

Leave of Absence

Tuesday, March 31, 2015

SENATE

Tuesday, March 31, 2015

The Senate met at 10.30 a.m.

PRAYERS

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

**RAZIAH AHMED
(ACTING PRESIDENT)**

Mr. Vice-President: Hon. Senators, I wish to inform you that the President of the Senate, Sen. The Hon. Raziah Ahmed is currently acting as President of the Republic of Trinidad and Tobago. [*Desk thumping*]

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Senators the Hon. Larry Howai, Gerald Hadeed, Kwasi Mutema, Sen. Anthony Vieira, Sen. Dr. Rolph Balgobin, Sen. HR Ian Roach and Sen. Faris Al-Rawi who are all out of the country.

SENATOR'S APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona O.R.T.T, S.C.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.

President.

TO: MR. TAUREL SHRIKISSOON

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

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, TAUREL SHRIKISSOON, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator Rolph Balgobin.

Senator's Appointment

Tuesday, March 31, 2015

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 26th day of March, 2015."

Mr. Vice-President: Hon. Senators, when we do receive the rest of the instruments, the other Members that are here will be given the Oath of Office.

MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014

Bill to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto, brought from the House of Representatives [*The Minister of Transport*]; read the first time.

PAPERS LAID

1. Erratum - Appendix II of the Ninety-Ninth Report of the Salaries Review Commission on the Determination of the Salary and other Terms and Conditions of Service of the offices of Director and Deputy Director of Electronic Monitoring Unit. [*The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)*]
2. Annual Report of the Trinidad and Tobago Securities and Exchange Commission for the year ended September 30, 2014. [*Sen. The Hon. G. Singh*]

JOINT SELECT COMMITTEE REPORT

**Ministries, Statutory Authorities and State Enterprises (Group 1)
Police Complaints Authority
(Presentation)**

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you, Mr. Vice-President. Mr. Vice-President, I have the honour to present the following report as listed in the Order Paper in the name of Sen. Elton Prescott, SC:

Twelfth Report of the Joint Select Committee on Ministries (Group 1), and on the Statutory Authorities and State Enterprises falling under their purview on the administration and operations of the Police Complaints Authority (PCA).

ANSWERS TO QUESTIONS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. Vice-President, thank you. By agreement with the Leader of

the Opposition Business in the Senate, questions Nos. 27, 39, 40, 41, 42, 47, 48 and 49, all dealing with the cost of advertisements and public relations campaign conducted by various Ministries will be deferred until the presentation of the reconciliation by the Minister of Finance and the Economy. And we are in a position to answer question 23. Questions 66 and 67 to the Minister of Health and the Minister of Arts and Multiculturalism, we ask for a deferral of two weeks and we will be circulating question No. 15 for written answer in the course of today. We ask for a deferral of question 19 for two weeks still, when we get that answer.

WRITTEN ANSWER TO QUESTION

**Public Transport Service Corporation
(Details of Contracts)**

15. Sen. Camille Robinson-Regis asked the hon. Minister of Transport:

Would the Minister provide this Senate with a list of all contracts entered into, for the provision of goods and/or services to the Public Transport Service Corporation for the period 01st January, 2011 to 31st August, 2014, giving details as to the names of the individual/entity; the scope of works or service; and the contract sum in each case?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

**Ministry of National Security
(Cost of Advertisements and Public Relations Campaigns)**

27. Could the hon. Minister of National Security provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of National Security in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

**Ministry of Housing and Urban Development
(Cost of Advertisements and Public Relations Campaigns)**

39. Could the hon. Minister of Housing and Urban Development provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Housing and Urban Development in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Office of the Prime Minister
(Cost of Advertisements and Public Relations Campaigns)

40. Could the hon. Prime Minister provide the Senate with the cost of advertisements and public relations campaigns conducted by the Office of the Prime Minister in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Ministry of Foreign Affairs
(Cost of Advertisements and Public Relations Campaigns)

41. Could the hon. Minister of Foreign Affairs provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Foreign Affairs in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

**Ministry of Labour and Small
and Micro Enterprise Development**
(Cost of Advertisements and Public Relations Campaigns)

42. Could the hon. Minister of Labour and Small and Micro Enterprise Development provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Labour and Small and Micro Enterprise Development in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Ministry of Public Administration
(Cost of Advertisements and Public Relations Campaigns)

47. Could the hon. Minister of Public Administration provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Public Administration in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Ministry of Land and Marine Resources
(Cost of Advertisements and Public Relations Campaigns)

48. Could the hon. Minister of Land and Marine Resources provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Land and Marine Resources in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Ministry of Transport
(Cost of Advertisements and Public Relations Campaigns)

- 49.** Could the hon. Minister of Transport provide the Senate with the cost of advertisements and public relations campaigns conducted by the Ministry of Transport in the Media for the period January 2011 to November 2014? [*Sen. C. Robinson-Regis*]

Fifth Report Joint Select Committee (Group 1)
(Ministry of Health)

- 66.** With respect to the Fifth Report of the Joint Select Committee (Group 1) on the administration and operations of the Ministry of Health (with specific focus on primary health care facilities) presented to the Senate on May 14, 2013:
- i. could the hon. Minister of Health confirm whether he has considered the findings and recommendations of this report;
 - ii. if so, when will a response to this report be laid in Parliament as is prescribed by the Standing Orders of both Houses; and
 - iii. to what extent have the findings and recommendations been addressed? [*Sen. E. Prescott SC*]

Sixth Report Joint Select Committee (Group 1)
(National Carnival Commission)

- 67.** With respect to the Sixth Report of the Joint Select Committee (Group 1) on the administration and operations of the National Carnival Commission presented to the Senate on March 19, 2013:
- i. could the hon. Minister of Arts and Multiculturalism confirm whether he has considered the findings and recommendations of this report;
 - ii. if so, when will a response to this report be laid in Parliament as is prescribed by the Standing Orders of both Houses; and
 - iii. to what extent have the findings and recommendations been addressed? [*Sen. E. Prescott SC*]

Questions, by leave, deferred.

“New Flying Squad”
(Status of)

- 23. Sen. Camille Robinson-Regis** asked the hon. Minister of National Security: Would the Minister provide the status of the investigation into the re-establishment of a “New Flying Squad”?

The Minister of National Security (Sen. The Hon. Brig. Carlton Alfonso): [*Desk thumping*] Thank you. Mr. Vice-President, according to the information provided by the Commissioner of Police: the hon. Kamla Persad-Bissessar, Prime Minister, by correspondence dated March 05, 2013, requested an investigation into the subject of Senate question No. 23. Consequently, retired Assistant Commissioner of Police Simon Alexis, then acting Deputy Commissioner of Police conducted a thorough investigation. Subsequently, the findings were forwarded to the Director of Public Prosecutions on December 13, 2013. There is no further information. I thank you.

Sen. Robinson-Regis: Mr. Vice-President, supplemental question, please.

Mr. Vice-President: Please do.

Sen. Robinson-Regis: Thank you very much. Minister, are you saying that with regard to the status of the investigation into the re-establishment of the “New Flying Squad” that the investigation has been completed and the information has been sent to the Office of Director of Public Prosecutions?

Sen. The Hon. Brig. C. Alfonso: Mr. Vice-President, that is my information to date. It has been forwarded to the DPP and there has been no further formation on the issue.

10.45 a.m.

SENATORS’ APPOINTMENT

Mr. Vice-President: Hon. Senators, we have now received the instruments and I will now ask that each one may stand.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency RAZIAH AHMED, Acting
President and Commander-in-Chief of the
Armed Forces of the Republic of Trinidad
and Tobago.

/s/ Raziah Ahmed
Acting President.

TO: MS. KEITHA SMITH

WHEREAS Senator Raziah Ahmed, the President of the Senate has temporarily vacated her office of Senator to act as President of the Republic of Trinidad and Tobago:

NOW, THEREFORE, I, RAZIAH AHMED, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me

Senator's Appointment

Tuesday, March 31, 2015

by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KEITHA SMITH, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during which period Senator Raziah Ahmed has temporarily vacated her office as President of the Senate to act as President of the Republic of Trinidad and Tobago.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 31st day of March, 2015.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Anthony Thomas Aquinas
Carmona, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MR. LARRY LALLA

WHEREAS Senator the Honourable Larry Howai is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, LARRY LALLA, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Larry Howai.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 27th day of March, 2015.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

Senator's Appointment

Tuesday, March 31, 2015

TO: ARCHBISHOP BARBARA BURKE

WHEREAS Senator the Honourable Gerald Stephen Hadeed is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BARBARA BURKE, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Gerald Stephen Hadeed.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 27th day of March, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MR WAYNE DANIEL STURGE

WHEREAS Senator the Honourable Kwasi Mutema is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, WAYNE DANIEL STURGE, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Kwasi Mutema.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 27th day of March, 2015."

Senator's Appointment

Tuesday, March 31, 2015

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MR. FITZGERALD HINDS

WHEREAS Senator Faris Al Rawi is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, FITZGERALD HINDS, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator Faris Al Rawi.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 27th day of March, 2015.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: DR. AYSHA B. EDWARDS

WHEREAS Senator Hugh Russell Ian Roach is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint

Senator's Appointment

Tuesday, March 31, 2015

you, AYSHA B. EDWARDS, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator Hugh Russell Ian Roach.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 27th day of March, 2015.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: DR. KRIYAAN SINGH

WHEREAS Senator Anthony D. Vieira is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KRIYAAN SINGH, to be temporarily a member of the Senate with effect from 31st March, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator Anthony D. Vieira.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 27th day of March, 2015.”

OATH OF ALLEGIANCE

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

Keitha Smith, Larry Lalla, Archbishop Barbara Burke, Wayne Daniel Sturge, Fitzgerald Hinds, Dr. Aysha B. Edwards, Dr. Kriyaan Singh.

BAIL (AMDT.) BILL, 2015

Order for second reading read.

Mr. Vice-President: The Attorney General. [*Desk thumping*]

The Attorney General (Sen. The Hon. Garvin Nicholas): Mr. Vice-President, I beg to move:

That a Bill to amend the Bail Act, Chap. 4:60 be now read a second time.

Mr. Vice-President, section 5(1) of the Bail Act, Chap. 4:60 provides that a person charged for any offence other than for murder, treason, piracy or hijacking, is eligible to be granted bail by a judge or magistrate. In general, where a magistrate refuses to grant bail, the defendant is entitled to apply for bail to a judge. Also, where a person is convicted by a magistrate and appeals, and the judge refuses to grant bail, the person can then appeal to the Court of Appeal for bail. This, in a nutshell, is your general right to bail. It should be noted that while all citizens have and enjoy a general right to bail, this right is not absolute, and successive Parliaments, under different administrations, from 1994 to this present time, have made modifications and alterations to the general right to bail.

These changes, where they have occurred, have always been made with the intention of balancing the right of an accused person to bail, with the need to protect decent and law-abiding citizens from violent crime.

11.00 a.m.

Mr. Vice-President, I think it is appropriate to briefly touch on the legislative history with regard to bail so that Members of this honourable Senate, and the public at large, can be reminded of the law as it relates to bail. This is necessary since it is only if one has an understanding of where one came from and where we are now, can we understand where this Government intends to go. The Bail Act was first made law in 1994 by virtue of Act No. 18 of the 1994. This Act which was originally conceived of by the Government of the day was the first time a Government in this country's history placed restrictions on the rights of an accused person to bail.

As originally conceived, Mr. Vice-President, the Bail Act of 1994 would have denied bail to a person who was charged with offences listed in Part II of the First Schedule of that Act and had been previously convicted on three occasions arising out of separate transactions of any offence, or for any combination of offences listed in that Part, unless on an application to a judge the accused could show

Bail (Amdt.) Bill, 2015
[SEN. THE HON. G. NICHOLAS]

Tuesday, March 31, 2015

sufficient cause why his remand in custody was not justified. In other words, with three previous convictions for certain specified offences, you could be denied bail on your next charge.

Mr. Vice-President, the Bail (Amdt.) Act, No. 32 of 2005, reduced the number of convictions required from three to two and increased the period under review from 10 to 15 years. Act No. 32 of 2005 was also the first Act to make certain violent offences under the Bail Act, 1994, as well as the offence of kidnapping for ransom under the Kidnapping Act, 2003, non-bailable offences. Act No. 32 of 2005 also created two categories of offences, namely Specified Offences under Part II of the Schedule and Violent Offences under Part III of the Schedule. This Act had a sunset clause which limited the duration of the Act to one year from its date of commencement. The provisions created in Act No. 32 of 2005 were kept alive with occasional amendments to improve its effectiveness for several more years by virtue of Act No. 30 of 2006, Act No. 10 of 2007, Act No. 15 of 2007, Act No. 25 of 2007, Act No. 17 of 2008, Act No. 9 of 2011 and Act No. 11 of 2011.

Mr. Vice-President, over the last decade and probably I will say 15 years, the good citizens of Trinidad and Tobago have lived in a state of unacceptable fear, and just to quote some statistics for you: in 1993, there were 100; in 1999, there were 93 murders; in 2000, 120 murders; in 2001, 151 murders; in 2002, 171 murders; in 2003, 229 murders; there were 260 murders in 2004; 386 in 2005; 371 in 2006; 391 in 2007; 547 murders in 2008; 507 murders in 2009; then we went to 473 murders in 2010; 352 murders in 2011; 379 murders in 2012; 407 in 2013; and approximately 403 in 2014.

What is important about these figures is that 72 per cent of all of these murders were committed with firearms and we suggest illegal firearms. It cannot be therefore far-fetched to suggest that the mere possession of an illegal firearm has a real potential of setting one on a path to causing serious harm to another, and that more steps should be taken to ensure that there are no illegal firearms in circulation, period.

Mr. Vice-President, as I stand here today, persons charged with kidnapping can be held without bail for 120 days as a result of the Miscellaneous Provisions (Bail and Kidnapping) Act of 2011 which amended section 5A of the Bail Act. In addition, a gang member may be denied bail for 120 days where he is charged with an offence listed in Part II or Part III of the First Schedule of the Bail Act having been previously convicted of a similar offence within the last 10 years, or where he is charged with an offence listed in Part II or III and has at least two

pending charges for offences listed in Part II or Part III of the First Schedule of the Act as per the Bail (Amdt.) Act of 2011. That is where we are today.

Today, we ask Members of this honourable Senate to go one step further, and that is first to deny bail for 120 days to a person charged with possession of an unlicensed firearm where the person has a pending charge for an offence specified in Part II of the First Schedule. Secondly, to deny bail for 120 days to a person who is charged for an offence specified in Part II of the First Schedule and used a firearm in committing the offence.

Mr. Vice-President, why do we ask for this amendment at this time? We do understand that persons are innocent until proven guilty—that is not in any way denied by the Government—but we also must be conscious of the realities of today. We cannot be naive of the realities that we face. It may well be that we are here today in this present circumstance because we have tiptoed around the issue for far too long. We fully understand that the right and freedom and liberty are rights that have to be taken seriously. More importantly, however, we must ensure that one should use one's freedom and liberty to be productive and not to deprive others of their fundamental rights to life and enjoyment of one's hard-earned property. There is no doubt in my mind that we live in an imperfect system.

Over the last two decades I have been very vocal on some of the challenges facing our nation. Challenges that inhibit the growth and development of us as a nation. It cannot be right that our citizens are subjected to a legal system that is inherently inefficient and thus flawed. And when I speak of the legal system, I speak of the police service, the courts, the Magistracy and the Judiciary. As a result of these imperfections, I have heard that these amendments that we propose leave open the opportunity to exploit the deficiencies in the system. I have heard, for example, that these amendments allow for police officers to set up persons that they may wish to target for one reason or another. This has been an argument put forward by the Law Association in a letter I received just last night and also from others in another place. This may well be true as there is no doubt in every police service around the world, bad apples, and unfortunately in Trinidad and Tobago there is no exception.

The Government, however, has been working with the Commissioner of Police and has continued to take steps to create a more efficient police service. We are in the process, for example, of introducing electronically recorded interviews and witness statements in an effort to reduce discrepancies at that level. It is, of course, incumbent on the Commissioner of Police, the Police

Bail (Amdt.) Bill, 2015
[SEN. THE HON. G. NICHOLAS]

Tuesday, March 31, 2015

Complaints Authority and the Police Service Commission to do their part in ensuring that we have a corrupt free police service. It may well be that in addition to the discretion already used by judges and magistrates, we may need to further prescribe harsher sanctions against all police officers who carry out their duties in a corrupt way.

Mr. Vice-President, I have also heard that this amendment will further burden the resources of the remand. It is not an argument that I have resisted. More detainees obviously mean a greater burden on scarce resources. For this reason, I would suggest to the Minister of Justice and the hon. Chief Justice that a special gun court be considered to expedite these offences. I know that we have had this discussion about a special gun court bandied around for some time, but it may well be that this is the opportune occasion to make that administrative change that would allow for this to happen. But the reasons put forward with regard to the Remand Yard and the burden on the Remand Yard, could never be a good argument for stopping legislation that would put more people behind bars if they are doing or engaged in activity that is counterproductive to the safety of the ordinary citizens in Trinidad and Tobago.

Mr. Vice-President, successive Governments have allowed the remand and the prison system as a whole to deteriorate over the decades. The problems of overcrowding and poor sanitary conditions have been a topic of discussion for over 20 years, but I am pleased to say that under this Government a number of initiatives have been undertaken to improve the conditions of the our nation's prison. Among the measures being taken is the construction of a new remand prison that will accommodate 1,500 beds. The new prison would be designed in conformity with modern international security and human rights requirements, and will facilitate and separate the separation of inmates according to different security categories. Additionally, Cabinet in 2011 agreed to the lease rental of a portion of the property located at the 26 kilometre mark, Churchill-Roosevelt Highway, Santa Rosa, Arima. The buildings thereon were refurbished and the refurbishment works included the following:

- the installation of 16 containerized cells fitted with toilets, baths, sinks, reinforced steel doors, windows and roof, cooling fans and overhead lighting to house 240 inmates;
- construction of a 40 feet high parameter fence;
- 12 reinforced concrete cells with all amenities housing 300 inmates;
- inmate reception office screening holding cells with amenities and

property room;

- construction of facilities for an infirmary;
- construction of an officer's dormitory;
- electrical upgrade for lighting and air conditioners and development of an airing yard.

Mr. Vice-President, these examples show that this Government is attempting to improve the condition at our nation's prisons.

This Government really is not interested in increasing the prison population. In fact, we would much rather have our citizens roaming freely, engaged in productive worthwhile activity that benefits everyone. It is for this reason that this Government is seeking to ensure that forensic services be made available to assist in fast-tracking the analysis of firearms to ensure speedy trials. Of course, the initiative of making the forensic services more available is not specific to firearms, but it would certainly speed up firearm trials.

11.15 a.m.

Mr. Vice-President, Government is attempting to create an environment in which persons would be deterred from embarking on a life of crime, whether by way of harsher punishment, or by facilitating alternative life options. To this end, I wish to remind Senators of this honourable Senate, that there are many social programmes which currently exist to help empower citizens to reach their fullest potential, namely: the Higher Education Loan Programme; the MIC craft programmes; Helping Youth Prepare for Employment, commonly known as HYPE; Life Skills Unit; the Multi-Sector Skills Training Programme, commonly known as MuST; On-the-Job Training Programme, OJT; Servol Hi-Tech and Advanced Skills Training Programme; the retraining programme for displaced workers; the Military-Led Youth Programme of Apprenticeship and Reorientation Training; YTEPP; Metal Industries Company Limited; National Skills Development Programme and the Youth Academy Training.

Mr. Vice-President, the Government acknowledges that we are proposing to increase the restrictions on bail in a manner that moves from the requirement of a conviction to the requirement of a charge however, we feel that it is necessary given the statistical fact that firearms have become the weapon of choice for the criminally inclined in our society. Mr. Vice-President, firearms are our weapons of mass destruction.

Bail (Amdt.) Bill, 2015
[SEN. THE HON. G. NICHOLAS]

Tuesday, March 31, 2015

Our decision to make this move is in direct response to the statistics on firearm-related crimes which we are facing as a nation. It is for this reason that the requirement for one or more convictions remains for other types of serious crimes. However, we feel that the Government needs to send a strong warning to members in society who may be considering carrying or using illegal firearms that they could face harsh consequences for their actions.

Mr. Vice-President, I am aware that there may be those who would assert that these proposed amendments are too harsh or too draconian to be placed in our laws. Some may venture as far as to state that if we were to pass any such laws as these it would be immediately struck down by our courts for being overly oppressive and unconstitutional. Such matters will always be a legitimate concern when one attempts to balance competing constitutional rights against each other.

I would like to remind Senators of this honourable Senate that we currently have laws already in existence today which are similar to the ones which are being proposed. In fact, Mr. Vice-President, there are laws in this country where, arguably, this Parliament would have surmounted even greater challenges in striking such a balance.

Mr. Vice-President, under section 5(6) of the Bail Act, a person over 18 years old is entitled to bail if he is charged with an offence under the Anti-Gang Act of 2011, but if no evidence is taken within 120 days of the reading of the charge then the person is entitled to apply to a judge for bail. There is no requirement for a previous conviction here, all that is needed is a charge. If a person is so much as charged with an offence under the Anti-Gang Act of 2011, it can even be the first offence that that person has ever been charged with in their entire life, there will be no bail.

Mr. Vice-President, under section 5(9) and (10) of the Bail Act, a person is not entitled to bail if a firearm is involved in the commission of the offence of shooting or wounding with intent to do grievous bodily harm, unlawful wounding, robbery, robbery with aggravation, robbery with violence, assault occasioning actual bodily harm and also possession and use of a firearm or ammunition with intent to endanger life, and he was convicted for one such offence within the last 10 years. But if no evidence is taken, again, within 120 days of the reading of the charge, then the person is entitled to apply to a judge for bail.

Mr. Vice-President, under section 5A of the Bail Act, a person charged for kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, Chap. 11:26, is not entitled to bail. But, again, if no evidence is

taken within 120 days that person is entitled to apply to a judge for bail. The laws that I have just referred to are laws which were made in direct response to a pressing need facing the country. Rampant kidnappings for ransom led to the provisions of the Kidnapping Act; increased gang violence led to the provisions in the Anti-Gang Act. As a country, we continue to be affected by gun crimes involving the use of firearms, illegal firearms, and it is time that decisive action be taken.

As you may observe, Mr. Vice-President, normal law-abiding citizens of this country have nothing to fear from this Bill. No decent law-abiding citizen will be on criminal charges of the type contemplated under the Act. Further, no decent law-abiding citizen will use a firearm to commit any of the type of offences contemplated under the Act. The person who will be targeted by these proposals are persons who either already have a pending charge for a serious offence and then they were arrested and charged for possession of an unlicensed firearm or, alternatively, they are actively using an unlicensed firearm during the commission of a serious crime.

Mr. Vice-President, it is common knowledge that oftentimes when a person is held once for an offence he may, in fact, have committed that particular offence dozens of times before. In simple terms, Mr. Vice-President, it is possible that a person can be arrested, secure bail, buy or rent another firearm and continue creating chaos in our society. The amendments which we are proposing will help to ensure that it will not be business as usual for the illegal firearm-toting minority in this society. Mr. Vice-President, the offences which will be included in these amendments will include offences which are punishable by imprisonment for a term of 10 years or more. These are all very serious offences.

Mr. Vice-President, to further allay any fears which persons may have in respect of these proposals, I wish to emphasize that there are two important safeguards in this Bill to protect the rights of individuals. The Government must strike a balance between the need to protect the public from violently-inclined persons and the need to ensure that the constitutional rights of an accused person is not trampled into dust. We must balance the need to protect citizens from firearm-related crimes while still respecting the rights of the accused, as the accused retains the presumption of innocence. We simply cannot lock them away and throw away the key without a final determination of their guilt.

Therefore, Mr. Vice-President, where a person has fallen within the provisions of this Bill and his bail has been consequently denied, he may apply to a judge for bail after 120 days if no evidence has been led against him. In other words, the

Bail (Amdt.) Bill, 2015
[SEN. THE HON. G. NICHOLAS]

Tuesday, March 31, 2015

accused is given the assurance that if the prosecution cannot give him his day in court before the expiry of 120 days, he would be entitled to apply to a judge for bail. Additionally, Mr. Vice-President, should this Bill become law, the accused would also have the benefit of the existing right under section 5(12) of the Bail Act to apply to a judge for bail if the trial against him is not completed within one year from the date of the reading of the charge.

Mr. Vice-President, I would also like to stress that this Bill would make provision for the Act to continue in force until August 15, 2016. This date is the same date on which the Bail (Amdt.) Act of 2014 would cease to have effect. The current Bill may be seen as an extension of the principles created in the Bail (Amdt.) Act of 2014, and so it is therefore important that the duration of both pieces of legislation coincide. This Bill, if enacted, will only be in effect for about 16 months. This is less than a year and a half, Mr. Vice-President. We hope that this short 16-month period would help to allay the fears of some who may worry about the harsh effects of these provisions. At the end of this period, these provisions will die a natural death. At least, we would have tried.

Mr. Vice-President, this Government remains committed to grappling with the crime situation in this country. We stand ready to protect each and every law-abiding citizen in this country. It is time that good and decent law-abiding citizens must not be afraid to walk the streets in this country. We must take back our streets. This Government wishes to create a country in which people can feel free to take their families anywhere at any time without fear of robbery, rape or murder. We must strike fear in the hearts of persons who contemplate the commission of crimes. This is why I want to signal to those persons in society who wish to pick up an illegal gun and terrorize this society that they will get no bail for 120 days anytime they are held and charged by the police. If you want to commit crimes with firearms, there will be no bail.

Mr. Vice-President, the Bill currently before this honourable Senate creates two new categories under which bail can be restricted. The first category applies to a person who is charged for possession of an unlicensed firearm who has a pending charge for an offence specified in Part II of the First Schedule. Such a person would not be entitled to bail, but if no evidence is taken within 120 days of the reading of the charge then that person is entitled to apply to a judge for bail.

The second category applies to a person who is charged for an offence specified in Part II of the First Schedule. These are serious offences which carry a penalty of 10 or more years of imprisonment, and used a firearm in committing the offence. Again, that person would be denied bail, but if no evidence is taken

within 120 days of the reading of the charge, then that person is entitled to apply to a judge for bail.

Mr. Vice-President, at this stage, I would like to address the constitutionality of the Bill currently before this honourable Senate. This Bill is a special Bill in that it may be viewed as infringing upon fundamental rights and freedoms as stipulated in our Constitution. As you would know, a standard feature which may be found in any written constitution in any democratic nation in the world is a list of rights and freedoms which are recognized and expressly declared. These rights and freedoms, Mr. Vice-President, are those rights and freedoms which are usually considered to be part and parcel of a democracy, and include such rights as freedom of expression and freedom of the press. These rights and freedoms essentially determine and define the limits on how the State may or may not treat with its citizens.

Mr. Vice-President, Trinidad and Tobago as a democratic country is no different, and the supremacy of the laws stipulated in our Constitution is clearly defined in section 2 of our Constitution, which explicitly states:

“This Constitution is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency.”

Therefore, Mr. Vice-President, it should come as no surprise that section 5 of our Constitution would state as follows, and section 5(1) states:

“Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared.”

11.30 a.m.

Section 5(2)(f)(iii) goes on to say:

“Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not—

...deprive a person charged with a criminal offence of the right—

...to reasonable bail without just cause;”

Mr. Vice-President, Parliament cannot, by simple majority, legislate in a manner which is inconsistent with the Constitution. However, notwithstanding the recognition and declaration of our fundamental rights and freedoms in sections 4

Bail (Amdt.) Bill, 2015
[SEN. THE HON. G. NICHOLAS]

Tuesday, March 31, 2015

and 5 of the Constitution, provision is made for Parliament to abrogate these rights. Any piece of legislation which is inconsistent with sections 4 and 5 is required to be passed by a special majority vote of three-fifths of the Members of each House. This is a clear indication that the framers of the Constitution were cognizant of the fact that mechanisms must exist for the Constitution to adapt to the evolving needs of society.

Accordingly, Mr. Vice-President, although the tenets of the Constitution must be treated with the utmost respect, it is my respectful view that the Constitution must not cripple us as a society and bind us to inaction. The Constitution is not a grave, but rather a living document capable of responding to the hopes and aspirations of the people, and it is certainly capable of responding to the alarming statistics which we face for offences involving the use of illegal firearms.

Mr. Vice-President, our Constitution, under section 5(2)(f)(iii), provides that:

“...Parliament may not—

...deprive a person charged with a criminal offence of the right—

...to reasonable bail without just cause;”

Mr. Vice-President, the Bill before us today seeks to restrict bail in respect of certain specified offences that involve the possession or use of an illegal firearm. While bail is not being permanently deprived from an accused, his constitutional right to bail is being delayed for 120 days once certain criteria are met. The Bill must therefore be passed by a special majority vote of three-fifths of the Members of this honourable Senate.

Section 13(1) of the Constitution provides as follows:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

Additionally, Mr. Vice-President, section 13(2) of the Constitution further provides as follows:

“An Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House.”

Mr. Vice-President, any enactment which seeks to deprive an individual of an entrenched right must be carefully weighed. Rights, however, are not absolute. It

requires a balancing exercise between the rights of the individual against the rights of the many. Government stands here today, Mr. Vice-President, prepared to make the difficult decisions which must be made to ensure that strong and effective measures are put in place to remove the threat posed to the law-abiding citizens of this nation by the illegal gun-toting minority.

Mr. Vice-President, I expect that much comparison will be made with our Commonwealth friends, such as the United Kingdom, Canada, and others. It should be noted, however, that in 2001 gun homicides accounted for 2.4 per cent of all homicides in the United Kingdom—2.4 per cent; in Trinidad and Tobago illegal firearms account for 72 per cent of homicides. For the period April 2012 to March 2013 there were 30 homicides in the United Kingdom. I have already read the statistics of homicides in Trinidad and Tobago. It is an established principle of constitutional jurisprudence that no right or freedom is completely absolute. There are indeed circumstances where rights and freedoms must be able to bend slightly to accommodate the greater needs of a society as a whole.

It is out of this respect for the rights of the individual that our Constitution states that a Government must not meddle with enshrined rights in a capricious manner. This is the reason why section 5(2)(f)(iii) of the Constitution provides that:

“...Parliament may not—
...deprive a person charged with a criminal offence of the right—
...to reasonable bail without just cause;”

Government then, Mr. Vice-President, must show that there is real and compelling reason for the interference which will be caused to the right to reasonable bail by the Bill currently before this honourable Senate. We must have “just cause”, Mr. Vice-President. Thus, in seeking to restrict bail, in respect of certain specified offences that involve the possession and use of a firearm, a balance must ultimately be struck between the right of the individual not to be deprived of his liberty until proven guilty, and the overriding public interest that law-abiding citizens must be protected by the removal from our streets of persons who choose to possess or use illegal firearms.

Mr. Vice-President, unfortunately, time does not permit me to delve deeply into an examination of the legal authorities. However, I wish to say that Government has considered the legal authorities, including, but not limited to, cases such as *The State v Khoyratty*, the Mauritian case, [2006] UKPC 13 (22 March 2006); *Inshan Ishmael v Attorney General*, High Court action

Bail (Amdt.) Bill, 2015
[SEN. THE HON. G. NICHOLAS]

Tuesday, March 31, 2015

CV2007-01296; *Inshan Ishmael v The Attorney General*, Court of Appeal, Civil Appeal No. 140 of 2008; *Nyambirai v National Social Security Authority and Another*, the Supreme Court of Zimbabwe, [1996] 1 LRC 64. By way of example, Mr. Vice-President, the case of *Nyambirai v National Social Security and Another*, a decision of the Supreme Court of Zimbabwe gives guidance for determining what is meant by the term “reasonably justifiable” in a society that has proper respect for the rights and freedoms of the individual.

In delivering the court’s ruling, Gubbay CJ cited the case of *Woods v Minister of Justice*, Legal and Parliamentary Affairs (1994) 1LRC 359, where it was noted as follows:

“What is reasonably justifiable in a democratic society is an elusive concept. It is one that defies precise definition by the Courts. There is no legal yardstick, save that the quality of reasonableness of the provision under attack is to be adjudged on whether it”—is—“arbitrarily or excessively invades the enjoyment of the guaranteed right according to the standards of a society that has proper respect for the rights and freedom of the individual.”

Continuing, the learned Chief Justice expressed the view that when deciding whether a limitation is arbitrarily excessive, the court would consider the following three factors:

“(i) the legislative objective”—was—“sufficiently important to justify limiting a fundamental right;”

I will say that again:

“(i) the legislative objective”—was—“sufficiently important to justify limiting a fundamental right;

(ii) the measures designed to meet the legislative objective are rationally connected to it; and

(iii) the means used to impair the right or freedom”—were—“no more than”—were—“necessary to accomplish”—this—“objective.”

Having examined the legal authorities, Mr. Vice-President, Government is confident that the proposed amendments satisfy the three limbs of the test elucidated by Chief Justice Gubbay. Government is confident that the proposed amendments would therefore pass the test of being reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual, pursuant to section 13(1) of the Constitution.

Mr. Vice-President, I am aware there may be those who will assert that these proposed amendments infringe on judicial discretion and the separation of powers. In my humble view, this Bill does not infringe on the separation of powers or judicial discretion. The Constitution provides for its own amendments, and this Government is intent on following the letter and the spirit of the Constitution. I think, Mr. Vice-President, Justice of Appeal Bereaux said it best in the case of *Inshan Ishmael v The Attorney General of Trinidad and Tobago*, Civil Appeal No. 140 of 2008, wherein the learned Justice of Appeal explained the relationship between legislation and the fundamental rights as follows:

“It is now trite that most fundamental rights and freedoms are qualified and not absolute rights and are subject to legislative regulation and control. Such control will not run afoul of the fundamental rights and freedoms set out in sections 4 and 5 of the Constitution if the legislative provisions are proportionate to the legitimate aims and objectives of the legislation. The legislation will also be constitutional if, to the extent that liberty and property are in fact taken away, it conforms...to due process.”

Mr. Vice-President, this Government is confident that the amendments which we are proposing today are amendments which can stand up to legal challenges in our courts. I think it is necessary, at this time, for me to examine the elements of the Bail (Amdt.) Bill, clause by clause.

Clause 1 of the Bill makes provision for the short title of the Act. So, according to clause 1, the Act will be known as the Bail (Amdt.) Act, 2015. Clause 2 of the Bill would provide for the constitutionality of the Act. I spoke at length of this earlier. Clause 3 of the Bill would provide the interpretation provision. Clause 4 of the Bill seeks to amend section 5 of the Act by deleting the words, “(3) In calculating” and substituting the words “(4) In calculating”. By renumbering subsections (4), (5) and (6) as subsections (5), (6) and (7), respectively. By repealing subsection (5), as renumbered, and substituting the following subsection, and the new subsection (5) would read:

“Subject to subsections (2), (6) and (7), a Court shall not grant bail to a person who—

- (a) is over the age of eighteen years and charged with an offence under the Anti-Gang Act, 2011; or
- (b) on or after the commencement of the Bail (Amendment) Act, 2015, is charged with an offence—

Bail (Amdt.) Bill, 2015
[SEN. THE HON. G. NICHOLAS]

Tuesday, March 31, 2015

- (i) under section 6 of the Firearms Act, where the person has a pending charge for an offence specified in Part II of the First Schedule; or
 - (ii) specified in Part II of the First Schedule, except an offence under section 6 of the Firearms Act, where the prosecution informs the Court that the person or any other person involved in the commission of the offence used or had in his possession a firearm or imitation firearm during the commission of the offence.”; and
- (d) in subsection (12), by inserting after the words “(5)”, the words “(a)”.”

Mr. Vice-President, clause 5 of the Bill would make provision for the sunset clause. I spoke at length on that issue earlier.

In conclusion, Mr. Vice-President, the Government is duty-bound to respond to the needs, hopes and expectations of our people. Law is an instrument of justice and a great instrument of social change. It is time to make meaningful and decisive action and in the circumstances the rights of the many must outweigh the rights of a lawless minority. Government is not attempting to take away an accused person’s right to bail completely. Government is merely proposing that a much needed limitation be placed on the right to apply for bail in a manner which will penalize those individuals who may be considering committing certain specified offences that involve the possession or use of an illegal firearm.

Mr. Vice-President, I wish to conclude my remarks in this honourable Senate today by stating, categorically, that this Government remains committed to protecting the safety and well-being of all law-abiding citizens. [*Desk thumping*] However, let it be noted that this Government is not one which shies away from making tough decisions where we feel that these types of decisions may be warranted. Mr. Vice-President, it is time that we send the right message to the minority of persons in this country who are engaged in crime. The message is simple: “If you want to terrorize us with illegal firearms, we will put you in jail and we will keep you there.”

It is our hope, Mr. Vice-President, that this Bill will receive the support of hon. Members in this Senate as it did in the other place. It is my sincere belief that this Bill can help to protect our citizens, in a very real way, from those individuals who may be considering committing certain specified offences that involve the possession or use of an illegal firearm.

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

Question proposed.

11.45 a.m.

Mr. Vice-President: All Senators wishing to participate may do so now. Hon. Sen. Hinds, let us welcome you. [*Desk thumping*]

Sen. Fitzgerald Hinds: Thank you very, very warmly, Mr. Vice-President, for this opportunity to make a brief contribution to this very important matter.

Today's newspaper reflects the thoughts of one Dr. Terrence Farrell, a former Deputy Governor of the Central Bank, saying that in his opinion the elite in the society—whatever he means by that—and broken institutions are responsible for the morass that we are in. I agree.

President Robinson, may his soul rest in perfect peace, told us as well that it was his opinion that it was the professional class that had largely failed Trinidad and Tobago. I think by that he meant many professionals, skilled and talented as they were, were willing often for various reasons: partisan, “eat ah food”, to sacrifice professional analysis and principles for short-term and partisan ends.

I look on the Government here today, and I am seeing support for those two propositions by Dr. Farrell and former President Robinson. I look on this Government, many of them qualified, benefit of GATE put in place by the PNM, [*Desk thumping*] and we did not hear one word, we did not see any evidence of any deep thought in the matter that is in front of us. In fact, I challenge the Attorney General, I say I consider that he is intellectually lazy, slothful.

I prepared for this debate by reading his presentation in the House of Representatives. It is as if I wasted my time, because he said virtually the same thing here today. [*Desk thumping*] I could have come here and sat and spent my time previously more usefully.

He spoke about threatening the criminals and sending a clear message; not a single word about the biggest and the most burgeoning problem with crime we have in this country, white collar crime. It is as if he never heard a word about it, [*Desk thumping*] a matter that the public, the region and the world have been looking on Trinidad and Tobago, particularly for the last five years. Transparency International, their local representatives, white collar crime; it did not get one moment of the Attorney General's attention, but we understand why.

But to make matters worse, he began by telling us a lot about fear and we need not fear these measures, they might seem drastic, but they are in keeping with the Constitution. I want the Attorney General to know, on behalf of the people of Trinidad and Tobago, we fear this Government more than we fear anything else on the outside, [*Desk thumping*] because we elected this

Bail (Amdt.) Bill, 2015
[SEN. HINDS]

Tuesday, March 31, 2015

Government to protect and to defend us and our interests, and so far for five years they are our greatest enemies. They have worked more against the people of this country than you would imagine; therefore, if we have any fear, Mr. Attorney General, we fear you and the United National Congress. [*Desk thumping*] I feel more threatened by you than I feel at the hands of the miscreants out there with their dirty little guns, but we will manage that. [*Laughter*]

Mr. Vice-President, I sat here today again, hearing the lofty ideas and ideals coming from the lips of the Attorney General, and I could not help, because I sat here when they passed the infamous clause 34. They convinced us, they convinced the country that it was to deal with a backlog of over 120,000 cases, and the upshot of that was two of their friends simply walked free, have not had their day in court. I sat here today wondering whether we were in for the same rough ride.

The hon. Attorney General spoke about establishing a gun court. He does not know that there are courts in the system specialized in dealing with firearms offences. They have been dealing with them for the last few years. The concept of the gun court known to us, largely from Jamaica, was discussed here 1,000 times, but it has constitutional implications, none of which he addressed. So the issue is not so much a gun court, as it is that we need to fix our system.

Terrence Farrell told us it is broken institutions and the lawyers, the Law Association and other people who expressed concerns, consider that—I sat in this country and watched a former Attorney General, Keith Sobion, pilot a Bail Bill in 1994, and since then I myself participated in a number of debates amending that, but the system is still not working right today. [*Desk thumping*] It is not. So I gain no comfort coming here and listening to the Attorney General and this empty Government telling me about a Bail (Amdt.) Bill again and to take it further, when we know that—some people accuse us of tinkering with the system, in a situation where we have fundamental issues to deal. Nothing the Attorney General has said this morning will work right, whether it is gun court or whether it is denying people bail, if their matter has not begun to be heard within 120 days after the charge was read, if we do not fix a simple institution: our forensic analysis capacity.

When you take some narcotics or a firearm or ammunition to the forensic centre for analysis, in terms of what we deal with here, it could stay there for two years, even today. Recently I said to myself—and when we go to government I will suggest it more forcibly, Mr. Vice-President—that we may have to consider, as exists in some countries, privatizing the arrangement, because right now it is

the State Forensic Science Centre that does it, and you have delays for two or three years, making a mockery of all of this. What we need to do is to get a firearm in and out, and ready for court, otherwise 120 days would go by in a flash.

There was a time when police armourers, trained men in the police service, would also come to court to give evidence satisfactorily that firearms were, in fact, lethal barrelled weapons, as described in the Firearms Act. That thing is a firearm. I think that has gone through the window. So we need to deal with that.

That is like, if you like, the oil that will lubricate the wheels of the administration of justice, because if you do not get the oil right, the engine does not work. But the Attorney General is too intellectually soft, and as I said slothful, to understand that.

Sen. Nicholas: You should have been listening because I spoke about that.

Sen. F. Hinds: I listened to you without disturbance, hon. Attorney General, would you be kind enough, since you caught me in a good mood, to let me speak?

That really is where the crux of the problem is, and when we are accused of tinkering and not taking the thing seriously, you ask the users of this, those thousands of persons on remand yard in the prisons in this country—ask them as final users what they think about the whole system of bail. It is almost chaotic.

Let me tell you this, for those who do not know. A person is arrested, a person is charged. Because there is a presumption of innocence enshrined in our Constitution, and the need for due process enshrined in our Constitution, a person is entitled to bail. Well I think he skipped over that rather flippantly. It is rooted in our Constitution, our right to liberty, our right to freedom of movement. When one is imprisoned, one loses those constitutional rights and, therefore, the lack of bail or the absence of bail, attacks, infringes this God-given constitutional right, these inalienable rights as established in Constitution. In fact, section 5 of this Constitution speaks of the right not to be deprived of reasonable bail without just cause, and this thing is fundamental.

They passed a Bail Act in the United Kingdom many years ago, and found that it required that you needed to have property in order to access bail. Then they did studies and realized that that Act, lawful as it was, law as it was, was having an adverse impact on the blacks in Britain, most of whom did not have property, and they amended it accordingly. So it is not enough to just say Bail Act and you amend the Bail Act, you have to look at the workings of it to see how the thing—you have to put some thought into it, thought that this Government is wholly incapable of, demonstrably so—incapable of.

Bail (Amdt.) Bill, 2015
[SEN. HINDS]

Tuesday, March 31, 2015

Bail traditionally, for those who did not know—and the Attorney General skipped over that flippantly too—for the public who are listening to us—bail or traditional bail is some form of property deposited or pledged with the court on the basis of an assurance, when they provide release of the individual who is charged or so, on the basis of an assurance that he or she would appear when required for the trial to be heard, otherwise that bail will be forfeited.

If a person is put on bail, but his financial circumstances are such that he cannot access the bail, then in a sense bail becomes meaningless. He will not be able to get his liberty. Therefore, in some parts of the world you have bail bond companies. There are companies that are established in order to professionally underwrite bail for persons who would need it, who are otherwise without that property or with those resources to pledge for his freedom on an assurance that he would appear. We do not have such a formal system of bail bond individuals or companies in Trinidad and Tobago.

Having said that, it exists informally because we have a system of professional bailors who really are the backbone of the system. They run things. These are people who have deeds, who have property and who have money, and they use these properties to facilitate people who do not. Typically they would say, “You pay me 10 per cent,” so if the court fixes \$100,000 bail, you give that professional bailor \$10,000 and he uses his deed to allow you to enjoy your constitutional right. Of course, that is fraught with a whole lot of problems: False deeds; they cheat and abuse persons who need them; they disappear when you need them both. Some are blacklisted, if I may use that very ugly term—yes, let me pull that back—some are negatively listed by the court. [*Desk thumping*] I have to beat the desk for that myself and apologize—some are negatively listed in the court.

Very often a man could present a deed, a professional bailor in Port of Spain, and the court in Port of Spain has to check with all the courts around Trinidad and Tobago, because they abuse the system. They may use it in Port of Spain, use it in Sangre Grande, use it in Tobago, and they would secure bail for amounts greater than the value of the property that they are using. It is fraught with trouble, and that is why there have been calls from some to establish a formal bail bond system in Trinidad and Tobago. Not a word about that from this unthinking Government, through the mouth of the Attorney General. I am so disappointed, though not surprised.

12.00 noon

Because, you see, they did not come to fix the problems of Trinidad and

Tobago. I have said so elsewhere. All the problems of Trinidad and Tobago that existed in May 2010 subsist today in 2015. They did not come to fix no problems. They come to take, and took and look after themselves, and leave us with the same problems [*Desk thumping*] that they met, except that they are all the wealthier for it. I say so without apology.

So, Mr. Vice-President, we are dealing with the system of justice and the courts, recognizing some of the difficulties I have just demonstrated, have extended itself to attempt to alleviate these problems as best as it could. Very often it would put a person on his own bail, where he signs his own recognizance, signs his own surety, but that is not given for serious offences, typically minor offences or in very extreme circumstances, where the court realizes that although I have put a man on bail, he does not have the material well-being to access it, then you have the pressure of overcrowding in the prison and all of that—very, very rarely. Sometimes a relative simply saying, I give the court an undertaking that the defendant will appear before the court upon such an order, that the court will do that.

Then within recent years they have put in place a system of cash bail, where in some cases you can put cash if you do not have property and you could secure your bail on the basis of that, but that has administrative issues about securing the money and all kinds of things and the refund of the money at the end of the matter. So some courts are very reluctant in order to do it.

When the magistrates refuse bail, of course a person can apply to a judge in chambers. You make an application—lawyers would know that, those of us who practice. You make an application by a Tuesday morning in accordance with the rules of the High Court, and then you would hear a judge—a judge in chambers will hear you on a Friday, and very often they would grant bail or not grant it based on what, of course, is in front of them in that written application. Of course, when a man is arrested and the police cannot present him before the court within 24 hours, the police, for some offences, not serious offences like trafficking and so on, are able to grant bail—what we call police bail—or sometimes not only the court of the Justice of the Peace might grant bail.

So, Mr. Vice-President, these are some of the issues that we need to consider. What is this all about? What is the problem? What are we trying to fix? What are we trying to fix? Let me say, Mr. Vice-President, let me say that very recently—well, no, the Attorney General, he told us at great length about the Santa Rosa prison facility. Well I was shocked to hear that he had the temerity to even mention that, but “he just come”. So, he does not know the dark and ugly history

Bail (Amdt.) Bill, 2015
[SEN. HINDS]

Tuesday, March 31, 2015

behind this.

That started, Mr. Attorney General in 2011, when out of the blue this Government decided to lock down the whole country. A few days ago, the police locked down the whole city and cities around the town. The Government lost control for at least 24 hours, and they call them rogue. Police officers “shut down de place” with a series of roadblocks, and not national security Minister—nobody knew it was coming. Not SSA, not SIA, not NSOC, not the Chairman of the National Security Council. They were all having a ball. Nobody knew, not even the famous Mr. Surajdeen Persad or Julie Brown. Nobody knew. “Shut we down”.

Sen. Robinson-Regis: SIS was—[*Interruption*]

Sen. F. Hinds: I hear somebody saying SIS. It was almost like if it was ISIS, Mr. Vice-President. He comes to tell us about that Santa Rosa facility, a facility that they should be ashamed of. It year 2001, they locked down the whole country, crippled the economy with a state of emergency; up to now they cannot explain rationally why and what it achieved.

It is in that fit of madness that they went and they rented a facility in Santa Rosa that the Attorney General shamelessly spoke about this morning. They spent \$50 million to repair and to outfit that premises. They spent something like \$39 million in rent. They were paying almost a million dollars a month rent to the owner, and spent \$50 million or \$60 million to repair it. The roof collapsed early in the state of emergency, when they arrested 8,000 people, young people without evidence in this country, 455 under the Anti-Gang legislation that we had just passed, and the DPP and others had to go to court and every man walked out because there was no evidence led by a then Minister of National Security John Sandy and a former Attorney General, one Anand Ramlogan. Eight thousand people and now I hear the Prime Minister talking about Baptists must vote for her—including Baptist youth—8,000 of them. They spent \$39 million in rent, as I said, \$50 million to \$60 million to repair and last year they eventually purchased the building that they rented and purchased the building that they spent \$60 million to repair for \$213 million. That is what we got. It is now underpopulated. It is a low security prison they say, where people who are about to be released are sent there. It is valueless. We did not get value for money like so many others things in this country. [*Desk thumping*] So, I want to urge the Attorney General do not ever mention that prison again in any of the discourse.

When I left the Government as a junior Minister in national security in 2007 having the responsibility for the prison and the implementation of a restorative system of justice to replace the retributive system of justice, we had a whole lot of

issues running. I am informed and verily believe, Mr. Vice-President, that today the restorative system of justice that was under way has been stymied. It has come to a grinding halt. Nothing is happening along that line. Nothing. So, we are worse off now in respect of prison and the penal system than we were. This is critical and important. As I told you, it may not be the Bail Act, it may not be the Offences Against the Person Act—those are the machinery. But what I have just told you about is like the oil that greases, lubricates the machinery and without those working well, the levers and the wheels of justice will not turn adequately, Mr. Vice-President, could not turn properly.

Mr. Vice-President, as we talk about bail, we must contemplate offences. Somebody killed Dana Seetahal in Trinidad and Tobago. The police told us recently that they know who they are and they are about to effect arrests. Somebody will need bail, but of course, if they are charged for capital offences, bail is not available.

We are told when we did clause 34 and it had to be repealed that we have to be careful that we are not subject to a constitutional challenge in the constitutional court if we make ad hominem legislation for a particular group. But as I deal with these measures here today, I must tell you truthfully, I have a particular group of people in mind. It would be unparliamentarily to call names, but many people I know and you know may need bail. It is not to be ad hominem—[*Interruption*]

Sen. Robinson-Regis: “Doh say. Doh say.”

Sen. F. Hinds: I “aint calling no name” unless if they provoke me.

Sen. Robinson-Regis: “Nah.” They would not provoke “yuh”.

Sen. F. Hinds: Good. Mr. Vice-President, recently in a celebrated matter, infamous matter in the country, there are reports that when the State—because when a man applies for bail, as the Attorney General tells us, it is up to the judge or magistrate or the JP to grant or not grant bail based on the provisions of section 5 and section 6 of the Bail Act. It is a discretionary measure, balancing the right for freedom as against the propensity to commit offences, the regularity, the track record of the man, a number of things are taken into account in a determination as to whether bail has to be granted or not.

One of the issues when bail has to be granted, Mr. Vice-President, is whether the lawyer for the State or the police prosecutor objects. Because the lawyer for the accused or the defendant will make an application to the judge for bail. If the State has an objection, it will say so through the Attorney General’s lawyers or the DPP’s Office or whoever is retained in a criminal matter, or if it is a police

Bail (Amdt.) Bill, 2015
[SEN. HINDS]

Tuesday, March 31, 2015

matter in a Magistrates' Court, the police on behalf of the State and the people will object.

There is a famous matter in this country coming out of clause 34 where the report is, that when there was an opportunity to object to bail before a judge in this country, the attorneys acting for the Attorney General's department took an attitude that they will not object to bail. Therefore, there are people who should have had their day in court, but they are walking around free at the behest of the Government.

Mr. Vice-President, while we discuss these measures here today the citizens of this country are looking and they are listening, and I do not want to be counted among the number who fooled them or mamaguy them, I am dealing with it real. I am making it very clear—very, very clear—that we on this side, we want justice all the way through and no friends and financiers must enjoy special dispensation in this country [*Desk thumping*] as opposed to everybody else. That is why we are afraid of this Government, those who we elected to serve us. They are biggest threat to the people of Trinidad and Tobago, and I say so without apology.

Then you would have a man who may have witnessed something in relation to a matter or may have professional knowledge about a particular issue in the matter, and that man as a good citizen may want to give evidence and, in fact, may give evidence. Then there are people in this country who will move heaven and earth to silence that man. This is where I told you it is about the oil to lubricate the wheels; offers are made to stop a man from giving evidence to ensure that justice is met, whether it is in the form of a job or some other blandishment; whether it is the form of bribe; whether he is threatened, because many people lose their lives wanting to give evidence in matters in this country. Not a word about that from the Attorney General—the current Attorney General. Maybe if the other one was here, the previous one, he might have had a lot to say about this.

So, I want to applaud all the witnesses in any matter, civil and criminal, minor, middle or great in this country because it contributes to the system of justice and the administration of justice in our country. [*Desk thumping*] Whether it is David West or whether it is Fitzgerald Hinds, stand strong I say to the people of Trinidad and Tobago. Stand up! I only called that name in passing because it is matter of national interest.

Mr. Vice-President, let me look more specifically at some elements of the Bill before I come to a conclusion. I see a smile coming from one of my friends on the other side. I am in no mood to smile today, though I am in a rather pleasant mood.

Sen. G. Singh: You are in a good mood.

Sen. F. Hinds: I am in a very good mood today. I am in a very good mood, but I am not about to smile. Any time they see teeth, I am snarling like a lion—the Lion of Judah, to break every chain and given the PNM the victory again and again. [*Desk thumping*] You know, play with it—serious. The hour has come. The hour has come, Mr. Vice-President. I am so happy. I was here in May 2010 and “ah tell yuh. Yuh see, look meh here, ah here again today”. [*Desk thumping*] I told you, you have not seen the last of me. The hour has come. I am excited. I am excited. When I join the thousands of people of Trinidad and Tobago to let our collective voices be heard, as we say “chase dem wicked crazy baldheads right out of town”. Dangerous, vicious, discriminatory [*Desk thumping*] and every time I think of them, Mr. Vice-President, every time I think of them I just start shouting murder, police, “tief”—just so. [*Crosstalk*] Anyway, let me attend to the Bill before they provoke me. [*Laughter*]

Mr. Vice-President, I see the Bill here in clause 4 speaks to—clause 4 (c)—oh no, clause 4 subclause (5). No. Subclause (c). Clause 4, subclause:

“(c): by repealing subsection (5), as renumbered and substituting the following subsection:

“(5) Subject to subsections (2), (6) and (7), a Court shall not grant bail to a person who—

(a) is over the age of eighteen years and charged with an offence under the Anti-Gang Act, 2011;”

12.15 p.m.

Mr. Vice-President, I see the words here “over the age of 18 years”. Is this Government aware that unfortunately a number of gangsters and persons involved in the offences that we discussed today are well under the age of 18? In fact, only last week a friend of mine was telling me that he was trying to persuade a gang in this community to put down their arms and to behave more civilly, and to make use of the many, many benefits and opportunities that Trinidad and Tobago has on offer for him and for them. He told me he was talking to a youngster who was 14 years old, but he was the lookout man with a gun. In the United States, it is well-known gangsters are as young as nine years old. When I was in national security I had personal knowledge of one who the police told us was 13 years old and had done a lot of mayhem in the society.

So, as the Attorney General glibly runs over this thing of age 18, I really want

Bail (Amdt.) Bill, 2015
[SEN. HINDS]

Tuesday, March 31, 2015

to say, we need to think. We need to think. When Sir Betham Beetham was leaving Trinidad and Tobago as our last British Governor, it is said that he gave the Government of Trinidad and Tobago a plaque with the word “Think” and that remained on the Cabinet table until sometime in May 2010 when this Government came. [*Laughter*]

Mr. Vice-President, we have to think and we have to really be serious about what we are doing. This is not an exercise in linguistics, and this is not for us. Thank God we understand where we are and we know what we are about, but there are many young people in the society who are without that benefit, and we need as legislators to think carefully about what we are doing.

And (b) says, the second category:

“on or after the commencement of the Bail (Amendment) Act, 2015,”—if the person—“is charged with an offence—

- (i) under section 6 of the Firearms Act, where the person has a pending charge for an offence specified in Part II of the First Schedule;...”

Now, these specified offences are, as the Attorney General correctly pointed out, all serious offences which will yield prison sentences of 10 years or more. For example, offences, as I said under the Firearms Act, the Larceny Act, Malicious Damage Act, Sexual Offences Act, the Offences Against the Person Act, the Dangerous Drugs Act, Trafficking in Persons Act, and of course perverting or defeating the course of public justice—as I said that I remember somebody, but that is a different story—and any attempt in respect of these offences. These could yield sentences for more than 10 years.

It is important to know that a magistrate in Trinidad and Tobago cannot impose a sentence of more than 10 years. So, we are really talking about serious offences, indictable matters for the most part, matters that would be heard before a judge and jury. Although, of course, firearm matters are heard in the Magistrates’ Court, and sentences—I might say in passing, in my own view—tend to be too gentle sometimes.

I am mindful of the fact that there are persons who have been convicted for offences they never committed. It happens all over the world, unfortunately. I am mindful of the fact that there are sometimes law enforcement officers worldwide who may do things that are unethical, unprofessional and illegal. I am mindful of that, but for the most part I have faith in our justice system. I work in there, I have

Bail (Amdt.) Bill, 2015

Tuesday, March 31, 2015

operated in there for over 20 years. I want to say proudly today, on behalf of the People's National Movement on this side, that we have faith in the system of justice in this country. [*Desk thumping*] I have seen the judges, I have seen the magistrates, with all of the difficulties do so well and do so much and find justice at the end of the day. We have faith in the system. I have no faith in the Government—none!—and will do anything constitutionally, democratically and legally within my power to get the rid of them in the morning. [*Desk thumping*] But I assure you I have faith in the system of justice in this country. [*Laughter*]

And there are two categories of persons affected by the amendment in front of us. One, any person charged, as I said, for possession of an unlicensed firearm who has a pending charge for one of the offences specified in the Schedule I, I have just read from, such a person would not be entitled to bail if no evidence—sorry, generally not entitled to bail. But if no evidence is taken within 120 days from the date the charge was read, akin to arraignment in the High Court, if you like, then he is entitled to make an application to a judge for bail. It is not guaranteed, and matters would be considered as to whether he would get bail or not, but prior to that he will not be entitled to even apply. That is what the law is saying. And the second category applies to a person who is charged for an offence under Part II for an offence specified in Part II of the First Schedule, and these are, as I said earlier, very serious offences.

So, we have given support to these measures in the other place and for good reason, because from 1956 to today the People's National Movement has been in service of the people of Trinidad and Tobago, and we grab with both hands any opportunity to advance the cause, the safety, the well-being of the people of Trinidad and Tobago. We consider that the measures before us are worthy of making law or becoming law for the protection and the advancement and the well-being of the people of Trinidad and Tobago. But we express our reservations, as I have expressed them here today.

So, we will give the Bill support. But, as we do so we want the Government to know, and we want the people to know, that we act on the philosophy of principle and nobility, and we do it with good intentions. We were misled in clause 34. We all were misled. We were told, through a Minister of Justice, that it was to bring benefit to the people by freeing up the burdened court system labouring under 120,000 pending cases, many of which did not get off the ground. We are talking here about 120 days. There are some matters, 500 days, 10 years, no trial has even started. That is not right. That is unfair. That works injustice. It makes a mockery of our system.

Bail (Amdt.) Bill, 2015
[SEN. HINDS]

Tuesday, March 31, 2015

So, we support the measures with an understanding of that. But we have to keep a close eye on this Government which has a knack—everything you see might look good and might look yellow, like we saw last week, big yellow African outfit, but it has a nasty sting in the tail, if I may use that word.

So, Mr. Vice-President, as I return to my seat, I want to thank you for an opportunity to have made this brief contribution. I am sure that I have articulated the PNM's position, that we want to support the public interest and we do, but we are wary of this Government, and really the best solution to crime, the best solution to all the problems that we are faced with in Trinidad and Tobago will be to see the back of this PP Government and Trinidad and Tobago could exhale again.

I thank you very kindly. [*Desk thumping*]

Sen. Helen Drayton: Thank you, Mr. Vice-President. The Bail Act has been amended at least eight times between 2005 and 2015. It was amended in 2005, '06, '07, '08, '10, '13, '14, and of course we have another amendment before us, and over that time it became progressively harsher for some crimes, notably gang and gang-related crimes and illegal possession of firearms, and I take no issue whatsoever in all efforts to stop these crimes.

But, I am wondering exactly what this amendment before us would achieve that the previous ones did not. It has been said and it is so, that the problem is not the bail system; it is a fractured judicial system. And due to the length of time it takes to prosecute cases, the system is clogged up and the jails are overflowing. The police service is relentlessly in pursuit of criminals, and they are arresting, and they are putting them in jail. However, apart from the manpower and systemic problems, there are weaknesses in the police service's ability to improve the detection rate and to gather prosecutorial evidence. So, what this Bill does, it facilitates keeping people who may or may not be guilty of a specific crime, in jail for as long as possible without bail.

Now, the argument that people who were tried, convicted and served their sentences should be put back in jail without bail on suspicion, and for years without judicial scrutiny of the risk they pose to society is not in the interest of the rights of the many law-abiding citizens. It turns the system of justice on its head and it does that against all of us. It compounds the systemic problems, as it has been doing, and it poses the very threats the Bill is supposed to take care of.

The police service claims a reduction of 50 per cent in homicides in Port of Spain, and drastic declines in other crimes generally. That being the case, what exactly is this Bill designed to cure over the previous Bills? Now, each

amendment Bill carried a sunset clause, and similarly this Bill carries a sunset clause with an expiration of 2016. That alone makes me wonder about the integrity of the exercise. More so, when the police claims that homicides are reducing. I have not heard a plausible explanation as to why this Bill will make a difference other than put more people who may be innocent in jail for years. I have not heard a plausible explanation why this Bill will make a difference to the success in successfully prosecuting gangsters and other criminals using firearms to commit crimes. It will throw them in jail.

The significant difference between this Bill and the 2014 Bill, is that this one seeks to restrict the granting of bail to a person over the age of 18 years charged with an offence under the Anti-Gang Act. Now, no bail. The whole idea of no bail given the problems, the systemic and human problems we mentioned, could not be the only variable in the package of criminal legislation aimed at reducing gang-related crimes.

12.30 p.m.

I have not heard anything that was said, that was not said previously when the Government presented the previous Bills. Now, given the severity of the anti-gang legislation which carries penalties as much as 30 years in jail for gang and gang-related crimes, it begs the question: How many people have the police successfully prosecuted under the anti-gang law since 2001? I have heard a figure of three. It probably is four, or five. And under the firearms law the penalty is up to 25 years depending on the severity of the crime. What is the detection rate for sources of illegal firearms?

So with these stringent laws, is the problem really bail. If every year we have to amend the Bill to achieve the same result as all the other amendments, then the answer could not be another Bail Amendment Bill. And I am worried about Parliament continuing to interfere with what is rightfully the jurisdiction of the courts. Yes, I have read the examples of laws on bail in Jamaica, the UK, Canada, Australia, New Zealand which was provided with this Bill Essentials. I can find no case where their laws removed the discretion, absolutely, from the jurisdiction of the Judiciary.

In each foreign example, and even for murder, citing UK, the accused has an opportunity to convince a court why bail should not be given. And the Attorney General mentioned that the UK Bail Act may not be a practical comparison, but Jamaica is. And Jamaica provides that bail should be granted to a defendant in relation to any specified offence only if the defendant satisfied the court that bail should be granted. The specified offences are gang and firearm related.

Bail (Amdt.) Bill, 2015
[SEN. DRAYTON]

Tuesday, March 31, 2015

In the United Kingdom it provides that bail may not be granted to someone charged with murder unless the court is of the opinion that there is no significant risk.

In New Zealand the key feature of the model is that it requires the bail authority to determine whether the accused would pose an unacceptable risk if released from custody. Again, the jurisdiction remains with the courts, and in all these countries heinous crimes are being committed and they have gangs worse than the gangs that we could find here if indeed we could find anything, we could make any comparison when it comes to mayhem and murder.

Now, in Australia where the defendant is charged with an indictable offence which includes murder, the court or police officer shall refuse to grant bail unless the defendant shows cause why the detention in custody is not justified. And I believe there should be judicial scrutiny if only to guard against arbitrary and abusive action by rogue police officers as it stands under the anti-gang legislation and the firearms legislation, the police can detain persons without a warrant on mere suspicion. They cannot put them in jail for 72 hours and get extensions without a warrant on mere suspicion.

And under the Bail Act where a person is charged with an offence and brought before the court, but no evidence has been taken within 120 days of the reading of the charge, the person is entitled to make an application to a judge for bail, but that is a screen. Because, if any flimsy evidence is taken within that period, an innocent person for specific crime could stay in jail for 10 years or more. The fact that they may not have a record of one or more crimes does not mean they are guilty of another offence. And as I said, we have been appending the fundamental principle that a person is innocent until proven guilty, we have been turning it on its head.

I have heard all the arguments that the country is under siege. I have heard all the arguments. What about the victims? And the Bill is about keeping hardened criminals in jail. That is irrelevant. These are arguments that prove there are problems of system inefficiency, lack of intelligence to improve the detection rate and manpower problems. If the police are holding the criminals and they cannot prosecute either because of system problems or because, in fact, they do not have credible evidence, it points to a system breakdown. The law—this Bill cannot remedy that. All this Bill does, according to the criminal lawyers, is compound the problems that exist. It is what has been happening.

If I may add, after Monday, March 23, the nation sampled only a small measure of what arbitrary action by the police is like. So anyone who believes

that this Bill does not provide an opportunity for abuse, I do not think they are living in Trinidad. We know it is the real world.

If I may add, while reducing crimes with firearms, and gang-related crimes are priorities, there are pressing priorities that need addressing with urgency as these must have a significant impact on policing. And I have just mentioned some. The Government has not made or given any credible reason during the past four years for not bringing legislation to improve the procedure for recruiting a police commissioner [*Desk thumping*] or confirming the one acting over three years.

You have brought all sorts of Bills. You keep talking about your performance when it comes to the prisons or the police system. But why have you not made any effort whatsoever to deal with what is a very urgent matter? I think it is unacceptable that this matter has gone unattended. I think it is disturbing, it leaves one to wonder whether, at the level of the Government if there is respect for the leadership of the police service or whether it is just a secondary matter to all others. It is inexcusable. [*Desk thumping*]

It would also serve the public's interest if the Police Complaints Authority was ably resourced and had improved powers of investigation to deal effectively with police abuse. It would serve the public's interest if the compensation for employees in the national security system and essential services generally was addressed in a timely and proactive manner.

Hon. Vice-President, I am on record of not supporting the last Bill. With that, I thank you. [*Desk thumping*]

Mr. Vice-President: Hon. Senators the time now is 12.38. I intend to take the break for lunch and therefore we will resume at 1.40 p.m. Now the sitting is adjourned until 1.40 p.m.

12.39 p.m.: *Sitting suspended.*

1.40 p.m.: *Sitting resumed.*

Mr. Vice-President: This sitting is resumed, and the last Senator spoke was Sen. Drayton. So, anyone wishing to participate in the debate may do so. Sen. Lalla. [*Desk thumping*]

Sen. Larry Lalla: Mr. Vice-President, thank you for the opportunity to allow me to join in this debate as we consider, as we deliberate over this very important piece of legislation which has been proposed by the Government, the Bail (Amdt.) Bill, 2015.

I am very heartened to know after all of the old talk which was carried on and engaged in by my colleague and former classmate, Sen. Fitzgerald Hinds, that the

Bail (Amdt.) Bill, 2015
[SEN. LALLA]

Tuesday, March 31, 2015

Opposition is in support of the legislation and they agree wholeheartedly that the Government is putting forward important legislation which will serve the interest of securing and making safe the environment in which our citizens in every part of the country carry about their daily lives. And I do not want to engage in too much old talk as well and fall into the same error that Sen. Hinds found himself in, but nevertheless there are certain things that I think important to respond to because everyone in this country understands what happened to institutions in this country when the last administration was in power. But yet, Sen. Hinds had the audacity to stand up here and tell us about broken institutions. After almost 40 years of PNM rule in this country—[*Interruption*]

Sen. G. Singh: Uninterrupted.

Sen. L. Lalla:—uninterrupted, there were no broken institutions—[*Interruption*]

Sen. G. Singh: But broken hearts.

Sen. L. Lalla: But all of a sudden, come May 2010, everything was broken. And he had the temerity to use or I should say, drag into his debate the name of the poor soul, Mr. Terrence Farrell who he held up as his mascot for the PNM's concept of good and effective institutions in our country.

So, as he was doing that, I could not help but wonder where Mr. Farrell was in all the years when all the “comess” was taking place at Clico, when persons were making off with hundreds of millions of dollars of the dead depositors, persons who would have worked hard, toiled long hours, produced sweat and tears to get their hard-earned money, deposit it in Clico and yet as a result of a lack of oversight by institutions operating at the time Sen. Hinds' Government was in power, falling apart, and allowing conmen to take off with depositors' money. Where was Mr. Farrell then? What did he have to say? What was his view about Clico and Central Bank? [*Desk thumping*] Those institutions.

You see in this country, Mr. Vice-President, and it is something we have to deal with, there are persons who I would refer to as political snipers. They like to put up a facade of independence and shoot politically from the shadows and it could be that Mr. Farrell is one of them. I would not want to say that he is, but because of the way he has conducted himself, the timing of his writing, I am left to wonder. Because there he is criticizing over and over. If the Governor of the Central Bank sneezes too loudly he is criticizing, writing in the newspaper.

1.45 p.m.

You have a monumental pay-out to depositors after hard, effective and productive planning by the Central Bank, but yet he says nothing about that. It is very ironic that the very week the payment is made, he chooses to talk about failing institutions and does not breathe one word of commendation to the Governor of the Central Bank for work well done. So the question that has to be asked is, whether Mr. Farrell is a political sniper. And I want to know what Mr. Farrell had to say about all those years when Calder Hart was allowed to run amok in this country, in UDeCott and NiPDec. What did Mr. Farrell have to say then and what did Mr. Hinds have to say then about institutions and the way institutions should operate, and broken institutions?

They were not broken then; they were working very, very well and we were all happy and honky dory. Nothing was wrong then. All of a sudden you have a change and everything is broken, because you know why, Mr. Vice-President? Is PNM country! PNM owns this country, so once someone else goes in and tries to work for the benefit of the citizens of this country, everything is broken. Or so they will have us believe.

I wonder what Mr. Farrell has to say about the Police Complaints Authority? Because you have a very senior lawyer who allows himself to be nominated as head of the Police Complaints Authority, an institution that is supposed to be independent, and serves no political interest in this country—he allows himself to be nominated but does not see it fit to tell the President that he is a witness for the Leader of the Opposition in a matter involving the Attorney General. What does Mr. Farrell have to say about that? [*Desk thumping*]

When persons are criticizing institutions, we have to understand where they are coming from. On the whole topic of broken institutions, I wish Sen. Hinds had used his opportunity, instead of engaging in old talk, to ask the police service to produce their report on the emailgate scandal—[*Desk thumping*—because his Leader used his opportunity to speak in this honourable House, in the other place, in the office of Leader of the Opposition, to make boldfaced, brazen, scandalous allegations against Members of Government—accusations of murder—without any proper basis to do so.

Was the office of the Leader of the Opposition a broken institution then? [*Desk thumping*] Was there not an abuse of the office of Leader of the Opposition? Sen. Hinds has to come serious. I want to call upon the police, this entire country wants to hear the truth about emailgate. [*Desk thumping*] Stop twiddling your thumbs! Stop twiddling your thumbs, show that the police service

Bail (Amdt.) Bill, 2015
[SEN. LALLA]

Tuesday, March 31, 2015

is functioning properly and come out and tell us the truth about emailgate, and do it now. We want it now. That is what Sen. Hinds should be talking about.

But in any event, he did come around to what he was supposed to do and indicated what the Opposition's position was on the legislation, and I am glad to know that they are supporting it. But, you see, we cannot let them get away that easily. We have to understand how we, as a country—I see he is coming in now, just as I am finished dealing with his part of the contribution. [*Laughter*]

[*Sen. Hinds enters Chamber*]

Hon Senator: Lunch was good.

Sen. L. Lalla: But I will come back to him in a little while—my good friend, Sen. Hinds.

We have to understand how we got here, and I would like to refer this honourable House to a report published by the United Nations office on drugs and crime in the Latin American and Caribbean regions, which was published in March 2007. In that report, at 1, the UN writes:

“Crime and violence are a development issue. The high rates of crime and violence in the region have both direct effects on human welfare in the short-run and longer run effects on economic growth and social development. Estimates suggest that were Jamaica and Haiti to reduce their rates of homicide to the level of Costa Rica, each country would see an increase in its growth rate of 5.4 per cent.”

In that report, which was published in 2007, the difficulties being experienced in Trinidad and Tobago were so significant that special parts of the report were dedicated to Trinidad and Tobago. And at 8, there is a section on guns in Trinidad and Tobago. And the report reads:

“The data for several countries shows that not only have levels of crime and violence increased but so too has the use of weapons in criminal acts. The profile of these...incidents has also changed, with increased use of more powerful weapons resulting in higher mortality rates.

The CARICOM Regional Task Force on Crime and Security recently commissioned a report on the proliferation of small arms and light weapons...in the Caribbean...The resulting report identified three levels of SALW”—small and light weapons—“proliferation in the region: countries with established high levels and patterns of armed crime (Jamaica), countries with

emerging high levels of armed and organized criminality (Guyana, Trinidad and Tobago), and countries with indications of increased use and availability of small arms (Antigua and Barbuda, Barbados...)—et cetera.

“At that time, it was determined that, among CARICOM nations, only Jamaica fell in the first category”—that is the category of established high levels and patterns of armed crime—“with indications that military type weapons were available and that paramilitary units were operating...If such an evaluation were done today”—and this is the important part; they are talking about 2007—“Trinidad and Tobago might also be included in this tier, as the murder rate doubled between 2002 and 2005.”

And that is something we have to always remember, that while the PNM was in Government between the years 2002 to about 2007, this country witnessed unprecedented levels of crime, particularly violent crime, offences of murder and other offences involving the use of firearms. And I wonder where Mr. Farrell was then, when hoards of citizens of this country were fleeing—I am hearing “oohs” on the other side. But it is they who brought poor Mr. Farrell into this debate, so I have to keep asking the questions.

Sen. Maharaj: “Where he was when Karen Nunez-Tesheira was with the duster coat and nightie and the curlers”—

Hon Senator: Hey!

Sen. L. Lalla: Where was he when thousands of citizens were fleeing to the United States, England and Canada, abandoning their homes, leaving their children in the care of relatives and going to other countries to try and find a way to earn a living until they could bring their children with them? What was happening to the institutions then? They were not failing? What did Mr. Farrell have to say? What did Sen. Hinds have to say? Because he was in the Ministry of National Security at the time. What did he have to say when he sat at Cabinet and he looked at that plaque—[*Interruption*]

Sen. Maharaj: He was not in Cabinet. He was never in Cabinet.

Sen. L. Lalla: Sorry. All right. He was never in Cabinet.

Sen. Maharaj: He was in “de” cupboard.

Sen. L. Lalla: But when the Members of his Government sat in the Cabinet during those years—[*Crosstalk*]

Mr. Vice-President: Senators, please. Senators, please allow Sen. Lalla to make his contribution. Thank you. We listened to each and every one this morning. [*Crosstalk*] Senator, Minister, please. We did have, in fact, a very good

Bail (Amdt.) Bill, 2015
[SEN. LALLA]

Tuesday, March 31, 2015

morning. We listened to each and every individual. In between you will have a “lil ting” but not to overdo it. Senator, please.

Sen. L. Lalla: Where were the Members of his Government when they sat at that Cabinet table—the same Cabinet table where he said that there was this plaque from Sir Betham saying “Think”? What were they looking at that and doing? Were they not thinking? Were they not understanding how their programmes and policies were harming the citizens of this country? What was happening? They did not see it then? It was blocked off. [*Crosstalk and laughter*]

Sen. Maharaj: They could laugh about it.

Sen. L. Lalla: Because, obviously, there was no thinking. Yes, it is a laughing matter for them, when persons are murdered and kidnapped in their households, when parents are tortured before their children. It is a laughing matter for the PNM. We all know that. So they could sit and laugh—very, very serious matters.

The report goes on:

“A major factor contributing to the surge of guns-related criminality in the region is the trafficking of narcotics, which has facilitated the availability of firearms. More specifically, the firearms required for protection of contraband during transportation are smuggled in along with drugs. Within these environments that promote the demand for weapons, reducing gun ownership is a difficult undertaking. Better gun registries, marking, and tracking can help, as can improved gun interdiction in ports. In the long term progress will hinge on changes in the drug trade, changes in the ‘gun culture,’...”

And I want to emphasize that—“Changes in the ‘gun culture,’”. That is what this Government is seeking to do through the introduction of this legislation, bring changes to the gun culture to send a message loud and clear that persons who are in possession of guns are viewed very seriously by the law and the law enforcement authorities.

While we are on that, there was a point that was raised by Sen. Drayton that I wanted to touch on. She wanted to understand the importance, or the reason behind the legislation. As it is right now, the law permits police officers, prosecutors, involved in matters, to seek to convince a court—[*Crosstalk*] I am being disturbed from the other side, Mr. Vice-President. If I may be allowed to make my contribution in peace.

Mr. Vice-President: Senators, let us observe the Standing Orders pertaining to that. Particularly, this morning, when Sen. Hinds was speaking, we did, in fact,

ask that we should, you know, have ourselves ordered in such a way to allow the Senator to make his contribution. It is echoing here; it is disturbing here. I am also being disturbed and I have to really manage what is going on. So, please allow him to make his contribution. Thank you very much.

Hon. Senator: Sorry, Mr. Vice-President. We did not intend to disturb you.

Sen. L. Lalla: Thank you for your protection, Mr. Vice-President. I was making the point that the law, as it is at present, allows police officers to seek to convince a court that bail should be denied if there are substantial grounds—and that is the term of art in the legislation—for believing that the person charged may attempt to flee the jurisdiction or interfere with witnesses.

2.00 p.m.

It is often very difficult, Mr. Vice-President—and I have only seen it perhaps three instances in my years of practice, 20 years of practice—for the police to gather the evidence required to make out that substantial grounds, and what you will have is that in the early days once the person is charged, the police have to redirect their attention from prosecuting the matter to gathering evidence to satisfy that heavy burden on them of substantial grounds.

This legislation by denying bail within the first 120 days allows police officers to focus on actually prosecuting the matter, that is, gathering the evidence, securing the witnesses—very importantly—to ensure that the matter could be properly and efficiently prosecuted. So that is the importance of the legislation. It allows some time for the police officers to have to do what they need to do in order to prosecute the matter efficiently, speak to the witnesses, ensure that they are cooperating, that they are not afraid to cooperate and that witness statements could be taken. So the legislation, therefore, serves a very, very important purpose, and I would like to assure Sen. Drayton of that.

Sen. Hinds: She is not in the Chamber.

Sen. L. Lalla: You want to speak for her too? Now, also in that UN Report that I referred to, Mr. Vice-President, there was a whole chapter dedicated to guns and crime and they made a case study of Trinidad and Tobago, and I will just read a short part of it because I think it is helpful. I will not deter this Senate for too long having regard to the fact that the Opposition sees the importance and the value of the legislation and they have decided to support it wholeheartedly, and this is at page 2 of the report.

“For many countries of the English-speaking Caribbean, the majority of

Bail (Amdt.) Bill, 2015
[SEN. LALLA]

Tuesday, March 31, 2015

assaults and homicides were committed in past years with blunt or sharp weapons. The trend towards increased use of firearms in the commission of crime began in the 1970s in Jamaica, so that a court was established in 1974 solely dedicated to gun-related matters. In Trinidad and Tobago this change began in 2000. Before 2000, firearms were responsible for less than one-third of all homicides. By May 2006, the percentage had risen to 74 percent...”

At page 3:

“There are several sources for these firearms. They may be diverted from legal owners in the country or they may be purchases overseas...and smuggled into the country. Diverted weapons come from both private owners and the protective services. In Trinidad and Tobago, authorized users of legal arms are robbed and sometimes killed for their weapons. Army and police guns go missing at intervals, and weapons that are stored at police stations for safe-keeping, especially those whose owners may be deceased, are also targets...

Smuggled firearms are sourced from South and Central American manufacturers of light arms, among others. Suppliers are from Brazil (which is licensed to manufacture Beretta, Colt and Taurus...”—brands and Venezuela licensed to manufacture Smith and Wesson, also—“Mexico and the Dominican Republic.

Weapons manufactured or otherwise available in South America are smuggled through Venezuela, Suriname and Guyana to Trinidad and via fishing vessels and private pleasure boats.”

The important point, Mr. Vice-President, as the hon. Attorney General so properly pointed out, contrary to what Sen. Hinds who is speaking now will have us believe, he did a commendable effort in pointing out the importance of the legislation as well as very importantly the constitutionality of the legislation, having regard to the majority that is presently required. For the benefit of perhaps Members of the Independent Benches, who may have certain lurking concerns about the constitutionality issues, I would like, Mr. Vice-President, with your kind leave, to refer to a judgment which was given by our Court of Appeal in February 14, 2014. This was the case of Barry Francis and Roger Hinds. I am sure my friend on the other side knows about it.

It was a historic matter in that it was the first time in my memory that five judges of the Court of Appeal sat on a matter because of the importance of the constitutional issues involved. That case was a matter in which persons convicted

for drug trafficking challenged the constitutionality of the sections 5(5) and 61 of the Dangerous Drugs Act. Those sections sort to impose a mandatory penalty on persons convicted of trafficking, a mandatory sentence of imprisonment for 25 years and a fine of \$100,000 with a default of 15 years to be served consecutively.

In that matter, the court had to consider whether that provision fixing a mandatory sentence was constitutional. The court went on to consider first of all whether the provisions breached sections 4 and 5 of the Constitution, which of course it did, because you are there dealing with the question of liberty of the subject. The court also went on to consider the proper interpretation to be applied to section 13(1) of the Constitution which is something that this Senate has to consider in deciding whether to give its full support to the Bill which is before it. That section reads:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

So in order for the Bill that is before us to be passed with the requisite majority, we have to be satisfied that the Act is reasonably justifiable in a society that has a proper respect for rights and freedoms of the individual. And in the judgment, Justice of Appeal Bereaux, who joined two other judges in giving the majority judgment—it was a majority judgment, not a unanimous judgment. It was a majority judgment by Justice of Appeal Bereaux, Justice of Appeal Weekes and Justice of Appeal Yorke-Soo Hon. A minority decision was given by the Chief Justice and Justice of Appeal Jamadhar.

In the judgment, Justice Bereaux went on very thoroughly to explain, first of all, why such legislation which first of all infringes upon constitutional rights, but secondly, removes discretion from judges, would be constitutional and would not infringe upon the separation of powers principle. In the judgment he also went on to give guidance about the way in which section 13(1) should be interpreted and applied. So what I would do is just briefly refer to the parts of the judgment where he addresses the issue of separation of powers and also, lastly, where he deals with the interpretation of section 13(1).

At page 19, starting at paragraph 14, he deals with the issue of separation of powers and quoting from a case of *Matthew v The State (Trinidad and Tobago)* reported in the Appeal Cases 2005, Volume 1. He quotes the Privy Council as saying that:

Bail (Amdt.) Bill, 2015
[SEN. LALLA]

Tuesday, March 31, 2015

The principle of separation of powers is not an overriding constitutional principle, but a description of how the powers under a real Constitution are divided. Most Constitutions have some overlap between legislative, executive and judicial functions.

Moreover, in *Hinds v R* reported at 1977 Appeal Cases, a decision prayed in aid for her defence of the Act by Miss Seetahal—Dana Seetahal was then arguing the matter for the prosecution—it was accepted by the Privy Council that it is opened to Parliament to derogate from the discretion of a judge with respect to sentencing.

At pages 225 to 226, Lord Diplock stated as follows:

“The power conferred upon the Parliament to make laws for the peace, order and good government of Jamaica enables it not only to define what conduct shall constitute a criminal offence but also prescribe the punishment to be inflicted on...persons who have been found guilty of that conduct by an independent and impartial court established by law:...

In the exercise of its legislative power, Parliament may, if it thinks fit, prescribe a fixed punishment to be inflicted upon all offenders found guilty of the defined offence—as, for example, capital punishment for the crime of murder. Or it may prescribe a range of punishments up a maximum in severity, either with or, as is more common, without a minimum, leaving it to the court by which the individual is tried to determine what punishment falling within the range prescribed by Parliament is inappropriate in the particular circumstances of his case.

Thus Parliament, in the exercise of its legislative power, may make a law imposing limits upon the discretion of the judges who preside over the courts by whom offences against the law are tried to inflict on”—the—“offender a custodial sentence the length of which reflects the judge’s own assessment of the gravity of the offender’s conduct...”

And he goes on to cite from the case of *Reyes v Regina* reported at 2002—two appeal cases—and I think it is an important code.

“In a modern liberal democracy it is ordinarily the task of the democratically elected legislature to decide what conduct should be treated as criminal, so as to attract penal consequences; and to decide”—the—“kind and measures of punishment such conduct should attract or is liable to attract. The prevention of crime, often very serious crime, is a matter of acute concern in many

countries around the world; and prescribing the bounds of punishment is an important task of those elected to represent the people.”

2.15 p.m.

“The ordinary task of the courts is to give full and fair effect to the penal laws which the legislature has enacted. This is sometimes described as deference shown by the courts to the will of the democratically elected legislature. But it is perhaps more aptly described as the basic constitutional duty of the courts which, in relation to enacted law, is to interpret and apply it.”

The point being, Mr. Vice-President, that the role of the court is to interpret the law. The role of the Legislature, which we have the honour to sit as part of, is to make the law, and if in making the law we seek to limit the discretion that a judge sitting in the court would have over anything concerning the matter before him, that would not infringe the separation of powers.

It is our right, it is our prerogative as the democratically elected representatives of the people to decide what the law would be. But once we so decide, there is another avenue by which the court could declare legislation to be unconstitutional and that is if in prescribing or limiting the discretion of a judge, we infringe upon the provisions of section 13(1) of the Constitution. And if I might just read section 13(1) again, or make reference to it. Our duty in passing this legislation is to ensure that the Act is one which is reasonably justifiable in a society that has proper respect for the rights and freedoms of the individual. That is the test which is set out in section 13(1) which provides us with the threshold that we have to cross. And in so doing, Mr. Vice-President, the Government has made attempts and has shown how legislation similar to ours, similar to this piece of legislation, is found in other countries which would be considered to be civilized countries.

The point made again in this judgment at page 46 by Justice Beraux. He sets out an explanation of what is meant by that term “countries”—sorry, what is meant by the term “a society that has a proper respect for the rights and freedoms of the individual”. At paragraph 99 at page 46, he sees such a country as being “a democratic society”:

“...‘a society which has a proper regard for the rights and freedoms of the individual’... As an ideal of measuring what kind of society has a proper regard for the rights and freedoms of the individual, a democracy is...most appropriate.”

Bail (Amdt.) Bill, 2015
[SEN. LALLA]

Tuesday, March 31, 2015

And he refers to the propriety of looking at other Commonwealth countries, such as England, Canada and Australia.

But he goes on to say, in interpreting section 13(1), at paragraph 100:

“It requires a dispassionate and detached approach by judges. Certainly there will be a local flavour to legislation which will require judges to bear in mind our own national and cultural peculiarities but ultimately, the assessment must be made against norms and accepted standards of civilized nations which subscribe to democratic principles, democratic systems of governance and the rule of law.”

And that is the point which was alluded to by the hon. Attorney General, when he says it is fine to look at countries such as the UK and Canada, but at the end of the day we have to look at our local peculiarities and put our local flavour in the legislation. So in dealing with this gun problem which we have, which we inherited from the last administration, we have to decide what is best in our interest.

At page 47, paragraph 101, Justice Breaux says:

“...there may be legislation which is disproportionate and thus inconsistent with sections 4 and 5 of the Constitution...”—that is the fundamental rights provisions of the Constitution—“but which may still be effectual because democracies recognise that some disproportion in aims and policy of the Executive, may be required in the public interest. Democracies deliberately enact legislation which, as a matter of social policy, may be tailored to weaker groups in the society...”

Mr. Vice-President, as far as this country is concerned every citizen who faces a threat or fear of crime and crimes involving guns constitutes a weaker group that this Government will bend over backwards to take care of and to support by passing proper legislation. [*Desk thumping*]

Mr. Vice-President, he goes on to say:

“It is for this reason that the Constitution permits the elected representatives by a requisite majority, to override the provisions of sections 4 and 5. It is for this reason also that... courts when considering the proviso in section 13(1) of the Constitution must be deferential to the views of the elected representatives in Parliament, recognising that there are limitations and derogations from the fundamental rights, which are permitted by the Constitution.”

Certainly the aims and objectives of the Act...”—that is the Dangerous Drugs Act that he was dealing with at the time. “...and the social policy being pursued are relevant. In this regard, while there is no formal evidence filed in this case, it is a matter of public record that drug use has emaciated the lives of many citizens of Trinidad and Tobago. Drug addiction has divided families and destroyed lives. Drug trafficking has led to ‘turf’ wars and gun related violence causing death. There are good social reasons for strong and uncompromising approach to the scourge of drug trafficking in Trinidad and Tobago.”

Mr. Vice-President, this country, this Government likewise, is committed to adopting a strong and uncompromising approach to violent crime in the society and ensuring that citizens, as they sit in their homes, as they drive in their cars to and from work, as their children walk to and from school, are safe from predators on our society who are insistent upon carrying around and making use of guns illegitimately.

So, on this point about the fear—before I go there, as I mentioned earlier, we have looked at the legislation that obtains in other jurisdictions, other countries which are considered to be civilized, which are considered to be good places for people to live and work and raise families and live their lives in happiness and peace, and we had found that such countries have similar legislation. For example, in New Zealand, there is similar legislation. It is set out in the Bill Essentials which has been provided to everyone. In New Zealand, their Act, section 10(1) of their Bail Act provides:

“This section applies to a defendant of or over the age of 17...who is charged with a specified offence...and who has 1 or more previous convictions for a specified offence...

In this section, specified offence means any offence”—[*Interruption*]

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made. That the hon. Senator’s speaking time be extended by 15 minutes. [*Hon. G. Singh*]

Question put and agreed to.

Sen. L. Lalla: I thank colleagues in this Senate. I was referring to section 10(1) of the Bail Act of New Zealand. That section places an onus on the accused to satisfy a judge that he should have bail. So it is something slightly different from ours, but the idea behind it is the same, that is for offences involving

Bail (Amdt.) Bill, 2015
[SEN. LALLA]

Tuesday, March 31, 2015

firearms or the commission of crimes with firearms, there is no right to bail, there is the presumption against bail and it is up to the accused person to satisfy the court why he should get bail.

We are doing something slightly different and, in my respectful view, less severe than what is done in New Zealand, in that we are saying there is no right to bail only for 120 days. If within that 120 days the prosecution is unable to get their act together and start the matter, you would get bail. [*Interruption*] You are entitled to apply for bail. I am thankful for the correction by Sen. Prescott, Senior Counsel. So it is slightly different and it is less severe than that obtained in New Zealand.

In Canada, we have made reference to their legislation, their Criminal Code of 1985, section 515(6), which provides:

“Unless the accused, having been given a reasonable opportunity to do so, shows cause why the accused’s detention in custody is not justified, the justice shall order, despite the provisions of this section, that the accused be detained in custody until the accused is dealt with according to law, if the accused is charged”—with an offence involving a firearm.

So they have followed the model like New Zealand.

In Queensland, Australia, and I am sure you are quite aware, Mr. Vice-President, that Australia has recently been rated as one of the best places in the world to live. It has one of the lowest crime rates and—[*Interruption*] because of cricket—its citizens are rated to be among the happiest in the world. In Queensland, Australia, reading from their Bail Act of 1980, section 16, headed “Refusal of Bail”, the Act states that:

“Notwithstanding this Act, a court or police officer authorised by this Act to grant bail shall refuse to grant bail to a defendant if the court or police officer is satisfied—”that the person—

“...is charged—

with an indictable offence in the course of committing which the defendant is alleged to have used or threatened to use a firearm, offensive weapon or explosive substance;”—and—

“the court or police officer shall refuse to grant bail unless the defendant shows why the defendant’s detention in custody is not justified...”

Our model is similar to that in that initially you are refused bail. After a period of 120 days you have a right to show why your continued detention is not justified and for you to obtain bail.

2.30 p.m.

So, in concluding, Mr. Vice-President, I would respectfully submit to this honourable Senate that the legislation is legislation that is deserving of support and, of course, the Opposition sees that and has supported it. It is legislation that while it breaches the fundamental right provisions contained in sections 4 and 5 of the Constitution, it complies with the test as set out in section 13(1) of the Constitution in that it is legislation which is reasonably justified in our country, having regard to the very pressing, urgent and important problems that we are presently faced in dealing with guns and the fear which our citizens have over guns.

You know, it was only on Sunday when I saw in the *Trinidad Guardian*, the *Sunday Guardian*, a conference hosted by Prof. Derek Chadee dealing with the fear which we have in Trinidad over crime, and the headline is: "Over 50 per cent of people in Trinidad fear crime". This is something that this Government feels very strongly about.

We want people to feel safe not only in their houses, but as they move about, as they go about and meet their relatives, as children walk to school, as people drive along the roads that we have built throughout this country on their way to and from work. We want a safe society, a society where visitors feel happy to come to and would feel safe when they are here; a society which allows us to achieve our full potential as a people. We could only achieve that, Mr. Vice-President, if we deal with our problems created by crime, and a small minority of criminals as pointed out by the hon. Attorney General, and for that reason I would ask us to give this legislation our wholehearted support. [*Desk thumping*] I do thank you, Mr. Vice-President. [*Desk thumping*]

Sen. Elton Prescott SC: Thank you very much. Thank you very much, Mr. Vice-President, for permitting me an opportunity to enter into the debate on a Bill to amend the Bail Act. I thought I could position my remarks on a consideration of the true meaning of section 13 of the Constitution, which obliges us to consider whether legislation that is proposed is reasonably justifiable in a society that has a proper regard for the rights and freedoms of individuals.

It is, therefore, an acknowledgement that there may be pieces of legislation that infringe on the rights of citizens, but there may be stronger impetus for maintaining such legislation or passing such legislation because it is reasonably justifiable in the society. There are greater concerns abroad that may force all of us to think that it might be better to have such legislation, and to suppress the rights and freedoms of another. From that position I am able to say that it seems

Bail (Amdt.) Bill, 2015
[SEN. PRESCOTT SC]

Tuesday, March 31, 2015

to me that it was incumbent on the hon. Attorney General in piloting this Bill to seek to persuade us that this was reasonably justifiable legislation.

In my view, he omitted to do so; he failed to do so, and instead focused on suggesting to us that all that we ought to be concerned about in the society is the rising toll of murders and the fear that accompanies it, but as you would note from this piece of legislation today, the concern really is the proliferation of firearms illegally in the possession of some persons and being used in the course of committing an offence. The hon. Attorney General simply did not provide me with data or even circumstances which might lead me to think that there is such an overwhelming need for this kind of legislation—and I will deal with the legislation—that I should give my vote to it.

Let me put before you a graphic situation pertaining to offences under the Firearms Act which can occur. If you can picture a young student, 18 years and over, who finds himself in premises, domestic or otherwise, where a police officer is of the view the manufacture or assemblage of firearms is taking place, that is an offence which the Firearms Act prohibits, and it is susceptible to a term of imprisonment of 15 years. The mere presence of this 18 year-old young man or woman in those premises permits the police officer, quite properly, to arrest and charge with such an offence. And, immediately, that young man or woman becomes subject, at the very least, 120 days in prison in the Remand Yard whose reputation—the reputation of which, I better say, is as horrendous as anyone can imagine in Trinidad and Tobago. Judges have spoken about it; politicians have spoken about it; prisoners have spoken about it; and people who visit the prison can tell you.

The young man or woman will probably be facing his or her first offence if he is convicted, and by the time he or she has had an opportunity of demonstrating or being found not guilty, he would have served a sentence of four months minimum and, apparently, you do not need four months in Remand Yard to become a hardened criminal from what we have been told out here. People in there have the capacity to persuade you into a life of crime.

The society from which you come, the community, may well have already positioned you in your mind that you are an inferior member of the society, and to go into prison for four months, if you think you are innocent, could very well result in you being convinced that the society is not for you, and then your leanings towards anti-social behaviour become hardened. Now, it is graphic, it probably does not apply, but equally it may.

You only have to find yourself in a position where someone, a more senior person than you, is conducting a clandestine activity in your house, manufacturing weapons and you find yourself in prison in the Remand Yard for a period of four months. No conviction, no conviction at all and, indeed, in some cases, no probability of being found guilty of any offence. That is not the only offence under the Firearms Act which this Bail (Amdt.) Bill contemplates.

If you look at section 12 of the Firearms Act, it deals with persons who have in their possession firearms with intent to endanger life. Once again, I am saying, the young man or young woman does not have to be himself or herself engaged in endangering life. If you are in a car, in a police roadblock, and there is a weapon in the car, every police officer is entitled to say: "This was your purpose for being there." The gun is under the seat—you know, any seat—everybody comes out of the car, everybody would be taken to the police station, everybody may find himself on a charge under section 12 under the Act and everybody then has to find somebody to demonstrate to the court that they are innocent. Although I am wearing my lawyer's hat, I know that I am suggesting that one has to be guilty, that you are guilty until you are found innocent, it is not so, but it is not far removed from what is happening in this situation.

In short, Mr. Vice-President, whenever we begin to tinker with the right of the court, the jurisdiction that the court has to determine on a bail application, I am inclined to resist it. I prefer to think that innocence precedes anything that the Legislature can come up with, and that we must have a greater concern for preserving this right to be considered innocent until proven guilty.

The introduction into our legislation of these words: "A court shall not grant bail" must cause anybody to stop and listen carefully to what is being suggested. Why it is a court shall not grant bail? Why should we take it away from the court? Why should a person not be able to say, immediately after arrest: "I wish to go before a judge of the High Court"? Let him determine whether my freedom should be restricted in this fashion.

On the last occasion I spoke about this in 2014, I presented a position where it is very likely that a police officer may only, by reference to your name, be of the view that you are a convicted criminal, and the person whose name I had called on that occasion is a real live human being that I know. Somebody else somewhere had been arrested and convicted who carried the same name. If that innocent friend of mind has found himself in the hands of a police officer—because he is travelling in a vehicle which has a gun in the trunk—he, by reason of the fact that his name is known to the police officer, can spend four months in

Bail (Amdt.) Bill, 2015
[SEN. PRESCOTT SC]

Tuesday, March 31, 2015

jail only to be told that the case has been adjourned for another month, two, three whatever you like, but when he does finally get an opportunity before a judge or before a judicial officer, he can demonstrate that he is not the man whom the police officer thought he was. He just unfortunately had the same name, and it happens, but how does he recover? I do not mean in money terms. How does he recover psychologically and in the eyes of his friends and among his friends from four or five months in prison in a Trinidad and Tobago state prison in the Remand Yard?

The stain and the stench of which stays with you, I understand, long after you come out—bush baths notwithstanding—it simply does not leave you. I have visited the prison and the Remand Yard has a pervading stench that really you could feel that you need to wash yourself when you come out, and so, let me look at what exists in our legislation now.

It seems that we were able to persuade the Senate on the last occasion that there ought to be an opportunity, after a charge has been laid and the person has appeared in court, to demand his right to go before the judge, and to be entitled to have that judge consider his application for bail. We actually have a provision in the Bail (Amdt.) Act of 2014 that says—section 4(12) or something like that—that if some evidence has been taken within 120 days of the reading of the charge, but the trial is not completed within one year from the date of the reading of the charge, the person is entitled to make an application to a judge for bail. So that you have been charged, you have not been brought before the court in 120 days, your right to apply for bail resumes, but if within that 120 days some evidence has been taken, it was necessary to persuade the Senate that we ought to be permitted that right to apply for bail.

2.45 p.m.

I am not certain that that particular piece of legislation has been assented to, but I can be corrected on it. If it has, it really does not change my opinion of what ought to happen in the circumstances of somebody who finds himself in a position where some offence appears to have been committed under the Firearms Act. And, let us not fool ourselves, the view of the Director of Public Prosecutions is not essential to taking him to court within those first 120 days. The view of the policeman in charge of the investigation is what matters, and we can prepare the complaint or the charge based on that.

How does one get out of that situation after being arrested does not appear from this legislation. In short, we have turned the tables and we have said, “You

are guilty until you get an opportunity to appear before a judicial officer who is empowered to grant bail”. Now, I had recommended, on the prior occasion, that the legislation could have the same effect if you have confidence in the Judiciary and you did not tamper with the judge’s discretion, save to say, that there are situations in which a judge may act to grant bail, and it acknowledges what has been known to the common law all along, that if the judge satisfies himself about certain things, he may or may not grant bail.

So, for example, a judge should take into consideration, or rather seek to be persuaded, that the accused person may fail to surrender to his custody, to come back to court. If the accused person—and I say “accused” kind of tentatively because I am thinking the person may not yet be charged, let us say the arrested person. If the arrested person was taken before a judge, the judge has to satisfy himself that his person will turn up, or will not commit an offence while on bail, or may not interfere with witnesses. If the judge satisfies himself about that then the person can be allowed to resume his normal life, subject only to the responsibility of returning to court. One would imagine that a judge would consider, in hearing such an application, the nature and seriousness of the offence, or the antecedents of the offender, whether he has a record of absconding while on bail, where does he work, how old he is—that sort of thing. Our judges do that.

This piece of legislation suggests that we are not confident that our judges can stand dispassionately away from what is before them. Somebody mentioned last time that they have fears too. So, a judge is fearful when he grants you bail that you might come to his house, but you could put it as high as saying, “Well, it is an occupational hazard”, but the reality is that our judges are protected within the society. The reality is that our judges come from within the profession and are trained in a certain way, and are mature people. So that a judge is not going to grant you bail because he is afraid, or rather, refuse you bail because he is afraid or because he thinks that this crime is too prevalent, he will take into account those circumstances that any judicial officer should take into account before making a determination.

There is something else that lawyers practice to the benefit of their clients, and it is an application for habeas corpus. Habeas corpus, as you know, is the application to bring the body before the judicial officer to determine whether that person should continue to be held in police custody or not. There are those who will say, well, it has not been taken away, the right to apply, but my recollection is that if a charge has indeed been laid then there is not much chance of an application for habeas corpus succeeding. Today, the Chamber has about six

Bail (Amdt.) Bill, 2015
[SEN. PRESCOTT SC]

Tuesday, March 31, 2015

lawyers, and some of them well-practised, well-versed in criminal law, so I imagine that somebody will politely correct me after, but I have been told that if you make—whereas you always have the right to make an application for habeas corpus, which might lead to you being freed until the hearing of the charge—that if the charge has already been laid then the police would have done what they are properly required to do, which is to move from mere detection and investigation to a commitment to taking you to court, and so that right goes away.

So that we would now have lost the habeas corpus application, the right to habeas corpus, and we have now lost the right to bail, if we permit this amendment to go forward, and so all that is left is for the police to profile certain persons and commit them to four months in prison, minimum, until they can get before a judicial officer. And I go back to my initial position, the damage would already have been done. The question for all of us is: Is that reasonably justifiable in our society if we have regard for the rights and freedoms of our citizens? The answer continues to be, for me, no.

In my view, everyone has a constitutional right to a fair trial, and that may well be an argument that those who support this Bill will put forward, but a fair trial loses that element of fairness 120 days after the arrest, if you have been in remand. The culture, the whole—well, what is a good word for it?—how you feel 120 days later. How you treat with your having been arrested 120 days after having been imprisoned is bound to be different. The environment in which that case is going to be conducted, including the accused person, will be one of bitterness and rancour, in particular, if that person is sure that he is innocent. He would either have been intimidated and reduced to nothing or become very belligerent, and that is not going to be to his benefit in any way before a judicial officer.

So that a certain spiral has begun from the arrest and it is only going downwards, while this piece of legislation, if it passes, is allowed to stand. Mr. Vice-President, I had previously resisted a similar but more broad piece of legislation, I am still of the view, and I am more particularly of the view that until we are satisfied from the Government or through the Minister, the hon. Attorney General, that this is necessary legislation, I am not inclined to support it. Thank you very much. [*Desk thumping*]

Mr. Vice-President: Sen. Avinash Singh. [*Desk thumping*]

Sen. Avinash Singh: Thank you, Mr. Vice-President, for allowing me the opportunity to also make a brief contribution in terms of this debate. Before I start

my contribution, let me just respond to some of the things—in fact, I listened attentively to the last Government speaker, Sen. Lalla, but after listening for quite some time, I have really nothing much to respond to, other than the fact that he would have spent the last 10 minutes on his time—the beginning of his contribution, attacking Mr. Farrell. You know, it was like a substantive Motion on the man as if he was a Member of this Chamber, but he is not here to respond, but that is your style. [*Desk thumping*] Mr. Vice-President, maybe that contribution is so unbecoming of an AG, hence the reason why—well, I would leave it there. [*Desk thumping*]

Mr. Vice-President, this Bill entitled, “An Act to amend the Bail Act, Chap. 4:60”—“doh take it personal, right”. The Bill contains five clauses and this Bill, in principle, seeks to assist law enforcement in creating an unfavourable environment for criminal activities with the possession or use of a firearm. In so doing, this Bill requires the three-fifths majority to be passed since it shall have effect inconsistent with sections 4 and 5 of the Constitution. A person is presumed innocent until proven guilty in a court of law for any allegations or charges. Mr. Vice-President, this Bill, in my simple opinion, in my view, it is opposite to that view where it appears that a person will be presumed guilty until proven innocent.

The Bill seeks to restrict the granting of bail to a person over the age of 18 charged with an offence under the Anti-Gang Act. The Bill also seeks to restrain or restrict the granting of bail if a person is charged onto section 6 of the Firearms Act and has a charge pending for any offence specified in Part II of the First Schedule. And from the Bill Essentials we would identify the offences—include, inter alia, possession of imitation firearm in pursuance of any criminal offence, larceny of a motor vehicle, perverting or defeating the course of public justice, arson, receiving stolen goods, gang membership, and so on.

Mr. Vice-President, the Bill also seeks to restrict bail if a person is charged with an offence specified in Part II of the First Schedule, section 6 of the Firearms Act, and the prosecution informs the court that the person, or any person involved in the commissioning of that said offence, used a firearm, had a firearm in his possession during the commission of the said offence, or had an imitation firearm in his possession, which leads me to a point, Mr. Vice-President. In today’s society you see a lot of toys being sold on the streets. In fact, for Christmas time you see children getting toys, imitation guns—I mean, long time you would recall “caps gun”, and so on. The one that used the sulphur, [*Crosstalk*] and I know about it because in my early childhood life I would have had those. Yes, Mr. Vice-President, I had “caps guns”, but the point is, while we are here religiously

Bail (Amdt.) Bill, 2015
[SEN. A. SINGH]

Tuesday, March 31, 2015

trying to legislate our laws to prevent the use of guns, we still have toys in the form of guns on the streets selling, in the stores, in all the toyshops. So, that directly leads to a social implication that leads children—because when you see children—in fact, when we look at television, particularly the foreign channels, and so on, I do not know, some children probably presume it to be cool to hold a gun, and maybe that is why they end up in that category of criminals.

But, Mr. Vice-President, in moving on, maybe those are some of the reasons that some of these people tend to use guns because it looks cool or it—from the information coming to our media from abroad—is perceived to be that. I said it is the opposite in terms of the natural course of justice simply because we are now indicating that persons accused or charged would have to face no bail for 120 days if no evidence is taken after the reading of the charge. Mr. Vice-President, the disadvantage of this amendment is that the Attorney General is now expressing loss in confidence of the judicial process in granting bail. It also opens the system to abuse and ill-intended arrests by a few rogue officers, and, today, we heard some contributions, and some Members indicate some of these situations where rogue elements are there in the system.

Mr. Vice-President, it is also comforting to see a sunset clause, so where this piece of legislation is concerned, we can have proper monitoring for the intending results that we would like to have, and if we do not have the results then, you know, when the sunset clause is reached the law is a natural death. Mr. Vice-President, this concern I have is genuinely for those persons accused that might very well be innocent, that may fall victim to the harsh effects of the law, and would have to resort to making jail time up to a year with our current pace of justice, and I need not go into the details of our holding facilities, where overcrowding and unsanitary conditions continue to be the order of the day. I simply ask that the Attorney General seek proper guidance in terms of the separation of powers so that an aggrieved person does not take this matter against the State in a High Court and reign victorious against the State.

3.00 p.m.

Mr. Vice-President, while I will not be blind to the intentions of this amendment, I join the hundreds of thousands of citizens in this country that do not feel safe anymore. What makes it worse is that when you look at the budgetary allocations towards national security in the past five years, I simply ask myself: What is really going on? In 2015, an allocation of \$6.994 billion, or just thereabouts; in 2014, \$6.497 billion; in 2013, \$5.5 billion; in 2012, \$5.1 billion and 2011, \$4.7 billion. Mr. Vice-President, that is somewhere in the vicinity of

\$30 billion spent on national security in the last five years. We ask ourselves: Are we really safer now? Who in society really honestly feels safe?

In fact, this UNC Government promised to reduce crime and promised to make Trinidad and Tobago safer, and what did they deliver? I will tell you what they delivered: almost \$30 billion in expenses in national security, and what do they have to show for it? Maybe LifeSport.

Mr. Vice-President, can you imagine a mother changing the diaper of her child on one of the nation's roads, and bullets are spread from a gun? Up to this day citizens call police stations to make reports and access support from those in authority, only to be told that they do not have any vehicles or they are not equipped with machinery or they are short staffed and so on. I did not come here to condemn outright—[*Interruption*]

Sen. Maharaj: Mr. Vice-President, 35(1). My friend needs to be relevant at some point in his contribution.

Mr. Vice-President: Senator, please make the connection and stick to what we are debating, please. Continue, hon. Senator.

Sen. A. Singh: Thank you, Mr. Vice-President, I am very relevant. In fact, we are here trying to religiously legislate our Constitution to remove illegal guns, and I am showing where \$30 billion of state resources have been spent in national security, and we have absolutely nothing to show for it. [*Desk thumping*]

Sen. Maharaj: A reduction in crime.

Sen. A. Singh: Up to this day, citizens call police stations, as I have mentioned, and there are no police cars and all these sorts of things.

Mr. Vice-President, I did not come here to condemn outright, but I am a concerned citizen, just like all the right-thinking citizens out there, wanting to know whether this nation's resources are being well maintained, well managed and well equipped, and that we are getting value for money. One possible conclusion I can draw from the responses by persons in the public, is that almost every single Government contract is littered with questionable transactions. As such, I can tell you on that side, I personally will be calling for the forensic audits of almost all contracts that raised eyebrows, because like the population, I want to know where the people's money has gone.

Sen. Sturge: Mr. Vice-President, 35(1).

Sen. Hinds: What are you objecting about? [*Crosstalk*]

Bail (Amdt.) Bill, 2015

Tuesday, March 31, 2015

Mr. Vice-President: Senators, Senators, please. Let us look at 35(1). Standing Order 35(1) simply says:

“Subject to the provisions of these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Senator shall confine his observations to the subject under discussion.”

So therefore what the Standing Order is simply saying, is that you have to stick to the debate on the Bill that you are presently debating. Therefore, when one strays from that, it is the prerogative of the Chair to indicate quite clearly let us make the connection and stick to the Bill.

Senator, I am asking that you are in a debate pertaining to the Bail (Amdt.) Bill, that you make your connections there and pursue that. Please continue and refrain from all over the place dealing with matters—[*Crosstalk*]

Sen. A. Singh: Thank you, Mr. Vice-President, I will be guided. In fact, let me draw the line in terms of where I see this Bill, as it relates to trying to reduce the illegal guns on our streets.

This amendment comes at a time when the statistics show differently from reality. Let me just turn to a document showing where we stand in terms of our crime situation in this country. A report of the Trinidad and Tobago 2014 Crime and Safety Report, which was done by the Overseas Security Advisory Council, the United States Department of State Bureau of Diplomatic Security. I will just quote a few lines, if you will permit, as it relates to our crime situation where illegal guns and all these criminal activities are concerned.

In fact, this report was done in the latter period of 2014, and it states under:

“Crime Threats

The U.S. Department of State considers crime in Trinidad and Tobago to be rated at a Critical level.”

I will repeat that, “at a Critical level”.

Sen. Maharaj: What is the year?

Sen. A. Singh: Crime is the principal threat to visitors.

“The murder rate for Trinidad and Tobago is 31 per 100,000 inhabitants.

The majority of violent criminal activity (i.e, homicides, kidnappings, assaults, sexual assaults...) in Trinidad is gang/drug related or domestic in

nature. A significant and growing portion of this violence is attributed to the influence of gangs, illegal narcotics, and firearms.”

It goes on to say, Mr. Vice-President:

“Over 100 criminal gangs have been identified in Trinidad and Tobago, and these gangs, as well as other organizations, have been linked to crimes related to weapons smuggling, fraud, and other organized criminal activities.”

So we have the United States Bureau (*Sen. Singh pronounces Bureau, 'brewery'*) [*Crosstalk*] of Diplomatic Security telling us here in Trinidad and Tobago that 100 gangs are identified in our country. [*Interruption*] Mr. Vice-President, can I seek your protection?

Mr. Vice-President: Please, please, Ministers, Members of this honourable House. Allow the Senator to make his contribution as he is ought and rightfully so to do.

Sen. Maharaj: He said “brewery”.

Mr. Vice-President: Whether he said that, we are here to help each other and not to make a mockery of each other. [*Desk thumping*] Therefore, other people are listening; everyone here makes mistakes at some given time. Please allow him to have free room to make his contribution.

Sen. A. Singh: Thank you kindly, Mr. Vice-President. [*Crosstalk*] So, we have a situation, Mr. Vice President—[*Crosstalk*]

Mr. Vice-President: Please, Senators, let us observe the Standing Orders. We have temporary Senators here. Please let us listen in silence.

Sen. A. Singh: Thank you, Mr. Vice-President.

We have the United States telling us in Trinidad and Tobago that we have 100 identified gangs. Hopefully when the Minister of National Security gets up to respond, he can tell us from this report that was recorded 2014, how much of those 100 gangs that were related to firearms and all these sorts of illegal activities, we have managed to put behind our justice system or behind bars.

The report goes on to say:

“Many crimes go unreported. Further, there are instances in which crimes are reported but not documented. Most reported crimes occur within the metropolitan areas of Port of Spain and San Fernando. Approximately 18 per cent of reported crimes result in an arrest.”

Bail (Amdt.) Bill, 2015
[SEN. A. SINGH]

Tuesday, March 31, 2015

That is our detection rate. We can have the best legislation; we can have all the best words to use in forms of legislation, but if we cannot apprehend or if we cannot identify, our detection rates remain low, then it is a waste of time. [*Desk thumping*]

I will just refer to some data with respect to our local image. What I identified just now is our international image and how the world is looking at Trinidad and Tobago under this UNC Government.

Sen. Hinds: Well said!

Sen. A. Singh: As I said, critical level—the level of crime here in Trinidad and Tobago is rated at a critical level, and they are proud of that.

Locally, page 72 out of the Trinidad & Tobago Police Service Strategic Plan 2014-2016, Appendix 3, “Building an Exceptional Organization: One Team, One Vision”, a report that was commissioned—and you can find it on the Trinidad and Tobago Police Service website. The Crime Review Statistics is between the years of 2011—2013, and this is where we stand locally: Murders in 2011, out of 352 reported, 78 were solved; in woundings and shootings, 535 reported in 2011, only 129 were solved; in 2012, murders, 379 reported, 65 solved; woundings and shootings, out of 579, only 116 were solved.

Mr. Vice-President, this document identifies all these serious crimes reported in Trinidad and Tobago, in the years 2011, 2012 and 2013 under this UNC Government. After \$30 billion of investment in national security, this is what this Government has to show for it. This is what this Government really has to show after five National Security Ministers, absolutely unprecedented. [*Desk thumping*]

Sen. Hinds: A collapse!

Sen. A. Singh: Mr. Vice-President, when you increase the budgetary allocations, you would expect results—positive results. Out of all the serious crimes reported in 2011, out of 15,877 reported, only 2,988 were solved. In 2012, out of 17,840 serious crimes reported, only 2,973 were solved. In 2013, out of 13,146 reported cases, only 2,361 cases were solved—and that is your track record. That is your track record.

Let me turn my attention to the police service, in dealing with the apprehension and dealing with the public interest. In Trinidad and Tobago, we have the Trinidad and Tobago Police Service and their vision is:

“To make every place in Trinidad and Tobago safe.”

Their mission:

“In partnership with the citizens of Trinidad and Tobago, we provide for safe and secure communities and other places through professional policing, focused leadership and consistent, high quality service.”

Their motto:

“To protect and serve with P.R.I.D.E.”

Their core values:

“In fulfilling its motto to protect and serve with P.R.I.D.E. the Trinidad and Tobago Police Service is committed to sustaining the following values.”

We have very hard-working police officers in our service, but likewise we have a few rogue elements that we need to get and we need to take responsibility for. In fact, most officers know their duty is to protect and serve with pride, but do they even know what pride means in terms of their core values?

Let me just identify, to place on record: P-for professionalism:

“We will be efficient, diligent, thorough and informed in performing our work and will adopt a deliberate approach to be humble, kind, understanding, empathetic and considerate when interacting with our clients.”

R-respect:

“We will exhibit respect, tolerance and sensitivity to each other, irrespective to rank, status or class.

Integrity-We will be honest, applying the highest ethical standards in the performance of all aspects of our duties, doing always what we are obligated to do in an objective and equitable manner, not compromising ourselves or allowing personal benefit to influence our decisions.

Dignity-We will protect human dignity and maintain and uphold the rights of all persons.

Excellence-We will strive to achieve excellence in every service that we provide through our commitment to collaboration, communication, learning, mentoring, teamwork and the implementation of effective strategies.”

I simply urge police officers to protect and serve with pride. They really need to stand by these core values to get the confidence of the public, [*Desk thumping*] because a great percentage of crime in today’s society is as a result of intelligence

Bail (Amdt.) Bill, 2015
[SEN. A. SINGH]

Tuesday, March 31, 2015

gathering. The population wants to know that they have confidence in the Police Service Commission and the police officers, to go forward with information.

3.15 p.m.

But when you have situations, for example, when a police officer stops you on the highway and they tell you everything else but good morning, it leaves you to wonder if they are really true to these core values. In fact, there are so many articles being bombarded in the media in terms of where rogue elements exist. An article identifying illegal guns as we speak reported in the *Trinidad and Tobago Guardian* newspaper, Thursday, January 29, 2015. The article, the headline is: “Get 800 illegal guns for 2015”.

Mr. Vice-President, our commissioner, our goodly and our hard-working Commissioner of Police (Acting) is quoted in the newspaper as saying:

“Firearms are used 75 per cent of all murders and if we take the firearms out of the hands of the criminals, we should see a drop in murders.”

Mr. Vice-President, he:

“...also apologized for errant officers who he said had strained the relationship between the public and the police. He said in order for the country to achieve a reduction in homicides, ‘there needs to be strong partnership between the police and citizens against criminals’.”

That is the heart of the point I am trying to make where the population needs to know that we can trust our police officers, our police service, in bringing forward the information that would lead to the apprehension of illegal firearms and the reduction of crime in this country.

So, Mr. Vice-President, let me go a step further to another article January 26, 2013 “Guns used in 80 per cent in murders in TT”. In fact, this article, Mr. Vice-President, prompted me to think: where do these guns come from? Seriously. Are we manufacturing guns in Trinidad and Tobago? We have heard the Attorney General indicate where certain brands of guns are made in Venezuela, Colombia and so on. In fact, not a word—not a word came from—sorry, my mistake. It is Sen. Lalla. Not a word on what we as a nation are doing to protect our borders because I am yet to believe and wonder if almost all the illegal guns coming into this country come through illegal ports of entry.

Mr. Vice-President, and that is a serious situation we have here where our borders are concerned, because we cannot be preaching on the one hand that we

are spending \$30 billion to try and have an effective crime reduction legislation, and then when we have policy decisions for offshore patrol vessels and these types of machinery to protect our borders, this Government simply saw it fit to disband or stop the acquisition of those which left our borders porous. All of these guns—most of these guns are coming in from these borders.

In fact, the article also indicates and the commissioner is quoted as:

“...pointing out that most violent crime...and offenders were between the ages of 13 to 29.”

This gives direct merit to what Sen. Hinds indicated today where the age of 18 is concerned. Because here the commissioner is quoted as saying that most of the violent crimes in this country are committed by persons between the ages of 13 to 29.

So therefore, the police intend to focus on the young people through police youth clubs engaging them in positive activities and so on. I applaud this move by the Commissioner of Police because we need to take our children, we need to take our young people off the streets. Certainly Life Sport did not do that. We need to put them in programmes. We need to put them in the correct direction.

Sen. Sturge: 35(1)—this has nothing to do with bail.

Hon. Senator: What?

Sen. Robinson-Regis: LifeSport?

Sen. Hinds: The police are investigating LifeSport. Somebody will need bail.

Mr. Vice-President: Please, Sen. Hinds, allow the Chair to rule, please. Please, continue.

Sen. A. Singh: Thank you, Mr. Vice-President. I have never—in my one year and few months—I have never been interrupted so many times by these and those who acquire office, but it is a shame. Simply a shame. They are frightened. They are shaking. [*Crosstalk*]

Mr. Vice-President, you know, they come here and they say that the PNM “doh care, and we doh care, and we this and we dat”—whatever. In fact, recently we came up—when the crime situation in this country was at an all-time high and we came up a few ideas, a few plans, a few points to assist in our crime prevention and crime reduction in this country. What did they do with it? Swept it under the carpet. They did not even look at it. I would like to read it into the record because maybe they can take some information and be educated by these points that we

Bail (Amdt.) Bill, 2015
[SEN. A. SINGH]

Tuesday, March 31, 2015

the PNM would have put forward to this population in terms of getting our crime act together.

Mr. Vice-President, we must have a committed police service. We must have a committed system. We must have a well-manned, well-operated, well-managed system, and if we cannot get the top or if we cannot get the mere contractual arrangements in order, what motivation is that giving these police officers in terms of searching for firearms and going out there and doing their duties?

The first point that we indicated to this country in our 10-point plan is to immediately abolish existing laws and rules governing the search for evaluation and the appointment of a Commissioner of Police. [*Desk thumping*] That is where this thing is supposed to start. We must have somebody committed. Somebody who knows that they are at a permanent position and can work for the best interest of this country in terms of getting their officers motivated.

Sen. Hinds: Well “putted”, man, well “putted”.

Sen. A. Singh: Mr. Vice-President, part b to that point, one: simplify the process so as to make an appointment after evaluation by the Police Service Commission which could legislatively be enlarged to include the chairpersons of some other appropriate independent service commissions. At that point in time that action would have been immediate and urgent so as to allow an appointment of a suitable national who will have a proper tenure, proper tenure. Not a six month contract or thereabout, just renewing on that basis. We need to motivate our officers to go out there and find illegal guns. We need to motivate them to go out there and carry out searches and warrants and all these crime reduction and crime prevention activities and try to rid the streets of all these guns.

Mr. Vice-President, in moving forward I would like to identify where we are now as a nation with respect to crime. It was a published document dated January 20, 2015, the “Trinidad and Tobago Police Service Operating Plan 2015”, theme:

“Building an Exceptional Organization: One Team, One Vision”

This is “where we are now”, and I would just like to quote from this article, just the first paragraph as to let the public know where we are now.

“We are at a very encouraging position in our organization’s journey as Serious Crime have continued to trend downward. The 2014 total of twelve thousand and fifty (12,055) is the lowest number recorded in thirty (30) years, that is since 1985. It surpassed the 2013 total of thirteen thousand one hundred and forty seven (13,147) which is the second lowest figure since 1985. Notwithstanding, murders continue to be the main challenge for the

organization. This crime type heavily influences citizens' fear of crime and ultimately their perception of safety and security in the country. The TTPS must therefore maintain its momentum in reducing crime and simultaneously achieve a significant reduction in...”—crime.

So what this is saying is that the statistics are there, but the public perception is what drives the nation to that unsecured feeling of being unsafe. Mr. Vice-President, the article also goes on to identify where we are now and it goes on to say:

“The occasion of general elections is an exciting and critically important one for the citizens. It brings with it opportunity for every citizen to exercise his democratic franchise towards the election of a government to his choice. This year's general election will be unique for the people as it involves a reformed election process. The TTPS must fully be prepared to effectively deal with any situation that may arise in the period leading up to, during and immediately following the general election. The trade union movement has already published that they will be leading heightened protest actions; as such, increased protest can be expected.”

Mr. Vice-President, that is the Trinidad and Tobago Police Service Operating Plan 2015. It leads me to the point and it is well-positioned, a very good document, well-drafted and there are goals set out as to how we are supposed to go out there and reduce and detect crime.

One of the items, Mr. Vice-President, is the national firearms registry, and the establishment of a national firearms registry. In fact, most countries are already geared towards this direction. They have set some targets—seizure of illegal firearms. They would like by the end of 2015 to increase by 5 per cent and so on.

Mr. Vice-President, what we have seen in this country escalating is that so many guns are on our streets. So many young people now have turned to a life of crime. So many persons are out there and do not have an alternative life, as they may well perceive. In so doing, some recommendations I would like to make and the Government has heard the Opposition thus far, that we the PNM are prepared to support any legislation to really benefit the general public's interest.

In some of the recommendations—and this is a very—it might be very strange to some of us, but maybe we can see more total policing days. Because I assume that these activities when there are roadblocks and vehicles are searched, a lot of illegal firearms are confiscated by law enforcement. It is no stranger to us, Mr. Vice-President, that the Trinidad and Tobago Police Service Strategic Plan 2014

Bail (Amdt.) Bill, 2015
[SEN. A. SINGH]

Tuesday, March 31, 2015

to 2016 identified this activity as established effective enforcement initiatives. I will just read that one. The strategic actions:

“Implement a ‘total policing day’ initiative once weekly to optimise the use of all resources in the nine Police Divisions.”

The person who is responsible for this activity is the Deputy Commissioner of Police Operations. There is a timeline—year one, year two and year three, and all three check boxes are indicated.

So, you are seeing, Mr. Vice-President, activity and policy geared towards removing or ridding the streets of this country of illegal firearms. But, Mr. Vice-President, I will be bold to say that I would also like to support an article March 31, 2015 and the article reads:

“Griffith: T&T gun laws do not go far enough”

What this article goes on to say is that citizens’ rights to bear arms if they believe arms will protect them, their family and their businesses from criminal elements, are done in accordance with the law. That is one of the methods that can be used to make people in this country feel safe. Because if it means that having a gun—and in fact, one prominent individual, Mr. Towfeek Ali, head of the Firearms Training Institute at Chaguanas said:

“Most people just want a gun for the sense of security and hope never to use it.

People tend to want to protect themselves, family and businesses’, he said. ‘Having a firearm gives a sense of security in that you would have a chance to protect yourself against the criminal elements out there.’”

We see time and time again, when bandits or criminals elements go to some of these business places, they are met with some large bullets and they end up dead.

3.30 p.m.

And, Mr. Vice-President, that is one of the recommendations also out there, because a lot of business people have applied for FULs or firearm user’s permits, and so on. So, that is one of the mechanisms that we can also look or start a conversation in terms of trying to combat this illegal gun problem, because it is unfair that only the bandits have guns in this country and most of the right-thinking, well articulated business people in this country simply have problems getting firearm user’s permits and so on.

We need to secure our borders as priority, because a lot of guns, as I said, come in through unregulated, unofficial, illegal ports of entry. We also need to

Bail (Amdt.) Bill, 2015

Tuesday, March 31, 2015

beef up our monitoring of imports at the local ports of entry, because you are seeing a trend where items are brought into this country, misrepresented in some cases, and they are simply slipped in this country, and we all know guns are one of the contributing factors to almost all the crimes. We have heard the statistics of over 75 per cent of crimes that occur is because of guns.

But more so, Mr. Vice-President, I personally would like to indicate that the population really needs to respect our law enforcement, but the law enforcement agencies must give the public the confidence so that we can support them and bring forth information. In a newspaper article, March 30, 2015, just yesterday, you see 12 police officers have been arrested. This is sending a very bad signal to the population. In fact, when you see articles like these surfacing on a daily basis, the population is restrained, the population keeps that information to themselves, and you might see them going to a soap opera personnel with information.

But, the point is, Mr. Vice-President, if we really want to rid our streets of illegal guns, this legislation is just one step of the way. We need to have strict policies, strict mechanisms; we need to up our detection rates, because it does not make sense we have legislation and out of 800 illegal guns we only seem to detect one or two, then we are wasting our time. So, Mr. Vice-President, as I have indicated, that we the Opposition, the right-thinking Opposition, we will support this in principle in achieving a safer environment, a safer country, a safer nation, and moving forward to that status as we would like to reach, a First World status.

Mr. Vice-President, I thank you for giving me the opportunity. [*Desk thumping*]

Sen. Wayne Sturge: [*Desk thumping*] Thank you, Mr. Vice-President, for giving me the opportunity to make a very short contribution to this Bill.

Now, if you would permit me to begin where I ended when I made a contribution to a Bail (Amdt.) Bill in 2014. I ended my contribution in 2014 by making reference to a speech from the noble and learned Senator. In her very brief contribution, a contribution which took place in September of 2008 on another Bail (Amdt.) Bill when another party was in power. The learned Senator said, and I quote, and I am going to quote pieces of it, not all of it:

“I also believe that there is just cause for this Bail (Amdt.) Bill and that the time has come for a democratic Constitution that not only preserves the rights that we treasure now, but also one which is consistent with the realities of today and the very threatening future.

Bail (Amdt.) Bill, 2015
[SEN. W. STURGE]

Tuesday, March 31, 2015

As I said, I have great respect for the Constitution, but the rights enshrined have been seriously eroded by criminals. Sometimes I get the distinct impression that the only persons with rights are in fact the criminals.”

The learned Senator went on to say:

“As I see it, this Bail (Amdt.) Bill preserves my rights over the rights of the criminals or people who intend to commit criminal acts.”

And then the learned Senator went on to address a concern raised by another Independent Senator Ramkhelawan.

“Sen. Ramkhelawan made reference to an example to demonstrate the fact that in tampering with the Constitution without I would suppose having a sunset clause or without periods of review there would be opportunity, if there were corrupt law officers, to victimize individuals if those individuals during a period of 15 years were not rehabilitated.”

And she went on:

“The reality of the situation is that can happen right now. You do not need a Bail Bill for that to happen.”

She went on to say that she believed at the time, 2008, that we were living in in time of absolute necessity and it was absolutely necessary for this Bill to be passed:

“...based on the statistics”—she goes on contributing and made reference to kidnapping, these 17 kidnappers—“were denied bail, then that was potential lives saved. That was less trauma on the lives of many citizens...You are dealing with lives.”

So even if we deprive the rights of 17 criminals, we would save lives. And she closed:

“To say that in three years nothing much happened on the justification for the renewal of this Bill, I submit there is something called opportunity. If by the existence of this Bill it deterred criminals and would-be criminals, then it is justified. It is not just a matter of”—mere—“statistics. Laws are also meant to deter criminals.”—and in that sense—“it is justified on those grounds because the potential was there for harm to citizens.”

The Senator went on to make reference to gang leaders and so on, and indicated again her disgust to the fact that the rights we were seeking to protect were the rights of criminals.

Bail (Amdt.) Bill, 2015

Tuesday, March 31, 2015

Now, I am quoting from the contribution made by Sen. Helen Drayton in 2008, who in 2014 did not vote for the amendment and today indicated that she would not.

Sen. Drayton: Exactly.

[SEN. DAVID SMALL *in the Chair*]

Sen. W. Sturge: And that is her right. [*Interruption*] I did not speak to you Mrs. Robinson-Regis, but that is her right. [*Interruption*] That is out of place from you, do not interrupt. Keep quiet.

So, I simply wish to raise a few issues raised by both Sen. Drayton and Sen. Prescott, and I do not think I need to raise much with respect to Sen. Hinds because he did not actually speak about the Bill, only for about 30 seconds when he read the Bill. Sen. Drayton in her contribution said, this Bill is putting persons back in jail for years. It is not putting anyone back in jail for years. It is depriving you of an opportunity to apply for bail for 120 days. And why is it depriving this person—[*Interruption*]

Sen. Robinson-Regis: You all are attacking people. What is going on here?

Sen. W. Sturge: I am not attacking anyone, Sen. Robinson-Regis. Why is it depriving someone of the opportunity to apply for bail for 120 days? There is a legitimate aim that must be served. In 120 days the prosecution is being given an opportunity to collate its witness statements, to prepare its brief and to start its case, so that after 120 days or however long it takes to wrap up its case, at that point in time, we have the benefit of live testimony from living witnesses.

You see, the thing is, for those who understand the criminal justice system, the one thing criminals enjoy and take advantage of in the criminal justice system, is delay, and that is what we have. That is endemic, this is entrenched. So, once there is delay there is opportunity, opportunity to ensure that witnesses do not testify, so that they do not testify either because they are dead, they are too afraid to testify or they change their minds. So, we need 120 days to allow the prosecution to get its act together, start its case, and thereafter you can, afresh, make an application for bail. So, if one reads the Bill to deal with what the learned Sen. Drayton had said, it does not put anyone in jail, to use her words, putting anyone back in jail for years or keep anyone in jail for years. That is not what keeps you in jail for years.

Sen. Hinds: What is it?

Sen. W. Sturge: What is it? I will answer you Mr. Hinds. Mr. Hinds who said there are two categories. There are actually three. And the three categories of persons mentioned in this Bill, they are not the ordinary man and woman. That is the first thing. First, anti-gang, but that is existing law that we are simply seeking to continue.

So, under subsection (5) over the age of 18 charged with an offence under the Anti-Gang Act. You are dealing with a member of a criminal gang, and Sen. Avinash Singh identified in his contribution, perhaps 100. So, you are dealing with 100 criminal gangs, possibly 1,000 gang members, that is less than a fraction of a per cent of this population whose rights may be infringed. That is the very minute fraction of a population to which Sen. Drayton referred in 2008.

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

So, for those who believe, outside of the anti-gang, that rogue police officers can set up someone and put them in jail innocently, that is—you do not need, as Sen. Drayton said in 2008, a Bail (Amdt.) Bill to do that. By that argument what you are saying is that if you do not have a Bail (Amdt.) Bill, then police officers cannot set people up with firearms. That proposition needs to be stated to be rejected. It is a very stupid proposition. Whether there is this Bail (Amdt.) Bill or not, Sen. Hinds, persons are liable to be set up by police officers. So, whether the Bill is passed or not passed, you do not remove that possibility.

Now, secondly, this is not a scenario, I heard Sen. Prescott made reference of, let us say, an 18 year old who is found in a certain place and is liable to be locked up. He is a good man, he has no charges, clean record and so on, that is not this Bill. If we look at the other two categories of persons liable to be charged in this Bill—and I am reading from the Bill and not going all over the place like Sen. Hinds and Sen. Singh did. We dealt with the first category, gangsters, let us deal with the second category. The second category, you would have to be a person who already has a pending charge. So, if you read it:

“...on or after the commencement of the Bail (Amendment) Act, 2015, is charged with an offence—

(i) under section 6 of the Firearms Act,”—which is possession of a firearm—
“where the person has a pending charge for an offence specified in Part II of the First Schedule;”

Now, we all know what offences are specified in Part II of the First Schedule, they are some of the most serious indictable offences. So, you have to have first

of all, to fall under this provision and be deprived of bail for 120 days, not years as someone else says, 120 days. You have to first be charged, already in the system, charged with a serious indictable offence, and most of the offences listed in that part of the schedule are violent offences. That is why I suspect Sen. Hinds and the PNM would be supporting the Bill, as Sen. Singh just said, the right-thinking Senators would, as he said, support it, and I thank him for saying so.

So, the first category would be the gangsters, the second category would be the persons who are already charged with violent offences, and now they are charged with possession of a firearm. So the ordinary little boy or girl 18 years old referred to by Sen. Prescott who has never been in trouble with the law, he would not fall prey or fall victim to the second category.

The third category of offender would be the offender who is caught under (ii), and that is a person who, whilst committing an offence uses a firearm to shoot or whatever, or is in possession of a firearm for that purpose. So, that is a very different type of offender. Persons do not wake up and decide, let us go rob a jewel store, let us all get guns, let us all sit in a vehicle and go after M&M Jewellers armed with guns. That is not how you start a criminal enterprise. So, you would not be caught.

Sen. Baldeo-Chadeesingh: That is not how you start? Tell us, tell us.

3.45 p.m.

Sen. W. Sturge: Oh! You want me to tell you, Sen. Baldeo-Chadeesingh. *[Laughter]* If you give me your phone number I will call you later and tell you. *[Laughter]*

So category three deals with a very specific type of person. Category three really targets persons who are involved in a joint enterprise or persons who are involved in the commission of a very serious indictable offence, and in order to carry out this very serious indictable offence, he does not simply carry a “bullpistle” or a ruler to lash somebody if they resist, he has a firearm, firearms kill. So he is a potential murderer. And that is where the rights are being deprived.

And that is not so bad, because when you think about it, Sen. Hinds would practice in the Magistrates’ Court, when you go before the Magistrates’ Court and you come with a gun case on the first occasion, you know what happens most times? You do not get bail. They should be giving you bail, the magistrates, they have every reason why they should in law, but they do not most times. You know why? They are mindful of this fact that you only need an ounce of common sense

to understand. A man who is standing in front of you on a gun charge, loaded firearm, that is a man who may quite possibly be a person who has murdered and he is yet, because of our very low detection rate, he is yet to be picked up on a murder charge by the police.

So you see him come before the court and the lawyer stand up and say, he has no previous convictions, no pending matters and so on, but we all know him, we all know what he is up to, but because of the law he should get bail. But you know what the magistrates do, they are not stupid, they know this is a murderer, he just has not yet been charged. But because of the presumption of innocence he should get bail. And you know what, they use every device to delay, they grab on to every argument put forward by the prosecutor to ensure, to do their best to protect society and not give this man bail. That is how it operates. And you cannot blame them for that.

So what we are seeking to do is to not place the magistrates in an invidious position where they have to come up with all sorts of devices, knowing that this person is entitled to bail, knowing he was armed with a firearm committing an offence, and because he has no previous convictions or pending matters, we have to give him bail. I am sure that is why you are supporting it, Sen. Hinds.

Sen. Hinds: Would you give way?

Sen. W. Sturge: No. [*Laughter*] So the question asked by Sen. Drayton, what exactly is this Bill designed to cure? It is designed to cure just that, to protect us, the 99.9 per cent of law-abiding citizens who do not engage in violent criminal conduct involving the use of firearms. So the minority of persons this section is designed to bite are not the rest of us.

Now, so the short answer to Sen. Drayton's question as answered by my friend Avinash Singh, is designed to target gunmen, undetected murderers. It is designed to target gangsters, it is designed to target persons who when they commit criminal offences and whilst they are in the process of committing criminal offences, arm themselves with guns. If you armed yourself with a gun, then the criminal law tells you, a weapon that can kill and during the course of the criminal enterprise someone is killed, then the jury can very well say you, whether you intended it or not, you foresaw it as a possibility. And the law of joint enterprise, once you foresee it as a possibility that we may have to use this weapon and you nevertheless go on to take part in that criminal enterprise and the weapon is used and someone dies, then you are guilty of murder. That is a murderer. So category number three is designed to deal with potential murders.

Now, Sen. Singh made mention, let us say, 100 criminal gangs that is justification. I think that, under section 13(1) it is reasonably justifiable, because under section 13(1) Parliament can pass any law subject to the jurisdiction of the courts to say it is not reasonably justifiable. Is it not the protection of the citizens from gangsters and persons who habitually use guns and so on, is it not reasonably justifiable to protect the rest of us? Is it not the same saving of lives that Sen. Drayton referred to in 2008? I think it serves a very legitimate objective and it is justifiable in the context of the society we live in. We can do all we want and refer to statistics in Canada, in New Zealand, in England, you can go all over the world, that does not apply to Trinidad and Tobago. They do not have statistics of 30 per 100. We are one of the most murderous societies in the world and that started from 2002, sadly, upwards.

I am not going to seek to draw a connection and say, well the PNM started in 2002, I am not going to say that. It just so happens that in 2002 when we started giving state money to paint NHA houses, to fix drains, where people work one hour per day—

Hon. Senator: Community leaders.

Sen. W. Sturge:—and become community leaders and so on, it is better to give it to lawyers, they would not kill anybody, Mr. Hinds.

Sen. Maharaj: You fete them in the Hyatt. Nonsense.

Sen. W. Sturge: Right, it was not Hyatt, Holiday Inn and so on. And when you give money, Sen. Hinds, when you give money to gangsters who do not have an aim to invest, in property, in a nice car, in stocks and bonds, they are going to invest to get the top return on their dollar, they are going to invest in drugs. And when they invest in drugs they need guns to protect it.

Now I heard Sen. A. Singh make reference to—in passing and I guess he wanted to make reference to the OPVs and porous borders and so on. Porous borders, yes, we have porous borders, but I do not know that OPV would have stopped the influx of guns into this country. Let me tell you why. One of the biggest caches of weapons found in this country was found in a house in Valsayn, in a trailer; a trailer load of guns found in Valsayn. The person is before the court now. He happens to be the son of a favoured PNM contractor who died. I do not know if you remember Hafeez Karamath. Now, did that trailer load of guns fit on a pirogue and come through the Caroni River? The short answer is no.

Sen. Hinds: How you know?

Sen. W. Sturge: Well my common sense. Can you really fit—how I know, by

common sense, Sen. Hinds. Can you really fit a trailer on a pirogue, Sen. Hinds? That is how I know. It must have come through the ports, it must have been facilitated by corrupt persons. [*Crosstalk*] Well, I guess he got contracts from PNM money to buy a trailer load of guns to protect his turf.

Anyway, let me deal with some important points raised by Sen. Prescott. And Sen. Prescott indicated, well, he had a certain concern and he raised arguments about the 120 days no bail in the case of a policeman—an innocent person charged and so on and so on. But you see the thing is, yes you are being deprived of bail for 120 days and we are saying look—well, Sen. Prescott is saying that is not necessarily a good thing. But that is a policy decision that we all have to make. Because the arguments you can make with respect to the 120 days, you can take those same arguments and make them with respect to murder. When you get charged with murder, 18 year old—use the same examples Sen. Prescott gave, 18 year old charged with murder, you get no bail. You get no review in 120 days. In fact, you are locked up for 10 years. And whose fault is that?

So maybe, if that is the case, and if it is unconscionable to keep someone 120 days on remand without trial, then it is equally unconscionable to keep someone on remand for murder. Because if it is unconscionable to keep him on remand for a possession of firearm because the police set him up, he could easily be set up by a lying witness in another gang to say, I saw him murder X, because, Mr. Hinds would know that is how it operates; that is the criminal justice system. You simply need one man to say I saw X, who is my enemy, shoot Y. And on the say so of that one man you are in jail. And you do not have 120-day review. You are in jail until the matter is concluded.

So if you have a problem with 120 days you should have a problem for 10 years. The reality is these things cannot be solved by legislation because the minute you start to legislate and get involved and tell the DPP how to do his job and his timeframe, then you are breaching certain fundamental principles and people would cry interference in the office of the DPP. But the sad reality is, when you get charged with murder, the proceedings at the Magistrates' Court would take, what, a year or two years?

No bail, when you are committed to stand trial, the DPP will take five years to indict you or seven years to indict you, so that is nine years, and then you reach on the trial list in the High Court. There are only six courtrooms in the building and each murder trial takes minimum two months. I am doing one that is going on two years, and you cannot get a chance until that one is finished. So let us say 10, 15 years without bail.

So the problem is not with the bail Bill since Sen. Hinds raised issues about bail and since others raised issues about how unconscionable it is to have people in remand, not yet convicted, the problem is not with the Government. The problem generally is a systemic problem. And that systemic problem, since you like to raise section 34, that systemic problem could have been cured by virtue of section 34. In fact, section 34 was such good legislation that I remember reading that five Members of the Independent Bench decided it was so good they did not want to repeal it. But every opportunity the PNM gets they will stand up and say section 34. What they would not say is that they too voted for section 34.

Hon. Senator: Mr. Hinds said he was there.

Sen. W. Sturge: Mr. Hinds said he was there? “Oh Lord, Mr. Hinds”, you too? So I guess Mr. Hinds wanted to let go Ish and Steve too. [*Crosstalk*] Well, if you did not know, then something is wrong with you as an opposition. It means you are not diligent, it means you are slothful and you are lazy. [*Desk thumping and crosstalk*]

Mr. Vice-President: Hon. Senators, as the Presiding Officer I have the right to ensure the protection of each and every Member that is delivering on the debate. And please allow a temporary Senator, he is not here with us as regularly as we are, to make his contribution. So please allow him to make his contribution in peace, thank you. Sen. Sturge.

Sen. W. Sturge: [*Desk thumping*] There is just one more issue I would like to raise, to deal with what Sen. Prescott rightly raised in his contribution. Sen. Prescott raised the issue about the relief of habeas corpus not being available. That is not quite so. I know that your area of expertise is very different and much more lucrative than ours, but, yes, generally habeas corpus would not be available if you are seeking to have someone released who is in a police station and the police seem to be taking forever to charge. Then you can bring habeas corpus proceedings. But when he is charged, the relief of habeas corpus in that particular scenario comes to an end. That is true. But there are instances where habeas corpus will continue to be available. In this, I can think of instances under this bail Bill where habeas corpus is still available.

In fact, let me use a very easy case that we all would remember, Abu Bakr and 114 others were released on a habeas corpus. And it was a habeas corpus application coupled with—and that was the constitutional relief and he was already charged.

4.00 p.m.

So Abu Bakr and 113 others, already charged with treason, murder and so on, brought before the magistrate in Chaguaramas—I believe it was the Chief Magistrate, Mr. Melville Baird—and having already been charged, he sought the relief of habeas corpus in the constitutional court and ultimately he was granted that relief. So whilst it is true that generally habeas corpus comes to an end when you are dealing with detention in police custody, you can still access the relief of habeas corpus even after you are charged.

Now, we heard all of this thing about—what they call it?—proportionality, and my learned friend, Sen. Lalla, made reference to the elements of proportionality from the Oakes case—the Oakes test, so I would not belabour that point. But the short point is, we have heard these arguments about legislation like this being disproportionate and I have heard so many threats from the Law Association, the Criminal Bar, every Tom, Dick and Harry saying, “We will strike it down”, and you know up to now not one man file. You know why? That is political gun talk. *[Interruption]*

Sen. Dr. Henry: It was not passed.

Sen. W. Sturge: No, the one from 2014 was passed, Sen. Dr. Henry, and there was a threat by the Criminal Bar to have it struck down as unconstitutional. “Dey en even bodder. Wastin time.”

So I believe I have dealt with Sen. Prescott’s very poignant contribution and his concerns—

Hon. Senator: Poignant?

Sen. W. Sturge: Yes. Now, my good friend, Sen. Hinds, during his contribution—there is not much to say about it. It reminded me of a time when I corrected exams and you have a question on the paper and you do not exactly answer the question. You interpret the question as, “Tell me all you know about bail”. So that is what Sen. Hinds did. He talked about everything he knew about bail, about bailors, professional bailors, bail with a surety and so on, that had nothing to do with anything raised in the Bill. So there is not much by way of response to Sen. Hinds.

On the issue of—just now. I want to skip over a whole set or else I might be here for a couple days. Now, there are other reliefs and other protections available in this Bill. This Bill is not as draconian as its predecessors and it is not as draconian because, for instance, there is a sunset clause, the same sunset clause that Sen. Ramkhelawan had asked for in 2008. There is a 120-day prohibition so

that if after 120 days the prosecution has not started its case, you are entitled to apply before a judge for bail. That is another safeguard, and there are a whole host of other safeguards.

In fact, let me make a point about some of these safeguards because there is this belief, and I say legitimate belief and a legitimate concern, that there are police officers who would set people up. That is quite true. If you spend enough time in the criminal courts—I know Sen. Hinds would know that that is a very legitimate concern. It is a very legitimate concern because the thing is, even after courts order, after you are convicted and you exhaust all your appeals or you win and there is this firearm exhibit, there is no court supervision over the destruction of firearms. So it is not very difficult to be set up with a firearm.

But under this legislation, that is not really a concern, as I indicated before. You have to actually be involved in the commission of a serious offence and have a firearm using it, or intending to use it, or you already have a pending charge for a very serious offence.

Sen. Hinds: You can be set up.

Sen. W. Sturge: Yes, you can be set up. So let me make reference—thank you, Sen. Hinds, for pointing me quickly to four persons who claimed they were set up. And even if that is a concern, you have to have faith in the juries of this country and judicial officers if you are set up. Let me name four persons: One was referred to by Sen. A. Singh, an upstanding citizen, a principal of a school, the owner of a firearms institute in Chaguanas, Towfeek Ali. He was the subject of a gun charge some years ago and he maintained from the outset that he was being set up by this police officer, Chandrabhan Maharaj. In the end, he won. The jury acquitted him. If you hear the facts—which I do not believe I need to go into—it was appalling that he could have been charged in the first place.

So Bail (Amdt.) Bill or not, the point is, it does not prevent the police from charging you. He got charged; he was eventually acquitted and then he brought another relief which I neglected to refer to, which is a relief for malicious prosecution, and he won, handsomely. So, yes, if you spend 120 days, you might come out a different person. That all depends on you. You can choose to blend in, or you can say, “I am much bigger than that. I was raised. I have character. I believe in the Lord and His Son, Jesus Christ” and whatever else, “and I am not going to let this get to me. There is a light at the end of the tunnel”. So you can be of sterner stuff and not be affected.

Let me deal with three other prominent persons. I would not call names too much. One was 2004—let me just give you this little story. He is the most wanted

man in Trinidad and Tobago. He was shot dead in Mount Marie in Tobago and taken to the morgue—he and another person shot dead, taken to the morgue—and after the police processed him and they leave, he wakes up. His confederate did not. And he was subsequently, belatedly, four years after, they tried to fix him with a firearm charge, because they said he shot at the police and that is why they shot back at him. Interestingly, if someone else died with him, you would expect an inquest. Nothing happened. No charge; no nothing. He won. He sued. But he was most wanted in 2004. So it does not necessarily mean that you have to be a person of unblemished character to go before the courts and get justice. You have to believe in our justice system. It works. Because a man like that, most wanted in 2004, was able to win a case like that and turn around and sue and make money off of a case like that. So our justice system actually works. It takes its time but it works.

I gave you Towfeek Ali; I gave you Nigel Mayers. Let me give you one that Sen. Hinds would know about. His name is—I would not give you his whole name, but, Sen. Hinds, he is from his constituency. He is referred to as “the Beast” or “Jah Jah” and he is in prison. He is the leader of a gang from Sen. Hinds’ intended constituency, and he was charged with possession of a firearm, and he claimed, again, “The police set me up”. He did not get bail for a while. He eventually got bail, got re-arrested. *[Interruption]*

Hon. Senator: Did he give up his UNC party card?

Sen. W. Sturge: No, he was a PNMite, and he got charged during the reign of the PNM administration, and I defended him, by the way, in the court. *[Desk thumping]*—judge and jury. As colourful as he was, he said, “Look, the police know me to be a colourful character and they frame me with this case”. The jury acquitted him in less than an hour and he is going to sue for malicious prosecution and I am quite certain he will win.

Let me give you the last one. One of the most colourful characters in our country’s history in the criminal justice system, Yasin Abu Bakr. In 2005, they arrested him for sedition, an offence which carries five years imprisonment, and when the judge, His Lordship Volney, was about to grant bail, the prosecution suddenly said to him, “Look, we found a cache of firearms at No. 1 Mucurapo Road. Do not grant him bail until we charge him”. So they charged him with possession of an AK-47, possession of a grenade and ammunition and so on. And he is saying, “Look, I did not know anything about that”. They found two young persons on the premises and they fit the bill: no previous conviction, no pending matters—the same type of person Sen. Prescott was referring to—who happened

to be passing through. They got charged. At the end of it, Abu Bakr won. At the end of it, these two innocent persons won, and at the end of it, Abu Bakr sued for malicious prosecution and won.

So, yes, we may have concerns that innocent persons may be set up, and these four persons who I made reference to, they all claimed they were innocent; they all were charged; they all were acquitted and they all sued for malicious prosecution. So the system works. There are reliefs. If you do not get bail after 120 days, there is habeas corpus. Then if you have a good lawyer, you can get acquitted based on the evidence at the Magistrates' Court, or you can get acquitted before a jury. You do not even have to go before a jury. Magistrates routinely discharge persons charged with offences of possession of firearm and ammunition, where they are saying, "Look, the police set me up".

You do not have to prove your innocence, by the way. The prosecution must prove it beyond reasonable doubt. And most times, if you are set up, there are so many avenues to show that you are set up; that, yes, it may be a concern that you will be locked away for 120 days, but at the end of it, justice will prevail. At the end of it, that police officer may have some questions to answer. At the end of it he may be charged.

So it takes a police officer of a certain ilk to want to charge someone with possession of a firearm, knowing at the end of it there is a risk; the person may win and there is a risk that he may very well be charged because there are instances where police officers have set people up and they have been charged in the end.

So, yes, I agree, there is a legitimate concern and the Bail (Amdt.) Bill, 2015 or not, that concern will continue. Whether we pass this Bill or not, there will always be the possibility that police officers would set innocent people up. But is that a reason to not pass the Bill to seek to protect a few hundred more lives who may be at the mercy of those who easily appear before magistrates with charges like that? *[Interruption]* Yes. So you keep appearing before the magistrate. The magistrate has no choice but to give you bail, and then at the end of it, what?

Mr. Vice-President: Senator, please. Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. *[Hon. G. Singh]*

Question put and agreed to.

Mr. Vice-President: Sen. Sturge. [*Desk thumping*]

Sen. W. Sturge: Thank you, Mr. Vice-President and colleagues. I will wrap up rather quickly. I just realized I had 10 more pages to go, but there is no way possible I will deal with all of that in 15 minutes.

What is the most important thing? There was an issue raised about separation of powers and that we are usurping the functions of the Judiciary and so on. From my understanding, that is something the Legislature does routinely in other jurisdictions, and that does not necessarily mean that it is disproportionate or it is a breach of the separation of powers. What we must understand about the separation of powers, we have no entrenched separation of powers in our Constitution. It is simply a constitutional arrangement. It is simply born out of historical respect for the lines of authority and so on. [*Interruption*] Yes, it is akin to being sacrosanct, Sen. Hinds, if you would be quiet briefly. It is almost akin to being sacrosanct, but it is a constitutional arrangement and it is a constitutional arrangement that is necessarily infringed on occasion, and the courts have ruled that it is not disproportionate; it is not unconstitutional—section 13. In fact, if you can throw your mind back to that very section 34 where Ish and Steve tried to use the same argument and they failed, all the way up to the Court of Appeal.

So there are instances when the Legislature can do things that may be perceived as a breach of the separation of powers, but the short point is, whilst we have to give the Judiciary an opportunity to consider matters in appropriate cases and pass judgment, we must also not usurp the functions of the Judiciary by being judges in our own cause and by saying that we believe it is disproportionate. That is not for us. What is for us is that we identify the mischief. When we identify the mischief, see how best we can cure it, whether the aim is rationally connected to curing it and whether we have gone too far.

4.15 p.m.

Once we keep ourselves within those bounds, we do not infringe on the doctrine of separation of powers which is just, Sen. Hinds, a doctrine. So I am very thankful. This is a historic day to hear that Sen. Hinds and right-thinking Members on the Opposition Bench will be supporting this Bill, and I urge right-thinking colleagues on the Independent Bench to do likewise.

Mr. Vice-President, with these few words, this is my contribution. [*Desk thumping*]

Mr. Vice-President: Sen. Baldeo-Chadeesingh, please. [*Desk thumping*]

Sen. Diane Baldeo-Chadeesingh: Thank you very much, Mr. Vice-President, for the opportunity to contribute briefly to this Bill today, and I do so with a very heavy heart, particularly after listening to Sen. Sturge talking about the Senators on this Bench going all over the place. But the fact is we have passed so many laws and here we are with yet another stringent amendment today, and this is simply an indication that we are far from the ideal place of your Government's responsibility systems for enabling our society to be a quality one.

Today, we have yet another law to contain and prevent members of our society from adding to the scourge of crime that has imprisoned us all, burglar bars, electronic gates, alarm systems and ferocious dogs. But as we apply sanctions to contain those who are lawless, we are also contained at cost, financial and psychological, social and economic. We owe the people of this country safety and security and we need to have that balance. The hon. Attorney General speaks of the strengthening of our institutions, be they in the judicial system and national security to serve all, and at this time we need equity at the quality as we apply the interventions to improve the system.

Mr. Vice-President, the Bill seeks to restrict the granting of bail to a person over the age of 18 charged with an offence under the Anti-Gang Act. The Bill also seeks to restrict the granting of bail if a person is charged under section 6 of the Firearms Act and has a charge pending for an offence specified in Part II of First Schedule. These offences include possession of imitation firearms in pursuant of any criminal offence, larceny of motor vehicle, perverting the course of public justice, arson, receiving stolen goods, gang membership. The list of the areas that covers the range of crimes is quite alarming and not only because we are now immersed in a culture of crime and protected interventions, but at both the State and individual level we cannot be satisfied with the passage of law which is ineffective.

The forensic capacity to deal with evidence to secure a conviction, our crime detection is not robust enough to assist in the reduction of crimes, and like previous speakers spoke and said, five Ministers have gone past and the problem exists and persists. The social and economic and sociological impact of crime on our nation has major negative outcomes for the quality of law-abiding citizens. The social interventions listed by the hon. Attorney General is testimony that the PNM did the research and the PNM developed programmes like MuST, HYPE, the Civilian Conservation Corps, [*Desk thumping*] to disengage youth from the path into crime into law-abiding activity and sustainable education and employment opportunities. The National Security Ministry, between 2000 and 2010, was proactive and a list of successful interventions, as well as reduction in crime, is

Bail (Amdt.) Bill, 2015
[SEN. BALDEO-CHADEESINGH]

Tuesday, March 31, 2015

well noted in the media and in *Hansard*.

However, in the manifesto of the People's Partnership of 2010, on page 26, the Government, TOP, COP, UNC, at the time, pledged that with respect to re-socializing away from crime with respect to "Recidivism", these are the words in the UNC manifesto:

"The prison system is replete with young offenders and more seasoned offenders who keep passing through a revolving door."

Then on page 27 of the manifesto with respect to overhauling criminal justice, the Government again promised to and I quote:

"• Overhaul the penal systems so that prisoners"—will—"have a real opportunity to turn around their lives reducing the revolving door syndrome of repeat offenders."

You know, Mr. Vice-President, here we are today, we have a Bill which destroys that pledge and it creates an even larger and faster revolving door [*Desk thumping*] and I refer now to an article in the *Newsday* dated November 13, 2013, and it is entitled: "Deosaran pleased Cabinet accepts prisons recommendations". Before I get there, one of the things that struck me in this article is that Professor Deosaran was talking about what will be done to deal with the problems in our prisons or what he hopes will be done to deal with the problems in our prisons, but he made the point that the goal—he asked for a commission of enquiry. He said and I quote:

"...the goals of the Commission of Enquiry were to have a different bail arrangement for inmates at Remand Yard and mechanisms for more expeditious trials. He stressed that some of these inmates were on remand for up to 13 years, and 'that it is not an appropriate situation'."

So you have persons under the existing system who are on remand for 13 years awaiting trial, rotting away and psychologically affected by the conditions of the Remand Yard.

In the other place, Mr. Vice-President, there was concern with what could be considered to be misleading or miscommunication elements of his presentation with respect to what is happening in our prisons, and the hon. Attorney General spoke at length about all of these wonderful programmes within our penal system, but should the focus not be on preventing the citizens from entering a system where their lives are affected, their rehabilitation challenging and the impact of the fractured families of offenders leave scars for life? Where is the balance and evidence of this manifesto promise?

We have the security systems developed—well actually, why have the security systems developed with international alliances being removed and our borders are now porous? [*Desk thumping*] Everything we put in place was dismantled and replaced with nothing. There is word now that other boats will be bought. Prison officers even and Government's non-completion of wage negotiations, and even there is an issue of scanners at the prisons are also up in arms. Where is the internal intelligence systems to alert the Minister of National Security that the police were going to stage a lockdown two weeks ago? An early warning system is what we needed.

We can pass this Bill, but without the governance that this Government fails to deliver in every sector we can only hope that interventions are rolled out to ensure the protection and the prevention of crime. We need to manage this crime prevention frontally in a holistic manner, not only with incarceration. We need a more effective system that stops the access into our borders of the guns and drugs, and we need a replacement of our planned border security around our islands. The Government has left us open and bare at the mercy of the illegal activities that have engaged our citizens. With a secure country we can use the tax dollars and direct it to other sectors and employment of a quality life to this country. Building jails cannot be a development initiative.

Mr. Vice-President, the PNM pledged to support any legislation in the interest of the public, however, unless the Government is prepared to implement the preventative measures community by community, no new law will suffice in returning our beautiful nation to security and safety which we deserve.

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

Mr. Vice-President: The time, hon. Senators, is now 4.25 p.m. I think then I will break for the tea and then we will return at 5.00 p.m. The sitting is now suspended until 5.00 p.m.

4.25 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Vice-President: The sitting has resumed and, therefore, I recognize Sen. Dr. Wheeler. [*Desk thumping*]

Sen. Dr. Victor Wheeler: Thank you, Mr. Vice-President. Just to give a few brief remarks on this, an Act to amend the Bail Act, Chap. 4:60. The purpose of this Bail (Amdt.) Bill, 2015 is to restrict bail for a limited period in respect of certain offences involving the use or possession of a firearm, but at the end of day the real effect of the passage of this Bill will just be to put persons in jail.

Bail (Amdt.) Bill, 2015
[SEN. DR. WHEELER]

Tuesday, March 31, 2015

This Bill will do nothing to improve the detection rate of crime, [*Desk thumping*] it will do nothing to improve the administration of justice, even though I have heard the Attorney General mention the possibility of a gun court, but the main effect of it would be to further aggravate the overcrowding in our jails.

Now, when I made a contribution in the last amendment in 2014, I did ask then what really has been the success of previous amendments to the Bail Act, did they really have the desired impact in reducing crime as they were intended to, and also to try to deal with some of the overcrowding. I had asked the then Attorney General, Sen. Ramlogan, about the possibility of considering the introduction of a parole system so that you can have early release of prisoners before their time to try to reduce the overcrowding, or the possibility of introducing community service, and I did get some commitment that these things would have been considered. However, I have not seen any evidence to support or have not seen any indication that these may be something that will be introduced soon.

Mr. Vice-President, at the end of the day I am willing to support any measure or any action that will reduce the problem of crime in the country. However, I think we should be taking some stock or trying to evaluate the measures that we have put in place before; have they really made a difference? With those few words, Mr. Vice-President, I thank you. [*Desk thumping*]

Mr. Vice-President: The Attorney General. [*Desk thumping*]

The Attorney General (Sen. The Hon. Garvin Nicholas): Mr. Vice-President, I was caught by surprise at the extent of the contribution by Sen. Dr. Wheeler. Let me first state that there were probably three very important points that were raised, one by Sen. Drayton, the other one by Sen. Prescott especially, which dealt with the whole issue of how long the possibility of an innocent person could be held without trial.

Now, whilst I had intended to deal with these matters in some detail, my colleague, Mr. Sturge, dealt with the issues so that I do not need to go down that road again, save to say—and this is more for the population—that the 120 days is for the period when you are arrested until such time as you are charged and you are held for that 120 days unless, of course, you have been charged during that period and there is a one-year period that runs from the time of being charged to the culmination of the matter after which the matter will be dismissed.

So that all the concerns about being in the system for three, five, umpteen years simply do not arise in this issue. In fact, the safeguards have been particularly put in place to deal with this issue.

5.05 p.m.

Most of the other issues, Mr. Vice-President, I will try to go through as I made the notes. I will start really with Sen. Hinds. You seem a little confused. You understood? Oh, sure. You are caught under the offence, as outlined in the bail amendment. You are held for a period of 120 days. If you are not charged then you can apply to a judge for bail. If you are, however, charged and the matter runs, the matter must be completed within one year. That is the time frame given for the completion of the matter. So that there is no issue whatsoever with regard to hanging around in the Remand Yard for more than that period.

Mr. Vice-President, I am always baffled and I really am baffled when I hear Members of the PNM speak to this Government not dealing with crime. I mean I am genuinely baffled. I do not know if it is bravado of immense proportions without any sort of conscience, without any shame. I do not know what it is but all the statistics, every statistic that is recorded by the police, shows that over the last four and a half going on five years, this Trinidad and Tobago has been a safer place to live than in the five years leading up to 2010—[*Desk thumping*—]and by some distance.

In 2008, there were 547 murders in Trinidad and Tobago. In 2014, there were 403. And that levelling off of 403, 407, 390-something, they are all consistent from 2011 to 2014, over 100-plus murders less than what was inherited every year, year upon year.

Sen. Robinson-Regis: Inherited? You inherit murders?

Sen. The Hon. G. Nicholas: The serious crime—the figures that we inherited, the trend of murders in this country—that were flippantly dismissed by the leader, at the time, of the PNM, as collateral damage. You know, there is this pretence of the PNM caring for people, for caring for people in the constituencies, and of course, the constituencies that they hold and consider to be safe.

Sen. Hinds: Of course since you have been Attorney General.

Sen. The Hon. G. Nicholas: Yes, I am speaking. In fact, I am dealing with the issues raised in the debate. [*Desk thumping*] Every single one of the constituencies that the PNM considers to be safe seats are constituencies that have been underdeveloped.

Sen. Cudjoe: There are no safe seats.

Sen. The Hon. G. Nicholas: You are right. [*Desk thumping*] Absolutely right. I said what the PNM considered.

Sen. Hinds: We do not. We do not.

Mr. Vice-President: Please, please, Senators. Attorney General, please. We are winding up. Sen. Hinds, we love to have you in the House. Whenever you are here it is excitement. But we want you to behave as how we normally behave. Please allow the Attorney General to wind up the debate. You could speak with him after we have gone into committee stage and so forth. Right? So please allow him. Whenever you are here we are excited but please allow him.

Sen. The Hon. G. Nicholas: Thank you, Mr. Vice-President. The constituencies which the PNM considered to be safe seats, if you walk those areas, if you talk to the people, they are the ones who are mostly affected by gun crimes, mostly affected by gun crimes. When you walk and you speak to them, they tell you outright: Attorney General, thank you for bringing the Bill.

Sen. Robinson-Regis: Where? When you went there?

Sen. The Hon. G. Nicholas: I am telling you.

Sen. Cudjoe: You or Anand?

Sen. The Hon. G. Nicholas: I am telling you. Over the last couple of weeks—[*Interruption*] they do, they do—I walked in mostly the Diego Martin area but there are areas in the Diego Martin area that the PNM considered safe PNM areas.

Sen. Hinds: That is why you got beaten in the last election. “Imbert eat yuh raw.”

Sen. The Hon. G. Nicholas: That is okay.

Sen. Hinds: For breakfast.

Sen. The Hon. G. Nicholas: That is okay. You see, Mr. Vice-President, it is not about if I got beat in the election or not, the issue is that I am here as the Attorney General today and I am here to ensure that whatever I can do to protect the lives of the citizens of Trinidad and Tobago—[*Desk thumping*]—I shall do.

Sen. Hinds: “Just watch yuh back.”

Sen. The Hon. G. Nicholas: “Doh worry about dat.” Mr. Vice-President—[*Interruption*]

Mr. Vice-President: Please, please. Why it is then that we are not operating in accordance with the Standing Orders and we are constantly having the disruption coming from the other side? Please, I am here to preside and to protect

and I will do that always, regardless of who is speaking. Please allow the Attorney General. We want to get out of here.

Sen. The Hon. G. Nicholas: Mr. Vice-President, what I found equally startling was the fact that Members opposite could speak to the confidence that they have in judicial officers and simultaneously speak to the lack of confidence they have in the police officers in this country.

Sen. Robinson-Regis: Who said that?

Sen. The Hon. G. Nicholas: Check the *Hansard*. Mr. Vice-President, it was clearly stated on a number of occasions, by a number of the contributors on the PNM Bench, that to take the discretion away from the judicial officers was unacceptable because judicial officers are held in high esteem essentially, and that there are people who are of good standing and of good calibre.

Sen. Robinson-Regis: You do not believe that.

Sen. The Hon. G. Nicholas: And I do believe it. But then it was said that police officers are to be feared because “they will set up people left, right, and centre”.

Sen. Robinson-Regis: He said that?

Sen. The Hon. G. Nicholas: Alluding, not the exact words, alluding to that. Now, Mr. Vice-President, I have equal confidence in the judicial officers of the courts, as I do in the police officers who guard us and protect and serve us as citizens of Trinidad and Tobago.

Sen. Robinson-Regis: Who killed Dana Seetahal?

Sen. The Hon. G. Nicholas: We will find out who.

Mr. Vice-President, let me just deal with a couple of the other non-political issues that were raised. The forensics. We acknowledge that there are gaps in the system. We acknowledge that the forensic services system is not adequate, and I said so in my opening presentation, but we have also stated that this Government is already looking at a system where we could engage private forensic services in order to fast track matters. I said that. I said fast track not only firearm matters but all matters. So when it was raised as a new idea, it was really being extracted directly from what I had said.

Another issue that was raised was the whole condemning of the prison in Santa Rosa, and it was stated that—it was almost made into a joke, it was a mockery—it is a minimum security establishment and it was of no real significance or use.

One of the things that we always have to consider is how we move persons who have served in the penal system back into society, because they have to be readjusted for re-entry into mainstream society, otherwise it is society that would feel the detriment. Because unless someone is re-acclimatized and reoriented they will find it very difficult, especially if they have served a significant length of sentence in the penal system to re-enter society, and as such, facilities such as these are extremely important for the protection of the law-abiding citizen.

Mr. Vice-President, Sen. Singh raised the issue that there was a proliferation of guns in the society. He even made reference to the Commissioner of Police stating that 75 per cent of murders are committed by users of illegal firearms, and so I thought he actually made the case for this legislation. Because at the end of the day, this legislation is to solve one real issue and one issue only and that is, that Trinidad and Tobago is overrun with guns. The Government's policies have kept the criminals at bay to date, but we must go further and ensure that persons with illegal firearms do not continue to terrorize innocent citizens Trinidad and Tobago, that they that do not continue to murder citizens of Trinidad and Tobago and, therefore, any action that can be taken to protect citizens from the minority of illegal gun-toting individuals, this Government has a duty so to do. [*Desk thumping*] And, Mr. Vice-President, with those few words, I beg to move.

5.20 p.m.

Mr. Vice-President: [*Crosstalk*] Please, the Presiding Officer is on his feet. Please, let us have some quietness.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Vice-President: Hon. Senators, at this committee stage there are only five clauses and the Preamble. Are we willing to go with all five clauses because we have not received any amendment from anyone, if that is okay with Senators? Is that okay?

Hon. Senators: Yes.

Mr. Vice-President: Thank you very much.

Sen. Robinson-Regis: If it were for the first time, I would have said we had concerns, but since it is not—[*Inaudible*]

Senate in Committee

Tuesday, March 31, 2015

Clauses 1 to 5 ordered to stand part of the Bill.

Preamble approved.

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

Senate resumed.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

The Senate divided: Ayes 27 Noes 3

AYES

Singh, Hon. G.

Coudray, Hon. M.

Nicholas, Hon. G.

Alfonso, Hon. Brig. C.

Newallo-Hosein, Hon. C.

Karim, Hon. F.

Sancho, Hon. B.

Bharath, Hon. V.

Ramnarine, Hon. K.

Maharaj, Hon. D.

Joefield, C.

Smith, Miss K.

Lalla, L.

Burke, Abp. B.

Sturge, W.

Robinson-Regis, Mrs. C.

Henry, Dr. L.

Baldeo-Chadeesingh, Mrs. D.

Cudjoe, Miss S.

Bail (Amdt.) Bill, 2015

Tuesday, March 31, 2015

Singh, A.

Hinds, F.

Wheeler, Dr. V.

Mahabir, Dr. D.

Small, D.

Abdul-Mohan, Rev. J.

Shrikisson, T.

Singh, Dr. K.

NOES

Drayton, Mrs. H.

Prescott SC, E.

Edwards, Dr. A.

Question agreed to.

Bill accordingly read the third time and passed.

ARRANGEMENT OF BUSINESS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. Vice-President, I just need a few minutes to confer with the Leader of Opposition Business and the coordinator of the Independent Bench as to a rescheduling of the matters at hand. [*Discussion behind the Chair*]

Mr. Vice-President: Hon. Senators, Leader of Government Business will now make the—[*Interruption*]

Sen. The Hon. G. Singh: Thank you, Mr. Vice-President. By agreement—[*Interruption*]

Mr. Vice-President: Please, Senators.

Sen. The Hon. G. Singh:—we had planned to do the Precursor Chemicals Bill, but because of the current state of the Attorney General not feeling well, we will now move on to the Standing Orders, and then subsequently the tributes for Easter.

Assent indicated.

**STANDING ORDERS COMMITTEE REPORT
(ADOPTION)**

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. Vice-President, I wish to indicate that the Motion appearing on the Order Paper on the adoption of the report of the Senate Standing Orders Committee.

Mr. Vice-President, it is with pride that I move this Motion to adopt the—
[*Interruption*]

Mr. Vice-President, I beg to move the following Motion standing in my name:

Be it resolved that the Senate adopt the Report of the Standing Orders Committee of the Senate, Fifth Session (2014/2015), Tenth Parliament.

Mr. Vice-President, it is with pride that I move this Motion to adopt the report of the Senate Standing Orders Committee. Almost 26 years have passed since these rules, which govern the conduct of the business of the Senate, have undergone any significant review and so, today, we are making an important step towards the modernization of the proceedings of this Senate.

Indeed, prior to coming into office, this People's Partnership administration spoke extensively about its policies, its vision and we made citizens aware that good governance through representation, participation, transparency and accountability would be a critical pillar in the sustainable development of Trinidad and Tobago. Today, we are therefore fulfilling another aspect of this promise in the Parliament which is the premier arena for representation and accountability, having placed as a priority the comprehensive review of our rules of operation.

As hon. Senators should be aware, having browsed through the report in preparation for this debate, the first Standing Orders of the Senate were commissioned pursuant to Article 8 of the Trinidad and Tobago Constitution Ordering Council 1961. Since Independence, the Standing Orders of the Senate have been amended in 1989 and 2000. The 1989 review was a more detailed undertaking than the amendment of 2000 which made cosmetic changes to facilitate a new system of parliamentary oversight committees created by the amendments to section 66 of our Republican Constitution.

Over the last decade, the reality of our parliamentary practice has advanced beyond several of the provisions in the Standing Orders, and with the commencement of the Tenth Parliament in 2010, the need for a thorough review was given greater priority on the parliamentary agenda in both houses.

The Standing Orders Committee of the House of Representatives forged ahead with this exercise and has successfully implemented its new Orders in this Fifth Session. This accomplishment gave added impetus to the Standing Orders Committee of the Senate in the last session, which has resulted in the report and appendix now submitted for the consideration of the Senate.

5.35 p.m.

Bearing in mind the need to maintain a certain amount of parity in the operations of the two Houses, the Committee commenced its discussions with a base document similar to the Standing Orders Committee of the House of Representatives. During its deliberations, the matters which generated the most discussion within the Committee were, one, the procedure for handling privilege matters; two, the more effective use of committees in the consideration of legislation; and, three, the arrangement of speaking time. The Committee came to consensus on these issues, as well as the revisions contained in Appendix 2 of this report.

The proposals are broadly in keeping with those which obtain in the Standing Orders of the House of Representatives and include some of the following measures which are certain to improve the business of the Senate, and to promote greater representation, accountability, transparency, and people participation in the process of law making:

Extension of regular hours of sitting: This is in recognition of the fact that the business of the Senate, on an average day, extends beyond 6.30 p.m. A proposal has also been included to extend the time spent on Private Members' Business to at least 6.00 p.m., rather than the traditional 4.30 p.m. This will allow Members of the Opposition and the Independent Benches more time for the debate of issues with which they are concerned.

The presentation of petitions: This provision gives more prominence to the role of public petitions and should encourage the average citizen to submit their concerns to the Parliament with a guarantee of a ministerial response.

The opportunity to respond: This new Standing Order codifies the practice of providing members of the public with an opportunity to respond on the parliamentary record in certain instances where an individual or organization believes that his reputation can be adversely affected by references made during the debate.

Fixed recess: The introduction of a fixed period for recess will certainly assist the institution, both Members and staff, in a better coordination of its annual agenda. This fixed recess period also brings the Parliament of Trinidad and

Tobago on par with several other Commonwealth parliaments that have well-established parliamentary calendars.

Reduction of speaking time: The adjustment of Members' speaking time has always been a sensitive issue. The House of Representatives has, however, led the way. To keep the parity that exists, the new Standing Orders propose a reduction from one hour to a maximum of 45 minutes and the removal of the practice of requesting an extension of speaking time.

So you will get up to speak and you will speak for your extended 45 minutes, if that is your desire, without having the Leader of Government Business, the Coordinator of the Independent Bench, or the Leader of the Opposition in the Senate, to get up to seek an extension on your behalf. Less work for all of us.

National policy issues: The proposed revisions introduced a requirement for the Executive to respond to a Motion pertaining to a national policy issue approved by the Senate. Here again, the influence of the Legislature is being strengthened and its input in policy-directing is enhanced.

Private Members Bills: Procedures for Private Members to pilot a Bill concerning national issues have now been codified. This would provide Members, without ministerial portfolio, with a more significant space in the legislative agenda of the Parliament, and would now widen the platform for Private Members to influence social issues via legislative debate and enactment.

Referral after a Bill's first reading: Mr. Vice-President, there is a growing trend across parliaments of the Commonwealth to refer Bills to Select Committees as soon as they are introduced, as opposed to after a full debate has been concluded. This option for greater pre-legislative scrutiny and public consultation is proposed as a new Standing Order. The Senate, like the House of Representatives, will now have the choice of the committal of a Bill immediately upon its introduction.

Carry over Bills: Senators will certainly agree that much time and effort is spent refining legislation in our Special Select and Joint Select Committees. It is therefore an unacceptable waste when these deliberations are not concluded within the session and Bills are lapsed upon its prorogation. To address this, these Standing Orders propose the introduction of a procedure for the carrying over of such lapsed Bills into the succeeding session.

New oversight committees: In an effort to expand the scrutiny powers of the Parliament, seven new Joint Standing Committees have been proposed. Senators will recall that a previous report was submitted to the Senate and it was agreed that these would be established in accordance with the provisions of the Standing

Standing Orders Committee Report
[SEN. THE HON. G. SINGH]

Tuesday, March 31, 2015

Orders of the House of Representatives. These committees have all been activated in this session and are actively holding public meetings, and seeking accountability from Government officials.

An appendix to the Standing Order has also been included to provide more detailed guidance to these and other committees in the execution of their oversight and legislative function.

Definition section: A definition section has also been introduced to assist in the clarification of regularly used parliamentary jargon, such as Bench, Coordinator of the Independent Bench, financial interest, Motion, prorogation, and statutory instrument.

Mr. Vice-President, the foregoing was just an extract of the more significant changes being proposed by the Committee. I wish to take the opportunity to thank Members of the Committee for the intense work that was put into the accomplishment of this task. I acknowledge former Senate President Timothy Hamel-Smith, former Attorney General Anand Ramlogan SC, Opposition Senator Faris Al-Rawi and Independent Senator Helen Drayton.

On behalf of the Committee, I also acknowledge the support given to this exercise by the Senate procedural and legal staff. As stated in the report, the Committee is confident that the proposals contained therein are reflective of the evolution of our parliamentary practice to date, while they also create the scope for new procedures to enhance the legislative and oversight capabilities of the Senate. Mr. Vice-President, I beg to move. [*Desk thumping*]

Question proposed.

Mr. Vice-President: Sen. Robinson-Regis. [*Desk thumping*]

Sen. Camille Robinson-Regis: Thank you very much, Mr. Vice-President. Mr. Vice-President, I simply rise to commend the Standing Orders Committee on the work that was done to ensure that today we have before us the report of the Committee, which has indicated the new Standing Orders that the Senate will operate with. In the main, these Standing Orders have worked to bring a certain level of parity between what happens in the Lower House and what will happen in the Upper House, or the Senate. Mr. Vice-President, our Senator, Faris Al-Rawi, having served on the Committee was very effusive in his comments with regard to how well this Committee worked and made every effort to bring these amendments today.

In the main, the Opposition therefore, having had a Senator on the Committee, agrees with the amendments that have been made. I would like to draw the

attention of the Senate to some changes that—on this side—we find of particular interest, in particular, under the rubric “Key areas of revision” where it says:

“a definition section for regularly used terms such as *‘Bench’*, *‘Coordinator of the Independent Bench’*, *‘financial interest’*, *‘motion’*, *‘prorogation’* and *‘statutory instrument’*;

These are terms that have come into the normal lexicon of our Parliament, and, consequently, it is important that such a definition be made. I commend the team that ensured that such a change was made, and it is important because we have been using these terms without proper definition, but now we see that this has been revised to include these terms.

Mr. Vice-President, really speaking, as a Parliament evolves there will be times when the Standing Orders that you do in fact use over time, you recognize that as you use the Standing Orders, and as the Parliament develops and evolves, there must be changes made to coincide with what is actually happening in the Parliament at the point in time. Another key area that is of significance is revision 4, which says:

“the inclusion of the opportunity for a Senator “to rise” and raise a definite matter of urgent public importance;”

Mr. Vice-President, under the existing Standing Orders, we do have a Standing Order which talks about raising a matter of urgent public importance, but you may have noticed that this Standing Order is rarely, if ever, used, because there has been some concern as to how this Standing Order operates in the Senate.

In the other place, a Member of Parliament, an elected Member can in fact rise and raise such a matter even if it is not approved by the Chair, but in the Senate there was always a concern as to whether in fact this was the mechanism that should be used by the Senate, and, consequently, given the fact that on many occasions Senators do have situations that are of urgent importance, it is commendable that this matter has sought revision because it gives Senators the opportunity to actually raise these issues in the Senate, similar in fashion to how it is raised in the House of Representatives. So this is particularly important for the Senators who will, in the next session of the Parliament, be using these Standing Orders.

The introduction of a fixed recess: Mr. Vice-President, you will recall recently we had quite a lot of discussion on whether we were in a period of recess or whether it was not a period of recess. That was when the Constitution (Amdt.) Bill was brought to the House of Representatives and the Senate, and it was contended that it was during a time that is normally the time of recess. So it is

commendable that now there is a fixed recess so everyone knows and is aware when the Parliament is on recess.

The opportunity for members of the public to respond on parliamentary record deepens our democracy, so that persons who feel that they may have been aggrieved by something that may have been said in the Senate, or persons who may, in some other way, want to correct or modify the parliamentary record in relation to something that may have been said, this Standing Order gives that opportunity, and that is very important because it deepens our democracy, Mr. Vice-President.

I join with the Leader of Government Business, in particular, with regard to the introduction of a procedure for carrying over lapsed Bills into a new session, because that certainly will take care of a certain level of time-wasting that takes place when a Bill has been essentially debated but the time has passed and then it lapses, and then we have to bring it back and start all over. That is a serious time-waster, Mr. Vice-President, and this particular revision is to be highly commended.

Mr. Vice-President, I also want to draw the Senate's attention to the revision of the definition—at least the new Standing Order that seeks to expand and clarify the existing Standing Order for 35(2), which is dealing with matters which we deem sub judice, because in a number of instances we have had situations where a Senator wants to raise an issue and somebody on the opposite side gets up and says it is sub judice, and without an effective clarification of what the sub judice rule means, especially as it relates to us as Senators, sometimes we are stymied and we may not necessarily have been stymied if we had a proper clarification of the sub judice rule. So I am particularly pleased to see this clarification of the sub judice rule.

5.50 p.m.

Mr. Vice-President, as I said when I started, we on this side having participated in this revision of the Standing Orders, and for me, having had a history of participating in the revision of the House of Representatives Standing Orders in a previous incarnation, I am pleased to see the revision in the House of Representatives and I am also pleased to see the revision here.

The Standing Orders have served us well, but given our history and given the changes that are taking place in our country, we did need a revision, and we were happy to participate.

Mr. Vice-President, thank you very much.

Sen. Dr. Victor Wheeler: Thank you very much, Mr. Vice-President. I will just be brief.

I just wanted to touch on a few points. The first one I would like to mention and support is a lot of what Sen. Camille Robinson-Regis spoke about and the Leader of Government Business, the reduction in speaking time to 45 minutes. In my opinion, on far too many occasions I have found personally that contributions that have been made in the Senate very often time is taken up on matters not related to the business at hand. For me as a professional, it is quite annoying sometimes to sit through it, so I am happy at least 15 minutes in total have been taken off it. I do not believe a Senator should speak just for the sake of speaking. I feel that when we come to the Senate, we should be about the business that we are supposed to be engaged in.

The other two things I would like to comment on is Standing Order 46(4), which is the existing 35(4), and it says:

“It shall be out of order to use offensive and insulting language about Members of either Chamber, or the political parties to which they are affiliated.”

I actually strongly support this, because I have been present here when the parties that persons belong to have been described in very derogatory language. Some have taken objection to that, but I note that in the old Standing Orders this was not a breach, so I am happy that this has been introduced here.

The other one I would like to comment on is the new 45(6), which is the old 35(5) which says:

“...an offensive reference to a Member’s private affairs, a personal reflection against a Member or allegations of bribery or corruption.”

I am wondering if we should also include allegations of being a rapist or should we also include allegations against one’s immediate family. I am just wondering if these two terms that are used “bribery” and “corruption” are the only ones that we would consider offensive. I did not enter this Chamber to be a party to derogatory comments being made about persons, allegations being made. I have not seen it happen in this House, and I am happy that the Standing Orders will certainly make an attempt to ensure that it does not.

One question I would like to ask—I do not know if in winding up the Leader of Government Business would answer—is that if a Member is not present and something is said about that Member, does the Member have to object or can the

President in his wisdom raise an objection? I am not sure if this is something that is clarified or if it needs clarification.

One other thing I would like to comment on, which Sen. Robinson-Regis commented on, there have been statements made about persons who are not Members of this Senate who have been fairly aggrieved, and even though Sen. Robinson-Regis said they can write the President to have it corrected, sometimes those individuals feel that if you criticize something that a politician has said, that person may then become a target, because I have certainly been privy to persons in which derogatory things have been said in this Chamber, and I have told them that they can write to the President to have the information corrected. They were very reluctant, because of possible repercussions that could face them, particularly when they see themselves as an average citizen going up against a politician who may become a heavyweight.

With those few words, Mr. Vice-President, I thank you.

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you, Mr. Vice-President. I was hoping that we were able to deal with the issues raised. I think that as Sen. Camille Robinson-Regis indicated the importance for transparency and accountability, which this evolution of the Standing Orders now provide, and it echoes the sentiments I expressed.

To answer the question, the whole question goes even further, we are now in parity with the House where you can ask questions within an hour's notice, urgent questions. In fact, Mr. Vice-President, I had the experience two Fridays aback I think it was, where at 12.39 I received an urgent question and I had to be in a position to respond by 1.30 in the House of Representatives. So a similar situation will apply here when Standing Order 25 is now instituted in the Parliament. Similarly with the whole question of accountability and transparency, the Prime Minister is now subject to question time in the second week of every month in which questions are posed, and they too I think get a little less than an hour's notice to respond.

So what is going to emerge is that all holders of ministerial office, on a Tuesday and on a Friday, you have to be available in the event that an urgent question or a matter of urgent public importance is asked of you to attend and be dealt with, either in the Senate or in the House of Representatives. So it tells you the role that the Parliament will now be playing and it also tells you that office holders now will have a higher and greater level of accountability to the Parliament of the country, from Prime Minister down certainly to every Minister.

Therefore the organization or the public service within your Ministry has to reflect that capacity to respond, and you have to respond to agencies under your jurisdiction. So that even within the agencies themselves, you have to have them listening in or be available within an hour to brief the relevant Minister or junior Minister with an answer within that period.

Similarly, when the Prime Minister has questions and the questions are asked of the various portfolios under the jurisdiction of the Government, you similarly have to be in a situation like that. So you are talking about a greater level of transparency and accountability.

To answer Dr. Wheeler's question, I think it would be up to the Presiding Member interpreting the new Standing Orders to determine those issues as to whether or not they can be dealt with. I think that people will have to stand up. If there are allegations or something is said about you in the House or in the Senate, then you have the right under the Standing Orders to reply and to allow, based on the exercise of discretion by the Presiding Officer, they can read your response, the Clerk can read your response into the public record. People must stand up at some point in time, that is the only way the democracy will thrive, because you have to balance that against the privilege which you are allowed to speak openly as a Member of Parliament.

Mr. Vice-President, when you look at what is happening and as you see the evolution of the Standing Orders, as I read over the Easter season, it brought to mind an address of His Holiness, Pope Francis, to the Roman Curia in the Christmas greetings. You cannot help but like this Pope, the way he challenges the status quo, the way he challenges the bureaucracy, and I will quote.

Pope Francis, His Holiness, pointed to 15 diseases and he says—I will read some of them, but it makes most interesting reading. I think it is required reading for anybody who is interested in institution building, and this is the exercise we are engaged in here today:

1. The disease of thinking we are 'immortal, 'immune' or downright 'indispensable', neglecting the need for regular check-ups. A Curia which is not self-critical, which does not keep up with things, which does not seek to be more fit, is a sick body. A simple visit to the cemetery might help us see the names of many people who thought they were immortal, immune and indispensable! It is the disease of the rich fool in the Gospel, who thought he would live forever..., but also of those who turn into lords and masters, and think of themselves as above others and not at their

service. It is often an effect of the pathology of power, from a superiority complex, from a narcissism which passionately gazes at its own image and does not see the image of God on the face of others, especially the weakest and those most in need. The antidote to this plague is the grace of realizing that we are sinners and able to say heartily: 'We are unworthy servants. We have only done what was our duty'...

2. Another disease is the 'Martha complex', excessive busy-ness. It is found in those who immerse themselves in work and inevitably neglect 'the better part': sitting at the feet of Jesus...
3. Then too there is the disease of mental and spiritual 'petrification'. It is found in those who have a heart of stone, the 'stiff-necked'...in those who in the course of time lose their interior serenity, alertness and daring, and hide under a pile of papers, turning into paper pushers and not men of God...
4. The disease of excessive planning and of functionalism. When the apostle plans everything down to the last detail and believes that with perfect planning things will fall into place, he becomes an accountant or an office manager. Things needs to be prepared well, but without ever falling into the temptation of trying to contain and direct the freedom of the Holy Spirit,...
5. The disease of poor coordination. Once its members lose communion among themselves, the body loses its harmonious functioning and its equilibrium; it then becomes an orchestra which produces noise: its members do not work together and lose the spirit of fellowship and teamwork. When the foot says to the arm: 'I don't need you'; or the hand says to the head, 'I'm in charge', they create discomfort and scandal.
6. There is also a 'spiritual Alzheimer's disease'. It consists in losing the memory of our personal 'salvation history', our past history with the Lord and our 'first love'...It involves a progressive decline in the spiritual faculties which in long or short run greatly handicaps a person by making him incapable of doing anything on his own, living in a state of absolute dependence on his often imaginary perceptions."

6.05 p.m.

- “7. The disease of rivalry and vainglory. When appearances, the colour of our clothes and our titles of honour become the primary object in life, we

forget the words of Saint Paul: ‘Do nothing from selfishness or conceit but in humility count others better than yourselves.

8. The disease of existential schizophrenia. This is the disease of those who live a double life, the fruit of that hypocrisy typical of the mediocre and of a progressive spiritual emptiness which no doctorates or academic titles can fill. It is a disease which often strikes those who abandon pastoral service and restrict themselves to bureaucratic matters, thus losing contact with the reality, with concrete people.
9. The disease of gossiping, grumbling and back-biting.”

Now this is the Pope, His Holiness Pope Francis talking to the most powerful group of cardinals, the Roman Curia. And when you read *In God’s Name* authored by David Yallop you know what this group is capable of.

“The disease of gossiping, grumbling and back-biting. I have already spoken many times about this disease, but never enough. It is a grave illness which begins simply,...even in small talk, and takes over a person, making him become a ‘sower of weeds’ (like Satan) and in many cases, a cold-blooded killer of the good name of our colleagues and confrères. It is the disease of cowardly persons who lack the courage to speak out directly, but instead speak behind other people’s backs.

10. The disease of idolizing superiors.
11. The disease of indifference to others.
12. The disease of a lugubrious face. Those glum and dour persons who think that to be serious we have to put on a face of melancholy and severity and treat others—especially those we consider our inferiors—with rigour, brusqueness and arrogance.
13. The disease of hoarding. When an apostle tries to fill an existential void in his heart by accumulating material goods, not out of need but only in order to feel secure.
14. The disease of closed circles, where belonging to a clique becomes more powerful than belonging to the Body and, in some circumstances, to Christ himself.

...Lastly: the disease of worldly profit, of forms of self-exhibition.”

Mr. Vice-President, His Holiness the Pope goes on to say:

“...these diseases and these temptations are naturally a danger for each Christian and every curia, community, congregation, parish and ecclesial movement; and they can strike at the individual and at the community levels.”

Mr. Vice-President, as we deal with the evolution of the Standing Orders for the conduct of the decorum and the business of this Senate, I wish to recommend these 15 diseases to all Members of this Senate and to the country at large. I thank you, I beg to move. [*Desk thumping*]

Question put and agreed to.

Report adopted.

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. Vice-President, I want to thank all Senators, and that the— just by way of the adding, the commencement of these new Standing Orders is subject to a declaration by the President as to when it will come into being, and subject to practical matters of printing and so on.

EASTER GREETINGS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): It is in that context, Mr. Vice-President, having regard to the Easter holidays before us, before I adjourn this Senate, and having regard to the context which I framed earlier on the speech by His Holiness before the Roman Curia, I will now call upon my colleague Sen. The Hon. Minister of Sport Brent Sancho to bring Easter greetings on behalf of the Government. [*Desk thumping*]

The Minister of Sport (Sen. The Hon. Brent Sancho): Thank you. Mr. Vice-President, I would like to take this opportunity to bring greetings on the occasion of Easter. The Easter celebration concludes the 40-day Lenten period after which the Holy Week commences. During the 40 days preceding Easter, the Lenten period is observed. Lent is a time when many Christians prepare for Easter by observing a period of fasting, repentance, moderation and spiritual discipline. The purpose is to set aside time for reflection on Jesus Christ, his suffering and his sacrifice, his life, death, burial and resurrection. It is believed that Jesus Christ also fasted for 40 days in the desert where he endured temptation by the devil which he overcame.

The Easter festival culminates the Lenten period and recognizes the series of events which took place after. The Easter celebration begins with Holy Thursday and ends with Easter Monday. This period is set aside marking the event which took place from the Last Supper when Jesus shared a meal with his apostles in Jerusalem, to the crucifixion of Christ, to his resurrection three days after. At

Easter time Christians remember the last week of Jesus' life or Holy Week. Easter symbolizes Jesus Christ's victory over death. It is a period of time which Christians recognize and honour the resurrection of Jesus Christ from the dead. It is believed that the resurrection symbolizes the eternal life that is granted to all who believe in Him.

Apart from the religious connotations, the whole period of Lent and Easter carries some valuable messages. The whole period of Lent and Easter carries with it the significance of sacrifice. It demonstrates the great sacrifice that Christ made for the sins of mankind. Lent further teaches us patience through the sacrifice which is made for 40 days.

In Trinidad and Tobago Easter is celebrated in our own unique way. One of the major highlights preceding Easter is a celebration of the holy weekend in the Village of Siparia in southern Trinidad. Visitors and worshippers from across the nation travel to the La Divina Pastora Roman Catholic Church in Siparia for Holy Thursday and Good Friday mass and festivities.

Easter weekend features hot cross buns, horse racing at the Santa Rosa track in Arima and goat and crab races in Tobago, Mount Pleasant. Perhaps one of the aspects of Easter most looked forward to is a very old tradition that continues to survive which is the beating of the Good Friday "bobolee". Another Easter tradition is the flying of kites that is made easier by the strong breezes of this time of year. More recently the celebrations have evolved to include Easter bonnet parades and competitions as longstanding traditions during the weeks before Easter.

On that note, I would like to wish the nation a happy, holy, safe and peaceful Easter. However, as we enjoy the festivities over the next few days we must not forget the ultimate act of sacrifice which started the traditions of Easter. I thank you. [*Desk thumping*]

Sen. Camille Robinson-Regis: Thank you very much, Mr. Vice-President. In Pope Francis' message to Christians on Palm Sunday he said that Christians must take Jesus' path. He said there can be no humility without humiliation. Making room for God by stripping oneself, emptying oneself and he made the serious and very significant point that we still have in this world Christians who refuse to deny Jesus and they endure insult and injury with dignity.

Mr. Vice-President, for us Christians, Easter is one of the most significant celebrations in the Christian calendar. Because what Easter does is verify the belief that we have that Jesus Christ died for our sins, and perhaps even more importantly that he rose from the dead and sits at the right hand of God from

Easter Greetings
[SEN. ROBINSON-REGIS]

Tuesday, March 31, 2015

where he will judge the quick and the dead, and that is the significance of Easter for all of us who are Christians—that Jesus died on the cross and on the third day he rose from the dead, miraculously and that is the lynchpin of our faith. So for Christians even though Christmas is very important, Easter reflects what is really our faith in Jesus Christ and in our Saviour.

Mr. Vice-President, the Christian community subscribes to the teachings and examples of The Christ, and in His words to them he spoke of the promise of heaven. When we talk about Easter and our Lord rising and sitting on the right hand of God that is the promise that we hold fast to as Christians, and that promise of heaven gained through baptism and observance of the manner of life one should live as outlined in the Holy Scriptures.

After the dark night comes the light of dawn. After the tomb comes the resurrection, victory in fact over the grave, Mr. Vice-President, and victory over all evil. That is what we hold fast to as Christians. At various times throughout the history of mankind, and certainly in these days, we look forward with hope to a better future, a better existence and a happier life. When we look at the life of the historic Christ Jesus, we see that He endured extreme suffering, extreme pain with the horrific climax being that point of His crucifixion celebrated on Good Friday or memorialized on Good Friday. But He, Jesus The Christ overcame the grave and He overcame all that sought to overtake Him.

I stand with my colleague Senators, to wish the Christian community on this occasion of Easter 2015 that we all draw strength from the promise of a life yet unseen. May God himself enkindle in all of us the resolve to hold on and wait, for dawn cometh after the darkness. I wish happy Easter to each and every one of us, and to you and your family, Mr. Vice-President. [*Desk thumping*]

6.20 p.m.

Sen. Rev. Joy Abdul-Mohan: Thank you, Mr. Vice-President. I am very elated and humbled by the fact that the Independent Bench has afforded me the opportunity to bring greetings on such a very solemn occasion of Easter.

Mrs. Robinson-Regis: I cannot imagine why. [*Laughter*]

Sen. Rev. J. Abdul-Mohan: One of the things I must say though and preface is that I am thankful that the Standing Orders do not dictate how long our greetings will be, and I am happy about that, otherwise the former Minister of Justice, [*Laughter*] if we all will remember, I will miss him today especially Minister Karim, 48 minutes he spoke. He would have been over the allotted speaking time.

Nevertheless, I want to—together with the last speakers—shift a little bit and focus on the experience of the women who were there at the cross and those who were there to anoint Jesus and did not find him. And it states in Matthew Chap. 28:2:

“And suddenly there was a great earthquake;...Then Jesus said to them, ‘Do not be afraid;...’”

They had watched him die, hanging from a cross, nails in hands and feet, gasping for air. They had heard him called out with the last bit of energy he could muster, “It is finished”. And among the women who saw Jesus take His last breath was His mother Mary. It was a long day and a long night, perhaps like our Senate meetings sometimes. But, we are told that the women got up early and went to the tomb of Jesus to grieve. Perhaps, just to sit quietly and recall the love Jesus had shown to them while they experienced Him in the physical realm as it were, but never in their wildest dreams they had dreamt what would happen next.

The resurrection of Jesus is God’s way of getting our attention and it started with an earthquake. It is God’s way of getting us to look and to listen, but also to live. And once God gets our attention there is nothing vague or subtle or ambiguous about Easter. God does not begin Easter as a slow, triumphant, experience of the dawn over darkness, but rather God begins Easter with an earthquake. An angel of the Lord had descended from heaven and rolled the stone away—and some of us may know the story well—but at the sight of the angel the Roman guards became fearful. It is true to say that God knows how to get our attention. God knows how to begin a significant relationship. God sends shock waves through each one of us when God wants to get our attention. So, Easter, therefore, is confrontational, that even nature is overwhelmed and an earthquake took place.

So, the women now are placed at the tomb so that they can be confronted with this phenomenon. There they are like you and me, preoccupied with their own thoughts and perhaps agendas, their worries, their griefs, their memories, their expectations, and indeed, their fears are interrupted by God in a mighty way.

So, an earthquake is an impressive but terrifying way of getting someone’s attention. And we all know earthquakes are meant to be taken seriously, and we in Trinidad and Tobago may not have experienced the kinds of earthquakes that our friends and perhaps relatives suffer in California, USA, or other parts of the world, at least not yet. However, it was not nature that provoked the confrontation, it was an angel of God. One who was so powerful that he rolled the stone away, and

Easter Greetings

[SEN. REV. J. ABDUL-MOHAN]

Tuesday, March 31, 2015

with this God certainly got the attention of those who were present at the scene in that era and even those of us in the 21st Century.

The purpose of all of this amazing activity, my colleagues, was to deliver a message—and it was mentioned by the Pope too, I think Minister Ganga wanted to steal my vocation too, you know. The purpose of this amazing activity was to deliver a message to stubborn but good-hearted people such as ourselves. People who are willing to serve. And the angel said, “He is not here; He has risen”, you have nothing to fear, and that is an important message of Easter. Jesus Christ is risen from the dead and there is no need to fear, even though life is full of fears.

But life begins when God gets our attention, and for many of us it may take an earthquake or several earthquakes, and life begins when we can hear what God has to say to us, but also when we hear what God has to say to act upon it and live upon it. Some of those ways are sudden and dramatic, a brilliant moment of insight, and some people call it an aha moment. And some of these moments are to be treasured and some are hard to anticipate. God gets our attention through tragedy and terror, and God knows we have had enough of these, yet in them and through them all we are made more aware of God’s presence and we become more spiritually alert.

But we must understand, colleagues, that God does not send tragedy and terror to destroy us or to make us fearful, but rather God uses these moments, sublime, sometimes beautiful, mysterious, rationale, to remind us of what is more important in life, and God made that real when He sent His only Son to die on the cross. However, life begins for those women and early witnesses, not simply when they heard the message of the angel, but when they acted upon it. They heard the good news and whether they understood it or not, they acted upon it. They believed and they trusted.

So, life begins when we are able to take hold of what has been given to us and we run with it. We run with it positively and we do the best that we can to transform life itself, and I believe that is our purpose here, to transform life. So, life begins when fear and joy, call them odd couple, of human existence can enable us to live and to love despite our differences.

So, the faith of Easter is not simply quantity of time but quality of time. Life begins when we figure out how to use our time and abilities wisely, and sometimes we fear that we would not be able to do all the things that are required of us before we meet our Maker. Friends, people suffer the trauma of being made redundant, thrown on the scrap heap after years of faithful service, some suffer

Easter Greetings

Tuesday, March 31, 2015

the pain of broken relationships and the pain is so intense that it seems it will ever go away. People suffer abuse, poor health, mental problems, violence, death, as an ever present reality, and some feel the pain that grief brings, a pain that never seems to go away.

And we can minimize the suffering that people experience, but Easter declares that pain and evil do not have the last say, and that is the message of Easter. Easter declares that pain and evil do not have the last say. Thus we are amazed how people are able to rise above all of this and live creative, productive lives because the resurrection faith has powerful effect on human life.

Whenever I talk with some of my friends from various professions, medical, legal or clergy, the one fundamental thing that defines all our relationship is fear. Everybody is fearful about something. Fearful that they may not live to see their children grow up, fear of terminal illness or death, fear that they will be hurt by colleagues or friends or family, fear they might lose their jobs, fear they will not accomplish much in life, fear of losing a friend if they speak the truth, and fear that truth will offend.

So, everyone is a hostage of fear. But Jesus said do not be afraid you have nothing to fear, and these are the empowering words of Easter. Freedom from fear is the achievement of the resurrection, not freedom from death, but freedom from fear, and we do not have to fear death. Death is the incarnation of our fears. Jesus took away the fear of death when he rose from the dead as we heard. He had victory over the grave and death, giving everlasting life to all who believe. And some people are afraid of death and they are terrified of it, and this we can understand, but the greater curse, I think, is those who fear life itself and who are afraid to live. Those who dare not to embrace—

PROCEDURAL MOTION

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Senator, thank you for giving way. I just want to move the Procedural Motion so as to allow you to continue. [*Interruption*]

Mr. Vice-President, I beg to move, in accordance with Standing Order 9(8), that the Senate continues to sit until the completion of the tributes. [*Interruption*]

Question put and agreed to.

EASTER GREETINGS

Sen. Rev. J. Abdul-Mohan: I am almost done but Dr. Dhan say take half an hour again, but I would not. I would not dare do that

Easter Greetings
[SEN. REV. J. ABDUL-MOHAN]

Tuesday, March 31, 2015

So, I just want to remind us that, for me, I think the greater curse is those who fear life and who fear to live. Those who dare not embrace the fullness of their opportunities for life, who fear to live because they fear to fail, they fear to try anything new, they fear to move beyond the familiar and to think outside the box, as our recent Pope said.

So, our resurrected Lord has promised that He would walk with His disciples all the days of their lives. He is ready to use His power on those circumstances that fill us with fear. He gives us courage when our knees buckle beneath us. And so the resurrected Christ brings us new life, rekindles hope, a living hope, sustains us, he recreates us in circumstances that would seem to be most hopeless, and I think we are better for the journey of life when we trust that all will be well with our souls.

And so the women went to the tomb of Jesus on Easter morning, sad, depressed, confused and grieving, but after encountering the angel and the news of Jesus's resurrection, and they were the first to preach the good news—so women were the first preachers, just to remind you—they ran back to the disciples exited and joyful. Easter had changed them to think outside the box and to embrace something new and fresh, and it should do the same for you and for me.

On behalf of the Independent Bench, may the power of the resurrect Christ envelop each one of you and your families for a better and brighter tomorrow, with great possibilities of new life and living hope. May God bless you and the citizens of Trinidad and Tobago. I thank you. [*Desk thumping*]

Mr. Vice-President: Thank you, hon. Sen. Rev. Abdul-Mohan, for this lovely sermon and greetings that you have given to us.

Hon. Senators, on behalf of the Senate and myself, I just want to take the opportunity also to bring a very short greeting and to echo the sentiments of the previous Senators who spoke and brought greetings on behalf of the Senate and the meeting as a whole.

Being a practising Christian myself, I would like to say that during this period of lent is a reflection of Christianity throughout the whole Christian fraternity. I have had a passing experience on Sunday last, I was in Curaçao, so we went to this conference and one of the guys from Barbados decided, Lambert let us go to church, so I decided I would follow being the Lenten season, not drinking or using any meat and those sort of things.

So, we went to the Catholic church, there were hundreds of people there, but when we got there we could not understand the language, they were speaking

Adjournment

Tuesday, March 31, 2015

Dutch and Papiamentu, but we followed the service and it was really a brilliant service. So, I really think the time has come that we as a nation have to operate in such a manner and give more of ourselves to Christ and so forth. So, very briefly I would like to take the opportunity to wish the entire Christian community and by extension the whole nation, have a very peaceful and harmonious Easter celebration 2015. Thank you. [*Desk thumping*]

ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you, Mr. Vice-President. I beg to move that this Senate do now adjourn to Tuesday, April 14, 2015 at 10.30 a.m.

On that occasion the Government plans to deal with the Precursor Chemicals Bill and also the Trade Marks Bill. I thank you, Mr. Vice-President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.35 p.m.

WRITTEN ANSWER TO QUESTION

**Public Transport Service Corporation
(Details of Contracts)**

15. Sen. Camille Robinson-Regis asked the hon. Minister of Transport:

Would the Minister provide this Senate with a list of all contracts entered into, for the provision of goods and/or services to the Public Transport Service Corporation for the period 01st January, 2011 to 31st August, 2014, giving details as to the names of the individual/entity; the scope of works or service; and the contract sum in each case?

The following reply was circulated to Members of the Senate.

The Minister of Transport (Hon. Stephen Cadiz): The contracts entered into for the provision of goods and/or services to the Public Transport Service Corporation for the period 01st January, 2011 to 31st August, 2014 are listed hereunder:

Written Answer to Question

Tuesday, March 31, 2015

Contracts issued for Goods and Services for the Period
1st January, 2011—31st August, 2014

Date	Project Description	Service Provider	Value
	Operations ground flood corridor works	Paharry Hardware & Construction	\$39,535.00
03-Jan-11	Cubicles and Kitchen Cupboards	Matthew Francis	\$64,154.00
05-Jan-11	Assessment of roof and other physical infrastructure refurbishment of the San Juan Terminal Mall	Atlantic Project Consultants Ltd.	\$75,095.00
12-Jan-11	Refurbishment of overhead roofing at PTSC Terminal	All Dive and Marine Services Co. Ltd	\$293,333.95
16-Jan-11	Bus simulator to carry out, prepare and produce risk assessment for PTSC Training Academy, VMCOTT Compound	Roger Williams	\$55,000.00
24-Jan-11	Water connection transfer of water main lines from driveway to new structure	Hujako Ltd.	\$86,532.20
24-Jan-11	Back Up Water Storage Tanks	Maya Quality Construction Services	\$77,950.00
28-Jan-11	Electrical connections in stores area	Ryllic construction Company	\$19,940.00
28-Jan-11	Construction central guard booth and railing in POS Queue	Brakim Construction	\$52,396.85

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
04-Feb-11	Painting and tiling of toilets in various Depts.	All Hooks Sales	\$261,450.00
09-Feb-11– 24-Jun-13	HR Plus Upgrade and Maintenance	Software Technology Ltd	\$523,722.50
11-Feb-11	Repair work done on roof at Public Transport Service Corporation Terminal in Point Fortin	C.N.M.J Environmasters Ltd	\$96,000.00
16-Feb-11	Mx-500IN Sharp (Imager/Copier/Printer/ Network Scan)	Illuminat (Trinidad & Tobago)	\$96,787.35
16-Feb-11	Upgrading of main entrance west gate	Brakim Construction	\$151,750.00
17-Feb-11	Removal & Carting away of existing mineral fiber ceiling to staff & public washroom areas. (M2)	Paharry Hardware	\$227,787.69
17-Feb-11	Cost of Painting the Main Office at N.I.B Mall, Scarborough, Tobago	Raymond Alleyne	\$10,607.18
17-Feb-11	To cover cost of material & labour for electrical work at PTSC Bus Terminus Tobago	Sernal Ltd	\$17,825.00
17-Feb-11– 29-Apr-13	Materials and upgrading of PTSC Offices	Paharry Construction Co. Ltd	\$1,069,158.69

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
18-Feb-11	Carpentry roof works & Services	Bhajalcon	Limited
18-Feb-11	Refurbishment of plumbing and sewerage system at South Quay Bus Terminus	Orbit Engineering Ltd	\$214,104.00
18-Feb-11	Security Central Guard Booth	Brakim construction	\$178,250.00
14-Apr 11– 03-Sep-13	Purchase of Computer Systems	Diamond Systems & Supplies Limited	\$712,966.00
19-Apr-11	Change filtration bed for Sangre Grande Septic System	ANZ Waste Disposal	\$97,750.00
20-Apr-11	PTSC Network Upgrade	Memory Bank Computers Ltd.	\$66,823.97
31-Apr-11	The Welding refurbishment work PTSC Terminus Building POS Quotation #05	All Weld Fabrication	\$191,964.00
01-May-11	Rental of Toshiba Copier – Serial #CBD 110282	Pereira & Company Ltd.	\$200,880.00
01-May-11	Physical Infrastructure Refurbishment –San Juan Terminal Mall	R2k Engineering Co. Ltd.	\$1,055,103.78
01-May-11	Construction works done to the Curepe Transit Mall Facilities	Bhajakon Limited	\$112,990.35

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
04-May-11	Electrical upgrades done at PTSC Point Fortin	Patrick Gordons Construction Ltd.	\$20,892.79
06-May-11	Networking of Payroll Department	Ultimate Enterprises Ltd.	\$14,862.00
07-May-11	Buglar Proofing required for Accounts Dept.	Metal Creation Ltd.	\$116,971.68
10-May-11	Back-up Water Storage Tanks	Maya Quality Construction Services	\$77,950.00
16-May-11	Refurbishment of work areas, water proofing of roof and replacement of drop ceiling tiles to operations building – roof leaking	Preferred Solutions Ltd.	\$350,000.00
28-May-11	Emergency works done to damaged section of roof at PTSC San Fernando Engineering and Radiator Shed	Southern General Limited	\$98,221.50
01-Jun-11	Construction of 16 bus shelters in the Central Region	Shambrin's General Contractors	\$724,500.00
01-Jun-11	For the upgrade and refurbishment of the Maxi Taxi Facility	Paharry Hardware and Construction	\$2,059,153.65
03-Jun-11	Erection of extension platform awning southern passenger platform PTSC Port of Spain	All Dive & Marine Services Ltd.	\$457,145.70

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
03-Jun-11	Construction of PTSC New Office at Shaw Park	Tobago Homes Ltd.	\$43,642.00
10-Jun-11– 10-Dec-13	Refurbishment works to various locations in PTSC Compound	Luckey Construction	\$193,550.00
11-Jun-11	Supply and Installation of two water control pumps	Kardway Contractors Ltd	\$956,753.66
01-Jul-11	Removal and replacement installation ceiling and Administration Office ceiling	Yenks Contracting Services Ltd	\$584,358.13
01-Jul-11	Materials and labour cost for upgrade on security booth Point Fortin	R2k Engineering Co. Ltd	\$224,250.00
01-Jul-11 – 11-Jan-12	To Supply & Install 1 FG Wilson Generator Set & Automatic Transfer Switch to Cast Plinth 12ft x 18ft for FG Wilson Generator Set and Automatic Transfer Switch	Super Industrial Services Limited	\$822,515.08
04-Jul-11	Fabrication and installation of rails to separate buses from pedestrians and repairs	Junior Charles Con. & Transport	\$82,327.00

Date	Project Description	Service Provider	Value
08-Jul-11	Administrative Flooring Upgrade	SJRS General Transport	\$96,400.00
11-Jul-11	To remove two loads of waste water from septic tank on the eastern and western end of the Sangre Grande depot	Critical Engineering Solutions Limited	\$18,400.00
15-Jul-11	To supply guttering and drainage works at the Arima Transit Terminal Mall to facilitate the opening of the new "Transit Bus Hub Service"	All Hooks Sales and Services	\$23,860.00
15-Jul-11 – 03-Jul-13	Purchase of Computer Systems	Next Technology Ltd	\$114,240.00
08-Aug-11 11-Oct-12	Refurbishment to Admin Office Fencing Upgrade Construction of Guard Booth and Yard	Yanks Contracting Services Ltd	\$615,897.45
15-Aug-11	Fence installation and refurbishment works at Arima Transit Mall	Bhajakon Ltd.	\$56,847.00
16-Aug-11	To supply material, labour, consumables, equipment, supervision and consultancy services for PTSC Rio Claro Transit Facility	R2k Engineering Company Ltd	\$362,250.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
22-Aug-11	Replacing glass to upper floor	Kamri Investment Ltd.	\$250,470.00
22-Aug-11	Painting of access corridor to maxi taxi loading bay, City Gate, POS	R2k Engineering Co Ltd.	\$94,300.00
22-Aug-11 – 08-Apr-13	To cover the cost of supplying materials and labour to complete cable & electrical installation at PTSC Bus Garage Facility Tobago	FH & S Electrical Services Ltd	\$32,822.21
23-Aug-11	Service Desk Plus Enterprise Edition Annual Subscription Fee for 10 Technicians (Incl. 250 Nodes)	Extera Consulting Ltd	\$107,440.00
23-Aug-11	Liebert Hx Single Module Ups Systems Each consisting of the following one(1) 30kva Liebert Nx Three Phase Uninterruptible Power supply, Supply Model 38sb030c0ch	Nexxt Electrical Services Ltd	\$730,340.27
08-Sep-11– 25-Aug-12	Networking and Cabling for PTSC	Tech-Business Caribbean Ltd	\$717,651.25
12-Sep-11	For the construction of five (5) new booths at the Curepe Transit Terminal	All Hooks Sales & Services	\$142,587.50
12-Sep-11	Roofing repairs done to Arima Transit Mall roofing sheet replacement, roof leak repairs (drains & parapet walls)	Lucky Construction Ltd	\$266,125.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
17-Sep-11	Construction works done at PTSC Tobago Shaw Park and Sangsters Hill	Peter Sylvester	\$21,057.00
21-Sep-11– 16-Apr-12	Emergency Roof Repairs to Engineering Building Sangre Grande. Refurbishment of Command Centre and Garage Area	C.N.M.J. Environmasters Ltd	\$219,700.00
21-Sep-11	Electrical upgrade to Sangre Grande Terminal and central workshop	Yenks Contracting Services	\$293,200.00
25-Sep-11– 13-Dec-12	Construction Works at VMCOTT and Human Resources	Shambrin's General Contractors	\$1,145,906.00
28-Sep-11	Emergency plumbing sewer works chocked cleaning services	Paharry Hardware & Construction	\$638,629.50
28-Sep-11	Plumbing and electrical works done at Arima Transit Mall	Paharry Hardware & Construction	\$638,629.50
30-Sep-11– 06-May-13	Upgrading of Fence and Gate. Refurbishment of Human Resources Office	Preferred Solution Ltd	\$824,317.50
30-Sep-11	To Strip, Reseal & Polish (24775 sq. ft.) of Terrazzo at the Main Terminal Area	Rima Environmental Sol'n Co. Ltd	\$43,356.25

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
07-Oct-11	Plumbing and painting works done to Curepe and Tunapuna Mall Facilities	Shambrin's General Contractors	\$97,462.50
14-Oct-11	Liebert Ups-Emerson Network Power-Full Instrument True Power System with backup Gxt-3-3000rti20, 3000 Va/2700 Watts, 1120 Vac Input 6 Power Outlet 120Vac	Capitol Equipment & Machinery	\$39,500.00
14-Oct-11	Design, Supply & Install 2 swing gates	Interior Concepts Ltd	\$75,500.00
17-Oct-11	Provision of consultancy Services for Evaluation of lower roofing at POS – South Quay Area and preparing BOQ, Project Schedule	Morain & Martin Development Co. Ltd	\$86,250.00
24-Oct-11	Supply of 24 New 12-15 Seater Buses	D. Rampersad & Co. Ltd	\$11,868,480.00
09-Nov-11	Roofing Repairs to PTSC Terminal	R2K Engineering Co. Ltd	\$403,565.00
24-Nov-11	Refurbishment works to Office and Driveway at Sangre Grande Station	Junior Charles	\$81,711.63
30-Nov-11	Consultation/Supervision on work done at various locations	Sheik Mohammed	\$20,000.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
30-Nov-11	Consultancy project and supervision of Human Resources Dept. and VMCOTT Facilities	Avinash Chandrika	\$40,000.00
01-Dec-11	To cover cost of removing and fixing guard rails in some areas and installing counter sink, stiffener, connector, weld and bolt at PTSC Shaw Park, Tobago	DMB Construction & Engineering Co. Ltd	\$14,293.00
01-Dec-11	Repairs to toilet and bathrooms at PTSC Terminal San Fernando	Allan construction Services	\$75,000.00
01-Dec-11	Consulting/Project supervision San Fernando scope development supervision of works at San Fernando Engineering Facilities	Grenville Ayers	\$30,000.00
05-Dec-11	Emergency sewer repairs to the Arima Transit Mall	Critical Engineering Sol'n Ltd	\$88,000.00
07-Dec11– 03 Oct-13	Purchase of Computer Systems	Office Link Co. Ltd	\$843,738.10
19-Dec-11	Payment for construction services supplied to the Curepe Mall	BAASD Consulting Ltd	\$117,050.50

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
30-Dec-11	Consultancy/Project Supervision for Arima Mall upgrade	Sheik Mohammed	\$10,000.00
04-Jan-12	Kitchen upgrade and roofing repairs	Southern General Ltd	\$123,518.05
11-Jan-12	Painting & Repairing of Southern Wall at PTSC compound, South Quay POS & Construction of Metal Grills to drains at VMCOTT PTSC Bus Simulator Building	Rantel Construction Ltd	\$143,105.77
15-Jan-12	Consultancy/Project Supervision for Arima Mall painting, fence installation VMCOTT, metal grill installation	Avinash Chandrika	\$10,000.00
15-Jan-12	Consultancy/Project Supervision done at various locations May 2012- Security Booth installation- Arima Landscaping	Greenville Ayers	\$10,000.00
16-Jan-12	To supply and install a complete fire suppression system for the simulator room at the Simulator Training Facility	Shoes Industrial Supplies Limited	\$230,057.50
02-Feb-12	Demolition work to structure on PTSC property located at cor. Ralway Rd. Ext. Caroni	Kall Co. Ltd	\$67,700.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
09-Feb-12	Purchase & Installation – GPS	Pegasus Services Limited	\$1,966,813.67 (Vat exclusive)
13-Feb-12	Bus Simulator BLOG Fencing	Paharry Hardware and Construction	\$694,712.70
22-Feb-12	The development and implementation of a vehicle tracking and dispatch solution. (Phase 1)	Pegasus Services Ltd	\$2,261,835.72
23-Feb-12	Refurbishment of tenant booths services supplied to San Juan Mall	Desha	\$147,580.00
24-Feb-12	Electrical works at San Juan Mall	Lynderson Enterprises Ltd	\$48,584.99
24-Feb-12	Plumbing services supplied to Tunapuna Mall	David Joel Ltd	\$36,985.70
02-Mar-12	Repair and install electrical lights	Chaves Industrial Maintenance	\$169,648.86
02-Mar-12	Metal Railing Installation & Apron Casting at Curepe Transit Mall	Junior Charles Con. & Transport Services	\$86,250.00
12-Mar-12	Emergency request for plumbing services at San Juan Transit Mal	Hujako	\$13,685.50
13-Mar-12	Preliminary Plumbing for Curepe Transit Mall	Koch Construction Company Ltd	\$27,830.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
23-Mar-12	Construction of Guard Booth at the Arima Transit Priority Mall inclusive of roofing block work walls, painting, tiling, electrical works	Yenks Contracting Services Ltd	\$91,333.00
27-Mar-12	OJT Offices Construction at Sangre Grande Facilities	Sean Reyes & Associates Limited	\$91,080.00
27-Mar-12	For Emergency Building, Fabrication and Installation of Steel Grille Wing Doors, Painting and Installatin Including Ironmongery at VMCOTT	Universal Building & Maintenance	\$135,500.00
28-Mar-12	Refurbishment of two(2) Buses	Incavel Onibus E Pecas Ltd	\$150,000.00 USD
28-Mar-12	Reconfiguration of doors and installation of fire door at VMCOTT	Sean Reyes & Associates Limited	\$31,970.00
05-Apr-12	Landscaping and earthworks at VMCOTT Bus Simulator to clear and remove all unsuitable materials. To final grade and fill south of simulator building to excavate for earthen drains as directed to remove & disperse of bastard grass from lawn. Salt and roll lawn	Sookdeo Transport Service Ltd	\$50,140.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
11-Apr-12	Consulting/Project Supervision done at various locations	Grenville Ayers	\$20,000.00
11-Apr-12	Site visits and scope preparation for maxi taxi facilities painting. Supervision of Guard Booths Construction – POS Maxi Taxi Facilities	Avinash Chandrika	\$10,000.00
25-Apr-12	Upgrade Works to VMCOTT and Human Resources	CaPDex Eng. Services Ltd	\$76,992.50
03-May-12	Cabling at Shaw Park and Sangsters Hill Tobago	Key Computer Sol'n Ltd Total	\$29,550.21
25-May-12	Cost of labour & material for electrical lighting to engineering yard area and VMCOTT	Z. Khan's Electrical	\$156,377.58
15-Jun-12	Painting of Internal Upper & Lower floor Walls	Carl Company Ltd	\$41,400.00
25-Jun-12	Upgrade and Maintenance to Tobago Fuel Bay and Service Pit	CJ's Construction Ltd	\$123,580.00
02-Jul-12	To supply and install all necessary electrical and mechanical materials for the upgrade of the Arima Transit facility	Z. Khans Electircal Ltd	\$28,232.50

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
04-Jul-12	Procurement & Supply of flood Control Pumps	Kardway Contractors Limited	\$819,061.00
10-Jul-12	Installation of Flood Control Pump	Kardway Contractors Limited	\$102,000.00
19-Jul-12	Advertising – Buses Terminals and Premises	Advantage Advertising Services Ltd	Incoming Revenue
30-Jul-12	Installation of Kitchen Cupboards and Countertops	Top Décor Limited	\$48,415.00
03-Sept-12	MX – M453N 2502861200 Rental of Sharp Copier	Office Link Co. ltd (accounts)	\$157,423.50
28-Sept-12	To supply all labour and material for the installation of the flood control pump, inclusive of all piping installation, welding works, painting works, builder works and installation of railings and gritting	Kardway Contractors Ltd	\$117,300.00
01-Oct-12	MX – 5111N Rental of Sharp copier	Office Link Co. Ltd (General Manager's Office)	\$176,903.86
01-Oct-12	MX – M453N Rental of Sharp copier	Office Link Co. Ltd (Audit)	\$157,425.50
11-Oct-12	Supply and Installation of Four Barrier Systems at PTSC South Quay POS	Vitruvian Engineering Company Limited	\$98,598.70

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
19-Oct-12– 12-Nov-13	Upgrade and Customisation of Peachtree Software, and Sage Quantum Software	SK Management & Accounting Services	\$126,660.00
20-Oct-12	Quantity Surveyor's Report for proposed Rio Claro Transit Facility-evaluation of design work	Q's Services Ltd	\$17,250.00
25-Oct-12	To supply and install clear anodised storefront with ¼ clear safety glass	Kamri Investments Ltd	\$45,330.30
29-Oct-12– 15-Nov-13	Professional services provided maintenance of GPS system	Pegasus Services Ltd	\$1,713,761.26
27-Nov-12	Powerwashing works at Tunapuna Mall	Indoor Outdoor General Contractors	\$24,000.00
28-Nov-12	Construction and installation of 9 bus shelters	Yenks Contracting Services	\$391,892.40
14-Dec-12	San Fernando fencing upgrade	Yenks Contracting Services	\$337,700.38
18-Dec-12	Construction of Sangre Grande Time Keepers Room	Big Griff Construction & Maintenance	\$18,750.00
31-Dec-12	Microsoft Fore Front Enterprise TMG activate our PTSC Firewall and gateway Server TMG Internet/Email/UPN	National Info. & Comm. Tech Co. Ltd	\$39,131.34

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
01-Jan-13	Rental of Colour Copier-SCCG716887	Pereira & Company Ltd	\$12,270.00
01-Jan-13	Rental of Colour Copier – SCCD715353	Pereira & Company Ltd	\$11,475.00
02-Jan-13	Works to Male PTSC Main Public Washrooms Area and San Fernando Washrooms	Royal Gem Enterprises Limited	\$141,637.50
11-Jan-13	Calibration for one horizontal 10000 gallon diesel tank	Trinidad Tank and Fuel Services	\$25,964.17
06-Feb-13	For Glass Doors and Windows for the Central Guard Booth	Interior Exterior Aluminium	\$18,474.75
19-Feb-13	For Upgrading Works on Deluxe Coach Lounge	A&S Hardware & General Contractors Ltd	\$32,615.15
27-Feb-17- May-13	Electrical upgrades to various Depts.	Modern Electrical Supplies Ltd	\$114,559.44
04-Mar-13	Refurbishment of four (4) Buses	Incavel Onibus E Pecas Ltda	\$320,000.00USD
06-Mar-13	Upgrades to Server	Informatics Engineering Services Ltd Total	\$53,762.27

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
06-Mar-13	Emergency Repairs to Information Booth & Charge Room	Fareez Khan	\$16,320.00
01-Apr-13	Sharp MX-4101N - 15015075 (HR Department) Sharp MX-5111N - 15079780 (Marketing Department) Copier Maintenance Agreement	Office Link Co. Ltd	\$12,700.00 +VAT
16-Apr-13	Emergency works done to the maxi taxi area POS	Kenny Moses Electrical	\$23,000.00
30-Apr-13	Tiling Toilets, Admin, Engineering, Operations, Properties, Stores, Upholstery	All Hooks Sales	\$23,212.50
01-May-13	Rental of Toshiba Copier - Serial # 4555500121	Pereira & Company Ltd	\$15,750.00
09-May-13	Refurbishment of sewer system -Arima Transit Facility	Hansley and Gerald Services Limited	\$220,957.55
09-May-13	Refurbishment of sewer system-Sangre Grande Terminal Facility	Water Solutions Limited	\$293,231.16
16-May-13	Electrical upgrade for central workshop POS	DRRS Imports & Exports Limited	\$37,892.50

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
17-May-13	Electrical upgrade works - Arima	Paharry Hardware & Construction	\$43,444.12
16-Jun-13	For the Upgrade of Sangre Grande Depot Roof	Lifetime Roofing Ltd	\$70,828.50
01-Jul-13	Rental of new Sharp Copier - Sharp MX-6240N	Office Link Co. Ltd. (Corporate Services)	\$205,861.50
23-Jul-13	Reconnection of electricity at Point Fortin Depot	Kenny Moses Electrical Services	\$17,250.00
01-Aug-13	Data Storage Agreement	Amalgamated Security Services Ltd	\$9,591.00 PA
19-Aug-13	Sharp MX-M314N Rental of New Copier (Engineering - San Fernando)	Office Link Co. Ltd.	\$88,884.00
20-Aug-13	To re-sheet Sangre Grande Engineering Building	Xpert Roofing Solutions	\$90,620.00
27-Aug-13	The refurbishment of the Maxi Taxi Hub at the City Gate Transit Facility South Quay POS	Southern General Limited	\$847,570.41
27-Aug-13	Phase 1 of the purchase of 100 Right Hand Drive AC, CNG Powered Buses. 30% Mobilization Fee	Super Industrial Services	\$38,430,785.28
27-Aug-13	Repairs to the lower terminal roofing at City Gate Transit Facility POS	Roofman Limited	\$501,187.77

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
02-Sept-13	Sharp MX-M314N Rental of New Copier (Sangre Grande)	Office Link Co. Ltd.	\$88,884.00
02-Sept-13	School Transport	Joseph Boodoo	\$592.20 PD
02-Sept-13	School Transport	Ruthven Lee Quay	\$501.60 PD
02-Sept-13	School Transport	Ameerullah Khan	\$693.00 PD
02-Sept-13	School Transport	Rafick Khan	\$562.80 PD
02-Sept-13	School Transport	Anthony Frederick	\$752.40 PD
02-Sept-13	School Transport	Geniva Latchman	\$651.00 PD
02-Sept-13	School Transport	Bhola Lutchmansingh	\$562.80 PD
02-Sept-13	School Transport	Gracelyn Bhola	\$550.20 PD
02-Sept-13	School Transport	Jessie Regis	\$676.80 PD
02-Sept-13	School Transport	Dinnie Persad	\$348.40 PD
02-Sept-13	School Transport	Diannan Persad	\$482.40 PD
02-Sept-13	School Transport	David Holder	\$904.20 PD
02-Sept-13	School Transport	Edmund Cooper	\$482.40 PD
02-Sept-13	School Transport	Brian Beckles	\$915.60 PD
02-Sept-13	School Transport	Tennille Beckles	\$862.50 PD
02-Sept-13	School Transport	Walter Wells	\$643.20 PD
02-Sept-13	School Transport	Selwyn Michelle	\$705.60 PD
02-Sept-13	School Transport	Hugh Phillips	\$524.40 PD
02-Sept-13	School Transport	Reyes Hercules	\$588.00 PD
02-Sept-13	School Transport	Felion Boodoo	\$434.40 PD
02-Sept-13	School Transport	Purushtom Sharma	\$451.20 PD
02-Sept-13	School Transport	Ronald Verasammy	\$408.20 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sep-13	School Transport	Annil Latchman	\$608.80
02-Sept-13	School Transport	Ameers Mohammed	\$664.40 PD
02-Sept-13	School Transport	Kenny Dwarika	\$460.00 PD
02-Sept-13	School Transport	David Thannoo	\$434.40 PD
02-Sept-13	School Transport	Soomdath Bissessar	\$386.40 PD
02-Sept-13	School Transport	Ranjag Bootansingh	\$478.40 PD
02-Sept-13	School Transport	Agnes John	\$616.40 PD
02-Sept-13	School Transport	Rahaz Mohammed	\$644.00 PD
02-Sept-13	School Transport	Ingrid Gormandy	\$730.80 PD
02-Sept-13	School Transport	Michael Benoit	\$754.40 PD
02-Sept-13	School Transport	Neil Santlal	\$462.00 PD
02-Sept-13	School Transport	Elliott Griffith	\$562.00 PD
02-Sept-13	School Transport	Catherine Mohammed	\$481.00 PD
02-Sept-13	School Transport	Sukhram Munessar	\$563.80 PD
02-Sept-13	School Transport	Ann Marie Bannister-Phillips	\$684.00 PD
02-Sept-13	School Transport	Patrick David	\$431.20 PD
02-Sept-13	School Transport	Cyril La Croix	\$478.80 PD
02-Sept-13	School Transport	Dennison John	\$724.50 PD
02-Sept-13	School Transport	Shabeer Ramsaran	\$394.80 PD
02-Sept-13	School Transport	Michael Raphael	\$481.00 PD
02-Sept-13	School Transport	Natalie Jagroop	\$739.20 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Jason Francis Jordan	\$604.80 PD
02-Sept-13	School Transport	Aaron Silcott	\$524.00 PD
02-Sept-13	School Transport	Clarence Creese	\$499.20 PD
02-Sept-13	School Transport	Ashmead Mohammed	\$588.80 PD
02-Sept-13	School Transport	Charmaine Langdon	\$955.00 PD
02-Sept-13	School Transport	Vinog Maharaj	\$648.60 PD
02-Sept-13	School Transport	Matthew King	\$646.80 PD
02-Sept-13	School Transport	Linda Ragoonath	\$651.20 PD
02-Sept-13	School Transport	Terrance Wayne Emmanuel	\$335.00 PD
02-Sept-13	School Transport	June Emmanuel	\$342.00 PD
02-Sept-13	School Transport	Ronald Hope	\$296.40 PD
02-Sept-13	School Transport	Depack Ramkissoon	\$386.40 PD
02-Sept-13	School Transport	Jagdish Beharry	\$694.60 PD
02-Sept-13	School Transport	Khamraj Beharry	\$708.40 PD
02-Sept-13	School Transport	Jagurnath Kistow	\$273.60 PD
02-Sept-13	School Transport	Claudette Wilson- Robinson	\$478.80 PD
02-Sept-13	School Transport	Basdeo Boodoosingh	\$490.00 PD
02-Sept-13	School Transport	Vincent Bernard	\$427.20 PD
02-Sept-13	School Transport	Athanasues Montrose	\$362.40 PD
02-Sep-13	School Transport	Hanif Ali	\$273.00 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Kishore Kunjal	\$296.40 PD
02-Sept-13	School Transport	Lenny Reyes	\$671.00 PD
02-Sept-13	School Transport	Sherry Ann Benjamin-Paul	\$778.00 PD
02-Sept-13	School Transport	Sally Nath-Maraj	\$460.60 PD
02-Sept-13	School Transport	Remi Thomas	\$482.40 PD
02-Sept-13	School Transport	Kern Jeffrey	\$705.00 PD
02-Sept-13	School Transport	Baldat Ramrattan	\$450.80 PD
02-Sept-13	School Transport	Henderson Bancroft	\$350.40 PD
02-Sept-13	School Transport	Dariene Henry- John	\$460.00 PD
02-Sept-13	School Transport	Kayar Bannister	\$570.40 PD
02-Sept-13	School Transport	Pabatre Bissessar- Sharma	\$338.40 PD
02-Sept-13	School Transport	Anthony Hosein	\$297.60 PD
02-Sept-13	School Transport	Cleveland Hills	\$724.80 PD
02-Sept-13	School Transport	Anil Basdeo	\$708.40 PD
02-Sept-13	School Transport	John Manuel	\$851.00 PD
02-Sept-13	School Transport	Donald Seurattan	\$634.20 PD
02-Sept-13	School Transport	Denise Fraser	\$765.60 PD
02-Sept-13	School Transport	Edward Fraser	\$688.80 PD
02-Sept-13	School Transport	Andy Mohammed	\$366.60 PD
02-Sept-13	School Transport	Roger Ifill	\$342.00 PD
02-Sept-13	School Transport	Kalawattie Rampersad	\$605.00 PD
02-Sept-13	School Transport	Franklyn Roopchand	\$569.20 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Michael Graham	\$680.80 PD
02-Sept-13	School Transport	Gregory Andrews	\$371.00 PD
02-Sept-13	School Transport	Jocelyn John-Agostini	\$730.80 PD
02-Sept-13	School Transport	Terrence Hoyte	\$602.60 PD
02-Sept-13	School Transport	Michelle Richards	\$878.60 PD
02-Sept-13	School Transport	Sheldon Mayers	\$520.80 PD
02-Sept-13	School Transport	Dexter Richardson	\$634.80 PD
02-Sept-13	School Transport	David Solomon	\$384.80 PD
02-Sept-13	School Transport	Anthony Caesar	\$570.00 PD
02-Sept-13	School Transport	Lincoln Riley	\$651.20 PD
02-Sept-13	School Transport	Hafezool Hosein	\$347.20 PD
02-Sept-13	School Transport	Ishwarial Sharma	\$530.20 PD
02-Sept-13	School Transport	Harinam Gobin	\$547.20 PD
02-Sept-13	School Transport	Rishi Gobin	\$374.40 PD
02-Sept-13	School Transport	Elizabeth Ali Mangray	\$444.60 PD
02-Sept-13	School Transport	Randy Ramjohn	\$516.60 PD
02-Sept-13	School Transport	Harricharan Persad	\$648.60 PD
02-Sept-13	School Transport	Clifford Francis	\$558.80 PD
02-Sept-13	School Transport	Terry-Ann Joseph	\$470.80 PD
02-Sept-13	School Transport	Razia Asgarali	\$570.40 PD
02-Sept-13	School Transport	Andrew Statham	\$386.40 PD
02-Sept-13	School Transport	Samuel L. Browne	\$680.80 PD
02-Sept-13	School Transport	Franklin M. Roopchand	\$520.80 PD

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Vaughn Newton	\$633.60 PD
02-Sept-13	School Transport	Richard Soo-Tim	\$348.40 PD
02-Sept-13	School Transport	Yaseen Mohammed	\$616.40 PD
02-Sept-13	School Transport	Ashton Ramsey	\$475.20 PD
02-Sept-13	School Transport	Virginia Ramkissoon	\$392.60 PD
02-Sept-13	School Transport	Jacksang Yeeshong	\$338.40 PD
02-Sept-13	School Transport	Baldat Harrinarine	\$321.60 PD
02-Sept-13	School Transport	Lincoln De Coteau	\$536.00 PD
02-Sept-13	School Transport	Doyle Swan	\$478.80 PD
02-Sept-13	School Transport	Tellisford Ashton	\$648.60 PD
02-Sept-13	School Transport	Wayne Lewis	\$470.00 PD
02-Sept-13	School Transport	Olan Nancis	\$299.00 PD
02-Sept-13	School Transport	Carl Gaskin	\$545.60 PD
02-Sept-13	School Transport	Rajdeo Ramnath	\$738.00 PD
02-Sept-13	School Transport	Rienzi Ramkissoon	\$506.60 PD
02-Sept-13	School Transport	Urban Montrose	\$605.00 PD
02-Sept-13	School Transport	Chandramattee Khillawan	\$705.60 PD
02-Sept-13	School Transport	Edna John	\$296.40 PD
02-Sept-13	School Transport	Wendell Keller	\$529.20 PD
02-Sept-13	School Transport	Gregory Wilson	\$338.40 PD
02-Sept-13	School Transport	Sheila Powdhar	\$299.00 PD
02-Sept-13	School Transport	Stephen Davis	\$688.80 PD
02-Sept-13	School Transport	Wendell Lowe	\$561.60 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Valentine George	\$646.80 PD
02-Sept-13	School Transport	James Ebenezer Henry	\$818.40 PD
02-Sept-13	School Transport	Dial Boodoosingh	\$536.00 PD
02-Sept-13	School Transport	Michael James	\$732.70 PD
02-Sept-13	School Transport	Fawzi Mohammed	\$634.20 PD
02-Sept-13	School Transport	Ryan Ronald Sookoo	\$620.40 PD
02-Sept-13	School Transport	Adele Alisha Al- Bissoon	\$760.20 PD
02-Sept-13	School Transport	Fazeed Kurban	\$717.60 PD
02-Sept-13	School Transport	Sayyad Irfaan	\$621.60 PD
02-Sept-13	School Transport	Dereck Russell	\$691.20 PD
02-Sept-13	School Transport	Silus Boban	\$739.20 PD
02-Sept-13	School Transport	Rickie Khadoo	\$418.60 PD
02-Sept-13	School Transport	Sham Bickharry	\$705.00 PD
02-Sept-13	School Transport	Bonasar Gilbert	\$524.40 PD
02-Sept-13	School Transport	Shareefa Ali Ramjohn	\$677.60 PD
02-Sept-13	School Transport	Thomas Patrick	\$349.80 PD
02-Sept-13	School Transport	Vishnu Rambaran	\$605.00 PD
02-Sept-13	School Transport	Ian Ramnath	\$680.80 PD
02-Sept-13	School Transport	Ramesh Ramnarine	\$550.20 PD
02-Sept-13	School Transport	Kennedy Beharry	\$800.40 PD
02-Sept-13	School Transport	Reynold Hills	\$694.60 PD
02-Sept-13	School Transport	Praveraj Rampersad	\$695.20 PD
02-Sept-13	School Transport	Ramdass Mahabir	\$655.00 PD
02-Sept-13	School Transport	Harold Codrington	\$510.60 PD
02-Sept-13	School Transport	Kamla Jaimangal	\$520.80 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Frankie Peters	\$616.00 PD
02-Sept-13	School Transport	Carlyle Clement	\$752.40 PD
02-Sept-13	School Transport	Ganesh Ramrattan	\$321.60 PD
02-Sept-13	School Transport	Matura Dhanpat	\$319.20 PD
02-Sept-13	School Transport	Sharmatte Rambaran	\$648.60 PD
02-Sept-13	School Transport	Amarnath Balliram	\$676.20 PD
02-Sept-13	School Transport	Withel Patel	\$646.80 PD
02-Sept-13	School Transport	Anthony Williams	\$482.40 PD
02-Sept-13	School Transport	Oumar Esau	\$616.40 PD
02-Sept-13	School Transport	Doodath Bookhal	\$580.80 PD
02-Sept-13	School Transport	Joel Commings	\$646.80 PD
02-Sept-13	School Transport	Anthony David Glasgow	\$662.40 PD
02-Sept-13	School Transport	Anson Hinds	\$662.40 PD
02-Sept-13	School Transport	Clyde Mackhan	\$677.60 PD
02-Sept-13	School Transport	Ninram Ramsingh	\$592.20 PD
02-Sept-13	School Transport	Joseph Young	\$478.80 PD
02-Sept-13	School Transport	Eva Ragunath- Ragbir	\$592.20 PD
02-Sept-13	School Transport	Ashook Sidoo	\$444.00 PD
02-Sept-13	School Transport	Latchamie Narine Mahabir	\$347.20 PD
02-Sept-13	School Transport	Zainool Shah	\$321.60 PD
02-Sept-13	School Transport	Cindy Mohammed	\$369.20 PD
02-Sept-13	School Transport	Lila Ramkissoon	\$383.60 PD
02-Sept-13	School Transport	Harold Persad	\$694.60 PD
02-Sept-13	School Transport	Zainool Manoo	\$524.00 PD
02-Sept-13	School Transport	Jaikaran Bahadur	\$724.80 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Ramesh Rambaran	\$705.60 PD
02-Sept-13	School Transport	Deoraj Lai Siew	\$676.20 PD
02-Sept-13	School Transport	Indar Ramlackan	\$662.40 PD
02-Sept-13	School Transport	Dipchan Moorath	\$814.80 PD
02-Sept-13	School Transport	Judy Hills-Hinds	\$580.80 PD
02-Sept-13	School Transport	Rosanna Balgobin	\$701.40 PD
02-Sept-13	School Transport	Ingrid Churkoo Polloo	\$680.80 PD
02-Sept-13	School Transport	Ramnarace Palloo	\$616.40 PD
02-Sept-13	School Transport	Steve Warrick	\$362.40 PD
02-Sept-13	School Transport	Arnold Bharose	\$620.00 PD
02-Sept-13	School Transport	Jagdish Deolart	\$628.80 PD
02-Sept-13	School Transport	Surujnarine Ragoonath	\$297.60 PD
02-Sept-13	School Transport	Laldeo Bookal	\$676.80 PD
02-Sept-13	School Transport	Richard Balcon	\$536.00 PD
02-Sept-13	School Transport	Felix John	\$676.80 PD
02-Sept-13	School Transport	Mollisia Rambaran	\$708.40 PD
02-Sept-13	School Transport	Mary Daniel	\$653.20 PD
02-Sept-13	School Transport	Gerard Sampath	\$592.20 PD
02-Sept-13	School Transport	Elvis Nelson	\$662.40 PD
02-Sept-13	School Transport	Kumar Ramrattan	\$321.60 PD
02-Sept-13	School Transport	Watford Joseph	\$451.20 PD
02-Sept-13	School Transport	Kenny Ramlogan	\$386.40 PD
02-Sept-13	School Transport	Sewdath Ramlochan	\$338.40 PD
02-Sept-13	School Transport	Brian Baptiste	\$576.00 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Ganesh Gopaul	\$466.20 PD
02-Sept-13	School Transport	Prema Singh	\$562.80 PD
02-Sept-13	School Transport	Ramtahal Seecharan	\$434.40 PD
02-Sept-13	School Transport	Ramnarine Matadin	\$579.60 PD
02-Sept-13	School Transport	George Brent Girod	\$646.80 PD
02-Sept-13	School Transport	Joshi Sankar	\$604.80 PD
02-Sept-13	School Transport	Yasmin Ahmed	\$694.60 PD
02-Sept-13	School Transport	Taradath Singh	\$616.00 PD
02-Sept-13	School Transport	Joshua De Boulet	\$634.80 PD
02-Sept-13	School Transport	Shairfa Persad	\$676.20 PD
02-Sept-13	School Transport	Radesh Ramnarine	\$592.20 PD
02-Sept-13	School Transport	Saroj Basdeo	\$570.40 PD
02-Sept-13	School Transport	Rodney Ramlogan	\$579.60 PD
02-Sept-13	School Transport	Stephen Phillip	\$550.20 PD
02-Sept-13	School Transport	Suresh Singh	\$479.70 PD
02-Sept-13	School Transport	Benny Singh	\$304.80 PD
02-Sept-13	School Transport	Ramnarine Boodoo	\$355.20 PD
02-Sept-13	School Transport	Arvion Francis	\$550.20 PD
02-Sept-13	School Transport	Chandrawattie Singh	\$499.20 PD
02-Sept-13	School Transport	Bissoondath Chunilal	\$570.00 PD
02-Sept-13	School Transport	Victor Balgobin	\$662.40 PD
02-Sept-13	School Transport	Ramchan Moonesar	\$616.40 PD
02-Sept-13	School Transport	Chandardai Mahabir	\$321.60 PD

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Bhagmaniya Ragbir-Dass	\$314.40 PD
02-Sept-13	School Transport	Elisha Spann	\$310.80 PD
02-Sept-13	School Transport	Savitri Benny	\$602.60 PD
02-Sept-13	School Transport	Kiradhan Missiree	\$642.40 PD
02-Sept-13	School Transport	Basmath Adhar	\$393.60 PD
02-Sept-13	School Transport	Sterun Adhar	\$394.80 PD
02-Sept-13	School Transport	Shahid Mohammed	\$362.40 PD
02-Sept-13	School Transport	Anthony La Caiue	\$304.20 PD
02-Sept-13	School Transport	Rose Sylvia Baboolal	\$510.60 PD
02-Sept-13	School Transport	Nazir Mohammed	\$394.80 PD
02-Sept-13	School Transport	Jimmy Kasim Ali	\$621.60 PD
02-Sept-13	School Transport	Ramcharitar Bhookal	\$643.20 PD
02-Sept-13	School Transport	Knolly Ramdeen	\$403.20 PD
02-Sept-13	School Transport	Salisha Badhal	\$343.20 PD
02-Sept-13	School Transport	Stanley Commings	\$846.40 PD
02-Sept-13	School Transport	Bharat Rambaran	\$634.20 PD
02-Sept-13	School Transport	Ronald Michell	\$508.20 PD
02-Sept-13	School Transport	Dhanash Ramdath	\$478.80 PD
02-Sept-13	School Transport	Kishan Harrinarine	\$450.80 PD
02-Sept-13	School Transport	Ronnie Singh	\$299.60 PD
02-Sept-13	School Transport	Peter Ramdeen	\$297.60 PD
02-Sept-13	School Transport	Kirk Rostant	\$694.60 PD
02-Sept-13	School Transport	Ravindra Ramnanan	\$314.40 PD

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Sunil Debisingh	\$299.60 PD
02-Sept-13	School Transport	Shareeda Ali	\$374.40 PD
02-Sept-13	School Transport	Shawkat Ali	\$348.40 PD
02-Sept-13	School Transport	Rita Teelucksingh	\$806.40 PD
02-Sept-13	School Transport	Roopnarine Neeranjohn	\$362.40 PD
02-Sept-13	School Transport	Chandaye Maharaj	\$338.40 PD
02-Sept-13	School Transport	Mohan Thackurie	\$634.20 PD
02-Sept-13	School Transport	Mattee Maharaj	\$592.00 PD
02-Sept-13	School Transport	Cally Persad	\$362.40 PD
02-Sept-13	School Transport	Ramnarine Singh	\$379.20 PD
02-Sept-13	School Transport	Krishendath Jaggernath	\$740.00 PD
02-Sept-13	School Transport	Toolsie Ramkissoon	\$362.40 PD
02-Sept-13	School Transport	Rochard Mohammen	\$355.20 PD
02-Sept-13	School Transport	Gail Thackurie	\$676.80 PD
02-Sept-13	School Transport	Sateesh Deonath	\$708.40 PD
02-Sept-13	School Transport	Krishna Ramkaran	\$338.40 PD
02-Sept-13	School Transport	Deorajie Mohan	\$576.40 PD
02-Sept-13	School Transport	Nealson Lloyd	\$602.60 PD
02-Sept-13	School Transport	Arjoon Singh	\$676.80 PD
02-Sept-13	School Transport	Nizam Mohammed	\$297.60 PD
02-Sept-13	School Transport	Asha Ramnarine	\$579.60 PD
02-Sept-13	School Transport	Satnarine Soodeen	\$426.80 PD

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Siew Sookhoo	\$846.40 PD
02-Sept-13	School Transport	Shantee Maraj Masnan	\$441.60 PD
02-Sept-13	School Transport	Latchman Ramsawak	\$589.60 PD
02-Sept-13	School Transport	Sookdeo Kisson	\$676.80 PD
02-Sept-13	School Transport	Ramnarine Ramsaroop	\$662.40 PD
02-Sept-13	School Transport	Abidh Mohammed	\$662.40 PD
02-Sept-13	School Transport	George De Leon	\$616.00 PD
02-Sept-13	School Transport	Krishendath Ramlakhan	\$536.00 PD
02-Sept-13	School Transport	Rajesh Sookdeo	\$322.40 PD
02-Sept-13	School Transport	David Worrell	\$524.00 PD
02-Sept-13	School Transport	Richard Hansraj	\$576.00 PD
02-Sept-13	School Transport	Roslyn Fletcher- Rostant	\$656.00 PD
02-Sept-13	School Transport	Nixon Modeste	\$730.80 PD
02-Sept-13	School Transport	Shirley-Ann Baghoo	\$441.60 PD
02-Sept-13	School Transport	Khardookhan Naipaul	\$450.80 PD
02-Sept-13	School Transport	Zafrulla Shah	\$508.20 PD
02-Sept-13	School Transport	Andy Singh	\$524.00 PD
02-Sept-13	School Transport	Edwin Lessey	\$868.80 PD
02-Sept-13	School Transport	Morgan Mohan	\$621.60 PD
02-Sept-13	School Transport	Basraj Taroo	\$703.80 PD

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
02-Sept-13	School Transport	Shermine Richards	\$328.80 PD
02-Sept-13	School Transport	Joan Lewis	\$540.50 PD
02-Sept-13	School Transport	Gaitre Dookie	\$562.80 PD
02-Sept-13	School Transport	Vincent Tang Yuk	\$595.20 PD
02-Sept-13	School Transport	Earl Bobb	\$655.20 PD
02-Sept-13	School Transport	Damion Seales	\$456.00 PD
02-Sept-13	School Transport	Moordugh Teemul Thackurie	\$796.80 PD
02-Sept-13	School Transport	Weston Murray	\$517.80 PD
02-Sept-13	School Transport	Mehindra Deonarine	\$394.80 PD
02-Sept-13	School Transport	Juliet John	\$444.00 PD
04-Sep-13	For the design and construction of the new PTSC Rio Claro Transit Facility	Fides Limited	\$2,290,711.50
10-Sep-13	Upgrades to Server Room	Tech Nine Solutions Ltd	\$272,470.00
17-Sept-13	Cash Service	Amalgamated Security Services Ltd.	To be billed
03-Oct-13	Upgrade and Installation of PBX	Telcommunication Services of T&T Ltd	\$735,809.93
14-Oct-13	Software Licence and Maintenance Agreement (HR Plus Everywhere Version 5.0)	Software Technology Limited	(\$70,900.00 Annual Licence Fee) \$415,700.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
19-Nov-13	Engineering Uniforms Covercoats and Coveralls	Flame Industries	\$153,340.00 (VAT Excl.)
19-Nov-13	30 Ton Central A/C System	Ramlogan's Air Conditioning and Refrigeration Service Limited	\$205,055.00 (VAT Excl.)
28-Nov-13	Engineering Steel Tip Safety and Rubber Boots	ANSA Technologies Limited	\$162,342.75 (VAT Excl.)
14-Jan-14 to 05-Feb- 14	For repair work to roofing at Engineering Garage	Construction Connection Limited	\$200,765.85
14-Jan-14 to 22-Aug- 14	Installation of Pile Mounted Transformers to Flood Control Pumps	Kardway Contractors Limited	\$115,964.00
22-Jan-14	San Fernando Training Room – Apprenticeship Program	Bhagwansingh Hardware and Steel	\$3,051.25
10-Feb-14 to 09-Apr- 14	Roof Upgrade to Mechanical Workshop POS	Xpert Roofing Solutions	\$183,660.00
24-Feb-14 to 17-Mar- 14	Mitel Licenses for PBX in San Fernando and Arima	Telecommunicatio Services of T&T	\$25,103.06
27- Feb-14	Painting Works to PTSC Bus Drivers Lobby POS	Finally Finished Limited	\$45,396.25

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
5-Mar-14	Painting works to the PTSC Platform POS	Yenks Contracting Services Ltd	\$133,952.00
18-Mar-14	The provision and installation of HEPA AIR SCRUBBERS	Air Technology Ltd	\$51,175.00
26-Mar-14 to 10-Dec-14	Upgrade of Washroom for the Marketing and Communications Department	Luckey Constructions	\$55,315.00
10-Apr-14	Refurbishment of Engineering Office at Shawn Park Tobago	John's Plumbing and Maintenance Service	\$17,940.00
29-Apr-14	Fabricating & Installation of Gate at Chaguanas Nothern Entrance	Stephard Enterprises	\$49,892.75
29-Apr-14	Changing of Main Cable Leading to Emergency Panel, re. PTSC Electrical Breakdown – POS	Chaves Industrial Maintenance	\$53,080.55
20-May-14	Cleansing Decontaminating and Deoderizing and Removal of Bacteria & Mould from Air	Caribbean Airduct Cleaning	\$6,325.00
20-May-14	Professional Services on Quantum Software at San Fernando	SK Management & Accounting Services Ltd	\$2,817.50
5-Jun-14	HR Plus Annual Maintenance	HR Plus Software Ltd	\$70,900.00

Legal Fees for the period 01 January, 2011 – 31 December 2013			
12-Jun-14	Replacement of Roof at Engineering Department	Paharry Construction Co. Ltd	\$99,038.00
12-Jun-14	Construction of Change Rooms for NESC Trainees – Engineering San Fernando	Unique Hardware & General Supplies	\$2,575.31
9-Aug-14	Installation of Main Entrance Gate at Point Fortin Depot	Allan Construction Services Ltd	\$37,100.00
21-Aug-14	Removal and Disposal of Material Containing Asbestos from Drivers Lobby and Running Repairs at South Quay POS	Green Engineering-Environ@Eng Services	\$1,748,391.00
6-Jan-11	Photocopies of cases at the Industrial Court	Larry N. Lalla	\$105.00
6-Jan-11	Research on the termination of employment in T&T as it pertains to Executive Directors	Larry N. Lalla	\$10,000.00
6-Jan-11	Legal and research time in the matter – TIWU & PTSC trade dispute	Lennox A. Marcelle	\$17,500.00
24-Jan-11	Professional Fees for perusal of instructions and supporting letter and preparation of advice	Jagdeo Singh	\$1,000.00
26-Jan-11	Alleged Offence – Anthony Dyer, PTSC Customer Service Representative “Spotter”	N.S. Ratiram & Company	\$12,000.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
26-Jan-11	Copies, misc., attics, etc.	N.S. Ratiram & Company	\$440.00
26-Jan-11	Copies, misc., attics, etc.	N.S. Ratiram & Company	\$50.00
26-Jan-11	Copies, misc., attics, etc.	N.S. Ratiram & Company	\$100.00
26-Jan-11	Copies, misc., etc.	N.S. Ratiram & Company	\$140.00
26-Jan-11	Coroner's Inquest – Mr. Ellis Walker	N.S. Ratiram & Company	\$6,500.00
26-Jan-11	Filing fees, copies, misc., attics, etc.	N.S. Ratiram & Company	\$215.00
26-Jan-11	Sergeant Dennis Paul-v-Ray Colley and others	N.S. Ratiram & Company	\$17,500.00
26-Jan-11	PTSC-v-A. Gomez Burke & Co. Ltd	N.S. Ratiram & Company	\$17,500.00
26-Jan-11	Status report on behalf of PTSC	N.S. Ratiram & Company	\$3,500.00
17-Feb-11	Alfonzs Williams	Jagdeo Singh	\$45,000.00
17-Feb-11	Bunny Maciall	Jagdeo Singh	\$45,000.00
17-Feb-11	Gerald Hosam	Jagdeo Singh	\$45,000.00
17-Feb-11	Allan Knights	Jagdeo Singh	\$45,000.00
17-Feb-11	Eunice Small	Jagdeo Singh	\$45,000.00
17-Feb-11	Holista Morgan	Jagdeo Singh	\$45,000.00
17-Feb-11	Ray Colley & others	Jagdeo Singh	\$60,000.00
17-Feb-11	Ryan Charles	Jagdeo Singh	\$45,000.00
17-Feb-11	Trade Dispute No. 781/2010 – TIWU	Jagdeo Singh	\$50,000.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
17-Feb-11	Buses for hire for PNM functions	Jagdeo Singh	\$65,000.00
17-Feb-11	Ellis Walker	Jagdeo Singh	\$75,000.00
25-Feb-11	Industrial Court Hearing – Trade Disputes	K.R Lalla & Company	\$3,500.00
25-Feb-11	Legal opinion on sucesorship and severance benefits	K.R Lalla & Company	\$20,000.00
25-Feb-11	Paponette and others-v-The Attorney General of T&T Privy Council Appeal	K.R Lalla & Company	\$30,000.00
25-Feb-11	PTSC Buses for hire by PNM and Leal Liability that arises	K.R Lalla & Company	\$50,000.00
1-Mar-11	PC Ramdhanie-v-Ellis Walker (2 Hours)	Cindy Bhagwandeem	\$1,300.00
1-Mar-11	Sergeant Dennis Paul-v-Ray Colley	Cindy Bhagwandeem	\$1,300.00
1-Mar-11	Sergeant Dennis Paul-v-Ray Colley	Cindy Bhagwandeem	\$1,000.00
1-Mar-11	PC Ramdhanie-v-Ellis Walker (2 Hours)	Cindy Bhagwandeem	\$1,000.00
1-Mar-11	Legal Opinion on Worker's Compensation Rights & Entitlement of Employer/Employee	Cindy Bhagwandeem	\$30,000.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
2-Mar-11	Legal Opinion on Special Charter to PNM and whether there is a viable redress by criminal/civil proceedings	Cindy Bhagwandeem	\$30,000.00
21-Mar-11	Deonanan Ramnarine Singh-v-PTSC	Ian L. Benjamin	\$5,000.00
21-Mar-11	Determination of Tenancy of Deonanan Ramnarine Singh	Ian L. Benjamin	\$10,000.00
1-Apr-11	PTSC-vs-Ray Colley and Others – 25 Court Attendances	Sophia K. Chote	\$87,500.00
12-Apr-11	Fee for Legal Representation in the matter TIWU and PTSC	Lennox A. Marcelle	\$30,000.00
12-Apr-11	Legal Representation in the matters 1) TIWU & PTSC	Lennox A. Marcelle	\$37,500.00
13-May-11	Sergeant Dennis Paul-v-Ray Colley and others	Cindy Bhagwandeem	\$650.00
13-May-11	PC Ramdhanie-v-Ellis Walker	Cindy Bhagwandeem	\$650.00
13-May-11	Termination of Ms. Selina Young's Ticker Trader Services at PTSC City Gate	Cindy Bhagwandeem	\$2,400.00
8-Jul-11	Sergeant Dennis Paul-v-Ray Colley	Cindy Bhagwandeem	\$2,000.00
8-Jul-11	PC Ramdhanie-v-Ellis Walker	Cindy Bhagwandeem	\$2,000.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
26-Sep-11	Cynthia Major and Allison Dixon-v-PTSC	Cindy Bhagwandeem	\$43,700.00
26-Sep-11	Michael Grappie & ors-v-PTSC	Cindy Bhagwandeem	\$43,700.00
26-Sep-11	Rosey Saunders Hood-v-PTSC	Cindy Bhagwandeem	\$43,700.00
26-Sep-11	Cynthia Major and Allison Dixon-v-PTSC	Jagdeo Singh	\$63,000.00
26-Sep-11	Michael Grappie & ors-v-PTSC	Jagdeo Singh	\$63,000.00
26-Sep-11	Rosey Saunders Hood-v-PTSC	Jagdeo Singh	\$63,000.00
26-Sep-11	Opinion – Bus Simulator Sales Agreement	Jagdeo Singh	\$50,500.00
26-Sep-11	Opinion – Differently Abled Buses Contract	Jagdeo Singh	\$80,500.00
26-Sep-11	Opinion – Sample Construction Contract	Jagdeo Singh	\$83,000.00
26-Sep-11	Opinion – Sample Maxi-Taxi Concessionaires Agreement	Jagdeo Singh	\$18,000.00
26-Sep-11	Opinion – Contract for Advertising	Jagdeo Singh	\$25,500.00
26-Sep-11	PC Scott-v-Trevor Lovelace	Jagdeo Singh	\$63,000.00
26-Sep-11	TIWU & PTSC in the matter of Owen Maturin	Jagdeo Singh	\$95,500.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
26-Sep-11	TIWU & PTSC in the matter of Ronald Bedlow	Jagdeo Singh	\$95,500.00
26-Sep-11	TIWU & PTSC in the matter of Garcia	Jagdeo Singh	\$95,500.00
26-Sep-11	TIWU & PTSC in the matter of Krishen Maharaj	Jagdeo Singh	\$95,500.00
26-Sep-11	TIWU & PTSC in the matter of Kevin Harrypaulsingh	Jagdeo Singh	\$95,500.00
26-Sep-11	TIWU & PTSC in the matter of Timothy Belgrave	Jagdeo Singh	\$95,500.00
26-Sep-11	TIWU & PTSC in the matter of Franklin Frazer	Jagdeo Singh	\$95,500.00
26-Sep-11	TIWU & PTSC in the matter of Courtney Young	Jagdeo Singh	\$95,500.00
26-Sep-11	TIWU & PTSC in the matter of V. Armour	Jagdeo Singh	\$95,500.00
28-Sep-12	PC Scott-v-Trevor Lovelace	Cindy Bhagwandeem	\$35,343.00
28-Sep-12	PTSC-v-A. Gomez Burke & Co. Ltd	Cindy Bhagwandeem	\$56,100.00
13-May-11	PC Ramdhanie-v-Ellis Walker	Cindy Bhagwandeem	\$650.00
13-May-11	Termination of Ms. Selina Young's Ticker Trader Services at PTSC City Gate	Cindy Bhagwandeem	\$2,400.00

Written Answer to Question

Tuesday, March 31, 2015

Date	Project Description	Service Provider	Value
28-Sep-12	Keturah Leah Lewis – v-PTSC	Cindy Bhagwandeem	\$56,100.00
28-Sep-12	TIWU-v-PTSC	Cindy Bhagwandeem	\$28,050.00
28-Sep-12	Deonanan Ramnarine Singh-v-PTSC	Cindy Bhagwandeem	\$11,700.00
28-Sep-12	TIWU-v-PTSC	Cindy Bhagwandeem	\$7,500.00
28-Sep-12	TIWU-v-VMCOTT, PTSC	Cindy Bhagwandeem	\$7,500.00
28-Sep-12	TIWU-v-VMCOTT, PTSC	Cindy Bhagwandeem	\$7,500.00
28-Sep-12	Transad Limited-v-PTSC	Cindy Bhagwandeem	\$7,500.00
28-Sep-12	SRP Samuel Ross-v-Anthony Dyer	Cindy Bhagwandeem	\$5,000.00
28-Sep-12	Opinion – Allegation of forgery in Rio Claro Bus Facility Contract	Jagdeo Singh	\$98,500.00
28-Sep-12	Merril John-Simon-v-PTSC	Jagdeo Singh	\$147,000.00
23-Dec-13	Services Rendered for an external independent opinion – contract for Ishwar Jadoonanan	Derek Ali	\$15,000.00
23-Dec-13	Services Rendered for an external independent opinion – contract for Ishwar Jadoonanan	Derek Ali	\$5,000.00
23-Dec-13	Services Rendered for an external opinion – Mr. Drolly Francis Disciplinary Hearing	Derek Ali	\$7,500.00

*Written Answer to Question**Tuesday, March 31, 2015*

Date	Project Description	Service Provider	Value
23-Dec-13	Services Rendered with the Trade Dispute – Constructive Dismissal of Shivana Sawh	Derek Ali	\$60,000.00
23-Dec-13	Services Rendered PTSC-v-Ramnarine Singh & Anthony Tulsie	Malcolm Paynter	\$4,420.00
23-Dec-13	Services Retained of Kiel Taklalsingh – Unlawful dismissal of Trevor Bailey	Imperium & Company	\$33,400.00
23-Dec-13	Services Retained of Kiel Taklalsingh – Unlawful dismissal of Ronald Bedlow	Imperium & Company	\$7,500.00
23-Dec-13	Services Retained of Kiel Taklalsingh (Melan Garcia) TIWU-v-PTSC	Imperium & Company	\$2,400.00
31-Dec-13	Services Retained (Inquest into the Death of Rhona Ramnarine)	Reeya Chattergoon	\$15,000.00
31-Dec-13	Services Retained (IPC Gangoo-v-Ramroop Ramlochan)	Reeya Chattergoon	\$35,000.00
28-Sep-12	Keturah Leah Lewis – v-PTSC	Cindy Bhagwandeem	\$56,100.00