



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

---

5th Session - 10th Parliament (Rep.) - Volume 34 - Number 26

---

**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE WADE MARK  
SPEAKER

THE HONOURABLE NELA KHAN  
DEPUTY SPEAKER

**Friday 13th March, 2015**

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

**EDITOR: LILA RODRIGUEZ-ROBERTS**  
Telephone: 623-4494

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



## CONTENTS

	<b>Page</b>
LEAVE OF ABSENCE ... ..	169
PAPERS LAID ... ..	169
<b>JOINT SELECT COMMITTEE REPORTS</b>	
<b>(Presentation)</b>	
Ministries, Statutory Authorities and State Enterprises (Group 2)	
Port Authority of Trinidad and Tobago [ <i>Hon. Dr. T. Gopeesingh</i> ] ... ..	171
Ministries, Statutory Authorities and State Enterprises (Group 1)	
Trinidad and Tobago Mortgage Finance Company Limited [ <i>Mrs. P. Mc Intosh</i> ] ... ..	171
<b>PRIME MINISTER'S QUESTIONS</b>	
Super Industrial Services Limited (Details of Agreement) ... ..	172
Land for the Landless Programme (Details of) ... ..	174
Incarcerated Nationals in Venezuela (Present Status of) ... ..	178
Sports Company of Trinidad and Tobago (Appointment of Board of Directors) ... ..	179
Broadcasts of Political Meetings (Payments for) ... ..	179
National Gas Company (Independent Investigation re: Audit Report) ... ..	180
National Gas Company (Review of Strategic Plans) ... ..	181

National Gas Company (Status of) ... ..	183
Soldado Development Project (Status of) ... ..	184
URGENT QUESTIONS	
Files found in Private Attorney's Office (Re-opening of Investigation) ... ..	187
Church on the Rock (Payment of) ... ..	188
Barataria North Secondary School (Status of) ... ..	189
Appointment of Airports Authority General Manager (Status of) ... ..	191
WRITTENS ANSWER TO QUESTIONS	
(Question No. 41) [Miss M. Mc Donald] ... ..	191
Legal and Other Technical/Professional Services (Details of) ... ..	192
Food Import Bill 2009-2014 (Details of) ... ..	192
ORAL ANSWERS TO QUESTIONS	
[Hon. Dr. R. Moonilal] ... ..	192
Water Mains and Sewer Mains (Installation and Replacement of)... ..	193
Community Centres (Commencement of) ... ..	194
Job Creation (Details of) ... ..	195
Retired Teachers Pensions (Details of) ... ..	197





**HOUSE OF REPRESENTATIVES***Friday, March 13, 2015*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members: the hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West, Leader of the Opposition is out of the country and has asked to be excused from sittings of the House during the period March 10—14, 2014. Mr. Patrick Manning, Member of Parliament for San Fernando East has asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1978. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1979. [*Hon. R. Indarsingh*]
3. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1980. [*Hon. R. Indarsingh*]
4. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1981. [*Hon. R. Indarsingh*]
5. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1982. [*Hon. R. Indarsingh*]
6. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1983. [*Hon. R. Indarsingh*]

*Papers Laid*

*Friday, March 13, 2015*

7. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1984. [*Hon. R. Indarsingh*]
8. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1985. [*Hon. R. Indarsingh*]
9. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1986. [*Hon. R. Indarsingh*]
10. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sangre Grande Civic Centre for the year ended December 31, 1987. [*Hon. R. Indarsingh*]

*Papers 1 to 10 to be referred to the Public Accounts Committee.*

11. Audited Financial Statements of Tourism Development Company Limited for the financial year ended September 30, 2012. [*Hon. R. Indarsingh*]
12. Audited Financial Statements of Trinidad and Tobago Free Zones Company Limited for the financial year ended December 31, 2013. [*Hon. R. Indarsingh*]

*Papers 11 and 12 to be referred to the Public Accounts (Enterprises) Committee.*

13. Response to the Fifteenth Report of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on the Administration and Operations of the San Juan/Laventille Regional Corporation. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]
14. Response to the Sixteenth Report of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on the Administration and Operations of the Sangre Grande Regional Corporation. [*Hon. Dr. R. Moonilal*]
15. Annual Report of the Equal Opportunity Commission for the fiscal year 2010. [*The Attorney General (Sen. The Hon. Garvin Nicholas)*]
16. Annual Report of the Equal Opportunity Commission for the fiscal year 2011. [*Sen. The Hon. G. Nicholas*]



*Papers Laid*

*Friday, March 13, 2015*

17. Annual Report of the Equal Opportunity Commission for the fiscal year 2012. [*Sen. The Hon. G. Nicholas*]
  18. Annual Report of the Equal Opportunity Commission for the fiscal year 2013. [*Sen. The Hon. G. Nicholas*]
  19. Annual Audited Financial Statements of the Metal Industries Company Limited for the financial year ended September 30, 2012. [*Hon. R. Indarsingh*]
  20. Annual Audited Financial Statements of the Metal Industries Company Limited for the financial year ended September 30, 2013. [*Hon. R. Indarsingh*]
- Papers 19 and 20 to be referred to the Public Accounts (Enterprises) Committee.*
21. Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment to the First Schedule) (No. 2) Order, 2015. [*Hon. Dr. R. Moonilal*]
  22. Administrative Report of the San Fernando City Corporation for the year 2012/2013. [*Hon Dr. R. Moonilal*]

**JOINT SELECT COMMITTEE REPORTS  
(Presentation)**

**Ministries, Statutory Authorities and State Enterprises (Group 2)  
Port Authority of Trinidad and Tobago**

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker, I beg to present the following report:

The Nineteenth Report of the Joint Select Committee appointed to inquire into and report on Government Ministries, Statutory Authorities and State Enterprises (Group 2) on the Administration and Operations of the Port Authority of Trinidad and Tobago.

**Ministries, Statutory Authorities and State Enterprises (Group 1)**

**Trinidad and Tobago Mortgage Finance Company Limited**

**Mrs. Patricia Mc Intosh (Port of Spain North/St. Ann's West):** Mr. Speaker, I beg to present the following report:

The Eleventh Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1) on the Administration and

Operations of the Trinidad and Tobago Mortgage Finance Company Limited (TTMF).

**PRIME MINISTER'S QUESTIONS**

**Super Industrial Services Limited  
(Details of Agreement)**

**Miss Donna Cox** (*Laventille East/Morvant*): Thank you very much, Mr. Speaker. Does the Prime Minister agree with the Minister of Land and Marine Resources that the terms of any lease or other agreements with regard to state lands entered into between Super Industrial Services Limited (SIS) and the Government of Trinidad and Tobago is a private matter and therefore should not be disclosed to the public?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC)**: [*Desk thumping*] Thank you, Mr. Speaker. I have spoken to the hon. Minister of Land and Marine Resources. He has indicated that at no time did he state that lease or other agreements with regard to state lands entered into between SIS and the Government is a private matter and therefore should not be disclosed. So the question appears to be predicated upon a statement that was never made.

**Miss Cox**: Supplemental. I would like to ask the Prime Minister to double check, please, because I saw the Minister making that statement.

**Hon. K. Persad-Bissessar SC**: Certainly, and I am sure the hon. Minister is in the House and would be hearing you, but he did indicate to me that the statement he made is that whether—if there is a lease agreement that is a public document, would be registered with the Ministry of Legal Affairs and will be a public document disclosure in public. But the Minister has indicated he did not say that it would be a private matter and therefore should not be disclosed. So, the Minister is hearing us and will confirm.

**Super Industrial Services Limited  
(Erection of Fence)**

**Miss Donna Cox** (*Laventille East/Morvant*): Can the Prime Minister state, under what conditions was Super Industrial Services Limited (SIS) allowed to erect a fence surrounding the large thirty-five (35) acres of state land in Perseverance Village, Couva.

**The Prime Minister (Hon. Kamla Persad-Bissessar SC)**: Once again, hon. Speaker, the question is predicated on a fact scenario which, whether they are true or allegations in the public domain—

**Mr. Imbert:** No.

**Mr. Speaker:** Please, please, please.

**Hon. K. Persad-Bissessar SC:** Hon. Speaker, in such circumstances I am told by the EMBDC that they agreed to rent a parcel of land in Perseverance Village, Couva for the purpose of stockpiling materials. The land was not previously occupied. That person has been paying rents to the EMBDC, hon. Speaker, and therefore the EMBDC has stated that where the renter is in occupation and is paying their rents they are entitled to do such works on the lands as any renter would on a parcel of land.

**Mr. Imbert:** Is the Prime Minister saying that she is not aware that SIS is squatting on 35 acres of state lands?

**Hon. K. Persad-Bissessar SC:** I am not aware of any such. I am not aware of any squatter. [*Crosstalk*]

**Mr. Speaker:** Please, please. Member for Diego Martin North/East, please, please.

**Hon. K. Persad-Bissessar SC:** The Member for Diego Martin North/East has asked a question and I am prepared to answer the question. You see the truth hurts. When we want to answer the questions they ask, they get upset. But I will answer the question.

**Mr. Speaker:** Please, please.

**Hon. K. Persad-Bissessar SC:** I am not aware that there is a squatter on any particular parcel of land. I have said the EMBDC has indicated that the person is renting or a company is renting the lands, and therefore the issue of squatting does not arise.

**Mr. Deyalsingh:** Supplemental, Mr. Speaker. Hon. Prime Minister, as you just stated they are entitled to do any works necessary as a renter. Will that include the construction of buildings on those lands?

**Hon. K. Persad-Bissessar SC:** Again, those will be matters to be worked out with the relevant agency and the renter as per whatever agreement they have entered into.

**Miss Cox:** Thank you, Mr. Speaker. [*Crosstalk*] Hon. Prime Minister—

**Mr. Speaker:** Please, please. Please! Member for Laventille East/Morvant, please. Could I—the crosstalk between the Member for Diego Martin North/East

and the Member for Tabaquite, could you reduce it? Because I would like to hear what the Member is saying, Hansard would like to record what is being said. So could you stop disturbing the proceedings? Hon. Member for Laventille East/Morvant.

**Miss Cox:** Thank you, Mr. Speaker. Mr. Speaker, hon. Member, the Commissioner of State Lands stated that SIS does not have tenancy on the land. They are now applying for tenancy on the land. So, please, I would like you to check again, check this information because it is out there and the Commissioner of State Lands stated that.

**Hon. K. Persad-Bissessar SC:** Thank you, hon. Member. The line Minister for the EMBDC would follow-up on your concerns and your queries with respect to this matter.

### **Land for the Landless Programme (Details of)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. Could the Prime Minister state whether it is indeed the case that the Government has agreed to a new policy for the Land for the Landless Programme. If yes, what changes have been made and on what date was the policy changed?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** The answer to your question is, yes, hon. Member. Again, the details of the change in policy could be further enunciated and elaborated upon by the line Minister, but I will give you some of the outlines with respect to the changed policy.

So, yes, there has been a change. As to when that change was made. The Cabinet approved those changes yesterday and it was yesterday that the honourable line Minister in the Post Cabinet briefing gave some indications as to the changes. The new policy for land for the landless now establishes an income ceiling of \$30,000 joint family income.

Now, prior to this I think it was \$10,000, the income ceiling was \$10,000 so that people above \$10,000 to \$30,000 would not be able to access or would not have an opportunity for lands for the landless. So now that ceiling has been raised, that has been one change. This allows professionals as well as low income families to make applications for the lands which would be allocated in several areas of the country. These changes as I said were approved yesterday by Cabinet. This is a programme developed by the Government in 2012. It was always intended to help landless people get lands at subsidized prices to build their

homes. The change allows more people to be able to own lands. The expanded ceiling will give an opportunity to youth and middle income persons to access lands on which they can build their home and build communities. This too is another unprecedented initiative of the Government, the present Government [*Desk thumping*] and it is designed to help a large cross section of communities across the land.

This is also a part of an overall initiative which includes the 100 houses per week to be distributed by the Ministry of Housing and Urban Development, [*Desk thumping*] and land for landless as squatter regularization would involve a 2 per cent mortgage via the TTMF, again, allowing low interest loans [*Desk thumping*] to develop these lands.

**1.45 p.m.**

It is expected that an investment of about \$1 billion a year in partnership with the private sector and the lots would be subsidized by the State using the following formula: lands valued up to \$250,000, up to 80 per cent; lands valued at between \$250,000 and \$300,000, up to 70 per cent, and lands valued at between \$300,000 and \$350,000, 50 per cent; lands over \$350,000, 30 per cent.

**Mr. Speaker:** The hon. Member for Chaguanas West.

**Mr. Warner:** Can the Prime Minister say if any agencies, persons or organizations were consulted relative to this new land policy, land which belongs to the people of Trinidad and Tobago? And also, can she say when the list of qualified persons who will receive this land will be published?

**Hon. K. Persad-Bissessar SC:** Well now some lands, not under this new policy because it was only yesterday that this was approved by the Cabinet, but prior to this, the land for landless policy which gave to income earners up to \$10,000, there was a lottery draw for transparency and accountability. That took place in San Fernando, I recall, quite some time ago. Ministers will have the details—about two years ago; 2013. So some lands are drawn by lottery and the Minister will give the formula as to how we will deal with the other parcels of land.

You asked about consultations, perhaps the Minister could provide some more details about that. But I know, as a Member of Parliament myself, and from hearing other Members of Parliament speak, that this has been a great cause of concern to persons who wish to access land but because of their income ceiling at

the \$10,000, that many of them who were low or low middle-income earners, were precluded from accessing these particular parcels of land through this programme.

**Mr. Speaker:** The hon. Member for Chaguanas West.

**Mr. Warner:** If I may be right, at this point in time the Prime Minister is unable to say which organizations, or person or agencies, were consulted on this new land policy and you are unable to say when these people who are qualified under this new land policy—when that list shall be published. Am I correct?

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** I do not know if it is unable to say. I mean, if the policy was only approved yesterday, certainly, we cannot say when we will publish who will get the lands. There is a process to be gone through. They would apply. There are qualifications to meet the criteria and so on. It would be premature at this time to say, “Okay, in one month’s time this will happen”. Of course, we intend to make it happen as soon as possible.

On the other question, if you may remind me, please. There was a second question.

**Mr. Warner:** This new land policy, the land which belongs to the people of Trinidad and Tobago, at this point in time you cannot say who were consulted on this new policy?

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** Sure. Hon. Speaker, when I said earlier, I said the line Minister will give further details, but I do know, as Members of Parliament, our constituents have been making these representations. I do know that the Land Settlements Agency has also been involved as an agency. And, again, it will be difficult for me now, without checking the records, to say one, two, 20 people were consulted. But consultations did take place, whether formally, directly, informally or indirectly.

**Mr. Speaker:** The hon. Member for Diego Martin Central.

**Dr. Browne:** A supplemental. With respect to this change in policy, many persons earning less than \$10,000 per month would have applied prior to the announcement yesterday. Would the Prime Minister agree that it is now less likely now that the income ceiling has been raised—less likely that their needs would be satisfied? The pool has been increased.

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** No, I would not say that at all, Sir. I could see where you are going, but I would not say that would happen because you have two windows now. You have for those earning below \$10,000 and you have those earning for up to \$30,000—\$10,000 to \$30,000. So there are two windows, firstly, and secondly, the mechanisms that will be put in place would be such that will allow for transparency and accountability, an equal opportunity for everyone to access through their applications to have the same equality of opportunity in gaining such a parcel of land.

**Mr. Speaker:** The hon. Member for St. Joseph.

**Mr. Deyalsingh:** Thank you. Hon. Prime Minister, you spoke about the 100 houses per week to be distributed. May I ask if individual Members of Parliament will be having an opportunity to represent their constituents in the distribution of these houses?

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** Hon. Member, the line Minister for Housing and Urban Development says, as the Members of Parliament always do, and if you have not been doing so, we invite you to please also make use of it. But I have spoken with the Minister of Housing and Urban Development and given the large number of persons who have applied, who will be applying, who are lining up every day because people are so in need of housing, we may want to consider another window of opportunity similar to what we did for land for the landless, which is that we have a lottery draw.

In that way, no one can say that I have selected my sister, the Member for Port of Spain South because she looks very beautiful today and is my friend or not my friend. [*Laughter and desk thumping*] No one can say that I did not select the Member for Diego Martin North/East because he talks a lot. So we have equality and transparency. I have asked them to consider again the mechanisms for the distribution to allow equality and opportunity for everyone to access these houses.

**Mr. Speaker:** All right. Let us go on. The hon. Member for Chaguanas West. [*Crosstalk*] Please, please.

**Incarcerated Nationals in Venezuela  
(Present Status of)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker.

Can the Prime Minister advise on the present status of those nationals of Trinidad and Tobago who have been incarcerated in Venezuelan jails for an inordinate length of time?

**Mr. Speaker:** The hon. Prime Minister.

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** The present status of nationals. Mr. Speaker, I have maintained—and I think it is very important for us to understand, and I think my hon. colleague, Member for Chaguanas West, also will fully understand, having been a Minister of National Security previously, that we cannot interfere with the judicial system of another country—the national security apparatus and the judicial system of another country. I have maintained that from the beginning of this matter, and I did so up to recently when President Maduro visited Trinidad and Tobago in our bilateral meetings.

In addition to that, we must act in accordance with the recent United Nations Security Council Resolution, 2178, which Trinidad and Tobago cosponsored with Jamaica and with many other nations around the world. So we are obliged to uphold this resolution which provides a way for dealing with foreign terror fighters.

Given those two pillars, we will not act in any way to prejudice the court process of a sovereign nation, in the same way that we would not want another nation to act in any way to prejudice our judicial system here and our security systems. However, dialogue between Venezuela and Trinidad and Tobago authorities will take place in relation to the five Trinidad and Tobago nationals detained on terrorism charges in that country.

Indeed, in the bilateral discussions we had, we raised the matter with President Maduro and President Maduro agreed that Ministers of Foreign Affairs of both countries and Ministers of National Security were to continue in dialogue with a view to seeing how best this matter could be resolved. So, again, we agree that all talks would be without prejudice to the legal system of Venezuela under which the gentlemen were charged—the persons were charged—in Venezuela.

**Mr. Speaker:** The hon. Member for Chaguanas West.



**Mr. Warner:** Thank you, Mr. Speaker. I would like to know, Madam Prime Minister, if you have any idea what our embassy is doing in Venezuela for these guys, seeing that they have to be transferred tomorrow to another prison—another cell—that is very dangerous.

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** Yes, the Minister of Foreign Affairs has advised, has told us from time to time that our embassy in Trinidad and Tobago—as it must do anywhere we have an embassy—gives whatever support they can give to the Trinidad and Tobago nationals in Venezuela.

**Mr. Speaker:** The hon. Member for Chaguanas West.

#### **Sports Company of Trinidad and Tobago (Appointment of Board of Directors)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. Madam Prime Minister, as the Sports Company of Trinidad and Tobago has been without a board since August 2014, can the Prime Minister please advise when the Government will be appointing a Board of Directors for the Sports Company?

**Mr. Speaker:** The hon. Prime Minister.

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Hon. Speaker, the new board for the Sports Company was approved by Cabinet recently and on March 05, 2015, has been confirmed. So the board has been approved and confirmed by the Cabinet. Letters of appointment should go out in due course, if they have not already done so.

**Mr. Speaker:** The hon. Member for Chaguanas West.

#### **Broadcasts of Political Meetings (Payments for)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. Can the Prime Minister state whether political parties are required to pay for television and radio broadcasts of political meetings by State-owned Caribbean New Media Group (CNMG)? If yes, can the Prime Minister state whether the United National Congress paid for the broadcasts of March 02 and 09, 2015?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** The answer is yes, hon. Member for Chaguanas West. Yes, political parties are required to pay for TV and radio broadcasts for political meetings at CNMG. The second part of your

question, yes, payments were made for the March 02 and March 09, 2015 meetings of the United National Congress.

**Mr. Speaker:** The hon. Member for Port of Spain North/St. Ann's West.

**National Gas Company  
(Independent Investigation re: Audit Report)**

**Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*): Given the significant contributor the National Gas Company (NGC) is to the country's economy, is the Prime Minister willing to appoint an independent committee to investigate and report within a fixed time on the matters relative to the NGC Audit Report?

**Mr. Speaker:** The hon. Prime Minister.

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** The Ministry of Energy and Energy Affairs has already stated that the committee has been established to look into this matter. That committee comprises Mr. Leroy Mayers, Mr. Philip Marshall and Mr. Hayden Toney. In such circumstances, it is not necessary at this time for any other committee to be appointed to deal with it.

**Mr. Speaker:** The hon. Member for Port of Spain North/St. Ann's West.

**Mrs. Mc Intosh:** Does the hon. Prime Minister consider a committee established by the Minister of Energy and Energy Affairs under whose portfolio or purview energy falls, in consultation with the Minister of Finance and the Economy, a former chairman of NGC—does the Prime Minister consider this an independent committee? Given that hon. Prime Minister, Mr. Hayden Toney, the chairman, is a retired director of the Ministry of Energy and Energy Affairs, Mr. Leroy Mayers, a retired public servant, permanent secretary. He served in both the Ministry of Energy and Energy Affairs—

**Mr. Speaker:** Could you ask your question? What is your question?

**Mrs. Mc Intosh:** I am coming to the end, please, Sir.

**Mr. Speaker:** No, you are very long. You do not have much time.

**Mrs. Mc Intosh:**—and Mr. Phillip Marshall is a director of the strategic management office of the Ministry of Finance and the Economy. It is all himself to himself. Is this what we call an independent committee?

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** The question was so long-winded and more of a statement, so I am not sure if the answer is a yes or no. I am saying, yes, that we have confidence that this committee can do the job at this time. [*Desk thumping*] They are independent persons of great experience and expertise. Just as Mr. McIntosh was a man of great experience in NGC matters.

**Hon. Members:** Ohhhh.

**Hon. K. Persad-Bissessar SC:**—likewise, they have experience and expertise and we do believe that they can carry out this function at this time. Can we also again—you see, hon. Speaker, the questions are framed in a manner based on certain factual scenarios which may or may not be true. So it talks about to report on the matters relative to the NGC report. Which NGC report? It does not say. What we do know is that given allegations made in the media—even NGC has stated that there is no audit report. So which report? Given the allegations, the Minister has appointed his team. We are comfortable at this time that they can carry out the mandate to deal with this matter.

**Mr. Speaker:** The hon. Member for Point Fortin.

**National Gas Company  
(Review of Strategic Plans)**

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): Thank you, Mr. Speaker. Can the Prime Minister state whether the Ministry of Finance and the Economy and the Ministry of Energy and Energy Affairs, as monitoring agents, reviewed the strategic plans and annual budgets of the National Gas Company as required by the July 2011 State Enterprises Performance Monitoring Manual for the years—in other words, was the review done for the years 2011, 2012, 2013 and 2014?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** I have been told by both Ministers that their Ministries received and reviewed the strategic plan and budget of the NGC. We are asked to note that the role of these Ministries—it is not their role to approve budgets since the NGC receives no subvention from the Government, but they do receive the strategic plans which contain the budgets of the NGC for the years that you have asked. Both Ministers have confirmed.

**Mr. Speaker:** You have a supplemental? The hon. Member for Point Fortin.

**Mr. Gopee-Scoon:** The State Enterprises Performance Monitoring Manual has—in fact, lays down a performance criteria for all state enterprise and it is on

review annually. It is must be that there must be concerns which would have arisen. I am asking the question: did any of the findings on review reveal concerns which ought to have been immediately addressed with a view to protecting the public interest and also ensuring optimal resource utilization? And these are two of the criteria—just two—which are to be evaluated based on the general operating framework which is detailed in the State Enterprises Performance Monitoring Manual of 2011.

**2.00 p.m.**

**Mrs. Persad-Bissessar SC:** What is the question?

**Mrs. Gopee-Scoon:** Sorry? Can I ask a direct question then?

**Mr. Speaker:** Yes, direct supplemental.

**Mrs. Gopee-Scoon:** Did any of the findings on review annually reveal any concerns which ought to have been immediately addressed with a view to protecting the public interest and ensuring optimal resource utilization? And I said, these are some of the criteria that are laid down in the general operating framework in the State Enterprises Performance Manual.

**Mr. Speaker:** The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** Mr. Speaker, with due respect the question is longer than the time I have allotted for answering the question, but the Minister of Energy and Energy Affairs could provide further details on the very specific items that you are now requesting an answer to.

**Mr. Speaker:** The hon. Member for Point Fortin. [*Interruption*] Please, please, Member for Diego Martin North/East. Please, Member for Diego Martin North/East! Continue. Yes, hon. Member?

**Mrs. Gopee-Scoon:** I will have to lay questions for the—[*Interruption*]

**Mr. Speaker:** Member for Diego Martin North/East, you are disturbing the proceedings, please. Continue.

**Mrs. Gopee-Scoon:** I will have to lay those questions for Minister of Energy and Energy Affairs as the Prime Minister cannot answer. So I will go to question No. 9.

**National Gas Company  
(Status of)**

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): With respect to the allegations of rampant overspending at the National Gas Company which emerged in the last two weeks, can the Prime Minister state what actions does she plan to take should those allegations prove to be true or matters of fact?

**Mr. Speaker:** The hon. Prime Minister.

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** As we indicated, hon. Speaker, the Minister of Energy and Energy Affairs has appointed a committee to look into the allegations that have been made about spending at the NGC and we will await the outcome of that report before speculating as to what action should be taken.

**Mrs. Gopee-Scoon:** Supplemental. Why have neither the Chairman nor the President of NGC, or any members of the board of directors, having presided over the alleged affairs which should have been reviewed annually, why have none of these persons been suspended pending the outcome of the investigation?

**Mr. Speaker:** That is not a supplemental. It does not arise out of the question, but it is up to the Prime Minister. The hon. Prime Minister.

**Hon. K. Persad-Bissessar SC:** You know, Mr. Speaker, I think we need to remind ourselves as I answer this question, that when they were in Government, they hanged a man while the case was before the Privy Council—[*Interruption*]

**Mrs. Gopee-Scoon:** That is not—[*Interruption*]

**Mr. Speaker:** Please, please, please, please.

**Hon. K. Persad-Bissessar SC:**—and therefore, the question the Member is asking why people do not resign, why people are not being fired, there is a due process and there is also innocent until proven guilty. At the moment, they are just allegations put out in newspaper reports, media reports, and therefore, at this point in time there is no reason to fire these people because of a newspaper report. I think that will be totally irresponsible.

**Mrs. Gopee-Scoon:** I did not say fire, I said suspend. It is not the same. Suspension and fire, pending the outcome of the allegations, I said suspend.

**Mr. Speaker:** All right, next question. Next question, please. Let us go with the next question, please.

**Mrs. Gopee-Scoon:** Supplemental.

**Mr. Speaker:** What is the supplemental?

**Mrs. Gopee-Scoon:** I am asking the question whether the Government is prepared to act appropriately should any of the members of the board of directors and executive of NGC be found guilty of any alleged breaches, reference before, insofar as offending section 9 of the Companies Act and also the Integrity in Public Life Act, and this also speaks to the Minister of Energy and Energy Affairs as line Minister with responsibility for NGC as well?

**Hon. K. Persad-Bissessar SC:** Mr. Speaker, the answer is a very simple, yes. In fact our history and our record will show [*Desk thumping*] wherever there has been wrongdoing, I have acted, the Government has acted not on one occasion, but on more than one occasion. So the answer very simply to the very long question, hon. Member, is yes.

**Mr. Speaker:** The hon. Member for Point Fortin. Last question. You have three more minutes to go.

#### **Soldado Development Project (Status of)**

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): Allegations of impropriety have recently been made with regard to Petrotrin's South West Soldado development project, including the remittances of US \$750,000 and US \$1.25 million into two private bank accounts at the Maraval Branch of Scotiabank. Can the Prime Minister state whether the Government intends to investigate these allegations and what steps, if any, have been taken thus far?

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Once again, based on a newspaper report without ascertaining the veracity of the factual scenario, question is being asked. Petrotrin has told us very clearly that they have responded to this issue through diplomatic channels and legal challenges.

On June 27, 2013, Petrotrin issued written correspondence to the Deputy Head of Mission at the Embassy of Mexico in Trinidad and Tobago, advising of the issues with Mr. Marecsa and indicated that Petrotrin was reviewing its available options to recover damages for the breach of contract against Mr. Marecsa. By August 22, 2013, Petrotrin issued written correspondence to the hon. Minister Dookeran, Minister of Foreign Affairs, advising of the unacceptable commercial dealings with Mr. Marecsa.

Further, there has been an exchange of correspondence between attorneys acting on behalf of Petrotrin and Bankers Insurance Associates, respectively. It is important to note that Petrotrin had and has no knowledge of moneys paid to Mr. Marecsa being returned to Trinidad and Tobago. Indeed, Petrotrin has indicated they have absolutely no dealings with a Mr. Clark, I believe it is, who is named as a go-between, nor have they any dealings with Comprehensive Insurance Brokers with respect to this matter.

**Mrs. Gopee-Scoon:** Supplemental. Is the Government aware of the names of recipients of these accounts holders, the recipients of these funds? [*Interruption*]

**Hon. K. Persad-Bissessar SC:** Which funds?

**Mrs. Gopee-Scoon:** The account holders of Scotia Bank which we are speaking to?

**Hon. K. Persad-Bissessar SC:** The Government is not aware. Fortunately or unfortunately, the Government has no power to go into bank accounts or to seek bank records, hon. Speaker. Those are matters up to the Fraud Squad and to the police and others in that investigative capacity.

**Mrs. Gopee-Scoon:** Mr. Speaker, has a report been made to the police then of these misdirected State funds?

**Hon. K. Persad-Bissessar SC:** That article appeared on Sunday, once again, and I am sure Petrotrin will take such steps where what appears to be fraudulent activities being reported, it will investigate—[*Interruption*]

**Mrs. Gopee-Scoon:** So the Government will investigate?

**Mr. Speaker:** Please, please.

**Hon. K. Persad-Bissessar SC:** It is Petrotrin's matter, Madam, hon. Member. It is a matter involving Petrotrin and a contractor, where the contractor is in breach of contract. They have taken steps, continue to take legal steps for recovery of moneys paid where there is breach of contract.

On a newspaper article, I believe it was Sunday, there is an allegation now of moneys being paid back from the foreign contractor to some gentleman by the name of Clark in some bank account. Petrotrin would have had sight of that article, and should there be cause for fraudulent investigations, they would take such steps to report to the police as necessary. But Petrotrin had indicated they have had no dealings whatsoever with this Mr. Clark, and Mr. Clark has never represented them in this matter or in any other matter.

**Mr. Speaker:** No, time is up. Let us go.

**Mrs. Gopee-Scoon:** Time is up?

**Mr. Speaker:** Yes.

**Mrs. Gopee-Scoon:** One more.

**Mr. Speaker:** That is up to the Leader of Government Business. [*Crosstalk*]  
All right, let us go.

**Mrs. Gopee-Scoon:** Prime Minister, one more question? One more supplemental?

**Mr. Speaker:** It is up to you. Time is up.

**Hon. K. Persad-Bissessar SC:** Sure, but the question should be a little shorter this time.

**Mrs. Gopee-Scoon:** Sure. Thank you. So have any efforts been made at all through whatever means, to hold or seize these funds in abeyance, pending the outcome of these investigations?

**Hon. K. Persad-Bissessar SC:** Well, if you had read the article carefully, the article that you are referring to, you would have seen that they said that the Bankers Insurance, there is a bond lodged with Bankers Insurance. Petrotrin has been attempting to recover the money through the bond in addition to the other legal and diplomatic channels that they are pursuing.

**Mrs. Gopee-Scoon:** They attempted to, but are there any attempts to hold the funds in abeyance?

**Mr. Speaker:** All right.

**Mrs. Gopee-Scoon:** Sorry.

**Mr. Speaker:** We are moving on. We moving on, please. Continue.

**Hon. K. Persad-Bissessar SC:** The funds cannot be held in abeyance. They are being held by Bankers Insurance. It is a bond.

**Mr. Speaker:** Okay. Let us go, please.



## URGENT QUESTIONS

**Files found in Private Attorneys' Office  
(Re-opening of Investigation)**

**Miss Donna Cox** (*Laventille East/Morvant*): Thank you, Mr. Speaker. Question to the Minister of National Security: in light of the fact that the Commissioner of Police has re-opened the investigation into the files found in the office of private attorneys, can the Minister tell this House what action, if any, has been taken against the original investigating officer Sergeant Guevarro, given the circumstances which prompted the re-opening of the investigation?

**The Minister of Gender, Youth and Child Development and Acting Minister of National Security (Hon. Clifton De Coteau)**: Mr. Speaker—*[Laughter]*

**Mr. Speaker**: Please, please, please. The hon. Minister.

**Hon. C. De Coteau**: We have noted the question and these are matters for police investigation and consideration. It has nothing to do with ministerial policy, and out of abundant caution, Mr. Speaker, in light of the many publications of alleged interference, the Minister believed it was necessary to be very cautious on this matter lest it be interpreted as trying to interfere and pervert the course of justice.

**Mr. Speaker**: The hon. Member for Laventille East/Morvant.

**Miss Cox**: Mr. Speaker, the Minister has not answered the question. The question is—I would just like to know what is the present situation with regard to the investigating officer because the Judiciary confirmed that it had in its possession a Trinidad and Tobago Police Service report dated February 10, 2011, which stated that Mr. Seepersad was indeed interviewed and that report gave details of his responses.

**Mr. Speaker**: It is a very long supplemental.

**Miss Cox**: So I would therefore like to know—that is a serious matter and I would like to know what is the present position with that investigating officer.

**Mrs. Gopee-Scoon**: Mr. Speaker, the person asking the question was indeed a Minister of State in the Ministry of National Security—*[Interruption]*

**Miss Cox**: That has nothing to do with the answer.

**Mr. Speaker**: Please, please.

**Hon. C. De Coteau:**—and I would not be baited into that question. I repeat, that is for police investigation and the consideration of the Commissioner, not ministerial policy. Thank you.

**Church on the Rock  
(Payment of)**

**Miss Donna Cox** (*Laventille East/Morvant*): Thank you, Mr. Speaker. To the Minister of Education: what steps are being taken to pay the outstanding balance of rent owed to the Church on the Rock and the electricity bill in excess of \$60,000 to avoid possible eviction and disconnection of the Lower Morvant Government Primary School?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** As the Member for Laventille East/Morvant knows, they had requested construction of a new school in Lower Morvant. The Ministry of Education began the tendering process and went through the award and the school was beginning the construction. So we had to relocate the students, we had to find a place that is suitable for the students and the Ministry engaged the Church of—what is the name of the—[*Interruption*]

**Miss Cox:** Church on the Rock.

**Hon. Dr. T. Gopeesingh:**—Church on the Rock institution as a rental on a monthly basis.

I have been advised just before we came into Parliament that a number of the months' rental have been paid and a number still outstanding. I have been advised it is now from the Director of Finance administration of the Ministry of Education. I spoke with them just a while ago. The matter is being processed now and they expect to have the payment by Friday next week, for the latest.

**Miss Cox:** What about the electricity bill?

**Hon. Dr. T. Gopeesingh:** I questioned the electricity bill, they were not aware of it, but I asked them to investigate it and see. But meanwhile, Mr. Speaker, the Member for Laventille East/Morvant knows that we are trying to continue the construction of the school and we could not do the construction because of untoward elements in the area, because of threats to the contractors. She has promised to assist us so that we could reduce those threats and we could move on to the construction of the school. The students will have to fit into a different area when a new school could be constructed for them as quickly as possible.

**Miss Cox:** Supplemental.

**Mr. Speaker:** Yes.

**Miss Cox:** Minister, as you spoke about the construction of the school, I would like to know when—we were supposed to meet to deal with the, am, so that the construction could begin.

**Hon. Dr. T. Gopeesingh:** Sure. The contractor who won the tender and started work chucked it in—they could not do the work because of the untoward elements in the area. And so, we have retendered. The tenders are now being evaluated and hopefully an award will be made shortly and I do not foresee construction starting in less than—it should start within about a two-week period from now and, of course, we will look forward to your support in the area.

**Mr. Speaker:** The hon. Member for Chaguanas West.

**Barataria North Secondary School  
(Status of)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. For the Minister of Education: for the past three weeks, Minister, the Barataria North Secondary School has been closed except for Forms 4 and 5, can the Minister advise when the school will become fully functional to accommodate all its students?

**Mr. Speaker:** The hon. Minister of Education.

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you, Member for Chaguanas West. As we all know, the Barrackpore West Secondary, one part of it was gutted by fire, a significant block that housed the Forms I and 2 students.

The area had to be cordoned off and we had to await the fire service report and the electrical report. We have received those about a week and a half ago. The Educational Facilities Company Limited had been called in and an analysis has been done in terms of what is required to be done.

**2.15 p.m.**

The Electrical Inspectorate also came in and advised what has to be done. They advised on the lighting, the ballast areas had to be redone for all the lights within the school. That has been redone already. They advised that the rewiring of the school has to be done and the connections by the cabling and to the panel box has to be done. These two areas, latter two areas, are being tendered at the moment, the scope of work has been done.

*Urgent Questions*  
[HON. DR. T. GOPEESINGH]

*Friday, March 13, 2015*

But meanwhile, the Educational Facilities Company Limited went in and started to do some work on the auditorium block. They are cordoning off the auditorium block. At the moment now, students from Forms 3, 4, 5 and 6 are properly housed and Forms 1 and 2 will be housed there, as quickly as possible, in the auditorium block.

Now, work will be done on the electrical systems and that should not take more than—we foresee about two months from now maximum so that the entire school will be back to normal.

**Mr. Warner:** I assume you mean Barataria, not Barrackpore, eh. You said Barrackpore. [*Crosstalk*] I was talking about Barataria. I said Barataria. I am asking again. For the past three weeks, the Barataria North Secondary School has been closed except for Forms 4 and 5, Barataria, can the Minister advise when the school will become fully functional to accommodate all its students?

**Hon. Dr. T. Gopeesingh:** You caught me with that one.

**Mr. Warner:** Would not be the first time you construed it. [*Laughter*]

**Hon. Dr. T. Gopeesingh:** I construed it as the—I thought it was the Barrackpore that you were asking me. Knowing you, I thought it was the Barrackpore. But the Barataria North Secondary, Minister brought it to my attention recently, I brought it to the attention of the EFCL to do some work on it. The Barataria North Secondary is now being completed because the last contractor moved away from the site, but the work should be started by the Educational Facilities Company Limited so that students could be properly housed.

**Mr. Warner:** Mr. Minister, can you tell this House how long these children have been home, Form 1, Form 2, Form 3? How long they have been home and their parents have been extremely worried? How long?

**Hon. Dr. T. Gopeesingh:** I cannot give you that answer at the moment. I would have to ask the Chief Education Officer and the supervisors. I would give you that before the end of the evening if it is possible. [*Crosstalk*] I do not have the answer now—[*Interruption*]

**Mr. Warner:** Do you want me to tell you?

**Hon. Dr. T. Gopeesingh:** It is all right, I will find out, because I do not know whether what you tell me might be the—you know that, too—might be accurate.

**Appointment of Airports Authority General Manager  
(Status of)**

**Mr. Jack Warner** (*Chaguanas West*): To the Minister of Transport: can the Minister advise what is the present status of the appointment of a General Manager at the Airports Authority?

**The Minister of Transport (Hon. Stephen Cadiz)**: Mr. Speaker, no final decision has been made regarding the appointment and the status quo remains.

**Mr. Warner**: Can the Minister tell this House how many interviews were held for this particular post and who came first?

**Hon. S. Cadiz**: Mr. Speaker, there were over 14 applicants for all the positions, but considering that no final decision has been made, I will not be in a position to release the names of any persons who might have been shortlisted.

**Mr. Warner**: Mr. Speaker, I never asked about names. I said how many appointments, how many, in other words, interviews were held? One, two, three, four interviews were held? Who came first? "I ent ask about names." How many were held and who topped the interview?

**Hon. S. Cadiz**: Mr. Speaker, 14 applications were received, therefore there would have been 14 interviews, [*Crosstalk*] I would assume. All right. The shortlist has four names on it—[*Crosstalk*] Okay, there was a shortlist that was developed and it has four names on it and because no appointment has yet been made, it would be incorrect for me to make any statement regarding who came first.

**Mr. Speaker**: Only two, your time is over. Let us go.

**WRITTEN ANSWERS TO QUESTIONS**

**Miss Marlene Mc Donald** (*Port of Spain South*): Mr. Speaker, I rise on a question I had asked last week on Question No. 41. I would like to know, again, from the Leader of Government Business, what is the status of Question No. 41 which is outstanding since December 2014.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)**: Mr. Speaker, I just want to indicate, this question is outstanding since December 2014 whereas previously there were questions on the Order Paper

*Written Answers to Questions*  
[HON. DR. R. MOONILAL]

*Friday, March 13, 2015*

outstanding for one entire year in this Parliament prior to 2010. So, Mr. Speaker, in light of the anxiety of my friend opposite, we will circulate in written form the answer to Question No. 41 today.

**Legal and Other Technical/Professional Services**  
**(Details of)**

**41. Dr. Keith Rowley** (*Diego Martin West*) asked the hon. Attorney General:

With respect to the payment for legal and other technical/professional services made to persons/entities other than staff of the Ministry of the Attorney General for the period June 2010 to October 31, 2014, would the Minister:

- a) Identify each person/agency or entity so paid indicating the date and amount of each payment, specifically the purpose for such payment and the output received by the Ministry.
- b) With reference to each matter as identified in (a) above, could the Minister state whether there is any outstanding payment owing on the assignment and if so how much is owed or anticipated to be paid as at November 1, 2014?

*Answer lodged in the Parliament Library.*

**Food Import Bill 2009—2014**  
**(Details of)**

**77. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Food Production to:

- a) state the value of the Food Import Bill for each fiscal year 2009, 2010, 2011, 2012, 2013 and 2014;
- b) list the countries and the value of food imported into Trinidad and Tobago for each of the fiscal years 2010 to 2014?

*Answer lodged in the Parliament Library.*

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, the Government is in a position today to answer all questions for oral answers.

**Water Mains and Sewer Mains  
(Installation and Replacement of)**

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

- A. Could the Minister indicate when water mains will be installed in the following areas:
- i. Parrylands #1 and #2
  - ii. Bushy Park Vessigny
  - iii. Palo Seco Settlement
  - iv. Lot 10 Barracks Parrylands
  - v. Thomas Trace in Arena Village
  - vi. St. Rose Street, Gonzales
  - vii. Carapal Branch Road, Erin
  - viii. La Union Road Erin
  - ix. Tank Road 1 and 2, Sobo Village
  - x. Larington Street, Salazar Trace
- B. When will proper sewer mains replace the rotten, perforated and leaking sewer mains in Dalley's Village, Santa Flora?

**The Minister of State in the Ministry of the Environment and Water Resources (Hon. Ramona Ramdial):** Thank you, Mr. Speaker. To Part A, WASA has already estimated the cost of each project in the areas indicated. Depending on the distance, estimated cost varies from \$418,500 to \$2,920,195. The total cost is estimated to be \$16,433,695. These projects will be implemented as the funding becomes available. To date, we have done 22 pipeline projects in the constituency of La Brea at a cost of \$7.78 million.

Part B, at present, Petrotrin is responsible for the maintenance of the Dalley's Village development. In fact, this development has changed hands since 1948 from bp to Tesoro to Trintopec to now Petrotrin.

**Mr. Jeffrey:** Supplemental. Hon. Minister, are you saying that in light of the serious health that is being threatened at Dalley's Village that your Ministry is not going to do anything about it?

**Hon. R. Ramdial:** Mr. Speaker, as I reiterated earlier, the responsibility for this village falls under Petrotrin and therefore, I cannot make any pronouncements with respect to addressing the situation.

**Mr. Jeffrey:** Further supplemental. Hon. Minister, I am asking whether your Ministry will not make an intervention on behalf of the people of Dalley's Village by talking to Petrotrin.

**Hon. R. Ramdial:** Mr. Speaker, I would go out on a limb here to state that WASA can probably give advice in their capacity because it is dealing with the sewer mains and water supply and therefore that is all that I think in its capacity that WASA can do at this point.

### **Community Centres (Commencement of)**

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

- A. Having noted the Minister's response to question 23 on March 01, 2013 that in 2008 Cabinet granted approval for the construction of the Rancho Quemado Community Centre, when will construction work commence?
- B. When will construction commence for the Salazar Trace Community Centre?
- C. Having noted the Minister's response to question No. 91 on April 11, 2014 in the House of Representatives, could the Minister provide an update on when construction will commence on the following community centres:
  - i. Santa Flora;
  - ii. Aripéro;
  - iii. Cochrane; and
  - iv. Parrylands?

**The Minister of Community Development (Hon. Winston Peters):** Mr. Speaker, I would like to ask for a deferral of this question because I do not have the answer for it. [*Crosstalk and laughter*] "All yuh ent answer ah 100 questions, all yuh beat desk."

**Mr. Speaker:** Hon. Member, the Member would like a deferral for a week.



**Mr. Jeffrey:** Mr. Speaker, I would like to find out when Question No. 81 will be answered.

**Mr. Speaker:** He said he would like a deferral for a week. Okay?

*Question, by leave, deferred.*

**Mr. Speaker:** Let us go on to the next question. Hon. Member for La Brea.

**Job Creation  
(Details of)**

**82. Mr. Fitzgerald Jeffrey (La Brea)** asked the hon. Minister of Labour and Small and Micro Enterprise Development:

Could the Minister state:

- a) how many jobs were created and for which category in each of the following areas and periods:
  - i. La Brea for the period 2013 to 2014;
  - ii. Santa Flora for the period 2010 to 2014;
  - iii. Palo Seco for the period 2010 to 2014; and
  - iv. Erin for the period 2010 to 2014?
- b) State how many workers lost their jobs and in what category in each of the following areas and periods:
  - i. La Brea for the period 2013 to 2014;
  - ii. Rousillac for the period 2010 to 2014;
  - iii. Santa Flora for the period 2010 to 2014;
  - iv. Palo Seco for the period 2010 to 2014; and
  - v. Erin for the period 2010 to 2014?

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol McLeod):** Mr. Speaker, we do not now have a system that accurately determines the number of jobs created or the categories of jobs created in any one area, given that direct and indirect job creation is a consequence of both public and private sector activities, and that there is no comprehensive data collection system which captures such information at this time. Currently, the Ministry of Labour and Small and Micro Enterprise Development is putting in place a system to collect labour market information through the reengineering of the labour market information unit.

Job creation can be estimated by the number of vacancies which are filled. The Ministry of Labour and Small and Micro Enterprise Development seeks to facilitate placement of persons across the country in suitable vacancies through the operations of the National Employment Service (NES). The data supplied by the NES on job placement on the Point Fortin area and the Point Fortin area includes La Brea, Santa Flora, Palo Seco, Erin and Rousillac, and this gives an indication of job creation.

The number of persons placed in employment by the NES is therefore as follows and these are for the Point Fortin area as a collective and it is from 2010 to the third quarter of 2014. In 2010, there were 17 vacancies filled; in 2011, there were 12; 2012, 30; 2013, 14; and up to the third quarter of 2014, 149. Now, these would be those on which the NES would have supplied information. You might well have jobs outside of that.

The question, Mr. Speaker, part (a) that asked for these bits of information on La Brea, Santa Flora, Palo Seco, Erin, and at part (b), the question asked how many workers lost their jobs in whatever category in those same areas for the period 2010 to 2014.

With respect the number of jobs lost in the Point Fortin area, the retrenchment figures—and that is what we will have to go by. Retrenchment figures have been examined as one measure of job loss in the absence of more comprehensive data. This data has been extracted from the retrenchment notices filed at the Ministry of Labour and Small and Micro Enterprise Development in accordance with the Retrenchment and Severance Benefits Act, 1985. The Act states that organizations are legally required to report retrenchment notices for five or more persons to be retrenched and that information must be filed with the recognized majority union and the Minister of Labour or the Minister responsible for labour matters.

Data is not readily available by geographical locations for retrenched persons. Therefore, information on the national trends with respect to retrenchment is provided, and in that regard, the total number of persons retrenched in 2010 was 638; 2011, 1,124; 2012, 791; 2013, 918 and 2014 1,109. Those retrenchments, Mr. Speaker, hon. Members, occurred primarily in the petroleum and manufacturing industries followed by finance, insurance, real estate and business services industry. Thank you, Mr. Speaker.

**2.30 p.m.**

**Retired Teachers Pensions  
(Details of)**

**97. Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister state what measures are being instituted to ensure that retired teachers receive their pensions and gratuities on time?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker, currently, there are approximately 22,000 employees in the Ministry of Education consisting of teaching service staff, civil service staff, contract officers and daily-paid employees. I believe it is one of the largest employers. Of this number, 7,458 teachers and administrators are in the secondary school system and 8,827 teachers and administrators in the primary school system.

On an annual basis, approximately 450 teachers and administrators from primary and secondary schools are separated from the Ministry of Education by way of compulsory retirement age 60, voluntary retirement age 55—59, permission to retire age 50—54, resignation, death, abandonment and medically unfit.

The processing of superannuation benefits under the provisions of the Pensions Act 23:52 for public officers under the purview of the Ministry of Education is a shared responsibility between the Ministry, the Comptroller of Accounts and the Auditor General of Trinidad and Tobago. The Ministry collates and consolidates the pensionable records of individual employees who are eligible, and submits same to the Comptroller of Accounts whose department has final responsibility and authority, with respect to the processing and payments of retirement benefits.

Having taken cognizance of the fact that the Member has asked about, that retirees in the past have suffered tremendous hardship by not receiving their pension and gratuity on time, the Ministry of Education instituted measures to shorten the time frame within which they receive their superannuation benefits. These measures are as follows:

1. **Capacity Building:** In 2014, the Ministry of Education increased staff levels at the Pension and Leave Unit of the Ministry. In this regard, Cabinet's approval was received for the creation of 21 additional

administrative, clerical and technical positions at both the permanent establishment and contractual levels. This increase in staffing levels has allowed the Ministry to realize a significant improvement to the backlog of current files.

2. **Business Re-engineering:** The Ministry reviewed the way in which it processed files and has started computation of benefits for impending retirees much earlier than before. Files are now submitted to the pension and leave unit at least one year in advance of the retirement date—because we know the retirement dates—for the officers due to retire, as opposed to three months in the past. This is the work of this administration. The pension and leave records are now prepared and submitted to the Comptroller of Accounts three months prior to the date of retirement for the persons who would be retiring.
3. **Increased Collaboration:** Given the above internal measures implemented to shorten the time frame within which retirees receive their superannuation benefits, it is worth noting that the delay has now been shifted from the Ministry of Education to the Comptroller of Accounts. Having recognized that from the Ministry of Education, that there were many outstanding files at the Comptroller of Accounts to be processed, the Ministry was proactive and by letter dated January 14, 2015, as Minister of Education, I sought the intervention of colleague, Sen. the Hon. Minister of Finance and the Economy, Mr. Larry Howai for the timely payment of pension and gratuity to retirees.

By letter dated January 26, 2015, Sen. the Hon. Minister of Finance and the Economy informed us that he acknowledged receipt of the matter and was forwarded to the Permanent Secretary of the Ministry of Finance and the Economy, Mr. Dhanpaul, who was instructed to liaise with the Comptroller of Accounts to have the matter addressed. Notwithstanding this, the Ministry of Education continues to play a facilitative role in the process.

In light of the above, I am very pleased to indicate that the Ministry is currently up to date with its processing of files as evidenced by the information which I will give, which is a summary of files processed over the period 2010—2014, which is the summary of the superannuation benefits, processed by the Ministry of Education and submitted to the Comptroller of Accounts.

For the year 2010, the number of retirees was 363. We have none outstanding at the Ministry of Education; 2011, 420 retirees, none outstanding at the

Ministry of Education; 2012, 400 retirees, none outstanding at our Ministry; 2013, out of the 447, three are outstanding; 2014, out of the 500 retirees, four are outstanding. So a total of 2,170 retirees over the five years I spoke about, there are seven files outstanding at the Ministry of Education.

We have been trying to get information at the Comptroller of Accounts to determine how many files they have processed at the Comptroller of Accounts and we continue to seek that information to see what has been the delay. The Minister of Finance and the Economy has in fact instructed the Permanent Secretary, Mr. Dhanpaul, to add additional employees to the Comptroller of Accounts department so that these files which are outstanding could be processed in a faster manner.

**Mrs. Mc Intosh:** Could the hon. Minister state whether this same very process is used to expedite the upgrade of teachers' pensions; the upgrade of pensions where it is necessary?

**Hon. Dr. T. Gopeesingh:** I think the human resource management division is quite aware of it and they have been working expeditiously to ensure that the upgrades, the increments, you are speaking about, they have to get the reports from the school supervisors, and so on, and the Chief Education Officer is very proactive with the human resource management department to ensure that comes in as quickly as possible so that the increments could be given as fast as possible.

**Mrs. Mc Intosh:** Is the hon. Minister aware that it took me three years, it took the Ministry of Education three years, to send to the Ministry of Finance and the Economy the documents for my upgrade of my pension from 2012?

**Hon. Dr. T. Gopeesingh:** When you raised that matter I immediately went to work to make sure that my colleague is not disenfranchised as many other teachers from the past and professionals. So, it is in one of the context but in 2014 we had already moved to expand the department and, therefore, we were able to clear the backlog and, perhaps, one of the areas where the delay had been kept back, besides yours at the Ministry, is at the Comptroller of Accounts and we are working with them on a regular basis to see how that can be cleared up.

#### **BAIL (AMDT.) BILL, 2015**

*Order for second reading read.*

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

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

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

*Friday, March 13, 2015*

Mr. Speaker, allow me to say what a privilege it is to be able to pilot this Bill in this honourable House populated by ladies and gentlemen elected to represent the good people of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, section 5(1) of the Bail Act, Chap. 4:60 provides that a person charged for any offence other than for murder, treason, piracy or hijacking is eligible to be granted bail by a judge or magistrate.

In general, where a magistrate refuses to grant bail, the defendant is entitled to apply for bail to a judge. Also where a person is convicted by a magistrate and appeals and the judge refuses to grant bail, the person can then appeal to the Court of Appeal for bail. This, in a nutshell, is your general right to bail. It should be noted that while all citizens have and enjoy a general right to bail, this right is not absolute and successive Parliaments, under different administrations, from 1994 to this present time, have made modifications and alterations to the general right to bail.

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

This Government remains committed to striking the right balance between the rights of the accused and the need to protect citizens from serious and violent crime. As will be made clearer, as we progress through discussions on this Bill, this Bill aims to strike that right balance.

Mr. Speaker, I think it is appropriate to briefly touch on the legislative history with regard to bail so that the Members of this honourable House and the public at large can be reminded of the law, as it relates to bail. This is necessary since it is only if one has an understanding of where we came from and where we are now that one will be able to fully appreciate where Government is now proposing to go.

Mr. Speaker, the Bail Act was first made law in 1994, by virtue of Act No. 18 of 1994. This Act, Mr. Speaker, which was originally conceived by the Government of the day, was the first time a Government in the country's history placed restrictions on the right of an accused person to access bail.

As originally conceived, the Bail Act, 1994, would have denied bail to a person who was charged with an offence listed in Part II of the First Schedule of the Act and had previously been convicted on three occasions, arising out of separate transactions of any offence or any combination of offences listed in that

Part, unless on an application to a judge, the accused could show sufficient cause why his remand in custody was not justified. In other words, with three previous convictions in the class of offences specified, you could not get bail.

Mr. Speaker, the Bail (Amdt.) (No. 2) Act, 2005, also known as Act No. 32 of 2005, reduced the number of convictions required from three to two and increased the period under review from 10 to 15 years. Act No. 32 of 2005 was also the first Act to make certain violent offences under the Bail Act of 1994, as well as the offence of kidnaping for ransom under the kidnaping Act of 2003 non-bailable offences. Act No. 32 of 2005 also created two categories of offences, namely specified offences under Part II of the Schedule and violent offences under Part III of the same Schedule.

This Act had a sunset clause which specified the duration of the Act to one year from its date of commencement. Mr. Speaker, the provisions created in Act No. 32 of 2005 were kept alive with occasional modifications to improve its effectiveness for several more years by virtue of the Bail (Amdt.) Act of 2006, the Bail (Amdt.) Act of 2007, the Bail (Amdt.) (No. 2) Act, 2007, the Bail (Amdt.) (No. 3) Act of 2007, the Bail (Amdt.) Act of 2008, the Miscellaneous Provisions (Kidnapping and Bail) Act of 2011 and Act No. 11 of 2011, the Bail (Amdt.) Act, 2011.

Mr. Speaker, over the last decade and a half, the good citizens of Trinidad and Tobago have lived in a state of unacceptable fear. The statistics show that murders in Trinidad and Tobago moved from 93 in 1999, to 120 in 2000, to 151 in 2001, to 171 in 2002, to 229 in 2003, to 260 in 2004, to 386 in 2005, to 371 in 2006, to 391 in 2007, to 547 in 2008, to 507 in 2009, then to 473 in 2010, 352 in 2011, to 379 in 2012, to 407 in 2013 and approximately 403 in 2014.

#### **2.45 p.m.**

Simultaneously, offences involving woundings and shootings, moved from a high of 801 in 2005, to 542 in 2013. Some 72 per cent of murders and approximately 50 per cent of offenses involving woundings and shootings, are as a result of firearms. I introduced these statistics, to make the point that the possession and use of illegal firearms, are to be of serious concern for all citizens of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, it cannot be far-fetched to suggest that the mere possession of an illegal firearm has a real potential of setting one on a path to causing serious harm to another, and that more steps should be taken to ensure that there are actually no illegal firearms in circulation. But when it can be established, that one may actually have a propensity to commit a serious crime, having been charged with

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

*Friday, March 13, 2015*

such an offence before, or at the time of being found to be in possession of an illegal firearm, then the alarm bells must be sounded because circumstances have moved beyond mere possibility or intent.

Mr. Speaker, as I stand here today, persons charged with kidnapping can be held without bail for 120 days as a result of the Miscellaneous Provisions (Kidnapping and Bail) Act, 2011, amendment to section 58 of the Bail Act. In addition, Mr. Speaker, a gang member may be denied bail for 120 days, where he is charged with an offence listed in Part II or Part III of the First Schedule of the Bail Act, having been previously convicted of a similar offence within the last 10 years. Or, where he is charged with an offence listed in Part II or Part III and has at least two pending charges for offences listed in Part II and Part III of the First Schedule of the Act, as per the Bail (Amdt.) Act, 2011. That, Mr. Speaker, is where we are today.

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

Why do we ask for this amendment, Mr. Speaker? It is simple. We completely understand persons are presumed innocent until proven guilty, but at the same time, we cannot be naïve to today's realities. [*Desk thumping*] It may well be that we are here today because we have tiptoed around the problem for too long. We fully understand that the right to freedom and liberty are rights that have to be taken seriously. More important, however, we must ensure that one should use one's freedom and liberty to be productive, and not to deprive others of more fundamental rights of life, and the enjoyment of one's property, which one has worked hard for.

There is no doubt in my mind that we live in an imperfect system. Over the last two decades, I have been very vocal on some of the challenges facing our nation. Challenges that inhibit our growth and development as a nation. It cannot be right, that our citizens are subjected to a legal system that is inherently inefficient, and thus flawed. When I speak of the legal system, Mr. Speaker, I include the police service, the courts, being the Magistracy and the Judiciary, and the prisons, inclusive of the Remand. As a result, I expect to hear submissions from the other side or elsewhere, that these amendments leave open the opportunity to exploit the deficiencies in the system.



I expect, for example, to hear that these amendments allow for police officers to set up persons that they may wish to target for one reason or another. This may well be true, as there is no doubt, that in every police service around the world, there are bad apples, and unfortunately, Mr. Speaker, Trinidad and Tobago is no exception.

This Government, working with the Commissioner of Police, has and continues to take steps to create a more efficient police service. We are in the process of introducing electronically recorded interviews and witness statements, in an effort to reduce discrepancies at that level. It is, of course, incumbent on the Commissioner of Police, the Police Complaints Authority, and the Police Service Commission, to do their part in ensuring that we have a corrupt-free police service.

The Government, however, has advanced this objective by increasing penalties for offences committed by police officers. Mr. Speaker, you may be aware that this Government by virtue of the Firearms (Amdt.) Act, 2011, increased the penalties under section 9(1) of Firearms Act. In fact, section 9(1) creates an offence for any person to sell or transfer a firearm, to any other person who does not hold a firearm users licence.

Additionally, by virtue of the said 2011 Act, this Government introduced a new section 9(4), to the Act, which specifically treats with police officers who may be guilty of this offence. Under section 9(4), a police officer who is found guilty of this offence, faces a penalty on conviction, on indictment, to 20 years. It is hoped, Mr. Speaker, that this measure would assist in the effort to decrease police misbehaviour.

I expect also to hear from the other side, that this amendment will further burden the resources of the Remand. Mr. Speaker, this is not an argument I will resist. It is true more detainees mean a greater burden on scarce resources, but is that necessarily a good argument to stop pursuing criminal elements who terrorize our citizens?

Mr. Speaker, successive Governments have allowed the Remand and the prison system as a whole, to deteriorate over the decades. I must say that I was personally shocked to hear of Prof. Deosaran's shock, when he found out that the conditions of the Remand Yard in the prison, were so bad. The problem of overcrowding and poor sanitary conditions have been a topic of discussion for at least 20 years. I am delighted to say that there have been a number of initiatives undertaken by this Government, to improve the conditions at our nation's prisons.

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

*Friday, March 13, 2015*

Among these measures being taken, is the construction of a new remand prison that will accommodate 1,500 beds. This new prison will be designed in conformity with modern international security and human rights requirements, and will facilitate the separation of inmates, according to different security categories.

Additionally, Cabinet in 2011, agreed to the lease/rental of a portion of the property located at the 26 kilometre mark, Churchill-Roosevelt Highway, Santa Rosa, Arima. The buildings thereon were refurbished and the refurbishment works include the following:

- installation of 16 containerized cells, fitted with toilets, baths, sinks, reinforced steel doors, windows and roof, cooling fans and overhead heating to house 240 inmates;
- construction of a 10-foot high perimeter fence;
- 12 reinforced concrete cells, with all amenities, housing 300 inmates;
- inmate reception;
- office, screening/holding cells with amenities and property room;
- construction of facilities for an infirmary;
- construction of an officers' dormitory.
- electrical upgrade of lighting and air conditioners and the development of an airing yard.

By legal Notice No. 147, dated September 02, 2011, the Minister of National Security appointed the facility a district prison, in accordance with section 5 of the Prisons Act, Chap. 13:01. The prison service began occupation of the facility, called the Eastern Correctional and Rehabilitation Centre, in September 2011. The intended long-term use of the facility is as a fully functional rehabilitation centre for low risk, non-violent inmates. In 2013, Cabinet agreed in principle to the acquisition by private treaty, of the entire property comprising 16.32 acres, with the buildings thereon for the use of a pre-release centre for low risk, non-violent inmates initially, and a fully functional prison in the long term.

Mr. Speaker, these examples show that this Government is attempting to improve the conditions at our nation's prisons. There are, of course, those in our society that believe prisoners should be treated with the utmost contempt, and no

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

attention should be paid to prison conditions. I am not one of those. Instead, it is my firm belief that prison should prepare inmates for the return to normal society, in a way normal society can benefit from their release.

Mr. Speaker, illegal firearm possession is not the disease in itself, but a symptom of a greater disease. However, it is the sore that needs a plaster; an immediate plaster. This Government really is not interested in increasing the prison population. In fact, we would much rather have our citizens roaming freely, engaged in productive activity that benefits everyone.

Mr. Speaker, as such, Government is attempting to create an environment in which persons would be deterred from embarking on a life of crime, whether by way of harsher punishment, or by facilitating alternative life options. To this end, I wish to remind Members of this honourable House, that there are many social programmes which currently exist to help citizens to reach their fullest potential.

Just to name a few: the Higher Education Loan Programme; the MIC craft programmes; Helping Youth Prepare for Employment; Life Skills Unit; Multi-Sector Skills Training Programme; On-the-Job Training Programme; Servol, High Tech and Advanced Skills Training Programme; retraining programme for displaced workers; Military-led Youth Programme for Apprenticeship and Re-orientation; Youth Training and Employment Partnership Programme Limited; Metal Industries Company Limited and the Youth Academic Training.

### **3.00 p.m.**

I would also like to thank this Government, Mr. Speaker, for illuminating the various recreation grounds in Diego Martin North/East constituency [*Laughter*] of which I am intimately familiar. By so doing, an outlet was created for young and not so young to engage in healthy sporting activities after work and school. [*Desk thumping*] It is interesting, the reaction that we received from the illuminating of sport grounds because, clearly, those on the other side think it is a joke, it is not necessary. But, you see, Mr. Speaker, the importance of having recreational facilities in communities and in constituencies is to ensure that we encourage young people to stay away from criminal behaviour. [*Crosstalk*]

The Government acknowledges that we are proposing to increase the restrictions on bail in a manner that moves from the requirement of a conviction to the requirement of a charge. However, we feel this is necessary given the statistical fact that firearms have become the weapon of choice for the criminally inclined in our society.

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

*Friday, March 13, 2015*

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

Mr. Speaker, I am aware that there may be those who would assert that these proposed amendments are too harsh or too draconian to be placed in our laws. Some may venture as far to state that if we pass any such laws as these it would be immediately struck down by our courts for being overly oppressive and unconstitutional. Such matters will always be a legitimate concern when one attempts to balance competing constitutional rights against each other. I would like to remind Members of this honourable House that we currently have laws already in existence today which are similar to the ones which are now being proposed. In fact, there are laws in this country where, arguably, this Parliament would have surmounted even greater challenges in striking such a balance.

Mr. Speaker, under section 5(6) of the Bail Act, a person over 18 years is not entitled to bail if he is charged with an offence under the Anti-Gang Act of 2011, but if no evidence is taken within 120 days of the reading of the charge then the person is entitled to apply to a judge for bail; no concept of strikes. There is no requirement for a previous conviction, all that is required is a charge. If a person is so much as charged with an offence under the Anti-Gang Act of 2011, it can even be his first offence that that person was ever charged with, the no bail provisions immediately take effect. That, Mr. Speaker, is our current law.

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

Mr. Speaker, under section 5A of the Bail Act, a person charged for kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act, Chap. 11:26, is not entitled to bail. If, again, no evidence is taken within 120 days of reading the charge, then the person is entitled to apply to a judge for bail.

The laws that I have just referred to are laws which were made in direct response to a pressing need which was facing the country. Rampant kidnappings for ransom led to the provisions of the Kidnapping Act; increasing gang violence led to the provisions of the Anti-Gang Act. As a country, we continue to be affected by violence involving the use of firearms, and it is time for us to act.

As you may observe, Mr. Speaker, normal law-abiding citizens of this country have nothing to fear from this Bill. No decent law-abiding citizen will be on criminal charges of the type contemplated under the Act. Further, no decent law-abiding citizen will use a firearm to commit any of the offences contemplated under the Act. We need to make this point clear. We are not concerned here with the red light runner, the drunk driver, the speeder on the highway and so on. While all of those are indeed serious offences, and anyone found committing such an offence should be dealt with severely, none of those offences involve picking up a gun, pointing it at someone's head and threatening to kill the person if they do not do what you say.

Alternatively, we are not talking about a person being in simple possession of an illegal firearm. We are talking of someone who has a pending charge for a serious offence against him, who is then charged for possession of a firearm. The persons who would be targeted by these proposals are the persons who either already have a pending charge for a serious offence, and then they were arrested and charged for possession of an unlicensed firearm or, alternatively, they were actively using an unlicensed firearm during the commission of a serious offence.

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

To further allay the fears which persons may have in respect of these proposals, I wish to emphasize that there are two important safeguards in this Bill to protect the rights of individuals. The Government must strike a balance between the need to protect the public from violent criminals and the need to ensure that the constitutional rights of an accused person is not trampled into the dust. We must balance the need to protect citizens from firearm-related crimes

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

*Friday, March 13, 2015*

while still respecting the rights of the accused. An accused retains the presumption of innocence. We simply cannot lock them and throw away the key without a final determination of their guilt.

Therefore, Mr. Speaker, where a person has fallen within the provisions of this Bill—his bail has been consequently denied—he may apply to a judge for bail after 120 days if no evidence has been led against him. In other words, the accused is given the assurance that if the prosecution cannot give him his day in court before the expiry of 120 days, he would be entitled to apply to a judge for bail. Alternatively, should this Bill become law, the accused would also have the benefit of the existing right under section 5(12) of the Bail Act to apply to a judge for bail if the trial against him is not completed within one year from the date of the reading of the charge.

Mr. Speaker, I would also like to stress that this Bill will make provision for the Act to continue in force until the August 15, 2016. This date is the same date on which the Bail (Amdt.) Act of 2014 would cease to have effect. The current Bill may be seen as an extension of the principles created in the Bail (Amdt.) Act of 2014, and so it is therefore important that the duration of both pieces of legislation coincides.

The sunset clause ensures that this Bill, if enacted, will only be in effect for about 17 months. This is less than a year and a half. We hope that this short 17-month period would help to allay the fears of some who may worry about the seriously harsh or the seemingly harsh effects of these provisions. Mr. Speaker, at the end of this period, should Members feel that this law was wrong for our country, then we will be able to put an end to these measures but, at least, we would have tried.

This Government remains committed to grappling with the crime situation in this country. We stand ready to protect each and every law-abiding citizen in this country. It is time that good and decent law-abiding citizens must not be afraid to walk the streets in this country. We must take back our streets. The Government wishes to create a country in which we can feel free to take our families to the beach, to go on a stroll and not have to be worried that somebody would come up to them and push a gun in their face demanding whatever—whether it be money, whether it be for them to engage in sexual activity or anything to that like, Mr. Speaker. As such, we say that if you want to commit a crime using a firearm, there should be no bail.

Mr. Speaker, this brings me to the Bill currently before the House. How exactly will the Bail (Amdt.) Bill of 2015 work? Quite simply, the Bill before us

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

Mr. Speaker, the second category applies to a person who is charged for an offence specified in Part II of the First Schedule. These are serious offences which carry a penalty of 10 or more years of imprisonment, and use a firearm in committing the offence. The person would be denied bail, but if no evidence is taken within 120 days of the reading of the charge, then that person is entitled to apply to a judge.

Mr. Speaker, at this stage, I would like to address the constitutionality of the Bill currently before this honourable House. This Bill is a special Bill in that it may be viewed as infringing upon fundamental rights and freedoms as stipulated in our Constitution.

### **3.15 p.m.**

Mr. Speaker, as you would know, a standard feature which may be found in any written constitution in any democratic nation in the world is a list of rights and freedoms which are recognized and expressly declared. These rights and freedoms, Mr. Speaker, are those rights and freedoms which are usually considered to be part and parcel of a democracy, and include such familiar rights and freedoms as freedom of expression or freedom of the press. These rights and freedoms essentially determine and define the limits on how the State may or may not treat with its citizens.

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

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

Therefore, Mr. Speaker, it should come as no surprise that section 5 of the Constitution would state as follows: Section 5(1):

“Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorise the abrogation,

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

*Friday, March 13, 2015*

abridgment or infringement of any of the rights and freedoms”—hereunder—  
“recognised and declared.”

Section 5(2)(f)(iii):

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

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

...to reasonable bail without just cause;”

Mr. Speaker, the Parliament cannot, by simple majority, legislate in a manner which is inconsistent with the Constitution. However, notwithstanding the recognition and declaration of our fundamental rights and freedoms in sections 4 and 5 of the Constitution, provision is made for Parliament to abrogate the rights. Any piece of legislation which is inconsistent with sections 4 and 5 is required to be passed by a special majority vote of three-fifths of the Members of each House. This is a clear indication that the framers of the Constitution were cognizant of the fact that mechanisms must exist for the Constitution to adapt to the evolving needs of society.

Accordingly, Mr. Speaker, although the tenets of the Constitution must be treated with the utmost respect, it is my respectful view that the Constitution must not be crippled—must not cripple us as a society and bind us to inaction. The Constitution is not a grave, but rather a living document capable of responding to the hopes and aspirations of the people. It is certainly capable of responding to the alarming statistics which we face for offences involving the use of firearms, even if such incidents may be on the decline.

Mr. Speaker, our Constitution, under section 5(2)(f)(iii), provides that Parliament may not:

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

...to reasonable bail without just cause;”

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



*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

Mr. Speaker, it is an established principle of constitutional jurisprudence that no right or freedom is completely absolute. There are indeed circumstances where rights and freedoms must be able to bend slightly to accommodate the greater needs of the society as a whole. For example, under our Constitution one may have freedom of movement, but this cannot be interpreted so strictly as to allow a man to drive his car down the wrong way on a one-way street.

Mr. Speaker, this example of the reality facing democratic governments around world, the reality being, Mr. Speaker, that government—[*Interruption*]

**Mr. Speaker:** Attorney General, you have three more minutes.

**Sen. The Hon. G. Nicholas:** Thank you, Mr. Speaker. Mr. Speaker, I will just outline the case of *Nyambirai v National Social Security Authority & Another*, a supreme court of Zimbabwe case, [1996] 1 LRC 64. By way of example, Mr. Speaker, the case of *Nyambirai v National Social Security Authority*—[*Interruption*]

**Mr. Deyalsingh:** Pronounce the name.

**Sen. The Hon. G. Nicholas:** I am not very good at pronouncing the name. I do not know the name. [*Crosstalk*] A decision of the Supreme Court of Zimbabwe gives guidance for determining what is meant by the term “reasonably justified” in a society that has a proper respect for the rights and freedoms of the individual. That I can deal with in greater detail. Mr. Speaker, the Government is duty-bound to respond to the needs, hopes and expectations of our people. Law is an instrument of justice and a great instrument of social change. It is time to take meaningful and decisive action in the circumstances. The rights of the many must outweigh the rights of the lawless minority.

Mr. Speaker, in closing, this Bill was in preparation for some time. I inherited the Bill and it would be unfair for me to have actually piloted this Bill without giving credit to my former colleague, the former Attorney General, who played a significant role in the putting together of this Bill. [*Desk thumping*] It is our hope, Mr. Speaker, that this Bill will receive the support of the hon. Members of this House as it is my sincere belief that this Bill can help to promote our citizens, in a very real way, from those individuals who may be considering committing certain specified offenses that involve the possession or use of a firearm. Mr. Speaker, with these few words, I beg to move. [*Desk thumping*]

*Question proposed.*

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

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

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker. Mr. Speaker, it is a tragedy of our political system that anybody can be appointed Attorney General in Trinidad and Tobago. [*Crosstalk*] Mr. Speaker, could you quell the people opposite? I just made an opening statement—Mr. Speaker, I am seeking your protection.

**Mr. Speaker:** Yeah—

**Mr. C. Imbert:** Mr. Speaker, I am seeking your protection.

**Dr. Moonilal:** Mr. Speaker, my friend opposite, who, at times, has much more manners than that, should know that it was indeed the maiden speech of the hon. Attorney General in the House, and [*Desk thumping*] one should be a bit more kind.

**Mr. C. Imbert:** Mr. Speaker, I gave way to the Member, I thought he was going to say something sensible. I am seeking your protection, Mr. Speaker. Do I have your protection?

**Mr. Speaker:** Yes.

**Mr. C. Imbert:** Well, I hope so. All I am hearing is noise over there. So, as I said—[*Interruption*]

**Mr. Speaker:** Please. Please. Please, Members.

**Mr. C. Imbert:** Mr. Speaker, the soon to be no longer Member for Lopinot/Bon Air West is grumbling over there, could I seek your protection, please?

**Mr. Speaker:** Please, Members.

**Mr. C. Imbert:** Well, “yuh doh” have control of this House, Mr. Speaker. [*Crosstalk*]

As I said, Mr. Speaker, anybody could become Attorney General in Trinidad and Tobago. [*Crosstalk*] Now, let us go to the record, Mr. Speaker. Let us go to the record, Mr. Speaker, with respect to amendments to the Bail Act, and I will just go back to 2005, because as a Parliament we have been tampering with the Bail Act for more than 10 years. But Mr. Speaker—[*Interruption*]—Mr. Speaker, come on. Mr. Speaker, it is not a joke you know, they keep grumbling. I am seeking your protection.

**Mr. Speaker:** I am protecting you, you continue, speak.

**Mr. C. Imbert:** Well, there is no evidence of that, Mr. Speaker, they keep grumbling. You do not seem to have control of this House.

**Mr. Speaker:** Yes. Continue to speak.

**Mr. C. Imbert:** Thank you.

Mr. Speaker, in 2000, the Act No. 19 of 2005, amended the Bail Act to allow persons who had been denied bail by the High Court to appeal that decision to the Court of Appeal. Act No. 32 of 2005, that same year, 10 years ago, made certain violent offences under the Bail Act, and the offence of kidnapping for ransom, non-bailable offences. After that, Mr. Speaker, the Parliament extended the life of those amendments, leading to Act No. 10 of 2007, where a person would be denied bail for a period of 60 days after which the person could apply to the High Court, and bail was at the discretion of the High Court. Following that, there were further amendments again in 2007, Act No. 15 of 2007, which spoke to offences of kidnapping for ransom and certain violent offences, such as possession of a firearm, which we are talking about today.

Again, Act No. 25 of 2007 made further amendments, Mr. Speaker, and addressed, again, the question of a person being convicted on two prior occasions, and such a person will be denied bail if they committed certain offences. Again, it was amended in 2008, Mr. Speaker, but the fundamental change to the Bail Act—and as the previous speaker did not explain anything, it falls to me, as usual, to explain everything. The fundamental change to the Bail Act, Mr. Speaker, took place under this new Government in 2011. I think it is appropriate at this time to read an extract from the *Hansard* of 2008, and I am reading from the *Hansard* of July 18, 2008. This is what was said—I will reveal the speaker in a short while—the person, the speaker was reciting a report done by the US Department of State, it was the Country Reports on Human Rights Practices for 2007 and it dealt with Trinidad and Tobago, and I quote—this is what they said about Trinidad and Tobago:

“Lengthy pretrial detention resulting from heavy court backlogs and an inefficient judicial system continued to be a problem. Out of a prison population...inmates awaited trial at year’s end.”—Well, no amount was given.—“Many persons under indictment waited months, if not years, for their trial dates in the High Court. An added inefficiency resulted from the legal requirement that anyone charged and detained must appear in person for a hearing before magistrate’s court every 10 days, if only to have the case postponed for a further 10 days, pending conclusion of the investigation...”

*Bail (Amdt.) Bill, 2015*  
[MR. IMBERT]

*Friday, March 13, 2015*

Those words were uttered by the hon. Kamla Persad-Bissessar in 2008, Mr. Speaker, and the debate at that time, in 2008, was an amendment to the Bail Act, which the Member for Siparia opposed, vehemently, and gave reasons, which I will recite in a short while.

But, Mr. Speaker, let me just read from the 2013 Country Reports from the US Department of State. I read from 2007, let me read from 2013, which is the latest available human rights report from the US Department of State; the 2014 report is not yet available, and I read the section, “Pretrial Detention”—so amazing, as if they cut and paste:

“Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem.”

Same thing, word for word, in the 2007 report. So, in the eyes of the US Department of State, the situation in our courts and in our prisons has not improved since 2007, Mr. Speaker.

“Most persons under indictment waited between six and 10 years for their trial dates in the High Court. Officials cited several reasons for the backlog, including an understaffed and underfunded prosecutorial office, a shortage of defence attorneys for indigent persons, and the burden of the preliminary inquiry process. In addition...”

Again, word for word.

“...the law requires anyone charged and detained to appear in person for a hearing before a magistrate’s court, every 10 days, if only to have the case postponed for an additional 10 days, resulting in further inefficiency.”

### **3.30 p.m.**

In 2013, it is exactly the same as it was in 2007. The Member for Siparia was complaining that persons on remand are detained for years while their trial is in process, and complaining about the injustice of the proposal of the then PNM Government to deny bail to persons in certain conditions. What I found intriguing, Mr. Speaker, is, if I can quote again from the hon. Member for Siparia, who is now the Prime Minister. This is what she said.

“...we remain very concerned that this measure in this Bill can be the subject, the weapon, the tool and the mechanism for abuse of power in the hands of police officers who may charge persons.”

Then she went into the vernacular.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

“A fella vex with somebody man, some man vex with somebody else, or a wife is angry about something, makes report,”—arrests— “somebody. It may be scandalous but it happens, it is...reality...”

And goes on to say:

“Somebody does not like you, somebody is spiteful and could use this to ensure that you do not get bail and you remain in jail. Again,...”—I urge you to accept—“...the Opposition’s formula to”—balance this—“and let it go before three Justices of the Supreme Court.”

What the Member for Siparia was pleading with this Parliament in 2008 is that the concept of denying bail to persons who are merely charged with an offence was unjust, it was inequitable, it was unconscionable. That is what she said. She was asking that if a person is denied bail at the first instance that they be allowed to appear before three Justices of the court. That was the approach of the UNC in 2008. Those were the words of the person who is now the Prime Minister, who made a very passionate case about the whole question of abuse of this aspect of the law.

What has changed now?—it is like *Animal Farm*. It is like *Animal Farm*. You know the story about the pigs in *Animal Farm* who took over from the men and then became like the men, Mr. Speaker. And I cast no aspersions. I am simply using a literary reference, but it is like *Animal Farm*. The same persons who complained so bitterly about the injustice of denying a person’s liberty in 2008, now come in 2011, and that is when the fundamental change—and now in 2014. The fundamental change took place in 2011 and it is this—where no evidence is taken in relation to the charge against the person within 120 days, bail may be granted at the discretion of the High Court.

What this means is that if someone is charged under this new law with a firearms offence and no evidence is taken—in other words, the trial does not begin—the person can apply for bail. But from the time the trial begins, the person has to wait one year before they can apply to a judicial officer for bail—one year. So it is not a question of somebody being incarcerated and denied their liberty for 120 days, it is being denied your liberty for a year, Mr. Speaker. All of the passionate arguments made by the Member for Siparia in 2008 are as valid now as they were then in terms of justice and equity. What has changed?

*Bail (Amdt.) Bill, 2015*  
[MR. IMBERT]

*Friday, March 13, 2015*

I would expect that a government that is coming into this House to bring legislation—listen to what this legislation is saying. Look at the second part of this clause 4:

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

specified in Part II of the First Schedule,...where the prosecution informs the Court that the person or any other person involved in the commission of the offence used or had in his possession a firearm or imitation firearm...”—no bail.

Go inside for 120 days and if they start the trial in that four-month period, stay there for a year until you get bail, Mr. Speaker.

I would have expected—you have a situation now—what are these offences? Because it is important that we in this Parliament let people know what is going on. Because people “doh” know. So let me tell you what the offences are: an offence under the Larceny Act which is punishable by imprisonment for a term of 10 years; an offence under the Malicious Damage Act punishable by a term of imprisonment for 10 years; a sexual offence in which the alleged victim is a child; an offence under the Sexual Offences Act where the term of imprisonment is 10 years; an offence under the Offences Against the Person Act, and so on, Mr. Speaker. An offence under the Dangerous Drugs Act; an offence under the Trafficking in Persons Act; perverting or defeating the course of public justice.

I mean, we had a lot of talk about this recently and there may be persons who have been Members of Parliament who may find themselves on a charge of perverting the course of justice. It is possible. There are persons who have been Members of Parliament who may find themselves on a charge of perverting or defeating the course of public justice. All that is necessary, Mr. Speaker, under this legislation, when they are charged or if they are charged for that offence, is that the prosecution says, “Oh by the way, he had a gun in his possession”. There is no requirement for the person to be found guilty of this. You see, the previous Attorney General used to make this error all the time.

If a person is charged, he is not guilty. But the way this Government keeps spinning this thing to justify the denial of liberty is that they pretend that as soon as you are charged you are guilty. So they make this point: we have to take the criminals off the street. We have to remove these dangerous people, these people who want to use firearms. But all that is occurring, Mr. Speaker, is that the people are charged—they are not guilty; they are charged. But this Government wants to equate the charge of somebody with his conviction and declaration of guilt.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

I would like someone on that side—because I am tired of pious platitudes and trivial superficial presentations in this Parliament about serious matters. I am fed up of these trivial superficial presentations. What is the justification? What is the justification? Where is the precedent in the Commonwealth for denying somebody liberty for one year simply because you are accused of one of these offences, Mr. Speaker? Where is the precedent in the United Kingdom? Where is the precedent in Australia? Where is the precedent in India?

I want someone on the other side to tell me where they have borrowed this legislation from. What is the philosophy behind it? What is the thought process, and why you would want somebody who is simply charged with an offence to be denied their liberty for one year, and let them stick them in remand?

Mr. Speaker, you know, it is amazing that people would actually come into this Parliament and talk about things in the prison. I just pulled two articles at random on the prison, just two. I would not spend too much time on this issue. But, Mr. Speaker, I quote from an article in the *Guardian* of November, 20, 2013:

“Shock find during Arouca lockdown...”

And this article speaks to:

“...trouble”—in the prison which—“escalated to another level yesterday, after a list of the names, addresses and telephone numbers of several prisons officers was found hidden inside...of a cell at the Maximum Security Prison in Arouca.”

Bacchanal in the prison. Hit list in the prison. This is in November 2013. That is one article.

But if you believe what you hear you would think that the prisons in Trinidad and Tobago are a paradise. I mean, they are Internet friendly. They are training the inmates. They are having a wonderful time. They have TV. They have bathroom, “all kinda ting”.

But, Mr. Speaker, let us go to an article in the *Guardian* again, very recently, December 18, 2014, just a couple months ago.

“Prisons officers are threatening to shut down operations at the country’s penal institutions in protest over Government’s failure to implement additional security measures, promised after the murder of one of their colleagues last year.

*Bail (Amdt.) Bill, 2015*  
[MR. IMBERT]

*Friday, March 13, 2015*

Speaking at a press conference...the Prisons Officers' Association...”—spoke of their—“...action, which crippled operations at the prisons for several weeks...as a last resort by prisons officers...‘Officers’ backs are against a wall. They are not prepared to go on as if it is business as usual...

Their morale is low...they will withdraw their support for the job. It is an emergency.’”

They accused the Government as failing to implement a series of recommendations of a committee appointed following the murder of an off-duty prison officer Andy Rogers on November 07, 2013.

“Rogers’ death triggered a chain of events, including a ‘go slow’ protest...and riots among the prisoners over not being fed.

Among the recommendations...was a new remand facility, full body scanners at the entrances to the prisons, stab and bullet proof jackets, firearms for all off duty officers.”

Needless to say, Mr. Speaker, none of this has been done. Our prisons are not in good shape. Our prisons are overcrowded.

If you go to the same US State Department report, Mr. Speaker, we do not need to hear, as I said, pious platitudes and trivial superficialities from Government Ministers. You go—the US State Department’s 2013 report talks about the overcrowding in the remand yard which now has about twice as many prisoners as it was designed for. The Port of Spain prison which has about twice as many prisoners as it was designed for. We do not need people on that side to tell us nonsense about what is going on in our prisons when the US State Department is monitoring it. There is massive overcrowding in the prisons—20 and 30 prisoners in a 10 x 10 cell; no proper sanitary facilities; unhygienic conditions and so on. That is what is happening in our prisons today.

I would also expect, after this Parliament for 10 years has tampered with the Bail Act in a series of amendments, I would expect some sort of reporting. But I guess that is too much to ask from Members opposite. They deal in superficialities and trivialities. I would expect that after the Bail Act has been amended on so many occasions, to deny bail for kidnapping for ransom; to deny bail for persons who had three previous convictions, then two, then one; to deny bail for certain violent offences and so on.

We as parliamentarians have been doing this for years, Mr. Speaker. We have been coming to this Parliament and debating the Bail Act and making



amendments and placing restriction after restriction on persons' liberty and enacting into law provisions that deny them bail. What has happened? What has happened? How many persons have been arrested, charged and detained under these provisions? Of those persons, how many of them were brought to trial within 60 days or 120 days? How many persons have remained in the prison while their matter was being heard for a year and then applied for bail and were they granted bail? What is the point of all of this? Why are we doing it? Just because you "ketch a vaps" and you want to do it? So what are you really doing? How many convictions are we getting? All of these persons who are being detained without bail who are being sent and put into remand in a 10 x 10 cell with 20 other prisoners where you have to do your business in a bucket, Mr. Speaker? How many of them have eventually been convicted? What is the conviction rate in Trinidad and Tobago? What is the detection rate in Trinidad and Tobago?

I would expect that when you come into the Parliament and you want to pass a law that requires a constitutional majority, a special majority, and the former Member, Opposition Member now Prime Minister, made some interesting points about the whole constitutionality of these provisions. I do recall, and I said this before, that when you are doing these things, you feel as though you are doing something good, you know, but I was told by a former Attorney General, even as these amendments were being done, when we were in Government, that the constitutionality of these series of amendments to the Bail Act is very questionable, Mr. Speaker.

All it will take is one aggrieved prisoner to take this matter all the way to the Privy Council to get a determination as to whether all these amendments to the Bail Act are in fact allowable under a three-fifths majority. The arguments made by the person who is now Prime Minister were as follows, and I will read into the record what she had to say. She indicated, she read from various court decisions, Mr. Speaker. She spoke about the fact that if you pass a law with a three-fifths majority it can be easily deemed to be unreasonable. Listen to this.

**3.45 p.m.**

"Mr. Speaker"—I am quoting the Member for Siparia, 2008—"with due respect, if you are breaching fundamental rights, you must only do so as the Member for Tabaquite"—well, not this one, another one—"quite rightly pointed out, and gave you"—that was a serious lawyer, the then Member for Tabaquite, a serious attorney—"the recent House of Lords decision that where there is clear and present danger, it must be sheer necessity."—Mr. Speaker—

*Bail (Amdt.) Bill, 2015*  
[MR. IMBERT]

*Friday, March 13, 2015*

“This Government has not convinced us; has not in any way demonstrated that this”—amendment—“is essential; that there is clear and present danger; and that this is the answer to that clear and present danger. This is why I asked the Attorney General for the number of persons on bail without jail.”

And I would ask that now. I want an answer from somebody. How many persons are incarcerated in our prisons who have been denied bail under the various amendments to the Bail Act over the last several years? How many people are in prison now who have been denied bail? And how many of them had their trial begin within the 60 days or the 120 days as the case may be? How many of them applied for bail and received it or were denied it as the case may be? And how many of them have been stuck in prison for a year waiting for their matter to be concluded?

Mr. Speaker, I have asked for a precedent from the Commonwealth because you do not get anything out of them. It is just a public relations speech. Again, to take the words out of the mouth of the Member for Siparia, the current Prime Minister, when she was indicating that they would not support any amendments to the Bail Act in 2008. In fact, at that time we had to get the support of the COP. Remember there was this split. Remember, you know, they had this big split up and so on, Mr. Speaker.

**Mr. Warner:** Like now.

**Mr. C. Imbert:** Yes, in 2005, we had—prior to that we had to get support from the COP, they had split out from the UNC. That is the only way the bail amendments were passed. But what the Member for Siparia had to say in 2008 was that this entire exercise was PR gimmicks. Listen to this:

“We have never had that an Act has not been enforced so many persons have been in jail without bail under this law. The 60 days have expired and so many persons have never been brought to trial. Nothing! Why is there this reluctance to give that data...? ...It must be because it would not help their case; it would not help the justification for this Bill...and I repeat, ‘This is just a PR gimmick.’ It is a PR gimmick to give the population out there—look, they feel we are fighting crime; we are doing something.”

Those words are as applicable now as they may have been applicable then. Because, I am speaking as a parliamentarian. We have been tampering with this Act. What is the effect of all this tampering with this Act over all these years? What has it done? Has it done anything? It has not helped with murders. I mean, the murders went down to 350-something under the State of Emergency and then went back up to 380, 407, 403, 405.

So, all these things about bail has not assisted to reduce the murder rate. It has not. People in this country are terrified of crime. All these amendments, violent offences, three previous convictions, two previous convictions or one conviction, no conviction, all of these things, putting away all these suspected criminals, denying them bail, have not assisted in bringing down the murder rate, and let me give you a precedent out of India. As I said, they did not tell you anything, so it falls to me to tell you what is going on in the Commonwealth, and let me tell you what is in the Code of Criminal Procedure in India. And they recognized that justice delayed is justice denied, simple trite truism, and this is what they say in their criminal code:

“If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.”

That is what is happening in India right now, Mr. Speaker. So, in India, a country with a billion people, a country similar in many ways to Trinidad and Tobago, we have borrowed parts of our Constitution from the Constitution of India when we were doing our republican Constitution. In India if you are being denied bail for a non-bailable offence, if the trial is not concluded within two months, you are entitled to go and apply to a magistrate to be released on bail.

But, in Trinidad and Tobago, this administration, as I said, made this fundamental change in 2011, where once the trial starts, you are staying inside there, and then because we kick up and make noise they added this piece about, well, if the trial is not concluded after one year you could go and apply for bail. Why is it that they pick this one-year period? Are they accepting that the justice system in Trinidad and Tobago is so hopelessly inefficient, that remanding a man in custody, an innocent man, we are not talking here about persons who are guilty, we are talking about persons who may be innocent, remanding a person who may be innocent into custody, putting him up in the—[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time for the Member for Diego Martin North/East has expired. Member, would you—

**Mr. C. Imbert:** Certainly.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Diego Martin North/East be extended by 15 minutes.

*Question put and agreed to.*

**Mr. C. Imbert:** Let me repeat, a country like India, that is not as developed as Trinidad and Tobago, does not have the per capita GDP of Trinidad and Tobago, does not have wealth of Trinidad and Tobago on a per capita basis, does not have the resources to staff and equip their judicial system in the way we should have, they have recognized that to keep a man in prison for more than two months while his trial is going on, is unjust. And they allow after two months of the trial the person can apply for bail.

In fact, they say the person must be released unless the magistrate decides otherwise, where the magistrate will now apply judicial decision. Where did this Government get the idea that it is okay, that they have set one year as being an acceptable and reasonable period of time for a trial of these offences, that I have referred to, things like firearm offences, larceny, malicious damage and so on, why should the trial for larceny take more than a year? Mr. Speaker, what is going on? What is the problem? Why are we promoting mediocrity in Trinidad and Tobago? Why?

If other countries could make the decision that if a trial is not concluded in 60 days the person should be allowed to apply for bail, why is it in Trinidad and Tobago this Government has decided it is okay, you could keep the man inside there for a year? There is never an explanation from any of them. Never? Everything is just superficiality and triviality. I wonder if anybody on that side could explain to me why you think it is reasonable to incarcerate an accused person, a person who is not guilty, he is simply being accused of using a firearm when he commits one of these offences? Why is it necessary to incarcerate him for one year and deny him bail for one year while his trial is taking place, while the prisoner transport does not show up?

I mean, we all live in Trinidad and Tobago, we read the newspapers, we listen to the radio—just the other day when the prison officers decided to take action, a number of prisoners were not brought to the courts in Port of Spain, so their matters could not proceed. That is not their fault. That is not the prisoners fault, he is waiting to be transported to the court but the prison officers decide they are not doing it, or for whatever reason, and the person does not appear and his matter is postponed. What is the rationale for that? Why have you decided it is okay to incarcerate a person for one year while they are waiting for their trial to be completed?

I would like an explanation from Members opposite, because the arguments made by the Member for Siparia that look, when you are doing these things, you

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

are treading very close to infringement of section 13 of the Constitution, where you are looking at the reasonableness of the legislation. What is reasonable about this? What is reasonable about indicating that if a person is charged for larceny and an allegation is made, that when they were committing larceny, they had a firearm in their possession, that you must lock them up for one year without bail? What is reasonable about that?

Could you please tell us? Could you please tell us why you have decided that you are going to keep people in these unsanitary conditions, in these crowded conditions in these unhealthy conditions, for one year while the trial makes a snail's pace through the court system? Could you tell us, please? Because we never get anything out of this Government. It is just PR, it is just a knee-jerk reaction, it is a mamaguy. Now, in election year—"well, oh yes, man, they are dealing with crime, man. All these people with guns, they go lock dem up, and after you lock them up, what happens then?" As I said, what is your record in terms of convictions? What is your record in terms of bringing people to justice?

The United Kingdom where we borrow most of our systems from,— the United Kingdom, what happens in the United Kingdom? If you look at the Bail Act, 1976, United Kingdom, bail is discretionary. And, you know, this is the other problem, the former Attorney General used to say, "we cyar trust the magistrates in granting of bail". Actually, he said that the magistrate keeps granting bail. So, you have a politician who is saying that the Judiciary is incompetent and cannot be trusted to exercise their discretion to grant bail or deny bail as the case may be. He said that. Words to that effect, and this is what this Government is telling us, because, one of the biggest constitutional challenges you are going to face, and all it takes is one person to go to the Privy Council and say that this law is unconstitutional.

Because, you are interfering with the separation of powers, you have made a decision, that the magistrates and judges in Trinidad and Tobago are incompetent, that they are incapable of making a proper decision as to whether they should deny bail to a person or not. That is what you are saying. And all the accused person has to do is to go and say, look, I would like the highest court, whichever court it is, to adjudicate on that. Is it right for the Parliament to make a decision that judicial officers are incompetent and incapable of making proper decisions with respect to persons charged, in bail?

*Bail (Amdt.) Bill, 2015*  
[MR. IMBERT]

*Friday, March 13, 2015*

Let us see what they do in the United Kingdom. In the United Kingdom in Schedule 1 of the Bail Act, 1976, they have a section called, “Exceptions to right to bail”, and it says as follows:

“The defendant need not be granted bail if:

- The court is satisfied that there are substantial grounds for believing that the defendant, if released on bail would...fail to surrender to custody, commit an offence”—while—“on bail or interfere with witnesses or otherwise obstruct the course of justice...”

And it goes on to give a series of other conditions for the granting of bail and it gives direction to judicial officers.

So, it tells the judges that when the person comes to you for bail, consider these matters, whether you think the person will try to escape, whether you think the person will commit an offence while on bail, whether you think the person will interfere with witnesses, or obstruct justice. That is what they do in the United Kingdom. They do not make a blanket thing, no bail for you, and we are not trusting the judges, we do not trust the judges to determine whether a person is a risk or not. So, we exercise judicial discretion on this matter, and that is what you are doing, you are exercising judicial discretion.

What is done in Australia? The same thing that is done in the United Kingdom. They have a whole list of conditions with respect to the granting of bail. A whole series of conditions, guidelines to judges, sentencing guidelines and so on, bail guidelines, explaining to the judicial officer all of the factors that you must consider when you are making a decision, whether a person should be granted bail or not. That is what they do in Australia. That is what they do in the United Kingdom. What is so special about Trinidad and Tobago that our new administration decided that the Judiciary is incompetent? “We cyar trust dem.” Because, I remember the former Attorney General would come and give examples of this person was charged and he had two pending convictions and three matters and so on, and the magistrate gave him bail, and we have to put a stop to that, because we cannot leave it up to the magistrates and we cannot leave it up to the judges. That was their argument.

What kind of system are we promoting in this country where we have, as a Parliament, they have decided that judicial officers are incompetent and not to be trusted, and should not be given the right to determine whether somebody should be granted bail or not.

**4.00 p.m.**

And as I said, it is only a matter of time before some aggrieved person, some person who has suffered in the Remand Yard, it is only a matter of time before a person of that nature decides that they are going to take this matter to court and claim that their constitutional rights are being infringed and the Parliament has overstepped.

You see, you cannot just get up one morning and say, all right, I will pass this law with a three-fifths majority. You have to look at the reasonableness of the whole thing. And what is reasonable about this? What is reasonable? We do not hear anything from the people on that side, Mr. Speaker. What is so reasonable about it? All they do is try to promote this false mentality that as soon as you charge somebody for having a gun, the man actually had the gun. That is what they are trying to say because that is what they say. They are coming with something to deny bail saying that we have to deal with these criminals.

So it means anybody, what they are trying to tell you, is that every single person who is charged is a criminal, every single person who is arrested is a criminal, and every single person who is put on a charge is not the subject of any set-up by the police, even though the former Member for Siparia, the current Prime Minister, spent half of her speech in 2008 talking about the potential of our police service to set up people, Mr. Speaker.

I have read it for you and since Members opposite have bad memories I will read it again, what the Member for Siparia said in 2008. I will read it again. This is what she said:

“...we remain very concerned that this measure in this Bill can be the subject, the weapon, the tool and the mechanism for abuse of power in the hands of police officers who may charge persons.

‘A fella vex with’—ah—“man, some man vex with somebody else, or a wife is angry about something, makes report, ‘arrestses’ somebody.’...

Somebody does not like you, somebody is spiteful and could use this to ensure that you do not get bail and you remain in jail...I commend...the Opposition’s formula”—that allow persons to apply for bail—“before three Justices of the”—High—“Court.”

What has changed between 2008 and now?

Mr. Speaker, when you look at the US State Department report, it is worse now than it was in 2007. They say it is 10 years before you get your matter heard

*Bail (Amdt.) Bill, 2015*  
[MR. IMBERT]

*Friday, March 13, 2015*

in the courts. The prisons are overcrowded by 100 per cent. That is what it is now, it is worse than what it was before. What has changed between then and now, to have this complete 180 degree turnaround by the Opposition, who opposed this measure in 2008, said that it could lead to abuse, could lead to injustice, could lead to people being set up and they appealed to the Parliament that we must allow the judicial officers to decide whether people should get bail or not. That is what they said then.

**Mr. Speaker:** You have three more minutes left.

**Mr. C. Imbert:** I am almost finished, Mr. Speaker. I would hope, I want to repeat, somebody on that side would tell us how many people were denied bail based on the amendments to the Bail Act over the last several years? How many of them were brought to trial in 60 days or 120 days? How many of them remained incarcerated for one year? And how many of them were convicted at the end of this whole process or whether all of them had to be released as happened in that state of emergency situation? All of these persons, over 100 persons arrested for alleged gang offences and then when the time was up they had to release every single one of them, Mr. Speaker.

Let us hear from them. You say this measure is important. You say you need it. You say if you do not get it you would not be able to deal with crime. That is what you say. Can you tell us why, and can you tell us what has been the success of all these measures? The Member for Siparia spoke about a government using its three-fifths majority to railroad unjust legislation through the Parliament. That is what she said in 2008, that the then PNM Government was using its three-fifths majority to railroad this unjust law through the Parliament. What has changed? It is the same law, except it is now 10 times worse. I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of Legal Affairs and Minister of Justice (Hon. Prakash Ramadhar):** [*Desk thumping*] Thank you, Mr. Speaker. Let me just, before I get into my contribution, congratulate, very sincerely, the Attorney General of Trinidad and Tobago who today delivered what I considered a well conceptualized, well delivered and excellently articulated point of view. [*Desk thumping*] So good was his presentation that the Member for Diego Martin West as he is inclined to—North/East, sorry—

**Hon. Member:** “Doh mix him up.”

**Hon. P. Ramadhar:** Same thing really. As he rose, instead of being able to attack the Motion, attacked the man, to discredit what I consider one of the finest



*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

presentations I think in this House, [*Laughter and desk thumping*] has had the privilege—they will laugh as they wish—[*Interruption*]

**Mr. Imbert:** Joke, joke.

**Mr. Deyalsingh:** The UNC will say anything, you know.

**Mr. Imbert:** You will say anything, you know, just to keep your place.

**Hon. P. Ramadhar:** Let us talk about hypocrisy as we hear the over voice of the Member for Diego Martin North/East. He speaks voluminously about the Member for Siparia, now Prime Minister, arguing against at that time law that they brought, which in effect is very similar to the legislation before this House today. That was in 2008; today is 2015. And he has asked, what has changed?

Let me tell you what has changed. What has changed is that this Government has put into place institutional checks and balances for the very concern that we all have, about people being set up, people being framed. There is now a much more robust Police Complaints Authority. [*Laughter*] There is now—oh, you laugh. There is a matter on the west, sorry, across there. They will laugh.

There is a more robust effort on the part of the police themselves by the Professional Standards Department. Even as I think today, police officers are brought to court on charges of, you know, terrible criminal offences. And we have seen so many of those in the recent past that it is a new expectation, and we have shown over and over, as a society, even in this Government, when you fall short, you pay the price. [*Desk thumping*] That never happened under the PNM. So that is a fundamental change in the expectation of the society.

There has been a burgeoning of talk shows. There has been also on TV a different transparency in the society so that wrongdoers, whether clothed in judicial uniform or otherwise, will think twice, maybe three or four times before they do anything that is inappropriate and certainly illegal.

Indeed, legislation was passed and the Attorney General mentioned it; that if, for instance, a police officer should part with his gun to someone who is not entitled, there is a penalty of 20 years imprisonment. And I am just showing you thing, and I do not have the time today nor do I have the patience to go through the rhetoric of the Member for Diego Martin North/East as he is wont to, because they have a trademark in the PNM, and I will get to that, of demonizing, discrediting, misrepresenting, misinforming and obfuscating. It is a hallmark across the line [*Desk thumping*] across the length and breadth on the other side. But they are very good at it. They are well-trained because of the many years spent here, in frivolous execution of hypocrisy.

*Bail (Amdt.) Bill, 2015*  
[HON. P. RAMADHAR]

*Friday, March 13, 2015*

I want to say, I stand here today and they will hear this outburst, they said that the COP came to their aid then because at that time the legislation in the eyes of those who occupied the space of the COP felt it was good for Trinidad and Tobago. I remember that. And today, I stand as a leader of the COP because it is good for Trinidad and Tobago that we are here supporting this legislation. [*Desk thumping*]

Now, I want to make something very, very clear, nobody is happy coming to a house to restrain or interfere with potential constitutional rights to freedom. And of all persons, myself, with many, many years of experience, and I know how things happen, but if there is a need, this is one Government that will not close its eyes, will not ignore what needs to be done, because one complaint they could never have about this Government, what they could never say, is that we do not react and we do not respond. That is a truth. And it is to their pain that we will continue to do that.

We may not always get it right, but the society and the country is what we are all about. And if, when the police came to us and said they needed this legislation, because far too often you will find persons, and they are getting younger and younger, you know, who have no criminal conviction.

For instance, I will give you a real life example. You stopped a car; four or five young fellas, a gun. Four of them might have convictions, one of them has no criminal record but the gun is put into his pocket, he is the carrier. I am just giving you that example. And you just heard of reports of a robbery with the use of a gun. They were brought before the courts. They are all charged with possession under the law, because there is a conviction. Yes, you may properly object to bail.

But this fella, no previous conviction, he may have pending matters, I will deal with that in a moment, gets bail. And we have seen—what is the reality? We do not take artificial approach to life, you know. We deal with real life. And we have seen over and over reported in the newspapers and in other places, having come from official reports of the police of persons who are granted bail without a conviction because, yes, it is true, the judicial system takes far too long to deliver justice.

But in that interim, people of criminal mind, persons who are ill-willed to the society and they intend to do harm, because there is no conviction, does that mean they are entitled to go and do what they do and await a trial date? That I do not know, if not a matter of months, maybe years, but in that interim because there is no conviction and we all agree and admit that, that they should be given bail to go

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

and continue doing things? Because we have the Constitution which we love and we respect on the right to bail, but the Constitution has been interfered with already and for good reason. As I say, nothing is perfect. Nobody is happy here today with bringing this legislation, but it is an absolute necessity, and that is why this legislation has come.

In terms of what are we doing to speed-up the trial process, and let me deal frontally with this section 34 issue, because on the other side they keep talking, every time you try to do anything they always throw in the public's face, section 34, section 34. Well, I ask today, whether or not under the administration law that we attempted, which we passed, did they not each and every one support it, including the section 34? And in particular, at the Senate where fundamental changes were made, were they not there?

My friend from St. Joseph was in the other place at that time. They speak on everything, they analyse with microscopic detail issues of law, hold themselves out as experts in every area, he and a colleague, a Johnny come lately maybe. But when it comes to responsibility for what they did in the Senate they use it as a mark of shame on all of us on this side and not letting the population know that they participated in the creation of that infamous section 34. I am not here to talk about section 34 today, but it is important to put in shape, focus the hypocrisy that we see.

**Miss Cox:** Who you shouting at?

**Hon. P. Ramadhar:** I beg your pardon, I did not mean to shout, but some things do need to have a little passion in life when elected Members speak words that are empty, when their heart is mischievous—[*Interruption*]

**Hon. Member:** What?

**Hon. P. Ramadhar:**—in intent.

**Hon. Member:** “Yuh guilty?”

**Hon. P. Ramadhar:** And come here to hoodwink many times giving some noble—[*Interruption*]

**Mr. Deyalsingh:** Mr. Speaker, Standing Order 48(6), please. [*Crosstalk*]

**Mr. Speaker:** I am following very closely, do not impute improper motives to anybody. But I am following very closely. Continue.

**Hon. P. Ramadhar:** Section 34, that is the point I am making that they participate in things and when things go wrong, “is all yuh”, not we. And we see

*Bail (Amdt.) Bill, 2015*  
[HON. P. RAMADHAR]

*Friday, March 13, 2015*

too much of that in the society. When things go good, is we; when it goes bad, is you.

So I want to move forward on that basis, that we must look clinically at what is before us today. [*Interruption*] When you are finished, let me know.

**4.15 p.m.**

Mr. Speaker, the Congress of the People stands in full support of the Bail (Amdt.) Bill here today. [*Desk thumping*] We hear complaints about the prisons. We took office in 2010 and a lot has happened since that time. Understanding full well that we need to fix the speeding up of the trials while at the same time deal with persons who are in detention and that is why the Administration of Justice Act came. Of course, it had its problem. We have now removed preliminary enquiries to the extent—when I say, the right to cross-examine, to speed up the system. But a hugely important component of the judicial system will be introduced very shortly—plea bargaining.

What that will do is that persons who are awaiting trial and the evidence is put before them and their lawyers, and they say, “You know what? I have a far better chance in cutting a deal”, getting a lesser sentence sometimes, rather than awaiting trial—like in America, you know, I think it is less than 10 per cent of matters that are charged and prosecuted, to begin with, ever get to the trial stage because of the quality of evidence that is put and the plea bargaining system. That is something we are going to introduce here. So it is part of a comprehensive, holistic effort, appreciating the inefficiencies of the court system, but we do not want anybody to plead guilty on the basis that they have to wait too long. It is on the basis of the strength of evidence.

My friend speaks glibly about the system. What did they ever do when they had all of the resources available to deal with the Forensic Science Centre, for an example? It is 30 and 40 years behind in terms of the capacity. We are taking steps, at immense cost, to upgrade the Forensic Science Centre so that when exhibits, like guns for instance, go in there, the turn-down time is a matter of days rather than months and sometimes of years. What are we doing in relation to the courts themselves? What we have done is that we have given resources that the court has never ever seen before, in terms of the quantum of resources to the Judiciary, and these are things that must come together. But let me get back to the bail issue.

Mr. Speaker, in Trinidad and Tobago we are having problems with guns, and it is as a result—and you have heard the Attorney General speak to that—of the

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

number of cases of murder that guns are used as the weapon of death. How did these guns get here? What was done to stop them coming here? Because we do not really manufacture that level of guns. I mean, the old days in the courts you will find the homemade shotguns and so, but you are seeing Tec-9s, AK-47s, SLRs, AR-15s, and the most modern of weaponry in Trinidad and Tobago. And I want to stand here today to congratulate the efforts of the police service because of the number of guns that they have captured in the last two or three years. Every day you have reports of raids and a person being arrested and guns finally being taken off our streets. That did not happen as much before. It is happening today.

That did not happen because somebody decided, “You know what? I am going to give up meh gun”. No. We gave the police the tools necessary to do their duty. We gave, I think it is about 500 to 700 new police vehicles. We increased the number of police officers, maybe threefold. We gave them the resources necessary to ensure that the capacity that is required to fight crime is there. These things did not happen overnight. As a result of that, as I say, many guns are being captured, taken off the streets. But you know what is a shock to many? Of the billions of dollars that is spent by National Security—and I have spoken about this before because it is something that we need to speak about—no effort was ever made to secure the ports of entry in Trinidad and Tobago.

I want to commend Minister Cadiz and his crew—if I could call them that—for having what it took to finally put electronic scanners on the ports of Trinidad and Tobago, [*Desk thumping*] because we hear over the years of pirogues bringing in guns, when you had wholesale containers of drugs and possibly guns coming or leaving Trinidad and Tobago. The juice case—you remember the juice? Containers of juice?

**Hon. Member:** Chicken.

**Hon. P. Ramadhar:** Chicken too, exactly. So that you will find that the containers that were coming in with drugs, yes, with guns, what did they do about it? Absolutely nothing. So now having put police officers on the streets to capture guns, and we have put the other level of protection to the society—scanners on the ports to ensure that they do not come in, and very soon all this maritime wall they spoke about with billions of dollars to buy OPVs that were not at all built for purpose; not at all could even shoot—we are taking steps to bring in the assets that are necessary, fit-for-purpose vehicles to deal with those things.

Now, forgive me if I go into another area. You know, when this issue of guns and whether we should deal with the issue of bail for the possession of firearms,

*Bail (Amdt.) Bill, 2015*  
[HON. P. RAMADHAR]

*Friday, March 13, 2015*

there was a school of thought that the mere possession of a gun, an illegal firearm, should lead to no bail. Many thought that was very attractive. But, really, we had to balance the need and the protection of the society with the presumption of innocence. I want to agree with my friend on that. The Attorney General spoke to that. And therefore the issue of why is it that we chose, if you have a pending matter, you are found in the commission of an offence with a firearm, that this new law should come?

It is simply this. There are many in the society over the many years who never felt protected, that the police never had the capacity I just spoke about, nor did they have the will. You would call police stations and they would say they have no cars or they do not have people, and you would have heard allegations of police officers having cooks in the police stations and not caring to go on patrols, or even while an offence is being committed, to not have the capacity to respond.

I remember years ago—maybe 10—I got a call at around two in the morning—I live up north; my parents' home is in central—that an intruder was in the house. They called the Freeport Police Station, which is about one minute away—three minutes if you walk fast—and I was able to leave north and get down there before the police arrived. There was no vehicle. They did not have the will. I am just giving you that example.

Today, I am pleased to say that the response time of the police is far, far improved. But having said that, we come now to the issue of persons understanding that danger, that they would be vulnerable and susceptible to criminality without response and protection from the police. There are many law-abiding citizens who will never hope and never wish to break a law, and I, as a defence counsel, defended many like that, who were charged for the possession of a firearm. They had it in their homes for the sole purpose of protecting their homes and their families, their wives and their children—for nothing else—and persons were charged, prosecuted. And, of course, it is an offence having an illegal firearm.

So the time may very well come that we may have to go to the population to get their views as to whether a new system for the provision of licensed firearm should be looked at because as it is now, the Commissioner of Police, as busy as he is improving, across the board, the quality of police service, it is to he and he alone, that we must seek to get an approval for a firearm. I understand the application numbers are in their thousands.

**Hon. Member:** Thousands.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

**Hon. P. Ramadhar:** Yes, I use that because I like to hear you all say it. “Thousands and thousands.” We joke and laugh, but there are legitimate applications by the thousands there, but the Commissioner—it is unfair to him to leave it up to him. So we may have to consider using a new mechanism—*[Interruption]*

**Hon. Member:** No way.

**Hon. P. Ramadhar:** Well, we will hear about that—to arm those who wish to defend themselves. I take no position at this point in time except to say it is something that we must, as we proceed, look at.

So, Mr. Speaker, you know, I want to say, almost enviously, that the Attorney General dealt with almost all of the areas. It is almost watertight in terms of the argument. That is why my friend had to go to India to find solace. He had to go to Australia; he had to go to England. Well, I want to ask: does India or the United Kingdom have the problems of murders per capita as we do? That is the query. Do we have, in any way, parity with equality of crimes of England, or India, or Australia, per capita population?

And if we get off our hypocritical high horse that a society—we talk, you know, about a society being independent and a society must have laws and courts to deal with its local circumstances, well then, this is a local circumstance. This is a local need, and what is good for England may not be good for us on this score. What is good for us may not be good for India.

So to really compare apples and oranges is not a healthy thing to do. We do know that we have a murder rate that nobody wants. We do know that the murders that are committed are committed by firearms. What do we do? Lay back? Say “shoulda, coulda, woulda” and do nothing? Or to take the action? And I will tell you this. This did not come from us sitting in Cabinet, or sitting in the Parliament, or sitting in our Ministries. This came as a request from the police. From their experience—and I may want to agree with the Member for Diego Martin North/East that maybe the time is ripe for the police to disclose the numbers and the figures that he has spoken about to justify in the minds of all on the outside of the need for these things. But if they, who are given the sacred responsibility to protect us, tell us they need this tool; it makes sense, we are duty-bound to do it; not to ignore the cries of institutions like we have seen in the past, but to respond to them and empower the institutions to do their jobs. *[Desk thumping]*

So, Mr. Speaker, I want to ask, as I am about to—I see the teatime is upon us. All of the arguments that would have been put by—I am sure my learned friend

*Bail (Amdt.) Bill, 2015*  
[HON. P. RAMADHAR]

*Friday, March 13, 2015*

would have spoken in 2008 in support of their Bill. Is he now recanting that? Was he convinced then in 2008 it was right, but it is wrong now? And to use the Prime Minister's words of the day—and I think she was then on point as a responsible opposition, to look at things when they did not have all the protections that we now have, to say because it was rampant then that police officers could set you up willy-nilly, and what was your complaint? Go to court and say, "It wasn't me. They give it tuh meh. They put it on me." Is he then saying because of that statement that they will not support today's legislation? And why? Is that really how we operate?

So to suggest that because the Member for Siparia, seven or eight years ago, made a statement that is still correct to a large extent, and because of that understanding the Prime Minister instructed her Cabinet, and as the Chairman of the National Security Council, to put things in place to protect people from false allegations and false prosecutions—and these things have come. The ground has changed. We are no longer in the year 2008. As they say, you cannot step into the same river more than once. I want people to just listen to that. You cannot step into the same river more than once. And for the younger ones, it really means that water keeps flowing and therefore there is eternal change, and the circumstances of today require this legislation and the COP is very proud to stand in support of it.

Thank you very much, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I think it is a good time for us to pause. I know that we are going to be here for a long time tonight—this evening—so I am going to allow Members to have a good tea. So this sitting is now suspended until quarter past five.

**4.29 p.m.:** *Sitting suspended.*

**5.15 p.m.:** *Sitting resumed.*

**Mr. Speaker:** The hon. Member for Laventille East/Morvant. [*Desk thumping*]

**Miss Donna Cox (Laventille East/Morvant):** Thank you very much. Mr. Speaker. Mr. Speaker, I rise to speak on this Bail (Amdt.) Bill, 2015, and this Bill which is inconsistent with sections 4 and 5 of the Constitution seeks to restrict the granting of bail to a person over the age of 18 charged with an offence under the Anti-Gang Act, also to restrict the granting of bail to a person who is charged under section 6 of the Firearms Act and has a charge pending for an offence specified in Part II of the First Schedule, and these offences include larceny of motor vehicle and receiving stolen goods, et cetera.



Mr. Speaker, we have always said in this House that we will support any Bill that is reasonable, fair and is of the benefit of the people of Trinidad and Tobago. Now what are these restrictions in this Bill intended to do? They are intended to keep alleged perpetrators of crime inside so that they do not commit more crimes when they are out on bail, and this raises the question: what is the state of due process in this country? Bail is indeed a part of due process, but the Government cannot continue expanding bail restrictions. By so doing, they are really cutting down the due process safeguards in the Constitution.

In making amendments to the Bail Act, we on this side are mindful of the balance between community safety and the rights of individuals. We see it as our profound duty on behalf of the people of Trinidad and Tobago to ensure that this proposed amendment is fair to all. It must not fall victim to the haphazard way this Government has been doing business.

I would like to speak a little on the criminal justice system, which is important to the implementation of this Bill. Mr. Speaker, amendments to the Bail Act must strike the right balance in protecting the community and integrity of the justice system. There are many areas in the criminal justice system that is in need of improvement. It is indeed disturbing that after a whole year of trial they have now discovered that there is a problem with the main witness in a particular trial taking place now. But note, Mr. Speaker, the legal team on both sides would have received their full pay for a whole year.

There have been some amendments to the Evidence Act with regard to the videotaping of evidence and why was this testimony not videotaped. The Act deals with forms in which evidence is to be taken and admitted in court. Is this Act in use? What progress has been made with regard to the abolition of preliminary enquiries? As long as there are preliminary enquiries for major crimes, we can get nowhere. What is being done to improve the Witness Protection Programme?

Mr. Speaker, the prison is being filled with young people and this will do them no good and, of course, it will do this country no good also. The whole question of punishment in the form of community service needs to be looked at. There should be some form of structural activity where young people are required to serve punishment for offences that might be inappropriate to put a jail sentence on their record at too early an age. Mr. Speaker, I observed recently, for the umpteenth time, that there is a problem with the contract of a forensic pathologist. Are we making the best use of science in the detection process?

*Bail (Amdt.) Bill, 2015*  
[MISS COX]

*Friday, March 13, 2015*

Detection is indeed important to significantly reduce the crime rate and our scientific resources are very, very important, but are we making the best use of them? What is happening with the Forensic Science Centre after there was a report on guns missing? What is happening? I realize that the Member for St. Augustine spoke about the Forensic Science Centre, I would like to know what improvements are taking place. I would like to get an update on that because, you see, if more detection takes place and there are a few successful prosecutions, maybe the criminals will not have the idea that anything goes in Trinidad and Tobago and that nothing will come out of their criminal activities.

Mr. Speaker, permit me to quote an article in *Newsday*, October 05, 2013, which speaks of statements made by Senior Counsel Pamela Elder with regard to the criminal justice system.

“Elder noted, while referring to murder trials, that the time it took for the filing of an indictment by the Office of the Director of Public Prosecutions following a committal to stand trial by a magistrate was far too long and this process needed to be either cut out, or drastically reduced.”

I continue to quote:

“She said the time it typically took for an indictment to be filed after committal was anywhere between three to five years, and as such she suggested that this process be bypassed or drastically altered, so that matters could begin almost immediately after a committal order was given.”

Mr. Speaker, the Chief Justice is also very concerned about the criminal justice system. He also has serious concerns about the system. He stated that the criminal justice system is in crisis and that urgent remedies need to be put in place to improve the efficiency of the system. In an article in the *Trinidad Guardian* dated Tuesday, September 17, 2013, it states, and I quote concerning the Chief Justice:

“The abolition of jury trials...and the decriminalisation of marijuana are two crucial ideas suggested by Chief Justice Ivor Archie as possible solutions for improving the efficiency of the criminal justice system.”

And in September 2013, that same article, he stated that there were 575 persons in remand with respect to 468 murders. He also suggested the abolition of jury trials for criminal offences in order to reduce the backlog of cases. So it is important to note that jury trials have been abolished in many countries and I would like to know what is the Government doing to improve the criminal justice system in Trinidad and Tobago.

There can be no serious dent in crime if the criminals are not detected. We definitely need an improvement in the detection rate in Trinidad and Tobago. Why is the detection rate so low? Is it lack of will, is it lack of resources, is it lack of skill? That is important to know. We need to get to the crux of the matter because we talk about bail amendment and, yes, for this to be effective anyway you must be able to catch the criminals first. If the law is to be effective, the police must apprehend and charge persons involved in criminal activities, and the low detection rates suggest that many criminals are escaping justice; and the Government, of course, must take full responsibility for this.

What is the present position with regard to the appointment of the Commissioner of Police, Mr. Speaker? And I am now led to believe what the former Attorney General stated with regard to his appointment. Permit me to quote the *Guardian* dated the 30th of the first month, 2014, what the former Attorney General said with respect to the issue of appointing a police commissioner. He described it as a “red herring” and stated and I quote:

“...someone will be forced to perform to the maximum if left in an acting position, since if that person did not meet the grade, someone else would be placed at the helm. Ramlogan also dismissed the argument that if a substantive police commissioner was appointed that would have a positive effect on tackling crime.”

So, Mr. Speaker, what the AG stated at that time was that it was better for someone to act in a position. They may work harder, they will have to be looking behind their back in case someone else will take their position if they do not perform. And, you know, clearly, I believe this seems to be the position of the Government of Trinidad and Tobago, because this was stated a year ago; no one refuted that statement; and to date, the Commissioner of Police is still acting. It is definitely wrong to have a Commissioner of Police acting for such a long time. The police, of course, we know, need to lead by example in order to build relationships, to build their trust with the people they serve, and it is indeed difficult to fight crime when there are also serious allegations against law enforcement officers.

Mr. Speaker, I maintain that one of the main challenges of law enforcement is the poor quality of intelligence which is the lifeblood of successful law enforcement. Focus must be placed on intelligence gathering which is the means in which the police will be able to infiltrate drug dens, human traffickers, gangs and gunrunners. Police do not investigate like long time. We are aware of that. You know, something would happen at your home, the police will come, they will

*Bail (Amdt.) Bill, 2015*  
[MISS COX]

*Friday, March 13, 2015*

take a statement or they would walk around and so on, but they will not even question the guys liming on the block. They would not ask a neighbour who might be home all day.

I am aware that there is definitely a need for more advancement in technology when it comes to the resources of the police service, and actually I see where the Acting Police Commissioner alluded to that fact in a *Newsday* article dated March 05, and it says, “Top cop: Lack of funds hurting TTPS”, and I would like to quote from this article:

“Once the Trinidad and Tobago Police Service...gets the necessary funding to bring on board the kind of advanced technology—including CCTV cameras—used in policing globally, the”—Trinidad and Tobago Police Service—“could significantly reduce serious crimes says Acting Commissioner of Police Stephen Williams.”

He also went on to speak about:

“While he warned that the”—Trinidad and Tobago—“Police Service developmental programmes will take a back seat this year due to lack of funding...”

So you see what is happening here—clearly there is a problem, lack of funding in the police service where we need more resources and, of course, lack of proper technology, but I would like to move on to deal a little more about the police with regard to persons in remand.

Mr. Speaker, are you aware that the police service is adversely affected every time a prisoner has to go to court? Now we are here talking about the bail and, of course, it is every 28 days that person has to be taken to court. A police officer has to appear in court whether he is on vacation, whether he is on a course, whether he is off duty and, of course, the police service suffers loss of manpower with all these officers having to go to court over and over for years, because if you hear you will realize that many times someone on a murder charge could be in Remand Yard for as much as 10 years.

Mr. Speaker, it is easy for the court to deny bail on the whole, or bail may be fixed with high restrictions because of the failure of the police to provide the court with criminal tracing of the person charged, and why is this happening? Of course, something needs to be done concerning the police service. So when we talk about bail, on the whole, we must fix everything else that revolves around it because criminal tracing—many times persons go to court and because the judge

could not get the records, that person would be made to go to jail and to wait until that happens and, of course, it is Remand Yard they have to go in, which is already overcrowded. So this is one area that we need to look at.

Mr. Speaker, how can the police at times—it is stated that the police with regard to bail, you know, they could sometimes be judge and jury concerning bail when they themselves are being granted bail for some serious charges, serious offences, and I just want to list a few of these offences as examples because besides serious offences, they also sometimes get specialized treatment. I was just looking through, you know, charges of police officers, and there is one, *Express*, January 9th—a recent one—“Cop charged with more sex offences”. Note the word “more” sex offences.

I see where—and this is the *Express*—this officer was only refused bail after the police officer involved stated that he was threatened, then they realized that he had two prior charges for sex offences and it is the third one where he was then refused bail and that is because an officer stated that he was threatened by it. This is the *Express* of January 09, 2015. He was also taken to an area that is reserved for female prisoners and he was made to sit there and the judge did make a comment about it, that he was not supposed to be there, but as an officer, he was given preferential treatment.

### **5.30 p.m.**

There is also one with:

“\$3.2 m bail for...cops on robbery charge

Four policemen attached to the Northern Division hid from media cameras after they appeared before a Port-of-Spain magistrate charged with misbehaviour in public office.”

And this was pertaining to theft.

“Cop get \$25,000 bail

Hit-and-run on”—Priority Bus Route

This is the *Express* of August 18, 2014, and I quote:

“A police constable with 20 years service appeared before a Tunapuna magistrate yesterday morning, charged with failing to report a traffic accident and failing to render assistance following a traffic accident...”

And we see here, with this accident, actually the person died.

*Bail (Amdt.) Bill, 2015*  
[MISS COX]

*Friday, March 13, 2015*

There is one more that I would like to quote and it pertains to seven officers charged with misbehaviour in public office, *Express* July 16.

Cops on rape charge

April 26, 2013:

\$.25 million bail

A recent one:

“Five cops transferred from”—Sangre—“Grande”—Police Station—“Suspect claims they doused him with hot water”

This is the *Express* of February 27, 2015.

One of the areas that I really want to talk about is concerning SRPs because there are about 30-something SRPs presently before the court for various offences and these are recent cases. We are not talking about SRPs from before. We are talking about recent cases of SRPs before the court.

I also want to draw to the attention of this honourable House about the fact that these SRPs are not properly trained. As a matter of fact, they are called “quarter trained” by the police because they are normally trained for six weeks and regular police train for six months. So, therefore, they are called “quarter trained SRPs”.

Mr. Speaker, the type of training that the SRPs get at the moment is really nothing close to what a regular police officer gets. I just want to give you some information. Police officers performing specialized functions are trained in firearm use, customer service, psychometric and polygraph testing, while SRPs are not trained in this area. This is an area—the police is very integral to the whole, what we are dealing with here, bail and, therefore, we must have our police officers, regardless if they are SRPs, they must be up to a particular standard.

I just want to quote the head of the, I think, the Vice-Chair of the Trinidad and Tobago Police Service Social and Welfare Association and he spoke about the SRPs. I want to quote him. He said:

“...SRPs were given firearms, authority and all the legal rights of regular police officers but there are no regulations governing their conduct. ‘They are operating outside of the police service,’”

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

The head of the Trinidad and Tobago Police Service Social and Welfare Association also commented about the whole SRP situation and he was not in favour of the fact that they are, as we say, quarter trained. He said:

“It’s high time they discontinue the fly by night training of”—SRPs—“in a manner that is not commensurate with their responsibilities.”

We still, of course, need to look at the police when we talk about bail and bail amendment. I want to say something. There are many hard-working and dedicated police officers in the service and some bad apples may not necessarily spoil the whole bunch if they are plucked out of the system. I do recognize that law enforcement has a major role to play in upholding and executing the mandate of this Bill.

Since 2010, I have been agitating for police officers to be properly remunerated. Mr. Speaker, there is a crisis looming in the police service concerning wage negotiations. I would like to know what the Government intends to do about the growing number of disgruntled police officers with regard to the breakdown in salary negotiations taking place with the CPO. One organization no country wants any form of instability is the police service. I call on the Prime Minister and Minister of National Security as we come here with amendments to deal with crime, we need to step in and fix this situation concerning the police.

I would like to refer to an article of Wednesday, March 04, 2015, with regard to “...Police, prison bodies walk out on CPO” where we see there is a breakdown in negotiations here with them. I feel that I would discuss a little more about the salary situation later on when I speak about the prison system. But I just want to say that I took a look at the Police Service Social and Welfare Association’s website and looked at the comments concerning the whole wage situation, where the police officers are really, really upset and they spoke a lot about it. Some talked about work to rule. Some spoke about:

One voice one fight, let us all stand together for something.

Another person said:

We need to send a strong message to the Government and the Opposition.

They are talking about they got a fair—they spoke about:

The time is different, the time is now. It is drastic. It is overbearing. We want a fair wage.

*Bail (Amdt.) Bill, 2015*  
[MISS COX]

*Friday, March 13, 2015*

These are just some of the comments from the Police Service Social and Welfare Association's website, with regard to what is happening in the police service, and with regard to their salary.

So, Mr. Speaker, I ask that this be dealt with because we cannot just come and be bringing amendment after amendment to the Bail Act to throw persons in jail but yet we are not dealing with some of the fundamental and underlying issues that need to be addressed.

I move to the prison service because the prison service has a similar problem with regard to salary negotiations which is taking place. Just to let you know, this area is from 2011 to 2013. This is the negotiation that is taking place at this time with regard to the prison service. Of course, what is happening now—well the same article I can quote again, Wednesday, March 04, 2015:

“...Police, prison bodies walk out on CPO”

I quote one Gerard Gordon of the association saying yesterday that:

“...the CPO's language...was 'vexatious to the spirit' and forced them to walk out one hour after their 2.00 pm meeting”—started.

We know that there was some work to rule or something like that which took place earlier this week. This is something we do not want in our prison system. We already have an overcrowded prison. I know that the prison officers work very hard in inhumane conditions. We talk about the prison being inhumane but it is not just the prisoners because the prison officers have to work in that condition also because they are there.

I would like to just touch on the fact that I spoke earlier on about the Airports Authority salary that is so way ahead. The Minister of Finance and the Economy spoke about an inter-ministerial committee giving approval. I asked: why was their salary so high, number one; who approved it and why it is the prisons and police, that salary cannot be used as a benchmark. We were told that salary was not approved and that the inter-ministerial committee had to deal with approving the salary.

Mr. Speaker, I have in my possession a letter from a former Minister of Works and Transport. I believe that the Airports Authority was under the Ministry of Works and Transport. I would like you to permit me to read from this letter, please, that was written to the association concerning this whole salary issue, because I asked and I was trying to find out, who approved this salary.



*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

Dear Mr...

Person from the association.

Re: Enquiry of the legitimacy of salaries paid to the staff at the Airports Authority Port of Trinidad and Tobago.

During my sojourn as that authority's line Minister, I wish to inform you, based on your organization's enquiries about the legitimacy of the salaries being paid to staff at the Airports Authority of Trinidad and Tobago, and specifically the position of Assistant Superintendent, that the salaries are in fact legitimate. All salaries were approved by me as the then Minister of Works and Transport with responsibility for the authority during my term of office as the Minister of Works and Transport in accordance with the Airports Authority Act.

The salaries were subsequently implemented by this Ministry with the appropriate authorization from the then Permanent Secretary assigned to the Ministry. As such, it is clear, in my view, that all of the due diligence was done in relation to the legitimate implementation of the salaries in compliance with the established legal provisions.

I hope this clarifies your concerns and queries.

Respectfully.

Jack Warner

So, Mr. Speaker—[*Interruption*]

**Mr. Speaker:** What is date of that letter?

**Miss D. Cox:** The letter is dated February 26, 2015. Mr. Speaker, I just would like to know—yes it is the 26th of February, 2015. That is the date of the letter. Signed Jack Warner, Member of Parliament.

I would like the Government to tell me about this, if that is the case. Because I also saw—we spoke about the inter-ministerial team and I want to know if the inter-ministerial team has any legal right or any position to have influence or power over the Airports Authority board and if that answer is yes I would like to be pointed to which legislation or Act speaks of this.

Mr. Speaker, this is what is happening in the prison service. As a matter of fact even dealing with the retirees, the prison service, they have not received their

*Bail (Amdt.) Bill, 2015*  
[MISS COX]

*Friday, March 13, 2015*

\$500 additional and I would like to know what is the reason for that. I think everybody else would have gotten their \$500 additional salary except the prison service.

I would also like to talk about the \$1,000 allowance. With regard to the \$1,000 allowance, the prison officers finally got theirs after much agitation on their behalf. The other services got their allowances retroactively but the prison officers' are still fighting for theirs and I would like to know what is the reason. It is coming across as though the prison service is the bastard child of law enforcement, because they have not gotten their \$1,000 retroactively. They have not gotten their \$500 that they are supposed to receive as retirees and they are now fighting the 2011 to 2013 salary negotiations.

Mr. Speaker, this Bail Act really has a lot to do with the state of the prison service. Prison officers, they all have to carry out their duties in compliance with this legislation. I am just asking that the prison service be fixed, please. There is a lot happening in the prison service. The inhumane conditions exist at Remand Yard, which I need to speak about. The prison is overcrowded. Remand Yard in Golden Grove was built to accommodate 300 persons. There are approximately 1,100 prisoners there. Remand Yard in Port of Spain was built to accommodate 200 persons, there are approximately 500 prisoners in Remand Yard in Port of Spain, grossly overcrowded.

Mr. Speaker, have we stopped? As a matter of fact, I would like to refer to an article in the *Guardian* of September 08, 2014:

“Remand prisoners plan breakout”

Permit me to quote:

“Senior prison sources said yesterday that the Prison Service’s executive began implementing...measures in early August after receiving information that some of the inmates were planning a breakout as part of the ongoing protest against their lengthy detentions due to delays in the criminal justice system.”

So, Mr. Attorney General I would like you to know the importance of having an improved criminal justice system where this Bail (Amdt.) Bill is concerned and an improved prison service.

We have to stop and think of the socio-psychological effects of persons who have to reintegrate into society coming out of the prison service. Prisoners in the Remand Yard, of course, we also have to remember are those who have not been convicted.

**5.45 p.m.**

The prison has become a training ground, of course, for criminality based on the system, and how it operates. What about the proliferation of cell phones in prison? What is being done about that? Why are the CT scanners not installed as yet in the nation's prisons? I have been hearing about scanners and scanners. *[Interruption]* I am hearing about jammers and scanners. What is happening in the prison service?

Mr. Speaker, prisons definitely are in need of modern security equipment, okay? We are hearing about jammers, scanners, everything else—*[Interruption]*

**Mrs. Gopee-Scoon:** And grabbers.

**Miss D. Cox:**—and grabbers, but nothing is happening where that is concerned. I would like the Attorney General to address this, because he mentioned the prison service.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Laventille East/Morvant has expired. May I be directed?

**Miss D. Cox:** Thank you, half an hour, please.

**Mr. Speaker:** No, 15 minutes. *[Laughter]* I think you are still in the past. *[Laughter]*

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Laventille East/Morvant be extended by 15 minutes.

*Question put and agreed to.*

**Miss D. Cox:** *[Desk thumping]* Thank you very much. Okay, so I want to remind that the prison service, there are serious health and safety issues that need to be addressed in the prison service. There must be a swift approach to modernize the prison. There should be training courses for persons in Remand Yard because many of them spend over five years in the prison service, Mr. Speaker.

What is the status of restorative justice and development programmes in the prison service, also the prison, the prison itself? The prison in Tobago is definitely in need of repair. Tobago needs a new correctional facility. The prison in Tobago is actually falling into the sea. Why has the Government been dragging its feet in dealing with the prison system in Tobago? Why has the parole system not been implemented to date? What is the status of the Prison Rules which were finished, and waiting to be placed on the legislative agenda prior to the May 2010 election?

*Bail (Amdt.) Bill, 2015*  
[MISS COX]

*Friday, March 13, 2015*

I personally worked on those Prison Rules day and night, together with other law—persons involved in the legal profession, the prison, the prison service, the AG’s office and so on, so there was representation. There is a lot to be done concerning those Prison Rules.

The prison infrastructure for the most part is dilapidated, and Government could put some more money into the prison system. What about the land in Caroni that was identified for a new correctional facility? Is that not happening again? Or, is it that SIS has that too? I would like to know.

Mr. Speaker, prison officers serve as the last bastion of the nation’s security. The prison service constitutes one of the four primary agencies in the criminal justice system: the police, the Judiciary and probation being the others. Not only is it their job to secure the public from persons who would have run afoul of the law, and for a significantly longer period than the police at that, but also to devise and implement strategies and programmes aimed at their rehabilitation, and subsequent reintegration into society. This holds true whether the inmate is remanded or convicted. As in most instances, the average holding time for a remanded inmate awaiting trial for murder is over five years.

The congregation of these criminal elements in one common area brings with it a heightened-level risk to the prison officers that does not accrue to any other of the criminal justice system agencies. In recent times, the proliferation of threats to officers and the actual follow-through on these threats serve as evidence of their inherent risk. Mr. Speaker, in the *Express*, December 18, 2014, there is an article also, and I quote:

“A warning has been issued to Prime Minister Kamla Persad-Bissessar by Prison Officers Association president Ceron Richards to deal with matters of safety and security facing prison officers or face a shutdown of the nation’s prisons.”

This was on December 18, 2014, the *Express*.

Technological improvements in the wider society, and specifically, the popularity of the cell phone, with all of its “intendant” capabilities has brought with it an elevated level of risk, where the police have now been able to prove that hits on prison officers are being called from within the prison. So the prison officers must be given the necessary resources to get the job done.

It is interesting to know how many persons are being held under the current Bail Act, and how this has affected Government’s expenditure, towards the prison service, in particular with regard to the prison rehabilitation programme.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

Mr. Speaker, this bail amendment legislation seeks to increase the population of the nation's overcrowded prison, and the Government must fix the problems which exist in the nation's prison, first. Bail has come to symbolize judgment, and serve as a proxy for guilt and punishment. Denial of bail has become a way of expressing condemnation of the behaviours in which a person is alleged to have engaged.

Any amendment to the Bail Act must strike the right balance in protecting the community and the integrity of the justice system. The solution to crime is not to lock away the population of Trinidad and Tobago, by bringing harsher methods with regard to bail, day by day. The Government must seek to solve the underlying problems which exist particularly in the prison service, and the criminal justice system on the whole.

What we have now is part of the continuing charade of the Government, pretending to be concerned about crime after they have destroyed our operational ability to secure our borders by cancelling the delivery of the OPVs. This amendment refers to possession of firearms, but wherever drugs come in, firearms come into the country also.

Mr. Speaker, I saw on the news last Tuesday night, where it was stated that the Government bought an imitation or wannabe OPV from China. I understand this vessel does not have the capability of the OPV. It is a tier-one vessel. The former Minister of National Security was on record stating his dissatisfaction with the purchase—that is former Minister Gary Griffith. So the question is, if the Minister is not satisfied with a purchase that cost the taxpayers \$230 million, who bought that vessel from China? This is how they are wasting taxpayers' money, purchasing security equipment, "vaille-que-vaille", just like bringing these bail amendments, piece by piece without dealing with the real issues, "putting ah plaster on ah sore" which is festering.

As the Government continues to amend the Bail Act with increasing penalties, every citizen of this country must be concerned. I am concerned when the Government seeks to remove the protection of the law, the right of the courts to adjudicate and to deprive the people of Trinidad and Tobago of their rights and liberty.

It is clear that the Government needs to put their house in order, with regard to the criminal justice system, the police and, of course, the prison service. Mr. Speaker, we on this side do not support criminal activities, but it is our profound duty, on behalf of all the people of Trinidad and Tobago, to ensure that these proposed amendments are fair to all in its entirety.

*Bail (Amdt.) Bill, 2015*  
[MISS COX]

*Friday, March 13, 2015*

We want to rid our beloved country of crime and criminal activities. It is one thing to deny bail for certain offences. It is another not to be able to properly implement this proposed legislation, because the criminal justice system needs to be revamped; the prisons are overcrowded; the police must first be able to catch the criminal. There are many areas that first must be fixed. Increasing crime rate must not be the catalyst to throw everyone in prison by denying bail. I want to repeat that part, Mr. Speaker: increasing crime rate must not be the catalyst to throw everyone in prison by denial of bail.

I thank you. [*Desk thumping*]

**Mr. Collin Partap** (*Cumuto/Manzanilla*): [*Desk thumping*] Thank you, Mr. Speaker. I rise to join the debate on the Bail (Amdt.) Bill, 2015. Let me welcome the new Attorney General to the Lower House, [*Desk thumping*] and commend Sen. Garvin Nicholas on a great presentation. Congratulations, Sir. [*Desk thumping*]

Mr. Speaker, before I get into the Bill, let me deal with a few issues raised by my colleague—the training of the SRPs. SRPs form the backbone of the parliamentary security system here, and you know, it was disheartening to hear the comments that were made about SRPs. Let me apologize to them from this side, [*Desk thumping*] and tell you that your work, you are hard workers, you have worked excellently with us on this side, and you are appreciated.

Mr. Speaker, this Bill is very simple, both in shape and in form, but revolutionary in practice. The Bill seeks to restrict granting of bail if a person is charged under section 6 of the Firearms Act, and has a charge pending for an offence specified in Part II of the First Schedule. These offences include inter alia, possession of imitation firearms in pursuance of any criminal offence; larceny of a motor vehicle; perverting or defeating the course of justice; arson; receiving stolen goods; and gang membership.

Mr. Speaker, the Bill also seeks to restrict bail if a person is charged in an offence specified in Part II of the First Schedule, section 6 of the Firearms Act, and the prosecution informs the court that the person or any other persons involved in the commission of the said offence used a firearm, had a firearm in his possession during the commission of the said offence, or had an imitation firearm in his possession during the commission of the said offence. The result, Mr. Speaker, is that bail will be denied for a period of 120 days.

I must also emphasize that clause 5 provides that the Act will cease to have effect on August 15, 2016. In Trinidad and Tobago, the Constitution is the supreme law of the land, as it details our rights, freedoms and responsibilities.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

Most of the fundamental of these rights and the most important of them are found in section 4(a), which speaks to the right to life, liberty, security of the person and enjoyment of property.

Mr. Speaker, the State has an obligation to each and every citizen to protect these rights. The State also has to balance those rights, and anybody who is accused of infringing the laws, they have the right to be brought before a judicial authority promptly; the right to presumption of innocence; the right to a fair hearing; and, of course, the right to bail; and the right not to be deprived of it without just cause.

But significantly, Mr. Speaker, Part IV of our Constitution, in Chapter 1, gives the Parliament the authority to pass laws which are inconsistent with those fundamental rights with a three-fifths majority, provided that those laws are reasonable, justifiable in a society, with proper respect for rights and freedoms of the individual. In other words, it gives the Constitution fluidity.

Mr. Speaker, you know, this Bill is needed at this time. I would draw reference to a meeting that I had in January, in Coal Mine, in my constituency. A mother came up to me and she wanted to know how she could access the Victims Compensation Fund. So, I told her to meet me after the meeting. We spoke. She said my son was a victim of crime. She said he works in Arima and he travels from Arima to Sangre Grande, 11 o'clock every night. He works in a fast food restaurant. So I asked, I enquired, well, what had happened to her son.

She said he went into a taxi. When he sat down in the taxi and the taxi started going towards Sangre Grande it turned and he enquired: why? They pulled a gun, put it in his face, and he subsequently ended up in Chaguanas, Mr. Speaker.

**6.00 p.m.**

Mr. Speaker, this is just one story and there are many, many more in this country; many more like this. Guns are evil and it has set into society, and it is the number one choice of criminals. The criminals do not care nor do they want to know about you, and they would pull that trigger with impunity, and that is why this law is so important.

Mr. Speaker, according to criminologist Renee Williams—and I will quote from her, and I start the quote:

“A major part of the crime problem is the illicit guns that find their way into the hands of criminally involved youth who seem fascinated with violence. Too many young men are involved in gun violence...”

*Bail (Amdt.) Bill, 2015*  
[MR. PARTAP]

*Friday, March 13, 2015*

Mr. Speaker, when you look at some of the comments of the Trinidad and Tobago Police Service, and what they had to say about illegal guns used to commit crime, let me quote the Acting Commissioner of Police, Mr. Stephen Williams, in an article. The article was dated December 28, 2014 from the *Trinidad Express* and the headline was "...Illegal guns still a challenge".

Mr. Speaker, the Acting commissioner said that:

"75 per cent of all the murders committed in Trinidad and Tobago have been committed with firearms...

...despite the police having seized more than 500 guns..."—in 2014 which was a record for any previous year.

This was an address at the Rotary Club in Port of Spain.

Mr. Speaker, let me again quote the Commissioner of Police. This is also from the same address he gave at the Rotary Club in Port of Spain, and I quote:

"Are you aware"—and this is the police—"that if we go out the road now and I stop a young man with a gun and arrest him and bring him to the courts, but he has no previous matters pending, he can walk out next day on bail? Although he had a gun, the weapon of choice for murderers in this country.

'Now you tell me what a young man is doing with a gun stuck in his waist on the streets? Maybe he is going to church to pray...'"

I do not know. Yes, maybe P-R-E-Y.

"But from a common-sense approach..."—that we are seeing, is that guns are fuelling the crime in this country.

In Port of Spain alone in 2013, 94 per cent of all murders were committed with the use of a firearm.

Mr. Speaker, we are bound, this Government is bound to give the police the tools, equipment and the legislative tools and equipment they need to be able to fight crime effectively, and to go into combat with the criminal elements in society because, make no mistake about it, this country is still at war with the criminal elements in society.

As a lawyer, when someone passes through the legal system, they have the benefit of bail and, as you know, cases take a very long time to come to trial. Mr. Speaker, sometimes—and I have seen it when I was practising down in south—a man gets bail, and then he goes out—and he probably used a gun to commit the



crime that he got bail for—and he would go out and commit two or three other offences in order to get the money for the lawyers and to keep himself going, and you find it over and over and then the rap sheet comes.

When he is called again or caught again, and he is charged, and there are two or three charges for the same thing, these people go out and they go out again and again and prey—P-R-E-Y this time—on the honest law-abiding citizens of Trinidad and Tobago. Mr. Speaker, this Bill seeks to stop that.

I do not think there is anyone in this country, except probably the 11 Members in front of me—12, but 11 today—who think that this is wrong. This country has been crying out for leadership on crime and the issues, and this Government under the hon. Prime Minister has done just that. [*Desk thumping*]

Since 2010, the murder rate has gone down. When we took office in 2010—[*Crosstalk*—yes, it went down. It stood at 509, and I think in 2007 it was 558 bordering on 600.

**Hon. Member:** Not true.

**Mr. C. Partap:** Not true. Mr. Speaker, when we took office it immediately dropped. It dropped, and it dropped in 2011 to 354. At the end of last year it stood at 403. The murder rate, although it is still high, has been brought down by this Government, and the activities of this Government and what the Government has done. [*Desk thumping*]

I know the Member for Laventille East/Morvant said, you know, policemen must be adequately compensated. It was this Government that gave the policemen \$1,000 [*Desk thumping*] and the SRPs a \$1,000, [*Desk thumping*] a special allowance. [*Crosstalk*] It was this Government in 2010 to 2015, what we did? We passed a robust anti-crime legislative agenda. This included: the Anti-Gang Bill, the Bail (Amdt.) Bill, the Firearms (Amdt.) Bill, the Evidence (Amdt.) Bill, the Miscellaneous Provisions (Kidnapping and Bail) Bill, just to name a few. We do not treat criminals like the former Government. We are very tough on them.

We have given the Police Rapid Response Unit—this Government—300 new vehicles, and you could see them every day as you traverse the roads and the highways and byways of Trinidad and Tobago. When you go down to Sangre Grande, they are there on the streets, blue lights constantly around. When you go down San Fernando, constantly around.

You know, I remember when I was working at the Leader of the Opposition's Office in 2009 and driving down to Princes Town, you would not see a blue light.

*Bail (Amdt.) Bill, 2015*  
[MR. PARTAP]

*Friday, March 13, 2015*

If you saw a police car, you would be surprised. Now, you see five, six and seven.  
[*Desk thumping*]

Mr. Speaker, the capacity building of the police service increased under this Government when the attrition rate, when you compared it to the recruitment rate, we were at minus levels. Since then, just last year, you know, by May last year we had 208 new officers recruited with a further 300 to come in.

And as a former Minister in the Ministry of National Security, we knew about the challenges the police service had. They were losing more officers than they were recruiting, and they could not keep up with the established rate. I think the establishment is 7,500. I know, Mr. Warner, a former Minister of National Security, he tried to raise it also and we did, we succeeded. We helped the police officers. Services and improvements in the training academy led to this and it did not take much.

Mr. Speaker, the Commissioner of Police, at the end of last year, he said serious crime was down to a record level; the lowest it has been in three decades. [*Desk thumping*] Mr. Speaker, 575 illegal guns were taken off the streets and, for the first time, the Port of Spain Division recorded 41 fewer homicides; for the first time.

Mr. Speaker, we also, this Government, apart from the patrols, apart from the cars, the NSOC was set up, the National Security Operations Centre. This is not like the SAUTT which was a task force. NSOC coordinated operations of all the agencies. So all the agencies were together. They were not the police doing one thing, the army doing one thing, the coast guard doing one thing, everybody is there at the National Security Operations Centre, and there is cohesion and for the first time agencies spoke to each other and this has led to a reduction in crime.

Mr. Speaker—Dr. Moonilal knows this very well—eight new police stations built—[*Desk thumping*]—Arima, Brasso, my constituency of Cumuto; La Brea, Maloney, Moruga, Oropouche, Piarco; eight built in the last four years.

**Dr. Moonilal:** They built one and a half in 10 years.

**Mr. C. Partap:** One and a half in 10 years—eight in four. Mr. Speaker, and there is more to come: Besson Street, Manzanilla, again, in my constituency, [*Desk thumping*] Maracas St. Joseph, [*Desk thumping*] St. Clair, [*Desk thumping*] St. Joseph, [*Desk thumping*] Matelot, Matura and Old Grange and Roxborough in Tobago. These are what are coming, another eight on the way. These are state-of-the-art police stations.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

I went into the one in Cumuto recently, as a visitor, of course, [*Laughter*] and when you see the facilities that the police officers have. I remember in 2010 when I went in there it was a room in a house, and the car that they had at the time did not have a reverse gear. The police vehicle did not have a reverse gear. [*Laughter and crosstalk*] You joke around about that, but it is true. There was no reverse gear, and the back seat you had to use a baton to keep it up. [*Laughter*] Those were the conditions in which our police officers worked under the PNM, and you expect the police service to work when they are under such stress and strain and the proper working conditions are not there.

Mr. Speaker, I can go on and on about what we have done as a Government, but the record and the facts and figures speak for themselves. Crime is down. [*Desk thumping*] Murders are down [*Crosstalk*] and you will see in the upcoming few months the People's Partnership will be once again up. They will be up.

**Miss Cox:** Down too. [*Crosstalk*]

**Mr. C. Partap:** Mr. Speaker, I am coming back to the Bill. [*Crosstalk*]

**Mr. Speaker:** Please.

**Mr. C. Partap:** You know, I was coming back to the Bill, but I would not go back to the Bill just yet.

You know, when I hear the prisons service and, as you know, the prisons service fell under my portfolio as junior Minister for the year and a half or thereabouts I was there. Let me tell you, you know, you talk about all the improvements that needed to be done. When oil was \$140 and \$130 a barrel, why were the prisons not looked at?

**Mr. Indarsingh:** 147.

**Mr. C. Partap:** 147. Thank you, the Junior Minister of Finance, Member for Couva South—147, Mr. Speaker, nothing was done. No new prisons. When the state of emergency was in place and we got the Santa Rosa facility, I know there was an outcry and outrage: “why are we spending money on that?” Well, now you know why we are spending money on it, because the laws we passed require an increased prisons facility and we have it and conditions, although bad, are improving.

**6.15 p.m.**

The net that they are talking about, the cell phone net and all of that, we were in talks with that, and they were in talks with it when they were there. Those are

*Bail (Amdt.) Bill, 2015*  
[MR. PARTAP]

*Friday, March 13, 2015*

things—I mean, this Government has done more, more in every single aspect in this country than any other Government previously. [*Desk thumping*] I can say that boldly and proudly. [*Interruption*]

**Mr. Deyalsingh:** What is that?

**Mr. C. Partap:** I could say it boldly and proudly. Twenty-two water projects in La Brea, imagine that, 22 water projects.

Mr. Speaker, let me come back to the Bill, 120 days, it is a small price to pay, 99.9 per cent of this population are law-abiding citizens. This law is not designed for the 99.9 per cent, this law is designed for the .1 per cent that goes out and will stick a gun in your face. [*Interruption*]

**Miss Cox:** They are still innocent until proven guilty.

**Mr. C. Partap:** Of course they are innocent until proven guilty, that is the law. It is enshrined in the Constitution. But, Mr. Speaker, when you go out and you take a gun, this Government is sending a message to all the young people and to all the criminals, stay away from firearms, because firearms will get you four months inside without bail.

Mr. Speaker, and let me tell you something, that will be a deterrent. The police are starting to pick it up, crimes are dropping, murder is dropping, but firearms are now on the rise. I remember in London, when I lived there, knife crimes was a big problem, and Parliament quickly legislated against knives, and they put police officers in every single tube station in London, and every single bus station, and it stopped—and it stopped, Mr. Speaker. We are doing the same thing. This country has aspirations to become a First World country, and we will get there soon under this Government. We will get there soon. [*Interruption*]

**Dr. Khan:** We are there.

**Mr. C. Partap:** The health Minister is saying—and let me speak a little bit about health, Mr. Speaker, a little bit about health. You have a Couva Children's Hospital, Mr. Speaker—[*Desk thumping*—a Couva Children's Hospital, a training hospital in San Fernando, but, Mr. Speaker, and, again, I want to commend the hon. Attorney General, and the former Attorney General, Mr. Anand Ramlogan, for bringing this piece of legislation. Some may say it is draconian, but others, and the majority of Trinidad and Tobago will say it is needed, and a lot—in fact, a majority of the citizens of this country are going to thank, not only this Government, the Attorney General and the Prime Minister, for bringing this legislation to Parliament at this time.

Mr. Speaker, with these few words, I thank you. [*Desk thumping*]

**Mr. Speaker:** The hon. Member of Chaguanas West. [*Desk thumping*]

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. Mr. Speaker, let me begin by making some corrections to the *Hansard*, if only because I think it is correct for us to have the proper information. When I heard the Member for St. Augustine regaling, as always, the Government and saying that what is coming is plea bargaining, I said something has to be wrong because I knew that this has been here for a long time. So I called the chairman of the ILP, an attorney, Rekha Ramjit, I told her to check for me, Mr. Speaker, and Rekha Ramjit's advice to me is that plea bargaining has been here a long time, and it is nothing that the Member for St. Augustine is talking about is correct. She said it is called, Criminal Procedure (Plea Discussion and *Plea Agreement*) Act that was passed on September 08, 1999. Basdeo Panday Government was in power at the time and, therefore, many of them on that side should have known, or ought to have known, that we were given wrong advice by the Member for St. Augustine.

In fact, Mr. Speaker, when I used to sit across there, at one time I was the Minister of National Security, and I went with Ms. Christlyn Moore to the prison in Scarborough, Tobago, to do just that. Ms. Christlyn Moore also used to go to the prisons up at Arouca and bargain with the prisoners, and tell them to plead guilty for a lower offence—that is plea bargaining. So to come here and regaling us with plea bargaining, I am amazed. But, you know, Mr. Speaker, it is easy for criminal attorneys to come here and support this Act and speak about it, but I am telling you, Mr. Speaker, that the time will come, after the general election of 2015, when many criminal attorneys on that side will be on this side or out. I want to find out from them, Mr. Speaker, if the arguments they are using here today, what will they tell their clients when bail has been denied to their clients?

Mr. Speaker, I listened to the Member for Laventille East/Morvant, she says, young people are flooding our prisons, and she is right. They have to flood our prison, Mr. Speaker, because as long as Laventille gets \$10,000 from NGC and somewhere else gets \$10 million from NGC you are bound to have crime. I am happy that my friend from Mayaro is here. In 1997 he sang a tune, Little Black Boy. What has changed, Member for Mayaro? What has changed? My friend from Moruga/Tableland, I know for over 50 years, we slept in the same hostel, we were both teachers together, and so on, we took care of young people; what has changed?—that today we could come here and agree to a Bill like this. What has changed?

I look at the Member for Arima, a pastor by profession, how can you sit here and agree to a Bill like this that denies our young people liberty? You know why?

*Bail (Amdt.) Bill, 2015*  
[MR. WARNER]

*Friday, March 13, 2015*

Because it is very easy because the shoe is not on your foot at the moment, but the time may very well come when your children, or some family, or some relative, will feel the pinch of this Bill, and then I want you to say, I had a part to play in that, little black boy.

I know, Mr. Speaker, there are rogue people in every facet of society, teaching, nursing, whatever you call it, there are rogue people in every facet of society, but the fact is, Mr. Speaker, those rogue people do not deny you of your liberty. And, therefore, when you have rogue cops, as few as they are, when you have rogue policemen you have to have checks and balances. Mr. Speaker, one of the most fundamental things you could lose is your liberty, but we come here today and we trivialize that. We trivialize that.

Then the Member for Cumuto/Manzanilla began by saying—oh my God—I quote:

The Bill is simple in shape and in form.

How can a Bill that denies a person his or her liberty be simple in shape and in form? How can it be, Mr. Speaker? Nations have fought for this all over the world in history, for liberty, for equality, for fraternity, and today he comes here to trivialize this and say the Bill is simple in shape and in form. People's liberty, the liberty of a person is under threat in this Bill, Mr. Speaker, and he says it is simple in shape and in form, and a small price to pay. Mr. Speaker, there is no price anybody could pay for liberty. So he has totally misunderstood this entire Bill. There is no price that anybody could pay for the loss of liberty. Then he tells us, to justify this, of a son's friend who had an experience in a car in Grande, and the friend had a gun to his head and his friend was taken to Chaguanas. Does that make it right? If he has 10 friends like that, 100, 1,000, does that make it right, Mr. Speaker? It does not. It does not.

So to come here and to pontificate and say you have a friend and somebody put a gun to the same friend's head, and carried him to Chaguanas or Cumuto, or wherever, what does that tell us, Mr. Speaker? You know, and even to talk about the police getting 300 Rapid Response Units and they built X or Y police stations, Mr. Speaker, those police stations were started under me, as the Minister, but I cannot say I built them. Taxpayers built them, Mr. Speaker. I was merely the custodian. The police vehicles that were bought for the police were not bought by this Government. They were bought by taxpayers. That is what we were elected to do, to govern. If you govern well, you get re-elected; if you govern badly, you get

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

ejected, that is all. But I hear, “Ah give yuh water, ah give yuh car, ah give yuh boat, ah give yuh ship”—with whose money? “Eh?” With whose money, Mr. Speaker?

You know, in a sense, I spoke very critically about the AG when he came to office, and I want to say, honestly, though I did that, I still wish him well. I still wish him well, but I feel, Mr. Speaker, that with this Bill, this Bill, for me, as far as he is concerned, is the baptism of fire. I do not want, if even it were possible, to trade places with you, Mr. AG, that my first Bill that I bring to the Parliament is to deny people their liberty. I want no part of that. And if you want that as your first Bill, your baptism of fire, fine, okay.

Mr. Speaker, you know—and I will spend one more second, because I do not think he deserves much more—knives in London, and when he was in London as a student sleeping somewhere—I think he said the pavement or something or so, some tube—he was in London sleeping, they had knife crimes and they put a police in every tube—God—does that deny anybody their liberty? If they have a police in every tube, every street, every bus, does it mean that people in England were denied their liberty? The guy does not understand what he is talking about.

But anyhow let me move on, because at the end of the day I think what is important for us to understand, and I want to go right now—I am watching the clock like a hawk—I would not go right now into the rubrics of the Bill, and so on, but I want to give just an example so the Members could understand what is happening, and when the Members hear, vote, they know what they are doing. Mr. Speaker, based on this Bill, if it is passed, and today you are charged with possession of a firearm without a licence, because you have one in your house to protect your family, and so on, you are frightened, you are terrified, so that you are charged for a firearm without a licence, but you have a pending charge for a robbery, this Bill says you are automatically denied bail. [*Interruption*]

**Hon. Member:** And what is wrong with that?

**Mr. J. Warner:** What is wrong with that? What is wrong with that? When you go on the platform tell the little black boy what is wrong with that, right. Tell him that.

Mr. Speaker, you know what is so frightening about this?—as he asked what is wrong with that. What is so frightening about this, Mr. Speaker, is that the person being denied bail would have had a clean record, because he is charged, he has not been convicted—let me know—he is charged, and he is innocent until proven guilty. But this is simple maths.

*Bail (Amdt.) Bill, 2015*  
[MR. WARNER]

*Friday, March 13, 2015*

**6.30 p.m.**

So the person being charged would be denied bail. If, Mr. Speaker, he is even charged and he asks the police for a certificate of good character, they have to give him. And then I say, he is given, of course, he is being—because the fact is he is being presumed innocent until he is proven guilty.

In this country of ours liberty is a fundamental right. It is a constitutional right, and a person of good character can now be denied bail based on this Bill. But bail is also a constitutional right.

Mr. Speaker, as was said, this Bill is inconsistent with sections 4 and 5 of the Constitution, but the point I want to make again and again, we have to bear in mind in this country of ours—and in so many others—a person is presumed innocent until proven guilty. What this Bill has done is to say that he is guilty until proven innocent.

Mr. Speaker, the late Dana Seetahal, eminent criminal attorney, wrote a book entitled *Criminal Practice and Procedure*, and that book was on the issue of bail. In that book she said that the essential determination in granting bail should be and must be, if the defendant/accused is likely to attend trial, and therefore, the magistrate must deny bail if those factors are not present.

We know in society that at the end of the day whatever we say on this side and whatever I say on this side, in any case, the ayes have it. I have no problem with that, but the *Hansard* would show that when I stood today I stood for liberty. I have not seen nor heard where is the just cause for the denial of bail. I have not heard nor seen it. Because as far I am concerned, a pending matter cannot and should not affect one's good character, so why therefore must he be denied bail? A pending matter has not been proven.

Of course, the Member for Diego Martin North/East went through all the different incarnations of the Bail Bill for 10 years—I will come back to that. So, I would not go through that this afternoon because time is against me. But the fact is, I am saying, what we are seeing here today is a drastic, a drastic removal from what existed before. I am saying again for the *Hansard*, it is unthinkable that a pending matter, which we all agree and accept carries the presumption of innocence—a pending matter carries the presumption of innocence, Mr. Speaker. How could that satisfy or be a requirement of just cause to deny a person bail on liberty? It is a pending matter.

Mr. Speaker, as I go through this document I briefly had a look from 2005 to the present and you would see there have been nine amendments to this Bail Bill,



all for the purpose of denying accused persons for certain crimes like criminal and gang activity and so on. When these amendments took place, the sales pitch has always been, has always been, that you are attempting to keep the repeat and persistent offenders off the streets, and trying to deter their involvement in other crimes. That has been the cry—both sides.

**Hon. Member:** Offenders.

**Mr. J. Warner:** Offenders, sorry.

**Mr. Imbert:** Not detainees.

**Mr. J. Warner:** Not detainees. [*Crosstalk*] Offenders. The question is, how has this been working? You come here today after 10 years—and the Member for Diego Martin North/East is right. How has this been working? Where is the empirical data? Where is the evidence? How do you know what is happening or not? How do you know how far to go or what? Where do you come from to know a position to take on this matter? The problem with the country, AG, is a detection problem. You could pass how many Bail Bills you want, if you do not detect—right?—you cannot, of course, you cannot charge, you cannot convict.

Therefore, the Bill—I will give you some figures just now. In fact, just hold on a while. But AG, when you wind up I want to ask you six questions which I would like you to answer me; in fact, answer the people of this country. AG, in how many instances—I will give you this page if you want—hardly no bail for repeat offenders strategy been used. In how many cases has the no-bail strategy been used?

Secondly, how many persons have been arrested and charged with respect to the offences to which these no-bail strategies apply?

Thirdly, how many of those persons have ended up in situations of being denied bail for a subsequent offence? Hence the previously existing provisions apply. Next—how many of those persons have you been able to keep in jail for more than a 120 days? That is to say, after reading the charge and taking the evidence before the court?

Lastly—in fact one more—how many persons were able to successfully apply to a judge and obtain bail because no evidence was brought before the court within 28 days? How many persons? AG, tell this Parliament also, how many of the reported offences under Part II of the First Schedule of the Bail Act have been detected and persons charged? What is the rate for solving those crimes? What is the rate for solving gun-related crimes? AG, I will give you some figures. I will

*Bail (Amdt.) Bill, 2015*  
[MR. WARNER]

*Friday, March 13, 2015*

give you some figures. Because, you see, the fact is this, take 2014—2014 murders—I cannot go through all this evening, but murders—403; detected—63; 15.63 per cent. What is the Bail Bill doing for that? Nothing, AG. It is not the Bail Bill, it is detection—15.63 per cent has been detected—and I did not say convicted. I said detected.

In others words, AG, 2013—407 murders; detected—52; 12.78 per cent. AG, the Bail Bill cannot do for you what detection “eh” doing. It is no substitute. Therefore, I cannot agree—I will not agree to that. You have to solve the crime. You have to catch the offenders, charge and successfully prosecute them. That is the only way the laws will work. If you hold these offenders, as you do, and you take the guns off the streets, and you have this big cache being held, as they say, why are there so many guns still? You know why? You know why? Because you could do what you want, your borders are still porous. I will tell you just now what you could do in the short term and the long term to prevent that. Because if you had a Bail Bill and your borders are still porous, you are spinning top in mud.

AG, I want to say in a nutshell that the essence of these amendments will result in a person who has no previous convictions, who merely had a pending matter to be proved, he has no previous convictions, all he had was a pending matter to be proved, and that person is being denied liberty.

AG, you were our High Commissioner in the country that cherishes liberty—England, Great Britain, for two, three years. You saw how they practise it there. This Bill would never pass in England. Never! And you come here, your first act on this society, and you put this on us. You see, the Government, as so many other governments before, has found itself, Mr. Speaker, in a situation where the Government is unable to put a dent in crime.

Mr. Speaker, when we came into power—I say we, I was there—we said in the first 120 days we will reduce crime. You see this figure 120, it is a magical figure. So, we said in the 120 days we shall reduce crime. Mr. Speaker, we had not a clue—and I had to sit down with the Ministers and so on—what to do. When I talked to a few of them, then suddenly I was shifted across to national security. Mr. Speaker, I brought forward a 100-day plan—100 point plan—“dey eh” adopt one. But today it is election time and they want to create the illusion—the illusion of fighting crime. To use the AG to do that, that is the sad part.

I—in fact before I say that, let me make two more points before I say that. I want to say very quickly that to fight crime a holistic approach is needed—radar and intelligence. I went down to—as the Minister of National Security—Cedros

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

to see the radar, how it is working. It was not working then. I began to make moves to have it fixed and so on. I have been told today, it is still “eh” working.

Mr. Speaker, coastal patrols—I had spoken about some coastal police stations and so on and what have you, and we went along the island to see the different areas where the guys come in. Mr. Speaker, nothing to date. Put a consulate in Pedernales, Tucupita, where the guns come to Cedros, put a consulate there and staff it with special branch officers—nothing to date. Forensic Bill, of course, lapsed, instead of the one they have in Port of Spain—nothing.

Mr. Speaker, we said that we have to fast-track prosecution—nothing. And these are just a few. The Chinese came here when I was Minister of National Security. I told the Chinese that the men in the protective services had to be treated properly. I told the Chinese I want to get a hospital for the people in the protective services and their families. I do not like to see my—those members of national security—I do not like to see my officers having to end up in hospitals and clinics and so on—they protect us. The Chinese gave me \$2 million in equipment. We came, we had a function, I hugged them and kissed them and they hugged and kissed me. [*Laughter*] The equipment still pack up in a warehouse—I swear on my mother’s grave—in a warehouse. With three months to go before an election, “yuh go take it out”. You will take it out now. Well, go and take it out now then. It pack up there still. Right? This cannot be right.

Mr. Speaker, what have we done to strengthen the capacity of the prosecuting arm of this country? What have we done? What have we done to improve the functionality of the DPP’s Office? What have we done? What have we done in terms of those four judicial centres? At the time Minister Volney was the Minister, he had plans drawn—four centres, four centres. I was there, I saw the plans. Where are those centres today? But I am reading from his successor, Christlyn Moore, that she could not build them because she had no money. So if you had no money why did NGC not build them? NGC have all the money. NGC meet \$15 billion—they spend it all. So let NGC build them. Four—you “doh” have one. I am saying to you, the list can go on and on.

Supreme Court—what is the condition of our Supreme Court? Mr. Speaker, in fact at the end of the day, all you have to do—all you have to do is to look at the allocation, look at the allocation for the Ministry of Justice for 2015 and a pattern will emerge—

2013; 2014; 2015, zero. It tells me, at least, that nothing seriously has been done or is being contemplated to fix the problem of justice and crime.

*Bail (Amdt.) Bill, 2015*  
[MR. WARNER]

*Friday, March 13, 2015*

**6.45 p.m.**

Mr. Speaker, what are we doing about the logjams in the courts so you can have timely convictions? I know of a guy who is in the Remand Yard, today it makes six years, on a pending charge. Six years he has not gone to court yet, and Members coming here—who have never even seen inside of a jail, as yet—to tell us, of course, they see nothing wrong with this Bill, and the Member for Mayaro is telling me, he does not see any problem in that. Well, I tell you, what manner of men are these? What manner of men are these?

Legal Aid Authority, what has been done for that? You see, all these things we could have fixed and therefore it could have had a holistic approach, but no, we are cherry-picking because this is good for the public's eyes and image, you are fighting crime. But, I cannot support that, because anything that denies me my liberty denies me my life, and what I do not like for myself I would not like it for anybody else.

Mr. Speaker, all this Bill is doing is institutionalizing a state of emergency. That is what it is doing. You laugh, of course, putting the same boys that the Member for Mayaro sing about, behind bars, and then you will say:

“Little black boy, go to school and learn

Little black boy, show some concern

Little black boy, Education is the key

To get you off the streets and off poverty.”

But the key is here, the key is here to give you your liberty, your freedom and to allow you, and to hold you, and to take you, show you the errors of your ways. You cannot be draconian and hope to expect that people would change. Mr. Speaker, I want to, again, make the point for the tenth time, a person is presumed innocent until proven guilty. This Bill is a denial of that.

Mr. Speaker, before I close I want to say that this Bill has asked for a special majority of three-fifths because the founding fathers realized that anybody could amend the Constitution, but they put a particular clause, they say you have to get three-fifths per cent, and therefore I know it would pass here, if not today, tomorrow or the day after, it would pass. And what we say here would go in the wind. But I want to make a point and to remind the Members on the other side about the separation of powers. That comity, Mr. Speaker, that you spoke about. In the State, in a case in 2004—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Chaguanas West has expired. May I be directed, hon. Member?

**Mr. J. Warner:** Yes, Sir.

**Mr. Speaker:** Would you like an extension?

**Mr. J. Warner:** Only 10 minutes.

*Question put and agreed to.*

**Mr. J. Warner:** Thank you, Mr. Speaker. So I was talking about the separation of powers and I am saying that it would pass because the three-fifths majority is there and, of course, if it is not there today, they would delay the Bill until whenever it is there.

But, Mr. Speaker, I want to warn the other side of a matter that took place in the Privy Council, 2006. I want to, again, thank my party chairman for this. Number 59, 2004, the *State v Khoyratty*, they appealed to the Privy Council, and in March 2006 the Privy Council made a decision, which today is fundamental, it is historical. What did the Privy Council say? The Privy Council considered an amendment to the Mauritian Constitution of Mauritius, which sought to deny the right to bail to persons charged with terrorism or drug offences. In Mauritius, the Government passed the law that says no bail for you if you have drug offences or if you are a terrorist.

The Privy Council held the view that despite the fact that the Government had the constitutional amendment passed, its passage was unconstitutional. They said it was unconstitutional as it was in breach of the separation of powers doctrine. So, you cannot come here because you have 29, or 26, or 27 seats and tell the court, “doh give X or Y bail”, because what you are doing here, you are interfering with the separation of powers, that comity we talk about. You cannot come and tell the court, and some bright prisoner will take this Government to court and become a “trillionaire”, a “trillionaire”; not even SIS could surpass them.

Mr. Speaker, I close by making a plea to this Government, which, of course, I know they do not listen, worse again for me, right, because stick break in their ears. But I am making a plea that this will not solve the problem of crime. I say this is a knee-jerk reaction to the crime that exists. This is an illusion.

Mr. Speaker, I know about discrimination, you know, I know about that. I am from Chaguanas West, and if you want to know about discrimination, go and live there. No road, no bridge, no drain, no nothing, you know, but in three months’

*Bail (Amdt.) Bill, 2015*  
[MR. WARNER]

*Friday, March 13, 2015*

time that would change. So, I know about discrimination, but people who feel that being discriminated against they would be bitter, they would be violent; we must fix that. We must fix those situations that force a guy to commit crime. Mr. Speaker, we must fix those situations which force a guy to commit crime, and do such things as to fast-track the courts of our land. If that is not done heaven help us.

I thank you. [*Desk thumping*]

**The Minister of Foreign Affairs (Hon. Winston Dookeran):** Thank you, Mr. Speaker. May I start by saying that this Parliament, indeed, is a place for the advocacy of ideas, ideas that support our democracy and ideas that support our freedom.

When I listened to my friend the Member for Chaguanas West, I applaud him for advocating the ideas of liberty, and for reminding this House that we must not take steps that deny liberty of the citizens. I think we all sit here as Members of this Parliament agreeing with that principle [*Desk thumping*] that we cannot deny liberties of our citizens. But a society that is free has to have laws that do not deny liberty, but must also have laws that encourage public responsibility, and we cannot have one without the other.

If there is no public responsibility, then liberties will be denied not by law but by action, and that I believe is the gist of what I believe the hon. Attorney General—and I am happy to see you graduated from being High Commissioner, and I congratulate you on your maiden speech here today [*Desk thumping*]—attempted to do in this House, and I would like to just take this argument one step further. For there are measures that we have to take to encourage public responsibility in our society, but much of this public responsibility in this society emanates from developments that are beyond our borders, and I would like to take the opportunity here today to explain how the Government in its wisdom has been attempting to promote a new regime for the issue of public responsibility at the global level on this issue of crime and safety.

Let me start by referring to a report that was done by a very reputable NGO published in 2012. It is called the Global Burden of Arms Violence, and it says, and I quote:

It has been estimated that over six hundred million small arms and light weapons are in circulation worldwide contributing to approximately three hundred thousand direct deaths each year, of which, about one hundred thousand occur in armed conflict and two hundred thousand in non-conflict

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

situations, such as homicides, suicides, unintentional shootings and police gunfire. The number of non-fatal injuries caused by small arms is unknown but potentially even higher.

Mr. Speaker, this Bill is not about guns, this Bill is about saving lives. [*Desk thumping*] It is a global phenomenon and it is phenomenon that we can tackle not only in terms of our legislation nationally, but also in our attempts to change the global regime to deal with this. This is why Trinidad and Tobago, and the hon. Prime Minister, in her very first address to the United Nations General Assembly, in a sterling appeal to the community of the world to embrace a new regime for regulating small arms and ammunition, said at that time, that for us in the Caribbean, small arms and ammunition are the equivalent of the weapons of mass destruction, and therefore embarked on a programme to introduce an international and global regime to supplement and complement what national governments are doing in this particular area, here and everywhere else.

I want to take this opportunity to simply outline some of the events that have taken place in our attempt in small Trinidad and Tobago to shape a regime for the global safety of our citizens wherever they are, and it has been pointed out that this problem that we are facing is partly due to the porous borders of which the Member for Chaguanas West made reference. And those porous borders allow illegal arms to enter into our nation.

And therefore, at the very source of dealing with this problem is how do you find a regime that restricts the inflow of illegal arms? How do you do that? The statistics, I am sure, will support the view that the arms that are in Trinidad and Tobago have come here from somewhere else because we do not produce arms and small ammunition here; they inflow from outside. So, the regime that we are trying to introduce in the world community is to regulate the issue of the inflow of arms. By so doing, we will be able to reduce the incidence of arms falling into the hands of different people who have different intentions in Trinidad and Tobago, and it is complementary.

So, what we are doing at the local level, we are complementing at the global level by our attempt to establish the arms treaty in the world. [*Desk thumping*] No island is an island onto itself, and we therefore must recognize what the sources of this violence are and how do we stop the loopholes in that process. Trinidad and Tobago took a leading position in negotiating this agreement which is being referred to as the arms treaty. After very arduous discussions, negotiations among

*Bail (Amdt.) Bill, 2015*  
[HON. W. DOOKERAN]

*Friday, March 13, 2015*

the global community, it was eventually agreed to by the United Nations, and was assented to by several countries of the United Nations for the establishment of the arms treaty.

I think Members of this Parliament and citizens of this country will be proud of the work that our officials of the United Nations Missions have been doing in order to bring about the arms trade treaty [*Desk thumping*] to where it is today, and it is something that we should feel very satisfied with ourselves about, for this is a major landmark movement.

**7.00 p.m.**

I say this, because when we look at the global dimension to the issue of gun violence, we have seen that there has been some missing links in the global framework. Another study done by an institution that calls itself “The Small Arms Survey”, which is linked to the Graduate Institute of International and Development Studies in Geneva, pointed out that the world today has a missing component to the control and regulation of arms. True, there has been in 2001 what is called the firearm protocol. Then there was a public action programme in 2001, but it was found to be deficient because it did not allow sufficient leverage for the regulation of small arms and ammunition. And therefore the Arms Trade Treaty was a response in order to fill the missing link in that apparatus.

The main aspect is the control system, for we can talk about improving the judicial process in our country and indeed we must continue to talk and take actions in that regard, but we must talk about controlling the inflow of arms into our country. But not only is it about arms, it is also about reducing or interrupting the flow of illegal drugs and access to our country, and therefore, it is in that context, therefore, that this particular Bill has to be seen as complementing a global regime to deal with a global problem of which we are in fact a victim as other countries are. We must never, in so doing, put at risk the liberty of our citizens, and I have no doubt that the judicial system in Trinidad and Tobago will not tolerate any Bill that puts at risk the liberties of our citizens. [*Desk thumping*]

Our society is fundamentally a democratic one and in spite of all that we say and do we tend to subscribe to the democratic values of liberty. If it has to be challenged as the Member for Diego Martin North/East says, it should be challenged. And it will eventually be brought to reality as to whether or not it denies that liberty or is it constitutional as the Member for Diego Martin North/East says. These are legitimate questions that must be asked by the society and action will be taken, but I am convinced that our judicial system will not



tolerate denial of liberty in our country and that is why I do not err by becoming a single variable debater when this is a multi-variable issue, both local and global. [*Desk thumping*]

**Hon. Member:** Very good, very good. [*Crosstalk*]

**Hon. W. Dookeran:** Mr. Speaker, let me go back and point out how this proposal for the Arms Trade Treaty helps us. And in particular, it deals very clearly with certain aspects that are very important to our own safety. This agreement, the Arms Trade Treaty was agreed to—Trinidad and Tobago and Caricom as I indicated played a significant role along with other countries, including Australia and the United Kingdom in order to make it a reality. And we have since informed the international community that we are willing to be considered, to locate the headquarters of that institution here in Port of Spain.

If we can locate an international global institution of the United Nations in Port of Spain that deals with the issue of the safety of the citizens of Trinidad and Tobago and the world around us, then we would have done a great service to the citizens of the future of this country. [*Desk thumping*] But the work of that institution obviously will be hemispheric and global, but it will have its impact in our own country, perhaps, as the primary area and target for action. And that is why I want to bring this to your attention, and the Arms Trade Treaty made two important deviations on the issue of human rights.

The Member for Diego Martin North/East talked about the Human Rights Report and said, “what is said today was said 10 years ago”. Well, he is right, what was said today was said 10 years ago. It only says that this country capacity to solve its problem must be improved and is all at the level of the operations and management, [*Desk thumping*] and nobody must deny that, that that is a major issue. So what we are talking here is building an institution, a global institution that will on a sustained basis deal with this problem globally and so affect us.

In the Arms Trade Treaty there are two provisions that I want to bring to the attention of this honourable House and it has to deal with linking human rights, because that is another fundamental precept upon which we have built our society. Human rights is a fundamental right in our country and we at the level of public diplomacy globally, have been arguing for the human rights as a fundamental pillar in our own foreign policy. One particular clause in the Arms Trade Treaty made reference to linking human rights with the issue of responsibility for regulating the illegal flow of arms and drugs in the world. And

*Bail (Amdt.) Bill, 2015*  
[HON. W. DOOKERAN]

*Friday, March 13, 2015*

it is Article 6, subsection 3, and if you will permit me I will just quote a small piece of this clause. And it says:

“A State Party shall not authorize any transfer of conventional arms covered”—in this article—“if it has knowledge at the time of authorization that the arm or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreement to which it is a Party.”

And it goes on in another section to make a very specific protection for a group in our society that has been the victims of much of the violence. Article 7, subsection 4 says:

“The exporting State Party, in making this assessment, shall take into account the risk of conventional arms covered under”—this agreement—“or of the items covered under Article 3 or...4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.”

I know that this Parliament will support these measures, and therefore it has identified the human rights associated with safety for women and children as a fundamental target in the administration of this regime. This is what your Government has been doing at the international level in order to facilitate the establishment of an international institution to focus on this and eventually to be able to assist us in Trinidad and Tobago in dealing with this problem that we are dealing with here today.

There is need for more haste in solution and there is need for more operational efficiency. You know that, we all know that, but that does not deny that the legislative apparatus and institutions that must be put into place must be put into place while at the same time we increase the efficiency and operational effectiveness of the system which we operate. We cannot talk forever about doing better detection and doing things that will improve the functioning of the judicial system if we do not put the legislative apparatus in place and the institutions to make it happen. [*Desk thumping*] And that is why we are not talking about Government for today for today, we are talking about Government today but for tomorrow. And it is in that context you have to see the steps that are being taken, both in terms of the legislation before us and in terms of our effort to deal with this problem in the global scene.

Let me go on for a few more minutes to elaborate a bit on some of the global dimensions to this challenge. Many small States do not manufacture arms, like ours, and the proliferation of conventional arms, particularly firearms—as a consequence of the under regulated arms trade is a direct contributor to the increased levels of violent crime over the last decade or so.

Violence, in particular gun violence, poses a new and very serious challenge to our societies and the economies in the Caribbean. We are called upon to confront this unacceptable situation that is exacting worrying social, economic and psychological costs throughout our region, and the evidence confirms that several other regions in the world have not remained unaffected by this phenomenon.

Mr. Speaker, the Government is ever conscious that the rise in armed violence is the matter of concern to the people, and indeed it is for the Government. If we are to safeguard our society and ensure our environment conducive to the achievement of our development goals, we must strive, within the ATT, to fashion the cooperative agreement at a regional/international level, to design and effectively survey the system over trade in arms, so as to cut off the illegal market which is the route by which these weapons end up in our streets and communities.

So we have taken steps. We first took this issue to the Caribbean region. The 15 members of the Caribbean States, and we got their full support, and now this proposal is not a Trinidad and Tobago proposal, it is indeed an entire Caribbean proposal which we have put forth to the United Nations. We subsequently decided to take this to other forums. We took it to the forum of Latin American countries in CELAC, and they at the very recent meeting in Costa Rica agreed to include and support what Trinidad and Tobago has been aspiring to do in this regard. We have also been able to talk to several countries across the globe.

Recently, we called a meeting here in Port of Spain that was attended by over 80 countries with over 280 delegates to discuss the mechanics of how to set up this institution. And in so doing, we have encouraged many countries from Africa, from the Pacific, to join with us in the consideration of this. So it is a major diplomatic effort that we have been taking in order to win support, not only for the treaty to be put into place, as indeed it is now by virtue of the fact that over 63 countries have now signed up, but also by virtue of the fact that we are promoting Trinidad and Tobago to be the secretariat for this in the future. [*Desk thumping*]

So, Mr. Speaker, I say all of these things if only to indicate to you that this issue of crime is not a simple issue that can be resolved by talking about words

*Bail (Amdt.) Bill, 2015*  
[HON. W. DOOKERAN]

*Friday, March 13, 2015*

without talking about building institutions that would reverse development that is not taking place. [*Desk thumping*] And it is important for us in this Parliament to look at this in this manner, rather than to look at it in terms of today's problem must be solved by today's rhetoric. What we are saying is today's problem must be solved by tomorrow's institutions which we shall build today. [*Desk thumping*]

**7.15 p.m.**

It is in that context that I looked at the human rights report of which the Member for Diego Martin North/East made reference to. Essentially, when you read this report—I believe it is the United States report—it does not say anything new. He is right. But it does not in any way say that Trinidad and Tobago is undermining any basic human rights or any basic democratic rights in our country. [*Desk thumping*] We have a lot of work to do, but we cannot simply use one part of that report to say that things have not improved.

Let me continue by saying that the Arms Trade Treaty is now something that is at the cornerstone of our foreign policy, and particularly a policy with respect to the United Nations. It is part of a larger programme that we have developed in Trinidad and Tobago, and every time the Prime Minister speaks to the General Assembly—and she has done so on more than three occasions—she goes step by step in outlining the reform of the International United Nations system that is required to serve the countries of the region and countries around the world.

Not only have we done this in Arms Trade Treaty negotiations, but we have done this in our persistent call to have reform of the Security Council, and next year at the next Assembly we expect to join many other countries in a robust debate on that issue because we believe that our country, Trinidad and Tobago, must be supported by international developments elsewhere, and that we are not an island unto ourselves. We are an island in the wider world and many of the exposures we have, many of the vulnerabilities that we have, whether it is in the field of economics or whether it is in the field of environment, or whether it is in the field of the illicit movement of arms and drugs, they have international dimensions.

I will go further to say, if you solve the international flow of illicit arms and drugs in Trinidad and Tobago, you will solve a large part of the problems right here now. [*Desk thumping*] That is why the debate should go at that level. Rather than to appeal to the populist instinct of a society, we must try and appeal to the long-term view of that society, of how to create the environment to support that future we want.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

This is what we are doing here today, not only in the Bill before us, of which the hon. Attorney General made the presentation. I would not repeat it, except to say that those who believe and those who have fear that we are denying liberty, I am sure all of us here have confidence that this society will never deny liberties of citizens, but they will also embrace the responsibility of citizens to act in a certain manner to protect the lives of the rest of the citizens of the country. [*Desk thumping*]

There is a sunset clause in this provision, and this sunset clause means that it will automatically go out of existence at an appropriate time, and therefore, we have a problem. We know that we have to deal with that, we know there is a kind of freedom in the society and that freedom cannot be in any way undermined, but at the same time we must find the right mechanism in the judicial process to try and reduce the incidence of armed conflict. The best way to reduce armed conflict is to remove the arms from the society, and if we can do so by coercive measures within the law, protecting human rights, protecting liberty and at the same time trying to protect the common good against those small parts of the society who—not only here but all over the world who have felt that it is their duty to use illegal methods—armed violence—to achieve goals that we do not collectively agree with, but this is the society in which we live.

Now, you know the world in which we live, in which there is this type of behaviour, not only here, perhaps all over the world today, and therefore we cannot sit here and allow ourselves to be curtailed in our thinking and blindfolded in our thinking, that this is a problem that will be solved overnight. But I think we can all agree that there is a need to improve the operational efficiency; there is need to increase the effectiveness of the judicial system and, from what I understand, some aspects of this Bill attempt to address that issue as well. Legislation is not the answer, but legislation is a prerequisite and a necessary condition to put into place the management and operational systems that must influence that result.

So, Mr. Speaker, I thought I will use this opportunity here today to simply bring to the attention of this honourable House—and I believe we will have an opportunity sometime in the future to go in greater depth on this issue—just to show you how we have been able to use our global diplomacy for the benefit of the world, the hemisphere and, ultimately, for the benefit of our citizens. And in the case of the Arms Trade Treaty, we are working for the safety of our people.

That is why I say the debate here is not about guns; the debate here is about how to save lives and we must do so by our domestic legislation; we must do so

*Bail (Amdt.) Bill, 2015*  
[HON. W. DOOKERAN]

*Friday, March 13, 2015*

by our global endeavours, and most important, we must do so by encouraging a different value for life in the society. That is a bigger problem that has to be addressed by civil society, by the educational system and by the household system because at the heart of it, it is the value of life, where people resolve conflicts using life as a way to do so. It has to come from a fundamental value in the society, and that, we know, is a problem that is complex and is being addressed. But those are the ways in which we deal with that, and at the same time, we deal with the social programmes to give empowerment and upliftment to those societies, or parts of those societies that believe that that is the only way to go. We know that that is not so and we know that we have to guide the society in the right path, and to do that we provide those programmes, we provide the opportunities to encourage the value of life as a critical element of human right in the society.

In that sense, Mr. Speaker, I take this opportunity to support the measures that have been put forth here with the full knowledge that liberty cannot be denied in this democratic society of Trinidad and Tobago. Thank you very much. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for St. Joseph. [*Desk thumping*]

**Mr. Terrence Deyalsingh** (*St. Joseph*): Thank you very much, Mr. Speaker, for allowing me to join the debate on a Bill to amend the Bail Act, Chap. 4:06. Mr. Speaker, it is an absolute honour to follow after my colleague and my parliamentary elder, the Member of Parliament for Tunapuna. It is quite clear that the ideals of the Congress of the People are still alive in one person.

**Mr. Samuel:** Always alive. Always alive.

**Hon. Member:** Yes, yes. [*Desk thumping*]

**Mr. T. Deyalsingh:** If it is one person the ideals of the COP reside in, it is the Member of Parliament for Tunapuna, and the second person, the Member of Parliament for San Fernando West.

**Hon. Member:** Yes, yes.

**Mr. T. Deyalsingh:** I think the country longs for the day when you could retake your party, Sir. Please retake your party.

**Miss Mc Donald:** “Take de party back. Take de party back.”

**Mr. T. Deyalsingh:** Take it back.

**Hon. Member:** You have nothing to say.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

**Mr. T. Deyalsingh:** Mr. Speaker, please allow me the first 10 to 15 minutes to rebut every single contribution made, and I want to handle, first of all, the hon.—[*Crosstalk*—]Mr. Speaker, could I speak in some silence, please?

**Mr. Speaker:** Yes. I would like to offer the protection of House and the Standing Orders to the hon. Member for St. Joseph. Continue hon. Member, please.

**Mr. T. Deyalsingh:** Thank you very much, Mr. Speaker, and I know my colleagues opposite will comply with your ruling. First of all, I want to congratulate the Attorney General for making his maiden contribution. He started by paying tribute to the 41 elected Members of Parliament, saying it was an honour to be in this Chamber. But I want to let him know that is an honour that has eluded him for 20 years and will continue to elude him.

**Hon. Members:** Ohhhh!

**Mr. T. Deyalsingh:** I just want to say that the hon. Attorney General made the point: where is Government preparing to go? Well, they are preparing to go into Opposition. That is where they are preparing to go. So the hon. Attorney General is off to a very inauspicious start. However, hon. Member for Tunapuna, you are my elder and you know I respect you highly, and you congratulated the High Commissioner for being promoted from being a High Commissioner to a Senator. But I know you do not have control over this, but it begs the question, Member for Parliament for Tunapuna and Minister of Foreign Affairs: why has our High Commission in London been without a High Commissioner since September 28, 2014? The British High Commission is probably our most important one, and if we have to buy military assets to control crime like go to Airbus and so on, our British High Commission plays a crucial role.

I know you do not have control over this, but the fact is, there is a gaping hole left in our London High Commission since September 28, 2014.

**Mr. Dookeran:** Will you give way?

**Mr. T. Deyalsingh:** No, no, no. Oh, sorry, sorry, sorry. To you, of course.

**Mr. Dookeran:** I just want to clarify what you are really saying is that there is no political person appointed as High Commissioner, but I want to give you and the country the assurance that we have an Acting High Commissioner who is a senior public servant who is discharging the duty in the way in which public servants discharge their duties. [*Desk thumping*]

**Mr. T. Deyalsingh:** I know there is an acting High Commissioner, but it still begs the question: why not a substantive one? And that is a very important—our international trading partners look at these things. BPTT, they look at that. But we will leave that alone, Sir.

Mr. Speaker, the Attorney General, at 2.47.31 p.m., that is 2.47 and 31 seconds, made an astounding statement—absolutely astounding. He said he looks forward to when there are no illegal firearms in circulation. Then he goes on, after 2.47.31 p.m. with another more astounding statement: How did these guns get here: Tec-9 and AK-47?

Well, hon. Attorney General—[*Interruption*]

**Hon. Nicholas:** A point of order.

**Mr. T. Deyalsingh:** What Standing Order are you standing on? Say the Standing Order.

**Hon. Member:** No, you have to sit down first.

**Mr. T. Deyalsingh:** You have to state the Standing Order.

**Hon. Nicholas:** Forty-seven.

**Mr. T. Deyalsingh:** Forty-seven.

**Dr. Browne:** There is no such Standing Order. [*Crosstalk*]

**Mr. Speaker:** Continue.

**Mr. T. Deyalsingh:** I thank you, Mr. Speaker. Please save the Attorney General from himself. [*Desk thumping*] I will say it again. At 2.47.31, the Attorney General spoke about no illegal firearms and how did these guns get here. Do you know how the—[*Interruption*]

**Mr. Speaker:** I just want to point to hon. Members, when a Member stands on a point of order, he does not necessarily have to point out to you the point of order. He can point out the offence that is being committed by the Member in question, and then the Chair will intervene. There are some Members who are sharper and they deal with the Standing Order, and they direct me, “well, it is Standing Order 48(1)”, as the case may be. But if another Member wishes to point out to the House that he or she rises on a point of order, you must allow the Member the opportunity to state the offence that is being committed by the particular Member and then I will rule accordingly.



*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker. That widens—that new interpretation is very welcome and I thank you for that new interpretation.

So where are these guns coming from? And how are they getting here?

**Hon. Nicholas:** Mr. Speaker, Standing Order 47.

**Hon. Member:** What is the offence?

**7.30 p.m.**

**Mr. Speaker:** Are you seeking to ask the Member to give way or you have a particular point of order; and if that is it, could you tell the House what is the offence?

**Hon. Nicholas:** It is a point of order, Mr. Speaker. The hon. Member for St. Joseph was misleading the House as to what I actually said. At no point did I mention AK-47 or anything to the like that the Member is trying to suggest that I spoke about.

**Mr. Speaker:** All right. The point is—well continue, please.

**Mr. T. Deyalsingh:** Mr. Speaker, we will leave that alone. One of the reasons why guns are still coming into this country is because this Government, in a fit of spite and hate, cancelled the contracts for the OPVs—plain and simple—and the argument that the guns not working, those OPVs are now happily sailing the waters off of Brazil and doing an excellent job. That is why guns are still coming to Trinidad and Tobago. I want to ask this hon. Attorney General a question, talking about following up on the Member of Parliament for Tunapuna about the appeals that would come: what is your position, AG, on the Caribbean Court of Justice?

**Hon. Nicholas:** That is not before us here now.

**Mr. T. Deyalsingh:** What is your position on the Caribbean Court of Justice as a final appellate court? [*Crosstalk*]

**Mr. Speaker:** Please! Member for St. Joseph, let me just—please, when I recognize a Member in accordance with our Standing Orders, you direct your observations or your remarks to the Chair. You do not engage in the AG or any other Member what is your position. That is not your role. You direct your observations to the Chair, and if you want to raise a question you can ask the hon. Attorney General that in his winding up you would like him to tell you or tell the House what is the Government's position on the CCJ and you will be quite correct. So please address your remarks to the Chair.

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

**Mr. T. Deyalsingh:** Thank you, hon. Speaker, and I am addressing to you, hon. Speaker—[*Interruption*]

**Mr. Speaker:** No, I saw you were pointing—[*Interruption*]

**Mr. T. Deyalsingh:** I apologize for that and I will address my concern to you.

**Mr. Speaker:** Thank you.

**Mr. T. Deyalsingh:** Through you, if the hon. Attorney General—[*Interruption*]

**Mr. Speaker:** Please, allow one person to speak.

**Mr. T. Deyalsingh:**—could tell us in his wind-up what is his Government's position on the Caribbean Court of Justice where cases like these as to the constitutionality of this Act to amend the Bail Bill will be heard, because we had a previous Attorney General who said he is not a criminal lawyer.

**Mr. Indarsingh:** Tell us your position.

**Mr. Speaker:** Please, Member for Couva South. Please, I know you are tired and you want to retire. Please, allow the hon. Member to speak in silence.

**Mr. T. Deyalsingh:** Mr. Speaker, I want to deal with the contribution from the Member of Parliament for St. Augustine. The Member of Parliament for St. Augustine spoke about talk shows, radio programmes, wrongdoers would think twice, and he made another incredulous statement and I stand by it. He said that the police force has been increased threefold. Does anybody remember that on this side? I think we all do.

Mr. Speaker, our current police force is somewhere between 6,000 and 7,000 people, but the Member of Parliament for St. Augustine and the current leader of the Congress of the People told this House that the police force has been increased threefold. Those were his exact words. In other words, we have roughly 20,000 police on the streets of Trinidad and Tobago. Could someone, through you, Mr. Speaker—because I am speaking to you—tell this country when did the police force of Trinidad and Tobago increase by three from 6,000 to 7,000 to 20,000; when did this training take place; when did this recruitment take place; when did this deployment of the 20,000 police officers take place? Tell us what police station are they in? [*Crosstalk*]

**Mr. Speaker:** Please, please!

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

**Mr. T. Deyalsingh:** The essential truth is that they have not increased it by threefold, but this is what the current member of the Congress of the People is telling us about. That is why I pine for the days when the Member for Tunapuna was the leader of the Congress of the People. [*Desk thumping*] Let me deal head-on with the Member of Parliament for St. Augustine on section 34. I am going to deal head-on with section 34.

Mr. Speaker, when one reads the *Hansard* of that debate on section 34, especially during the committee stage, you will see the Member for Diego Martin North/East talking about a two- to three-year time lag before that entire Bill would have been proclaimed. Why? Because the honourable then Member for St. Joseph in his wrap up, and the Member of Parliament for St. Augustine, spoke about building of four judicial complexes—they are already being built—spoke about a new coroners court, spoke about a state-of-the-art forensic laboratory, and the PNM gave support for that Bill, lovingly known our section 34, predicated on the completion of all the infrastructure to deal with it.

Now, how many of the four judicial centres have been built? The one in Penal, has it been built? Siparia, has it been built? No! The one in Carlsen Field, has it been built? No! The one in Trincity, has it been built? No! The one in Sangre Grande, has it been built? No! And that is what our agreement to support that Bill was based on. The Member of Parliament for Diego Martin West was explicit that the lead time before the President will be advised to proclaim that Bill will be two to three years based on the building out of the hardware, but the Member of Parliament for St. Augustine spoke about the upgrade of the forensic centre. Now notice the word, I wrote it down here, the “upgrade”.

I am reading from this now wasted document—how many trees were cut down to make this?—*Medium-Term Policy Framework 2011–2014*. Let me quote:

“As part of the strategy for the timely provision of forensic pathology and analytical laboratory services to support law enforcement and the administration of justice,”—and here are the words that we should all play attention to—“a new state-of-the-art Forensic Centre will be constructed and properly equipped.”

But the Member of Parliament for St. Augustine today, does not speak about a new state-of-the-art forensic centre. He speaks of an—a what?—upgrade. Who is fooling whom? And that is what that whole section 34 thing was about. We supported it because you promised to build out the hardware to support it. That is

*Bail (Amdt.) Bill, 2015*  
[MR. DEYALSINGH]

*Friday, March 13, 2015*

it. You built no judicial complexes, you built no coroners court, you built no state-of-the-art forensic centre. None! Absolutely none!

Mr. Speaker, I want to thank my colleague, the Member for Toco/Manzanilla, for broadening this debate into areas like water, the roads, tourism. Everything under the sun the Member for Toco/Manzanilla spoke about.

**Dr. Browne:** Subways in London.

**Mr. T. Deyalsingh:** Subways in London, yes.

Mr. Speaker, I have been advocating since I became the Member of Parliament for St. Joseph for the restart of construction for the St. Joseph Police Station. I asked a question here to the then Minister of National Security Senator Gary Griffith in February of 2014 and the question went like this:

Could the hon. Minister state when construction of the St. Joseph police station would begin?

Answer: May 2014.

Part (b): When would construction end?

Answer: September 2015.

Part (c): Who was the successful contractor?

Answer: Moosai and Company.

No problem.

Was the cost of the contract \$34 million?

No problem. I took him at his word that Moosai got the contract, \$34 million, construction to start in May 2014 and finish in September 2015. I advocated that on behalf of the constituents of St. Joseph. By September/October construction had not begun. On the very first day of Prime Minister's questions I posed the question to the hon. Prime Minister:

Hon. Prime Minister, when would construction restart or start on the St. Joseph police station?

Answer: Hon. Member, within two weeks.

That was the first day of Prime Minister's questions, either November or October of 2014. Do you know today, four months later, no significant work has begun.

**Dr. Douglas:** No, say it has started. Say that, "nah".

**Mr. T. Deyalsingh:** Because I made noise in a town meeting in Barataria, they start to do something the day after. They put two workmen there in two hard hat and move some dirt so they could say it stated. [*Crosstalk*] But this is four months after the Prime Minister assured me and this House that the St. Joseph Police Station would have started within two weeks in 2014. That is what went on there.

Mr. Speaker, the hon. Attorney General spoke about lights in Diego Martin, crime fighting measures, sports, community centres are well-known to be centres of activity, I have a community centre in St. Joseph, in Mount Hope, where the contractor put a big tarpaulin over it because he could not get paid. I asked a question in the Parliament the same day about the St. Joseph Police Station because I am concerned about crime in St. Joseph, and I think the hon. Member for Naparima was the acting Minister at that time, and the *Hansard* will show that he said the community centre in Mount Hope will be finished in September 2014.

**Hon. Member:** What that has to do with the Bill?

**Mr. T. Deyalsingh:** What does that have to do with the Bill, my friend? If it is you want to tackle crime and the Member for Cumuto/Manzanilla could talk about his police station, and if the Attorney General could talk about his lights, this all has to do with preventing crime. I want the Mount Hope community centre open, but when I asked the question in Parliament, I am told September 2014. It is now March 2015.

Mr. Speaker, the Member for Cumuto/Manzanilla spoke at length about water. Water! The Member for Cumuto/Manzanilla about water. Everyone knows that if you want to have a healthy society with well-rounded people who are not prone to crime, who want to stay in school, you need water. The Member for Cumuto/Manzanilla spoke about 20-something million dollars of water projects. That is what he spoke about in this Bill. He opened this debate, you know. He opened the debate. I want to talk now about water in St. Joseph.

Mr. Speaker, if you want to tackle crime you have to give people the basic necessities. If you draw a line through the St. Joseph constituency, south of the Eastern Main Road water is pretty all right, but you see north of the Eastern Main Road, Champ Fleurs, Hilltop Road, Quarry Drive, Quarry Road, Mount D'or, Spring Valley, Knobb Hill, Mountain View Terrace, Maitigual (My Tower), for three weeks now and two weeks, no water. None! And this has nothing to do with recent kerosene in water, it has nothing to do with the recent blow up of a transformer. This has been going on since I assumed office as the Member of

*Bail (Amdt.) Bill, 2015*  
[MR. DEYALSINGH]

*Friday, March 13, 2015*

Parliament for St. Joseph, but the Member for Cumuto/Manzanilla has the gall and the temerity to talk about water here and spending 20-something million dollars on water.

**7.45 p.m.**

Where is water for my constituents north of the Eastern Main Road? Where is their water? Why does WASA not come there and do an ad? I am calling on WASA to come and do an ad north of the Eastern Main Road where my constituents have no water but WASA boasting.

**Miss Ramdial:** Mr. Speaker, point of order 48(1), imputing improper motives.

**Mr. T. Deyalsingh:** What?

**Miss Ramdial:** Either 48(1) or (2).

**Mr. Speaker:** Continue, please.

**Mr. T. Deyalsingh:** Thank you. Because the hon. Member is in that Ministry and she knows I am right. They do not even get water on the scheduled days.

Mr. Speaker, I want to refer now to the *Hansard* of Friday, December 10, 2010. It was a Bill piloted by the then Attorney General, Bail (Amdt.) Bill. Every time this Government comes with a crime Bill you are given the impression that this is the silver bullet to deal with crime; that if we pass this, crime will be a thing of the past. In 2010, crime was the number one problem and hear the hon. Attorney General then:

“There can be no doubt that crime is the number one problem affecting our country at the present...This amendment to the Bail Act is the sister to the anti-gang legislation.”

He goes on:

“The legislative measure is a step in the right direction to reconcile and restore pride in our Constitution, the rule of law and to make it relevant to the realities that we face; the harsh and raw realities that we face in terms of crime on the ground.”

This is what he said then. Mr. Speaker, he goes on:

“We cannot expect the police to solve crime unless we equip them by giving them the necessary legal freedom to be able to attack crime with full force.”

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

You got it then.

“This legislation, Mr. Speaker, is about enhancing the State’s ability to prosecute, detect...investigate...and secure conviction.”

That is what the hon. Attorney General said.

Mr. Speaker, I am laying the ground to talk about detection rates. I want to turn to a contribution by the Member for Chaguanas East on that same day. He said:

“Outside this House, on October 22, 2005, we had a march...”

The death march.

“—it was called the death march...That year we had 385 murders in an island the size of Trinidad and Tobago...”

He was amazed that in 2005, you had 385 murders and he marched, he marched. He dragged coffin. Peter Minshall “mus be design” all the costumes. Now we still have “400 and something” murders, but the Member for Chaguanas East is no longer perturbed. Used the name of Keith Noel and dragged Keith Noel’s name into a vehicle into political office.

Mr. Speaker, but the most surprising contribution, the Minister of Foreign Affairs spoke about a sunset clause. Mr. Speaker, hear what this Government had to say about sunset clauses in 2010, in office eh, in office. Listen to this one, and this is by the Member for La Horquetta/Talparo, speaking about anti-kidnapping legislation, which we had to bring:

“So, Mr. Speaker, Act No. 32 of 2005 had a sunset clause. In fact, the sunset clause gets a life of one year. The then Government had attempted to convince the country that this was a passing phase and this was under control. So rather than admit the truth, they thought that they would hoodwink the population.”

**Mr. Speaker:** Hon. Member, would you give way for a Procedural Motion?

**Mr. T. Deyalsingh:** Sure.

#### PROCEDURAL MOTION

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker. In accordance with Standing Order 15(5), I beg to move that the House continue to sit to debate the Bail (Amdt.) Bill before us.

*Question put and agreed to.*

**BAIL (AMDT.) BILL, 2015**

**Mr. Speaker:** May I enquire whether you would like an extension?

**Mr. T. Deyalsingh:** Yes, Sir, thank you.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member, not expired, he has a few more minutes but the question is that the speaking time of the hon. Member be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** So you have 18 more minutes to go. Continue.

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker. Through you, Mr. Speaker, the Member of Parliament for Tunapuna, the institutions that you want to be built today to tackle the problems of tomorrow of which you spoke so eloquently about, cannot be built today if you have people talking like this about sunset clauses.

“That is why they put the sunset clause of one year, because they felt...they could convince the country that they could end the wave of kidnapping by the end 2006.”

That is no way to talk about a sunset clause for serious legislation and I support you on what you say but this is the recklessness with which some of your colleagues approach things in Government, not in Opposition.

Mr. Speaker, I want to go to the contribution of that same date of the hon. Minister Prakash Ramadhar, because we on this side were concerned, like we are concerned now, if you are arrested for a firearm offence, would you have access to legal representation? Because there is no bail. And this is what the hon. Minister of Legal Affairs said on page 139 of that *Hansard* of Friday, December 10, 2010, speaking to the then Member of Parliament for St. Joseph.

“He is a fighter for the rights of persons, Mr. Chaitram Sinanan. I congratulate you, Member for St. Joseph, for that choice.

I spoke with him today and the Legal Aid Advisory Board...”

Because this is in the context of people charged with a firearm offence having access to legal representation and this is the Bail (Amdt.) Bill.

“I spoke with him today and the Legal Aid Advisory Board is in the process of hiring 17 new lawyers to have them on 24/7 call, so that anybody...”



*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

Now listen to the term, Mr. Speaker.

“...so that anybody in custody”—anybody—“can have access to a lawyer to ensure that their rights, which we are all very concerned about, are protected. It is not just that we throw you in there...I know the old tricks that the police used.”

He is talking about the police eh. So, we get the impression that legal aid is available for anybody charged with an offence.

**Mrs. Mc Intosh:** 24/7.

**Mr. T. Deyalsingh:** 24/7. The hon. Member for St. Augustine was laudatory. Mr. Speaker, I called the Legal Aid people. I called 638-0577. I was told they know nothing about 24/7 legal aid for anybody. I was told to call a receptionist at 674-3407, knows nothing. She told me to call 638-5222, nothing. Call 652-1931 or 653-8860, nothing. I was told to call 652-5222. So I called 652-5222, got no answer. So you know we in Trinidad are very sceptical you call a thing, no answer. So I say “yuh see”. However, I was shocked when I got a return call and somebody said: “Did you just call 652-5222?” So I congratulated that officer, last Friday, who returned my call and I asked, I said: This new system you all have in place for legal aid 24/7, how does it work? She said: “What yuh talking about? Ah say” did you all not hire 17 new lawyers to put on call 24/7 so that if somebody gets charged at 4.00 o’clock in the morning they could have access to a lawyer if they cannot get bail? She said: “Oh, sorry but that is only available for capital offences, capital offences, when I called 652-5222. So what was the essential truth that the Member of Parliament for St. Augustine was talking about when he congratulated the then Member of Parliament for St. Joseph for having 17 new lawyers so that anybody—and those were his words. Let me go back to the *Hansard*.

“...so that anybody in custody can have access to a lawyer...”

It is only for capital offences, according to the young lady who returned my call. That is all. That is all

Mr. Speaker, I know my time is coming close. I want to deal with one last thing, because we talked about detection rates. You cannot solve crime if you cannot detect it. Mr. Speaker, this country, or this Government, inherited a then unacceptably low detection rate in 2010. The detection rate in 2009 was 26.8 per cent for homicides and this comes from the Crime and Problem Analysis Branch.

*Bail (Amdt.) Bill, 2015*  
[MR. DEYALSINGH]

*Friday, March 13, 2015*

In 2010, it was 22.8 per cent. So you want to solve crime? Let us get the detection rates up. But, Mr. Speaker, it will shock you to know what is the trend of detection rates since this Government has been in power. So they inherited in 2009, 26.8 per cent; 2010, 22.8 per cent; 2011, 21 per cent; 2012, declined, 18.1 per cent; 2013, 15.1 per cent and 2014, 17.3 per cent. It has declined under your tenure.

But, Mr. Speaker, this is what the *Medium Term Policy Framework* talks about, this illusion, on page 29. Under “Chapter III Crime and Law and Order”:

“Increase homicide detection rate (Targets: 15% in 2011-2012;”

Good? So they were targeting 15 per cent when it was in fact 21 per cent. So their target was lower than the actual. Could you believe that? Could you believe that, Mr. Speaker? They are targeting a lower detection rate than what it was. Targeted in 2011/2012, 20 per cent. Reality was 18 and 15 per cent; 2014, their target was 25 per cent, reality 17.3 per cent. This is the biggest untruth in this whole book, the biggest untruth in this whole book.

**8.00 p.m.**

I am going to read it, page 29:

Increasing thereafter—so let me read the whole thing.

“Ah doh want it” out of context:

“(Targets: 15% in 2011-2012; 20% in 2012-2013, 25% 2013/14 increasing thereafter until an 80% detection rate is achieved)”

How are you achieving an 80 per cent detection rate, when the detection rate under your tenure from 2010 has been steadily decreasing? How? Flight of fancy, match it! Match it! This is what we have to listen to, that your target, 80 per cent—when under your watch. So when the Member of Parliament for Cumuto/Manzanilla spoke glowingly—the National Operation Centre and coordinating—where are the success stories? Where is the evidence that all of this is working to bring down the murder detection rate?—absolute fabrication, and they even set a target that was lower than the actual detection rate in 2011/2012. Could you believe that? You set a lower target.

Mr. Speaker, if it is you want to tackle crime, we will support—we supported you on the anti-gang legislation, which you then used in a most—[*Interruption*]

**Dr. Browne:** Heinous!

**Mr. T. Deyalsingh:**—heinous way. We supported you on the anti-gang legislation, where you incarcerated 8,000 persons to get one conviction, deprived 8,000 persons of their freedoms, to get one conviction. I see the hon. Attorney General looking at me in dismay, [*Interruption*] those are the facts. That is how this Government used the anti-gang legislation which we helped pass. That is how the Government used section 34 when we said, we will give you that whole Bill, predicated on the outfitting, construction of four judicial centres, a coroners court, and a state-of-the-art forensic centre. None of those have been done.

So when the Member of Parliament for St. Augustine stands and speaks and says, “yes, we supported section 34”. We supported a Bill to decrease the workload at the Magistrates’ Court, so that you could hire the Masters to hear the submissions, to read the submissions. We supported that legislation, which is commonly referred to as section 34, on the basis that the judicial system will be outfitted. No judicial systems have been built. Could someone on that side tell me here today, maybe through you, Mr. Speaker, if the Attorney General in his wrap up, could address the issue of why not one of those four administrative centres have been built. Why no state-of-the-art forensic centre has been built? What we are hearing about today is an upgrade. Where is this coroners court? Could the hon. Attorney General, through you, Mr. Speaker, answer those questions?

So, before I close, let me reiterate. We want an answer from someone about the Government’s stand on the Caribbean Court of Justice, because these matters have to be heard somewhere. Let me just quote, I cannot remember the person, but I remember the quote. He said, “how long would Trinidad and Tobago loiter at the steps of the Privy Council?” It is not a matter of if we have to leave, it is a matter of when, and these cases have to have a final appellate court. What is that appellate court going to be, the Privy Council or the Caribbean Court of Justice? What is the Government’s position?

So, Mr. Speaker, this Bill needs some work. We will look at it, and determine during the course of the debate, whether we will support it or not, but there are searching questions to be asked, and no one on that side seems ready, willing or able to answer.

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

**Dr. Amery Browne** (*Diego Martin Central*): [*Desk thumping*] Thank you, Mr. Speaker, and thank you, Member for Port of Spain South. I just have a few observations to share. I think the debate has gone in a very interesting direction, and we may be extracting some ideas that otherwise we may not have had the benefit of in this House.

*Bail (Amdt.) Bill, 2015*  
[DR. BROWNE]

*Friday, March 13, 2015*

To begin with, it is customary to say a few kind words about a Member who may have made his or her maiden contribution, and I do not want to not pay that honour to the new Attorney General. When he made his contribution, it reminded me of the international beverage industry. You know, soft drinks are big business, a billion-dollar industry, but it was determined that most of these beverages are very unhealthy. The industry focused on light beverages which have less calories, and are marketed in a heavy manner. [*Laughter*] Mr. Speaker, the good news is that these light beverages are less dangerous to our health. [*Crosstalk*] In listening to the new Attorney General, I want to compliment him, in that he appears to be less rancid and less dangerous than his predecessor. I want to say that. [*Desk thumping and crosstalk*] The bad news is, that these light beverages offer no nutritional value whatsoever. [*Laughter*]

**Mr. Deyalsingh:** Empty calories!

**Dr. A. Browne:** Empty calories, no vitamins, no nutrients, [*Desk thumping and laughter*] but less dangerous to our health, not good for our health. And that is the mistake many people make, they feel if they drink a Pepsi Zero, it is good for them. It is not good for you, but it is less dangerous than the original. So, that is my homage, Mr. New Attorney General. [*Laughter and crosstalk*] Mr. Speaker—[*Interruption*]

**Mr. Deyalsingh:** We love you! We love you! We love you! “He ah nice fella. He ah nice fella.”

**Dr. A. Browne:** I would not go that far but—I also listened to the Member for Diego Martin North/East, who really did a good job of putting the foundation of this Bill, and giving some background and substance to the debate. You know, one would have thought almost that he was piloting the amendment Bill, for some of his contribution. He gave a very good background—[*Interruption*] you see, you were not listening. He also presented a chronology of amendments to this Bill in the past, [*Continuous interruption*] which a number of Governments have contributed to, and a number of administrations have contributed to. I thought that background was very important in putting this Bill in context, and also in illuminating the truth or lack thereof in some of the contributions that followed.

Mr. Speaker, I thought the Member for Diego Martin North/East also introduced a very fundamental point in this debate, which has not been properly responded to by any Member on the other side, and that is the question of justification. Mr. Speaker, evidence as you know—and you have made this point probably in other realms—our decisions have to be based on evidence. Anytime

you have a Government coming time and time again to this House, and just saying “trust us, this is good for you”, we have to be very, very suspicious, and very, very concerned.

I want to tell Members on the other side, after all the huffing and puffing, and the hemming and hawing, if you have not presented to this House and to this population, persuasive, direct and specific evidence, that justifies the measures that you are bringing to us, then we are going to have to look at your presentation with a high degree of suspicion. Mr. Speaker, because I—you know, the Member for Tunapuna really gave a very refreshing take on this, but even to use his pitch without a sound evidentiary foundation, are we really simply expected to trust the Government that what they are doing is right? We have heard that argument time and time again. I think most famously with their capital offences false start Bill, which they failed to justify, which failed to make it through this House, and every now and then, they threaten to bring it back. We have yet to see that in this Lower House of Parliament.

The Member for Tunapuna, I thought gave us a very high level of philosophy in his contribution, I thought that was brilliant. The bad part about it, he had a very low level of practicality in his contribution, and that is the downside. I would have thought that Members on the other side would have filled in, because the Member for Tunapuna is looking down the road. He is talking about treaties and agreements and other things, rightfully because of his Ministry, that may help turn the tap off on this flow of guns for years down the road, or having an effect eventually.

Mr. Speaker, the problem with all of this is, there are too many guns on our streets right now. The young people are telling us that. [*Desk thumping*] As Members of Parliament who interact with our constituencies, they are telling us that it is very, very easy to access weapons, and you are seeing even for what some might consider minor crimes, a very high use of firearms, and high firearm possession rate among the people of Trinidad and Tobago. I am talking about illegal firearms. Where, you know, in the past, you might have had persons going in, where you would have one man with a gun, and then a few who have the cutlass and “de boutou”, and all sorts of things.

Now, there was a videotaped robbery at a bar, every man jack was heavily armed, and our police officers—I heard some of them receiving some comments earlier—are under assault, under attack, where every day when they turn up for work, they are not guaranteed to return to their wives and children, and that now applies to basically all citizens. We do not know what the future holds, and the

*Bail (Amdt.) Bill, 2015*  
[DR. BROWNE]

*Friday, March 13, 2015*

Member for Oropouche East needs to be reminded of that from time to time. Nobody knows what the future holds, Member. We do not know if we are ever going to see our families when we leave here, because that is the scenario in our country. So I do not take this debate very lightly, Mr. Speaker. I may, you know, crack a little humour every now and then, but this is serious business, and I think the stakes are very high for our citizens.

So, Member for Tunapuna, all well and good, we have to look down the road. We have to have that vision for, you know, the region and the globe and so on, but our house is on fire right now. I was listening to this Government's presentation on this Bill, trying to identify that view of the clear and present danger that our citizens are confronted with. I really did not hear that. The Attorney General would have had the opportunity in giving the specific evidence, the foundation for the measures in the Bill, to convey some of that practicality. I did not hear it in that presentation, but he would have the opportunity when he is "winding down".

Mr. Speaker, these guns are here. Sometimes on walkabouts—I do not know if other Members of Parliament experience the same thing. I was walking—I would not even name the community—up a hillside some time ago, and one of the persons who was walking with me said, "you realize that gentleman standing"—this is broad daylight—"there is armed"? When I took a close look, he had a huge weapon, some kind of semi-automatic in the waist of his pants, and just standing in the road. Right after we passed by, a police jeep came up there. I am sure he probably said, well, Dr. Browne called the police for him.

**Hon. Member:** Yeah, sure.

**Dr. A. Browne:** Exactly! I was glad to see the police, and I certainly was not afraid of that connection, because we cannot have a country—I cannot exist in a country, we cannot hand to our children a country where there is such disregard and disrespect for law and order. So, I am just stating my fundamental position here right from the get go, Mr. Speaker.

Then the Attorney General made the error of talking about—boasting about putting "ah plaster on ah sore". I am not going to regale him too much on that, because I think he has seen the error in that phrasing, because certainly in medicine, I do not know in law if that is something, we really [*Laughter*] do not put plasters on sores at all, because the sore is going to get worse. This Government has come to us time and time again, I think that was a Freudian slip, because that is exactly what they have been doing with this Parliament, that is

what they have been doing with the laws of Trinidad and Tobago, that is what they have been doing with the minds of the citizens, really giving them plasters, and telling them it is going to cure their problems. That is what they came to the country in 2010 saying. You have big social challenges, yes, we do in this country. They can solve it. No, they cannot, and we are recognizing that they do not have the solution to the problems in this country.

Mr. Speaker, this is a Band-Aid Government. I will give you some examples of what I am talking—*[Interruption]* yes, yes, yes, I do. I have some. I am not a know all, but that is why we have a Parliament. That is why there is something called wisdom, collective wisdom. Member for Tabaquite, if sometimes you would just sit and listen, and absorb some sense, maybe you yourself will be able to contribute a bit more. *[Desk thumping]* Nobody has all the answers. *[Interruption]*

**Dr. Rambachan:** That is why you are there, and we are here.

**Dr. A. Browne:** You see, Mr. Speaker, this arrogance is something they accused others of in the past, and they are now bathing in it and celebrating it today, but the citizens are paying attention to them. I know you are distracted. I will not allow the Member for Tabaquite to distract me. I would not allow that, yes.

### **8.15 p.m.**

Mr. Speaker, I was talking about Band-Aid Government, and as far as I am concerned, based on the contributions made thus far, the Government is attempting to use this Bill as a Band-Aid to say that they are doing something about crime in Trinidad and Tobago, *[Interruption]* election as you say.

Mr. Speaker, do you remember the Anti-Gang Bill that we passed here in this House? That was another example of a Band-Aid approach to a serious sore. They told us in this House—they assured this country that that Bill—the passage of that Bill was going to help cure the plague of gang violence in this country. It has been over a year now, what has happened? Has that been cured? Not at all. It has not worked; it has not been properly applied. In fact, it was abused in your predecessor's time, and is still not being properly applied so that we are not getting the benefits of the work that occurred right here in this House.

They came, they had a million-dollar constitutional reform exercise. Has that given results to the citizens of this country? Not at all, Band-Aid plaster on sore. My colleague, the Member for St. Joseph mentioned a state-of-the-art forensic

*Bail (Amdt.) Bill, 2015*  
[DR. BROWNE]

*Friday, March 13, 2015*

sciences centre. Today is Friday, yesterday I had cause to visit the Forensic Science Centre. There was a terrible tragedy in Diego Martin, and I accompanied the family to identify the body, and some other duties I ended up performing there of a pretty grisly nature, unfortunately. [*Crosstalk*] Unfortunately, I can testify first-hand that that vision or that view or that promise of a state-of-the-art forensic science centre does not exist today. It has not materialized. Again, that was just a plaster on a sore.

We had talked about the battle is on the land and not on the sea and so on: did that work, Mr. Speaker? No, it has not, plaster on a sore. They keep coming to the population with these placebos, these plasters, and attempt to assuage—“we are doing something about crime”. Mr. Speaker, I am not convinced.

Surveillance bays on our highways. That was all the big talk. Some people thought, well this was probably some kind of electronic measure not realizing that it was just a concrete cut-out. Has that had any impact? Have we seen any connection to the detection of crime in this country or the solving of any of our serious homicides, carjackings, anything along those lines? Not at all, Mr. Speaker. Many of those bays are empty, as we speak right now, and I am saying that with very secure knowledge.

They gave us a light sport aircraft flying overhead, Mr. Speaker. All of this is part of the Band-Aid approach of this Government. Where is that light sport aircraft today? That was taxpayers’ dollars jumping up and flying up. Gone, Band-Aid. That was going to help us solve crime. It has not worked, and you hear the schizophrenic statistics being offered by the Member for Cumuto/Manzanilla in his frenzy to say something good about the Government. He could not even read a list of the homicide count per year properly, because that list was not in sync with the message—the truth is not in sync with the message he was trying to send. The message he was trying to send is that all of a sudden with the advent of this Government, homicides have disappeared or gone down. The statistics do not tell that story.

In fact, what we are seeing now and what we saw after that state of emergency was a rise in the annual homicide count. [*Desk thumping*] That is not the narrative that they are trying to send out at all. It does not fit with the narrative, Mr. Speaker, Band-Aid Government.

They told us—part of this thing, Mr. Speaker, and some people thought maybe the Minister of Justice would have brought this Bill—that for the first time they would give us a full-time Minister of Justice and a new Ministry of Justice,



and that was going to introduce a new era of justice in this country. Has that worked, Mr. Speaker? Not at all. Injustice is at an all-time high in Trinidad and Tobago, and now we do not even have a full-time Minister of Justice. We have a part-time Minister of Justice whose attentions are divided all over the place including at another Ministry. That is not going to work either.

They gave us that state of emergency, said it was going to interrupt and disrupt the gangs and reduce homicides, et cetera. Has that plaster worked? Has the sore gone, Mr. Speaker? Not at all, but that is the modus operandi of the United National Congress, coming with lofty promises and plans.

For years they criticized this issue of Acting Commissioner of Police. Some of them built a career on just that one sound bite alone. Where do we stand today? Exactly the same position where we have an acting—well, not quite. Well, we have an acting Minister of National Security, but that is not what I meant to say. We have an acting Commissioner of Police still, with no relief in sight, and you have the Minister, the substantive Minister standing up and saying, he does not really see a problem with that.

In fact, one Cabinet Minister recently said that is a good thing. Imagine that, Mr. Speaker, Band-Aid on a sore, and the sore is simply getting worse. At one point, my good colleague from Arima, confronting crime in his community, he went on the media and issued an appeal: “Stop nah! Stop nah, please stop!” Mr. Speaker, did that work? Not at all. All Band-Aid on a sore.

The picture I am painting in the light of this Bill, as it was presented, is a Government that really has not seen the big picture here and is unable to address the root causes of crime in Trinidad and Tobago. All they have been able to do is come with some little minor amendments, stretch them and expand them to take up hours and hours of our time and tell the population: “We care about you and we are doing something about solving crime.” This is not going to meet that criteria or satisfy that objective at all. So, yes, he was begging: “Stop nah! Stop nah!” The criminals did not even blink or pause with that kind of rhetoric.

The Member for Oropouche East mentioned child murders, and I thought he was quite correct in his crosstalk a little while ago. For the first time we had a Prime Minister writing letters to a diseased child, one of our sons that we lost—writing a letter to him, publishing it in the newspaper and making a big deal out of it—the Daniel Decree. What?

**Mr. Deyalsingh:** Put it in the coffin.

**Dr. A. Browne:** I cannot recall that. [*Laughter*] No, and I am not going to say that because that is not the point I was making. The point I am making— [*Crosstalk*] Are you serious? Anyway, I do not like to say things I do not know for a fact. I do not even want to believe that one. The point I am making is: did that have any impact whatsoever? It was designed only to affect the psyche of this country, not to affect the reality. The same thing we are getting here today.

And, as the Member for Diego Martin North/East reminded us, this is not the first time that the Bail (Amdt.) Bill has been tinkered with in this House, and I can tell you, Mr. Speaker, it has not produced the results that we would like in the past, and I dare say it is not going to produce the lofty results pleaded for by Members on the other side because they are missing the big picture.

I am going to give, as a humble Member of Parliament, some of my suggestions and ideas as to where this Government really needs to place its focus, and their triumphing and the trumpeting of this Bill, that energy would have been much better placed in a more strategic approach to the root causes of gun violence and the other crimes that we are plagued with today. So I would give them a little bit in terms of how I see it.

Mr. Speaker, I think we are really living in an upside-down country right now where our priorities are completely misplaced. Even in terms of the funding that is going out into our communities, in my view, the emphasis really has to begin in the education sector. I am not going to dwell on it in this debate, but when you look at the initiatives being done in the Ministry of Education, they are missing the mark. They are not sufficiently strategic and the target audience—in terms of one example, you have a Minister responsible for that sector. Every crime that you read about in the newspaper, every one of them, just a few years ago the perpetrators were in schools paid for by us, the taxpayers, a missed opportunity. I am just saying that all the excitement and huff and puff, we are missing the mark.

The Minister of Education is notorious. He is world famous for boasting about statistics: “Maths scores have gone up by 42 per cent”, and he loves to just cherry-pick the statistics, but when you look at these same schools, Mr. Speaker, and you find out how many students actually sat the maths exams in some of these vulnerable communities, check that, you will see out of hundreds who entered in Form I sometimes a handful, less than 10, actually did the exams.

So when he talks about a 40 per cent improvement, sometimes that is just one more student passing, but they do not give you the reality of what is going on in our schools and we are manufacturing—I do not want to say manufacturing

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

because we are talking about human beings—we are creating the environment in which crime is going to continue to plague us. So, as I said, I would not dwell too much on the education side.

In terms of our justice system, Mr. Speaker, despite the advent of a Ministry of Justice, a full-time and now a part-time Minister of Justice in Trinidad and Tobago, millions of taxpayers' dollars for new administrative costs for that whole arrangement—new prisons built, broken down, paid for, et cetera, et cetera—we are no better off because I could tell you the perception—and, in my view, a lot of it is reality out there—is that our justice system caters mainly for the wealthy in this country. There are humble people hearing this debate—and I have to be very careful in what I say because I do not want to necessarily provoke individuals or be inflammatory—but there are many people listening and they feel that a lot of the work that is done here, especially in the last five years, is really targeting only a certain level of society.

So, they talk about bail—yes, you have been hearing that—and denial of bail, but they say: “What about the big criminals? What about the LifeSport millionaires and so on? Who is talking about them? Have they brought any laws to deal with them?” But we are targeting the carrier of the gun. We are not targeting the importer of the gun at all, we are targeting the carrier of the gun.

I am saying, Mr. Speaker, you have to cover—it has to be comprehensive. Just dealing with that last piece of a failing justice system—coming here and boasting about restricting bail for certain charged individuals—is not going to meet the objectives that this Government has identified in this particular debate. So the perception is, the justice system is really catering for the rich.

We have investments. This Government has boasted about closed-circuit cameras and monitoring out there, but every time there is a crime of significance, what happens? What are our citizens being told? The cameras are not working. A police officer knocks down someone, the cameras are not working. Somebody else or, you know, a high-profile individual. Are these cameras really there to protect the citizens of this country? That is the question.

We get suggestions even from our police officers because some of my constituents and others—every MP is approached by police officers, sometimes for a house. They like to come and talk, and I have a big concern about that, but I would not deal with it now, in terms of a reserve ratio or allocation for uniformed officers who put their lives on the line. [*Crosstalk*] Yes, they come all the time. I am not sure what is going on in that Ministry of Housing. Anyway, that is beside the point. That is not the point I was trying to make.

*Bail (Amdt.) Bill, 2015*  
[DR. BROWNE]

*Friday, March 13, 2015*

The police officers, they also give good suggestions in how we really can help to reduce gun violence and so on. Mr. Speaker, you know, the sad reality? Some of the guns, many of the guns come across our shores illegally, but you know, some of the guns begin their lifespan in this country as legal guns? Are you aware of that, Mr. Speaker? Do you know that in police stations, in the defence force, in private security firms, in the Forensic Science Centre and other places, guns that are in legal possession sometimes transition very mysteriously and become missing firearms and end up killing my family and your family. [*Desk thumping*] That is what is going on in this country, Mr. Speaker. I am not hearing the Government talking about that, and those are things within our control. You do not have to restrict people's rights and freedoms to deal with some of these things.

So what the police officers are telling us? They are certainly telling me, as a Member of Parliament, besides all these cameras—expensive cameras on light poles all over the place: why do we not start putting cameras in the police vehicles and on our police officers themselves? That would help protect them. It will help us also monitor what is going on with their hardware and equipment and other things.

### **8.30 p.m.**

So, the Government is really not investing the resources strategically, and those are key areas that are not being attended to, not to mention the morale of these police officers. I heard boasting about, what they call a special allowance for police officers. Mr. Speaker, given the cost of living situation, it is not very special at all, and I know our police officers have been monitoring what is going on with the public sector workers, and so on, and they are saying, well, you know, if they can get 14 per cent, what about us whose very—the very nature of our job is life and death, what about us? So, I know they have those concerns, but they are also saying, are we really paying enough attention to those private security firms.

Mr. Speaker, I do not want to stigmatize any private corporation or organization right now, but I am aware, and there are other Members of Parliament in this House who are aware, that there are security companies, some firms in this country—let us say they are registered and they have licences for 100 precepted officers on their payroll, and they have a stock, official stock of 100 firearms, let us just say, sometimes more than 50 per cent, literally, of those firearms at any one time can be considered unaccounted for, unaccounted. They cannot account for the location of those firearms. They are missing. Where are they? Mr. Speaker, they are not buried under the ground, you know. They are not lost at sea, you know, they are active, being used against us and our families.

Mr. Speaker, if the Government were to pay more attention to those things, which are within our control, you do not have to restrict anyone's freedoms, you do not have to take away anyone's liberties, you do not have to offend the Constitution, you do not need a three-fifths majority to deal with some of those strategic things that can help. There is an old saying, "You can only be held responsible for things within your control", Attorney General and your colleagues, there are many things within your control, I am not sure this is the best start to your efforts, and, certainly, the Government has not been approaching this issue in a strategic manner at all.

I have made the recommendation before, Mr. Speaker. A lot of the contributions that went before focused on guns and controlling guns, and so on, I can tell you, there is a seaport—what can I call it?—there are a number of fishing communities and landing sites in western Trinidad. I grew up interacting, my dad was an amateur fisherman, I am an amateur fisherman, and I could tell you, I am not stigmatizing these fishermen, but at some of these sites there is also a high degree of illegal activity at nights.

Mr. Speaker, I have spoken to the former Minister of National Security about this and I have pleaded with him, in the billions of dollars that his Ministry is expending, some of that should be dedicated to monitoring these sites, because we are putting infrastructure and that is important. I want the fishermen to get the best possible infrastructure, but with that thrust—but verify—we need to monitor as well, because you definitely do not want a more comfortable jetty, more comfortable facilities for illegal activities to be taking place. Put the best infrastructure possible, but, also, put your same monitoring devices and conduct exercises, it will pay dividends.

You saw what happened recently with a big shoot-out with the coast guard down at a particular area. I cannot even name it because I will be calling the names of businesses that are not really connected, but in the western peninsula. Big shoot-out with the coast guard, and what is coming in at those times, Mr. Speaker? It is your guns and your drugs, and there is a particular word this Government does not like to say at all in the Parliament, you know what that word is? Cocaine. I say it, because that is a dark substrate to the economy of Trinidad and Tobago. *[Interruption]*

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin Central has expired. Would you like to guide me?

**Dr. A. Browne:** Yes, I would like to guide you. I would like an additional 15 minutes.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Diego Martin Central be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member. [*Desk thumping*]

**Dr. A. Browne:** Thank you, Mr. Speaker. I would not utilize all of the time, but this is something I feel very passionately about, Mr. Speaker, because I have lost members of my own extended family to violent crimes, and many Members here, I know some have lost very close persons in their family, so that should caution us in selling anything to the population. We need to really put it in perspective. I have been trying to do that in my contribution and to give them a bit of a reality check. This is not going to hit the mark that the Government is selling it as, at all, at all, at all.

There are responsibilities on the citizens—and we do need to talk about that, but the correct environment also has to be created for the citizens to really fulfil those responsibilities. We keep saying we need people to report crimes, and so on, but, at the same time—Mr. Speaker, I listened to the Prime Minister earlier today and the words reminded me very much of an era passed. When serious concerns were being raised about alleged criminal activity, you know what the response was? You know what the response was? “Well, those are just articles. Well, I don’t know anything about that. There are no charges as yet.” People continuing to be in employed positions paid by taxpayers, the message that is going out, Mr. Speaker, is, once it is somebody close to me, or that I might be concerned about, or, you know, within my welfare or purview, I am not interested in right and wrong when it comes to those persons. That is the signal we are sending, and if that is the example that is going out to Trinidad and Tobago, it does not create a sense of trust between the members of the public and the systems that we might be putting in place.

We talk about trust in the police service as well, Mr. Speaker, but you see examples, time and time again, of witnesses being interfered with, tampered with, manipulated and other things. That just discourages persons from coming forward and trusting the system. Again, putting an additional strain on our police officers and, also, on the members of the public who we should be serving by our actions.

Mr. Speaker, I have to take note of a very serious development that occurred this week, because I recognize—I was shocked to recognize, via the media, that with the industrial action—well, I do not know if that is the correct word—I do not know if that is the correct word, but the lack of motivation by some prison

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

officers and other members of the protective services, we have been having some very unusual activities in some of these prisons, police stations and fire stations. I would like to refer to an article in the *Newsday*, of all newspapers, on Tuesday, March—[*Interruption*] Nothing. Why are you insinuating something is wrong with the *Newsday*? [*Interruption*]

**Mr. Deyalsingh:** Are you saying something is wrong with the *Newsday*?

**Miss Ramdial:** I was talking to you? I was not talking to you.

**Dr. A. Browne:** “Eh eh.” What! All right. Tuesday March 10—she is getting fresh, Mr. Speaker. Tuesday, March—[*Interruption*] Mr. Speaker, I think I am distracting myself. Tuesday, March 10, 2015, Naline Seelal’s article, Mr. Speaker, right from the get-go—*Newsday*:

“Recruits manned the prisons, police and fire stations as hundreds of officers of the three arms of the protective services did not report for duty yesterday.”

Mr. Speaker, that is not something to take lightly, you know. So while we are going about our business and people are going to work, and so on, you have these vital services, under the watch of this Government, being manned by recruits. Now, the word “recruit” might be somewhat reassuring if you do not know what a recruit is, but a recruit, really, Mr. Speaker, is someone who has not been properly trained for the task. So I do not know, even at the best of times, our prison officers are under strain, in constant danger, if, by replacing them with recruits, are we really making our citizens, our prisons and our lives safe? I do not think so at all, Mr. Speaker, but the Attorney General has admitted that this Bill, when applied, can place significant additional pressure on the prison system and on our prison officers. That is a reality.

Let me tell you what a recruit is, Mr. Speaker. Joining the Trinidad and Tobago Prison Service, you know what the criteria are? And I am going by the Government website for this purpose.

“The Trinidad and Tobago Prison Service is committed to the protection of society and the prevention of crime. As a member of the Prison Service team, you will play a key role in rehabilitating offenders while maintaining control of inmates under safe, secure and humane conditions.”

These are the criteria, Mr. Speaker. These are the recruits, I am describing the recruits. They must be:

“At least 19 years of age”—and—“no more than 35 years of age...”

*Bail (Amdt.) Bill, 2015*  
[DR. BROWNE]

*Friday, March 13, 2015*

I “doh” know who would qualify in here. Mr. Speaker:

“Possess a minimum of three Ordinary (O) Level”—passes, three O level passes—“including English...”

And have “a minimum height”—

Well, I would not dwell on this one.

—“a minimum height of 169 cm...or 163 cm, if female.”

Mr. Speaker, that is it. That is it. So the persons who we are deploying in all of these sensitive areas, when under strain, are persons who satisfy these very simple criteria, nothing more—no preparation, no training, no readiness.

Mr. Speaker, in this same week that we are admitting that by our actions here we would be putting additional significant pressure on space and resources within the prison system, I think should give us cause for due consideration. And it says that the answer does not just lie with any Attorney General but it lies with the entire Cabinet, because we have to fix these things, we have to solve these problems otherwise we are “spinning top in mud”, and that top is not just spinning, it is going down into the mud because we are sinking deeper as we speak.

So I have serious concerns about that, and then when you look at the safety profile, the hazards of the job of these prison officers—I mean, I have a lot of material here, I would not get into it, in terms of prison officers that were slain, threatened, followed to their homes, their family members have been threatened, et cetera, and they would have been listening to the Government during this debate—[*Interruption*] Sorry, prison officers—it is relevant. [*Interruption*]

**Mr. Peters:** Even if you are working in the URP yuh could get killed.

**Dr. A. Browne:** Mr. Speaker, and the response to that genuine concern that I am reflecting is that they could get killed if they were in URP too, the Member for Mayaro. Now, I know he is famous for ad-lib and he just came back in so he may not be able to put it in context. Member for Mayaro, we are having a serious conversation here, it is not necessarily for the jokes.

Mr. Speaker, because we are affecting, our actions here will be affecting the workplace environment of citizens of this country, prison officers. It will be affecting the living environment of others, which are the prisoners. I am sure there are prisoners right now in prison—well, I do not know if they have the parliamentary channel or whatever, but they might read the newspapers



tomorrow, and they would also recognize that it is not just the prison officers conditions and work environment that we would be affecting here, it is also their living environment, because they themselves will have more company. Their meals will have to be shared a little further. Their living space will have to be divided a lot further when these such measures are implemented.

So, let us just not pretend that this plaster is going to solve everything. You would realize, Mr. Speaker, I have not stood up here and launched any direct attack or ambush against all of the provisions in the Bill, because we do need tough action against crime in this country. We do need to create an environment in which gun possession and illegal activities with guns should trigger a lot of—you would need to think 10 times before you would even consider carrying a weapon or something looking like a weapon. I would be happy for that, but, at the same time, let us not sell this as if this is really going to turn the corner, or even help turn the corner against crime, because that entire spectrum that I have tried to lay out, from the school right up to the commission of the crime, the reporting of the crime, the justice system, all of these lawyers, everybody is a millionaire. I saw a list earlier—my God, state briefs, and so on. Good Lord, if I touch that, Mr. Speaker, I will exceed my time for sure, but, the fact of the matter is that justice system seems just designed, sometimes, to reward a few people—that is what it seems like—and not deliver justice at all.

**8.45 p.m.**

So, Mr. Attorney General, welcome to the Lower House of Parliament. I really do feel that this may not have been the ideal Bill for you to start with at all. But as the Member for Diego Martin North/East indicated, even in presenting this limited opportunity that you have brought here, it would behove you to lay a stronger evidentiary foundation—[*Crosstalk*] yes. Well, I am not a lawyer, but—[*Interruption*]

**Mr. Deyalsingh:** Well “putted”. Well “putted”.

**Dr. A. Browne:**—and present even the statistics that would justify our citizens saying, this is something I can sign up for. I am willing to give up my constitutional liberties a little further, even further than I have done already for the sake of X results based on X evidence. We have not gotten that. The Attorney General still has a bit of time.

Mr. Speaker, there is more that I could say, but I have presented the heart of my contribution. I thank you. [*Desk thumping*]

**The Attorney General (Sen. The Hon. Garvin Nicholas):** [*Desk thumping*] Thank you very much, Mr. Speaker. Let me start by simply stating some—restating some statistical facts. The murder rate in 2003 was 229. The murder rate in 2008 was 549. [*Interruption*]

**Mr. Deyalsingh:** That is the murder toll. That is the murder count.

**Sen. The Hon. G. Nicholas:** The murder count. Sorry. Absolutely correct. Absolutely correct. It is not the rate. It is the actual murder figures. There were 229 murders in 2003. There were 549 murders in 2008, an increase of 239 per cent—239 per cent. There were 509 murders in 2009. There were 403 murders in 2014, a 20 per cent decrease in murders. There were 96 murders this time last year. There are 67 murders this time this year, a 30 per cent decrease in murders. [*Desk thumping*] I could go through each year, you know. I could show you how each year increased under a specific period, and how it levelled off in another period—and those are the statistics. [*Crosstalk*] No. Hold on. I am just getting going.

**Mr. Speaker:** The hon. Attorney General, could you address the Chair.

**Sen. The Hon. G. Nicholas:** Absolutely, Mr. Speaker.

**Mr. Speaker:** Do not address the Members, please.

**Sen. The Hon. G. Nicholas:** Absolutely. Mr. Speaker, in saying that, the Member for Diego Martin Central actually made the point because when I stood up I made it very clear that we are operating in an imperfect system. There are numerous problems that exist throughout the system. I made that very clear. I also made it very clear, these problems did not come into being yesterday or four years ago or five years ago. These are problems that have existed for a long time that have gotten worse over time, and during the last four and a half years a number of initiatives have actually been taken to stem that tide of deterioration in the system. That is what we have tried to do, and you are seeing the results of the attempts. After inheriting what was a cancer in crime, we have been able to put a little halt on the increase, and we have seen a slight decrease in the overall numbers, whereas during the period 2000 to 2009, you had a steady record-breaking increase almost year after year, except for, I think, in one year.

Mr. Speaker, allow to quote from the *Hansard* of Friday, March 16, 2007, and it goes like this:

“Let me give the statistics for 2007. So far, up to March 16, 2007 there have been two kidnappings for ransom; from 52 in 2005 down to 17 in 2006 and then down to two so far for 2007. I wonder if ‘stick break in their ears’.”

*Bail (Amdt.) Bill, 2015*

*Friday, March 13, 2015*

That seems to be a regular feature in this Parliament.

“They cannot hear. Do they not understand or are they just wicked? Is it that the Members of the UNC want the perpetrators to come back outside and commit crime? Do they want the country to descend into chaos so that they can go on platforms and say that the Government cannot manage crime? I say that is what they want because in the face of these statistics it is obvious. Even a child in primary school can see that the Bail (Amdt.) Bill has worked. There are no two ways about it.”

Mr. Speaker, that was the Member for Diego Martin North/East in 2007. [*Crosstalk*] Impossible one would think eh, after the contribution we heard here today. He went on to say:

“They want these criminals to be let loose on their own people.”

**Dr. Gopeesingh:** Again, the hypocrisy of the Member for Diego Martin North/East.

**Sen. The Hon. G. Nicholas:** “They do one thing today and another thing tomorrow.”

Sounds familiar? I think he actually said that today too. [*Crosstalk*] Friday March 16, 2007. [*Crosstalk*] “Stick break in his ears” since then. He went on:

“The point I made...”—[*Crosstalk*]

Mr. Speaker—[*Interruption*]

**Mr. Speaker:** Please, please.

**Sen. The Hon. G. Nicholas:** “The point I made is that the Members on the Front Bench do not care if somebody, who has been convicted twice for these offences, and is now charged a third time for these offences, is allowed to roam free on the streets and commit one of these horrible violent crimes again. They do not care.”

Member for Diego Martin North/East—2007.

“Whether we are on this side or that side”—whether we are on this side or that side—“the serious, decent, committed Members of Parliament will be passing this Bill today, so that persons who have been convicted twice of a heinous crime and are charged for the third time, will be denied bail, incarcerated and prevented from wreaking havoc on the innocent people of this country.” [*Crosstalk*]

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

*Friday, March 13, 2015*

Member for Diego Martin North/East. It was good for them then.

But, Mr. Speaker, [*Crosstalk*] when I—and I do like the Member for Diego Martin Central—[*Interruption*]

**Mr. Speaker:** Please, please, Members.

**Sen. The Hon. G. Nicholas:**—I walk around and I speak to people, I speak to people from all communities—in Diego Martin North/East mostly—Diego Martin North/East. I was in Bagatelle not only this week, I was in Bagatelle last week, the week before that, the month before that because the people of Diego Martin North/East, I engage with. I engage with the people of Diego Martin North/East. From Bagatelle to Bellevue to Paramin to Maraval to River Estate, I engage with the people.

**Mr. Deyalsingh:** He disengaged from St. Joseph.

**Hon. Member:** We will engage you.

**Sen. The Hon. G. Nicholas:** I will put somebody else to engage with St. Joseph, Mr. Speaker. [*Crosstalk*]

**Hon. Member:** Who disengaged you?

**Sen. The Hon. G. Nicholas:** Not personally, not personally. Mr. Speaker, in engaging with the people of Diego Martin North/East—[*Interruption*]

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, given the disorderly conduct of Members opposite, [*Laughter*] I want to beg to move that this House—they need to conduct themselves, of course—do now adjourn to Friday, March 20, 2015, and to serve notice on my friends opposite that it is the intention of the Government to debate—the Government Motion:

“*Be it resolved* that the Draft Order entitled ‘The Elections and Boundaries Commission Order, 2015’ be approved.”

and to complete the debate and indeed take the vote on three matters dealt with previously:

“A Bill entitled an Act to amend the Bail Act, Chap. 4:60

...a Bill entitled an Act to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto”—and—

*Adjournment*

*Friday, March 13, 2015*

“a Bill entitled an Act to repeal and replace the Trade Marks Act, Chap. 82:81 and to provide for the law relating to trade marks and related matters”.

Mr. Speaker, there is also an amendment on the Order Paper and we would like to address and approve that amendment as well—very important amendment. The amendment in the National Trust of Trinidad and Tobago (Amdt.) Bill, 2015, the proposed definition of “Minister” to delete “heritage preservation” and substitute the words “the Trust”. So, we intend to deal with that amendment as well.

Mr. Speaker, next Friday, March 20, 2015 at 1.30 p.m. I beg to move. Mr. Speaker, may I also indicate that by agreement with the absent Member for Diego Martin North/East now, we have agreed that those Motions on the Adjournment will be dealt with another time? Mr. Speaker, I beg to move.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.57 p.m.*