technology and Tertiary Education will stand right after me, perhaps, and say, "But we have not cancelled OJT, we have not closed down the youth camps; we have not closed down the CCC." He will tell you that. What he would not tell you is when we had said, for example, 30,000 people on the OJT—just by way of a figure—now we might have 3,000. The programme is still in place, but scaled down. [*Desk thumping*] That is what they are doing.

Things are bad and there is no hope. I want to begin my contribution, Mr. President, by apologizing to this country, the Parliament and my colleagues. Earlier today, as Chairman of the Public Accounts (Enterprises) Committee, we

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had a schedule for this morning. I spent all morning in the Parliament in the Anti-Gang Joint Select Committee yesterday. I had my parliamentary caucus yesterday evening. I am a practising attorney-at-law; I had to go to court for one o'clock and get back to my caucus in the afternoon. I had the schedule this morning. I had Parliament this afternoon. Tomorrow morning I have another committee meeting. That is the reality of our existence.

I had a bit of an emergency; some personal difficulty this morning and could not be there to chair my own meeting. I know my colleagues would understand, at least, so I thought. But, not being there they made a hullabaloo about the thing, so I want to apologize, at any rate, understanding the importance of the Public Accounts (Enterprises) Committee in terms of monitoring Government and State expenditure. I felt I wanted to place that on the record.

We are here today, hoping, of course, to go home early, after having been terribly inconvenienced by the Government. I feel a sense of affliction for the staff of this Parliament. They met in work last Wednesday and finished their schedule, I think, Thursday morning at about 4.30 a.m. They met, again, on Friday afternoon and finished on Saturday morning at about 6.30 a.m. [*Interruption*] She said all that? I was not here, but it is worth restating, so burdened I am. This is personal affliction I am sharing with you now. She had hers.

Sen. Abdulah: Well, stop now.

Sen. F. Hinds: Absolutely not.

Sen. Abdulah: And end the affliction.

Sen. F. Hinds: Absolutely not.

So, at any rate, Mr. President, when we came here today we could simply have proceeded with this discussion and then we could have dealt with the firearms legislation. The Government has its agenda and it decided it would spend all day dealing with the Firearms (Amdt.) Bill and now we are here and they want us to truncate our contributions, and we will. I am entitled to 45 minutes, but I might speak for about 40. [*Laughter*]

Mr. President, a few short weeks ago—before I do that, the hon. Sen. Prof. Watson said, “The one thing you cannot say about us is that we did not take firm action on the matter with Clico.” Firm words, not action. The thing is worse now than when you met it. We thought you would have averted the threat of legal

action, but it seems almost certain. The same Standard and Poor's, the report came into the hands of Mr. Permell and his colleagues. They are saying things are not as bad because Standard and Poor's are saying things are good.

Sen. Prof. Watson: Because of what we did.

Sen. F. Hinds: Because of what you did? You did not hear Sen. Deyalsingh saying Standard and Poor's has been saying these things for the longest while?

Sen. Prof. Watson: But you have been saying that we are doing nothing.

Sen. F. Hinds: But you are doing nothing. [*Desk thumping*] [*Interruption*] No. You see, this is the point. I really do not enjoy the throwback thing, but, you know, this is a hangover, if you like, from good management of the economy.

Let me tell you this: when it suits you—look in the *Newsday*, Wednesday, January 12. In responding to the Leader of the Opposition who spoke in Laventille, the Minister of Finance, hon. Winston Dookeran, told the media—this is to demonstrate that there will be no devaluation or depreciation, as it is called, when you have a floating exchange rate as we do. The same thing, but different. He said:

“Trinidad and Tobago's level of foreign exchange reserves currently stand at US \$9 billion'...in addition, the country also has US\$3.7 billion in the Heritage and Stabilisation Fund.

‘Trinidad and Tobago has an investment grade rating and has unlimited access to loans from both commercial and multilateral sources,’

Today, I think I heard the very Minister say, “We now have a \$3.7 billion Heritage and Stabilization Fund.” Any unthinking, unwitting citizen listening to this will think that the word “now” connotes within the last few months. It was so long before he came to the Ministry of Finance. I am saying so to have you understand that all the good and wonderful things of which you speak, you met it so. [*Desk thumping*]

He was very critical of the last Minister of Finance, the last Prime Minister and the last administration; very critical; three economists down the road there now, in the tall building: the Minister of Finance, the Minister of Planning and, of course, Sen. Prof. Watson. Three of you and nothing has happened beyond this. Thanks to the People's National Movement, and good and prudent economic management. [*Desk thumping*]

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The Leader of the Opposition must be saying, “I told you so.” Because, a few months ago when we came here with the budget he pointed out, on behalf of the PNM, that the thing was long on expenditure—I think \$41 or \$44 billion long—and short on revenue. That has not changed. We had offered this country a few options for diversifying the economy and generating more revenue. You cannot point to one serious major revenue-raising element for Trinidad and Tobago.

Look someone mentioned here today, I think it was Sen. Ramkhelawan, about TGU. He wanted to know from the Minister of Finance whether it was an ongoing expense or whether the expense that we saw here—this big figure that we see here—was a one-off. I want the Senator to understand that it is ongoing. It is a take-or-pay arrangement we have and we estimate it would cost about \$200 million a year. Am I right? [*Interruption*] No? I think I am. Some of it was to go to the national grid and some was to power the smelter plant. You shut that down. I challenge you to point to any serious revenue-raising measure to meet the shortfall in your last budget. I would sit if any of you economists could point out anything to me. Nothing. Any challenges? [*Interruption*] Well, you tell me one. Nothing.

Listen, Mr. President, a friend of mine—as I come to the end of my short contribution, unless I am provoked—told me that he visited the scenic and beautiful Tobago recently. He went to Charlotteville, in particular. If you wonder what the link is between that and this, he went as a local tourist, so he was generating money for the tourist economy in Tobago. He said within the hour and a half he spent in Charlotteville, scenic and beautiful as it was, suddenly thousands of seagulls descended on the bay. He was shocked at the phenomenon so he asked the local fishermen what was this all about. One of them very kindly and patiently explained to him that his happens from time to time. No particular time, they just descend; it is a quirk of nature, if you like; a thing in nature. But, what was characteristic about this invasion of seagulls is that they make a tremendous amount of noise and they leave behind them a whole lot of mess.

I do not want to regard this UNC Government as a bunch of seagulls, but they made a lot of noise during the campaign; they promised us they would solve crime; they would deal with poverty; they will diversify the economy; they will generate employment; they will make our streets safe, our communities safe; they will give us water for all. A whole lot of noise, and when they go, very shortly, like the seagulls, they will leave behind them a very sorry mess. [*Desk thumping*] [*Interruption*] You hear the noise of the seagulls coming at me? [*Laughter*]

I have a list here of all their promises. Now, they are so ashamed they would not even touch it with a 10-foot pole. One hundred and twenty promises for immediate action. I have a lot to say about national security, you know. It is the dignity and decency of your Minister who is trying very hard—one of your Ministers—that, sort of, restrains me. [*Desk thumping*]

I received, today, with thanks, a very glossy calendar from the Ministry of National Security, and obviously, very expensive.

Mr. President, am I permitted a prop? [*Assent indicated.*] I think this is about the best thing they did in national security since they went to office. [*Desk thumping*] The Minister told us today, 232 murders since you came; 9,700 serious crimes, but you made a lot of noise telling us that you would resolve the crime problems; and Minister Joseph, as he then was, and Prime Minister Manning, as he then was, did not know what they were doing.

I was not a member of the National Security Council, but when I saw them I felt a sense of confidence. There was the experienced James Philbert, who spent all his life in crime fighting and who, in my opinion, was the closest thing to the modern, learned police officer that the world and the country need. Within short order you got rid of him. You got rid of the head of SAUTT. You got rid of the SIA. It is just a mess; a noise, like seagulls.

Today, when you watch around—[*Sen. Abdulah rose*] Like someone wants to provoke me.

Sen. Abdulah: Mr. President, Standing Order 35(1), I am not so sure what Mr. Philbert has to do with the Bill at hand.

[*Pause*]

Mr. President: I take it, Senator, you are winding up and the relevance would be shown? [*Laughter*]

Sen. F. Hinds: Yes, indeed, Mr. President.

Just in winding up, now, when you look around the national security table, led by the Prime Minister, all the experience, all the institutional learning and memory have gone. The thing is threadbare. We are in trouble, but I am winding up. I am winding up.

Mr. President, I would like to see the Minister of Finance and his team take serious and concrete action to stimulate confidence and to stimulate the economy again. They are behaving like, you know—and they are endangering all our lives

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in this country. I feel like a passenger on a jet and the pilot and copilot in the cockpit are watching around at all the little meters, gadgets, levers and all of that and they just do not know what to do. It is not that the passengers are not aware.

Two days ago I met an East Indian friend of mine—dear friends we have become—outside my office in Port of Spain. This is a man—as I wind up—who accosted me on about eight occasions, in the run-up to the last election. He told me that his parents had traditionally supported the PNM and he, too, did, but now he could never vote for the PNM. The PNM this, the PNM that; it is PPPPPP. That is what he was telling me. Two days ago he came to me rather piously. He looked at me like a man and said what I know you say in your heart, “I am sorry, Sen. Hinds, for voting for that bunch of seagulls”. He said, “I made a mistake, they fooled me. I am sorry.” There are many passengers on this misguided aircraft like that.

So, as I conclude, Mr. President, I hope that this Government would take action to stimulate agriculture and to stimulate the economy, generally. I want to tell you honestly, and I want to give some credit. Truth is the highest principle so I must speak the truth. You see the Minister of Health? I raised, with her, two matters on behalf of former constituents recently and I sat back in amazement at the manner in which she approached it. I got a sense that somebody is in charge. I got a sense that she was on top of the business. [*Desk thumping*] And, in quick order, she provided a resolution to the problems that I raised of the two people, and I want to thank her, publicly, for that. [*Desk thumping*]

I would like to see that happen across the board. I would like, when the Minister of National Security and my colleague, Sen. Panday, come here again and I ask them, again, as I did today, to give me a report on crime statistics in this country, serious crimes in particular, that they are able to speak with a little more—[*Interruption*—not just authority and confidence, but to give us a little more hope.

I would like to see Minister Dookeran able to smile a lot easier. I feel sorry for him. He is burdened. He has economic problems—[*Interruption*] I would attend to that another time. I think I had better say a few words on national security. [*Interruption*]

I am being reminded. I was speaking about the Minister of Finance and my empathy for him. He is telling the Prime Minister that he needs help. The fact that he has Sen. Prof. Watson and Sen. Mary King does not help him. He needs more help. It is not working. So, I would really like to see all of my colleagues in

Government—not for my sake, but for the sake of Trinidad and Tobago—do a lot better. It seems incapable of that, but I do wish you well, in the interest of Trinidad and Tobago.

With those very few words, Mr. President, I want to thank you.

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Fazal Karim): Thank you, very much, Mr. President, for allowing me to join this debate on the Finance (Supplementation and Variation of Appropriation) (Financial Year 2010) Bill.

Mr. President, at this hour, 11.13 p.m.—when my dear friend who just spoke was unable to attend, at this time, earlier in the day, with his renewed energy—it is so good, confession, for the soul. [*Desk thumping*] I want to tell him that not only did the seagulls come to Tobago, they were in Trinidad but they left on May 24, 2010. [*Desk thumping*] I want to tell him that we are so happy that he is recognizing the competence of our Minister of Health. You would not have dared to say that to the previous person in the previous administration. [*Desk thumping*]

Everyone is depressed, and so were they, up to May 24, 2010. And, on the 24th of this month we are going to be celebrating another major event; one year since our political leader came into office. We are in celebration mode and this country is moving forward. [*Desk thumping*] I will deal with OJT a little later on, and the other programmes he spoke about. [*Interruption*] I will deal with it just now. I am truncating mine too.

Let me say that when Sen. Prof. Watson spoke, I have the document which you only read a part of, a few lines. This is the document from the Central Bank. The correct date is January 14. I would give you some statements in there to reinforce what Sen. Prof. Watson said. Let me just say that, against the caution of Sen. Ramkhelawan that we should not get too complacent with the Standard and Poor's rating of A, all I ask is: could you imagine what would have been the headline and what would have been the talk in this country had we not maintained that integrity position and that credit rating of A?

I want to say publicly, on behalf of all of us here, that we are very proud of Mr. Winston Dookeran, our Minister of Finance, of Sen. Prof. Watson and Sen. Mary King. [*Desk thumping*] I want to say that we are even proud of the quality of leadership in the hon. Mrs. Kamla Persad-Bissessar in leading this country and this Government. [*Desk thumping*]

Sen. Hinds: You have the job already, you know.

Sen. The Hon. F. Karim: That is all right. Since you say that, I now want to do like you. I would respond to you. I have the job now; the one that you all took away from me when you were in government. In 2007, on May 11 at 3.40 p.m., 20 minutes before four o'clock, your government terminated my appointment as the Chief Executive Officer of the National Training Agency and you very well know about my performance and competence. [*Desk thumping*] I was not good enough to lead the NTA, but Mrs. Persad-Bissessar saw me as good enough to lead a ministry in this country. [*Desk thumping*] That is what it is about. [*Desk thumping*]

I would go on a little further, but I want to save some of that for a next time when I would deal with one of your former colleagues; but I would deal with that at another time. "Time longer than twine." [*Interruption*] I want to tell you that did its work. I want to tell you that we are proud of the victory at the polls in 2010, and you are part of that.

You know you and I do very well.

Sen. Hinds: Oh yes.

Sen. The Hon. F. Karim: The twelfth man still has respect for you. I hope he does, because I know what he said about you when he wanted to appoint you a minister, but I am proud of you. All I want to ask you is to make sure the next time, on the 25th, when we sit at the Public Accounts (Enterprises) Committee meeting, we would be happy for you to chair it so we would not have to abort. [*Desk thumping*]

Mr. President, let me just deal with a few remarks from the other side, very briefly.

Sen. Hinds: You are winding up?

Sen. The Hon. F. Karim: Yes, I am winding up. [*Laughter*] But, before I wind up, I want to tell you that Sen. Deyalsingh and I have a nice relationship. When he raises an issue, I like to respond to him.

He talks about the irony that there are fissures. I am sure he may have done geography at levels—in those days, Cambridge—and may have read the book *Foundations of Physical Geography* by Priest and Wood. I used that book too, maybe, you did. [*Desk thumping*] I want to tell you that in this party, in the People's Partnership, we have no fissures, we have unity. We have love and we have strength. We are here to stay.

I want to tell you, as well, that there is no adhocism. Let me tell you what is happening here. He spoke about if a poll is taken on Mr. Dookeran on what he would have said; and a poll of hardware businesses and so on. What he did not tell you is that we do not need to take the poll about anybody now. That poll was taken on your previous administration on May 24, 2010. “What more poll you want?” Confidence has been restored in this country under the People’s Partnership Government. [*Desk thumping*] So, we are taking no more polls right now.

I want to also say, my dear colleague from the university, Sen. Dr. Henry, who said he wants to tell us what we met, I want to tell him a little about what we met, very briefly. We met a lawsuit at the UTT for \$20 million. Let me just read a part of it.

Sen. Al-Rawi: That may be *sub judice*.

Sen. The Hon. F. Karim: All right, then I will just tell you a little about some of the things we found.

Sen. Hinds: Tell us about how we going from here.

Sen. The Hon. F. Karim: I am going to tell you that just now. I am coming to that, but let me tell you how you “get we here nah”. I want to tell you how we arrived here before I tell you. I would tell you that just now.

11.20 p.m.

At the UTT campus, some of the things that we found were that there was no comprehensive strategic plan for the university. I am going to talk about the university in the context of a newspaper clipping that Sen. Prof. Ramkissoon just sent me and I am going to talk about the way forward. The current board of the UTT has not found plans in place for the Tamana complex. The previous board never sanctioned a plan. It was a one-man show, and you all on the other side know exactly what I am talking about and who is this one-man show.

The new board had to establish a committee to repurpose the Tamana complex. There was an initial budget for the Tamana complex of \$1.6 billion to house 2,500 students. There were major cost overruns; there were 25 variations in the Tamana complex; there were no board approvals, as I said; there were improper procurement procedures; \$150 million as we speak, still in outstanding debts. Thirty projects sanctioned by one person; no board approval. No plans for dormitory, as we are told that there will be.

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I want to tell you about some of the other cost overruns and I will quote some figures at another time when we have some more time. Corinth—we will talk about that—Point Lisas, John Donaldson, O’Meara, Valsayn Teachers’ College, all those, heavy cost overruns. While we are talking about what we are going to do, let me just say some of the things we have seen and what we will continue to see. On the Uriah Butler Highway in the compound of the Eric Williams Medical Sciences Complex is a big sign marked: “Towards Vision 2020, The National Oncology Centre”, a big slab of concrete—\$100 million spent. That is what we met.

Sen. Deyalsingh talked about the \$44 billion in the budget and he said: “I want to tell you some of the things the PNM spent on”, and he quoted some of the categories: health, education, family services, and then he said buses. Yes, you spent on buses, but you still have a bill owing to the PTSC. If you pay that bill we will be able to buy some more buses to help the people when there is a strike. [*Desk thumping*]

I want to tell you what you spent on. You spent on the *Su* that is parked up near to the dockyard. The *Su* is still there. You spent on the Brian Lara Stadium and we are still spending what you spent to get the Scarborough Hospital right. Do not talk about how much you spent on the cost overruns at the waterfront and the paving and repaving of the Piarco International Airport and the amount of money you spent on the Sport Company.

Let me just go down to some of the things we talk about. Sen. Hinds was asking me about the future. The future was and the future is, had we not laid this document in the Parliament last week, entitled “The Policy on Tertiary Education, TVET (Technical and Vocational Education and Training and Lifelong Learning”, the Government and the people of this country stood to lose the ninth EDF (the European Development Fund) of £27.3 million, approximately TT \$180 million, for the non-university tertiary education sector. That is the future that we are talking about. I would not detain you to talk a lot about these things.

I want to also tell you that the hon. Prime Minister has agreed that on February 24, in the next couple of weeks, she has agreed to turn the sod for the expansion of the University of the West Indies south campus in Debe, and that will happen. [*Desk thumping*] I make reference to a newspaper clipping that my colleague, Sen. Prof. Harold Ramkissoon, sent me earlier on in the sitting, where he himself had written, and the headline is: “Put Campus in South, not Orange Grove.” That was dated October 24, 2004. It seems to be a magical date, actually.

I want to also say that—and he is not here—Sen. Dr. Balgobin spoke about the fact that we are creating an underclass society in terms of the kinds of people who are being trained, or not trained, or what they are trained for. I wanted to advise him that one of the things that we are going to do in the future—and it is going to be launched very soon—is that we are going to be starting what we call Workforce Assessment Centres, and there is a simple understanding and explanation to that. He said that what we should be focussing on is the training of people in the technically skilled areas like electricians, plumbers and masons.

What we plan to do, there have been a number of programmes that have been training these people, training them to the extent where the previous administration was paying stipends—and there is nothing wrong with paying the stipends, but what happened with these programmes was that they created what we call programme hoppers. A programme hopper is a person who may go to a CCC programme in the day and earn \$70 a day and then go to a YTEP programme from 3.00 in the evening until 6.00 or 6.30 and earn another \$60. What we have found from the tracer study is, rather than acquiring skills and competencies to move upward, they were staying at the lateral level, at level one in the vocational qualification framework, and they were looking at the stipend as pay and they were saying, actually, “Payday come”.

We are going to change that in the future, and what we will be doing is setting up the Workforce Assessment Centres where ordinary folk can walk into these assessment centres and be assessed against, what we call the National Occupational Standards of Competence and you will be able to be assessed towards your Caribbean Vocational Qualification.

There are a number of other things, but I want to just make reference to what we are doing in the People’s Partnership. Sen. Prof. Watson made reference and made a statement about the developmental approach. I am sorry that Sen. Deyalsingh is not very au courant with the plans of the People's Partnership. In fairness, those plans are there and Minister Dookeran outlined those plans. Maybe you were either out of the country or maybe you were not in this Chamber on September 08, 2010, but on that day he presented the national budget, and the plans are there.

One of the plans that he spoke about—and Sen. Prof. Watson talked about it; you can read when you go home; you can get the copy. On pages 28 and 20 he talked about the development of new economic space, and my dear brother, Sen. Al-Rawi, lives very close to this place. I am just going to show you what they are doing and what are going to be some of the thoughts behind our developmental process and strategy.

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This is Saudi Arabia and Saudi Arabia is saying: “Through oasis of change, Saudi sees life after oil”, and King Abdulah is talking about developing economic cities in Saudi Arabia. That concept, just like what we are looking at here, is in terms of cities, or campuses, or areas of development. For example, one of the economic spaces we are talking about for the central area is what we refer to as the four Cs. The four Cs comprise: Charlieville, Chaguanas, Carapichaima and Couva.

Let me just say that in talking about delivery and, in talking about expansionism, the hon. Minister of Health has announced recently that we are going to be constructing a hospital in Central Trinidad, and you will get that location very shortly. In other words, we are on an expansionist drive. This is not gloom and doom; this is hope; this is dreams being fulfilled and this is a time for us to look to the future of this country, to the leadership of this country to take us out of what we were in, to take us to the opportunity and to development. We have now gone past the period of time when the seagulls have left us and we are looking at the wild birds that will come to us.

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

Sen. Faris Al-Rawi: Thank you, Mr. President. I intend to break my record by giving my shortest contribution in this Parliament possible. I wish to, first of all, thank the Senators for giving what I think was very efficient debate tonight. Albeit that the contributions were short, they were certainly succinct, and I think that that is to be said on both sides and I certainly welcome the style of debate, particularly in light of Sen. Beckles-Robinson’s comments as to the difficulties and ramifications that are to be had, in particular our parliamentary staff, by long debates.

I wish to state that I thought that Sen. Karim was very good in answering a debate. I, personally, am not one to subscribe to any form of victimization. I know him to be an excellent man. I thought his contribution tonight was excellent and I support him in that regard. I wish to state that publicly and open.

I thought that the hon. Minister of Finance gave a sterling presentation, which was to the point, and that being the case, I will say at the outset that we are here on the Bill—really, I wish to state for the record, that there is clear authority that what we are doing is a close off of accounts, specifically in the period September to December 2010. It is a usual feature in this Parliament that the close off of accounts is had. The statutory authority for it originates in section 113(3) of the Constitution; it originates as well in the Exchequer and Audit Act, Chap 69:01

and it exists since 1988 by way of a Cabinet Minute, giving a delegated power of authority to the Minister of Finance. From that perspective on the Bill, I think we are all on equal purpose that we do support it.

In terms of the matters that are dealt with in the Bill itself, there is no variation per se. We are retiring particular aspects of losses or transfers between subheads and we are dealing essentially with 14 ministries in the first part of the Bill and we are dealing with eight ministries in the second part of the Bill. In dealing with those 14 ministries, we, of course, touch on every head of government, practically, so the debate is technically open. I compliment Senators for sticking to the points as opposed, necessarily, to the politics. I accept that there must be some part of that in the debate, nonetheless.

The hon. Minister of Finance did state in his delivery to the Lower House three laudable objectives. Specifically, he noted that it was his intention—and these originated squarely out of his budget presentation and he has kept on point there—that he was looking at the recovery process; a sustainability programme, and he was going to look at prudence. That, of course, is squarely out of his budget presentation.

The difficulty that we have in dealing with this kind of Bill is, first of all, the efficiency of the measures of our accounting system. You see, Mr. President, I wish to point firstly to the fact that, until we change our model from an accrual system to a cash system, we are going to be in a perennial difficulty where we have to return to Parliament and we have to deal with matters of this sort. Regrettably, that causes a difficulty because it gives—it is both a difficulty and a benefit, but the difficulty lies in that it may open debates widely, and I think that that is not very efficient in the use of parliamentary time and certainly for resources.

On the positive side, it also allows us to give spot reflections upon the state of the economy at any particular point in time. In terms of being constructive, I wish to state that it was a core concept of the PP budget that confidence was one of the drivers and entrepreneurship was one of the drivers, and, essentially, the debate tonight has to be factored about certain background issues to that. The background issues that I wish to refer us to are the contexts within which we, as a country, operate. That is, first of all, an acknowledgment of the political system in which we operate. I pointed the hon. Senators to this before, that we are in a five-year cyclical point and we are in a Westminster system as applied to this jurisdiction that does not aid and is non-apposite to best purposes.

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We are meant to conduct all of our business without the aid and benefit of backbenchers and we conduct, in our five-year cyclical cycle, a difficult programme for delivery. That is exacerbated by the fact that the public sector in this country has not evolved, and that is through successive regimes. That is through the PNM; that is through the NAR; the UNC and dare I say that the PP is going to face the same challenge. It is not for lack of effort, but it is certainly a phenomenon that we must acknowledge.

As it relates specifically to the issues of confidence, we are seeing a very difficult feature on the landscape that I wish to mention and that I hope the Minister of Finance will be able to articulate this in his Government so that we as a nation are able to find a solution to it, and that is the negotiations in the public sector, in particular, as it relates to wages.

11.35 p.m.

I noted with great concern the abandonment of the public services negotiation committee. Dare I say that it is my own heartfelt view that there should not be an abandonment of that model which existed under the People's National Movement, because we need as a country to be able to compare the left and right hands in negotiations. I wish to state succinctly that the negotiations in the public sector have seriously hurt us at this present moment. Trinidad is on the one hand wanting to march towards progress, but is regrettably marching in protest currently and we have to take note that is a serious drag on confidence and productivity. I hope that my friends in the Government would take note of that, perhaps look at re-engaging the public sector negotiation committee so that there is equity across the board and recognize that it is a useful tool in negotiating.

Secondly on that point, I think it is time for the hon. Prime Minister to step up to the plate and embrace the negotiation squarely, with the members of the PSA in particular, as to what the Government can or cannot do. We cannot squeeze blood out of the proverbial stone. It is either we have the money or do not have the money. Relative to confidence as well, I wish to state that budget statements are exactly that. They are statements. There is no system by which we can measure the efficacy of budgets from year to year in our system, but every five years or when an election bell is called—in our case, the PNM committed hara-kiri and ended its term in two and half years, a government came into power and had to find a plan.

Sen. Panday: Why Sen. Al-Rawi?

Sen. F. Al-Rawi: An election was called long before its time.

Sen. Panday: But why?

Sen. F. Al-Rawi: The point is that there was obviously a difficulty that Government would have faced in coming up with a policy point, because I am sure it did not expect to be in power at that point. So a “bligh” should have been given and a “blich” was, relative to the development of policy. We started the discussion in July 2010, we had the budget in September and we are heading toward the end of January. Relatively speaking, the People’s Partnership Government is therefore one-fifth into its term nearly, and dare I say with the cyclical cycle that we have of the five-year point: the first year being your honeymoon; the second year your performance factors where you are settling in; the third year your deep performance where you are in the mechanism and able to make it move, the fourth year looking at your projection for the fifth; and the fifth year being your election, you do not have much time. So it is important, in getting on with the programme, that you engage and hit ground running as fast as possible.

My recommendation to this Government is that it is not so much that your policy statements are poor. We have said before on this side that we are of the view that there is no real revenue statement and we take serious objection to that. There are policy statements I would acknowledge in your budget and in your utterances. Obviously, policy is being developed on the trot. The difficulty is that confidence, when it is related to the economy, and in particular, when one is looking to manage issues such as liquidity and one is looking to manage issues such as capital flight, it is imperative that your policy statements are more definitive than have been forthcoming thus far.

That being the case, one of the serious indicators for this Government to take notice of—and I mean this constructively—is that you took too long to appoint your boards. There is a perception—and I remind you that perception is sometimes reality—that you have lost traction, and consequential difficulties flow from it because your public sector being the mover for the private sector and the consumer sector, the one horse that Sen. Ramkhelawan called it, that is kicking in an economy where there has been a global financial crisis and local difficulties by way of contagion and other factors, it is imperative that the public sector be led by a confident policy and that has to be by an immediate, no more holds barred on an implementation of boards.

It is critical to note, for instance, that the Chairman of FCB has only just been appointed. FCB is the Government’s bank. It is a State-owned corporation. Ms. Nyree Dawn Alfonso, a person for whom I have great admiration—she is a solid

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attorney, et cetera; good choice—has just been appointed as the Chairman of FCB. The Port Authority is not yet appointed. It is a significant mover. The board of the HDC has been appointed as of December and if we pause for a moment on the HDC, that is one of the major kickers available to this economy, to implement the PSIP spending plan that this Government needs to implement. If we reflect upon the IMF recommendations, the Central Bank recommendations, all recommendations and projections for growth, the 2.5 per cent projected, et cetera, are contingent upon an immediate implementation of PSIP spending.

Minister Dookeran has told us before that \$7 billion plus has to be financed relative to its public sector programme, but we need to spend it. We cannot talk about it any more. After this evening, I wish this Government to challenge me by making me not able to point to a lack of policy or a lack of implementation, but to challenge its tweaking instead. That is, you hit the ground running, you are making it work, then let me give you pressure over how you are making it work, not the fact that you have not started making it work yet.

If we look at the Housing Development Corporation in particular, it is very important for us to recognize that the difficulties experienced in that corporation which came in for favourable mention in its performance in the Uff Commission Report, in particular, that it had observed tendering process, et cetera, and that the UDeCott should in fact fashion itself behind the HDC, the difficulty experienced is in the efficiency of any public service. If we want an efficient public service, it is critical that we get the job descriptions in the public service sector right and that we pay our people appropriately. That is a critical factor.

The hon. Leader of Government Business in the Lower House criticized, to no end, the appointment of Evolve Management. He said that the money spent behind that was ludicrous. I am not privy to the full particulars behind that, but I cannot see that an institution as it is, that has worked well in the private sector, is necessarily a bad idea for a corporation that spent close to \$3 billion a year, had 64 sites on the ground and thousands of employees working. It is critical for us to find the plan and implementation for the payment of contractors, for the return of VAT or perhaps hypothecation of VAT if it is that one can use it as an assignable interest to banks. But there are real mechanisms that we can use right now to get the construction sector in kick-start mode.

Mr. President, I wish to state for the record that I strongly oppose any statement that the PNM has been completely profligate in its management of the economy. Dare I say that the allegations being that we have spent \$300 billion in an eight-year period belies the fact that 65 per cent of that is spent on recurrent

expenditure; that 18 per cent of the GDP is spent upon social sector spending and deliverables, including health and other aspects; that 7 per cent of GDP or 7 per cent of that amount would have gone into the Heritage and Stabilisation Fund; and when one does the mathematics, ultimately, you are talking to a 10 to 15 per cent. I accept that there are inefficiencies in Trinidad and Tobago's public sector and that every government is going to have to face those challenges, and you are going to have to face those challenges right now. The question is: how does one ameliorate those systems in a five-year cycle? That is, dare I say, the Herculean task that this Government is going to face and which our People's National Movement government did face.

Bear it in mind, I think that it is never going to be productive for us to continue any blame game. I looked with particular interest at some of the contributions that *Hansard* was able to provide this evening, in particular, the contribution by the hon. Carolyn Seepersad-Bachan as it related to energy and her analysis of what she considered to be failures of the People's National Movement. Dare I say, I completely draw distinction with her contribution, namely because I have been privy to and I can circulate quite happily the statements of the Ministry of Energy and Energy Industries in the month of April 2010 which bear dead ringer, that is, close and almost exact comparison to what she now offers as plans. We recognize that there are many babies being delivered in your period of management and that is because plans were put into effect.

I wish to offer this Government an immediate caution that it is in fact already on the road to some difficulty as it relates to procurement, and that same mantra they sing that the PNM was terrible at procurement is evidencing itself right now, particularly in the roll-out of the Point Fortin Highway. I note as an attorney with great concern the utterances of the hon. Minister of Works and Transport in announcing the contract and saying that it had been awarded to the preferred tenderer without following the full procedures for discussion of that tender and then moving to second or third best value for money. It is critical for you to recognize that you are making some of the same errors that you complained of. So, please do not rest too comfortably in the fact that you got it all right. There is no magic in the number 24. May 24 resulted in a revolution and musical chairs in this Chamber. Let us not look with adoration without question to leaders of any party in particular. We recognize there are good people on both sides. I undertake and my Bench undertakes to give you reasonable and responsible opposition.

It is necessary that the political element come in. Sen. Gosine-Ramgoolam was right in one of her previous debates that we should not shy away from the fact of polis or speaking to people and being political, because the Greek root to the

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people is always there. That is in the linguistic link. We are here to serve the people and to represent the people. I think that there are many good persons on your Bench, particularly in the Senate. My problem is in your apparent non-cohesiveness. When I say apparent, I am not looking for you to stand and give me an immediate justification that you are all cohesive. What I am saying is that challenges are there.

Until you reform the public sector, you get it working properly and you come forward and give us specific statements as to solid revenue generating aspects, you are going to find yourselves in difficulty. We also need to know as a nation: how do we propose to deal with deficit financing moving forward; and what is your specific plan and length of time for proposed continued deficit financing?

The proof in the pudding of responsible PNM management is in the statistical information which has been before this Senate on many occasions. The key is going to be how we judge your performance. You got five years to get your plan in action and one-fifth of your term is nearly gone. Your last fifth is a non-event because you are in an election year and most of you who know what elections look like, know that you are going to be in the field and there is inertia to be factored.

So having lost in my view—one of the critical failings in the board appointments in particular—having lost the inertia—because who implements your decisions—the inefficacy in the State sector was sought to be cured, not by the PNM only but by the UNC as well and by the NAR as well, in parallel institutions called state enterprises. Because it recognized that you had an inherent difficulty in hiring and firing the people who worked for you, you had to find a way to get your resources rolled out faster and you had to find a way to manage your staff. Dare I say—[*Interruption*]

Sen. Oudit: Mr. President, point of order, Standing Order 35(1). I would like to say at this hour of the evening, it is commendable that you have really good advice for the People's Partnership. I think we are all very appreciative of it, but Standing Order 35(1), we have not yet heard any contribution concerning the Bill.

Sen. F. Al-Rawi: Mr. President, without calling upon you to rule, I fundamentally disagree with the position, but I intend to wrap up. So perhaps that may cure it. I disagree for a host of reasons. [*Desk thumping*]

11.50 p.m.

I have rooted myself in the Bill. I have laid the context, first as the legitimacy of the contributions. I am moving very quickly. There has been massive latitude

on both sides, and I regret that last contribution. I am sure it was meant in the best sense possible. But this is the point; sometimes when you get to the sensitive issues, that is when we see the recoil. That cannot be apposite to best roll out.

My position is this: we have got to get the traction running to deal with the issue of confidence. Confidence is the real kicker. It is more than just a statement of policy. Confidence affects appropriations obviously, and the Bill, obviously any issue of Standing Order 35(1), would result in no need for virement of funds. It would result in no need to retire losses, so I cannot understand how one could raise Standing Order 35(1) at this hour.

Anyway, I take your point. My position is, enough talk, can we please have some action. We are here to assist you. We need a return of confidence. There is no risk of devaluation, but there is capital flight, oddly enough to jurisdictions where it makes no sense just yet, because their market is in a state of turmoil, but it is real. Justice must not only be done, it must be seen to be done. Confidence must not only be spoken about, it must return.

With those few words, Mr. President, I thank you for the opportunity to address this Senate and I look forward to the wrap-up and wind-up of the hon. Minister of Finance.

The Parliamentary Secretary in the Ministry of Energy and Energy Affairs (Sen. Kevin Ramnarine): Thank you very much Mr. President, for the opportunity to join this debate on the Finance (Supplementation and Variation of Appropriation) Bill. I know it is very late and we had an agreement that people would be brief, so I intend not to stray from that policy. I would be very brief. The debate today, of course, has been opened up very broadly. Fundamentally, before us is a very simple piece of legislation that deals with the national accounting system and how we account for revenue and expenditure. I just want to put on the record that we have been, this Government, in office for close to eight months now and we inherited an economy that needed to be stabilized. As Sen. Prof. Watson pointed out, there were many fires to be put out.

In the last eight months, the Government has not been idle. There have been significant achievements of the Government of the People's Partnership Government. I want to cite some of those achievements in the context of what we have been doing with the people's money, which is relevant, of course, to this Bill. We have fulfilled the promise to deliver laptops to schoolchildren. That is an item of expenditure which is relevant to the Finance (Supplementation and Variation of Appropriation) Bill. We have increased pensions to \$3,000, which, of

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course, was highlighted in the Bill. We have increased the minimum wage from \$9.00 to \$12.50 thereby providing a better standard of living for the citizens of Trinidad and Tobago at that level.

At the Ministry of the People and Social Development, we have increased state grants and that too is a feature of the Finance (Supplementation and Variation of Appropriation) Bill that is before us. From an infrastructure point of view and from the point of view of resources being delivered to the people of Trinidad and Tobago, I want to add that Minister Emmanuel George, with whom we all had the pleasure to sit in the Senate, has actioned the rehabilitation of the Navet Trunk Main, which is a 29-kilometre main that connects the Navet Dam to areas in south Trinidad. The data on that trunk main would indicate that 50 per cent of the water that was being transmitted on that main was being lost.

There was another talk tonight about what is the way forward and what the plans are. One of the significant projects of the People's Partnership Government is the sod turning ceremony that would take place on January 25. It is the sod turning for the commencement of the construction of the highway to Point Fortin. That highway is something that is very important; not just to the people who live in the south-west peninsula, but to the businesses that operate in the south-west peninsula.

The largest investment in the history of this country sits in the Borough of Point Fortin. That is the Atlantic LNG facility, which is some US \$5 billion in foreign direct investment. There are a number of other planned investments for that area. The construction of a highway in the south-west peninsula would increase business competitiveness in that area and would reduce the cost of doing business overall in that area. It is a very critical artery that will be laid down in the south-west peninsula.

One of the promises of the People's Partnership Government on the campaign trail, in April/May 2010, was the establishment of a Ministry of the People. If one were to look at the common trend emerging, in terms of what has been done in the last seven and one-half to eight months, one would see that there is a clear emergence of a humanistic face to government. The Ministry of the People and Social Development, in my respectful view, has changed what I call the idea of government. That is to say that government is no longer seen as being something distant and disparate from the people of Trinidad and Tobago, but government is

now something that people could reach out and touch. I want to add that our Minister of the People and Social Development is probably the most visible and the most accessible Minister of Social Development that I have ever seen. I want to publicly congratulate him for the work that he has been doing in his Ministry.

The list does not end there. A few months ago, our colleague, Sen. Vasant Bharath, the Minister of Food Production, Land and Marine Affairs actioned the distribution of 610 parcels of land for former Caroni (1975) Limited workers. Caroni (1975) Limited, as the company was then called, was shut down in August 2003 with the promise of the distribution of land to former employees, which did not happen. What we had was a situation where there were large parcels of land in the country which, in economics, translates into capital, being underutilized. We have started the process of putting those lands in the hands of productive farmers of the Republic of Trinidad and Tobago.

On the theme of agriculture, I see agriculture as being the central platform for the diversification of the economy. Again, Sen. The Hon. Bharath was able to action in record time the compensation to farmers who had been impacted upon by floods. The list is very, very extensive. There was the payment of a non-taxable allowance to police officers of \$1,000. The Government established a Children's Life Fund, which means essentially that no child in the country would ever have to die for lack of money.

During the campaign, there was a lot of talk that we would shut down the GATE programme and that people would have to pay to go to university. That simply did not materialize. In fact, my colleague, Sen. Karim, who spoke eloquently before, has expanded the GATE programme. Tonight he also announced that on February 24 the Government will turn the sod for the South Campus of the University of the West Indies.

In the Ministry of Housing and the Environment, they have targeted 6,500 house starts in fiscal 2011. The housing policy would focus on the differently-abled, housing the low and middle-income persons and a reduction in the cost of housing. Our colleague, Dr. Roodal Moonilal, Minister of Housing and the Environment, has also alluded to the establishment of housing settlements, using environmentally-friendly technologies, coming equipped with Wi-Fi.

In the Ministry of Energy and Energy Affairs, the Minister has caused to be established a steering committee on the extractive industry transparency initiative, which was another manifesto promise of the People's Partnership. Sticking with the Ministry of Energy and Energy Affairs, we have commenced a forensic audit of Petrotrin and the University of Trinidad and Tobago. The list goes on and on.

This morning I had cause to go to Chaguanas. I would state for the record of the Parliament that there was absolutely no traffic at approximately 10.30 a.m. in the vicinity of PriceSmart and the Endeavour Flyover. I think that is a significant credit to the work being done by the Minister and the Ministry of Works and Transport because, as we all know, those of us who are from Central and South Trinidad, that area was always plagued by serious traffic.

Sticking with the care-for-people theme and the humanistic face of government, the Ministry of Foreign Affairs facilitated the processing of visas for persons who want to go to Hajj in Saudi Arabia. In the past, those persons would have had to go to Caracas to get their visas. That has now been made a lot easier for them. Those are some of the achievements of the Government. Those achievements flow directly to the Government's economic policy, because without money, of course, we cannot action a lot of these promises.

As, I said, I would be very brief. In terms of the economy and confidence, I want to put on the record that I am in the Ministry of Energy and Energy Affairs, and there has been no shortage of investor confidence in this country since May 24. In fact, investors are coming to the Ministry on a weekly basis, seeking meetings with the Minister, myself and senior technocrats of the Ministry. Interest in Trinidad and Tobago is high. I am not at liberty right now to name some of the potential investors. The Government is currently reviewing—at the level of the Standing Committee on Energy, of which I am a Member and so is the Minister of Finance—proposals for the construction of an integrated ammonia complex in Trinidad and Tobago.

With respect to—I want to touch a bit on investment in the energy sector. There was a shallow average water bid round, which closed late last year in the fourth quarter of last year, and that bid round was able to attract interest. There is also a deepwater bid round, which is scheduled to close next month and that too is expected to attract interest.

There is interest in Trinidad and Tobago. People are confident in the economy. Local investors are interested in investing in the oil industry in Trinidad and Tobago. As my colleague, Sen. Basharat Ali would know, there is a tremendous amount of hydrocarbon resource left in this country. Trinidad and Tobago is not running out of oil anytime soon. Trinidad and Tobago is not running out of gas anytime soon.

What we have noticed, as I wrap up, is that the economy has swung very sharply, in the last decade, towards gas. I want to quote some figures. Of course, I had mentioned before that we had produced seven times more gas than oil on an

equivalency basis. A similar ratio for Qatar, a country that we like to compare ourselves with, is 1.07. They produced just about the same amount of oil as they produced gas. A critical strategy, with respect to energy policy of this Government, is to pursue pathways to increase oil production in Trinidad and Tobago.

Research by people of the University of the West Indies, Dr. Rafee Hosein and Professor Richard Dawe, has indicated that we still have something like 8 billion barrels of heavy oil in the ground, in Trinidad and Tobago. At the recent National Energy Consultation in San Fernando, one of our most esteemed geologists in Trinidad and Tobago indicated to us that 80 per cent of all the oil that has ever been discovered in Trinidad and Tobago is still in the ground. We still have oil in the ground. We still have heavy oil resources that we could develop, and there is tremendous interest in this country. I do not buy the thinking of the Opposition that nothing is happening or nothing will happen.

I thank Sen. Al-Rawi for his description of what I call the arc of governance, which is the five-year arc. We are well aware of the timetable. We are well aware that 10 per cent or 12 per cent of our time is behind.

12.05 a.m.

Mr. President, as I wrap up, I just want to add that we will begin to see the fruits of the last eight months beginning to develop in the first quarter and second quarter of 2011. So, with those few words, I thank you very much.

The Minister of Finance (Hon. Winston Dookeran): Mr. President, thank you so much. As we come to the end of this debate, it is almost like we were in a 20/20 match: short, quick innings; some skying the ball in the air with the first ball and some hitting the boundaries, but there are certain issues that were raised to which I feel compelled to just respond to briefly.

Perhaps I could start with the issue of the Trinidad Generation Unlimited, because a number of Senators, including Sen. Basharat Ali, Sen. Subhas Ramkhelawan and other Senators wanted to know precisely a little more about Trinidad Generation Unlimited. The Government had loaned to Trinidad Generation Unlimited in the order of \$800 million, and this was in 2009/2010. I repeat that, because it was an obligation that we had to honour, but it was done in the context of really a state enterprise with private sector international involvement.

The AES, which is a United States of America-based firm, owns about 10 per cent of the shares and the Government owns the rest. It was built in the context of the aluminium smelter plant. It is I have been advised, a top-class generation plant

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and it is not yet fully commissioned. Someone wanted to know what is the story. My information is that it will go into a partial commissioning in April 2011, which is another couple of months from now, and it would be fully commissioned by March 2012.

In terms of its output, there has always been an agreement that T&TEC would get access to two-thirds of its output, and arrangements have already been made for them to access that for the purposes of their own expansion, and the other one-third would have been directed to the aluminium smelter plant, and it is now available for T&TEC to use for its industrial and consumer usage. Hopefully, when some of the projects that Sen. Ramnarine spoke about come on stream in the Point Fortin area, there are going to be some other substantial industrial users for that one-third. So that is as much as I can say at this point in time, that money was indeed spent in a state dominated enterprise and has enhanced our capacity with respect to power generation.

Mr. President, the other issue that was raised, and I thought that I should just clear that up, has to do with this misconception based on a kind of populist thinking that the foreign exchange situation is unstable, because there is the alleged capital flight. I believe that would have come about, because it was suggested at one time that imports were, in fact, not increasing at the rate at which foreign exchange demand was increasing, and that led some people to believe that could have been the result of capital flight and, as a result, was an indicator of a lagging confidence.

I have before me a document that would be submitted to the International Monetary Fund Board on Friday of this week, which has to do with the Article IV Consultation which they have completed. Just to let you know that this document, we have agreed, as it has been in the past, to make public and, it will be available for all to read.

On the issue of the exchange rate tremors, I just would like to point out—and perhaps the best way to do that is to put on the record a short statement on this question of queues and what they have interpreted the problem to be. The authorities use the queues in foreign exchange, as a mechanism by which foreign exchange flowing through the system is distributed. The clients who understand the system place their future of foreign exchange requirements well in advance of the actual dates to ensure that delays in payments are avoided. As such, the queue tends more to be a reflection of future demand.

Finally, the queues are not static but dynamic. Even as the Central Bank intervenes to clear the demand of the existing queue, new demand arises. The point being made here is that this is a behaviour of the foreign exchange market to deal with future demand, and it is the explanation that has been given. So, in no way would it have reflected any real tremors in the foreign exchange market at this point in time. Bearing in mind the fact that the foreign exchange market is based on a flexible exchange rate, one must expect fluctuations to take place over time. I thought it is important to correct that point by Sen. Dr. Henry before it is left unchallenged, in terms of a growing movement towards capital flight.

The third matter that was raised, and there was some discussion on it—I did not start the discussion—was with respect to the S&P Report, and Sen. Prof. Watson did explain. For the record, I just want to put some of the facts before us. The sovereign credit rating of Trinidad and Tobago on February 03, 2009, which was the last time that there was such a rating was, in fact, investment grade A level, as we now have, but the country was put on a watch with a negative output. That is where we came from.

So in 2009 we are on watch with a negative outlook. In other words, the prospect of that watch to the negative was considered to be relatively high. In 2010, our challenge was to ensure that negative outlook did not take place, and, given that there were large fiscal problems that had emerged during that period, there was a great prospect that we could have had that watch turn into negative. That was the challenge. So it is not that the sovereign rates were always there.

Notwithstanding our fiscal challenges, we all recognize that we have had a narrowing fiscal space to operate within. We have had many obligations to deal with. We had to find a solution for the \$10 billion new expenditure on the Clico matter, and that is only with respect to cash and bond payments. Beyond that, we had to find a further \$2 billion in order to deal with the initial payments that should be starting in the not too distant future.

So the enormity of the size of the fiscal challenge had never been appreciated, and the last government ran from it because they felt they could not deal with that situation without putting the financial balance sheet at risk. It is the People's Partnership Government that took on the problem head-on and decided to find a real solution and put it into place, and now the international community is proud of us for taking that position. I have no doubt that in the long run we will find that people of Trinidad and Tobago will understand how we have confronted these issues.

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In the Standard and Poor's Report it was stated that our debt position, as they measured it, had moved from 15 per cent to 28 per cent. We were still slightly below the upper level of 36 per cent, and, had we not taken that prudent approach to dealing with the situation, the chances of a downgrade would have been great. I think it must be understood by Senators opposite that this is not a simple exercise.

Secondly, having got a reaffirmation of an A rating, clearly, this is not a substitution for one's economic policy, but it opens the door now to the entire international financial system becoming available, in terms of resources for Trinidad and Tobago. It opens the door for new investment. Many of the investors, especially the large investors in the energy sector, do consider carefully the sovereign rating of a country before they decide on their investment. So there are many things that will happen. It is not simply a rating, it is the prospect.

I think for us it represents the beginning of the rebuilding of the confidence that has been lost which has begun to be rebuilt since May 24, 2010, and now in January 2011, eight months later, I can say as the Minister of Finance, with a great sense of confidence, that we have begun the turnaround of the economy of Trinidad and Tobago. [*Desk thumping*] You will recollect that was the exact title of the budget statement of which Sen. Fazal Karim spoke about. When I said the budget made on September 08, 2010 was *Facing the Issues and Turning the Economy Around* that was the foundation that we were laying.

I would not take up too much time here, but I would ask Sen. Deyalsingh to take some time and read the document. [*Desk thumping*] His outrage today was a bit unusual, but he was outraged that our supporters were showing discontent, and I thought that he was really falling for the trap of just becoming populist in his contribution here today, but the direction is clear and I do hope that he can get there. It is a well-constructed economic plan that has put into place the fiscal measures, development measures, the financing of development and the building of confidence.

I do remember that Sen. Hinds, when he was in the government, he used to behave as if he was in the opposition, and he has not changed a bit since then [*Desk thumping*] so I have to pardon him. That is who he is and, therefore, you really cannot take any of his statements as having any sense of credibility whatsoever. [*Desk thumping*]

Sen. Panday: Take that! Take that one!

Hon. W. Dookeran: Mr. President, the only other issue that I believe was raised that I would like to deal with has to do with the issue regarding the future. There was some debate on it, and I just want to point out two things on the issue

of the future. It was alleged that the expected increase in growth rate, which incidentally was outlined in the budget of 2008—at that time many people said they could not believe that—was based on rising energy but, most important, it was based, as far as the Central Bank’s report is concerned, on a change in the growth rate of the non-energy sector from minus 1.9 per cent in 2010 to plus 1.9 per cent in 2011. That to me is a fundamental change, a shift that is likely to take place and, therefore, all the hardware dealers and all these people would begin to see the results of that during the course of the year.

12.20 a.m.

In terms of direction, we can have a full debate on that at some other time. I think what we are clear about today is that there is a clear direction as to how we are going to proceed in Trinidad and Tobago. The People’s Partnership Government have very carefully—perhaps we could have done things a little faster than we did, but we had to be careful that we did things the right way, and to do so took some time. It is only a matter of eight months.

They were in office for 10 years before that and what we have been able to achieve in eight months, in trying to put a new direction in the economy of Trinidad and Tobago, they could not do in the 10 years they were there. [*Desk thumping*] In fact, the direction in which they had put this economy, the trajectory in which they had placed this economy, was one where we were going to spend more money in consumption and not invest locally. It would have simply fallen flat at some time. This is what we have rescued, and putting back the balance sheet in order has been our major challenge.

I thought that those were some of the key issues raised. I thank all Senators for their contributions. I like this kind of 20/20 debate. [*Laughter*] I hope that we can emulate it in the Lower House, get the work done, get it done quickly, get it done with a spirit of togetherness and get it done for all the people of Trinidad and Tobago.

Mr. President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Hon. W. Dookeran: Mr. President, in accordance with Standing Order 63, I beg to move that the Bill not be committed to a committee of the whole Senate.

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Question put and agreed to.

Question put and agreed to, That the Bill be now read a third time.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, I want to thank all Senators for their contributions on both Bills today.

I beg to move that this Senate do now adjourn to Tuesday, February 01, 2011 at 1.30 p.m. On that day, we shall be debating Bill No. 2 on the Order Paper, an Act to amend the Bail Act, Chap. 4:60 and the Kidnapping Act, Chap. 11:26. Time permitting, if we go 20/20 again, we will move on to Bill No. 3, an Act to provide protection to investors from unfair, improper or fraudulent practices; foster fair and efficient capital market and confidence in the capital markets in Trinidad and Tobago and to reduce systemic risks; to co-operate with other jurisdictions in the development of fair and efficient capital markets, and other related matters.

I thank you.

Question put and agreed to.

Senate adjourned accordingly,

Adjourned at 12.25 a.m.

WRITTEN ANSWER TO QUESTION

Eastern Boys and Girls Government Primary Schools (SEA Assessment Performance)

The following question was asked by Sen. Fitzgerald Hinds:

With regard to the Eastern Boys Government Primary School and Eastern Girls Government Primary School both located on George Street, Port of Spain, could the hon. Minister of Education:

- (i) provide the Secondary Entrance Assessment performance record for the past five (5) years for each school;
- (ii) Provide the statistics as to the number of entrants;

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- (iii) the amount of such entrants who scored over 60% of the total mark; and
- (iv) the secondary school placement in each case?

The following reply was circulated to Members of the Senate:

The Minister of Education (Hon. Dr. Tim Gopeesingh): With respect to part (1) of the question, over the last five years 2006-2010 both Eastern Boys' and Girls' Government Primary Schools have consistently performed below the national mean in Mathematics, Language Arts and Creative Writing – the three subject areas assessed in the Secondary Entrance Assessment.

- In Mathematics, the mean scores for Eastern Boys' Government ranged between 37.5 and 49.2 while the mean scores for Eastern Girls' Government ranged between 49.5 and 56.9 compared to the national mean between 59.9 and 63.1.
- In Language Arts, the mean scores for Eastern Boys' Government ranged between 37.7 and 41.3 while the mean scores for Eastern Girls' Government ranged between 45.6 and 54.7 compared to the national mean between 55.3 and 59.9.
- In Creative Writing which is scored out of 20, the mean scores for Eastern Boys' Government ranged between 8.1 and 9.5 while the mean scores for Eastern Girls' Government ranged between 8.5 and 11.8 compared to the national mean between 11.5 and 13.1. Table 1 provides further details.

**Table 1: SECONDARY ENTRANCE ASSESSMENT 2006-2010
Eastern Boys' Government and Girls' Government Primary School**

Year	Subject Area		
	Mathematics	Language Arts	Creative Writing
2006			
National Mean	61.9	59.9	13.1
Eastern Boys' Government	37.5	40.7	9.5
Eastern Girls' Government	49.5	54.7	11.6

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Year	Mathematics	Language Arts	Creative Writing
2007			
National Mean	59.9	55.5	11.9
Eastern Boys' Government	49.2	41.3	9.0
Eastern Girls' Government	53.5	50.5	11.8
2008			
National Mean	60.5	55.3	11.5
Eastern Boys' Government	39.7	37.7	8.1
Eastern Girls' Government	50.2	46.0	8.5
2009			
National Mean	63.1	57.6	11.8
Eastern Boys' Government	42.9	40.3	8.5
Eastern Girls' Government	51.5	45.6	9.6
2010			
National Mean	62.5	56.8	11.6
Eastern Boys' Government	48.7	38.7	8.4
Eastern Girls' Government	56.9	52.2	10.2

With respect to parts (ii), (iii) and (iv) of the question, the number of entrants, the number scoring above 60% of the total marks and the placement in each case is as follows:

2006

- 62 students entered for SEA from Eastern Boys' Primary School, 15 (24%) students scored above 60% and were placed in Belmont Boys (4 students), Trinity College Maraval (1 student) South East Port of-Spain Secondary (3 students), Danielle's Educational Community (1 student), St. James Secondary (1 student), Tranquillity Secondary (2 students), Success/Laventille Secondary (2 students) and Belmont Secondary (1 student).
- 43 students entered for SEA from Eastern Girls' Primary School, 12 (28%) students scored above 60% and were placed in Holy Name Convent (1 student), Success/Lavantille Secondary (3 students), Tranquillity Secondary (3 students), South East Port of Spain (2 students), Aranguez Secondary (2 students) and Morvant/Laventille (1 student).

2007

- 57 students entered for SEA from Eastern Boys' Primary School, 16 (28%) students scored above 60% and were placed in St. Anthony's College (4 students), Trinity East College (1 student), St. James Secondary (3 students), Arima Secondary (1 student), El Dorado West Secondary (1 student), Barataria South Secondary (2 students), Woodbrook Secondary (1 student), Bon Air Secondary (1 student), Diego Martin Central Secondary (1 student) and Belmont Boys' (1 student).
- 47 students entered for SEA from Eastern Girls' Primary School, 17 (36%) students scored above 60% and were placed in St. Francois Girls' College (4 students), El Dorado East Secondary (1 student), Woodbrook Secondary (1 student), Tranquillity Secondary (4 students), Success/Laventille Secondary (5 students) and Barataria South Secondary (2 students).

2008

- 64 students entered for SEA from Eastern Boys' Primary School, 10 (16%) students scored above 60% and were placed in South East Port of Spain Secondary (7 students), Woodbrook Secondary (1 student), Belmont Boys' Secondary (1 student) and Success/Laventille Secondary (1 student).

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- 42 students entered for SEA from Eastern Girls' Primary School, 11 (26%) students scored above 60% and were placed in St. Francois Girls' College (1 student), Success/Laventille Secondary (6 students), South East Port of Spain Secondary (2 students) and Woodbrook Secondary (2 students).

2009

- 70 students entered for SEA from Eastern Boys' Primary School, 11 (16%) students scored above 60% and were placed in Queen's Royal College (1 student), South East Port of Spain Secondary (5 students), St. James Secondary (2 students), Tranquillity Secondary (1 student), St. Anthony's College (1 student) and Belmont Boys' Secondary (1 student).
- 32 students entered for SEA from Eastern Girls' Primary School, 8 (25%) students scored above 60% and were placed in Bishop's Anstey High (2 students), Woodbrook Secondary (1 student), Success/Laventille Secondary (2 students), South East Port of Spain Secondary (2 students) and Tranquillity Secondary (1 student).

2010

- 52 students entered for SEA from Eastern Boys' Primary School, 11 (21%) students scored above 60% and were placed in St. Mary's College (2 students), St. Anthony's College (3 students), Trinity East College (1 student), South East Port of Spain Secondary (4 students) and El Dorado East Secondary (1 student).
- 28 students entered for SEA from Eastern Girls' Primary School, 13 (46%) students scored above 60% and were placed in St. Francois Girls' college (1 student), South East Port of Spain Secondary (4 students), Malick Secondary (1 student), St. James Secondary (1 student), Tranquillity Secondary (4 students) and Success/Laventille Secondary (2 students).