



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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4th Session – 10th Parliament (Rep.) – Volume 25 – Number 25

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE WADE MARK  
SPEAKER

THE HONOURABLE NELA KHAN  
DEPUTY SPEAKER

**Friday 11th April, 2014**

**CLERK OF THE HOUSE: JACQUI SAMPSON-MEIGUEL**

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(TYPESET BY THE HANSARD STAFF, PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, CARONI,  
REPUBLIC OF TRINIDAD AND TOBAGO— 2022)



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**HOUSE OF REPRESENTATIVES***Friday, April 11, 2014*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**ARRANGEMENT OF BUSINESS**

**Mr. Speaker:** Hon. Members, under the item “Announcements by the Speaker”, I would like this matter to be deferred until after question time. Do I have the leave of the House?

*Agreed to.*

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2010 to December 31, 2010. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2011 to December 31, 2011. [*Hon. R. Indarsingh*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Lotteries Control Board (NLCB) for the year ended September 30, 2009. [*Hon. R. Indarsingh*]
4. Annual Report of the First Citizens’ Group for the year 2013. [*Hon. R. Indarsingh*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Police Complaints Authority for the three months ended December 31, 2006. [*Hon. R. Indarsingh*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Regulated Industries Commission for the year ended December 31, 2012. [*Hon. R. Indarsingh*]

*Papers Laid*

*Friday, April 11, 2014*

7. Audited Financial Statements of the Trinidad and Tobago Securities and Exchange Commission for the year ended September 30, 2013. [*Hon. R. Indarsingh*]  
*Papers 1 to 3 and 5 to 7 to be referred to the Public Accounts Committee.*
8. Audited Financial Statements of the National Commission for Self-Help Limited for the financial year ended September 30, 2012. [*Hon. R. Indarsingh*]  
*Paper 8 to be referred to the Public Accounts (Enterprises) Committee.*
9. Annual Administrative Report of the National Agricultural Marketing and Development Corporation for the period 2011/2012. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]
10. Administrative Report of the Ministry of National Diversity and Social Integration for the fiscal year 2012. [*Hon. Dr. R. Moonilal*]
11. Annual Administrative Report of the Ministry of the Arts and Multiculturalism for the period October 01, 2010 to September 30, 2011. [*The Minister of Arts and Multiculturalism (Hon. Dr. Lincoln Douglas)*]
12. Administrative Report of the Betting Levy Board for the financial year July 01, 2010 to June 30, 2011. [*Hon. Dr. R. Moonilal*]
13. Budget and Planned Activities of the Regulated Industries Commission for the year ending December 31, 2014. [*Hon. Dr. R. Moonilal*]
14. Twenty-sixth Annual Report of the Integrity Commission for the year 2013. [*The Deputy Speaker (Mrs. Nela Khan)*]  
*To be referred to the Public Accounts (Enterprises) Committee.*

**ORAL ANSWERS TO QUESTIONS**

**Seafood in the Gulf of Paria  
(Test for toxicity levels)**

- 82. Mr. Fitzgerald Jeffrey (*La Brea*)** asked the hon. Minister of Health:  
Could the Minister state:
- (a) The dates during the past two years when tests were conducted on the fish, shrimp, crab and oysters in the Gulf of Paria to ascertain toxicity levels?
  - (b) The results of those tests stated in part (a) above?

**The Minister of Health (Hon. Dr. Fuad Khan):** Thank you, Mr. Speaker. The Member of Parliament for La Brea has specifically asked about the tests conducted on certain fish, shrimp, crab and oysters, in the Gulf of Paria for the last two years to ascertain toxicity levels. I will give him the dates for the last 12 years, from 2001 onwards.

I would like to say that there have not been any tests done in the last 12 years on the sea foods: fish, shrimps, crab and oysters. The PNM was in office from 2001—2010 and no steps were taken by the Ministry of Health to do any test. We have since put things in place to determine exactly the toxicity levels of these shellfish. So the answer for (b), there is no answer.

**Mr. Jeffrey:** Supplemental: hon. Minister, could you tell us, in the light of the recent oil spill in La Brea, how soon will we see the next testing being done?

**Hon. Dr. F. Khan:** Mr. Speaker, I was in this honourable House a couple weeks ago when the Minister of the Environment and Water Resources indicated to the hon. Member for La Brea that the IMA, the Institute of Marine Affairs, they are the ones to do the testing for those toxicity levels and I think they do it at present. However, I will look into it and I will give you the answer.

### **Importation of Crabs and Oysters**

**84. Mr. Fitzgerald Jeffrey (La Brea)** asked the hon. Minister of the Environment and Water Resources:

Could the Minister state whether there are any plans to import crabs and oysters into the coastline of the southwestern peninsula to replenish the destroyed stock, and if not, why?

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I would ask that this question be deferred until later in the proceedings. We are expecting the Minister.

**Mr. Speaker:** The question will be deferred until a little later in the proceedings. The hon. Minister is expected so let us proceed to the hon. Member for La Brea again.

*Question, by leave, deferred.*

**La Brea Fish Market  
(Construction of)**

**88. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Local Government:

With respect to the construction of the La Brea Fish Market, could the Minister state:

- (a) The expected commencement date of construction?
- (b) The name and address of the contractor who was awarded the construction contract?
- (c) The cost of the contract?

**The Minister of Local Government (Hon. Marlene Coudray):** Thank you, Mr. Speaker. The question involves the construction of the La Brea fish market and the La Brea fish market falls under the jurisdiction of the Fisheries Division of the Ministry of Food Production. As a consequence, the Minister of Local Government is unable to apprise Parliament of any plans for the refurbishment of said market.

**Mr. Jeffrey:** Supplemental: Mr. Speaker, last year we were told by the Minister who answered for the Minister of Local Government that the La Brea fish market would have been constructed in 2013 and nothing has happened, hence the reason for my question.

**Hon. M. Coudray:** Mr. Speaker, I cannot answer for any other Member speaking in this Parliament. I am answering on behalf of the Ministry of Local Government.

**Mr. Speaker:** We will have to put this question under the name of the Minister of Food Production, based on what the hon. Minister has said. So we will have to deal with that in the future.

**La Brea Provision and Vegetable Market  
(Renovation and Refurbishment of)**

**89. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Local Government:

With respect to the renovation and refurbishment of the La Brea Provision and Vegetable Market:

Could the Minister of Local Government state:

- (a) The expected commencement date of works?



- (b) The name and address of the contractor who was awarded the contract?
- (c) The cost of the works?
- (d) The anticipated date of completion?

**The Minister of Local Government (Hon. Marlene Coudray):** Mr. Speaker, question 89: there are four markets that fall under the jurisdiction of the Siparia Regional Corporation and these are the Fyzabad market, Palo Seco market, Siparia and the La Brea market.

With respect to the La Brea market, the Siparia Regional Corporation is assessing work to be done on that particular market, on the abattoir. A proposal for the refurbishment of the abattoir is now engaging the attention of the council of the Siparia Regional Corporation. My information is that steps are being finalized to deal with the procurement process in terms of inviting tenders for the refurbishment work at the La Brea abattoir.

#### **1.45 p.m.**

Similarly, at the La Brea Provision and Vegetable Market there is an allocation provided under the Development Programme 2013—2014 of \$300,000, and the scope of works are being undertaken by the engineering section of the Siparia Regional Corporation. The corporation has indicated that works on these two projects are expected to commence in June of 2014.

At this time the other questions cannot be answered because they have not reached the tender stage yet, so the question of the name and address of the contractor, the cost of the contract and the anticipated date of completion will not be known until tenders are evaluated.

#### **Community Centres (Construction of)**

**90. Mr. Fitzgerald Jeffrey** (*La Brea*) asked to the hon. Minister of Community Development:

With respect to the construction of Community Centres in the Los Charos, Vessigny and Palo Seco Settlement areas, could the Minister state:

- a) The reason for the delay in the completion of construction;
- b) The estimated completion dates; and
- c) When will these community centres be opened?

**The Minister of Community Development (Hon. Winston Peters):** Thank you very much, Mr. Speaker. I am so happy that I have the opportunity to answer these questions over and over again. This is the same question I am answering for the third time in this House. It seems like if it is a cross-question. In any way, Mr. Speaker—*[Interruption]* Yeah, I know I have a nice voice so that is good, that is good, bless me. During fiscal 2012 and 2013, the Ministry of Community Development was required to prioritize the projects under the Community Centres Construction Programme. As such, the Ministry expended the limited funds on projects which ranged between 70 to 80 per cent complete. The Vessigny Community Centre is expected to be completed during the third quarter of fiscal 2014, while the Los Charos and Palo Seco Community Centres are expected to be completed by the fourth quarter of fiscal 2014. The Ministry anticipates that these three community centres could be commissioned during the fourth quarter of fiscal 2014. And I went really slow because I hope you do not ask me again.

**Mr. Jeffrey:** Supplemental. Hon. Minister, in the case of the Los Charos and the Palo Seco Community Centres, are you aware that very little work is being done at present?

**Hon. W. Peters:** No, I am not aware.

### Community Centres (Construction of)

**91. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Community Development:

Could the Minister state when will construction commence on Community Centres in the following areas:

- i. Aripéro;
- ii. Cochran;
- iii. Rousillac;
- iv. Parrylands;
- iv. Los Iros; and
- v. Santa Flora?

**The Minister of Community Development (Hon. Winston Peters):** Thank you very much, Mr. Speaker. With respect to construction of community centres at Aripéro, Cochran, Parrylands and Los Iros, the Ministry is in the process of

identifying sites in these areas. The Rousillac Community Centre is currently being used by the Rousillac Government Primary School while construction works are being undertaken on the school—the Rousillac Government Primary School, I remember giving the authority for that to take place down there. The rebuilding of the Santa Flora Community Centre will commence when funds become available.

Mr. Speaker, the previous regime allowed the Government school in Rousillac to run down to the point where I had no choice but to use the Rousillac Community Centre as a school to house the Government school while we are building a new school. So to the Member of Parliament, I want him to know that in a while the children are going to have a brand new school [*Desk thumping*] and they are going to be able to vacate the centre so we can continue the refurbishing work. [*Interruption*] Yes, it has, we have done some work on it.

**Delay in Construction  
(Details of)**

**92. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Housing and Urban Development:

Could the Minister indicate the reason for the delay in the construction of:

- i. 300 HDC units at the Bellevue Estate;
- ii. 127 units at Pier Road; and
- iii. 60 units for Boodoosingh Trace that were approved for construction in 2010?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you. Mr. Speaker, in response to part (i), the HDC records do not reflect any such development. In response to part (ii), I am informed the waste water plant is currently being constructed and will be completed in July 2014, construction of housing will commence in April 2014. In response to part (iii), Mr. Speaker, the records of the Housing Development Corporation do not reflect any such development.

**Mr. Jeffrey:** Supplemental. Hon. Minister, are you saying that at Bellevue Estate and Boodoosingh Trace that no housing development was planned for those two areas? Are you really saying that?

**Hon. Dr. R. Moonilal:** Mr. Speaker, in response to part (i), the Housing Development Corporation records do not reflect any such development. In

response to part (ii), the waste water plant is currently being constructed and will be completed in July 2014, construction of housing will commence in April 2014. In response to part (iii), the Housing Development Corporation records do not reflect any such development.

**Mr. Jeffrey:** Further supplemental, Mr. Speaker. Hon. Minister, if I were to produce an HDC document that itemizes those two areas, will we be able to get a better response?

**Hon. Dr. R. Moonilal:** Mr. Speaker, in response to part (i)—well let me get to part (iii). In response to part (iii), I am informed and instructed as follows: The Housing Development Corporation records do not reflect any such development.

**Mr. Speaker:** Question 84, the Minister of the Environment and Water Resources is here, so you can ask that question now.

#### **Importation of Crabs and Oysters**

**84. Mr. Fitzgerald Jeffrey (*La Brea*)** asked the hon. Minister of the Environment and Water Resources:

Could the Minister state whether there are any plans to import crabs and oysters into the coastline of the southwestern peninsula to replenish the destroyed stock, and if not, why?

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Thank you very much, Mr. Speaker. Mr. Speaker, the question asked, could the Minister state whether there are any plans to import crabs and oysters into the coastline of the southwestern peninsula. Mr. Speaker, there are no plans within the Ministry of the Environment and Water Resources to import crabs and oysters into any part of Trinidad and Tobago. The stock normally replenishes itself in the protected area so that this does not arise.

**Mr. Jeffrey:** Supplemental. Hon. Minister, are you aware that in that Rousillac to La Brea area there is no evidence of marine life, fauna perspective, in that area—no crab life, no oyster life in that area, absolutely none?

**Sen The Hon. G. Singh:** Well, whilst I am willing to go and check on that, I am not aware that there is no marine life. What I do know and, I mean, we are working on the other things but, certainly, now that it is brought to my attention I will check it out myself.

**Mr. Jeffrey:** Further supplemental. Could you tell us when you will be coming down in that area?

**Sen. The Hon. G. Singh:** Yeah. Sure. Okay. Next week I am in the Diego Martin area and it is a short week, the MP for Diego Martin Central is aware of that. So I will say post Easter, but if I get some time during the Easter period I will come down. Just do not—[*Interruption*] [*Laughter*]

#### ARRANGEMENT OF BUSINESS

**Mr. Speaker:** Hon. Members, I did say after questions we will deal with announcements. The specific matter is tributes to the late Arthur Napoleon Raymond Robinson. I would like, with the leave of the House, to allocate the period between 4.00 p.m. and 5.00 p.m. for tributes to the late Arthur Napoleon Raymond Robinson. Do I have the approval of the House?

*Assent indicated.*

**Mr. Speaker:** Hon. Members, I am advised that the House would like to deal with the Administration Bill and, therefore, in those circumstances, I call on the hon. Attorney General. The hon. Attorney General. [*Desk thumping*]

#### MISCELLANEOUS PROVISIONS (ADMINISTRATION OF JUSTICE) BILL, 2014

*Order for second reading read.*

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Thank you very much, Mr. Speaker. Mr. Speaker, I beg to move:

That a Bill to amend the Administration of Justice (Deoxyribonucleic Acid) Act, 2012, the Jury Act, Chap. 6:53, the Criminal Offences Act, Chap. 11:01, the Dangerous Drugs Act, Chap. 11:25, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Young Offenders Detention Act, Chap. 13:05 and the Police Service Act, Chap. 15:01, be now read a second time.

Mr. Speaker, this is a very important Bill before us. It aims to strengthen and improve the administration of criminal justice in this country. At the moment we are all aware of the problems we face in our country with respect to the criminal elements that seek to terrorize and hold hostage, the law-abiding innocent citizens in this country. The criminal element has evolved at a rate that appears to have outpaced our law enforcement institutions and indeed the development of the law itself, and it is in that regard that the law must keep pace with the times so as to match the criminal enterprise and innovation. We must also seek to plug those loopholes that exist in the criminal justice system that have been exploited to the advantage and benefit of those very criminal elements in our society.

When we entered office, Mr. Speaker, we did so under no misconceptions about the magnitude of the problem that we inherited and which faced this country. Crime was at an all-time high and, in particular, the murder rate had risen to astronomical levels in this society. It was clear to us that there was no quick-fix overnight solution to this vortex that our society had been courting, and we needed to engage the resources of the state in a meaningful and purposeful manner to target the criminal elements in our society.

We have engaged all the relevant stakeholders in the administration of justice and the fight against crime, Mr. Speaker, in an effort to remedy some of the deficiencies that have existed in our criminal legislation in this country, so that we can protect our children and, indeed, our future generations of children from the haphazard manner in which criminal justice is dispensed having regard to the deficiencies in the legislative framework.

**2.00 p.m.**

Mr. Speaker, this Bill requires a special majority, and it presents an opportunity for those on the opposite side to join hands with the Government and put the public interest and the nation's interest first, so that we can pass laws for good governance in the public interest with the welfare and safety of the innocent population in mind.

Under the DNA Act, there will be the right to take intimate and non-intimate samples without a person's consent in certain circumstances which are plainly justified. Of course, in the Police Service Act there will be an amendment to allow for the taking of fingerprints with or without the consent of the accused person, and in those circumstances it violates certain constitutional provisions and therefore requires a constitutional majority. It requires a three-fifths majority in the House of Representatives, which is 25 Members, and in the other place a three-fifths majority, which would be 19 Members.

Mr. Speaker, this Bill is part of an ongoing attempt by the Government, since we have assumed office, to tackle the crime problem from the standpoint of legislation. Of course, much else is being done elsewhere to deal with it at the social level, but today I come here to proudly present yet another pioneering piece of legislation to tackle the criminal justice system problems.

Just to recap, among the many pieces of legislation, Bills that were brought to this House by this Government, we had brought the Anti-Gang Act, and we saw recently, notwithstanding all of the criticisms, the Anti-gang Act being the by-product of a joint select committee, which I chaired and on which the Opposition

and Independents were represented. That Joint Select Committee produced the Anti-Gang Act, and notwithstanding all of the criticisms, and we are not impervious to criticism, but recently we saw four people charged under the Anti-Gang Act and that case is before the courts.

I am advised, based on enquires we have made, that the Criminal Gang Intelligence Unit in the police service has ramped up its efforts to convert the intelligence that they have into admissible evidence and that we are likely to see more arrests coming forward in the near future under the Anti-Gang Act.

We also brought before this House the Anti-Terrorism (Amdt.) Act, Mr. Speaker. That Act criminalized, not just terrorism but it provided for the detection, prevention, prosecution, conviction and punishment of terrorist activities, but most importantly the confiscation and seizure of criminal assets that are linked to the financing of terrorism. Mr. Speaker, on that note we are proud to have brought such pioneering legislation, because it forms part and parcel of the benchmark criteria for international recognition and acclaim in this regard.

The Financial Action Task Force Fourth Round of Mutual Evaluation is upon us and, no doubt, those pieces of legislation will augur well for Trinidad and Tobago in that assessment.

We have the Bail (Amdt.) Act, to deny bail to gang members. We have the Bail (Amdt.) Act which targeted repeat offenders, the one strike and you are out policy. Mr. Speaker, only this week I asked to receive a report from the statistics unit in the police service, to see how that one strike and you are out policy is working. I was astonished to see the long list of repeat offenders who have matters pending before the court and who have been denied bail as a result of our one strike and you are out policy, brought by the People's Partnership Government. [*Desk thumping*]

We were criticized for bringing that law, but when one looks at the antecedents and the prior criminal history of some of the accused who have been denied bail as a result of that measure, there is no doubt whatsoever in my mind that that will remain one of the single most important legislative tools in the fight against crime in this country.

Mr. Speaker, we had passed the DNA Act, the Administration of Justice (Electronic Monitoring) Act and we are about to go out, I think the RFP is being developed, to actually buy the equipment and the actual bracelets.

*Miscellaneous Provisions Bill, 2014*  
[SEN. THE HON. A. RAMLOGAN SC]

*Friday, April 11, 2014*

The Data Protection Act; the Financial Intelligence Unit (Amdt.) Act to empower the FIU to carry out certain specific functions to deal with terrorism and money laundering in this country.

We had passed the Firearms (Amdt.) Act to substantially increase the penalties for certain offences involving the use of a firearm or any prohibited weapon. In fact, we doubled it in some cases. The Interception of Private Communications Act, which sought to regularize the previously unregulated interception of private communications in this country. We have now put it on a statutory footing to ensure that the rule of law and due process is observed in this country. As a result of that Act, there is a lot of intelligence gathering in our agencies.

We also passed the Miscellaneous Provisions (Kidnapping and Bail) Act, to increase the period of time that someone can be held at the pre-charge stage and to increase substantially the penalties for that.

We increased the period of remand so magistrates will not have to spend too much time recycling adjournments, based on persons who have been brought to court to be remanded in custody.

We then passed the Trafficking in Persons Act to deal with the question of human trafficking. Mr. Speaker, we have seen that people have been charged under that Act, and when you meet with the international community, they recognize and express their admiration for the fact that Trinidad and Tobago has passed the human trafficking laws.

The Bacteriological (Biological) and Toxic Weapons Act, to give effect to the convention on the prohibition of the development, production and stockpiling of bacteriological and toxic weapons.

Of course, Mr. Speaker, the amendment to the Securities Act, 2012. You would see that in the topical matter of the FCB IPO, reference is made specifically to the powers given to the Securities and Exchange Commission, pursuant to the 2012 amendment. It was this Government that brought that 2012 amendment to widen the scope and ambit of the powers enjoyed by the SEC.

Mr. Speaker, those are just some of the measures that we have brought as a Government to deal with the question of improving the administration of justice. To come in the near future will be, one, the Cyber Crime Bill; two, the Trinidad and Tobago Cyber Security Agency Bill, three, there will be a new law which I intend to bring to this Parliament, subject to Cabinet's approval, to revamp our



plea bargaining laws to ensure that we can take advantage of plea bargaining, as it exists in other jurisdictions, to help dynamite the logjam that exists in the criminal justice system.

Plea bargaining in the United States of America is used innovatively to clear the backlog in the court system by defendants who are given a discounted sentence if, in appropriate cases, they plea bargain with the prosecutorial arm of the State.

We will be bringing to this House new legislation that will be based on the Antiguan model to abolish preliminary enquiries. Those are big ticket items that will be coming before this Parliament in the near future to treat with the issue of improvements in the criminal justice system.

I turn now to the existing Bill. There are seven specific Acts of Parliament that we intend to amend, and these specific Acts are being amended to correct long outstanding ambiguities in the law that have caused a lot of confusion in the administration of criminal justice, to remove some loopholes that have existed and to strengthen and improve the legislative provisions, based on the empirical data and the experiences we have had in the criminal justice system. This is consistent with the official policy framework of the Government of Trinidad and Tobago, and I refer in particular to the seven-pillar strategy for sustainable development, which identifies human security as an integral aspect of the Government's agenda to promote peace and prosperity in Trinidad and Tobago. That policy framework emphasized, and I quote:

“Trinidad and Tobago will not be able to design a desirable future unless law and order, and security of the person and of property can be addressed in a context in which all citizens can feel that justice can and will be done.”

Mr. Speaker, the policy framework also emphasized that:

The Government “will...reorganize the justice system and make interventions of a proactive and preventative...”—kind.

I turn now to the first Act to be amended and that is the DNA Act. Mr. Speaker, we debated this Act in this very Parliament, and during the course of that debate it was emphasized that the scientific evidence which is used internationally to clear suspects and exonerate persons, to a large extent, relies on DNA work. We cannot forget in our own jurisdiction, the tragic, unexplained death of Akiel Chambers which to date remains unsolved. We cannot forget the role DNA evidence played in the trials of the deaths of Eddie Koury and Balo Maharaj. One

*Miscellaneous Provisions Bill, 2014*  
[SEN. THE HON. A. RAMLOGAN SC]

*Friday, April 11, 2014*

has only to turn to the jurisdictions surrounding us that use DNA evidence, to see how important a tool it is in the fight against crime and the administration of justice.

I turn now to the Bill itself. Part I of the Bill, clause 3, will address the problems we have experienced with respect to some definitions in that Act. What we did, having passed the Act, was to set up an implementation committee. That implementation committee, under the Ministry of Justice, comprised representatives from the DPP's Office; the Ministry of National Security; the Trinidad and Tobago Forensic Sciences Centre; the Ministry of Justice; Customs and Excise Division; the Ministry of Health; the Trinidad and Tobago Fire Service; the Trinidad and Tobago Defence Force and the Trinidad and Tobago Police Service.

During the course of the deliberations of the implementation committee, it was observed that there were certain areas in the Act that required attention, if one were to properly operationalize and implement that Act. It was as a result of those discussions that today we come to this House with those amendments, Mr. Speaker. I take you now to the amendments themselves.

The first amendment is to the definition section, to include a definition of "DNA record". That is important because you will see later on in the law, we have in fact created a DNA record itself for record keeping purposes, so that every time someone's DNA is taken you can have a log. So:

"'DNA record' means a record either in textual or electronic format, that is kept in every place or institution which collects DNA samples containing a record of every sample taken;"

This allows for the record to be done manually, so you can log it in a book, or it can be done electronically by data entry into a computer system.

We are putting a definition of the word "exonerated", because you will see that it has significance later on in the Act, and "a person who has been found not guilty", a person whose charges have been dismissed or "a person who has been otherwise discharged from criminal liability in relation to a particular offence", will be exonerated for the purpose of this Act.

We then go to the definition of "intimate sample". Previously intimate sample meant when biological or other material was taken, and it was felt that it was not sufficiently clear, that that would allow for a venous sample. Therefore, we have now inserted:

Intimate sample means a specimen of venous blood or biological or other material.

So that you can draw the blood and that would be covered specifically.

Non-intimate sample means a specimen. The existing law had it as blood obtained by a prick of a finger, but it was drawn to our attention by some more experienced criminal practitioners that perhaps you might have defendants who may not even have a finger, and the legislation will not permit to draw the blood from elsewhere, from another part of the body. There have been actual instances where they have encountered these problems. So we have, in fact, altered the definition to say, “blood obtained by pinprick”, so it will now be blood obtained from any part of the body and not just from the prick of a finger.

Private security officers—we have, in fact, recognized the fact that the Government will be bringing a Private Securities Bill to this Parliament very shortly, to regulate the private security industry, because the reliance on security guards by both the State and private sector and, indeed, ordinary citizens, is one that has increased in the last decade. Security guards must now be regulated by law.

### **2.15 p.m.**

We have included therefore, private security officer so that they can be added to the schedule of persons who must mandatorily be tested and who must give their DNA sample.

Under the qualified person under the existing law, a registered medical practitioner or a person registered under the Nurses and Midwives Registration Act, acting under the supervision of a medical practitioner, could have taken the DNA sample. The police have indicated to us that look, we should widen the scope of this because one may not always—you know, to take a prick of the finger and simply get a drop of blood, does not necessarily require all of that.

So we have now defined “qualified person” to include:

- “(a), a registered medical practitioner under the Medical Board Act;
- (b), an advanced practice nurse registered under Part II of the Nurses and Midwives Registration Act; or
- (c), a person registered under Part II or Part III of the Nurses and Midwives Registration Act, acting under the supervision of a registered medical practitioner.”.

This will dovetail very nicely with the pioneering amendment brought by the hon. Minister of Health to create a new category of nurses, the advanced practice nurse which is being debated in the other place come next Tuesday.

I then take you to section 5, this is clause 3(b) of the Bill. And we have deleted—to protect the integrity of the data and samples kept by the Forensic Science Centre, we wanted to make it abundantly clear that the Trinidad and Tobago Forensic Science Centre will be separate from the Custodian and therefore, they will have control over the samples, but not the profiles. It will be the Custodian who is an independent office holder who will have sole jurisdiction over the profiles that are generated from the DNA samples. So section 5(2) is now being amended to make that abundantly clear by circumscribing the powers and jurisdiction of the Forensic Science Centre to limit it to having control over the DNA samples.

I then turn to section 10 clause 3(c)(i) of the Bill. The Custodian, we have amended this section to make it clear that the Custodian, as an independent office holder, will have certain specific statutory functions as it relates to the administration of this Act. The Custodian will now:

“...have sole custody and control of the Forensic DNA Databank;  
...sole custody...”—over—“...all DNA profiles received by him for uploading on to the Forensic DNA Databank;  
determine the suitability of DNA profiles for uploading onto the...”—  
“Databank”;  
and he is—“...deemed to be a Government expert for the purpose of the Evidence Act.”  
and “the functions of the Custodian under this...”—Act—“may be exercised by...”—anyone “...in accordance with his general or special instructions.”

I will, of course, be circulating a minor amendment to say that it is not just the Custodian should be “deemed to be an expert witness in accordance with the Evidence Act”, but indeed anyone acting under his direction or with his authority.

I take us next to section 13 subsection (3), which is clause 3(d) of the Bill. And that section is being amended to cater for a certificate for the witness. So where the DNA sample is taken, there will be a certificate which is prescribed that will give that independent observer and will strengthen the weight of the evidence in court.

We have inserted a new section 13(A), and that section 13(A) is to allow a police officer to serve a notice on a person notifying them of the time, place, and date when they may be required to submit themselves to provide a DNA sample.

And the reason for that is that not everyone comes to the attention of the police by virtue of an arrest, where they are detained in a police station by the police. Sometimes the police have to serve a summons and they may require a DNA sample from that person.

Section 14(7), again is a consequential amendment to deal with the need for certificate for the witness. Section 15 deals with an amendment to the Fourth Schedule, and this is just a matter of practical administration. But the persons listed in the Fourth Schedule who are in the law enforcement field and so forth, it was felt that it would be too much of an administrative burden to have only the Commissioner of Police being the person to authorize and to take charge, take responsibility for getting those DNA samples, and therefore, we have expanded that so that the relevant heads, whether it is the Chief Fire Officer, the Chief Immigration Officer and so on, that they will be responsible for acquiring the samples from those officers.

In section 16 which is clause 3(h) of the Bill—this is a significant departure from what obtained before. It has to do with the fingerprinting of deportees. What obtained before as the law presently exists, is that a deportee who has been convicted or had served a term of imprisonment for an offence, had to give a sample upon arrival if it is that the offence committed overseas would be an offence in our laws. And there were problems with that section identified by the law enforcement agencies.

The first is, when the person is deported oftentimes we have no way of verifying the documents in their possession that they have come with, whether it gives the whole picture, whether it is accurate at all in giving any of the picture and matters of the like. Then how is an immigration officer who is not a lawyer, to determine whether the offence that you were convicted of, is an offence in the laws of Trinidad and Tobago? That in itself would require some kind of analysis, and some kind of legal advice, and this is meant to be on the spot that you take the DNA sample of a deportee on the spot. So we have removed that to make it very clear and very simple. Anyone deported to this country will have to submit themselves and give a DNA sample, full stop. It does not matter whether you were convicted of an offence. It does not matter if you served time. Any deportee will have to now provide a DNA sample. And that will be simple, and very clear, and easy to follow.

I then take you to section 17, clause 3(i) of the Bill. We have amended it, 17(3), not just to limit it to a police officer, but to allow for other persons to be able to take, to collect, and submit for forensic DNA analysis any item or sample

taken. So it will now read a police officer, qualified person, “appropriately trained staff of the Trinidad and Tobago Forensic Science Centre or a first responder trained in crime scene sample collection” may collect and submit for forensic DNA analysis anything attributable to the crime scene.

This is important because the modern approach to crime scene investigation does not rely on police officers alone. The first responders may not be police officers. It may be people who are specialized in crime scene detection and have a specific kind of training or it may be someone from the Forensic Science Centre perhaps, but we have now catered for all of those eventualities so that they will all be covered by law.

Section 20, which deals with the right of a child or an incapable person to have a representative present; we have bolstered and strengthened that provision and that safeguard for children by making it clear that there is a form to be filled out, in form 6 in the Second Schedule, whereby their representative will have to certify that they were there when the child or incapable person was giving their DNA sample.

Section 23, clause 3(k)(i), again this is a consequential amendment to expand the category of persons who may be responsible for the delivery of the sample so that it can be analyzed by the Forensic Science Centre. I think in this one I wanted to broaden it a little to say “any authorized person” because one does not want to waste the police’s time, so that the police who take it would have to actually carry it. I rather suspect that there may be persons who are authorized by the Forensic Science Centre or the Commissioner of Police who can deal with that chain of custody. So we can look at that during the course of the debate.

With respect to section 23(2)(b), and that is the information that has to be recorded on the DNA register, it was felt that because of the nature of the DNA technology and the research in this field, it would be prudent to allow for that kind of information which must be contained in the DNA register, to be a matter for regulations rather than substantive law. We have therefore, removed those provisions to make it clear that that is something that will now be the subject of regulations.

A new section 23A has been inserted and that deals with the DNA record. It mandates every place or institution where DNA samples are collected to keep a DNA record which will record every instance in which a sample has been taken. And the regulations will go into some detail as to what exactly that record should contain.

In section 24, we have now inserted a new subsection:

“(2A) A Forensic DNA Analyst shall submit a certificate of analysis that is prepared in respect of a sample taken—

by a qualified person; and

in relation to a matter under investigation before the Court,

to the relevant investigating police officer, the Court, the relevant parties before the Court and a copy...shall be submitted to the relevant qualified person.”

This is all to do with the practical administration of the law, Mr. Speaker, and it allows us to have a certificate of analysis prepared to ensure that the sample taken even matches an existing profile on the database or whether there is no match, so that they will have to generate a new profile. Because when a sample is obtained, one has to decide if it already exists or if it is required to have a new profile generated.

In (2B), we have also asked for the certificate of analysis to be strictly confidential and secured, unless you are required to disclose it pursuant to a written law or an order of the court. And I think it is consistent with the policy of the Act, it should not be the Forensic Science Centre, but rather the Custodian who will keep and retain those certificates of analysis and therefore, that will be amended to read the Custodian instead of the Trinidad and Tobago Forensic Science Centre.

Now we come, Mr. Speaker, to the question of the retention of the sample. Mr. Speaker, the law as it stands, would have allowed for a person who was not suspected or accused or convicted of an offence after five years to apply to the court to have that sample, the profile and the sample as it were, expunged and destroyed. The difficulty, of course, we face is that there are so many unsolved cases in Trinidad and Tobago, Mr. Speaker, that many of these cases have been shelved and in cold storage. And the research shows that when in countries where they operationalized the DNA law, it was so helpful in solving and tackling some of those older cases that one ought to tread with extreme caution, once the sample and profile is obtained, to go to destroy it.

The advice we have received, which the Government respects and accepts, is that the longest possible period that the State, through the police service and the Custodian, can retain these samples and profile, the better the country's chances are at fighting crime.

Now of course, people raised concern about human rights and say, well you know, why you are retaining a man's sample and his profile and so on, but let us get it clear, it is retained simply for the purpose to check to see if there is a match at any crime scene when any crime is committed, it is there so that the police can see if there is a match, and by a process of elimination, they will be able to better the chances of solving crime.

**2.30 p.m.**

In this country there has been a lot of legitimate concern about the detection rate in the police service. People have criticized the police for not increasing that detection rate. Whilst I say that is legitimate we must also listen to the cries of the police service. They cannot be called upon to improve the detection rate in the fight against crime in this country unless we give them the legislative legroom and the legislative tools that they need to fight crime. And if the police would like to retain a DNA sample and profile, even if a man is exonerated, because they have good reason from their practical experience to make such a request, I say let us support them and I will tell you why. You know how many cases we have seen where people get off on a technicality, you know how many cases in this country we have seen where people get off because they have the better lawyer than the State.

I remember it was former Chief Justice, Sat Sharma, who in an opening address at the law term said, well, look, the State has coconut back lawyers. He was trying to make the point that defence counsel, experienced and skilled in the art of advocacy, sometimes there is a mismatch in the skills and there is no equality of arms in the criminal trial. I want to say that I think we have some excellent criminal defence lawyers; we have some excellent prosecutors in the office of the DPP and in the police service, but it remains a reality that there are many ways that a person can win a matter before the court, including wiping out the witness, murdering the witness, interfering with the jury, psychological intimidation in the court, eyeballing jurors, all sorts of innovative, enterprising ways that a man could win a case.

So, when the police say that they want to keep it, even if you are exonerated, they know what they are talking about. But add to that, the rather high rate of recidivism in this country—when you see the extent to which repeat offenders in this country are holding this country to ransom, it is a small minority of criminal elements in this society that are holding this country to ransom. And when I looked at the statistics provided by the police—which I am happy to share with anyone in this Parliament—to see how the one-strike-and-you-are-out policy of



the Government is protecting and serving this country through the police service, you realize that the concept of repeat offenders is one that is very real in this country.

So, even if the man is exonerated here, he may be a repeat offender down the road, keep his sample and retain his profile. We have to deal with Trinidad and Tobago's problems which face our country and we have to deal with the raw and harsh reality that confronts our citizenry. We cannot make law based on America and Canada and the situation that confronts them, you know. We must base our laws on what we confront here. Our criminals are enterprising and innovative and ingenuous. It is a chess game between the State and the bandit, and right now they seem to be out manoeuvring us. So, as a Parliament we must be two steps ahead of them and we must therefore support this legislation so that the police can retain that sample.

You know, Mr. Speaker, in doing the research for this, on Fox News, on March 06, 2014, the lead story was a 30-year old cold case was solved in California because DNA evidence was unearthed and they got a match. And this was, of course, the brutal, sexual assault and murder of Priscilla Strole, who on August 31, 1983 at age 40, she was beaten to death, sexually assaulted, and this is what they said:

“She suffered numerous injuries to her face and head from kitchen knives, a can opener and a piece of decorative wood. All weapons used in the homicide were obtained from inside the house.”

And we have seen in this country where people, including our elderly citizens, have practically been bludgeoned to death. So, if they want to keep it, I say let the police keep it. He who has nothing to fear because they are not interested in a life of crime, then they need not worry, Mr. Speaker.

Mr. Speaker, I take us next to section 26, and new subsections (11) and (12), to deal with the question of retention again:

(11) “...where a sample is taken from a person who is exonerated, the...profile derived from that sample shall be destroyed and expunged...after the expiration of twenty years; and

(12) Notwithstanding the destruction of a sample...a profile is retained...”

for that 20-year period and when you are going to destroy it you have to consult with the Commissioner of Police and the DPP. But, we are advocating that the profile be retained for a period of 20 years. And under section 29, the DNA

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Analyst from the Forensic Science Centre may disclose the findings in certificates of analysis subject to a court order when the law requires it or there is any other good reason or justification so to do.

I do not think I need to go through the minor changes in the forms at the back, except to say that those changes were made with a view to strengthening the provisions and safeguards that exist in the law.

I turn now to the second piece of legislation and that is the Jury Act. Introduced in 1922, the Jury Act was last amended in 1996 when the United National Congress came into power. This law has been with us now for almost a century and it has been in need of revision and there have been several cries from quarters in this country to revise the Jury Act. Ninety two years have elapsed with this Jury Act, and no one has bothered to modernize it, and today I am proud to say that after 92 years it took the People's Partnership to come to remove some of those provisions that have been strangling this law. [*Desk thumping*]

Mr. Speaker, 92 years! The current jury system in Trinidad and Tobago is plagued with numerous challenges. The crucial issues regarding jury trial relate to the revision of the qualification for jurors, jury misconduct, limiting the information contained in the jury list for electronic publication, granting permission for a jury to separate after retirement, the introduction of special juries and, of course, an increase in the fines for employers who give problems for their workers to serve on juries.

Now, the first major change as a matter of policy is, we are going to increase the age from 65 to 70, and that has been something that has been on the cards for a long time, and no one has done it. And why is that so? There is a need to expand the potential pool of jurors because judges spend too much time to even empanel the jury, because they have to deal with exemptions. No one wants to serve on a jury, and the judges waste time dealing with exemption applications, because people are not willing to serve. And what does the research show? It shows that persons between the age of 60—70, they are more likely to be prepared to perform their civic duty and serve on a jury. Maybe it is because they have—you know, as my grandfather used to say, “I ready to meet meh maker”. They have less to fear. They have lived their life, but that life experience that they bring to bear as a member of the jury is in itself invaluable to the criminal process and the trial.

You know, when that law was passed 92 years ago, the state of science and medicine was such that the life expectancy was substantially less to what it is

now, and that is perhaps why they had it set at that level. But as it stands now, there is no good reason for excluding, by law, such persons and our senior citizens who are willing to serve. In fact, the irony is, they might be the ones who have the most free time to sit on a jury and serve, and they have the best life experience, the full gamut of life experience.

So, Mr. Speaker, we will, in fact, also be amending this Act to remove some sexist and discriminatory provisions against women that have existed for 92 years in this law, which I will come to. And we do so without any apology, because the Constitution of this country enshrines as a fundamental right, the right to equality of treatment. It also in the preamble speaks to all citizens playing a part in the national institutions of our country and to assist in the maintenance of due respect for lawfully constituted authority.

Now permit me to deal firstly with the increase in the age limit. According to the World Health Organization report in 2006, in the early 1900's the global average lifespan was just 31 years, and below 50 years in even the richest countries. By the mid-20th Century, average life expectancy rose to 48 years, and in 2005, average lifespan reached 65.6 years and over 80 in some countries, and that is since 2005. In Trinidad and Tobago the average life expectancy averages around 70 years of age. According to the CSO report of 2011, the population over the age of 65 stood at 73,380 persons in 1980; for the year 2011 the report records 119,029 persons over the age of 65, which will now be included in the potential pool of jurors. So that is 119,029 persons.

Mr. Speaker, if we are to compare ourselves to other countries in this regard we will see that there has been a trend towards increasing this age limit. In the United Kingdom the Juries Act of 1974 states that only those within the ages of 18—70 could be summoned to carry out jury service, and that is since 1974. Since 1974 they have allowed people from age 65—70 to serve as a juror. In Trinidad and Tobago we are now coming in 2014 to do it. It was in the Criminal Justice Act of 1988 that they raised that age limit from 65 to 70, so it is 1988. In Australia it is 75; in the Bahamas there is in fact no age restriction whatsoever; in Canada, New Zealand and the United States there is no such restriction. So we are keeping good company.

Now, another innovation in this amendment Bill would be the qualification of special jurors. The current law—I do not think anybody in this country even realized it—had at its core, property and money as the criteria for eligibility to serve as a juror. And that has been the case since 1922. We are now coming to remove that and we are also going to provide for the introduction of special

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jurors. We are going to ask that there be—[*Interruption*] no, nothing. There is no need for any restriction. We are going to allow for specialists jurors in the areas of finance, banking, accounting, business, economics, management, securities or investment. Mr. Speaker, you know how long in this country people have been asking for special jurors who have expertise that is relevant to the issues in a particular trial. People on the outside say all sorts of things about the Government being weak on white-collar crime and corruption and so on. Mr. Speaker, it took this Government to bring this measure to create special jurors so that when you have white-collar criminal trials there will be a better and more enhanced prospect for convictions. It took this Government to do that. [*Desk thumping*]

No one had the political strength and conviction to bring an amendment to the Jury Act since 1922 to now to allow for special jurors. Mr. Speaker, I am going to add to that list today by an amendment, not just these expertise, but also I am going to include forensic accounting.

**2.45 p.m.**

Mr. Speaker, we will treat with the information that is gazetted, so that we will now remove and exclude from the publication personal information of jurors, such as: Their place of abode, sex, business and occupation, because we think that there is no need to give too much information about jurors, that in itself is a deterrent. And we will treat with certain provisions in the law that allow for there to be a jury comprising men alone.

Now, Mr. Speaker, let me go to the Act itself. The first change is the definition of an inclusion of a special juror. The second change will be to abolish jury trial as it relates to the civil court system, because there is no need—we have never had a jury trial in our civil courts in this country, and therefore that part of it can be easily abolished. We have increased the age limit, and let me remind you of what we are abolishing in increasing the age limit—we are taking out the following. The law that presently stands says that a juror must be someone between:

“...the age of eighteen”—to—“sixty-five...ordinarily resident in Trinidad and Tobago...born in Trinidad and Tobago”—or—“resided”—here—“for two years or more, is able to read and write the English language...”—and this is the catchy part, “is either—seised or possessed of freehold or leasehold...land of the clear annual value of seven hundred and twenty dollars or in occupation of a house which is rated or assessed to some general or local tax on an annual value of not less than six hundred dollars or in receipt...of”—an—“annual income of not less than three thousand dollars.”

Then it goes on to say:

“Notwithstanding”—the above—“a married woman shall be qualified to be a juror”—only—“if—her husband is qualified to be a juror.”

So a married woman could not be a juror in her own right unless her husband was himself qualified to be a juror.

We are now going to dispense with all of that, and the law will now be a person will be qualified to be a juror if they are eighteen to seventy years of age:

“ordinarily resident in Trinidad and Tobago...born”—here or have—“resided”—here—“for two years or more and is able to read and write the English language...”

There is no need to have this cumbersome reference to a man’s income, and whether he own property of a certain value and so forth. It is elitist, it is discriminatory, it is outdated, and the provision with respect to women is quite frankly sexist.

We then come to persons—the exemptions. There are certain persons who have been exempted, and to increase the pool of jurors we propose, Mr. Speaker, to remove the exemption from certain categories of persons. The spouses of the following persons will now be liable to serve as jurors. They would be:

“Judges of the Supreme Court; Members of Parliament; Mayors and Deputy Mayors; Magistrates and their clerks; Justices of the Peace; Attorneys-at-law and their clerks; Officers of Courts of Justice; Members of the Police Service and constables.”

The time has come for us to allow for the pool to be expanded, and in legislation all over the world, they have not exempted such persons. However, recognizing the special and unique office that some of these office holders hold, we have in fact catered for them to be excused from jury service if they so desire and it is for: Judges, Magistrates, the JP, or the attorney and his clerk—only for those categories, the others will remain liable.

Section 8 of the Jury Act relates to special jurors. And this is how a special juror was defined in our law for 92 years—you must own land, seised or possessed of freehold or leasehold value of \$840, the rental value \$720 and your income not less than \$6,000.

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So to be an ordinary juror you have to own land of \$640, your house—your ratable value for it had to be \$600 and your income \$3,000. Now it goes up to be a special juror to \$6,720.

Mr. Speaker, that is not a special juror. That is an aristocratic approach to the whole question of the Administration of Justice. The more you own—it is a law that favours the rich. It is an exclusionist law. So, what we are saying is that, a special juror is someone who has a special kind of expertise that is relevant to the issues in the criminal trial. “It doh matter if the man owns house and land, how dat go help him decide critical issues in a massive fraud case?” An accountant is the kind of person you want to serve on a jury.

So, what we are doing is to remove section 8 completely and to say: “...a special juror...is”—someone who is—“qualified or experienced in—banking; finance; accounting; business; economics; management; securities; or investment.”

Having regard to the recent events which took place with respect to the trading of securities and shares and so on, this law if someone is charged, if someone is charged arising out of the FCB/IPO matter, then it will be applied to empanel a jury comprising persons with the relevant expertise so that the trial can be meaningful and purposeful. This is the kind of law that the Government is bringing to this Parliament.

Mr. Speaker, I take you next to section 9. Section 9 says that, the registration record card, which the EBC does up, that the nature and qualification of the person in that section, and where the person is a married woman who is qualified to serve, we must state the nature of qualification of her husband to determine if she is allowed to serve.

I had to do some research on this. How do you compile the national jury list? The Elections and Boundaries Commission has a form that they send out to all employers in Trinidad and Tobago, and the employers will fill out that form, put the name of all the workers, how much money they are working for and if you are exempt, and that list goes to the EBC. The EBC sends it to their local district office and they in turn will double-check it against their own records. If someone dies you will pick it up because the employer will tell you this person is no longer alive and so on, and that is how they come up with the jury list. But they also have to check these matters.

Now, Mr. Speaker, we are changing all of that. We are changing all of that simply to simplify it and to remedy the discrimination that has been occurring

with respect to a large section in our community. Section 22 of the Jury Act states as follows:

“...an application”—can be made and the judge may—“make an order that the jury be composed of men only, or...an application made by a woman to be exempted from”—jury—“service...in respect of any case by reason of the nature of the evidence likely to be given or of the issues to be tried, grant such exemption.”

“When a Judge has ordered that a jury shall be composed of men only, any counter drawn out of the box under section 21 which bears a number...”—should be set aside if it is a woman.

There is no need in today’s day and age to have men alone juries and to say that women could be excluded because of the nature of the case and the kind of evidence.

In fact, Mr. Speaker, research has shown that when they were considering women serving in the armed forces, the psychometric testing and research revealed that women are emotionally stronger than men, and they make some of the best sharpshooters in the world. And under pressure, in the field of battle, they actually held up better to deal with the stress than the men. Perhaps that is why God make—a woman could make a child and not a man. But women are capable of dealing with the stress. As a matter of—you know, science and medicine, their emotional composition and so on, is such, that they can handle it. So, Mr. Speaker, in jury trials quite oftentimes you might see the men freaking out as opposed to the women.

So the reality is, this measure is to remove the concept of men alone juries to cater for mixed juries and to ensure that that diversity is maintained, because in a jury a woman brings to bear a different perspective to the deliberations of the jury. A woman brings a maternal perspective and a feminine perspective that the men alone may not have, and I am proud to be moving this measure because today the country is being led by a strong woman in the person of Prime Minister Kamla Persad-Bissessar. [*Desk thumping*]

Mr. Speaker, we then go to section 26 which will allow for the jury to be separated. At the moment the judge calls in the jury after three hours, he asks them if they have reached a verdict, if they say, no, he asks them if they are given more time if they are likely to reach a verdict. If they say, yes, he sends them back out for another three hours. And if they come back and they have not reached a verdict, that trial, it comes to an end and you probably have to have a retrial.

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All that colossal waste of resources of the State goes down the drain, and sometimes jurors having sat through that entire long-drawn-out case, to have them for six hours on the trot, there is a certain amount of pressure, there is a certain amount of human frustration, distress and anxiety and it is felt that we should increase the three hours to four but allow the jury to break overnight with special directions and protection to protect the integrity of the verdict and to allow that they break and come back the following day, if necessary. I think that this is important because it allows the jurors to reflect, it allows for moments of detach to reflection and introspection, so that they can consider the evidence led in the trial and they can mull on it, they can cogitate and think about it and you may perhaps end up with a much better verdict. It will help in both ways.

Mr. Speaker, we then come to the question of special juries in section 29, and:

“The High Court...in any case triable by a jury, except indictments for ...offence punishable”—by—“death”—would be able to now empanel a special jury in cases dealing with—“complex fraud; offences under the Proceeds of Crime Act; financing of terrorism; and offences under Part VII of the Securities Act...”

These are the offences that require a specialist jury and we will now be able to have a specialist jury.

We have simplified the procedure for the empanelling of a jury by redrafting the law, but without any major substantive change it is just stylistic really, and we have provided for the special juries, the fees in respect of that to be borne by the State.

We have increased from \$1,000 and six months imprisonment, the penalty for employers who try to dismiss their employees or prevent them from serving on a jury to \$50,000 and to imprisonment for one year. And I want to send a warning to employers, jury duty is enshrined in the law, you have no business trying to dismiss, intimidate, frustrate or harass any employee who wants to do their civic duty to serve on a jury. That is their civic duty and responsibility and therefore if you do so, if you are found guilty, it will be a fine of \$50,000 and a term of imprisonment of one year.

Mr. Speaker, those are the measures that we have brought with respect to the Jury Act that has been outstanding for such a long time. I dare say this will ease also the administrative burdens at the Elections and Boundaries Commission, because by virtue of removing this business where you have to check the husband



to see if the wife is qualified, and you have to check the income of people, that will now ease the administrative workload of the EBC, because they no longer have to enquire into those aspects of people life.

Now, of course, special juries in complex fraud cases, the advantages, of course, would be the increase in the competence of the jury, the trial process itself might change because the parties might amend their case preparation to cater for the fact that you have specialist juries. The disadvantages of not having specialist juries are well-known. Sometimes the lay jury could miss the target, it can result in discrimination depending on the composition of the jury, the age, their social class and so forth, because people might think it is composed in a particular way. The number of persons with the right kind of independence might be a problem in a small society such as ours as well.

**3.00 p.m.**

So overall, the amendments to the Jury Act are far-reaching, long overdue and they bring us into the 21<sup>st</sup> Century with modern legislation that has been lacking for the past 92 years while we have had that Jury Act.

I turn next, Mr. Speaker, to the Criminal Offences Act.

**Mr. Speaker:** Eleven more minutes.

**Sen. The Hon. A. Ramlogan SC:** Yes, Mr. Speaker. I turn next to the Criminal Offences Act. This is a simple amendment that is being done to treat with a particular problem that has existed and plagued the criminal justice system. It has to do with the creation of a new offence to deal with obstruction of justice. In other countries such as Barbados, Guyana, the UK, New Zealand and Australia, comprehensive legislation has been brought to deal with this issue, and we have been lagging behind.

We have seen in the global discussion regarding the threat posed by criminal elements to the administration of criminal justice, the impunity and audacity of the criminal elements who terrorize the criminal process and the participants in that process and, therefore, we have brought legislation to deal with that measure.

Mr. Speaker, the proposed section 11(1) will introduce a definition of “Officer of the Court” and a “victim”, and it will create an offence where a person knows, or reasonably believes, that another person is assisting in the investigation of an offence, or is a witness, or potential witness in any judicial proceedings where you use threats, force, bribery or any other means to either intimidate or dissuade the person from assisting in the investigation or giving evidence.

Mr. Speaker, it is not just a witness or a juror. A potential witness or even a potential juror, a judicial officer, an officer of the court, they will all now be included and, if convicted on indictment, will be liable to a fine of \$100,000 and to imprisonment for 20 long years. We must protect the integrity of the criminal justice system, and if anyone interferes or tampers with it, then 20 years is the jail term.

I turn next to the Dangerous Drugs Act. This is a minor amendment to streamline and harmonize a provision that created a dichotomy between the Magistrates' Court and the criminal assizes, where, on the one hand, under the Dangerous Drugs Act, trafficking in dangerous drugs could be tried summarily because it is an either way offence, and the fine was \$25,000 and imprisonment for five years, however, if that offence was tried indictably, you are liable to 25 years and \$100,000.

So because of the heavier fine and term of imprisonment before a judge and jury, the office of the DPP was constrained to not opt for summary trial because the penalty and the sentence you can impose is at a lesser threshold. So what we are doing now is to bring it into conformity so that it would allow the DPP to actually exercise the option to go for summary trial, and that way we will be able to clear up the backlog that exists a lot quicker and not overburden the criminal assizes.

That will particularly assist us when foreigners, for example, are charged with drug trafficking and so on, because if they have to await a trial before a judge and jury, it takes a long time. Some of them want to plead guilty, and if they appear before a magistrate they can simply plead guilty and be returned to their home country.

I take you next to the fifth Act, the Indictable Offences (Preliminary Enquiries) Act, a simple measure, Mr. Speaker. When we introduced video recording of evidence and computer-aided transcription and so on—when you have the evidence being taken in long hand, the witnesses could sign at the end. “Dey does read it back tuh yuh in court and yuh sign.” When we had catered for evidence being done by transcriptionists and being recorded and so on, in court, the Recording of Court Proceedings Act contained a lacuna. It was the honourable Mr. Justice Mark Mohammed, as he then was, in the case of *The State v Dane Lewis*, High Court Action No. 10 of 2008, who deemed it “a legislative slip”, and Justice Mohammed asked that Parliament fill this lacuna if it so desires, by way of a short and simple amendment.

We are now providing, Mr. Speaker, by this amendment, that section 39(1) shall apply to any evidence contained in a certified transcript of a recorded electronic audio recording, video recording or computer-aided transcription under section 16(3), of evidence given in a preliminary enquiry in the same way that it applies to a deposition taken in such proceedings. Mr. Speaker, that call made by Justice Mark Mohammed was made in a 2008 case, and today in 2014, this Government comes to deal with what the Judge termed “a legislative slip” that has been plaguing the system.

I go next to the Young Offenders Detention Act. When a Judge makes an order for a young offender to be detained at YTC (the Youth Training Centre), the court must submit to the Minister responsible for prisons, a request for approval. I do not know why this was in the law because, quite frankly, I think it probably violates the separation of powers in the Constitution and it could have been challenged quite easily.

But what we have shown is that the bureaucracy in the public service is such that when the magistrate orders the person to be detained at YTC and so on, what happens is that the Minister’s approval, on average, has taken two to three years to obtain—just the paperwork; two to three years—and during that time the poor young man is deemed a young offender awaiting approval. So you have a category of prisoners in young people, “young offender awaiting approval” and they “neither fish nor fowl”. You do not know how to treat them. They could not be classified as serving a sentence and they could not be classified as an inmate on remand. So that they fell into a twilight zone and that was the position in law. We have now come, Mr. Speaker, to do away with the need for ministerial approval so the court order will be self-executing and take immediate effect of its own volition. That will remove that entire logjam and there will no longer be a category of prisoners known as awaiting ministerial approval.

I come next to the Police Service Act, the eighth part of this. Mr. Speaker, we recognize the need to modernize the crime detection and crime fighting powers of the police service and, of course, DNA and fingerprint have been at the forefront of those tools. The changes we have made in the DNA law, we are seeking to replicate them in the fingerprinting law because there are times when DNA does not work and fingerprint has worked, and I will come to an example of that shortly.

But with or without consent, fingerprints can be taken, and we feel that that should extend, as with the DNA sample, we should have fingerprinting of all deportees, and people who complain about that, they have only to look to when

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they travel to the United States of America and they put their finger on the box with the green light to scan their fingerprint, without any objection or complaint. “I eh hear nobody quarrelling wit Uncle Sam yet or say ‘I eh going tuh de United States becor dey takin meh fingerprint’ .”

Mr. Speaker, we have replicated the definitions for exoneration and we are going to provide for the police. When they take your photograph, when they take your height measurement, when they take all the descriptions, we are going to allow for the police service to be able to retain those measurements and those markers for identification. So that where the police may be able to take and record, for the purpose of identification, the fingerprint impression without consent of a person who is detained or accused, a fingerprint derived from the crime scene, and any time there is reasonable ground to suspect you are involved in a crime, they can take it with or without your consent, and that will be transferred to the national fingerprint database.

Mr. Speaker, if the quality of the fingerprint is bad, they have the right to come and retake it, if necessary—if they so desire. And the same thing will apply in terms of deportees. They can serve a notice if they have to bring you before the court by way of summons, and they will serve notice on where it is you need to come to submit yourself to fingerprint. If you refuse, the police will have the power to exercise reasonable force, as they do now, to take that fingerprint from you. And we will be able to follow the DNA legislation so that we will retain those fingerprints for a period of up to 20 years.

Mr. Speaker, many countries fingerprint deportees upon arrival. The United States of America does it; France does it; Canada does it, and whilst there may be some objection to this measure, we feel from a standpoint of national security and the fight against crime, it is a measure that is justified and necessary in this country.

We have seen with the JFK bombing; we have seen, even in the situation right next door with some of our citizens, unfortunately being detained in Venezuela. And permit me to say, the Government has not acted capriciously in that manner. The Government has acted on the basis of information provided to it from the Venezuelan authorities and that is the position with respect to us.

Mr. Speaker, in cases where there are twins—twins, actually have the same DNA but they do not share the same fingerprint. Not many people are aware of that. But there have been cases before the courts where the wrong twin brother had been arrested, charged, prosecuted, convicted and sentenced because, why?

They got the same DNA. The fingerprint, therefore, is important in that regard to ensure that in cases such as that and other cases, you have that separation.

Mr. Speaker, in closing, I say that this package of legislation where we have amended these outstanding Acts, will serve to strengthen and bolster the administration of criminal laws and justice in this land. It is necessary to empower the police in their fight against crime, and I urge that this Parliament support this measure. It is long overdue; it will modernize and lead to greater efficiency in the administration of our criminal justice. I beg to move.

Thank you very much. [*Desk thumping*]

*Question proposed.*

**Mr. Speaker:** The Member for Diego Martin North/East. [*Desk thumping*]

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker. Mr. Speaker, the legislation before us is quite complicated, and I did speak to the Attorney General earlier, and there are a number of things in this law that, at first glance, are unacceptable and inconsistent with recent developments in some of the developed countries in the world. I had suggested to the Attorney General that because this 43-page Bill, which must have hundreds of clauses and subclauses, is so complex, and because there are some policy issues that we on this side will have difficulty in agreeing with easily, that the Government pause. Mr. Speaker, we are asking the Government to pause on this Bill for a couple weeks so that the committee that was established between the Opposition and the Government can look at some of the more contentious areas of this legislation to see whether we can improve upon them and come up with something that is workable and will not run afoul of the Constitution, of human rights and the concept of proportionality.

The two areas are, essentially, the retention of DNA samples or information; the fingerprinting—well, it is three areas, actually—the fingerprinting of all visitors. I notice the Attorney General skimmed around that, but Members opposite, you, obviously, do not know that in this Bill it is now going to be a requirement that every single visitor to Trinidad and Tobago, no matter what country you come from, will be fingerprinted on arrival.

**Hon. Member:** What is wrong with that?

**Mr. C. Imbert:** Yes, I will explain because, clearly, the Attorney General did not deal with this at all. He did not tell the Parliament that you are now going to fingerprint every single visitor to Trinidad and Tobago.

**Hon. Member:** What is wrong with that?

**Mr. C. Imbert:** You will find out what is wrong with that. I will explain in a very short while.

**Hon. Member:** Are you fingerprinted in the USA when you go?

**3.15 p.m.**

**Mr. C. Imbert:** Yeah, you go ahead. Mr. Speaker, if Members opposite want to engage in superficial small talk, I would ask you to ask them to go outside. Let them go outside. But, it is unfortunate—I do not know if the Attorney General ran out of time, I will give him the benefit of the doubt—that he did not explain the policy behind fingerprinting visitors from Europe, from Asia, from South America, from the Caribbean. If he could explain to us what is the policy. Why do you wish to fingerprint every visitor to Trinidad and Tobago; and how are we going to—where is the infrastructure for all of this? Where is the bureaucracy for all of this? Why are you doing it and how are you going to do it?

Our immigration system is inefficient at best. Whenever there are two or three planes on the ground, you stand in the immigration line for hours, Mr. Speaker. This is a fact of life in Trinidad and Tobago. And if you are now going to add—  
[*Interruption*]

**Hon. Member:** [*Inaudible*]

**Mr. C. Imbert:** It is all right. We will come to it. If you are now going to add fingerprinting and the examination of fingerprints on entry—because if you do not have their fingerprints in your database, as they come in you have to fingerprint them. So you are talking about hundreds of thousands. Millions of visitors will now be fingerprinted, and then after you have them on the database you now have to examine them every time they enter Trinidad and Tobago.

Now, the United States has 300 million people, it has a budget in the trillions of dollars, it has a huge bureaucracy and infrastructure in Homeland Security, it has been the subject of 9/11, it has its reasons and it has its capacity to do this, I would like to know why little Trinidad and Tobago is now establishing a system where millions of visitors will now have to be fingerprinted and their fingerprints examined. And I will go into the legal implications of all of this because the Attorney General did not tell us how he was going to achieve all of this.

Mr. Speaker, just machine readable passports in this country took years just to convert from the ordinary passport that was not readable by a machine to the new

machine readable. It took years and years just to do that. Now we are going to put in a biometric system that every single tourist, every single foreign investor, every single businessman, every family member, every returning resident or whatever it is from the United States who is not a citizen is going to be fingerprinted at ports of entry and you are going to check them every single time they come in. So just the infrastructure alone boggles the mind but let us move on. Let us look at the implications of all of this.

The Attorney General will be very familiar with the case of *Shanique Myrie and The State of Barbados and The State of Jamaica* which was decided upon by the Caribbean Court of Justice. This is not too long ago, Mr. Speaker, in 2013. Last year! The Caribbean Court of Justice in rendering its decision on the complaint from Ms. Shanique Myrie, who complained that when she attempted to enter Barbados as a law-abiding citizen, she was treated in a humiliating manner, she was searched, she was put in a cell like a common criminal and then she was deported and sent back to Jamaica.

Ms. Myrie complained and made a complaint to the Caribbean Court of Justice that this was a breach of the Revised Treaty of Chaguaramas. And Members opposite, you need to be careful of what you are doing. You just do not do something whimsically by vaps. You need to think things through. Let us look at what the Caribbean Court of Justice has decided with respect to free movement of Caricom citizens and what happened in the Shanique Myrie case, and what were the consequences of all of this.

The lady—“...Ms...Myrie...arrived at the Grantley Adams...Airport...in Barbados in March 2011. Far from being welcomed, she was denied entry. According to her testimony she was never told why. She claims that in the process she was subjected to insults based on her nationality and to an unlawful body cavity search in demeaning and unsanitary conditions. Her luggage was also searched but none of these searches revealed any contraband substances. Ultimately, Ms. Myrie was not allowed to enter Barbados and was instead detained overnight in a cell...and deported to Jamaica the next day.”

And I will come with the deportation. Because if we agree with you, this woman or anybody like her, a Trinidadian who attempts to enter a Caricom state and is turned back for whatever reason—in this particular case it was felt that the Barbados immigration officials were wrong to deport this lady. She had committed no crime, she was not found with any contraband substances, but they deported her nevertheless which is how it ended up in the Caribbean Court.

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If a Trinidadian was trying to enter Barbados, found themselves in the same circumstances as Shanique Myrie and was deported because the immigration officials felt that they just did not like how they look, because they are from Trinidad or whatever it is—because all of these allegations were made in this case. The woman said because she is a Jamaican they deported her. Do you know what will happen? That Trinidadian, when they reach here, will be fingerprinted and a DNA sample taken because you are making no distinction. In your law—  
[*Interruption*]

**Sen. Ramlogan SC:** It is only fingerprinting not DNA.

**Mr. C. Imbert:** How you mean? Fingerprinting.

**Sen. Ramlogan SC:** Yes.

**Mr. C. Imbert:** Fingerprinting, sorry. You are making no distinction between a person who has committed a crime, being charged for a crime, served time, is a criminal, and a person who has been turned away by an immigration official in another country for whatever reason.

Now, Mr. Speaker, those of us who travel will know that sometimes you meet the most arbitrary and the most difficult person at immigration and they could turn you away for any reason. They just look at you and decide they do not like how you are looking, or you fit a profile. They will do a profile on you and you are not guilty of any crime, you are not charged with any offence. What the Attorney General said, Mr. Speaker—I do not know if the Attorney General even understood what he said. He said that:

No longer will any evidence be required that the person has committed a crime.

That is what you said. You said:

Once the person has been deported.

I took notes when he was speaking and he said that:

In the past, the person would have had to be deported after serving time or having been convicted of a crime in another country and that the Government is now changing the law so that no longer do you have to be a criminal, no longer do you have to have served time in another country, no longer do you have to be charged or convicted of some crime in some country. Once you are deported—he said—for whatever reason, it will ease up the immigration



officials, it will ease them up at the airport. They do not have to go behind the circumstances upon which you are deported. As long as you are deported, they are going to fingerprint you.

So let me go back to the Shanique Myrie case because, Mr. Speaker, if we go back to the Shanique Myrie case we will see that in this particular instance where this young lady was deported from Barbados and sent back to Jamaica, she had committed no crime, she was not found with any illegal substances but they just decided they would send her back, she would fall into the net created by this law.

**Sen. Ramlogan SC:** Would you give way?

**Mr. C. Imbert:** Sure.

**Sen. Ramlogan SC:** Mr. Speaker, just for some clarification. I am grateful to you for giving way. Are you saying that the judgment in the Shanique Myrie case is an authority for the proposition that a State cannot impose a requirement that people entering that State submit themselves to give a fingerprint and that will somehow be offensive? That judgment did not deal with fingerprinting in any form or fashion as I remember it. It did not.

**Mr. C. Imbert:** Mr. Speaker, I have not even reached that point yet. I am not talking about that yet. I am talking about the fact that this young lady, a Caricom national, was deported from Barbados and sent back to Jamaica, and if you now put yourself in the shoes of this person and you go to Barbados and they watch you, Mr. Speaker, through you, and they say, "Oh, you are Anand Ramlogan, we deporting you. We know you, we have heard about you, we deporting you. We do not like the clothes you are wearing, we do not like the colour of your shoes, back to Trinidad". Mr. Speaker, through you, the Attorney General will then be fingerprinted because under this law he has not used the word "deportee". You have said, "as long as the person is deported". In the Attorney General's introduction he made the point. He said:

It is impossible for these immigration officials to determine whether the person was deported because they were convicted of a crime.

So let us do away with all of this background checks and so on, as long you are deported no matter what. You did not have a return ticket. When you went there the person who was supposed to meet you did not show up. These are all the reasons why people get deported. You did not have enough currency on you. Whatever! There are all sorts of reasons why people get deported that are not criminal offences and not even their fault. But now, under this law, once you have

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been deported, whether you are a criminal or not, law-abiding citizen and criminal co-mingled together, fingerprint. So let us look into the Shanique's case and I will now answer the question that you asked. I had not got there yet.

Now, in the case of Shanique Myrie, she claimed that she was not given equal status to other Caricom nationals, and she claimed she was not afforded national treatment in accordance with the revised Treaty of Chaguaramas, and therein lies the answer to your question. The court looked through the whole thing to establish as to whether the various articles of the Revised Treaty of Chaguaramas had been breached in her particular case and found in her favour.

The whole point is, you are putting in this law that Trinidadians do not have to be fingerprinted on arrival at the airport, but every other Caricom national has to be fingerprinted because they are not citizens of Trinidad and Tobago. But under the Revised Treaty of Chaguaramas, you have to afford Caricom nationals equal treatment to Trinidadians, unless: one, they are undesirables. So they are not bona fide visitors. They are undesirables; they are criminals.

**Sen. Ramlogan SC:** If they do not want to give you their fingerprint they are undesirable.

**Mr. C. Imbert:** Yeah. Sure. Or, there will be a charge on the public funds, Mr. Speaker. I do not know what the Attorney General is up to, you know. You want to go ahead with this? You want to fingerprint everybody from Barbados, from St. Lucia, from St. Vincent, from Grenada, from Guyana, from Suriname, from Antigua? You want to insist that Caricom citizens be fingerprinted on arrival at Piarco, but not Trinidadians.

So therefore, you are not giving all of these Caricom citizens equal treatment.

**Sen. Ramlogan SC:** You want to [*Inaudible*]

**Mr. C. Imbert:** No. Certainly not! I am not in agreement with this, you know. The person must have committed a criminal offence. It cannot be law-abiding citizens you just holding them and fingerprinting just so.

So in the first instance, unless the Attorney General includes in this law a provision and gives the Minister a power to exempt countries that we have treaties with, countries where we have reciprocal agreements with, so that this fingerprinting requirement will not be imposed on citizens of countries that we have reciprocal agreements with, or we are in a treaty and community with, like Caricom citizens, unless the law is amended to allow the Minister to publish an

order with a list of countries that are exempted from this requirement, we are going to run afoul of the Revised Treaty of Chaguaramas. The AG knows this, you know. I told him so today. He did not even bother to do the research.

You could go all through the Shanique Myrie case and you will see it is all about equal treatment and giving citizens of Caricom the same treatment as citizens of Trinidad and Tobago. But apart from that, Mr. Speaker, you have the Minister of Foreign Affairs—and you know sometimes, Mr. Speaker, I wonder if he is falling asleep on the job. We are not—Forget Caricom because this is going to be an incident within Caricom, that Trinidad and Tobago has now decided to fingerprint Jamaicans. If we were not in enough trouble with Jamaica already or Barbados for that matter, Trinidad and Tobago will now fingerprint Guyanese, Bajans, Jamaicans, Antiguan. As they land here they must subject themselves to fingerprinting—[*Interruption*]

**Dr. Rowley:** Tobagonians next.

**Mr. C. Imbert:**—otherwise they cannot—I hear the Leader of the Opposition saying Tobagonians next. You never know with these people. But, Mr. Speaker, be that as it may, let us now go to Europe. The Trinidad and Tobago Government—Governments. It started under the previous PNM administration and has continued under the new PP administration.

**3.30 p.m.**

There is an initiative on the part of Trinidad and Tobago and other countries to be able to travel throughout the Schengen area without needing a visa. [*Crosstalk*] Schengen, Schengen—well, it depends on which country. “If yuh in Germany, yuh might say Shin-gin, if yuh in Italy, yuh say Shun-jun.” [*Laughter*] Well, let us say Schengen just for argument sake.

Now, we as a country—and this is going to be of great benefit to the Trinidad and Tobago citizens—have been trying for five years to get—[*Interruption*]

**Miss Mc Donald:** Under the PNM.

**Mr. C. Imbert:** I said that, oh gosh. How many times do you want me to say that? [*Crosstalk and laughter*] I agree, Mr. Speaker. Let me repeat. It started under the PNM, it is continuing under the PP. They are going slow. It started in 2009, I believe, and it is now 2014, and it has not been resolved yet. And to tell you how people are so anxious, there was a Media Release from the Ministry of Foreign Affairs dated January 14, 2014; just about three months ago.

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“The Ministry of Foreign Affairs has been made aware of incorrect reports circulating among social media that Trinidad and Tobago’s application for a Schengen visa waiver has been approved. The process is ongoing and still requires a decision by the European Parliament and the European Council.

As such, nationals of Trinidad and Tobago still require a Schengen visa for travel to those European countries that require one.”

That is from our Ministry of Foreign Affairs.

**Mr. Dookeran:** May I?

**Mr. C. Imbert:** Sure.

**Mr. Dookeran:** Thank you and thank you, Mr. Speaker. Just to update the hon. Member, since that release was made, the matter has gone to the European Parliament and has been approved. The matter of agreement now between the European Union and Trinidad and Tobago is being worked on. Just to keep you updated. [*Desk thumping*]

**Mr. C. Imbert:** I am very happy to hear that. It has taken five years but better late than never. [*Continuous crosstalk*]

**Mr. Speaker:** Please, please allow the Member to speak in silence.

**Mr. C. Imbert:** Mr. Speaker, there is noise all around me, I do not know what is wrong—why they are so excited, so excited. The Government still cannot get themselves out of the mess that they are creating with the Revised Treaty of Chaguaramas. That alone is a problem. Let us deal with the mess they are creating with the Schengen visa application.

Five years, Trinidad and Tobago, through successive governments, trying to get visa-free access to Europe, which are States such as Italy, Germany, France and so on—the Schengen States, Mr. Speaker. Look at what the European Commission, they have a press release dated November 07, 2012, and they spoke about it:

“Citizens from 16 Island Nations will soon be able to travel to the Schengen area without needing a visa. This will open up to opportunities and advantages both for the EU and the nationals of these 16”—countries.

And they made a statement. The EU Commissioner for Home Affairs said:

“Travelling without a visa is not just a symbolic gesture - it will have a direct impact on citizens of these countries and on EU citizens, in the form of...people-to-people contacts and business opportunities’....

Today, the European Commission proposed to add 5 Caribbean Island...(Dominica, Grenada, Saint Lucia, Saint Vincent...and Trinidad and Tobago), and 10 Pacific Island...

The objective is to simplify travel to the Schengen area, as well as to Cyprus, Bulgaria and Romania. A national from one of these countries”—which, in our case, will be Trinidad and Tobago—“would no longer require a visa for short stays (up to 90 days) if he/she is in possession of a passport, be it for business, touristic or family visit purposes. This will make travel planning easier...reduce the travelling costs....”

Listen to this. This is where the intervention by the Minister of Foreign Affairs was important.

“The Commission’s proposal foresees that the visa exemption will be reciprocated through visa waiver agreements, ensuring a visa free regime for all EU citizens...”

So, for us to be able to get into Europe where you do not have to take your fingerprint, Mr. Speaker, for those of you who have travelled to Italy—as I have a few times—or to Germany or to France, when you enter these countries, they do not take your fingerprints. It is not part of the requirements to enter one of these European countries. What these people are saying is that there must be reciprocity so since we do not require fingerprinting going into Europe, we cannot insist on fingerprinting for European citizens coming into Trinidad and Tobago. So this proposal—[*Crosstalk*] Yeah, you go ahead. [*Crosstalk*]

Mr. Speaker, you know, I am shocked. The Attorney General is a lawyer; the Minister of Foreign Affairs, an experienced politician, just said that there has to be an agreement. You think the European community will agree in an agreement that their citizens would be fingerprinted on arrival in Trinidad and Tobago? That and God’s face you will not see! Let us be serious, we are dealing with reality here. So, Mr. Speaker, I do wish that when the Members opposite are doing things, they would think things through.

We have a Caricom arrangement: Revised Treaty of Chaguaramas. The other countries do not require fingerprinting when we go there, we cannot impose fingerprinting unless all the territories of the Caribbean agree, otherwise this will end up in the Caribbean Court of Justice. [*Crosstalk*] You could go ahead. I know you like to pay lawyers. Get your lawyers ready. The ones you like to pay millions of dollars, get them ready because this thing going straight to the

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Caribbean Court of Justice. With respect to the visa reciprocity arrangement with the European Union, well, you could kiss that goodbye if you want to impose fingerprinting on European nationals coming into Trinidad and Tobago.

You see, the problem with the Government, they are just bullheaded, you know, and this is why I said at the beginning—[*Interruption*]

**Hon. Member:** Pigheaded!

**Mr. C. Imbert:** Pigheaded, bullheaded, stubborn—whatever you want to say—pause and let us think this through. And there is a solution. All you have to do is to insert a clause giving the Minister—the relevant Minister, whoever it is; it will be the Minister of National Security, I assume, because it is immigration—the power to publish an order exempting various countries around the world that we have reciprocal agreements with.

For example, I understand that Russians and Indians do not need visas to come here. Is that not so? So, “we go fingerprint Russians and Indians too” even though you have made an arrangement that their citizens could come into Trinidad without any hassle, without any visa? So, I am calling on the Government, do not be so proud and egotistical, listen! It is necessary for the legislation to have a clause allowing the Minister to exempt countries from this arrangement where we have a reciprocal agreement with respect to hassle-free travel.

We do not have any such arrangement with the United States. That is why it is not an issue with the United States. You know, I heard the Member for Tabaquite carrying on about the United States. Which other country do you all go in that you get fingerprinted? Which one? Tell me. It is only the United States of America and because they fingerprint our citizens when we go there, we could fingerprint their citizens when they come here, but that is the only one. [*Crosstalk*] Yeah, you tell me which country you go to that you have to be fingerprinted that we have a reciprocal agreement with, that we have a treaty with, that we have arrangements with, for hassle-free travel. Name one. There is none that requires fingerprinting. We do not have hassle-free travel with the United States. We do not! It is difficult for citizens to get an American visa under the best of circumstances.

So, I am asking the Government, just pause, stop being bullheaded and amend the legislation so that there will be a waiver regime in place based on an order from the Minister, based on reciprocal and bilateral agreements with other countries. So that deals with this fingerprint thing.

Now, the deportee thing, I am in complete disagreement that if somebody has not committed a crime, “what yuh fingerprinting them for?” For what? Just because it is easy? Because, when you look in all the other countries about the taking of biometric data from people, whether it is DNA, whether it is fingerprint, the common complaint is that the Ministers, the parliamentarians, who try to push through these measures, they said it is because it is easy, you know, we do not need to do a background check on anybody, we do not need to find out if the person is a criminal. They were deported, we do not want to know why, we are going to fingerprint them. So you are fingerprinting the innocent and the guilty and you are mixing them all up. And in all the countries where the courts have overturned legislation like this, it is because of that approach from Ministers of Government and parliamentarians.

I will go now to DNA because the Attorney General made a set of noise—and I spoke to him today about this—and let me see what he said:

The police need the legislation. They need the tools to fight crime. If the police want to retain DNA for however long to deal with unsolved crime, we must agree.

Oh yeah? Mr. Speaker, there are two famous cases in Europe that deal precisely with this matter. The first case was a decision by the European Court of Human Rights and this was on December 04, 2008, and I am reading from *The Economist*, an article dated December 04, 2008:

“DNA and human rights

A court decision limits the scope of police DNA databases”

And it reads as follows:

“HOLDING DNA samples and fingerprints of suspects who are later acquitted, or have the charges against them dropped, violates their right to privacy, the European Court of Human Rights ruled unanimously on December 4th. Its decision, which is binding on all 47 members of the Council of Europe, will have an immediate impact on around 850,000 innocent people whose genetic profiles are stored on the police DNA database in England and Wales.

The case concerned two British citizens, both from Sheffield—Michael Marper and a man known simply as”—Mr.—“s. In January 2001, when”—Mr.—“s was 11”—years old—“he was arrested and charged with attempted robbery, but acquitted six months later. In March that same year, Mr. Marper was arrested on a charge of harassing his partner; the case was then dropped

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after a reconciliation four months later. Both men had their fingerprints and DNA samples taken on arrest. After being cleared, each asked for his data to be destroyed”—this is both the DNA and the fingerprint—“but was told that this was impossible.

With 5.3m profiles, representing 9% of the population, Britain’s DNA database is believed to be the biggest in the world; few other countries hold profiles of more than 2% of their citizens. In England and Wales...the police take DNA samples from anyone who is arrested...”

And I see we are putting in this law here that no longer you have to be charged, once you are a suspect now. You know, they had a law in England called the sus law and a government lost Government because of the sus law where you just look at “ah man and yuh profile him and yuh say, well, I suspect he is ah criminal and he is going to commit ah crime and yuh could lock up the person and detain him”. That was the sus law in England. It did not last very long.

But, we are now bringing in a situation in this law—and I will go to the specific clause—where if the police arrest you, they do not charge you—they suspect that you may have committed a crime but they do not charge you—they are going to take your information. They are going to take your fingerprints and other biometric data, and they are going to keep it, whether you are eventually acquitted, whether it is a case of false identity, mistaken identity; whether you were nowhere near the scene of the crime and so on. But, let us go.

“...the police take DNA samples”—in England—“from anyone who is arrested for a ‘recordable’ offence—usually...carrying a custodial sentence, but including”—small crimes—“such as begging or being drunk and disorderly.”

Well, quite a few persons inside and outside of here, Mr. Speaker, might find themselves in trouble because it says minor crimes, that in England, if you are arrested for a minor crime, you get your DNA taken from you.

“(This happened to Damian Green, the Tory immigration spokesman, when he was arrested on November 27th in connection with Home Office leaks.) The data is then stored for the rest of the suspect’s life, even if he is acquitted or never charged. No other democracy does this.”

Well, it looks like Trinidad and Tobago is joining the list.

“In Scotland if a suspect is acquitted his DNA profile usually has to be destroyed. Swedish authorities may retain only the profiles of criminals who have spent more than two years in prison. In Norway and Germany a court



order is required to store a DNA sample permanently. Only the DNA of convicted criminals can...be kept in America”—under normal circumstances—“Since 2005 the FBI has been allowed to take DNA samples on arrest but these can be expunged...if no charges are brought or the suspect is acquitted.”

And it goes on, Mr. Speaker, to speak about what has occurred. The European court upheld their privacy complaint to the two men and ordered that their information—their DNA and fingerprints—be destroyed.

### **3.45 p.m.**

Now, let us see what are the consequences of all of this; this is 2008. In 2008, the European Court of Human Rights decided it was unlawful to keep DNA indefinitely, or for long periods of time. And what did the Government do? I have here an article from the BBC, dated 2009, and it says:

“DNA profiles of up to 850,000 innocent people held among 4.5m”—people—  
“on an official database are to be removed after a European Court ruling.”

Because in England, because they are part of the common market, because they are part of the union, they have to change their domestic laws to comply with a ruling of the European Court or one of the European Courts. [*Interruption*] I am coming to England, but in England, because they are part of the European Union, they must change their domestic laws once the European Court makes a ruling. So the European Court ruled it is wrong, unlawful, a breach of human rights, to keep DNA samples for long periods of time or keep them indefinitely. [*Interruption*] I am coming to that, this is England, BBC. DNA profiles are to be removed after a European Court ruling in England. And this is in 2009.

But the Government is still attempting to keep the DNA for persons who are cleared of crimes, for up to six years or 12, in cases of serious, violent or sexual offences. Human rights groups say the government’s plan is offensive to the European Court ruling and that the database in the UK is now illegal. Ministers argue that this is appropriate and, insist that their approach to dealing with the European Court ruling is the correct approach.

Now, what did the European Court say? It said:

“...rules allowing police to retain indefinitely the genetic profiles of everyone arrested for a recordable offence were indiscriminate.”

They said that these rules do not differentiate between criminals and people who have never been convicted or between the severity of offences. And this is exactly

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what this Government is trying to do. You are not discriminating between the innocent and the guilty. You are not discriminating between a man who steals two oranges and a man who stole \$12 million in, perhaps, a share transaction in a bank. You are not doing any discrimination between people who commit massive fraud, who steal \$1 billion in an airport scandal, or a man who “tief” two oranges and a pomerac.

**Sen. Ramlogan SC:** All right, all right.

**Mr. C. Imbert:** No, people need to understand what you are doing. This is why the European Court struck down this law. They say you are not discriminating between a petty criminal and a grand criminal, you are not discriminating between an innocent man and a guilty man. You just want to keep the DNA. And in Europe, “dey say you cyah do dat!” They struck it down.

Listen to what the Home Office said. This is how they will deal with the court ruling. They said its plan would be to delete, after 12 years, the profiles of those arrested but not convicted of a serious violent or sexual crime. They delete, after six years, the profiles of anyone arrested but not convicted of any offence. They will retain indefinitely the DNA profiles and fingerprints of anyone convicted of a recordable offence and then remove the profiles of young people arrested but not convicted of less serious offences when they turn 18. Human rights groups argued that this was in breach of the court’s rulings and it was disproportionate. This is the whole crux of the matter.

What the Government is trying to do is disproportionate. You can amend—you can enact a law that runs afoul of sections 4 and 5 of the Constitution, once you have 26 votes in the House of Representatives and you could persuade one or two Independent Senators to go along with you.

**Dr. Gopeesingh:** Twenty-five.

**Mr. C. Imbert:** Twenty-six. Mr. Speaker, I am not going to argue with somebody who has no concept of what a special majority is. Once you have 26, and for the edification of the Member, through you, you have to add the Speaker. So it is three-fifths of 42, which is 26 votes. I do not know what you are arguing with me for. Do you know how many times I had to try to get 26 votes to get a special majority when I was Leader of Government Business? Your leader knows is 26, because he does not have his 26 Members here today and, therefore, he cannot pass this Bill today. He knows that.

**Dr. Gopeesingh:** Twenty-five and a fifth.

**Mr. C. Imbert:** Yes, once it is over, you have to round up, not down. Mr. Speaker, when they make jokes like that, I know that they understand what I am saying, that I am correct when they make these kinds of jokes.

Mr. Speaker, the British Government, just like the Trinidad and Tobago Government, was pigheaded and bullheaded. The European Court ruled “yuh cyah do it”—if a man is innocent, destroy his DNA immediately. “Dey say dey go keep it for six years and if is a serious crime, dey go keep it for 12 years. So they were trying a sort of half-way house, half pick duck kind of approach” to dealing with the European Court ruling. Do you know what happened? An English man said “is so yuh want to play it? Well I going through the British Court system now.” He said: “I am going to ask the English Courts to declare on whether the British Government could ignore a ruling of the European Court.” And here we had—and I would send this information for the Hon. Attorney General, because he does not seem to have it and that is why I am asking you to just pause for a couple of weeks so we could look at this and see if we could come up with something that could work.

I want to say at the outset, Mr. Speaker, the things about the jury and tampering with witnesses, I mean who could argue against that?

**Sen. Ramlogan SC:** So you are happy with those?

**Mr. C. Imbert:** No, I am not saying we are happy, Mr. Speaker. This is a very complex piece of legislation, 43 pages, hundreds of subclauses. We need to look at these subclauses to see whether they make sense. I am talking about—  
[*Interruption*]

**Dr. Rowley:** Not late in the night.

**Mr. C. Imbert:** Yeah, not at 2.00 o’clock in the morning. I am talking about general principles. Who could argue with the general principle that if somebody tries to tamper with a witness, interfere with a juror, that they must be subject to serious jail time and serious penalties? Who could argue with that?

**Sen. Ramlogan SC:** So the problem is with the DNA?

**Mr. C. Imbert:** We are looking at—yes. We have no problem with that. I believe the Leader of the Opposition is telling me that we floated that in the discussions in the crime committee.

**Sen. Ramlogan SC:** You all did what?

**Mr. C. Imbert:** I believe we floated the concept of witness tampering and jury tampering, and so on. So, in principle, the PNM has no objection to strong legislation dealing with jury tampering and witness tampering. *[Interruption]* No, no, wait, wait, wait, I am not finished, but we need to look at what you have done to see whether it makes sense because the people opposite, they do not take their time to do anything. Time is running out. They soon will be in their fifth year. They feel some need to achieve something. They want to be able to achieve something before 2015, so they are hustling down these bits of legislation without thinking them through.

Let us go now to the ruling of the Supreme Court, and the Attorney General will be aware that the House of Lords was replaced by the Supreme Court. Britain did a complete reform and revamping of its criminal justice system or judicial system and they now have the Supreme Court.

On May 18, 2011—you see how current it is—the European Court ruled in 2008. The British Government decide “dey go play bad, dey go play man” so two people decided they would take it through the British court system and on May 18, 2011, *R (on the application of GC)*, they do not have the names of the people—I assume because they are minors—the appellant *v the Commissioner of Police of the Metropolis* and *R (on the application of C) v The Commissioner of Police of the Metropolis*, 2001 UKSC 21, on Appeal from the High Court, Administrative Court, 2010.

And what did the Supreme Court of the United Kingdom rule? This was an appeal of a decision by the lower court and the Supreme Court allowed the appeal—the majority by a five to two margin. There were seven justices, because what England has done now, they now have the Supreme Court—for Commonwealth countries and countries that still retain the Privy Council, you have Privy Councils where you could have a panel of three, five, seven or whatever it is, depending on the complexity of the case. But for their own domestic, legal system they now have a Supreme Court, similar to the United States with a panel of sometimes seven judges, eight judges.

In this particular case, there were seven judges and by a 5:2 majority in 2011, the Supreme Court of the United Kingdom ruled and granted a declaration that the present Association of Chiefs of Police Guidelines for DNA Retention were unlawful because they are incompatible with the Humans Rights Treaties within the European Union—2011, the Supreme Court.

The European Court ruled in 2008, that the retention of DNA samples for an unreasonably long period was unlawful. The British Government tried to stall it.

So some litigants decided we going through the British Court system and in 2011, the highest court in England, the Supreme Court, ruled that it is unlawful to retain DNA samples indefinitely or for long periods of time. And they stated that the intention of the Government now is to bring new legislation into force later this year and the present guidelines are unlawful because they are incompatible with the European Commission on Human Rights. In England, it is now law that you cannot do what the Attorney General is trying to do in Trinidad and Tobago.

Let us think about it. In this law here, if you suspect somebody, you could fingerprint them and you could keep those fingerprints forever, forever.

**Mr. Peters:** And what is wrong with that?

**Mr. C. Imbert:** What is wrong with that? You know, we need to have a—  
[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Miss M. Mc Donald*]

*Question put and agreed to.*

#### TRIBUTE

(**Arthur Napoleon Raymond Robinson TC, OCC, SC**)

**Mr. Speaker:** But before you continue, I do not want to break you in your train of thought, in terms of your next 30 minutes. It is approaching 4.00 p.m. and we did agree that at this time, we would take some time, as Members of this honourable House, to recognize the passing of former President, Prime Minister, and the Chairman of the THA, Mr. Arthur Napoleon Raymond Robinson who died on Wednesday, April 09, 2014. It is now appropriate that we record our tributes and respect to our former parliamentary colleague and distinguished son of the soil. I now call on the hon. Prime Minister to pay tribute.

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Thank you very much, Mr. Speaker, hon. Members. I thank you for this opportunity to reflect on the life of one of our nation's most celebrated and honoured sons, late Prime Minister and His Excellency, former President, Mr. Arthur Napoleon Raymond Robinson.

At the age of 87, Mr. Robinson passed away quietly and peacefully bringing to a close a life that was lived with tremendous purpose and achievement. He was

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our nation's first post-Independence Minister of Finance. He was the first Chairman of the Tobago House of Assembly. He was our third Prime Minister and the first Prime Minister coming from Tobago. He was our third President. All of this we know and to some extent we have become accustomed to and maybe even took for granted. But behind the legendary life was a man who lived as we do, fought as we do and triumphed and lost as we have and won. He was a beloved husband, a son, a father and friend.

**4.00 p.m.**

Mr. Robinson was born to Isabella and James Robinson in Calder Hall, Tobago in 1926. He attended the Castara Methodist School, where his father was the headmaster. From an early age, Mr. Robinson's academic strengths had already set him apart as the first Bowles Scholar, taking him into Bishop's High School in 1939. Later he became the first House Scholarship Winner from Bishop's High School in 1942.

Mr. Robinson was also in line for an island scholarship from Bishop's High School in 1944 and 1945, achieving the Higher School Certificate in both years with distinction in Latin. He then set his sights on St. John's College, Oxford, where he pursued a degree in philosophy, politics and economics. Having also obtained his LLB as an external student of the University of London, he later entered the chambers of Sir. Courtney Hannays in Trinidad in 1957 after being called to the Bar, Inner Temple, London in 1954. By this time it was clear that an achieving boy was destined to become an accomplished graduate, and already he had set himself apart from his peers.

As an academic, Mr. Robinson vigorously pursued publication of his thoughts and ideas and how development at that time, should take place. He authored: *The New Frontier and the New African* in 1961; *Fiscal Reform in Trinidad and Tobago* in 1966; *The Path to Progress*, 1967 and *The Teacher and Nationalism*, 1967, but he distinguished himself even further, by pursuing a life in politics and in so doing, set out to apply his thinking to practice.

I speak a moment, hon. Speaker, with your leave, on his entry into politics. As an achiever and proud son of the soil, Mr. Robinson entered the political arena where he was elected to the Federal Parliament of the then Caribbean Federation in 1958, and then to the Trinidad and Tobago Parliament as a representative for Tobago in 1961.

Serving as our first post-independence Minister of Finance, Mr. Robinson led the restructuring of the country's financial institutions and, the reform of financial

and monetary policies when we became an independent nation in 1962. But even with his first foray into politics, appearing to tie him to one political philosophy and party, he did something that for many might have been unthinkable in those times.

In 1970, his differences with the PNM would lead to his resignation from the Cabinet. He had opposed the introduction of the Public Order Bill, which the then Government had introduced following the 1970 Black Power uprising. Some months earlier, he had forewarned the country, and I quote:

“Our country cries out for men and women who cannot be bought and sold; men and women who are prepared to put principle before personality, country before self, morality before power.”

He broke with the then PNM Government, and formed his own political party, the ACDC, Action Committee of Democratic Citizens. He was a man driven by intellect and passion. He had his own thoughts and beliefs on what was right for Trinidad and Tobago, and when he found that the party to which he attached himself diverged from his thinking, he set out in search of a new political platform.

Standing together with the Democratic Labour Party, Mr. Robinson led the “No Vote” campaign of 1971, in protest over voting machines which the Opposition DLP considered to be used for election fraud in the 1961 and 1966 elections; those were his views. Following that election, Mr. Robinson founded the Democratic Action Congress which won the two Tobago seats in 1976 and 1981 elections.

Mr. Speaker, what came next is perhaps evidence, that Mr. Robinson was one of the first few to understand partnership politics, that was indeed for him the best formula for better representation and governance. In 1981, Mr. Robinson and another former Prime Minister, Mr. Basdeo Panday who at that time was the leader of the ULF, worked out an arrangement to stand together in the electoral fight. Both leaders also joined forces with the Tapia House Movement which was led by late economist Lloyd Best, himself a celebrated son of our soil.

This gave birth to the National Alliance. Soon after an accommodation agreement was struck with the ONR, under the leadership of the late Karl Hudson-Phillips. The united approach proved successful in the Local Government Elections of 1983. Taking this as the first clear signal that a new Government was possible, the four parties combined to form the NAR, the National Alliance for Reconstruction which won the 1986 elections, 33-3.

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Mr. Robinson was appointed Prime Minister and a lead figure in one of our nation's most difficult periods of economic reform, political change and social upheavals. As Prime Minister, Mr. Robinson faced some of the most intense challenges in our nation's history, but he bravely took the tough decisions required at that time. We all, I think, may remember those years.

The NAR Government inherited an economy that was in an advanced stage of decline. A deep recession was setting in, revenue was falling, the nation's finances were depleted, the times were hard and called for hard decisions. And it was Mr. Robinson, supported by people like Selby Wilson and our own Minister of Foreign Affairs, Winston Dookeran who dug their heels in and did what they had to do. Even when our darkest hours came, when his Government came under armed attack, Mr. Robinson was clear that he would lay down his life, if it meant that democracy would emerge the victor.

We all remember now about his courageous command to the armed forces, and I quote; to attack with full force. Here it is, a Prime Minister of our proud and free republic was being held hostage. Our people and our way of life were under siege. Insurgents took aim at his head and yet he defied orders to tell the armed forces to stand down. To Mr. Robinson, the Members of his Government and the Members of Parliament, who endured this very horrific experience, the lives and freedoms of the people of Trinidad and Tobago, were far too important. And if it meant surrendering their lives to save our country, they were willing so to do.

Mr. Speaker, let us never, ever forget, the Member of Parliament for Diego Martin Central, Mr. Leo Des Vignes, who died from injuries sustained during that insurrection. We all remember the images of that period. Port of Spain was littered with rubble and smoke. Mr. Robinson was being led out of the Parliament building in a wheelchair, having been shot in the knee. The then Acting Prime Minister at the time Mr. Dookeran, was busily trying to maintain contact with the outside world, whilst at the same time working to restore law and order here at home.

And though majestic the personality, Mr. Robinson was only human. In all of the pain and suffering that he and the Members of his Cabinet endured, it was a simple note with a simple message that gave him the will to fight on. In his account of the ordeal, Mr. Robinson recalled one of the insurgents passing him an envelope saying it was a message from his wife. He said when he opened the envelope and read the note, the three words gave him the strength to carry on. Those three words written on that piece of paper by his wife were, and I quote: I love you.



But, Mr. Speaker, politics and democratic traditions mean that ultimately whatever one's service, loyalty and dedication, it is the citizens who decide who will run the Government. By 1991, Mr. Robinson faced an electorate that was angry over his decisions. At that time citizens were not in a charitable mood, and did not want explanations for why the harsh measures were necessary. He was voted out and in the new Parliament, sat on the backbench with the NAR winning only two seats.

But Mr. Robinson was by no means about to fade into the landscape. It was in 1989, during a session of the UN General Assembly, he proposed the creation of a permanent international court to deal with the transnational drug trade. And just over 12 years later, came the inauguration of the International Criminal Court in 2002, the brainchild and concept of Mr. Robinson, commissioned to hear cases of crimes against humanity.

Mr. Robinson was recognized as one of the chief proponents and a driving force behind the ICC. In fact, hon. Speaker, Mr. Robinson is now called "the Grandfather of the International Criminal Court". By the time of the formation of the ICC, Mr. Robinson had already returned to the political mainstream. In 1995, when the general election was called, some of us will remember Mr. Robinson's primary campaign message, and I quote: We will make the difference. As fate would have it, the election results came in at 17 seats for the UNC, 17 seats for the PNM and two seats for Mr. Robinson and the NAR. It was with those two seats that Mr. Robinson did, in fact, make the difference and was instrumental again, in forming a new Government, this time led by the hon. Mr. Basdeo Panday.

Mr. Robinson became our nation's first Minister Extraordinaire, in recognition of his status as an elder statesman, with the experience to advise at all levels of Government. By 1997, Mr. Robinson stood down from his Tobago seat, and was chosen by then Prime Minister Basdeo Panday, as the Government's choice for President. Again, he created history as the only former Prime Minister to ascend to the position of Head of State, as the President of the Republic of Trinidad and Tobago.

As President, he stood as an exemplary Head of State even when faced with declining health and he served with distinction. And it was in his time as President, that Trinidad and Tobago would face another defining moment in our social and political history. In 2001 just one year after the UNC was elected to a second term, a general election was forced and the result delivered a deadlock, both major parties receiving 18 seats, 18-18; as it was termed. It was then up to the President, Mr. Robinson, to decide who would assume the Prime Ministership,

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and the choice was made for Mr. Patrick Manning to assume the leadership of Government, the, Member for San Fernando East. [*Hon. Persad-Bissessar turns to Mr. Manning*]

Mr. Speaker, this electoral tie, an unprecedented constitutional crisis, and the decision made by the then President caused intense debate, a great part of which was bitterly played out in the public. We all know what the arguments were at that time. We all know how we felt at that time, and how we were prepared to fight the decision. Many were hurting, one side did not lose, and the other side did not win.

But today, Mr. Speaker, almost 14 years later, that decision has written itself into history, as a moment when our nation was forced to re-examine our supreme law, and reconsider the arrangements by which we govern ourselves. Mr. Speaker, all throughout human history, where nations around the world came to turning points, where the future was to be transformed and a new path was to be chosen, there was never a time when everyone agreed.

Yes, Mr. Speaker, there was pain, there was anguish and indeed there was even bitterness. But, Mr. Speaker, in my respectful view, if we as a nation, are to truly continue walking forward, we are the ones who will hurt ourselves if we remain locked in the past. And for anyone who still holds to the pain of the past, I ask respectfully, that we allow our old wounds to heal, consider what we have been able to learn, and then allow ourselves to grow. Mr. Speaker, history is always there to teach us.

Each of us in this honourable House, and those Members like Mr. Robinson, who came before us, hold a rare and privileged place, for we not only become part of history, but also become the authors of history. When we realize that our actions today will create the future, it becomes our duty to rise above that which pains us personally, and do what is best for our country.

In all of the things that I have been able to learn in my own long career in politics, Mr. Speaker, it is this that guides me. Our every action, our every word, our every conviction will all come together to create the future. Acting responsibly is, therefore, not just a requirement, Mr. Speaker, but it is indeed our duty. And so, this is why, Mr. Speaker, notwithstanding arguments in the past and our conviction that maybe something wrong was done, the past is best honoured by learning and letting go.

**4.15 p.m.**

Was Mr. Robinson the perfect human being? Of course, he was not, as is none of us. He was as imperfect as anyone of us here in this House, but what set him apart was that in just one lifetime he set out on a journey to change the life he found and he succeeded. This is why His Excellency President Carmona described him as a colossus, because he fought based on a vision for something better, achieved and did his best to fulfil that vision and used the influence he gained to change the course of our nation's history.

Indeed, through his years of advocacy, championing the International Criminal Court, Mr. Robinson can easily be described as having used his life and work to make a change in the world, a fact forever immortalized by him being remembered as the grandfather of the International Criminal Court.

As I conclude, I say it is for these reasons that I have described him as one of our nation's most outstanding sons, who brought honour to his family and his country. I am very happy that Mr. Robinson was able to see for himself the admiration that he earned. We have always seen honours to great men and women in history only after their passing, but this time around Mr. Robinson was able to see his name honoured with the Tobago airport.

Today, though it is a sad moment in our history, I find comfort in knowing that he will now be united with his lifetime partner and best friend, his wife, the late Patricia Robinson.

In honour of the man he was, the life he lived, the dignity with which he served his country and the proud legacy he has left for us to emulate, I have already instructed, as you may know, Mr. Speaker, that the Minister of National Security cause the national flag to fly at half-mast during a period of national mourning. His body will lie in state in the Rotunda of the Red House as our citizens may wish to come to take the opportunity to pay their respects.

Mr. Speaker, in this regard, the committee set up to plan the funeral arrangements, I am advised that they have, in consultation with the family of the late Mr. Robinson, on Tuesday 29 and Wednesday, April 30, between the hours of 6.00 a.m. and 6.00 p.m. his body will lie in state at the Rotunda of the Red House.

Further, a state service will be held in honour of His Excellency on the morning of Thursday, May 01, 2014 and, thereafter, following this service, the body of the late Mr. Robinson will lie in state at the lobby of the NAPA until 3.00 p.m. and Members will be afforded the opportunity to pay their respects.

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At the Legislative Chamber of the THA, on Friday, May 02, between 6.00 a.m. and 6.00 p.m., and thereafter, a service of thanksgiving in honour of his life will be held on Saturday, May 03, 2014 in Tobago at a venue to be announced.

Mr. Speaker, to his family: to his children David and Ann Margaret, and his granddaughter Anuska, we send our heartfelt condolences. Mr. Robinson's passing is a deep and tragic loss for our country, but I am sure he will always stand as an inspiration to today's and tomorrow's people and that inspiration can very well be a tribute to our nation's motto: Together we aspire; Together we achieve. May his soul now find peace. I thank you, Mr. Speaker.

**Dr. Keith Rowley** (*Diego Martin West*): Thank you very much, Mr. Speaker. I thank you for the opportunity to pay tribute to one of our nation's finest citizens.

Mr. Speaker, there is a time for everything and normally, in circumstances like these, I would begin my contribution by simply associating myself with the statements of the Prime Minister; but since it is not a debate, today I will not do that.

As a Tobagonian myself, particularly one who existed on the opposite side of Mr. Robinson's political pathway, I would, on this occasion, pay recognition to that stable called Tobago, which has produced thoroughbreds for the people of Trinidad and Tobago like Victor Bruce, Dr. David Quamina, Sir Eustace Bernard, Mr. Russell Martineau and Arthur Napoleon Raymond Robinson.

A lot can be said about Mr. Robinson's life but as we pay tribute to him at this moment of his passing, the most important acknowledgement that we can make is to identify him as a citizen who set himself up a task of making the place called Trinidad and Tobago, the place called Tobago, different; and not just talking about it, Mr. Speaker, but doing something about it.

When one looks at the number of firsts that Mr. Robinson has associated with him—I think it starts with the first person receiving the Sylvan Bowles Scholarship at Bishop's High School in Tobago, onward to becoming the first Prime Minister and President of the Republic—clearly, we are talking here about a remarkable life. If one selects the accomplishments of such a remarkable man, one would want to know what would have made him and why would a person who had other options contribute so much and with such great sacrifice.

Mr. Robinson has been a contributor to the development of Trinidad and Tobago, and he made that decision very early. When he joined the PNM in 1956, it was because he chose a career in public service wanting to make things better and

that is what his entry into the political arena represented and he became a PNM candidate in that first election in which the PNM took part in 1956.

But immediately, what turned out to be the story of his life played out in that he was not successful, in 1956, running for the seat of Tobago when Tobago had one seat in the Parliament. He came up against the stalwart APT James and he was not afraid to take on APT James; and not being successful, it did not daunt his spirit. In fact, he looked beyond Tobago, as he always did, and looked beyond Trinidad and Tobago and became the candidate for the federal election and was successful there and started his political career in a Chamber in the Federal Parliament.

We all know the history of the Federal Parliament and his grief at the collapse of that institution. But then, in 1961, where he failed in 1956, he became successful and became the first PNM Member of Parliament for Tobago and, as we heard a moment ago, had the onerous responsibility, as Minister of Finance, in setting the financial framework for the independent Trinidad and Tobago.

Mr. Speaker, it was not long after that Mr. Robinson, again, had to face the challenges of his career; and if his quality is to be observed and acknowledged, it is that he seemed to have been strongest when he was down. Every time it appeared as though he was down and out, because of his abiding commitment to wanting to be the change in Trinidad and Tobago, he was able to lift himself up. Most importantly, he usually found that he had to stand alone and he was not afraid to stand alone. He stood alone in the acknowledgement that if you stand alone long enough on principle, others will join you and history will absolve you.

So, in 1970, when he walked away from the PNM for differences of one kind or another, he walked alone. Mr. Speaker, in 1976, I seem to recall that when he called the no-vote campaign, his partners in the group opposite to the PNM were not pleased and, in fact, he was blamed for that loss where the PNM won all the seats in the Parliament unopposed because, again 1971, sorry—he walked alone.

In 1990, in the Parliament Chamber, it fell to him in the long road that one travels—that he was travelling—like the long-distance runner, sometimes on the journey, he experienced the loneliness of that long distance runner and there in the coup he stood alone facing the muzzle of a rifle; and again he rose to the occasion, standing alone and giving the command alone, “Attack with full force”.

It was with the same loneliness in 2001, 18:18, that he had to make a decision as to who should run Trinidad and Tobago and he did that against his own values and made the decision for better or for worse. Not only with respect to his holding

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of office and functioning within his own borders, but the humanity within the man was demonstrated by his almost singular concern in this region for those in Rwanda who, 20 years ago, were being slaughtered by the hundreds of thousands, with the rest of the world looking the other way.

You will recall, Mr. Speaker, it was Mr. Robinson who kept saying to us: “Something terrible is happening in Rwanda and the rest of the world must pay attention.” And today, across the world, this week, the world is acknowledging its failure to have done something about that genocide in Rwanda.

But if there is one name that would never be associated with failure and indifference when Kigali was being overrun by murderers, that person was Arthur Napoleon Raymond Robinson, who, in Trinidad and Tobago, stood out as a voice crying in the wilderness for humanity even though it was not his country and some might say it was not his concern.

Mr. Speaker, Mr. Robinson was a man of whom every citizen of Trinidad and Tobago should be proud because he did what had to be done to provide this country, this young country, this growing country, this developing country with a missing ingredient, and that ingredient was leadership. He said something one day which might not have been written, but it was recorded somewhere because I heard it and it had a tremendous impact on me personally, when in his frustration at our unnecessary failure, he made the comment that one of the problems of Trinidad and Tobago, if not the main problem, is that the professional class has consistently been failing this country.

When I heard that coming from Mr. Robinson, it affected me personally because I, as a person who this country gave a profession to, made the decision that I must never be guilty of that. That statement, Mr. Speaker, needs repeating: that the professional class has been consistently failing Trinidad and Tobago. Mr. Robinson observed that and I think we should pay attention to that.

He was a proud man, but he always carried himself in such a way that whether you agreed with him or disagreed with him, you had to respect him and respect is what one earns and as one passes on, it is that respect that will give you a pride of place. I dare say, Mr. Speaker, one would be hard-pressed at this time in Trinidad and Tobago, regardless of where we grew up, regardless of what side of the political fence we stood on, you can hardly find anybody in Trinidad and Tobago who would not acknowledge that they respected and respect the contribution of Arthur Napoleon Raymond Robinson.

**4.30 p.m.**

With respect to leadership, Mr. Speaker, he consistently made the point of demonstrating and teaching how we should behave especially in public life; especially in public life. And if there is any lesson that we could learn from his life is that it is possible to fight in the political arena; to serve in the political arena; to maintain one's self-respect and to earn the respect of those who we serve; tremendous values, Mr. Speaker.

So, as we mourn his passing and acknowledge his life, celebrating a life of which we are all proud, we thank his family for standing by him, not only when he was at the pinnacle but, particularly, when he was down in the deep; particularly when many of us or most of us thought he was out, his family would have stood with him until he rose again.

So, today, as leader of the PNM, as a former parliamentary colleague, as a political opponent, at times, I am particularly pleased, on behalf of those of us here in this House, to be given the opportunity to speak well of a man of whom we are all proud. Mr. Robinson served as a deputy political leader of the PNM—in fact, the first deputy political leader of the PNM—and from that standpoint, on behalf of the People's National Movement which comprises this Opposition, and all my colleagues in this House—as a Tobagonian, as a person who walked in his footsteps with pride, a former Bowles scholar myself—I am particularly pleased to be able to say to Trinidad and Tobago, we are a proud nation, a fortunate nation, to have had a son like Arthur Napoleon Raymond Robinson, not just a nationalist, a regionalist and an internationalist. And as we celebrate his life and acknowledge his contributions, we simply say, thanks, thank you.

May God bless him; may he rest in peace.! [*Desk thumping*]

**The Minister of Foreign Affairs (Hon. Winston Dookeran):** Mr. Speaker, I am, indeed, very privileged to join with the hon. Prime Minister and, indeed, the Leader of the Opposition to say a few words of appreciation for the journey that ANR Robinson had for Trinidad and Tobago in which I had the fortunate experience to share on several points. Much has already been said, and much will continue to be said.

Mr. Robinson has held the highest offices of our country—he has held many offices—but to some extent I believe Mr. Robinson, as a man, is still not known to Trinidad and Tobago. I say that because of my own experience in the journey I had with him in the political life of his. In so doing, he has always been prepared to do a number of things, one of which, in my view, was to always confront the

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politics of the day. He never allowed himself, in my view, to be imprisoned by any political ideology or, indeed, by any political loyalty. For him the higher loyalty was his service on the basis of principles and his desire to make Trinidad and Tobago and the world a better place. Whenever he was faced with dark moments of which there were many, he always rose to the occasion, in my view, by confronting the politics of the day.

The history is well written and I need not repeat them here today, except to say that in my own journey with him, in the formation of the National Alliance for Reconstruction and in the efforts that we had made during that period, he knew that what was right today will be acknowledged tomorrow. That is the lesson I always learnt from him. If you get it right today, you need not look for applause immediately, but tomorrow you will get that applause. To me, that was one of the underlying principles for his behaviour in politics, and for that we are all, indeed, grateful.

Mr. Speaker, I also remember Mr. Robinson as a man who will always defend the democratic way of life in this fledgling nation of ours from the day of independence on to his death. His defence of democracy could not have been better explained and expressed in the events of 1990 of which we know a lot. I sat in this very Parliament, not in this spot, but in this Parliament to see the atrocities that he had to undergo in the darkest hour of our democracy, and he stood, even at the risk of death was always careful to know why he was alive.

He told me once that the greatest skill in serving a nation is to remain relevant to the politics of the country, and to remain relevant to the principles and the philosophy that brought you into this service. This is why I believe he was able in trying circumstances, during that darkest hour to say to us, “let us attack with full force” which was the signal that defence of democracy was, indeed, the higher order of the day. We respect and honour him, then and thereafter.

But, perhaps, the most telling part of Mr. Robinson’s life and journey in politics has been his adherence to the principles and philosophy of what are the right public values. He has always been misunderstood, in my view, because once you make a determination on public values there are some who will disagree and some who will agree. So it is understandable, but he never at any time allowed himself, in my view, to deviate from adherence to the public values that must, in fact, inform our public institutions. That, to me, was his greatest lesson.

I, today, in this Parliament, feel a great sense of privilege that I had the opportunity to associate with him for many years. I join with several others—I join with people like Angus Khan; I join with people like Alloy Lequay; I join



with people like Ameer Edoe who made the transition with him to move from the politics of his start to the politics of Trinidad and Tobago today—the politics of partnership which the Prime Minister said he initiated. As I join with them, I know that he has given us different paths to follow, much remains unfulfilled, but in today's world we recognize ANR Robinson as a man who lived according to his public values. This is how I remember ANR Robinson.

Arthur Napoleon Raymond Robinson wrote two very interesting books among many other publications. The first was called *The Mechanics of Independence* which was published shortly after independence and shortly after he confronted the economic powers of the post-colonial period. *The Mechanics of Independence* has become a book that is today read and studied by students of politics and economics in several universities worldwide.

It was the trials and tribulations of a small nation striving to find a sense of identity and a sense of independence, what were some of the political and policy choices available to it. We would remember that, and students in the future will always remember how we had to confront what was then the politics of the day.

But, more recently, and I had this very distinguished privilege, Mr. Speaker, when he asked me very recently within the last six months or so to come and see him, the purpose of which was to give me a copy of his new book, his biography, called *In the Midst of it* and we sat and talked for a short while. And *In the Midst of it* was perhaps the most apt description of Mr. ANR Robinson's life and times, he was in the midst of it all. From the period of independence, to the emergence of party politics in Trinidad and Tobago, to the defence of our democracy, to the changing of the guards, to the bringing about a new thinking in the politics of this land, he was in the midst of it all. That book which reflects his biography, indeed, is what I believe he so aptly put together with a number of colleagues. If there is anything we may remember of Mr. Robinson it is that at every point he was there.

But what to me was his greatest strength, apart from the personal courage he displayed on several occasions; apart from his commitment to our country and our humanity; I felt the lesson he taught politicians and politics is what I call the power of silence. He made the power of silence the most important power in the politics of Trinidad and Tobago. To me, that was what I remember. He would speak when necessary; he would speak in an authoritative manner; he would take a decision and he always ensured that he did not speak out of turn. He exhibited in his entire political life this power of silence. Perhaps, there is no other person who has spoken louder on the politics of this country than ANR Robinson by his politics of silence.

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Much will be written about him of what we will remember today, and students of politics and economics will remember the inspiration he brought in his journey, in his life, in his time, to bringing our country through many different paths to where it is today.

I say how privileged I am to have this opportunity to share these thoughts in this Parliament of this country for, to me, he was a friend; to me and my family and my wife Shirley, he was a close friend. To all of us in the political world who associated with him, we may have disagreed as we always do, but we will always remember Mr. Robinson as a man whose word meant what he said and whom we respected at all times.

So, I thank you for the opportunity, Mr. Speaker, to share these thoughts and join with the hon. Prime Minister and the Leader of the Opposition as we pay tribute to Arthur Napoleon Raymond Robinson. Thank you. [*Desk thumping*]

**4.45p.m.**

**Mr. Speaker:** I would like to endorse the sentiments expressed by The Hon. Prime Minister, the Leader of the Opposition and The Hon. Minister of Foreign Affairs. These sentiments have expressed how much Mr. Arthur Napoleon Raymond Robinson was well respected and held in high esteem. Distinguished and distinguishable—adjectives which complement the prestige which Mr. Robinson commanded. Many decades have passed since Mr. Robinson's first entry into politics and he leaves a legacy of a colossus. These have been decades encrusted with the glow of his struggles, successes and failures. Notwithstanding, each element is filled with historic significance.

Throughout this period of our history, death has cut down many brave and invaluable men, but none more so than the supremely courageous, the supremely gifted, and supremely patriotic Arthur Napoleon Raymond Robinson. Between him, and especially the people of his dear Tobago, bonds of affection and friendly village co-identification emerged, which surpassed all description. Today, this Parliament meets to pay homage to a man who walked with us and who was, without doubt, amongst the most extraordinary, the most committed, the most respected and the most exemplary of parliamentarians.

Mr. Robinson was a colleague who was liked immediately for his character, his personality, his powers of assimilation, as well as his internationalist spirit, even when one had not yet come to appreciate his depth of character and profound love for our Republic and its people. He was filled with an intense disgust for injustice and, perhaps, this explains his feverish activity to dedicate his efforts to

the formation of the International Criminal Court, a deed which quite possibly remains his dominating legacy.

In this quest, it was sufficient for him to know that he was right and that he was inspired by genuinely humanitarian ideals and outcomes. That was more than enough. Tobago and its constitutional relationship with Trinidad was, however, the love of his life. In that battle, Mr. Robinson has been the most outstanding personality, extraordinarily aggressive, extraordinarily courageous of parliamentarians. We must be faithful to history, and if there is one lesson both mothers and fathers, especially in the island of Tobago, might give to the present and future generation is: be like ANR.

This practitioner in the art of politics has died, but what will surely never die is that example of his extraordinary love for our Republic, when he withstood the wicked assault on this Parliament's integrity. We therefore say with utmost confidence on this day, that he did his duty with unsurpassed ardour and glory, and that it will be an injustice for this politician, this parliamentarian, this lawyer, this scholar, this artist, this assimilator, this humanitarian, this man, if there were no life after death.

On behalf of my family and hon. Members of Parliament, I would like to express our deepest condolences to the family and close friends of the late ANR Robinson.

I have directed the Clerk of the House to submit all the tributes presented here today to the family of the late Arthur Napoleon Raymond Robinson. As a mark of deep respect to this son of our soil, let us all stand and observe a minute of silence in his honour and memory.

*The House stood.*

**Mr. Speaker:** Hon. Members, a Condolence Book has been opened in the Sir Ellis Clarke Hallway, just outside the Chamber, and Members are invited to sign at your convenience. The Condolence Book will be available for signing by dignitaries and others who wish to so do in the south lobby of the Parliament Tower, Tower D, from Monday until the day before the ecumenical service is held for the former President Robinson.

#### CONDOLENCES

#### **(Professor Norman Girvan)**

**Mr. Speaker:** Before we take the adjournment for tea, Hon. Members, I want to just share this with you. It is with a sense of profound sadness that we have received the news of the death of Professor Norman Girvan, a renowned economist and political thinker. A committed Caribbean integrationist, Professor

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Girvan died on Wednesday in Cuba at the age of 72. I wish to extend sincere condolences on your behalf to his wife and two children, and to the Parliament and people of Jamaica on the loss of this outstanding Caribbean intellectual and a carrier of the most progressive ideas of humanity.

On behalf of all hon. Members of this House, I extend condolences to his family and loved ones, and direct the Clerk of the House to issue a letter of condolence on behalf of all of us.

Hon. Members, it is a good time for us to have tea. This sitting is now suspended until 5.30 p.m.

**4.55 p.m.:** *Sitting suspended.*

**5.30 p.m.:** *Sitting resumed.*

**MISCELLANEOUS PROVISIONS  
(ADMINISTRATION OF JUSTICE) BILL, 2014**

**Mr. Speaker:** The hon. Member for Diego Martin North/East. [*Desk thumping*]

**Mr. C. Imbert:** Thank you, Mr. Speaker. Mr. Speaker, before the break I was talking about a judgment of the Supreme Court of the United Kingdom which declared that the decision of the Government to maintain DNA and fingerprint samples indefinitely was unlawful.

I will now read from an article, again, in the *BBC* which summarises the situation and this article is dated May 18, 2011, the same date of the decision of the Supreme Court, and it is headlined, “DNA and fingerprint guidelines ‘unlawful’”, and it goes as follows:

“Rules allowing police forces to keep the fingerprints and DNA samples of innocent people are unlawful, says the UK Supreme Court.

The decision comes nearly three years after the European Court of Human Rights came to a similar conclusion.”

And I had made the point, Mr. Speaker, there was a decision in 2008 that keeping fingerprints and DNA samples of innocent people was unlawful, and that was in 2008, that was the European Court of Human Rights and then the UK Supreme Court followed three years later with the same decision.

“The”—European Court of Human Rights had—“ruled that the guidelines”—used by the police—

And this is the whole point.

“did not differentiate between criminals and people who had never been convicted.”

“The”—former—“1984 Police and Criminal Evidence Act”—had—“required the destruction of samples and fingerprints ‘taken from a person in connection with the investigation of an offence if he was cleared’.”

So in the past, Mr. Speaker, in the previous law in England in 1984, the police were required to destroy DNA samples and fingerprints once the person was acquitted or exonerated.

“When the law changed in 2001 it gave”—the—“police the discretion to keep samples ‘after they have fulfilled the purposes for which they’”—had been—“‘taken’.”

So what this means is that after a person had been brought before the court, prosecuted and was acquitted, the new law in 2001 gave the police the discretion to keep DNA samples and fingerprint samples after the person had been exonerated. Now that is exactly what the present Government of Trinidad and Tobago is trying to do.

With this 20-year rule, they want to keep DNA information and fingerprint information of persons who would have been found not guilty, who would have been acquitted, who would have been exonerated, in other words, innocent people. That is exactly what was being done in England.

“The Association of Chief Police Officers”—had—“issued guidelines saying”—that DNA and fingerprint—“data”—would only—“be destroyed...in ‘exceptional’”—circumstances.

“But the panel of seven Supreme Court justices concluded, by a five to two majority, that the”—guidelines issued by the Association of Chief Police Officers—“were unlawful because they were incompatible with”—the—“privacy aspects of the European Human Rights Convention.”

It is exactly what we have in our Constitution, Mr. Speaker, with respect to the right to privacy.

### **5.35 p.m.**

“The Supreme Court made its ruling in allowing appeals by two men who said police in London had unfairly retained their fingerprints and DNA samples.”

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The European court:

“...made its 2008 ruling when two men from Sheffield contested the South Yorkshire police’s right to hold their DNA details after the House of Lords, then the highest court in England, rejected their appeals there.

The House of Lords concluded then that the retention of DNA samples did not breach European human rights privacy law.

The Supreme Court overruled the House of Lord’s decision. So the Supreme Court’s decision in 2011 is now the law in England.

They said that the decision did not affect Scotland, because in Scotland:

“...samples can be kept only for a limited period and only for certain crimes.”

The court indicated that it had been advised that the UK Government planned to amend the law:

“...to bring England and Wales into line with Scotland.”

In Scotland, you can only keep DNA samples and fingerprints for three years, not 20 years as the Government would like us to agree with.

“In the judgement, Lady Hale, one of the Supreme Court justices, said the decision”—by the English Government to amend its law to adopt Scotland system where you keep the samples for just three years—was “...welcomed.”

“She said: ‘It reflects a strong popular sentiment that the police should not be keeping such sensitive material relating to ‘innocent people’, even if they are allowed to use it for purposes related to the prevention or detention of crime, investigation of an offence, the conduct of a prosecution.’

She added: ‘If popular press is any guide to public opinion, the...decision of the European Court of Human Rights...’—in 2008—“captures the public mood in Britain much more successfully than many of its other decisions.”

So the point that the judges made in that 2011 decision in England, the Supreme Court, was that it was just wrong, it was unlawful, it was illegal. It was a breach of human rights for the police to want to keep fingerprints and DNA for extended periods of time.

What is this Government doing? After all these decisions in Europe, this decision in England, and we are still bound by the Privy Council—still bound by the Privy Council—so that the whole question of proportionality is going to be

tested. You can only amend the Constitution or abridge the Constitution if it is justifiable. Whenever you are passing legislation with a special majority, you must show it is justifiable in the public interest.

What has the Attorney General told us today? He has told us nothing. It is a good idea to keep a man's DNA sample for 20 years, because 19 years from now you might have a cold case, where you might find that this DNA sample is included in the evidence. That is precisely what the judges in England rejected, that kind of loose and woolly thinking, that, "It is okay, pander to the police." Mr. Speaker, this Government more and more is pandering to the wishes of the police. Now, the police must do their work, you know, but why must we break every section of the Constitution?

I heard the Attorney General talking about the one strike law is working so well, and hear the rationale: he said he checked with the police and since the Government passed the one strike law, if you see the amount of repeat offenders who have endless previous convictions, who are getting caught by the one strike law. That is a contradiction in terms. A person who gets caught by the one strike law is not a repeat offender; he has one conviction and he has been charged for a subsequent offence. He has not been convicted, so he is not a repeat offender. He has offended once. But the Attorney General tells us that the one strike rule is working so well, because of the amount of repeat offenders who have endless previous convictions who are getting caught in the one strike law. You see they just say things, you know. They just talk.

It is impossible for somebody with a string of previous convictions to get caught by a one strike policy, and it is the same thing with this. There is no civilized country in the world that allows DNA and other bio data of innocent people to be kept in a police database indefinitely, because as far as I am concerned, 20 years is equivalent to holding that data indefinitely. Since the British courts and the European courts have already held that it is unlawful and a breach of human rights to hold DNA samples for such long periods of time, I have absolutely no doubt that when this law is challenged, that the British courts will have no hesitation in striking down this law as being disproportionate and offensive to section 13 of the Constitution, without any compunction whatsoever.

They have done it already. They have overturned their own House of Lords decision. The House of Lords in 2009 made a decision that it was okay to keep DNA and fingerprint information for extended periods, and in 2011 the Supreme Court struck down the House of Lords decision in England. So that is the law as it now stands in the highest court in the United Kingdom.

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With respect to the other matters, the Attorney General really was very unhelpful today. There are many sections of this law that he did not talk about. The Young Offenders Detention Act, section 7 is being repealed. He did not even tell us why. *[Interruption]* It does not matter, he spoke for 75 minutes, and in that 75 minutes he did not explain the rationale behind keeping the DNA and fingerprint data of innocent people for 20 years. He did not even explain for two years.

**Hon. Member:** I will reply.

**Mr. C. Imbert:** You cannot reply. Mr. Speaker, listen to them—listen to them. There is no country in the world, no democratic country that does this. Maybe in the former Soviet Union; maybe—what is that place that used to be called Burma? What is it called now?—Myanmar; maybe in Myanmar they will keep your DNA and fingerprints forever.

**Dr. Rambachan:** Bahrain.

**Mr. C. Imbert:** Maybe in countries that are kingdoms, where the king—maybe in countries where there is no democracy, you have no Parliament, you have no representation, you have no elections—maybe in North Korea. Maybe it is the intention of the Government that we are going to enact laws similar to North Korea. *[Crosstalk]*

**Hon. Member:** Oh come on!

**Mr. C. Imbert:** Mr. Speaker, in the United States you cannot do it. In Europe you cannot do it. In England you cannot do it. So maybe it is North Korea or some little principality or some kingdom—*[Interruption]*

**Dr. Rambachan:** Diego Martin North/East.

**Mr. C. Imbert:**—maybe where there are no elections, where people are not represented by elected representatives; maybe where there is no bill of rights; maybe where there is no Constitution; maybe where there is no concept of human rights and freedoms; maybe where the right of privacy does not exist.

You see, Mr. Speaker, in their pandering, what this Government is doing is piece by piece—and I do not call it little by little, it is in large chunks—they are just biting away at constitutional rights and freedom that exist in our Constitution. And you know the irony of this whole thing? The Attorney General made a little name for himself when he was in Opposition—when his party was in Opposition—for going to the Privy Council dealing with the human rights of



citizens of Trinidad and Tobago. He has won quite a few cases before the Privy Council dealing with human rights, the infringement of the rights to property, the rights to privacy, the right to due process. It seems to me that he has completely forgotten all of this.

Let me go through again. The Act, Mr. Speaker, amends the Dangerous Drugs Act. It increases the penalty for an infringement of section 5, from \$25,000 and imprisonment for five years, to \$50,000 and three times the street value of the drug, whichever is greater, and imprisonment for a term of 10 years. He did not tell us anything.

This legislation amends the infamous Indictable Offences (Preliminary Enquiry) Act, section 34. He did not say a word about that. And, you know, we went through a lot of stress in this Parliament with respect to the Indictable Offences Act—a lot of stress—a lot of toing and froing, the marches. They fired a Minister over that, and now two years later they cannot implement the Indictable Offences (Preliminary Enquiry) Act.

**Dr. Rowley:** Has not mentioned a word!

**Mr. C. Imbert:** Mr. Speaker, there is a whole section in this Bill dealing with amendment to the preliminary enquiries legislation; not a word from the Attorney General. Is that a way to present complex legislation?

“You have court case striking down the retention of DNA data, yuh doh say anything about it.” You know about it, Mr. Speaker, because I know the Attorney General is aware of that ruling of the European court and that ruling of the Supreme Court of England. I know he knows—I know he knows. I know he is aware of the revised Treaty of Chaguaramas which made a nonsense of this provision to fingerprint Caricom citizens. I know he is aware of our attempt as a country to get visa-free access to European countries.

Look the Minister of Foreign Affairs gets up—well, he demonstrates he is blissfully unaware of the fact that we have to sign an agreement with Europe, and there is no way Europe will agree. I know the former Minister of Tourism will know what I am talking about. No European country will agree that its citizens must be fingerprinted when they come to Trinidad and Tobago, when our citizens do not have to be fingerprinted when they go to countries such as Germany, Italy, Rome, France, and so on, Mr. Speaker.

So why is the Attorney General doing all of this? Just because somebody asked you to do it? Some bright spark had an idea that every single visitor,

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whether you are from South Africa, whether you are from Ghana, whether you are from Japan, whether you are from China, whether you are from India, whether you are from France, whether you are from Poland, as you land, before you could come to sweet T&T, “Go in a room, fingerprint. Stand up in a line there and fingerprint.” [*Interruption*]

**Mr. Deyalsingh:** Every test team coming to play cricket.

**Mr. C. Imbert:** Yes, every cricketer coming here; the Pakistan cricket team, the Australian cricket team, fingerprint them. [*Crosstalk*] What bright spark got it into their head that little Trinidad and Tobago must fingerprint every tourist, every businessman and every visitor coming into Trinidad and Tobago? Who is the genius on that side that put this in this legislation, and why? Who is the genius who had decided it is appropriate to keep DNA data and fingerprint data for 20 years, even though the person has been acquitted, exonerated, found not guilty, was not there, charges dismissed, it is proven that it is not true—you are keeping that person’s DNA and fingerprint data for 20 years?

The case in England dealt with an 11-year-old boy. So they will keep that boy’s data until that boy is 31 years old, in the hope “you go find a cold case”? You see the nonsense, Mr. Speaker? You hold a child 12 years old; you take their DNA, you take their fingerprint because they are a suspect, according to this law—once you have reasonable grounds to suspect they have committed an offence, it is a 12-year old, he commits an offence according to the police—this time is mistaken identity—and you will keep that child’s DNA and fingerprints for 20 years, Mr. Speaker, because you are looking for a cold case? What cold case will a juvenile have committed 20 years ago? Nonsense, absolute nonsense. You see, it is just pandering.

I listened to the rationale for making it a must that all people who are deported be fingerprinted. I listened to it, and he said, “We doh have de time; we doh have de patience; we doh have the wherewithal to go and check and see if this person was deported because they were convicted of a crime or they served time in a prison or whether they were deported because when they arrived in the next country, their passport had expired or something was wrong with their visa or something like that, so they put them back on the next plane.”

The Attorney General is telling us, in Trinidad and Tobago in the 21<sup>st</sup> Century, the immigration “doh have de time” to determine if a person is deported, whether they were deported because they are criminal or whether it is just an innocent error or they were turned back from another country, because they did

not meet the requirements in terms of their travel documents or something like that. And that is the reason you will now fingerprint everybody that is deported? At least he gave a reason for that.

**5.50 p.m.**

I am yet to hear the reason for fingerprinting all the tourists that we are supposed to be bringing into Trinidad and Tobago, all the foreign investors, all the Chinese workers who are building the Couva hospital; fingerprint all of them, because this is what—*[Interruption]*

**Dr. Khan:** They fingerprint in China too.

**Mr. C. Imbert:** Yes, no problem. *[Interruption]* Yes, all the managers, all the engineers, all the business—fingerprint the Premier of China next. You know who it is that came here the other day, the vice-premier or something? Fingerprint him too! *[Interruption]*

I understand the Vice-President of the United States passed through here—fingerprint him, man! The Saudi Arabian Minister was here—fingerprint him! You want to bring another dignitary? Fingerprint all of them, man. When Mandela came here you must have fingerprint him. That is the—*[Interruption]*

**Dr. Khan:** How come you are so obsessed with fingers?

**Mr. C. Imbert:** *[Laughter]* What I would like to know, Mr. Speaker, that is the work of a sensible Government? The United States reacted in a paranoid manner to 9/11 and you have to take off your shoes, and you have to take off your belt, and they will fingerprint you and they are scanning your retina and so on, because they are looking for terrorists that will fly into some building.

Are we looking for terrorists that are going to take off from Piarco and fly a Caribbean Airlines plane into the twin towers? Is that what is going on in Trinidad and Tobago? That every single visitor now, whether you are here on a tourist visa, whether you come here for pleasure, whether you come here to visit relatives, whether you come here for business, whether you come here to invest; fingerprint them.

**Dr. Browne:** When you coming for carnival.

**Mr. C. Imbert:** Yes, all the visitors for carnival, everybody who is coming for carnival, fingerprint all of them, man. Put up a big sign in Piarco, “all who pass here prepare to be fingerprinted”. *[Interruption]*

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Put it on all the cable channels; put it in all the international magazines, that all who are coming to Trinidad just be aware when you arrive in Piarco you will be fingerprinted, and if you do not accept being fingerprinted—[*Interruption*] You know, Mr. Speaker, I am hearing one of the not-so-informed Ministers saying, “and they does do that in the States”. [*Laughter*] The United States does not want people to come—you ever went by the American Embassy and see the line outside there. Mr. Speaker, they have no understanding. We are a developing country, we are trying to encourage people to come here, we are inviting people to come to Trinidad and Tobago and spend their money, invest in our country, live in our hotels, buy our local goods and services. We are talking about Trinidad and Tobago becoming competitive, we are talking about barriers, removing barriers to investment, we are talking about hassle-free travel.

**Hon. Ramlogan SC:** We do not want anybody coming to commit crime that is why we are fingerprinting them.

**Mr. C. Imbert:** You see, that is the whole point and this is why I say it is woolly and loose thinking. I now understand what the AG is saying. So, every single visitor to Trinidad and Tobago, a little children steel band visiting from Notting Hill in England, 12 year olds, we do not want them coming here because they are potential criminals. That is what he just said, Mr. Speaker.

The whole point behind fingerprinting every visitor to Trinidad and Tobago is that every visitor is a potential criminal. That is what he just said. Well, I now understand. I now understand the logic. [*Interruption*]

**Hon. Member:** “Yuh now get ah point to talk about.

**Mr. C. Imbert:** He said so. Mr. Speaker, the Minister did not explain in his introduction why he wants to fingerprint all visitors, he has now said is because they are all potential criminals. Well, all right.

**Hon. Ramlogan SC:** I never said that.

**Mr. C. Imbert:** I just heard you say that. So, Mr. Speaker, I am asking the Government, if they want you could bully your way through; you have your 26 votes at some point in time, not today, but you will have them at some point in time. I would be very surprised if you could get four Independent Senators to agree with you, but you might. Who knows? Stranger things have happened, but go ahead and bully your way through. [*Interruption*]

Mr. Speaker, I am asking the Government: do not go to the vote on this Bill. We are prepared to meet with them; we are offering to meet with them and we

would look at these two things, the fingerprinting and the retention of DNA data for 20 years, because we do not believe that this makes any sense. If the Government is intent on going ahead with it, well, go ahead, you have done this kind of thing before. The Government has demonstrated that it is quite prepared to use its majority to do whatever it wants. But the fact of the matter is, this is bad law, and we on this side cannot support it. We ask the Attorney General to explain his thinking, tell us why you want to fingerprint every visitor, tell us why you want to keep the DNA of innocent people for 20 years, because we can see no rationale for it. The learning does not support it.

**Hon. Ramlogan SC:** How long you want us to keep it for?

**Mr. C. Imbert:** Three years, that is what they do in Scotland.

**Hon. Ramlogan SC:** No way!

**Mr. C. Imbert:** Well, okay. We are saying use the Scottish model, keep it for three years. If you want to compromise this is what discussion is all about, and this is the point I am making, Mr. Speaker.

The Government should not come here and just rush through a Bill that has 400 subclauses in it, miss out half of them—200 subclauses, the Attorney General never spoke about, never explained the rationale behind it. This is not the way to do legislation in this Parliament! [*Desk thumping*] It is irresponsible, and if that is what you want to do, go right ahead, but we will have none of it, Mr. Speaker.

I thank you.

**The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau):** [*Desk thumping*] Thank you, Mr. Speaker. I am very grateful that I can rise to make this contribution, but outside of the Parliament on the corridors, I have always complimented the last speaker for his really dramatic contributions. [*Interruption*] Well, melodramatic. I compliment him and I feel that if anyone in the parliamentary Chamber should receive an Oscar award for contributions, I think he should. [*Laughter and desk thumping*]

But more so, Mr. Speaker, the last speaker has demonstrated a true “Trinibagonian”. God is a “Trinibagonian”, that could never happen to us. Why should we have that? And then they say after the fact, “if ah did know boy, we shoulda, we coulda; which is typical of that party that he is attached to. [*Desk thumping*] “We shoulda, we coulda, we musta.”

**Miss Cox:** Get to the Bill.

**Hon. C. De Coteau:** Mr. Speaker, about two or three years ago—please do not hustle me, my friend—we were on a parliamentary delegation going to India, all countries have their laws and their regulations for entry and for exit, and we were there with the Leader of the Opposition—I do not want to bring you into the fray, Mr. Speaker, but you know only too well that we were searched and despite protest we had to go through the whole process. Every country they have their rules and their regulations. [*Desk thumping*] You have to understand as well that you are coming in with forged passports, how could you verify it without a fingerprint? You will telepathize and say, “I feel he, I coulda, or shoulda”. The point is, there are certain processes that you have to go through and one is the fingerprinting.

I have been reliably assured by the Minister of National Security that IMPAS, the Caribbean Region Security measure, they are very, very happy with this particular legislation that we are trying to input. Because it means to say, we would be able to trace the criminals. Why must we only have a database for the criminals? Why must we only have a database, Member for Diego Martin Central, for the criminals? So, the other people can do what they want? We are saying, as you say, in order to prepare for peace you have to prepare for war. [*Desk thumping*] In order to get the criminals we need to put certain measures in place.

**Dr. Browne:** Why you do not fingerprint the whole population?

**Hon. C. De Coteau:** Is there anything wrong with that?

**Dr. Browne:** Why you do not extend the logic?

**Hon. C. De Coteau:** Well, you extend the logic. Why not, is there something wrong with that? [*Interruption*] However, Mr. Speaker, I would like in my contribution, to concentrate on the piece of legislation that seeks to, namely: the Young Offenders Detention Act, Chap. 13:05, among others. I would like to focus on the Young Offenders Detention Act, Chap. 13:05, as the AG in his presentation said, “our young people, they were in a state of in-betweenity.”

Mr. Speaker, the Young Offenders Detention Act, Chap. 13:05 permits, as it is at present, the Minister responsible for custody of the young offenders to transfer a youth carrying out a sentence in a prison to an industrial institution, as we say, the YTC, if he deems it necessary. Under the Act, young offenders are defined as one person not less than 16 years and not more than 18 years. This would clearly preclude minor child offenders from being detained at the Youth Training Centre once they are less than 16 years of age. Such children are committed to, as we say, the orphanage, what we call now, community residences.

Mr. Speaker, clause 8 as contained in Part VI of the Bill, purports to amend the Young Offenders Detention Act where it says “by repealing section 7(3)”, thereby removing the requirement that the Minister must first give his approval before a sentence which has already been handed down by the High Court or Court of Summary Jurisdiction can be carried into effect. Mr. Speaker, the amendment is to remove that additional and unnecessary layer, because it requires a non-judicial officer who is part of the Executive to approve carrying into effect a sentence of the court which has already been handed down by the Judiciary.

So, removing this requirement ensures that the State will not face any sort of constitutional challenges, because a young person to be detained can presently argue that in the absence of this approval being given under section 7(3), due process of the law has not been followed and therefore he is improperly being detained.

You know, Mr. Speaker, the Attorney General said that once the Minister had that control the whole bureaucratic process took about two to three years to deal with the young offender and which was very, very unfair to the young man. As he said, the young offender was left not only in a state of “in-betweenity”, but in a twilight zone, so that this was formerly a requirement of the Minister of National Security when prisons fell under his portfolio. Other areas that now fall under the Ministry of Justice are: the parole and prisoner management, prison service reform and rehabilitation and the youth re-offender programme.

Mr. Speaker, the amendment therefore leaves the court on its own volition. Members of this House would appreciate that as the Minister of Gender, Youth and Child Development, my special interest and commitment is to our young people since I am responsible for the development of the youth policy and programmes. So, I take this opportunity, hon. Members, particularly my colleagues on the opposite side, to accept this amendment because it represents a positive step in the lives and protection of our young offenders who will need to be reintegrated into our nation as constructive members of society. We need to give them a chance. We need to give them a chance and not write them off. So, I stand in support of this particular aspect of the Bill, to amend the Young Offenders Detention Act, Chap 13:05 piloted by my colleague, the hon. Anand Ramlogan SC, Attorney General.

The purpose of the overall Bill is to increase the resources available to the courts to discharge its function within the scope of its statutory responsibility under the Bill. Therefore we must give power to this Bill to further empower the court to use available approved community resources which can assist effectively

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while discharging its responsibility. In so doing, we will achieve one of the most important goals of youth rehabilitation, so that transition from institution, back to their community would be more effectively accomplished.

May I take the opportunity to congratulate all heads of institutions on their rehabilitation programmes—[*Interruption*—as my friend on the other side would say and I would say today, Member for Diego Martin Central, you are a sniper par excellence in your very, very quiet way; you are a sniper par excellence—so we could develop these plans within the last four years by the dedicated and well-trained staff at these institutions. Mr. Speaker, the staff at these institutions worked extremely hard.

Your Government would also like to go on record as acknowledging all those non-governmental organizations and individuals who have contributed to the improvement of the educational and social development of our young offenders in particular. This honourable House needs as well to recognize the fact that within the past four years several new opportunities and programmes have been made available to young persons in our country through the persistent efforts of the Government, non-governmental organizations and the private sector—[*Interruption*—you are waiting for me? [*Laughter*] Please, do not wait in vain.

**6.05 p.m.**

Let us recognize the great strides that have been made both in areas of prevention of crime and rehabilitation of young people over the years. In seeking to support the Bill, Mr. Speaker, I wish to make an appeal to the national community to pay greater attention to the needs and aspirations of our young people. I, therefore, support the amendment to Part I of clause 3(3) which speaks to training of law enforcement officers, as this is crucial to the proper treatment of our young offenders.

How they dealt with people about 20 years ago, they cannot use that same method today. They cannot use that. They have to edify themselves and to know and to understand the whole makeup of these young people. Some of them do not know. They do not understand the sort of biological changes these young people are going through.

**Dr. Browne:** Different generation.

**Hon. C. De Coteau:** It is a different generation, thank you. It is a different generation, and what would have worked for my parents, certainly would not work now, today. So let me share a quote that says: Train a child in the way he should go and when he is old he will not depart from it.



The training needs to be shared by all responsible citizens of Trinidad and Tobago. I can say, without fear of contradiction, that from my experience, young people in Trinidad and Tobago are law-abiding and deplore deviant behaviour. Somehow this fact does not receive the attention of the media and this can easily be seen, if one does a content analysis of the media reporting on our youth. The time has come for us to correct this imbalance with the greatest possible haste. I therefore appeal to the media to also highlight the good news of our young people. This will give youth the encouragement to do good and be recognized for their endeavours. I wish to go on record as saying that as Minister charged with the youth development—a former teacher, a father, a grandfather, a colleague—I am concerned about the deviant behaviour of this young offender that has to be sent to YTC.

The legislation therefore refers to young offenders between 16 and 18. Mr. Speaker, the National Youth Policy defines the youth as a person between the ages of 12 and 29, who is becoming independent of parents and learning to master biological, psychological, political, economic and social changes associated with this period of transition. Our understanding of this group acknowledges the presence of differences in demographics, inclusive of race, religion and socioeconomic status, as well as the resulting varying needs and service delivery portfolios.

In the 2011 Population and Housing Census Demographic Report, it was noted that there are some 387,272 persons in that age group in Trinidad and Tobago, approximately 29.2 per cent of the national population. Within that population, close to 1,900 youth—75.7 per cent, male and 24.3 per cent female, were residing within institutions, such as hotels, hospitals, correctional or penal institutions, military institutions, residences and shelters. I did not say orphanages because the new buzzword for it is residences.

Interestingly enough, household heads between the ages of 15 and 29 amounted to 29,531. These are individual males or females who carry the main responsibility in the affairs of the household. In the case of the group of unrelated persons sharing a dwelling on an equal basis, the member of the group who is acknowledged as such, would be taken as the head. Imagine, there are 730 young men and women between the ages of 15 and 19 who are managing their household.

According to the Trinidad and Tobago Prison Service, there is an estimated 1,500 males, age 18 to 29, incarcerated. Additionally, there is an estimated further 250 incarcerated males under 18 in the Youth Training Centre. Further, there is an

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estimated 60 boys in St. Michael's School for Boys and 80 girls in St. Jude's School for Girls. It is estimated that 3 per cent of these institutional populations were placed there as a result of a crime committed.

Let me take this opportunity to extend my condolences to the parents of Brandon Hargreaves, a resident of St. Michael's School for Boys, who died tragically on the night of Tuesday, April 08 at approximately 8.45 p.m. Hargreaves, a 14-year-old boy was rescued by the police in 2012 after he had been beaten and left hungry and placed in a dog kennel. He was removed from the care of the relatives and sent to St. Michael's. I was quite saddened by this incident, as Brandon, given his circumstances, was progressing well at this institution. I visited Brandon's mother, along with His Lordship Bishop Berkley of the Anglican diocese, and was touched by what we saw.

I am more convinced that our Government is working to help persons like Brandon's mother. Regardless of the demographic differences within our youth population, the Government intends for youth to be treated with sensitivity for their circumstances, respected as individuals and be provided with the support they need. Mr. Speaker, sometimes we need to really monitor some of the shows that these young people are looking at or going to. I remember MacGyver was a very popular show and it caused a lot of suicides because fellas were trying to be like MacGyver. And this Monday night wrestling on TV—*[Interruption]*

**Dr. Gopeesingh:** That is right.

**Hon. C. De Coteau:**—and this MMA, this Mixed Martial Arts, these children are going out there without the practice, without the skills and they are doing it. It is not the normal judo and karate or kick-boxing that we used to indulge in as younger people, and they are doing this thing in the schools as well. Not only the males but the females, and we need to really—I do not know how we can curb it.

**Dr. Gopeesingh:** Get television stations to stop running it.

**Hon. C. De Coteau:** My learned colleague, the Minister of Education, is saying get the station—well, I know the Minister of Health himself is a kick-boxing karate aficionado. *[Laughter]* But something has to be done—*[Interruption]*

**Dr. Gopeesingh:** After 10 o'clock, let them show it.

**Hon. C. De Coteau:**—because these children should not be really practising that. I went down to the area of St. Michael's School for Boys and saw the nine bunkers—double-decker beds—and there on that terrazzo, this young man was actually trying a drop-kick.

**Hon. Member:** Crazy.

**Hon. C. De Coteau:** Craziiness, madness, and he missed and he fell on that terrazzo.

**Hon. Member:** That is how he died?

**Hon. C. De Coteau:** Yes. So what we are saying is that we need to really guide our young people. That is why the Government has asked itself the question: what are the educational requirements and qualifications of these boys.

Mr. Speaker, in the normal run of things, between the ages of 16 and 18, you would be doing A levels. So that these boys that we are going to put out there, what are they doing, only A levels? There is the perception in some quarters—I think I must have mentioned it already—that some of these institutions—and I pray not—are a nursery ground for the criminal world. So in the same way the schools are a microcosm of the society, we find in the same area, at some schools, the level you see it as the primary level of crime, then you graduate to the secondary level, that is YTC, and then you graduate to the tertiary level, Golden Grove, and all these things. We are saying, we need to stop these things. We need to show our hearts, where we need to reach out to these young men.

So the Government, along the same footsteps of previous administrations, has started to address these challenges. So that at the Ministry of Gender, Youth and Child Development, we are there to lead, to facilitate, to support and monitor the advancement of gender equality and the holistic development of children and young people by spearheading wide-spaced policies and programmes, service delivery and information dissemination, in collaboration with other stakeholders, including other government ministries because there is no proprietorship on any particular ministry. We have to do it together. Sometimes some people have these divine rights that, “I am the monarch of all I survey and my ministry alone could do it”. It cannot be. It has to be inter-ministerial, and not only inter-ministerial, we have to go out there and those people—[*Interruption*]

**Dr. Browne:** Multisectoral.

**Hon. C. De Coteau:** Multisectoral. We have to get those people—who have the social conscience to come and help as well. So it is more than just beating your chest and saying, “Well, my Ministry is doing this and we are doing that”. We alone cannot do it.

Mr. Speaker, the Ministry also has programmes that target the nation’s youth and provide them with opportunities for empowerment. But I will tell you

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something, Mr. Speaker. The evidence would seem to suggest that collectively, the ministries would have spent near to \$800 million on programmes for the youth. But are we getting our money's worth for the amount of money that we spend on these youths? Mr. Speaker, one such example is the National Youth Awards. The awards celebrate the accomplishments of our youth population. It is a type of extrinsic motivation. They are given something for their achievement. Youths are celebrated in the categories of agriculture, leadership, entrepreneurship, personal triumph and volunteerism in the community.

We have the vacation camps for youth, as they say Camp Vybz—V-Y-B-Z. As they say, the young people “vybz”. You know that only too well, Member for Diego Martin Central. I think it was some of your initiatives as well, for youths, and Camp Footprints for children age three to 11. Last year the Ministry invested approximately \$1.3 million into shaping young minds and developing the holistic youth and child. Over 2,500 children and teenagers were enrolled and attended the camps, but there must be continuity. It must not be a one-stop and we stop after that.

One of the community-based initiatives that the Ministry hosts to promote youth development is the Gatekeeper's Programme, managed by the Toco Foundation. It specifically targets youth at risk in communities and it is designed to build responsible young men and assist them to approach governance from the standpoint of social action to become the leaders who can affect positive change in their communities.

Mr. Speaker, the Ministry continues to address the need for building youth self-sufficiency through its youth development and apprenticeship centres, YDAP. These two centres, Presto Praesto and Chatham, commenced their enrolment process in January 2014 for their new intake and its goal is to modernize the youth development and apprenticeship centres programme. The Ministry has begun refurbishment works on the centres to ensure that the necessary infrastructural upgrades support the needs of the trainees. These centres provide not only skills training but seek also to provide a holistic approach to the personal development and empowerment of the young men.

I must say, as well, which would be of interest to the Members for Port of Spain South, Diego Martin Central, and I know Diego Martin North/East has also asked—the St. James centre. As I have said, they started the courtyard paving last year and I will keep you updated on the progress of it.

We have Malick and we have these other areas. You have to understand that when people are involved in sports, it helps them to sublimate their energy and when they are finished they are tired. And if we do not create those opportunities for those young people, they are going to continue to find themselves in trouble. As they say, the devil finds work for idle hands to do.

**Dr. Browne:** And they do not get tired—

**Hon. C. De Coteau:** And they do not get tired at all. Because with nothing to do, they could be very creative. They sit down on the block; they look at you passing and they say, “Look a possible victim”.

So you just cannot turn a blind eye to them. We cannot politicize this whole thing. We have to work together to help them because if we say that our youths are the bedrock of the nation, then we have to do something collectively to make sure that we help them through.

**6.20 p.m.**

So the Volunteerism Programme launched in 2012 is now at its fourth phase of orientation registration. Thus far, over 100 individuals have registered as volunteers, 25 youth organizations have registered for volunteer projects under the theme “Side by side we stand: Building better communities”, and 10 NGOs have enlisted for providing spaces for the volunteers.

Mr. Speaker, I always have to mention there seems to be a new alphabet—I always say it and I will continue to say it, because repetition leads to retention—pervading our society: a for apple, b for bat, c for yourself. So nobody wants to volunteer. The parent in the home is only concerned about my child passing SEA. You go into the library in UWI—I know since in my time in the 70s it was so, and I am certain it would not have changed—and you get a particular book and you keep it only to yourself, and to extend that selfishness even more, they tear out the pages.

**Dr. Browne:** They hogged the book.

**Hon. C. De Coteau:** They hogged the book. Thank you, Member for Diego Martin Central. They hogged the book.

**Dr. Khan:** Medical school the same thing.

**Hon. C. De Coteau:** Medical school the same thing. So how do we get away from that type of alphabet, a for apple, b for bat, c for yourself? Yes, it is something given, you know. You take out a group picture, Mr. Speaker, and you

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go, who is the first person you are going to look for? Yourself eh. But we are saying that, when it comes to the practical side—[*Interruption*]

**Miss Hospedales:** Because you love yourself.

**Hon. C. De Coteau:** You love yourself, yes—the only time you find communities truly getting together, is if some bandits goes through the area, then everybody get together and they exchange numbers. After that, we go on our particular way.

Another programme, Mr. Speaker, the Adolescent Intervention Programme, targets students who have completed Secondary Entrance Assessment and are making transition into secondary school. It focuses on helping children cope with issues such as bullying, time management, conflict management and life skills. And, Mr. Speaker, we keep using this word “bullying” and “bullying” and “bullying”, and sometimes we have to ask ourselves to what extent we are contributing to the bullying? We as seniors, as adults, as Members of Parliament, do we really show that bullying? Do we sometimes show that disrespect in how we behave and how we steups—[*Interruption*]

**Dr. Browne:** Hostility.

**Hon. C. De Coteau:**—and the hostility we show to each other; and the lack of good manners by saying “good morning, how are you going MP”, and so on and these things? We do not do that, but we are asking the younger ones, who are looking at our behaviour—the hidden curriculum as they call it, they are looking at us and they are using us as examples. So we have to, I mean—I will tell you something, you know. I was on the receiving end of a lot of boos when I was in a parliamentary session not too long ago, and this old lady doddering there with her banner fell down. Her banner fell out of her hand, and I with the goodness of my heart took it up and “gih she” back to hold. Nothing wrong with that! But man, I get “ah lot ah licks”. I did not mind. “Whey you gih she back for?” I said, “Because this is me. What is wrong in handing her the ting”?

**Dr. Browne:** Chivalry is not dead.

**Hon. C. De Coteau:** As you say, chivalry is not dead. I mean it is a bantering, you smile.

**Dr. Browne:** The Bill itself.

**Hon. C. De Coteau:** So what I am saying is, sometimes, we have to really demonstrate that goodness. I mean, I am really always amazed that when we leave

this gladiatorial Chamber and we go up to the tearoom people are so nice to each other, and then the congeniality is so there, but then when we come back into this gladiatorial Chamber is war, dog eat dog, you want to kill each other.

**Hon. Member:** Not literally.

**Hon. C. De Coteau:** Not literally. But this is the example that our supporters are seeing out there, and on the field they literally want to kill each other not understanding that we really share some kind of congeniality at this level. So we have to make that different.

Mr. Speaker, with the Ryan Report, “No time to quit: Engaging Youth at Risk: Executive Report of the Committee on Young Males and Crime in Trinidad and Tobago”, this report contains several recommendations to address the multiple issues confronting youth at risk. The youth in especially difficult circumstances initiative sought to rationalize the Government expenditure on youth and recommends the need for greater coordination of services for greater impact on youth development.

Another initiative is the establishment of a national youth commission which focuses exclusively on addressing youth issues and coordinating effective youth services. Additionally, the commission will also assist in accomplishing some of the recommendations of the Ryan Report.

The revised National Youth Policy 2012—2017 was approved by Cabinet in November 2012 and launched in May 2013. The policy is currently being rolled out throughout Trinidad and Tobago and speaks to all young people, finding a voice, a purpose, a place and a plan in our beloved Trinbago, regardless of the socio-economic status, geographical location and physical ability findings.

The modernization programme places emphasis on the physical infrastructure and fixed capital investment to be pursued to ensure that our children’s residences meet international standards.

Mr. Speaker, the modernization of homes has already started with four homes under the Ministry’s purview: St. Michael’s, St. Mary’s, St. Jude’s and St. Dominic’s—the Saints. However, this programme will be extended in the near future to encompass other community residences. In the period 2011—2013, our Government has funded this initiative to the sum of \$12.2 million. Some of the initiatives undertaken:

- Facility upgrades at the St. Mary’s Children Home;
- Refurbishment of the St. Jude’s Home for Girls;

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- Completion of repairs outstanding, following a fire at the St. Michael's School for Boys;
- Refurbishment of the dormitories at St. Dominic's Children Home.

The Ministry will continue construction and rehabilitation works for fiscal year 2014—2015, and I am extremely delighted to inform you that Cabinet has approved funding for this programme.

Further to this, Cabinet has approved increased subventions for St. Michael's School for Boys; St. Jude's School for Girls; St. Mary's Home for Girls; and St. Dominic's Children Home. Our Government understands that for the homes to be fully operational, financial resources must be made available.

The Ministry will also be looking at strengthening the organizational structure of each institution as a priority and critical success factor to improving the standard of care of our children. Again, I come back to the point that—I think the Member for Diego Martin Central endorsed—we need to have people of quality in the sense who could understand. But, Mr. Speaker, the union is now fighting down this thing because when you want to bring in new people with the qualification and experience, they are saying, “No that should not be. These people have been there since time immemorial and they must remain there”. Yes, you thank them for what they did, but they lack the skills.

**Hon. Member:** They are not upgrading themselves.

**Hon. C. De Coteau:** They are not upgrading themselves. They are not reading, they are not going on the Internet and, some of them, I mean, they are strangers to technology. They are not digital natives, they are immigrants. They are digital immigrants. They are afraid of the technology. [*Laughter*] Mr. Speaker—[*Interruption*]

**Dr. Gopeesingh:** You have to fingerprint them. [*Laughter*]

**Hon. C. De Coteau:** If you fingerprint them they might be out of a job. Mr. Speaker, discussions were held with the St. Michael's School for Boys on the challenges and issues raised by the institution. Based on those discussions, a team was hired to work in St. Michael's to address behaviour management in partnership with staff, residents and parents.

Mr. Speaker, I also want to place on record that based on the finding of the autopsy and on the advice of the Minister of Health, I have asked for a complete investigation into the matter surrounding the death of the young man, Hargreaves,



and to report within two weeks. We need to find out this because a lot of questions are being asked and we need to know the truth. We do not want it to be said that we are sweeping things under the carpet, and I thank you for the endorsement. I see my colleague—[*Interruption*]

**Dr. Browne:** It is very important.

**Hon. C. De Coteau:** The Member for Diego Martin Central—[*Interruption*]

**Dr. Browne:** Baby Simeon at Mount Hope and all of those things. Just find the truth.

**Hon. C. De Coteau:** Yes, find the truth. Find the truth. I totally agree. I totally concur with you. A consultant has been engaged to work with St. Jude's to address some of the issues being faced by the institution, the Ministry of Health with the provision of psychosocial help for residents, staff and parents of the institution. The Ministry in collaboration with the homes has begun the recruitment process for such needed trained staff. Dialogue has already begun with other homes under the Ministry's purview to aid the drafting of the memorandum of understanding between the Ministry and homes. The memorandum of understanding will fortify the Government's relationship with the homes as it relates to their role and responsibility.

Mr. Speaker, we are working diligently to have the Children's Authority of Trinidad and Tobago fully operational by mid-2014 with the proclamation of the Children's Community Residences Act, 2000 and the Children Act, 2012, and the remaining provisions of the Children's Authority Act, 2000. The children's authority has already started its recruitment process. The Ministry of Gender, Youth and Child Development has trained over 450 key stakeholders on the Children Act, 2012, to ensure the effective implementation of the Act and to prepare citizens for the full proclamation of the Act.

Furthermore, the National Family Services Division continues to be a source of free counselling for children and families across the nation. The division has started rolling out the national parenting programme which caters to parents, parents to be, caregivers of children to strengthen their parenting skills. And, Mr. Speaker, that parenting skill is most important. We have baby makers, but we do not have parents.

The Defining Masculine Excellence Programme is open to males age 14 and above and comprises 16 modules which address topics such as self-esteem, father and son bonding, men and their life partners, masculinity in the workplace.

Additionally, the Food Preparation, Fine Dining and Home Management Programme includes motivational seminars, professional and personal development.

As a Government, we have not chosen to take boys between the ages of 16 and 18 and put them in Standard III in primary school as has been done in the past. I do not want to say previous administration. I do not want to go there. What we have done—the types of crimes which we hear taking place in our schools, today, have never been heard about in the past. So what is wrong? The question by Government is: where do we put the young offender; and how fast do we deal with this rehabilitation? I will tell you something, Mr. Speaker, based on the conditions under which you live sometimes you begin to act out the part. So that if you are in a cage you suddenly find yourself behaving like a caged animal, and that is why we have to put them, not in to say luxury hotel-type thing, but into some more conducive thing; something where you will feel that human touch is there.

So then there is a role for agencies that manage the symptoms of youth violence among others. One such agency is the Ministry of Gender, Youth and Child Development. This Ministry, over its existence, has been managing domestic violence reports, child abuse reports, youth at risk and in challenging circumstances. These can all be attributed to symptoms from certain conditions including broken and dysfunctional families, juvenile delinquency, peer rejection, failure or disruptive behaviour at school, gang membership and incarceration.

The Ministry's vision is clear. It a people-centred proactive institution that guarantees standards of excellence are achieved by the stakeholders to promote and protect the rights of all citizens. We have to let them strive for excellence. You know, and I want to compliment the Minister of Education. When we worked together, do you know what he said? We have to stop awarding mediocrity, because this is what is happening in our society, we award mediocrity. A man who is a kick boxer could only kick the bag about 100 times or 10 times and we say, "Oh, God, he is a champion kick boxer". He cannot, he is not, and when he goes to the Olympics he fails. So we have to stop awarding mediocrity. Is that what we are doing in the society, awarding mediocrity?

**Mr. Warner:** Rewarding mediocrity

**Hon. C. De Coteau:** Some students even before—rewarding. Thank you—rewarding mediocrity. Some students even before they graduate—thank you. Thank you, Member for Chaguanas West, caught up in my next thought. Thank

you. We have been rewarding mediocrity. And I remember the Member for Chaguanas West even telling some people, you want to get this medal and this medal, what have you done to get that?

**6.35 p.m.**

And what we are saying? Member for Oropouche East, we have to reward excellence. [*Desk thumping*] We have noticed that the young are not as motivated as were their parents and are more likely to be induced by risky lifestyles.

Parents before, sometimes they were rigid, they practised tough love but then their children say, “Yuh see me, my mother used to prevent me from doing this and I would let my chirn do that”, so they allow them a certain amount of freedom and licence. So, at age 17, they get the car to drive or 18—what is the age?—and they give them the car without any control. When I know in my time, if you want to go to the party, I would take you to the party and whether you are feeling shame or not, I am waiting there for you at a certain time to come with the car and you have to be on time. [*Crosstalk*] The Member for Tabaquite took five years before his father allowed him to drive the car. [*Crosstalk*] Oh yes, you have to practise tough love.

So that, Mr. Speaker, we have noticed that the young are not as motivated and, as I said, they practise risky lifestyles, conspicuous and instant, you know, microwave consumption; substance abuse, ganja, powdered cocaine, alcohol and heavy partying. All of these things were expressed in the Ryan Report. You allow your child to get out the house and sometimes I wonder how you allow them to come out wearing certain things. They are virtually undressed.

**Hon. Member:** Like what! Like what?

**Hon. C. De Coteau:** Well, I do not want to describe it. Youth violence takes many forms including bullying, gang violence, sexual aggression and assaults occurring in the streets, bars and nightclubs. And I will tell something. They are good until about 12:30 to 1:30 and then all hell breaks loose. They reach saturation point with the alcohol and they start to fight and coming through the streets of Princes Town—my community—about two o’clock and right near to the police station is bottle raining. They just lose all kind of inhibition; they forget that the police around.

So, Mr. Speaker, the victims and perpetrators alike are young people and the consequences of youth violence can be devastating. The impact of youth violence reaches all sectors of society, placing huge strains on the public services and

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damaging communities. Therefore, how fast do we need to deal with this situation? The answer is now. I have articulated earlier what the Government is doing now. The intention of the Bill seeks to equip the young offender with the tools necessary for him in order to re-enter society and make a worthwhile contribution. They must get back into the society. We must have the transition homes for them. They must be prepared to take on that responsibility outside.

Mr. Speaker, my question is here: has there been a review of the operation of this Act in the last 31 years to see whether, in fact, the provisions here could be implemented and have, in fact, been implemented? I would like to say that this Government, together with the wisdom of the Attorney General, have taken initiative to review the Bill and it is not only timely but laudable especially the removal of that section. [*Inaudible*] The Bill seeks to equip the young offender with the tools necessary for him to re-enter society and make a worthwhile contribution.

Statistics have also shown that a large number of young offenders who enter institutions subsequently become established criminals. Our Government, therefore, feels that an appropriate system of education would reduce the likelihood of persons moving from young offenders to adult offenders.

Mr. Speaker, I feel assured that the Opposition, my colleagues on the other side, they are sensitive to what needs to be done to improve the lives of the people of Trinidad and Tobago. Sometimes, I know only too well, deep in my heart, that they are going through the semantics and opposing just for the sake of opposing.

**Miss Mc Donald:** That is wrong.

**Hon. C. De Coteau:** That is wrong?

**Miss Mc Donald:** Wrong.

**Hon. C. De Coteau:** So you actually believe—[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. R. Samuel*]

*Question put and agreed to.*

#### ARRANGEMENT OF BUSINESS

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in accordance with Standing Order 37(3), I beg to move

that the debate on the Miscellaneous Provisions (Administration of Justice) Bill, 2014 be adjourned.

*Agreed to.*

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2014**

[Second Day]

*Order read for resuming adjourned debate on question [March 21, 2014]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** The hon. Minister of Works and Infrastructure, Member for Tabaquite, was on his legs on the last occasion. He has 11 minutes of original speaking time remaining.

**Hon. Dr. S. Rambachan:** Thank you, Mr. Speaker. Thank you for having the temperature adjusted. It was very, very cold and I see the Member for St. Joseph had to put on black gloves on his hands and I hoped he was not going to reach across the hall.

Mr. Speaker, I wish to reiterate my support for the introduction of the new methodology for dealing with speeding and the measurement of speeding on the roadways of Trinidad and Tobago, and tracking the speed of vehicles. I think that so far I have made a pretty strong case for its introduction. Like everything else, there are always going to be matters that have to be ironed out, but I do not think that we should allow those small things to prevent us from supporting a very important measure that will take us out of the dark ages of trying to trap people who are speeding on the highways with the use of proper, modern technology. Sometimes I feel, too often, we look at the negatives of a situation rather than looking at the advantages of what we are about to introduce and we become opposition for opposition sake rather than look at the greater good for the country.

But, even as we debate this Bill and even as we speak in the Parliament, you know, from the last occasion where I left off to this point in time, somehow, based upon that debate and my focused attention upon the Bill, you know, I became much more focused also upon driving habits on the road and it is very sad to say that drivers continue to speed and to exercise gross disrespect for other users of the roads.

Last night, for example, I was in my constituency and there is a very beautiful road we have created now from the Claxton Bay Flyover that takes you into

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Forres Park and takes you up into Caratal and Caratal Extension No. 1, and within 12 minutes from the Claxton Bay Flyover, you are way down to Bonne Aventure through Light Bourne, another three minutes, you are up into Whiteland and another three minutes into Guayacara. It is a tremendous roadway that did not exist in that condition in 2010. In fact, you could not drive through there in those days.

As I was driving through that area, I was stopped on three occasions last night because my constituents know me very well, and on each occasion, I was stopped it was just for one reason, “Minister, MP, can you put road humps on these roads for us please? Can you put speed humps on these roads?” That was the cry—speed humps. Well, what it tells you is how well we have done the roads and how well we are achieving good roadways in Trinidad and Tobago and the transformation. But it also shows you the disrespect that people have for life in those areas and the people are really crying out for speed humps. Now, when you put the speed humps, sometimes the very people say, “Boy, I wish I did not ask them to put this speed hump”, but the fact is, they want these speed humps because they are having experiences where the lives of their children or family members, even their own lives, are, in fact, being threatened.

Recently, if I may use my constituency as an example, we finished the paving of Mapepire Road which had not been paved for about 50-something years and had to place speed humps, again, at the request of the citizens. Sankarlal Development which had not been done for—Mr. Speaker, I will tell you—40 years. It is very interesting. If I may just share this story with you.

When we went to Sankarlal Development, I remembered this place very well and I told the residents there, I said, “When we finish dig this oil sand on this road, you are gonna find red gravel under this oil sand”. In 1974, I was a young man of 25 years old and I used to be a contractor with my father and actually, we built that road in 1974 for Mr. Sankarlal and came back 40 years after, there I was, as a Minister of Government, fixing back the very road for the first time in 40 years. In fact, in Mr. Mc Leod’s area, the MP for Pointe-a-Pierre, where he lives in Aripéro, I told him the same thing, and that road I also built way back in the ‘70s and those roads are now being really rebuilt. It is very interesting how long they have been neglected. That is the point I am making. How long these places have been neglected. Nevertheless, so, in all of those areas, the request of the people: put humps on the road.

Mr. Speaker, we are doing a lot to control speed in the country. If you drive past the schools in Trinidad and Tobago, you will see now that the Minister of

Education has requested us to do something around the school areas, and we have put up these signs now, “School Zone” and we are marking the roads and so on. Despite that, principals and parents call us and still tell us about the way the cars just rush passed those areas. You know, the most one can really do is appeal and put strong laws in order to deal with those situations. I spoke earlier about the cable barriers that we placed on the highways: 247 hits at the last count since November; 81 of which were prevented from going straight over on the highway.

**Dr. Gopeesingh:** How many lives saved as a result of that?

**Hon. Dr. S. Rambachan:** Yeah, exactly. We have seen the increase in fines for driving under the influence of alcohol. I wonder sometimes if people are not ashamed, if they do not feel a sense of shame, you know. People, who have good jobs in the country and so on, have their families dragged before the court and shamed by magistrates and fined. If they do not feel a sense of personal shame that they have threatened the lives of people and they have to face these fines in court. Maybe what the courts probably need to do is really send them to jail. This is no laughing matter; this is no joking matter. You know you killed somebody on the road because of your driving habits, you have injured and maimed a family for life, you have prevented a child from having a father or a child from having a mother, or a mother from having children and what have you.

My friend, the Member of Parliament for Fyzabad, had introduced a very beautiful programme of sensitivity education for the public with respect to safe driving habits. I remember recently CNMG television launching a series of programmes dealing with driving habits in order to educate the population about the dangers of speed, and, in fact, showing some raw footage of what had happened to cars and persons because of that.

I have tried over the last two hours to find a word of how I could describe all this errant behaviour and all I could find is the word “harden”—people just “harden”. They are “harden”. That is the only word I could find and we have to do something and, unfortunately, I am an advocate for stronger consequences. I am very much an advocate for stronger consequences.

**6.50 p.m.**

Mr. Speaker, the other thing they have to do in this country—people are driving hard on the roads, but, you know, there are very many defective vehicles on the roads, very many defective vehicles on the roads. There are still vehicles on the roads, which were brought in by car dealers and welded together. So the chassis are not holding properly and that is why when these vehicles hit, they split in two or they fly over the median of the road.

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My friend, the Minister of Transport and Member for Chaguanas East, has been talking about the garages that are supposed to be inspecting vehicles that are five years and over. Mr. Speaker, we have to get firm about that. There are too many vehicles running on the roads, where people are ignoring the laws and have not gone into the garages to have the vehicles inspected. There are laws in this country which should be enforced and, therefore it is very important that the persons who have to enforce those laws, they enforce them.

Mr. Speaker, I also believe that we have to rethink the matter of second-hand tyres being sold in this country. I really believe that. You cannot tell me, for the sake of expediency and higher profits, that you have 12 and 25 passengers in a vehicle and you are putting on second-hand tyres on these cars. We have to get serious, very serious in this country. “And this thing about yuh doh want poor people tuh make a living and so on, well when 25 poor people also die because a maxi turn over or a car turn over or what have you, then what do you say?” So, we have to get serious as a country. It is either we want to be First World or we want to remain Third World because of our attitudes to this kind of thing.

Mr. Speaker, today I want to take the opportunity to call upon public broadcasting houses in Trinidad and Tobago to launch safe driving programmes. I think that the media, and I think that the radio stations and television stations—37 radio stations, we have in this country and if each one can spend five minutes of the day talking about safe driving habits and promoting safe driving habits, especially on their roadshow programmes, we can go a long way to affecting the mindset of people. In this regard, let me particularly appeal to radio stations that have a youth listening audience. And I think it is very important that they appeal to youths, in terms of their driving habits.

When I was the Mayor of Chaguanas, I used to go to schools and speak to students, especially in forms 5 and 6, about driving habits, and so on, and I think that is something that we also have to promote. These are the young ones who are going to come on the road as drivers and if it is something even small we can inject into their minds about their responsibility as a citizen towards other citizens when they get a licence, I think it is something we should do.

The other matter that—[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made:* That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. W. Peters*]

*Question put and agreed to.*



**Hon. Dr. S. Rambachan:** Thank you, Mr. Speaker. I really thought I had 11 minutes in total, but thanks for the extension.

Yes, fifth and sixth formers being told about their driving habits and their responsibility as citizens and that can form part and parcel of life skills training. We are talking to the society today about deviancy and about youth behaviour, and so on, but we really have to talk about life skills training for our people and life skills training, not just in the sense of a skill to work but of skills to live and to be a proper member and citizen in the society.

Mr. Speaker, there are just two more points I would like to share before I close and one has to do with, in terms of controlling speed. What I wish we could do is examine or reexamine what should be the training or the kind, content and quality of training which a new driver should undergo before getting a driver's licence. I think that is something that we should look at. When you really think about it, driving instructors, they come on, they give you a few hours on the road, you go and you pass a regulation examination, you learn a few hand signals, and so on, and then you get a test.

**Mr. Deyalsingh:** What about buying your licence?

**Hon. Dr. S. Rambachan:** You pass the examination. I am wondering aloud, whether there should not also be more classroom time and in that classroom time, you introduce the person to all the other kinds of matters surrounding your presence on the roads. I really believe that we need to do that.

We have spoken about a driver for at least one year, two years, I do not know, should have someone who has at least five years' experience or three years' experience sitting in that vehicle with the new driver. But I am wondering, even before somebody gets a driver's licence, whether we should not have a programme and also, as part of getting a driver's licence, whether the person should not be committed to doing also a defensive driving course. So you come out on the road and you come out with a vision of what you should be doing on the road.

Mr. Speaker, it is very worrisome. We have a lot of immigrants in the country, people who would have come from different societies, and they are living in Trinidad and Tobago, and you go into their business places to do business and they cannot speak English and yet they have driver's licences, and you wonder how did they get their driver's licences, when they had to go and write the regulation examination in English. I am very serious about what I am saying. My

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friend for St. Joseph, he thought aloud just now about bribery, and so on. But Mr. Speaker, these are very serious things, very, very, serious things. How does a person who cannot speak English, get a driver's licence in Trinidad and Tobago and when you go to do business in their place they still cannot speak English. How does that happen? It is very important.

Mr. Speaker, there are all kinds of stories about these things. I once listened to a young man whom I knew could not read and I said: How did you pass your driver's exam? He told me it is very simple, they had taken a pin and made holes in the regulation sheet for him.

**Mr. Deyalsingh:** "Who is they"?

**Hon. Dr. S. Rambachan:** Whoever it is. They made holes in the regulations, so he knew where to tick right. This is way back, I am talking about 10/12 years ago and he knew where to tick the right answers. So if these are the things going on and these are the people we are putting on the roads, Mr. Speaker, something is rotten then about the whole manner in which we are qualifying drivers.

Mr. Speaker, there is one more point I want to make and this is an appeal. When we speak about speed, we are often talking about motor cars. I want to tell you that we have to make a special appeal to the owners of trucks, to fleet owners; a special appeal to fleet owners. These guys, some of them, are really reckless on the road. In my own Ministry of Works and Infrastructure, I have asked the Director of Highways, Mr. Roger Ganesh, to call in all these fleet owners for a meeting, because it is not right what is happening, the manner in which they are just driving recklessly, these big 20-wheelers, as if there are no other persons on the road. In addition to that, they are not covering the gravel that they have. You are getting nicks on your windshield, nicks on your vehicles. Driving even at 60 miles per hour and you suddenly have a stone fly out of a truck unto your windshield and you make a turn—[*Interruption*]

**Dr. Gopeesingh:** The lady in the Croisee, she lost her life.

**Hon. Dr. S. Rambachan:** Exactly! That is another matter, and finally motorcyclists. I do not know what the experiences of my colleagues who come from south in particular, but on weekends there are groups of motorcyclists who are doing all kinds of things with their motorcycles on the road. They are going in groups and they up the front wheel and they are driving on the highways in front of you.

**Mr. De Coteau:** Wheelies and donuts.

**Hon. Dr. S. Rambachan:** They are cutting in and out. It is terrible. It is really terrible. They are coming in cutting in front then stopping, like slowing down. The police have to do something about that because we are threatening the lives of people on the roads.

**7.05 p.m.**

In the night time in Chaguanas on Ramsaran Street, they go there and they have this motorcycle speeding off in the night, midnight on the road there. The police station is right around the corner, and not a police officer would come out to see what is going on there, drag racing also at times in the town.

Mr. Speaker, you know, these are matters of great concern, because this is also—this is why we need more interventions, serious interventions, in terms of the motorcyclists, and the way that they are threatening the lives of others. Not just by how they are driving in terms of their speed, but also in terms of the recklessness with which they are using their motorcycles.

So, Mr. Speaker, with these few words, I thank you for this opportunity. And I do hope that, you know, we can see a change in attitudes on the roads of Trinidad and Tobago. And when we leave here ourselves, we can go home feeling, that look, you know, that we are going to arrive safely at our homes and into the loving arms of our family members.

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

**Miss Marlene Mc Donald** (*Port of Spain South*): [*Desk thumping*] Thank you. Thank you, Mr. Speaker, for this opportunity to join in this debate. It would be a very short intervention for me. Mr. Speaker, I have listened to the Member for Chaguanas East, the Minister of Transport, and I will outline some of the observations that I have made with respect to his presentation. But with respect to the contribution of the Member for Tabaquite, the Minister of Works and Infrastructure, what I can say, I picked up just two points from his ramblings, because I do not think he really addressed the Bill, but there were just two points that I thought were noteworthy.

**Dr. Rambachan:** Thanks for listening.

**Miss M. Mc Donald:** Yes, I listened. When I have to respond, I will listen to you very carefully. And those two points were classroom—[*Interruption*]

**Dr. Rambachan:** Training.

**Miss M. Mc Donald:**—training for drivers and motor vehicle inspection. And I will tell you what, and I will speak about that because that speaks to the overall approach of operationalizing, implementing and operationalizing the Motor Vehicle Authority, and a motor vehicle authority will address these issues.

Mr. Speaker, the purpose of the amendment, as stated by the Minister on March 31, is to make provisions for the authorization, for the use of speed-detection devices by the police officers and special reserve police. That is for the purpose of measuring the speed at which a person is driving a motor vehicle, and to provide—this is what is in your objective, the admissibility of evidence in connection with the use of such devices.

Mr. Speaker, in an article written by Anna Ramdass in the *Trinidad Express* dated November 21, 2013, the Minister said and I quote:

“In a bid to curb reckless driving on the nation’s roads, speed guns are expected to come into effect by February next year...”

He meant February of 2014. He went on to say in the same article that:

“...police will be trained to use the 400 speed detection devices, which will be made available in all divisions.”

So I do not know the exact figures how he got at that, because he had absolutely no regulations. So I do not know how he arrived at that figure, but we will deal with that later in the contribution.

The Minister postulated that:

“...speed is”—indeed—“a major issue as it relates to carnage on the roads and”—he also said that with the—“modernisation of the highways and traffic system, it is difficult to utilise the old method of”—tracking and—“catching speeding drivers.”

Perhaps, Mr. Speaker, I did a little research, the figures of the road deaths over the past five years can justify why I believe that the Government is proposing this amendment. And permit me to share these figures with the honourable House. In 2009, there were 222 road deaths; 2010, 206; 2011, 181; 2012, 193; 2013, 151; and to date it is somewhere in the region of about 50.

Now, Mr. Speaker, the poor driving habits of our motorists have also added to the Treasury of Trinidad and Tobago. The police south-western division, their record showed 6,595 traffic tickets issued to the tune of \$5.1 million in 2012;

traffic tickets. With respect to the use of cell phones, the Police Traffic and Highway Patrol issued \$1.6 million in tickets to motorists caught using their cell phones while driving. In 2012, the Central Highway Patrol Unit issued a total of 5,088 traffic tickets totalling \$4.6 million, that is a total of \$11.2 million in one year because of our poor driving habits on the roads. Mr. Speaker, based on these figures just quoted, it would seem to me that there is a high degree of lawlessness in Trinidad and Tobago with respect to the use of the nation's roads. And in a lot of cases, the errant drivers make their accidents, other people get killed, get maimed, and absolutely nothing happens to some of them.

So I want to agree that we have to protect the law-abiding citizens as far as possible, and to catch those wrongdoers. So in principle we can agree with the introduction of the speed-detection devices on the roads. But again, Mr. Speaker, in the usual UNC style, this is a piecemeal approach to dealing with this problem of carnage on the roads. I am suggesting that what is required here is a holistic approach, and we need to look at the bigger picture; we need to see the wider perspective with respect to this issue. And what do I see as the bigger picture?

I see the establishment of the Motor Vehicle Authority. And I will tell you, since last year I think the Minister was talking about this Motor Vehicle Authority. It has been going on for quite some time. I think land was acquired somewhere in Caroni to—or I think, probably the building has started, and nothing, it just dropped off the radar like that, Mr. Speaker.

I am reading from the Ministry of Transport, this is what they had to say, they said the MVA—that is the Motor Vehicle Authority—will provide “for more efficient”—regulation—“and verification processes, which will improve road safety by providing stronger deterrents for violation of the rules of the road,”—and this is what the Member for Tabaquite alluded to—ensure enhanced driver education, and testing methods for vehicle safety inspection and certification.

The enhanced driver education and testing processes are designed to improve confidence”—and this is coming from the Ministry, you know.

I am reading from a Ministry document—

“...that a driver meets appropriate standards prior to licensing.

The improved vehicle inspection processes will ensure that unsafe vehicles are not authorized to operate on the roads.”

So with—“the implementation of the MVA”—the Ministry—“hopes to engender a culture of safer use of the roads”, and as a consequence realize a reduction in the current levels of road carnage.”

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So I ask the Minister, when are you going to implement and operationalize the Motor Vehicle Authority? I heard sometime last week there was some meeting, and the only reason I heard about it was because the PSA president was not invited to the meeting to give his views, and so, you know, he had some objection to that. We heard there was some meeting with stakeholders with respect to the Motor Vehicle Authority. So I hope that the Member for Chaguanas East, the Minister of Transport, will say something about that when he is winding up.

Mr. Speaker, when I listened to the Minister's presentation on the Bill on March 21, I am sure where I sit on this side, I am sure that he does not quite understand the effect of this piece of legislation, as he presented on that day. There is no doubt in my mind Minister, that a properly crafted piece of legislation will redound to the benefit of road users, in much the same way as the breathalyser, when it was introduced in 2007 under the former administration, led to a decrease in road fatalities—there is no doubt in my mind—but this legislation as presented, is filled with deficiencies, I will tell you why also.

There are as far as I can see—the Bill is silent in some areas, nebulous in some of the clauses and generally deficient overall; proper training of police officers who would be required to use the speed detection devices, absent; the proper calibration of the devices to record the correct speed the motorist is driving, absent; lack of understanding of the rules of evidence, nebulous. Where are the accompanying regulations? Silent! Offending clauses, like in (6I), again, absent or a lack of understanding; the three-fifths majority that would be required because of that offending clause (6I). We need to have that inside of there.

So let me address a couple of these Minister, and I know that you are making an effort to change some of these things. So I guess by the end of our contribution on this side, you will be able to tell us exactly whether our observations would not be left unaddressed, I should say.

Mr. Speaker, I turn my attention to the issue of the training of the police officers. The need for training of police officers, Minister, is of paramount importance. Because if the police officers are not trained, then there is a strong possibility that errors can occur, making the results from the laser gun, whichever device you are using, very inaccurate, and if a person is charged, then that person could successfully sue the State. And I should bring to the attention of the House, the case of *Brian Wiltshire v the Preston Police Department*. I found this in the research and found it quite instructive. Mr. Speaker, please permit me to read the

facts of the case. It is a case out of the United Kingdom, and it is a Court of Appeal decision, certainly not binding on us here in Trinidad and Tobago, but certainly persuasive in nature.

“Mr Wiltshire was yards from his home near Caton, Lancaster, when he was clocked at the roadside travelling 39mph by an officer using a hand-held device. He was adamant that he was only going between 25mph and 29mph in the 30mph zone and contested the reading.”

It was the laser gun in this instance. He was convicted in the magistrates’ court, but he appealed the decision of the magistrate, and on appeal the conviction was overturned by the Preston Crown Court.

“...technical experts explained that laser guns could return faulty readings if the equipment was not properly...’—calibrated.

And this is the central point here. This was in 2007, all right? And I could give you the citation and everything, thereafter. I could even give you some of my speaking notes, because we really want to help you. I can make all my research available to you. The court found that the supposed experienced trained police officer in the case had completely messed up the checking procedures, making the laser gun totally inaccurate, and the court accepted that the evidence of Mr. Wiltshire’s speed could not be considered accurate.

This case speaks to two issues here. It speaks to the issue of the calibration of the machine and also, to the training of police officers. The court specifically warned the Preston Police Department to improve their training procedures for all police assigned to detect speeding motorists as a result of this case. And, therefore, Brian Wiltshire was found not guilty of the speeding offence. I am saying all this, Mr. Speaker, so the Minister through you, Mr. Speaker, could understand the gravity of what he is doing. This case speaks to, and as I said, highlights the two issues, of training and the issue of calibration.

But when I perused the clauses in this amendment Bill, there are no provisions for training of police officers, with respect to the use of speed devices. So, Mr. Speaker, I see this as an oversight on the part of the Minister, and I am very concerned and confused with clause (6H) in the Bill; (6H) says:

“In proceedings for an offence under subsection (5), a certificate purporting to be signed by the Commissioner of Police that a constable named therein is qualified to operate a speed...is admissible...”.

—“qualified”.

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So that means to say that that person has to have some kind of training. In (6F) it says:

“In proceedings for an offence under subsection (5) in which evidence is given of a measurement of speed obtained by the use of a speed measuring device, a certificate purporting to be signed by a constable certifying that –

(a) he is certified by the Commissioner of Police as being qualified...”—

Again, “qualified”. Where is the training?

Mr. Speaker, I am saying how do you get qualified? Let us look at it plain and simple. I am looking at these clauses, how do you get qualified? Is it not by training? Is it not by pursuing some sort of course or some sort of programme in some given field, and at the end of it if you are successful, you become certified. Mr. Speaker, this begs the question, what is the criterion the Commissioner of Police is using to state that a police officer is qualified to operate a speed measuring device? What criteria is this Commissioner—when you say that the Commissioner of Police will certify that the police officer operating this speed detection device is so qualified, what are the criteria? The Bill is silent. What are the criteria being used?

You see, if you had come here with the regulations accompanying this Bill, I would not be asking you these questions, Mr. Minister. I am just being—as you know, because I think that you are very cooperative with us in understanding what the issues are, and so I am just here to try to alleviate your problems in this Bill.

Mr. Speaker, I can see someone charged with an offence of speeding, challenging this charge. More particularly, the admissibility of the purported certificate that the officer is qualified, that person can request that the State produce the evidence of the training. You are going to be asked that question. Where is the evidence of the training? What is the Commissioner of Police talking about? And perhaps the Minister should have looked at other jurisdictions. You see, when we are doing something like this, you have to look at other jurisdiction, look at other models. What are they doing outside there? This is the first time we are introducing it in Trinidad. What are the developed countries doing? How have they been successful with the use of the speed detection devices? Tell us something.

I want to draw your attention to—let us look at the United States. There was a Court of Appeal case in the United States in the *People v Ferency*, found at 133 Michigan Appeals. It is a 1984 case and this is the case which laid down the seven



guidelines as to what should happen, the kind of procedures that a police department should follow. Let me tell you what the ruling was in that case, because it was a very classic case in the United States.

It ruled that:

“...in order to avoid any violation of the due process rights...”

And you know those are rights, due process rights are rights enshrined in sections 4 and 5 of our Constitution. So this case is saying:

“...in order to avoid any violation of the due process rights of a defendant in a speeding case involving ‘moving’ radar...seven guidelines must be met in order to allow into evidence speed readings from a radar”—speed measurement device.

I will just quickly go through the guidelines, because as I said, I will make them available to you:

- “1. The officer operating the device has adequate training and experience in its operation.
2. That the radar device was in proper working condition and properly installed in the...vehicle at the time of the issuance of the citation.”

So you are talking there training and calibration, one after the other.

- “3. That the device was used in an area where road conditions are such that there is a minimum possibility of distortion.”

We are talking about you can get spurious readings from these radar, if it is that the condition in the road is not good. Then there is the fourth one.

- “4. That the input speed of the patrol vehicle was verified. This also means that the speedometer of the patrol vehicle was independently calibrated.”

**7.20 p.m.**

- “(5) The speedometer is retested at the end of the shift...”

Let us say you put a police on from 1.00 to 6.00, he would have calibrated it at the beginning, tested it at the beginning and, at the end of that shift, before somebody goes to use it, it is then retested prior to another shift.

“that the”—device—“be serviced by the manufacturer or”—independent professionals;

That the target vehicle must be properly identified.

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This is what is important. This is what the Member for Diego Martin North/East raised on the last occasion; that a car could be down the road and somebody points a laser gun at the car. All we are saying here is that you are just looking at the reading from that particular laser, but sometimes another police officer could stop the car and then the motorist would be saying, “Well, I was not doing this type of speed.” So you have two persons there. You have the laser gun; the person does not even know whether the laser gun is pointed at his car; whether it is the correct vehicle, so we have to look at all these distortions,

Next one:

The officer must be able to testify that a down-the-road speed reading was obtained at a distance that was within the operational range of the device.

That, too, is important. So, Mr. Speaker, that is what the Michigan State Police Department has instituted and it is because of that case, which is now a hallmark case in the United States.

When I perused the literature further—I am coming now out of the United States—I looked at the United Kingdom, but I found myself in Australia at the Queensland County and they have a whole brochure. I only did piece of it, telling us what to look at, and if you look at it, in section 6(4), training in operation of speed detection, photographic detection devices, these are policies put out by the police department there in Australia, as we call it, the Queensland County Department in Australia. This section outlines the policy for the officer’s training requirements for the operation of speed detection and photographic detection devices.

They are saying that officers are not to operate speed detection devices unless they hold a current service issue authorization and then it goes through all the different procedures. I do not want to make it too burdensome but you understand where I am going. Then they look at the selection criteria: who should attend these speed detection or photographic—and notice they are saying two things because down the road you will hear about the corroborating evidence. We are only using the hand-held laser, while they are using two, that as well as the camera, in developed countries. The policy is that officers attending a speed detection or photographic detection device operator’s authorization training course are to satisfy the basic minimum criteria.

What are they supposed to have? They are supposed to have completed the first year constable programme; they are supposed to demonstrate an effective use of laws, policies and procedures that apply to traffic enforcement; they are

supposed to demonstrate professionalism towards and a commitment to road policing. [*Interruption*]

Then there is a whole host—Mr. Speaker, I am hearing a drone coming from that bench. I cannot hear myself, please.

**Mr. Speaker:** You have my protection.

**Miss M. Mc Donald:** Thank you, Mr. Speaker. And there are different courses in here for hand-held devices; also for the use of the cameras, et cetera, various courses.

This legislation is lacking in exactly—if it is something that you are now introducing, you cannot just introduce it willy-nilly like that, Mr. Minister. It has to be done properly. You have to train the forces properly on this.

Mr. Speaker, I am thinking that this model might be a good model that the Minister could look at and it would be a shame if you introduce this speed detection device without the necessary training. I can guarantee you it would be an unholy mess that we are going to create here in this country.

Let us look at the issue of the calibration here now and we are looking at (6B) of the Bill. Clause (6B) reads:

“Before using a speed measuring device on any day, a constable shall satisfy himself that the device is:

- (a) in a satisfactory condition; and
- (b) properly calibrated so that it indicates speed readings within a limit of error not greater or less than two kilometres per hour of the true speeds.”

Mr. Speaker, if the police officer is untrained, how can he satisfy himself that the speed detection device is in a satisfactory condition in order to satisfy the condition in (6B)(a), which is a satisfactory condition? If the police officer is untrained, how is he going to satisfy the condition in (6B)(b), that the device is properly calibrated? Again, the calibration of a speed detection device is important because faulty readings can lead to a prosecution losing a case in such instances.

On page 15 of your *Hansard*, Minister, you talked about transparency and fairness and when you did that you made reference to (6B), which is the same thing I read here (a) and (b). This is what you had to say and I want you to listen to it carefully to see if it makes any sense now. Sometimes, after the fact, when we read back, we realize what we have said makes no sense.

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You said:

“An analysis of this clause clearly reflects that there is fairness to the driving public such that the police officer cannot possibly engage in the...speed measuring device which is malfunctioning as it is to be observed, that not only is the officer required to satisfy himself, as to the satisfactory working condition of the device, he is further required to enter into the device his name”—his—“regimental number and the speed limit of the area...”

Entering somebody’s regimental number and his name and the speed limit for that particular area cannot ensure proper calibration and proper training, Mr. Minister. I read this about five times and I can tell you the rationale here, it makes no sense. What was even more confusing to me is when I went to clause (6I) on page 4 of the Bill. Clause (6I) says:

“In proceedings for an offence under subsection (5), evidence of a condition of a speed measuring device or the manner in which it was operated shall not be required unless evidence that the instrument was not in a satisfactory condition or was not properly operated has been adduced.”

The Minister went on at page 18, he said:

“The objective of this subclause is to avoid unwarranted allegations by defence attorneys if the device was not functioning properly.”

This subclause, Mr. Minister if you did not know, requires—this is what it is doing—the burden of proof shall be on the party alleging the unsatisfactory condition or improper operation of the device. That is wrong, Mr. Minister. It is not consistent with principles of natural justice. It is not.

What you are doing is shifting the burden of proof from the prosecution and putting it squarely on the shoulders of the accused. When you do that, it brings into focus constitutional issues such as the infringement of sections 4 and 5 of the Constitution and may even touch section 13 of our Constitution to determine whether this is a law that is justifiable in a society that has respect for the rights and freedoms of individuals.

Clearly, the Minister does not understand the operation of this detection device and he certainly does not appreciate that if you have faulty readings due to the lack of proper calibration, it could lead to the prosecution losing many cases; being challenged in a court of law.

Is the Minister aware that the person is some distance away when the police officer points the gun at his car? In such circumstances, the person has no knowledge of the condition of the device or whether the speed detection device was really on. What do you do? Under (6I), you are shifting this burden from the prosecution on to the accused. So I have to agree with my colleague, the Member for Diego Martin North/East, that it is really very nebulous and we need to go in there and change this.

What I am saying here at this point—the Member for Diego Martin North/East showed me an amendment where you are going to take out some part with how it is operated and we are saying on this side that the entire (6I) should be taken out of this legislation because it is an infringement of a person's constitutional rights whether it is half, a quarter or what. The entire thing should be pulled out of this Bill.

I am saying that the Brian Wiltshire case is a case directly on point. The conviction from the Magistrates' Court was overturned after technical experts found that the laser guns could return faulty readings if the equipment was not properly calibrated, and further still, in the United Kingdom, another case, the Collin Matee case, involved another hand-held device, the Unipar SL 700, resulted in a not guilty verdict because of issues of calibration also. The court threw out the case.

There are also strict rules governing the use of these devices and if the stringent operating requirements have not been met, the prosecution will be unable to prove a speeding offence.

In 2008, the Kent Police Department, United Kingdom, withdrew all their speed guns from operation when they found that there were so many faulty readings and convictions were being overturned at the court of appeal level. They withdrew them. And there is nothing in this Bill, as I observe, that speaks to the overall responsibility. Who will be responsible for calibrating the devices, these devices, Sir.

Nowhere in the Bill—again if you had some regulations, we would be able to see—not everything would be contained in the Bill, but the regulations would help operationalize the Bill. If you had proper regulations drafted and brought here, then you would have been able to see who is responsible. Do not tell us, Mr. Minister, that the Commissioner of Police will just duly authorize a police officer without telling us what is the criterion the police commissioner is using to have a police officer qualified to operate one of those speed detection devices. That cannot work.

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Mr. Speaker, a BBC programme, *Inside Out*, reported on the unsafe readings from certain speed cameras and we are going to talk about the speed camera in a short while. On January 19, 2007, the BBC reported that the LTI 2020, that is a hand-held thing—that is the next thing too, you ordered 400 devices, from what I read from Anna Ramdass, what are the specifications? You brought regulations here to tell us what specifications, what brand? Who is using it? Where you ordered it from? Who are the manufacturers?

**Mr. Speaker:** Hon. Member, please do not speak to the Minister.

**Miss M. McDonald:** My apologies. Yes, Sir, I am under your advice.

So the BBC reported that the LTI 2020 can give quite serious misreadings when the laser is just moved. You just have to move your hand just a little and you could get faulty readings from it.

The *Daily Mail*, on Thursday, January 25, 2007, in a story by Ray Massey stated that a motorist had his conviction for speeding quashed after a court found the speed gun used to prosecute him may have been inaccurate.

**7.35 p.m.**

So, all in all, Mr. Speaker, there is a growing body of evidence against the laser device, these hand-held devices which, as a consequence, is putting intense pressure in the United Kingdom on the police and government to withdraw the use of these devices.

“Laser speed meters do make mistakes”

And a *Daily Mail* investigation two years ago—that was in 2012—exposed glitches in the way the camera works. I am going into the issue with the camera because I am going to show you that the camera is used as corroboratory evidence in the developed countries.

“It clocked a parked car at 22 mph”—and clocked a wall, a wall that is standing—“at 44 mph”—those are the glitches, and these are real—“while a bicycle at walking pace registered 66 mph.”

That is in the literature, Mr. Speaker. The Minister could have called on us on this side to help him with his research, you know, we would have done a good job; the Member for Diego Martin North/East and I.

In January 2012 motorist:

“David Lyall had his speeding conviction quashed after a two-year battle to convince the courts he was driving below the 30 mph limit.”

He was accused of doing 59 miles per hour in a 50 miles per hour zone. He was sure that he was not speeding. He went to the court and showed that the camera was wrong, and this is a case where you had not just a speed testing device in your hand, a hand-held device, but you also had a camera, and he was found not guilty. The magistrate found in that case that the hand-held laser gun failed to spot a lamp post which interfered with its beam, and gave the faulty readings. So, Mr. Speaker, to sum up, the drivers said that they were within the speed limit, and yet the device recorded them as going in excess of the speed limit in the particular zone.

Mr. Speaker, what the Minister has not told us is that the literature will show that in developed countries along with the hand-held device, they also use the camera so, therefore, you are able to photograph the particular vehicle that you are targeting. So, you point the laser gun at a particular car and the camera picks up that particular vehicle. So there is no problem with the person saying, "It is not my vehicle that was going at that particular speed." So they are using there the corroboratory evidence and therein lies the difference.

The Minister wants to do this—all you want to use, Mr. Minister, is the self-serving testimony of a police officer; one person. Added to which, you are not required under this law that you are bringing here, to show that the device has been calibrated properly. You are leaving that out, and I am asking you this evening: where is the corroboratory evidence?

Mr. Speaker, what the Minister is tabling here is that there is no requirement for the police to present, as in the developed countries, what you call a calibration certificate. When a person is confronted, the police officer has to show a calibration certificate to show that this device is in proper working condition; it has been calibrated properly and, therefore, the readings are true. That is what is happening here.

So let me explain to the Minister what happens in the developed countries. What would happen is that in developed countries the camera takes a photograph of the vehicle. It also measures the speed of that vehicle, so in that way you have corroborating evidence that the correct vehicle is targeted. You have the laser pointing at the vehicle, and the camera will pick up, this is the vehicle, and that is why you have two devices working in tandem with each other. But this Minister

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has removed this criterion and, that is what has me baffled, Mr. Speaker.

This brings me to my next concern about this Bill. In clause 3(a) of the Bill it says:

“Section 62 of the Act is amended—

(a) by repealing subsection (6) and substituting the following subsections:”

Let me tell you what he is repealing, and then I will tell you, Mr. Speaker, what he is replacing it with, which is wrong. In section 6 the current law says:

“A person charged under this section shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving a motor vehicle at a speed greater than the maximum speed allowed.”

So what this Minister has done is removed the criterion for two witnesses. So what he is doing here, he is replacing it with this new clause which says:

“A constable may use a speed measuring device for the purposes of measuring the speed at which a person is driving a motor vehicle.”

So he and no witness! So you are moving from two to one.

So, Mr. Speaker, I am saying, in Trinidad and Tobago now, all we have is the police officer who says, He has pointed a gun at a speeding vehicle and he presents no evidence except his own. This, I will tell you, Mr. Speaker, cannot withstand—as my friend, my colleague, the Member for Diego Martin North/East said—the test of judicial scrutiny. It will fail on the evidentiary test; it will fail on the natural justice test, and it certainly will fail on the due process under the law, and that is in our Constitution. Why, Mr. Speaker? The answer is clear, because of section 6(I) in the Bill which states that:

“In proceedings for an offence under subsection (5), evidence of the condition of a speed measuring device or the manner in which it was operated shall not be required...”

Mr. Speaker, how could the Minister come to this House and put something like this in the Bill—remove the corroboratory evidence in the current legislation, and bring to us the self-sanctimonious testimony of just one police officer? It cannot be correct. We need to read this Bill over and we need to get it correct. I am here just to show you and simplify it, and as my friend last week said, we are willing to work with you and help you correct this piece of legislation. It brings me to another point.



The Minister has come to this House without the accompanying regulations. How could you do that? How could you procure devices if you have no specifications; you have no regulations? Who are the manufacturers? How many do you think you need when you look at the different stations? How many you are going to give to each station? How have you done that because in that Anna Ramdass story you were clear that 400 devices were bought. So I do not know how you did it; no regulations.

Mr. Speaker, this law needs to be passed with a three-fifths majority. Why? Because of that offending clause 6(1) which is tantamount, as I said, to infringing the constitutional rights of due process under the law—under our Constitution, our sections 4 and 5.

Mr. Speaker, just to wind up, whilst the introduction of the speed detection devices is a good move, there is still need for a lot of work on this Bill. The training programme for the police officers, we need that in; the issue of the calibration of the devices and the overall responsibility for this, we need to see that in there. How are you going to deal with the many glitches? We need some explanation. Lack of understanding: we also note the lack of understanding of law of evidence. You need to remove the offending clause 6(5), and the provision of the regulations.

Mr. Minister, I know that you have been trying, and we will continue to work on this until we get it right but, as it stands, in its present form, we cannot support this piece of legislation until these issues which are raised here, not only by my good self but, by my colleague, the Member for Diego Martin North/East, are all met.

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

**Mrs. Joanne Thomas** (*St. Ann's East*): Thank you, Mr. Speaker. Mr. Speaker, I thank you for the opportunity to contribute to this Bill. I would just be making a small contribution, because I believe after the contribution by the Member for Port of Spain South which highlighted a lot of the discrepancies in the Bill, I hope the Minister takes some of the advice given. Mr. Speaker, but I believe the intent of this Bill, it is critical that implementation of this Bill be done since it would save a lot of lives on the road.

Mr. Speaker, I look at the information given on the comparison of similar legislation in other territories and we see, you know, the United Kingdom, Australia and a few other countries, and it just shows that in this changing world it is only fitting that we come up to par and adopt the necessary approaches.

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Mr. Speaker, many families have gone through some measure of trauma in losing a family member by a road fatality. Mr. Speaker, just to give some statistics, in Trinidad and Tobago you have road traffic deaths: alcohol, 30 per cent; red light run in, 5 per cent; no seat belt, 7 per cent; and speeding, 55 per cent. This covers the period 2007—2012.

Mr. Speaker, well my colleague did give some statistics for 2009, 2010, 2011, 2012 and 2013, but if I just look from 2006, to present, we are looking at this country has lost almost 1,643 lives and of that figure 101 were minors. Mr. Speaker, it just goes to show that we need to address this idea of speeding on our roads.

In the *Trinidad Guardian* of Sunday March 25, 2012, it was stated:

“Trinidad and Tobago has the second highest road fatality figure in the world. This shocking revelation was made by Angela Francke, German transportation psychologist from the University of Dresden. The figures, Francke stated, were approximately 200 deaths a year, which means that within a six-month period 100 Trinbagonians die in road accidents.”

When we look at some other statistics, Mr. Speaker, road safety traffic review statistic shows that drivers and passengers age 20 to 34 years have accounted for more than 42 per cent of road traffic fatalities in Trinidad and Tobago. It was recorded 189 road traffic fatalities for 2012, which is a 4 per cent increase from 2011. When we look at comments made by special reserve officer Brent Batson, speed is the number one cause for multiple fatality incidents. Over 50 per cent of road traffic fatalities occurred on the Uriah Butler and the Sir Solomon Hochoy Highways. Mr. Speaker, the road carnage in our country is really, really horrendous. An *Express* article on November 10—[*Interruption*]

**Mr. Speaker:** Hon. Member, there is a Procedural Motion. The hon. Leader of the House.

#### PROCEDURAL MOTION

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you, very much, Mr. Speaker. Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that the House continue to sit until the completion of the debate on the matter before us, the amendment to the Motor Vehicles Act.

*Question put and agreed to.*

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**MOTOR VEHICLES AND ROAD TRAFFIC  
(AMDT.) BILL, 2014**

**7.50 p.m.**

**Mr. Speaker:** Continue, hon. Member. [*Desk thumping*]

**Mrs. J. Thomas:** Thank you, Mr. Speaker. Mr. Speaker, in this *Express* article which dealt with the “Road Carnage”, it said:

There were “six deaths in less than six hours”—that—“were record in”—November 2013.

Mr. Speaker, one of the accidents that I really would like to highlight is the accident that occurred in west Trinidad with Dr. Lyndon Chang and his cousin when they left home to go and buy hamburgers and, of course, on the way back got into an accident. I personally know this young man, Dr. Chang. I was on an interview panel to hire this young man to work in the Scarborough Hospital—and I mean a really, really intelligent young man. That is why when I heard of his death it really saddened me because I know of the potential of this particular young man.

Mr. Speaker, personally, I too lost my cousin. He was 26 years. His name was Ian Jack. It was a Saturday and he was the best man for another of my cousins, whose wedding was taking place the Saturday evening—and we had a nickname for him which we called “red man”—and someone came to ask him to go and make a trip with them to south just to pick up some items. Of course he was a very helpful guy—he had picked up his suit already so the only thing he had to do was go to the barber—so he said okay, you know, “I will make this trip quick with the guy and come back”, and of course a young guy and, of course, speeding with the van.

So we were all home helping to prepare for the wedding in the evening and next thing they said, “Red man just died”. I said, “How you mean red man just died? Red man just gone up San Fernando to make a trip with somebody. I do not understand.” And, I mean, the wedding had to take place but it turned into a time of mourning, and my cousin who got married, every year now when he has to celebrate his wedding anniversary he also is celebrating the death anniversary of our cousin. It just stresses the importance of us implementing and bringing forward legislation that deals with speeding, because even when you look on the road you see some young boys, even when we are driving, you cannot believe a car just whooshed past you. Where are they going? They cannot go anywhere, you know, and without thinking the persons to be affected because a lot of times innocent people get killed.

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Mr. Speaker, I mean, we all are aware of the two sisters. You know, I mean, two lovely girls with good potential—again, because of speeding on the road. I really support the intent of the Bill and I encourage the Minister, as the Member for Port of Spain South had said, to meet with Members on this side and let us really fine-tune this legislation and get it passed. Mr. Speaker, when you look at some other jurisdictions—I heard the Member talk about the US and some of the penalties, and it differs by state to state. In Minnesota the penalty is a six-month licence revocation for speeding. In New York the law permits a 15-day jail sentence for 11 miles per hour over the speed limit, and in other parts of the US, of course, the fines are determined based on the number of miles over the required limit. In some of those states, there is an allowance of a maximum of five miles per hour over the required limit. So they allow you a maximum of five miles per hour.

Mr. Speaker, one thing just concerns me however though. In the proposed legislation it talks about the speed limit based on the area where the speed check is to be conducted and I know right now we are short of police officers. The regional corporations and the borough corporations are the ones who feel the brunt of not having enough police officers, but do we have enough officers to use these devices? As the Member for Port of Spain South also said, a lot of training has to take place. Is it that we are just going to put these devices on the highways alone? Because when you look at the lady who died in my constituency, it was right there in Santa Cruz just at the corner of Laventille Road and the Santa Cruz Old Road, where the truck had the steel behind and the steel just went straight through and killed her.

The thing people do not realize in that particular situation, both the guy who caused the accident and the person who died, both families were affected. When I went to see the guy who was driving, he was so traumatized because he knew the lady. It was only when he came out and he realized—“Oh my God, I killed”—you know, his friend who lived in the same area with him. There are so many heartaches that come to families when you lose a member of your family by the cause of an accident, and that is why I really support the intent of this Bill. I really appeal to the Minister to let us meet and trash out all the little discrepancies and let us pass this Bill and implement, because by doing so we would save lives.

Mr. Speaker, I thank you for that. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Arouca/Maloney. [*Desk thumping*]

**Ms. Alicia Hospedales (Arouca/Maloney):** Thank you, Mr. Speaker. Mr. Speaker, I am thankful for the opportunity to contribute to this Bill on the Motor Vehicles and Road Traffic (Amdt.). Mr. Speaker, if you look at the statistics that have been provided with reference to the number of persons who have been issued tickets for breaking the speed limit, you have something like over 44,000 tickets that have been issued, and that is a major cause for concern. Over 44,000 persons; some of them would have had doubled or even tripled tickets with respect to the number of offences that they would have committed.

Mr. Speaker, I listened to the Member for Tabaquite and I would like to say I agree with him when he said that there has to be some form of education on the part of the media, on the part of major stakeholders with respect to those who are really concerned about the speed limit, whether it is being broken or it is being followed. I think there is need for a major education campaign, because unless people are informed and there is consistent reinforcement, the behaviour patterns of individuals would not change overnight. So there is need for some kind of campaign.

Mr. Speaker, when we talk about the issues of speeding, I could tell you as a female driver, it is very, very intimidating to drive on the highways, as well as the Priority Bus Route, because maxi drivers and some persons who drive trucks and other types of vehicles really do not have consideration for other persons and they speed beyond the limit that is required for the Priority Bus Route, the highway, and even within communities as well, and it can be intimidating especially for females and even new drivers. So it is a real cause for concern.

Mr. Speaker, with respect to the Bill, I had a few concerns that I would like to highlight. The Bill states to us that:

“...a constable—Before using a speed measuring device on any day”—he—  
“shall satisfy himself that the device is—”

working—“...in a satisfactory condition;”

The question I want to ask: Who is to determine that the speed measuring device is actually working at a satisfactory level? You are saying that the police officer must satisfy himself but when you read about the calibration of the devices, et cetera, there is a way that it has to be done. In some places they said that it must be calibrated before and after use, and if the device is not calibrated properly, even though the individual may be trained—because I know the Member for Chaguanas East made reference to training and all of that—even though the police constable is trained that does not necessarily say that he will conform or follow

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the guidelines with respect to calibration. So the question is: Who is to determine whether or not the device is calibrated in a satisfactory manner? Is the individual satisfying himself? Who is there to determine a device was done correctly, was done according to the manufacturer's guidelines? Because, for instance, in the literature, research will tell you that in order for the speed measuring device to be calibrated it has to have a tuner, and if the tuner is not used properly, right, there is some measure of defects with respect to the way in which the device is functional.

The other thing they said is that some people may choose not to use the tuner and they may use some other measures, and in using other measures to calibrate the device what is going to happen is that the device, again, would not read properly and it would not work properly. So, Mr. Speaker, who is there to determine that the device is calibrated correctly? The other thing, as I said, the officer may decide that he is not using the tuning device and, as a result, the speed measuring device will not work properly.

Mr. Speaker, the other thing is that, you know, the Minister had made reference to the fact that an analysis of the same clause that I read with respect to the police constable must first satisfy himself that the speed measuring device is properly calibrated, et cetera. He said that an analysis of the clause clearly reflects that there is fairness to the driving public and I said, "What fairness? What justice?" This does not indicate to them any kind of comfort. It does not give them any kind of assurance, and he went on to say that the officer cannot simply engage in the use of a speed measuring device which is malfunctioning. How would the officer know that the speed measuring device is functioning properly or is not functioning properly? How would he know?

Mr. Speaker, the Member for Port of Spain South made reference to the point of independent testing to ensure that the device is property calibrated. So, yes, you may purchase the device, calibrate it for use, but then people not being properly informed and not following the proper procedure with respect to calibration, can cause the device not to function in the way that it was manufactured to function. The Minister went on to say that the police officer cannot possibly engage in the use of a speed measuring device which is malfunctioning, as it is to be observed that not only is the officer required to satisfy himself as to the satisfactory working condition of the device, he is further required to "enter into the device, his name".

So entering your name and your regimental number, and the speed limit of the area, et cetera, into the device, does not say that it is working. That does not say

that it is calibrated. That does not say that it is functioning in any way, and I really do not know where the thinking of the Minister would have been at the time of the drafting of the Bill but, Mr. Minister, you really need to go back to the Bill and, you know, as indicated by the Member for St. Ann's East and the Member for Port of Spain South, you all need to come and sit with us and let us really create a Bill that will be satisfactory for implementation in Trinidad and Tobago.

**8.05 p.m.**

Mr. Speaker, on a website called "FineLaw.com, #1 Free Legal Website", it says that speed measuring:

"...devices are sensitive tools of measurement that require regular calibration and adjustment."

So it has to be frequently calibrated and adjusted. Some people, yes, they may be trained, Mr. Minister, but that does not say that they will follow through with the requirement, so the issue of calibration and adjustment regularly may not be done.

It also says that there is the requirement for the use of a tuning fork to make sure that the device is conducting accurate readings. If the tuning fork is not used, what is going to happen is that the reading will not be accurate, and you will have the issues that were highlighted by both the Members of Diego Martin North/East and Port of Spain South, with respect to the readings going beyond the speed limit, when the person would have been driving within the speed limit.

Mr. Speaker, the other thing they indicated is that the manufacturers of the device recommend that calibrations be done before and even after the device has been used. The thing I pointed out was that some officers may erroneously believe that they can calibrate the radar gun without using the tuning fork, so they may use other alternatives. There was this article on the same website that spoke to the fact that people may use other alternative methods to calibrate the speed measuring device. What they are saying is that these methods do not work properly.

Mr. Speaker, I want to ask the Minister: Where is the justice for the driving public? You said that there is fairness to the driving public, but where is the justice for the driving public, particularly for persons who are driving within the speed limit, but then they are charged for driving beyond the speed limit because the speed measuring device was not calibrated properly? As a result they are asked to appear before the court.

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Mr. Speaker, the issue with evidence came up before, but I want to ask—the Minister told us that the same police officer who is asked to satisfy himself that the speed measuring device is calibrated, the same police officer is not required to present a certificate of calibration, and he is not required to determine whether the speed measuring device was working prior to going out to measure the speed of the vehicle.

Mr. Speaker, there is no evidence of calibration provided and no evidence that the device was tested by an independent agency. The Member for Port of Spain South made reference to that, that there is no independent testing agency that tests the devices to make sure that they are properly calibrated and that also fixes the device when the device is not working. These are causes for concern, and no evidence.

The police constable is not required to provide any evidence with respect to the fact that the device was working properly prior to going out and testing the speed of vehicles. So there is no fairness, Mr. Minister. You said that there is fairness to the driving public, but there is no fairness, no justice to the driving public.

Mr. Speaker, again, I just want to go back to the point that the constable satisfied himself that what he did, in his own little way, either using the tuning fork or not using the tuning fork, using some other measure, that the device was working properly and was calibrated properly prior to him going out. If the device is not working, how would the police officer know? How would that police constable know, if the device is not functioning properly.

Does satisfying himself result in any justification or approval of the speed measuring device being properly calibrated? I really do not understand the justification provided by the Minister of Transport, Member of Parliament for Chaguanas East. I really do not understand the thinking behind some of the clauses put forward in the legislation.

I just want to make mention of the fact that again there was no mention of servicing and testing of the speed measuring device, and that is something that needs to be given considerable attention, because if the device is not functioning, the speed measurement would not be accurate. You will have many people coming before the courts, and not only that, many people coming before the courts and contesting the results, because they themselves are reading their own speedometer, and would realize that the speed that they were driving at is not the speed that the police would have submitted on the speed measuring device.



This Bill creates room for a lot of confusion, a lot of gaps and opens up—I will not even say loopholes—but opens up doors for major matters to be won in court, because there is no concrete justification. There is room to contest the speed measuring device reading, because of the fact that there would be some measure of concern regarding the functionality of those devices.

Mr. Speaker, the Minister talked about training; let me just go back to what he said. He was talking about the training of police officers, that it is the same thing that would be applied as it was applied with respect to the breathalyser training. He said the speed measuring device is an electronic instrument that is going to be used, and the police officers who are going to be operating these devices will be suitably trained and certified by the Commissioner of Police to operate these devices; so for sure, that is one thing that would be done.

This does not guarantee anything. It does not guarantee that these individuals will not falter. A lot of times people are trained, but by the time they go back into their own organizational culture, they throw the training out the door and continue to operate like normal. So, yes, they will be trained, but there is no guarantee that they will follow the guidelines necessary for ensuring that the devices are calibrated and are used properly.

I read somewhere where they said that the devices cannot fall. On the same website with FindLaw, it says that a good scratch or dent can render a speed measuring device inaccurate. So even if the devices are not handled properly by the same persons who are trained, the possibility exists that these devices would not offer accurate readings.

Minister, you really have not offered any comfort whatsoever to the driving public, which includes myself and many of us in the House here. You have not offered us any comfort, given us any assurance that these devices will be working accurately, will be properly well calibrated, the manufacturing guidelines will be followed, there will be independent testing of the devices as well as persons responsible for the maintenance and the upkeep of them.

I hope that the Minister would have taken the suggestions made by Members on this side, would give consideration to it and would not just bypass what we would have said and go ahead and pass the legislation, then fall into a whole lot of problems with respect to persons contesting the readings that would have been provided by these devices.

Mr. Speaker, I just want to say thanks.

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. Almost every Member on this side has spoken about the rush and the pace and the haste with which Bills have been brought to the House and especially the Bill to amend the MVRT.

Mr. Speaker, what I realized when I listened, especially to the Member for Port of Spain South, who I want to commend on her contribution and the research she did, what I have found out is that good ideas—and the speed gun is a good idea—because of the haste, because of the need to do everything in the last year, to show your achievements and so on, are falling by the wayside. [*Desk thumping*] As May 2014 approaches and as May 2015 will come, you get the impression that the end is near and the Government now faces the final curtain [*Laughter*] and, therefore, the Government is passing a plethora of Bills rushing to us, and at the end they say, “I did it my way”.

The point is, in the haste, in the lack of research as shown here tonight, especially I want to repeat, by the Member for Port of Spain South, it tells you that the Bills which are being brought, and this particular Bill, are faulty, they are rushed, and they are doing an injustice to this House and to the country.

Mr. Speaker, you know, one gets the impression as if this speed gun idea is something new. I was checking my phone, and I want to say to you that when I checked my phone and I looked to see what of course happened when I at the time was the Minister of National Security—so many Ministries sometimes I forget— [*Laughter*] in the *Express* of November 01, 2012, a report by Renuka Singh headlined:

“Jack: Speed guns to help save lives”—2012.

That article I will read into the *Hansard*:

“National Security Minister Jack Warner yesterday”—November 01, 2012—  
“promised speed guns and cameras to help curb the number of road deaths in Trinidad and Tobago.

Warner was speaking at the National Road Safety Public Awareness Campaign, launched by the Ministry of Transport at Hyatt Regency in Port of Spain.

The Minister said”—that is Warner—“more than cable barriers and the breathalyser, the Government will soon introduce radar speed guns before the end of the fiscal period.”—This was November 2012.

“‘We are working on a number of initiatives that have been talked about for decades. We are talking about cameras that can photograph people speeding and breaking traffic lights.’

Warner said these initiatives were already being tested at several points.

‘All over this country will have cameras...cameras to catch thief, cameras to catch murderers and cameras to catch those who are speeding.’”

To this day that remains a hollow statement, empty, vacuous. Warner went on:

“‘Accidents don’t happen, they are caused. The causes vary from speeding to reckless driving, overtaking on the shoulder, the influence of alcohol and drugs, driving when you are tired and the last one is because of stupid people.’”

**8.20 p.m.**

“Warner said the surveyor bays built along the highways were being operationalised and one is already fully functional and would soon be used by a highway patrol arm of the Police Service. He said the patrols would be enforced”—especially—“from Fridays to Sundays as those days record higher road incidents.

The campaign noted that over the past five years, between 2007—2011, there have been more than 173,000 collisions in the country, which equated to 34,600 accidents per year, and more than 1,000 lives were lost in those accidents.”

Mr. Speaker, what is even worse:

“Several ministers, including Energy Minister Kevin Ramnarine, Education Minister Dr. Tim Gopeesingh, Minister of Tertiary Education Fazal Karim, Health Minister, Dr. Fuad Khan and Communications Minister Jamal Mohammed attended the session.”

And all agreed.

Mr. Speaker, and we come here almost two years later to talk about speed guns, and we come here tonight to ram it down the throats of the Opposition and the country because it has to be passed before a particular deadline, before you print your list of achievements to say what you have achieved; you have passed a, and b, and c, and d; nothing about enforcement. So, speed guns did not come here yesterday, it is two years old—2012 when Jack Warner discussed it, when he discussed about speed in the country and how we could check speed and check the road carnage.

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In fact, Mr. Speaker, even before Jack Warner was national security Minister, he was Minister of Works and in those days Transport, before you had 30 Ministries. On August 14, 2010 three months after he went into office, Jack Warner said, road cable barriers save lives and is the result of speeding, and he announced his Ministry's 21-million-dollar plan to place cable high tension barrier systems along several main roads and highways through Traffic Management Branch, Highways Division. The exercise was accepted by Cabinet at its weekly meeting on Thursday 2010—and it is being considered as a project in saving lives. “The time has come for something to be done to reduce the number of fatalities on the nation's roads.”

And you know something, Mr. Speaker, the idea of cable barriers was first introduced by the Member for Diego Martin North/East, Colm Imbert. So, I merely had to inherit a good idea and carry it out, because sometimes the belief is that everything the PNM do is bad, you know. [*Desk thumping*] It is not good. But when I saw the idea of Mr. Imbert on cable barriers I was thrilled, and I said then, that the medians of the Solomon Hochoy Highway and the Uriah Buttler Highway, 42 kilometre stretch, from Golconda South Trinidad to the Caroni Bridge as the urgent areas for these cable barriers.

Mr. Speaker, you will ask yourself what has happened today. This Government that is so concerned about speeding and speed guns, today the very cable barriers which were put there to save lives are not being maintained. If you drive along the highway you would see barriers and cables where the motor vehicles have impacted on them and the barriers are not restored. Furthermore, if you check on the highway you would see many areas which were prone to serious and fatal accidents, particularly where the vehicles had crossed the median, you would see that nothing has been done to them.

Mr. Speaker, as such therefore, I know it is easy after Jack Warner talk to rise and say. “disgraced from Australia or disgraced from “Java” or Geneva, or wherever it is,” as if that is affecting me somehow. That does not affect me in any way. It is easy to talk about FIFA and CONCACAF and so on and talk about their business and not the people's own. Mr. Speaker, the fact is, radar guns, they have been known to the world since 1947, they have been introduced in the US since 1948; they have been spoken about here for the last 15, 20 years. It has taken us 66 years to bring it here, and whoever did, it does not make a difference, and when it comes here it is half-baked.

Mr. Speaker, I listened to the Member for Port of Spain South, and she asked some very good questions. She asked where are the regulations with regard to

calibration? I marked here, good point. You come here, mumble, jumble, no regulations. She asked the question and I ask it again, about the age of the guns, the model of the guns. She raised the point, 400 have been ordered, which preferred contractor has already bought them.

**Mrs. Gopee-Scoon:** SIS.

**Mr. J. Warner:** Could be SIS, I do not know. I do not know, could be, but I do not know. But the point is, those are valid questions. She raised the point, that technology is always upgrading guns, and cameras, and phones, and so on, how long before these guns are upgraded and changed. Furthermore, I got the impression she was asking—the Member for Port of Spain South—will the guns be checked periodically by a specialist? Who is answering these questions? But you come here because you have 29, or 28, or 27, whatever it is, votes to ram it down the throats of the people and totally disregard the questions which impact on the very guns that you want to save lives on.

Mr. Speaker, even as I speak there have been several technological upgrades on radar guns. The time those 400 guns come here they would be obsolete for all you know. The Member for Port of Spain South asked, “what brand? What model?” And to that I ask, what brand? What model? But they have been ordered, Mr. Speaker. I do not know also if these guns are stationery guns or moving guns. There are two types of guns, you know! They did not say it either. But the fact is, there are other speed limit saving devices which we could have explored and, if we were serious, would have put in the Bill as well.

Mr. Speaker, one such device, again, the Member for Port of Spain South raised, is the cameras. The Member for Port of Spain South went at length to tell you there are cameras which can tell you who is driving, the number of your car, the speed and so on, and those are now enforced. But they are not considered; those cameras are not considered here, because if the Government were serious, that would have been brought in the Bill as well. [*Crosstalk*] When I finish talk and I pack my bag, you could attack me as you want, it does not make a difference to me. You could attack the person, you could attack what I say, and people are listening. If you are serious you would put cameras as well. [*Desk thumping*] You know what is worse; there is ample evidence out there where you can have legislation put in for these cameras. But in this rush, in this mad scramble to finish before May 2014/2015, you are getting left, right and centre; take it or leave it. “We have the majority”, that is the saying.

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Mr. Speaker, if you look at when the barriers were put up, before I go to the cameras, when I spoke on the barriers in November, that is 2010—typical fashion—in May 2011 the barriers went up. Well, I had not been moved as yet, I did not know that I would have been moved so quickly till I reach here, so I had not been moved as yet. So, in May 08, 2011, I went to the Director of Highways, Roger Ganesh, to see if the barriers had been installed. It was a pilot project. Mr. Speaker, if you hear some of the comments which came from overseas on that pilot project, which has remained stillborn since then. You know why? Because Jack Warner did it. Jack Warner from mars, he did it, and therefore if he did it, it is a bad thing, and therefore the present Minister of Works and Infrastructure, it is easier to see God face than to see him continue with those barriers, because Jack did it. It does not bother me.

But, Mr. Speaker, listen to what the people from overseas were saying about the cable barriers. One says: “We need all possible measures to reduce the carnage on the roads. If the barriers stop just one vehicle from crossing the median it is worthwhile.” Mr. Speaker, another one: “The surveyor bays and cable barriers are excellent attempts by the Government”—they thought it was Jack Warner, eh—“to bring the death toll on the highways under control. I am happy with the Ministry’s work on this.” Next one: “I just wanted to congratulate the effort and warn that drivers need to also take responsibility for their actions.”

And they go on and on, Mr. Speaker. One says: “Absolutely spot on”, and the one that might be painful, another one said, “Good work, Jack.” That is painful. “Good work, Jack, there is some good in you.” and the list goes on and on, Mr. Speaker. From quite in the Middle East, Al Jazeera, Mr. Speaker, hear what Al Jazeera said about the cable barriers, because, you see, they live in a cocoon here and they believe that nobody outside understands—and talk about five fellas from Felicity with a placard, as if that worries me. Paid with a placard by a deputy mayor of Chaguanas. Mr. Speaker, listen to what Al Jazeera is saying: [*Laughter*] “The installation of the cable barriers is a good start to improving our overall road safety. In addition, another simple cost-effective measure would be the implementation of rumble strips on the side of the roadway along the shoulder. The purpose of the rumble strips would be to provide an audible alert to drivers as they veer off the main roadway”. Al Jazeera: “Far too often”—it continues—“accidents are caused by drivers who whether intoxicated or fatigued have lapses in their attention and the rumble strips may provide a measure of alert to the drivers.” Rumble strips, simple.

Mr. Speaker, I will say one more. This one is from Australia, “it is about damn time; come on Jack, do not wait to see if it works, just continue. It has proven to work here”—he is from the US—“in the US once installed properly. Let us not wait until someone else dies to continue”. All over the world simple cable barriers you put down. All over the world, and therefore I am making the point that efforts to contain the road carnage have been tried before, and the speed guns which have been raised in 2010, is just one of them.

Mr. Speaker, let us talk about cameras, the Member for Port of Spain South raised the point about cameras, because she takes what she has said and she is bang on target—I do not have her glass frame, but she was bang on target—and you saw the passion in her voice and she realized she was talking but she realized what she was saying would fall on deaf ears. She begged the Minister, “I will work with you, I will give you my notes to help you.” I wish you luck.

Mr. Speaker, if you look at cameras, cameras can tell you the speed instantaneously, and there are two types of cameras, the gatso cameras and the truvelo digital cameras. I would not go into all the details because it would not make much sense in any case.

### **8.35 p.m.**

But, Mr. Speaker, the fact is that the first camera was used in Scotland on the A77 road in 2004. So we do not have to reinvent the wheel—2004; this is 2014. Mr. Speaker, you will understand, therefore, I am saying, if the Government really wanted to make an inroad, an impact, a giant leap, to curb speed limits to bring us up to First World standards, so to speak, the Government would have introduced provisions for cameras as well. But what they want to do is to leave it for another decade to close the gap. Up to now with speed guns, we are playing catch-up, you know—catch-up! Though we do not know what kind of guns they have brought in, what make and so on, whatever it is, we are playing catch-up.

Mr. Speaker, let us go to the UK. In the UK, for example, one of the ways they check speed and so on, is using vehicle activated signs. These signs illuminate to tell a driver—or drivers—that they are exceeding the speed limit, and you see these lights up before they reach.

Mr. Speaker, another way they have also, is Community Speed Watch. Community Speed Watch is a partnership between local people, the police, the fire service and local councils. Volunteers spend a short time each week monitoring speeds and noting number plates, and those who are found speeding are given a warning letter, that if they continue, the police would take action next time.

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Mr. Speaker, they also have a thing called speed limiters that limits the speed on your car. So though you have a car that can go 140 miles per hour, there are speed limiters that could tell you, you cannot go beyond 80—[*Interruption*] That is correct. You have some preferred contractors buying cars “like peas” these days—“peas”—to drive where? When a “fella” buys a Rolls Royce or a Bugatti, to drive where? Where? Or Hummers for the election in Chaguanas. [*Laughter and desk thumping*]

Mr. Speaker, I want to also put on the record that—and again, the research is there—speed cameras, there is research and there are statistics to show in the UK—I would not call the figures tonight—Australia, in Scotland and so on, what these cameras do and how they are effective. In fact, before I even reach that far, I listened to the Member for Moruga/Tableland. Member, I want to put, for the record, you are my good friend. We all were teachers together. But I heard him make two points in his submission which I want to correct.

The first thing the Member for Moruga/Tableland said, among other things, he was talking about Brandon Hargreaves, and he was making the point as if Brandon Hargreaves is a case that where he went and he was doing some hari-kari and he fell. I heard the Member for Caroni East say the same thing. He fell on the concrete and damaged himself.

Mr. Speaker, I want to read into the *Hansard*, Hargreaves, for the purposes of the Member for Moruga/Tableland. The Member referred to St. Michael’s Home for Boys and he talked about the Selwyn Ryan report—I will come back to it just now—and he praised and almost eulogized St. Michael’s School for Boys. Mr. Speaker, Selwyn Ryan, in his report, describes St. Michael’s School for Boys as a recruitment area for both paedophiles and gang leaders. According to Ryan, I quote:

“‘The behaviour of the boys worsened over the years and many of them challenge, defy or disrespect the authorities.’ Ryan wrote he was told some of the ‘lads’ grew marijuana on the fringe of the Diego Martin facility.”

So first of all, this glowing report of that school where this young man went is not correct based on the Ryan report and I assume Selwyn Ryan is correct because he was paid \$1 million for that report. I am quite sure that he is correct.

Moreover—[*Interruption*] I am coming to it.

“...Brandon Hargreaves, the now 14 years old...was rescued by police from a night spent naked in a dog kennel in Cascade two years ago...‘That place not nice’.



In the case of this child, brutalised for years and now dead in the ‘care’ of the State, demonstrates all the ways in which families and the various arms of the State fail the defenseless, how many systems for the care of children do not exist”—Minister? How many systems do not exist,—“and how deeply flawed the processes that exist are.

Brandon at 12...”

Mr. Speaker, I am putting it in the record:

“was found by Belmont police; he was naked in a dog kennel, having spent the night there, during which time he was repeatedly bitten by the dog and he bawled through the night.”—He was bawling whole night—“He biting me! He biting me! When police removed him, he was bloody. There were puncture marks on his body from the dog bites, he had been devoured by mosquitoes, was suffering from malnutrition...”

I am saying the Member for Moruga/Tableland is talking about Hargreaves, I am telling him what he said to us is not totally correct.

“...Brandon was taken to hospital, then to the court.”

Member for Moruga/Tableland, it says here:

“...there was no relative who could have accommodated the child”—in the court—“or the magistrate did not explore all the options...”

In fact, it says here:

“...there was no place for the child to be housed,...”

But the fact is, the home, St. Michael’s School for Boys, for children, where he was ordered, that home is for boys who have committed an offence, not for boys who have been tortured and abandoned as Brandon was. And furthermore, it is said a survey was done—and I am saying this to the Minister for Gender, Youth and—what again?

**Mr. De Coteau:** Child Development.

**Mr. J. Warner:** Child Development. Mr. Speaker, a study was done by the Ministry of National Security which showed that 22 per cent of the boys of St. Michael’s use alcohol; a quarter of them use marijuana; 24 per cent of them were found using it recently. The average age of the first use of drugs is between 10 and 12. And the list goes on and on.

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So, therefore, we are being told that this is being done for young children, and here is a boy who was tortured and abused, committed no offence, put in a home and died, and we come here tonight to be regaled that this home is such a great home.

The second thing I want to say is about the Selwyn Ryan report. Mr. Speaker—

**Dr. Moonilal:** Mr. Speaker, Standing Order 36(1). We had changed Bills from the Administration of Justice to the Motor Vehicles. I am wondering if my friend is speaking on the first Bill, as opposed to the second Bill. Because the Member for Moruga/Tableland had made a contribution earlier on the first Bill, the Administration of Justice Bill, and there is a response, a significant and, I think maybe a profound response, to the first Bill. So I am just raising that because I think we are dealing with the Motor Vehicles and Road Traffic (Amdt.) Bill now.

**Mr. Speaker:** Yes. Hon. Member for Chaguanas West, I allowed you some elasticity, but the Member for Moruga/Tableland was making reference to that particular matter under the Miscellaneous Provisions (Administration of Justice) (Amdt.) Bill, so I think that you are probably getting a bit confused. We are now dealing with the Motor Vehicles and Road Traffic (Amdt.) Bill, so I would ask you not to deal with that particular matter any further and maybe when we get to the administration Bill and you speak to that matter and you can come back to that particular point.

**Mr. J. Warner:** Thank you, Mr. Speaker. I thank you most sincerely and I thank the Member for Oropouche East as well, and my colleagues on this side. I was just touched, Mr. Speaker, by what happened, and my apologies for this.

Mr. Speaker, there is a wealth of reading material about the accuracy of speed guns which, of course, the Member for Port of Spain South dealt with substantially. Mr. Speaker, it is said, for example, that if a police officer has a commercial radio operating in his car, that could affect the accuracy of the speed gun—a radio, Mr. Speaker. It is also argued that the air and heating system of the police car can also affect the accuracy of the speed gun.

Mr. Speaker, I want to give you one case—because several were given before—of a guy called Sean Malone in the California courts. That case is where he challenged a radar gun reading as compared to the speed data from the GPS device. He put a GPS device in his vehicle and he challenged the reading of the radar gun. The radar gun clocked the car at 62 kilometres per hour and the GPS

said he was travelling at 45 kilometres per hour, and that case is now before the courts in California. So I am making the point, therefore, one can expect challenges to tickets issued using the gun method.

Mr. Speaker, if you talk to the people out there in the street, they will tell you they want to see speed guns, you know, but they will tell you also, they want to see cameras also. If somebody could tell me why the cameras have not been put in the Bill, I would be happy to sit down and listen because the fact is, they go hand in hand. Therefore, I am making the point that these cameras can be put in fixed locations, as they do all over, and when you take a photo of the vehicle, you, of course, will know what is happening.

Mr. Speaker, when we come today and you make the issue of only talking about speed guns, we are only doing half the task. Furthermore—in fact, before I say that, there were three points raised by the Member for Port of Spain South and one she raised particularly impressed me, among others, of course. She said when the officer's shift ends, monitoring ends. What happens after? What happens to the gun? Does he give it to the next guy? And if he gives it to the next guy, is it tested and so on? That is the point she was raising.

In other words, what we are asking is the effectiveness of the gun. We have highway patrol vehicles now, painted in Carib colours and so on, and they are doing a reasonably good job. Sometimes you see them; sometimes you do not see them. But the fact is, if you had this on an ongoing basis that, too, will help. It has to be a whole comprehensive list of things to help to check speeding, and I am saying again that cameras is one. I am saying also too, that law enforcement is the other. In fact, today, police officers do not even have decent police stations from which to work.

### **8.50 p.m.**

I saw a headline, “Shabby Police stations” on Thursday, April 10, written by Cecily Asson, and she was saying that these stations are not suitable to secure such important evidential matters. I saw one where, of course, the Chairman of the Police Service Commission went to La Brea—down by you. [*Acknowledging Mr. Jeffrey*] I was there too when I was the Minister of National Security, it is disaster. And therefore, I am saying, if you listen to Professor Deosaran and others, many of those stations are woefully inadequate. So how can you therefore get improved police performance and higher accountability when the stations themselves are woefully inadequate?

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Mr. Speaker, there is one more point I want to raise. There are devices which people can buy and put in their vehicles where they can detect speed guns are ahead. They can detect if speed guns are being monitored by the police well in advance, and these devices are all advertised on the Internet. So, in other words I am saying, they can scramble the signals so to speak.

Mr. Speaker, in most countries it is illegal to have these devices and the Bill also makes the same point. The Bill here says the same thing; it is illegal to have those devices. But, Mr. Speaker, I say it should go further than saying it is illegal to have those devices. We should say that we should outlaw the importation of these devices. So you go further, you do not bring it in and see if you get away, you make it a law that it is illegal to import these devices, and therefore, in doing so, you nip it in the bud. So I am saying therefore, in all these ways, you will help to improve the system of making the speed gun more effective.

Mr. Speaker, do not for one moment believe that I am against speed guns. I am not. I do not think anybody on this side is against speed guns. What we are against is the effectiveness or the ineffectiveness of these guns, and we are asking the Government—while we say yes to speed guns, I am saying to them, there is much more work to be done. There is much more work to be done on speed limit enforcement, and therefore, though you have one more year in office—forever—there is no reason to come to rush all these Bills without proper study, especially, Mr. Speaker, in terms of having the optimum effect as far as the citizenry is concerned.

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

**The Minister of Transport (Hon. Stephen Cadiz):** Thank you, Mr. Speaker. This Bill that we are debating here, everybody obviously agrees, both sides agree that this is something that is a long time in coming, and without a doubt it is this responsible Government—they could say what they want—that actually brought this Bill to the Parliament. All right? So, they could go with the old “should of, would of and could of” and stay with that, but the fact of the matter is, this is the Government that has brought this Bill to the Parliament.

Now, there are a number of issues that have been brought up and I would like to go through as quickly as I can. Just a couple of them because everybody has more or less spoken on the same issue and we will deal with that. So maybe what I should do is start from the last speaker and go back the other way.

The last speaker, the Member for Chaguanas West—and again, you know they talk about at a time gone by when the Member for Chaguanas West had

certain responsibilities and what have you, and that in November 2012 he spoke about speed guns and what have you and it is not until now that the speed guns are coming here. Again, it is decades that this thing was supposed to come here, and the fact of the matter is it is here now. So whether or not who is going to bring it—I mean, I commended the Member for Diego Martin North/East when he spoke about the breathalyser, and it is not a case of who brought the breathalyser, whether it was good or bad because of who brought it. The fact of the matter is, the legislation is before the House now. So to say and go back in time when I was, and what I should have done, or what I could have done, I really and truly do not think that should be part of this debate because that is a set of old talk as far as I am concerned.

He spoke about cable barriers. The Member for Tabaquite stood here in this House, in the first part of his contribution and he quoted statistics for the cable barriers. Why did he quote those statistics? Because it is a good thing. So regardless of who did it, whether it was the Member for Diego Martin North/East who thought about it, whether it was the Member for Chaguanas West who actually put it in, the fact of the matter is, the cable barriers are in, and according to the Member of Parliament for Tabaquite, Minister of Works and Infrastructure, 81 accidents—81 crossings—were stopped as a result of the cable barriers. That is 81 probably fatal accidents, 247 hits into the cable barriers.

So to go around boasting about whether or not I was the king at the time and I was the one who did it, I really and truly feel that is an insult to this House. All have participated. All have done their part, from the Member for Diego Martin North/East, to Tabaquite, to Chaguanas West, and now from Chaguanas East bringing this Bill to this House. So let us not go around trying to earn brownie points from what we did and what have you. The fact of the matter is it has been done. But, of course, like Frank Sinatra, “the end is near”, just as he said on the other side there.

He spoke about radar. This is not about radar. This is about lasers, and we have to differentiate between what devices we are speaking about here. In my presentation, in introducing the Bill, we were very, very specific about what instruments we were going to use. For those who did not hear, I cannot help that. The *Hansard* is there. They could have read the *Hansard* and they would have seen exactly what was being said. But the fact of the matter is radar which is still in use and one particular type of speed detection device, that is not the preferred option.

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The preferred option for this Government, for the police, would be the laser detection, because there is a significant difference in the accuracy of radar as against laser. And just to explain that, a radar device picks up a fairly wide swath of space—for want of a better term—whereby, if you have a group of cars coming down at the same time, four or five vehicles travelling at more or less the same speed—which is what you see. In a traffic situation you see a group of vehicles moving at the same speed—the radar cannot pinpoint which one it is. So we end back up with the same situation, where the police officer flying out in the road, telling the other officer not the red car the white car, because nobody knows exactly which car they are talking about.

When you are talking about laser, laser is very, very accurate. It zones into the particular vehicle, and that is the one it picks up. So it can pick up—in a group of five vehicles travelling at the same speed, bunched together, the laser device can actually go after one particular vehicle. It will zone in on one vehicle and pick it up. So let us understand it is not radar we are talking about, it is laser, and therefore, the Member for Arouca/Maloney, when she was talking about the tuning device, I said but a tuning device. I said what we talking—I thought it was pan we were talking about. But really and truly she was right. The Member for Arouca/Maloney was right that there is a tuning fork that is used to tune radar, not laser. So, even though you were right about the radar, it was not totally correct because of the type of instrumentation we are going to be using.

The Member for Chaguanas West, who has left the Chamber, spoke about the installation of cameras. Now the installation of cameras is very important. There are a number of red light cameras as the Member of Parliament for Tabaquite had spoken to. There are a number of red light cameras that are already in use in Trinidad and Tobago. The issue with putting in cameras on gantries along the highways and what have you, is that we do not yet have the motor vehicle authority legislation, and we need that for it to be effective.

Right now as everybody knows, the Licensing Office, the record keeping et cetera, is not what it is supposed to be, and therefore, if you have a static camera on a gantry taking a picture of a vehicle that is speeding, yes, the number plate comes up, but then to be able to sift through the records in the Licensing Office to go and find the owners et cetera, it will be an extremely difficult and very inefficient means of doing it, and therefore, we are waiting until the MVA comes in when we start using RFID plates on our vehicles. RFID, again, are Radio Frequency ID plates, where the cameras can pick it up immediately and know exactly the owner and know where to send that ticket in the mail. So these are things that will be coming, but again, everything in time.

You know, I really beg to differ with the Member for Chaguanas West who says that, “this is an election ploy”. How can you possibly come to this House, tell the mothers and fathers, the daughters, the siblings, the cousins, the family of people who have been killed as a result of speeding drivers that this is an election ploy? I mean, come on, surely we are stretching that a bit too far. The same Member for Chaguanas West—and I am not going to dwell on it because I really and truly was extremely disappointed in his contribution, because he is a person who served in two particular Ministries that had every right to bring this same legislation to this House in 2010, when he was the Minister of Works and then when he was the Minister of National Security.

So do not come now and talk about this administration trying to rush legislation through because of an election. You are dealing with people’s lives and that is the talk that you are going to bring to this House? That is insulting to this population. It is insulting to the families who lost the two boys down on Western Main Road the other day, insulting to the twins who were wrapped around the Cross Crossing bridge. That is insulting to that family. You do not come here and make those kinds of accusations. I am very sorry and extremely disappointed in the Member for Chaguanas West. I thought he knew better.

I must say I was most impressed with the Member for Port of Spain South, as was the Member for Chaguanas West, and I too should have had my glass case, “but they might have think that I am trying to sell pone or some kind of thing with the glass case”. [*Laughter*] “Port of Spain South, I am in a happy mood tonight, doh worry because I realize we are reaching somewhere. But just a lil joke there. Doh worry.” But again, I would like to deal with the Member for Port of Spain South and the Member for Diego Martin North/East at the same time, and where is the Member for St. Joseph? The Member for St. Joseph has relocated to the Leader of the Opposition seat. So, I see he is moving with a speed. [*Laughter*] My laser device did not even pick that up when he was moving from St. Joseph to Diego Martin West.

**Mr. Deyalsingh:** I spoke on it.

**Hon. S. Cadiz:** Oh, the Member for St. Joseph spoke on it, yes.

I want to go, Mr. Speaker, into a couple things. A number of case laws have been quoted during this debate, and case laws, I think, as far back as 1994 coming forward to 2007. I believe the Member for Port of Spain South was quoting case laws from 2007, and even the Member for Chaguanas West, strangely enough, actually quoted from more recent case laws. I think what we have to look at here,

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is every time that there is going to be a charge there is going to be someone who is going to contest that. It is obvious. That is how the law operates. Whether we are using the gazette paper on the mango tree and the stopwatch—from what I understand, Dr. Rudranath Capildeo actually proved that the person operating the stopwatch, with the man bringing down the gazette, could not physically measure the actual speed because of the time difference of pressing the watch. Some story like that. Okay? So in other words, I am saying that wherever there is going to be a charge, whether it is using the use of an instrument, there is going to be some contest to that charge and the case laws provide that.

**9.05 p.m.**

If you go through a number of these case laws here, you will see where the opposite happens. *Duncan John Sandison v. Michael Warren* in Australia 2013—and we are using current case laws because laser is the most current method and system that is being used for speed detection. So, I do not want to go back to 1994 when they were using gazette paper or radar. We are going to use what is current.

Two police officers, strangely enough, one guy's name was Sky Walker and the other one's name was Lily and they were checking the speed of cars travelling through a zone. Sky Walker gave evidence that he saw two cars approach, he did this and he did that, he trained a lidar device on the car and saw the reading 62 to 61 kilometres per hour. The major issue in this matter was whether the appellant had driven faster than the 40 kilometres per hour speed limit. The magistrate, in accepting the officer's long experience as an officer in traffic matters, also accepted the officer's evidence that the reading on the laser device was 62 kilometres per hour.

In his written outline, the appellant argued 10 points which incorporated his grounds of appeal, the major point relating to the accuracy of the device—and that has been said throughout this debate: questioning the accuracy of the device. How are we going to determine that? The court would have considered every requirement pertaining to the use of the device inclusive of authorization to use and testing of the device. The judgment reads as follows:

Upon my review of the record, I am satisfied that the appellant was guilty of the offence. I am so satisfied despite certain imperfections in Sky Walker's evidence, I confirm the magistrate's decision.

Then, we go to another case: the appellant was convicted by the court for speeding through from Dumfries to Edinburgh Road. The allegation was that he was driving at 55 in a 30-mile speed limit. Again, they go on and what they speak



of, it was contended by the appellant that the respondent had failed to lead sufficient evidence of the accuracy of the devices. We are going back, again, to the accuracy of the device. The appellant contended that where proof of a precise speed was necessary and that proof was offered by means of a device, the respondent is required to lead evidence of the accuracy of that device. It was submitted that the respondent had failed to lead sufficient evidence to demonstrate that accuracy. The court, in refusing the appeal, stated, *inter alia*, that there is no need to go back in every case to check each piece of speed detection equipment that has, itself, been checked and found to be accurate.

Mr. Speaker, this is the day and age of technology. This is not gazette paper and mango tree. We have gone past that. Every single area that requires an instrument, whether it is a surveyor's instrument, you can contest it: the surveyor's instrument was incorrect, it was not properly calibrated, and that is why the iron or the picket that they put in the ground was put in the wrong place; you could contest that. You could contest that the pressure gauge on the boiler was not tested properly and it was inaccurate and that is why the boiler blew up. All of these things, these are measuring instruments—the breathalyser—you can go through every single area that you need to test—these clocks that you see on the wall here, the thermostat. The Member for Tabaquite was complimenting the Speaker for having the temperature regularized. It is a thermostat regularizing the temperature in here. It is set; it is calibrated. If you move it to 68, that is going to be the temperature. If you put the thermostat to 72, which is what typical air conditioning is, it will stay at 72. It is the device that is calibrated.

So, we cannot sit here in this House and say, “Well, we are going to contest every single measurement device that there is because it could be off; maybe it is off; we are not sure it is off”. The fact of the matter is, in today's world with today's technology, in this particular case with laser, the speed detection devices are developed through software; that is the controller. All of these things have self-checking—it is all designed in a way where it will self-calibrate in addition to being able to calibrate these instruments. That is why we have the Bureau of Standards; that is why we have CARIRI; that is why we have UL Listing; that is why you have CSA in Canada. All these countries have their methods and systems of checking the calibration and measurements because that is how the world works today. So, when we talk about the accuracy of the device and who is going to check it, of course, it is going to be checked; of course, it is going to be calibrated, and later in my winding up, we will talk about the regulations.

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The case that the Member for Diego Martin North/East brought up in County Kent in the UK where there was a ban on the use of speed guns. What the Member for Diego Martin North/East forgot to tell this House, however—which is, sometimes, we understand that he forgets because he talks about the banning of these devices but he failed to tell the House that the ban was actually for three weeks and then the ban was lifted. The reason for the ban was that the judge wanted to be able to verify that each officer that had been using these devices in Kent was actually certified and a competent operator of the equipment.

But again, the Member for Diego Martin North/East comes here and says that County Kent ban all the devices; shut down the whole system, and failed to tell the House that it was for a particular reason, and when the judge was satisfied that there was a level of competence in operating the devices, the ban was lifted. So again, when we come here and we talk about case law and about what was banned and what was not banned, Mr. Speaker, one of the things that we could tell you for sure, in the United States, in Canada, in England, in Australia, in Europe, in Japan, in Latin America—all over the world, electronic speed detection devices are used, are operated, are calibrated. So, without a doubt, you cannot sit here in this House and say that because of a case law in 1994 where somebody went and contested a conviction that we have to stop using speed detection devices; that cannot be.

Then, I do not know how they missed this but I am going to read from the *Hansard* and this is my presentation and it is on page 50, paragraph 2:

“When the operator or the police constable goes out into the field using the device, when the device is operated and it picks up a speeding vehicle, if the officer feels that particular vehicle is speeding and operates the device on the vehicle...”

This is the part:

“...a photograph is going to be taken of the vehicle, of the licence plate; all the information regarding the speed, the distance, everything will be on the read-out...”

A photograph will be taken. I have sat here and heard speaker after speaker on the other side talk about where is the photograph; how come you all forget the photograph; why is there no photograph, but I made the statement: a photograph is going to be taken of the vehicle.

Mr. Speaker, if you would allow me and this is part of it here. These are field tests that are being done in Trinidad of the vehicle and it is very easy to see the vehicle. This is the vehicle. [*The Member holds up a picture*] Okay. In fact, when I kept on looking at these, I thought I saw the Member for Diego Martin North/East in one of the vehicles but it is a little difficult to pick up. But, the fact of the matter is that the speed devices that we are contemplating, in fact, do have or are already fitted with, not only a still photograph capability but a video capability so you can do either one.

So, when the Member for Diego Martin North/East talks—and hear what he said:

“What they do in other countries, they use a camera, so it takes a photograph of the vehicle...”

But I just said that, Member for Diego Martin North/East.

“...and it also measures its speed.”

I said that also.

“In that way you have evidence that you are targeting the correct vehicle...”

—which I also said.

“...but not this Minister...”

—referring to me—

“...using an antiquated approach.”

It is not an antiquated approach, you did not listen. You sat there and you refused to believe that this side, this responsible Government, could actually bring a Bill that will deal with speeding and deal with the reckless driving on the road. It is the same sort of common sense that the Member for Chaguanas West has when he say that this is an election ploy. How could this possibly be an election ploy? The Member for Diego Martin North/East goes on again and I quote:

“What he did not bother to check is that in other countries when you remove the requirement for two police officers—so you have corroborating evidence of an allegation of speeding, you have to have some other form of evidence...It cannot simply be the police officer says that he pointed a gun at you, but he is presenting no evidence.”

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Again, I want to repeat what I had said:

“...if the officer feels that that particular vehicle is speeding and operates the device on the vehicle, a photograph is going to be taken of the vehicle, of the license plate and all information regarding the speed, distance, everything will be on the read-out.”

So, in other words, when this instrument is operated—and I want to say the typical operation will be off a tripod which means that the instrument is going to be steady, so all the other issues about the instrument moving and the officer moving and shaking and what have you, it is on a tripod. It zaps the vehicle with the number plate and when it zaps, you have a picture—which I have just shown here—a photograph of the vehicle with the number plate. You would also have the speed it was going at. You also have a number of other very pertinent information, for instance—and I will just read it back here. It registers the time, the place, the speed, the speed limit of the area, the regimental number, the certificate that the instrument—so all of that is on the particular printout that you are going to get if you are caught speeding. So, it is all there. So, the discussion about whether or not the photograph and the corroborative evidence and what have you, all of that we have already spoken to that and I do not know why that is coming up again.

Mr. Speaker, there were a couple of other things: the inconsistencies in the contributions of the Member for Diego Martin North/East and the Member for St. Joseph. The Member for Diego Martin North/East was complaining about us lifting—he calls it cut and paste. Hear him:

“This is a cut and paste Government. They took that clause straight out of the breathalyser law without understanding the difference. It is a carbon copy...I have the breathalyser law and that clause with respect to the question of the admissibility of the evidence with respect to the condition of the device is straight out of the breathalyser law.”

Mr. Speaker, but this is a measuring device, the breathalyser is a measuring device. I think the Member for Diego Martin North/East should take pride in that we actually used one of the clauses that he used in the breathalyser law to bring it in with the speed detection device. Again, that is a responsible Government. We are not hiding from that, but hear what happens.

The Member for Diego Martin North/East is boasting about his law and we agree and we support him fully that it is good law. Hear them on the other side:

“bring good law and we will approve it and we will pass it”. So we bring good law, but then the Member for St. Joseph jumps up and speaks about the same law that the Member for Diego Martin North/East was talking about and said it is totally inadequate—that that section is totally inadequate.

**9.20 p.m.**

So, here it is that we have bright on one side and then we have brighter on the other side. “Ah doh know how dey going to work out who more bright in this case.” Because the Member for Diego Martin North/East is taking us to task for lifting his clause out of the breathalyser law and cut and paste in our speed detection law, and then the Member for St. Joseph now jumps up and says: “well that is totally inadequate.” I do not know. You all would have to settle “who bright and who brighter” and you all will have to determine that.

Another misrepresentation, Mr. Speaker, and again in this day and age, this is high technology we are talking about. These are things that NASA, the space agency, uses. Here it is, the Member for St. Joseph, in his wisdom, comes and says he knows for a fact that it cannot be used in the night.

**Mr. Deyalsingh:** I never said that.

**Hon. S. Cadiz:** It cannot be used in the night. He is quoting Inspector Wright.

**Mr. Deyalsingh:** That is right. I did not say that.

**Hon. S. Cadiz:** The major point is that Inspector Ernest Wright said most fatalities were occurring at night and it was not possible for police to do speed traps at night. Oh Lord Father!

**Mr. Deyalsingh:** I did not say that.

**Hon. S. Cadiz:** No, but before you go and quote nobody, just like—*[Interruption]* hold on a second—everybody on the other side quotes from this paper and that paper, some call the *Express*, some call the *Punch*, the sunset all kind of quotes. Before you go and quote journalists, at least find out first. “Call meh up nah man. Yuh know meh number. Yuh could call meh and ask meh: these things could work in de night?” The fact of the matter, Mr. Speaker, is, of course, these instruments can be used in the night and with the use of an infrared device mounted on the instrument, it can be used in the night. And the first thing “dey go say: oh, infrared, that mean yuh go be shining ah light in de driver’s eye.” No, because it is infrared and the driver cannot see it. But it works in conjunction with the laser device.

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So, we debunk that again. They keep talking on the other side, making the statement: why you did not do your homework? Who did your research? The Member for Diego Martin North/East say “somebody write yuh speech fuh yuh and yuh doh even understand what yuh saying.” I understand fully what I am saying. They do not know what they are saying, because they have not done—“dey mix up laser with radar, dey mix up with night and day, dey mix up with *Punch* and *Sun*, dey mix up with—ah doh know what else dey mixing up with.” But if they did their homework they would understand what it is that we are doing here.

One other thing they have going to town with us is the issue of procurement. I want to tell this honourable House not one single, solitary instrument has been tendered, not one single, solitary instrument has been purchased and it is obvious, again—[*Interruption*]

**Mr. Deyalsingh:** Mr. Speaker, Standing Order 36(5), I never said that this thing refers to the night.

**Mr. Speaker:** Member for St. Joseph, just rise again and clear. Just repeat what you said.

**Mr. Deyalsingh:** Standing Order 36(5), I never said that the speed guns cannot work in the night.

**Mr. Speaker:** Did you say that the Member for St. Joseph—[*Mr. Cadiz is on his legs*] both of us cannot stand at the same time. Did you accuse the Member for St. Joseph for saying what he said, hon. Member? [*Laughter*]

**Hon. S. Cadiz:** Mr. Speaker, I would quote from the *Hansard*.

The other major point is that Inspector Ernest Wright said most fatalities were occurring at night and it was not possible for police to do speed traps at night.

**Mr. Speaker:** All right, okay. Let me make it very clear. When a Member comes into this honourable House and quotes from any source, they must take responsibility for the quotation. So we cannot come to this House and quote from X or Y and say this is not what I said, this is what Y said. No, you must take responsibility for what you quote and place into the *Hansard* record of this Parliament. It does not matter if it is the Member for St. Joseph, or the Member for Oropouche East. We must take responsibility when we are quoting in the House. You take responsibility for that. So the Member is on target. Continue Member. [*Desk thumping*]

**Hon. S. Cadiz:** If I might say so, Mr. Speaker, like a laser, on target.

He was interrupting me when I started to talk about procurement. I want to state again, no instruments have been purchased. I want to say that for all the Members on the other side, every single Member that has come to this House now and accused this Government of purchasing the instruments. That is not so. I made a statement, I believe, in November last year, when we said that it was the Government's intention to go ahead with the electronic speed detection device legislation and, therefore, what we would be doing, we would be examining what instruments would be used, et cetera, et cetera, and it was recommended, the figure of 400, that was a recommendation that came from the TTPS, that was a recommendation that came from them.

When they talk about procurement then, again, I want to state nothing has been purchased, so all of those accusations of "who dey buy it from and dey friend and which family buy it and all this nonsense. Do yuh homework nah man," do not come into this House—[*Interruption*]

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Do not come into the House and mislead the House.

Mr. Speaker, I beg to move that this House do now adjourn to a date to be fixed.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 9.26 p.m.*