

**No. 7**

**Friday**

**First Session**

**28<sup>th</sup> January, 2011**

**Ninth Parliament**

**SAINT VINCENT AND THE GRENADINES**

**THE**

**PARLIAMENTARY DEBATES**

**(HANSARD)**

**ADVANCE COPY**

**OFFICIAL REPORT  
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**THE PARLIAMENTARY DEBATES**

**OFFICIAL REPORT**

**PROCEEDINGS AND DEBATES OF THE SECOND MEETING, FIRST SESSION OF THE NINTH  
PARLIAMENT OF SAINT VINCENT AND THE GRENADINES CONSTITUTED AS SET OUT IN  
SCHEDULE 2 TO THE SAINT VINCENT AND THE GRENADINES ORDER, 1979.**

**SEVENTH SITTING**

**28<sup>th</sup> January 2011**

**HOUSE OF ASSEMBLY**

The Honourable House of Assembly met at 9:10 a.m. in the Assembly Chamber, Court House, Kingstown.

**PRAYERS**

**MR. SPEAKER IN THE CHAIR**

Honourable Hendrick Alexander

**Present**

**MEMBERS OF CABINET**

Prime Minister, Minister of Finance,  
Economic Planning, National Security,  
Grenadines and Legal Affairs  
Dr. the Honourable Ralph Gonsalves

Member for North Central Windward

Attorney General  
Honourable Judith Jones-Morgan

Minister of Education/ Deputy  
Prime Minister  
Honourable Girlyn Miguel

Member for Marriaqua

Minister of Housing, Informal  
Human Settlements, Physical Planning,  
Lands and Surveys  
Honourable Clayton Burgin

Member for East St. George

Minister of Agriculture, Forestry  
and Fisheries and Rural Transformation  
Honourable Montgomery Daniel

Member for North Windward

Minister of Tourism and Industry  
Honourable Saboto Caesar

Member for South Central Windward

Minister of Health, Wellness and  
The Environment  
Honourable Cecil McKie

Member for West St. George

Minister of National Reconciliation  
Labour, Information and Ecclesiastical Affairs  
Honourable Maxwell Charles

Member for Central Leeward

Minister of National Mobilisation,  
Social Development, the Family,  
Persons with Disabilities, Youths,  
Sports and Culture  
Honourable Frederick Stephenson

Member for South Windward

Minister of Foreign Affairs, Foreign Trade  
And Consumer Affairs  
Honourable Dr. Douglas Slater

Government Senator

Minister of Transport and Works, Urban  
Development and Local Government  
Honourable Julian Francis

Government Senator

Parliamentary Secretary in the Office  
Of the Prime Minister  
Honourable Elvis Charles

Government Senator

Honourable David Browne

Government Senator/ Deputy Speaker

## **OTHER MEMBERS OF THE HOUSE**

Honourable Arnhim Eustace  
Leader of the Opposition

Member for East Kingstown

Dr. the Honourable Godwin Friday	Member for Northern Grenadines
Honourable Terrance Ollivierre	Member for Southern Grenadines
Honourable St. Claire Leacock	Member for Central Kingstown
Honourable Daniel Cummings	Member for West Kingstown
Honourable Roland Matthews	Member for North Leeward
Honourable Nigel Stephenson	Member for South Leeward
Honourable Vynnette Frederick	Opposition Senator
Honourable Anesia Baptiste	Opposition Senator

**SAINT VINCENT AND THE GRENADINES**

**HOUSE OF ASSEMBLY**

**FRIDAY 28<sup>TH</sup> JANUARY 2011**

**PRAYERS**

**HONOURABLE MR. SPEAKER:** The Honourable Speaker, Henderick Alexander read the prayers of the House.

**MOTION**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I beg to move under Standing Order 12(5) that the proceedings of today's Sitting be exempted from the Standing Orders hours of sitting.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I beg to move the motion.

**Question put and agreed to.**

**ANNOUNCEMENTS BY THE SPEAKER**

**HONOURABLE MR. SPEAKER:** Please change the profile of our cell phones; put it on a manner that it would not ring in the House. So you can just check with your cell phones to make sure that the profile is in an order that would not affect the House. Thank you very much. Honourable Member for Marriaqua, Minister of Education, Deputy Prime Minister.

**ORDERS OF THE DAY**

**HONOURABLE GIRLYN MIGUEL:** Thank you very much, Mr. Speaker. Mr. Speaker, Honourable Members, I stand to register my support for the Appropriation Bill before us. Today I thank God for wisdom, for strength and for grace to persevere from 2001 to this present day [applause].

Mr. Speaker, as I look back on the journey with the Honourable Prime Minister working together to build St. Vincent and the Grenadines, a familiar quote from holy writ, always rises in my mind, "Hitherto hath the Lord helped us." Mr. Speaker, the story reveals all Israel in travail, because the Ark of the Covenant was taken by the Philistines and they had to call on the prophet Samuel in order that he could intercede and make the sacrifice

at the time to seek God's help. And Mr. Speaker, I say this also as I remember the way in which we begin whenever we sit to deliberate on the country's business, we seek the help of Almighty God and he has always been to our side and for this today, I am grateful.

Mr. Speaker, I thank God for the Honourable Prime Minister. He is indeed a gift to this country [applause]. He is kindhearted, he is compassionate, but most of all he is specially gifted and if you would permit me to tell you a little more about people who are specially gifted, we have them, the teachers, we have them in our classrooms and if you do not know what you are doing they will challenge you. Mr. Speaker, they have extra energy. They would finish their work, because they are bright and then you must have that extra work to give them so that they can be gainfully employed. We have such a Prime Minister, a Prime Minister whom the Caribbean craves, because as I go from time to time to meetings I would be asked about our Prime Minister and they would speak about the contributions that he makes when discussions are held.

Honourable Prime Minister I do not want to wait until you are dead to compliment you. But I say, compliments to you [applause] on your tenth budget speech as Minister of Finance in bringing to this Honourable House a budget for the times. Mr. Speaker, the old people usually say, "when times are hard you must cut and contrive." I do not know how many of us would have had our grandmothers to tell us about this.

With you, Honourable Prime Minister, I see you as a good team leader. I do not want anybody to misunderstand, you are not perfect, but I know for a fact that you are good enough to lead this country. You understand the challenges of the time, you share your thoughts and at this time, you shared with us that even though things are hard we must respond positively. I do not know if you would have remembered what we say in the Anthem that we sing whenever we gather, there is hope, "what'er the future brings, our faith will see us through" and I get that from you Prime Minister. I want to congratulate you also Prime Minister for the way I see you work with your staff. There is never a dull moment as we meet to discuss the business of our country. The Permanent Secretaries and the Heads of Departments must be congratulated as well, because hard work was done in putting this budget together [applause].

Mr. Speaker, I ask a question, what is our present situation? You turn on the television and you hear about the economic meltdown. We hear about ongoing international economic recession, but for a fact we know that it has shaken all our economies and for us in St. Vincent and the Grenadines we must deliver where it matters most. To do this, Mr. Speaker, we need effective leadership. Mr. Speaker, I am not speaking alone, but on the 13<sup>th</sup> December, 2010, the majority of Vincentians spoke in this way [applause] that a ULP Government will give that effective leadership to take our country forward.

Mr. Speaker there is an old adage which runs, "character is not made in crisis, it is only exhibited." Our Vincentian people are a strong resilient and optimistic people. Mr. Speaker, despite all odds, our Government plans to foster growth and bring an improved quality of life to all our people. Mr. Speaker, this is a plan and that plan was presented here in the form of the budget.

Mr. Speaker, I turn to the document that was presented to us in this Honourable House. The Prime Minister's Budget Address. And Mr. Speaker, with your permission I would quote from the part that in marked

“Conclusion”, page 57 and our Prime Minister said this, he said, “Last year 2010 the budget on the face on it had a current account deficit of \$20.5 million.” No secrets. The actual outturn for the budget however, was a current account surplus of \$1.3 million. Indeed, there was an overall surplus on the Central Government Accounts of \$12.5 million compared to a \$55 million deficit in 2009 on the combined current and central accounts of the Government. In other words he said, the Government was in 2010 most careful in its management of its resources at once prudent and enterprising. And for me Mr. Speaker, reading this I would have sat here and heard the Prime Minister say to us who are gathered in the House, the entire country and all those who would have been listening 2010 is not going to be a walk in the park [interjection] yes.

Mr. Speaker, Honourable Members, the budgeted current account deficit he said is quite manageable. About 1.4 percent of Gross Domestic Product, deficit financing on the current account is quite permissible in the circumstances if the circumstances warrant it and if both the extent and duration of it is limited, so and I hear him reasoning here as a teacher. Even though I could not see him in person, I could hear his voice, I hear him saying this. So a small manageable current account deficit for 2 or 3 years as a consequence of external financial and economic conversions or of natural disasters is quite in order. The important question is to ensure that the Government’s financial fiscal and debt condition is on a sustainable path over the medium term. Undoubtedly, this is the case in St. Vincent and the Grenadines.

Yesterday, Mr. Speaker, if I may just go off on a side, I was listening to the debate from those on the other side and I heard the Honourable Senator Baptiste to say, deficit budgets can only work if you can manage. Mr. Speaker, the big word today is management. Mr. Speaker, our Prime Minister said, my Government has developed a most focused budget for 2011 appropriate to all the extant circumstances externally and internally and targeted on some necessary and desirable outcomes. And Mr. Speaker, if I should turn to page 58, there are points of emphasis that we can look at and he was continuing with his plan. He said to stimulate growth in the main productive sectors of transport, tourism, agriculture and construction. He speaks of the provision to the physical infrastructure structure critical to the modernisation and development of St. Vincent and the Grenadines such as improved airports, seaports and roads. And if I may take the fourth one to enhance the quality of our citizen’s lives, we are a Government that loves people, by strategically investing in the areas of health, education, public order and safety, recreation and culture and housing and community amenities.

Mr. Speaker, I would like at this time to speak about some of the institutions that are there to build our peoples lives. But Mr. Speaker, I want us to look at the crisis centre. Information is there on page 184 of the Estimates. Mr. Speaker, that centre is dear to my heart. I worked at the Kingstown preparatory school and I served the children from all over the country and one morning I turned up at school only to find that a family that lived opposite the Girls High School was homeless. Mr. Speaker, I turned to the relevant Ministry, but no help could have been given to me. I then called some friends who give me whatever I asked for and I got the children back into school. I spoke to the parents and I vowed from then on that I was going to work towards having a place where when disaster strikes and people they become homeless that there must be a place where they can go. Mr. Speaker, I am so happy today to know that this budget caters for the Crisis Centre [applause]. Much work has been done, but despite the challenges, Mr. Speaker, today it is a reality.

Out in Marriacqua we have a home for girls. There was always a home for boys at Liberty Lodge, but there was no place for the girls and Sister Patricia Ann Douglas of blessed memory when girls had problems, she took them into the Convent, but that could not work all the time. There was a piece of land and we got some funding, but it could not work and so I was quite instrumental in getting US\$100,000 in order to finish that home and there it is, well furnished and has a staff [applause].

Mr. Speaker, Liberty Lodge, the teachers at Liberty Lodge have many, many problems and I say this to say to you that I encountered some while I was Minister there. The bad behaviours not easy to curb, but we are still trying to get them into the school...

**HONOURABLE ANESIA BAPTISTE:** Mr. Speaker, I rise on a point of order.

**HONOURABLE MR. SPEAKER:** Point of order; state your point of order Honourable Member.

**HONOURABLE ANESIA BAPTISTE:** I state Standing Order 35 subsection (b). I am seeking to interrupt the Honourable Member to elucidate a matter raised by that Member. A while ago I heard her say that today the Crisis Centre is a reality, however in my perusal of the Estimates I observed that the result indicator status update said that it was partially furnished and not yet operationalised. So I just wondered whether or not the Honourable Member wanted to be more specific about the centre. Thank you.

**HONOURABLE MR. SPEAKER:** Before you start, let me just guide you somewhat and maybe for Members, 35(b) really is to give way. You can ask the Member under 35(b) to give way and if the Member does not give way, then you can move on a point of order. Just to direct you somewhat. Okay Honourable Member.

**HONOURABLE GIRLYN MIGUEL:** Thanks for your indulgence, Mr. Speaker. I am still the teacher. This teacher is still in me. I am glad that the Honourable Member is asking me a question. Honourable Member, in Kingstown you cannot find land; you cannot find properties as you would wish to, but we have come a very long way and if there is disaster, it is useable. You see, in Government, you have to direct and redirect in order to make things work. Things are not written in stone. Honourable Member, I hope that you..., you would learn a little more as time goes on, but as it is right now, we look at the indicators, but there are times sometimes you can get funding to do things. So I say it is a reality, because there was nothing when we started.

**HONOURABLE ANESIA BAPTISTE:** If the Honourable Member would give way. Thank you for your explanation, but I simply wanted to understand, because you are saying in a disaster it can be used. So I am trying to simply verify, is it operational, can it take in women right now, women or victims as my Honourable Member had clarified some time ago of domestic violence to meet their needs in an operational sense? Because I have to also go by what is here. I do not really think the issue is about learning a little more. I am asking based on what I am seeing here, so I just want to know, is it operational or is it the case as the Estimates said that it is not yet operational?

**HONOURABLE GIRLYN MIGUEL:** Honourable Member, what we do in Government, we opened officially when we are ready to start. It is not yet opened. Yes, thank you. Mr. Speaker, Honourable Members, Home Help for the elderly – I heard the Honourable Member, the Honourable Senator she said something about the Home Help for the elderly and that there were numbers there that said these persons would be trained. Mr. Speaker, in Government, we direct and redirect. I know for a fact that what happened is that the aged in a certain area; you had two or three people going at certain intervals to deal with them even though the training was not done for more people. So sometimes you have to redirect. Even though you may have it here it is not written in stone. You have to redirect it and this is what the Ministry does from time to time. All the Ministries have to do that.

Mr. Speaker, there is something which came up for discussion and I went to the Ministry and I got the information and the Ministries want me..., if you may indulge me please, Mr. Speaker, it is the back to school teen parents programme. Mr. Speaker, when we find that these children would have fallen by the way, when it is reported to us we work along with the parents to make sure that these teens go to the doctor and get that which is necessary. Mr. Speaker, we work along with the Ministry of National Mobilisation. We have training workshops for teen mothers and workshops for parents of the teen mothers. The Social Welfare provides school fees, uniforms, transportation subsidies, book loan scheme; they are on the book loan scheme, they get books, medical expenses and for child care.

Mr. Speaker, in training we spend money for training, workshops for the parents of the teen mothers. Because one of the things we try to do is to rehabilitate these people. Sometimes they are put out and we know how to deal with it. So we pay school fees, give them uniforms and medical expenses and we care for the children. Where there is not someone at home to help to take care of the children we get them into the daycare centre and we take care of that. Mr. Speaker, in 2003 to 2004 16 students were enrolled in that programme, in 2004/2005 11; 2005/2006 12; 2006/2007 13 students; 2007/2008 11 students; 2008/2009 17 students and 2009/2010 12 students. We have a number of students enrolled, 92 of them in that programme.

Mr. Speaker, I want to give this verbatim with your permission sir as I got it from the Ministry yesterday, because there seems to be many misconceptions. Teen mothers who applied for reentry into school but cannot return due to their age and other reasons are given the opportunity to attend skills training programmes and related programmes at the various technical institutes. As of 2010 there are five males presently on the programme. One is at the Kingstown Technical Institute and the other four are in the Secondary Schools setting [applause]. With regard to the 41 students who graduated over the seven year period five are presently gainfully employed within the public service, five are employed in the private sector, two are attending the division of Technical, Vocational, Education of the St. Vincent and the Grenadines Community College, one at the Professional Secretarial Services Institute and two are pursuing Tertiary Education through the distance mode. In 2008, one of our teen moms graduated from the Intermediate Secondary School as the Valedictorian [applause].

In 2010 the same teen mom graduated from the A' level College with a B in Law, a grade I in Communication Studies [applause] and a grade II in Sociology. She is presently pursuing a career in teaching and is hoping to further her studies to pursue a career as a Lawyer. Thank you Prime Minister, thank you teachers, thank you,

thank you Social Development, thank you. In 2009 another mother from the Troumaca Secondary School obtained the award for most outstanding performance for the CXC CESEC Examinations. In 2010 one student gained 9 O' Levels, one gained 7, three gained 3, two gained 6, three gained 5 and three gained 4 subjects in the CXC CESEC Examinations [applause]. Mr. Speaker, the success of the back to school for teen mothers programme is unquestionable and continues to be a model programme in the region that is because of our inclusion education policy.

Mr. Speaker, school cooperatives. Mr. Speaker, I found it necessary to touch on this because it is also in the Estimates. Mr. Speaker, being a cooperator myself and we had started many of these groups within the many schools in which I worked. I feel happy to know that I am here again to work along with our people. Mr. Speaker, the document before us has come from the cooperatives division and it says, the school cooperative programme is administered by the cooperative department within the Ministry of National Mobilisation in collaboration with the Ministry of Education and the Ministry of Agriculture as it relates to the school cooperative Agribusiness Programme. There are 87 school thrift cooperatives with savings of over \$630,000. Currently, the cooperative department has embarked on the expansion of the agribusiness project targeting at least 12 more schools during this financial year 2011 [applause]. To date, Mr. Speaker, poultry pens are completed at St. Clair Dacon Secondary, Union Island Secondary, Calder Government, Tourama Primary and the Georgetown Primary Schools. Poultry production will commence in February of this year. Several other schools are earmarked for vegetable and poultry production. Example the Fair Hall Government, South Rivers Primary, New Grounds Primary, Cane End Government, Buccament Government, Troumaca Secondary and Fancy Government Schools and others. The programme is closely linked to the poverty alleviation and wellness initiative of the Government of St. Vincent and the Grenadines [applause].

Mr. Speaker, Honourable Members, I am so sorry that the Member for North Leeward is not here today but I wanted to make a response because he was quite concerned about the export of fish and Mr. Speaker, I do not think that when he spoke he knew what we met in 2001. Today you go into the fish market and [interjection] but he was in the country, you go there and the place is cleaned, you go there and we have tried to make sure that we gain the hazard analysis critical control point level that we were asked, but unfortunately so I had to leave, but the people there, their heads are covered, they are wearing aprons, they are wearing white clothes, they have had many hours of training and it is not different, it is because this Government we are lifting our game, but everything takes time. [Interjection] I cannot certify it, Honourable Member; Honourable Member, I left which you know. You know that I would have left, [interjection] Honourable Member, I am saying to you I cannot give that information now you know, but I was wondering whether or not he knew and that do not speak as though nothing was done. Much was done, but it will be achieved, Mr. Speaker. It will be achieved.

**HONOURABLE DANIEL CUMMINGS:** The situation remains the same.

**HONOURABLE CLAYTON BURGIN:** That is the timeframe.

**HONOURABLE DANIEL CUMMINGS:** It has not been approved, the situation remains the same.

**DR. THE HONOURABLE RALPH GONSALVES:** It is not true that the situation remains the same.

**HONOURABLE GIRLYN MIGUEL:** No it is not true, it is not true, it does not remain the same. Mr. Speaker, he spoke of fish not being exported, but there are agencies that take fish from us, they buy fish from us and so we are doing business. We have been working down in the Grenadines and we been trying to upgrade the facilities that we met and we were blacklisted, but you know, Mr. Speaker, it hurts me when people speak as though nothing at all was done, it is not true. It is not true, Mr. Speaker, and I say, Mr. Speaker, I need to tell this country and people who go to the market to know it is not the same.

Mr. Speaker, I hear on the other side that they have been talking about the Education Revolution and try to pull it down, but the Education Revolution has touched every household in St. Vincent and the Grenadines for the better [applause]. Mr. Speaker, we would have had our problems and when we came into office we had to do the analysis because we are not there and then we had to take our children from the level where we met them and so we sat down and the Ministry of Education worked hard. Mr. Speaker, in 2005 Common Entrance Results were 37.19 percent pass; in 2006, 41.11 percent; 2007, 60.08 percent; in 2008, 53.43 percent; in 2009, 51.27 percent; and in 2010, 57.61 percent. Mr. Speaker, deep within my breast I know that we are working hard with the children of our state in our primary schools.

Mr. Speaker, to answer to the Honourable Member from the Northern Grenadines he was speaking of Technical Vocational Education, I want to let this Honourable House know, Mr. Speaker, that we paid a man named Mr. Ackie to transport children back and forth from the New Secondary School to the Old Mary Hutchinson School and Mr. Speaker, to say to the Honourable Member that Union Island, the existing space is to be upgraded and subdivided as follows: food preparation laboratory; there is a garment construction laboratory, there is a food and beverage service, including a bar; instructors office; male and female washrooms. Mr. Speaker, the Education Revolution is touching the entire country of St. Vincent and the Grenadines [applause].

Mr. Speaker, the Honourable Member spoke of dormitories. I visited with the Ministry of Education team. Mr. Speaker, it would be important for us in this Honourable House [to] note that the population of the Canouan Government School is now 147. There are 21 students in grade 6. Mr. Speaker, I am giving these figures so that we of ourselves can do an analysis. There are 237 students currently enrolled at the Union Island Secondary School with an average enrollment of 5 students from Canouan in the entire school. This year there was only one student from Canouan entering Form 1 and was two from Mayreau. This year there are 13 students from Mayreau. The number is usually high, this year as a result of transfers from the mainland, because Mr. Speaker, many of the children from the Grenadines they want to come to the mainland, but there were these transfers from the mainland for children who returned to the fifth Form to upgrade their CXC CESEC qualifications. Given the low number of students, Mr. Speaker, I answered this question in the Parliament, it is not economically feasible to construct a dormitory there, Mr. Speaker and when we think of the dormitory we would need house mother to say the least. Mr. Speaker, we are going to need security, we are going to need housekeeping, we are going to use..., we have to provide for the utilities and so as we looked at it Mr. Speaker,

**HONOURABLE DANIEL CUMMINGS:** [Inaudible.]

**DR. THE HONOURABLE RALPH GONSALVES:** You do not sound as though you are a scientific person, you are not a scientific person. [Interjection] I am really disappointed in you.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, the then Permanent Secretary, we looked around to see if there was a plan B that we could have worked on. I even said, Mr. Speaker, to the Honourable Member, I would say to him from time to time, please come, advise me what we can do. I open my arms to him, Mr. Speaker, there is not anything else that I can do. Mr. Speaker, I can speak about education for the whole week because of all that has been done. Mr. Speaker, I want to say to us that the Community College Division of Science 310 young people graduated. Technical Division 200 graduated in 2010. In Nursing 39 graduated, Teacher Education 32 graduated, Mr. Speaker, 581 young people graduated from the Community College [applause]. Division of Technical and Vocational Education was scornfully spoken of Mr. Speaker, but I am pleased to say that they now have the opportunity to earn the more prestigious associate degree in mechanical engineering. It is not only to do secretarial work, Mechanical Engineering, Electrical Engineering, Auto Mechanics, Building Construction, Agriculture and several strands of business studies and the hospitality programme which is offered was delivered by the Caribbean Tourism Organisation. Mr. Speaker, so much is happening in education. A lot, a lot is happening in education.

Mr. Speaker, the Ministry of Education, I say members of staff, hardworking staff [applause] staff I acknowledge you and I thank you publicly [applause]. Mr. Speaker, one of the things that we believe in is training of our people. One can never give what he/she does not have and it is one of the first things that we thought of. Mr. Speaker, when we came into office in 2001, we knew that there were problems in the primary schools but in the secondary school there was so many children on the street, we could not..., we do not want to teach them under a tree as they do in Africa, no we want to give them a proper place in which they can learn and so there were discussions.

Mr. Speaker, schools were built the Barrouallie Secondary, the Edinboro Primary, the Fair Hall Primary, the Bequia Anglican Primary and we had to furnish. Mr. Speaker, the one in Union Island which I spoke of a while ago. Rural schools were upgraded with regards to their Science Laboratories and this has always been a hue and a cry from the past Deputy Prime Minister, Sir Louis Straker. So Union Island had their Science Laboratory upgraded, Adelphi, St. Claire Dacon, Petit Bordel, Bethel High School and the Bequia Community High School. We even built some early childhood centres. Today, Mr. Speaker, one that is being built a state of the art as we will see when it is complete, it is the West St. George Secondary.

Mr. Speaker, it is because we are a Government with a vision, because we are a Government who knows what we are doing [applause]. Mr. Speaker, we have been looking throughout the length and breadth of St. Vincent and the Grenadines to see where the needs are and how we can have them met. Mr. Speaker, with the downturn in the Banana Industry more of our people gravitated towards Kingstown. In East and West St. George and when we look at the population, we can see that they are a little bit top heavy when we compare them to other constituencies. Mr. Speaker, we have to look at tomorrow. Yesterday we heard a quote from Daniel Webster that great statesman and the quote was from the Honourable Member Baptiste, when she said, a statesman is a dead politician and politicians think next election. We have a great statesman in the person of Dr. Ralph Gonsalves and we are thankful [applause].

**HONOURABLE ANESIA BAPTISTE:** Mr. Speaker, I did not personally say a statesman is a dead politician. I was referring to the fact that it had been said that a statesman is a dead politician. I just wanted to clarify that.

**HONOURABLE GIRLYN MIGUEL:** Thanks for the clarification. I am very humble you know, if you would notice that, very humble. All right, Mr. Speaker. So we continue to speak of what is happening in education in terms of training and Mr. Speaker, at every opening we would have had, Mr. Speaker, I spoke of the graduate teachers and the scholarships that were being awarded to them. We needed to have them specialised. We did in Technical Vocation Education, we did in Teacher Education, there were some uncertified teachers, and they had the training. We looked at our Principals, Mr. Speaker, and they were being trained. In the curriculum, Mr. Speaker, if education is to be most successful we have to look at the curriculum. We had to look at our planning, all these strategies, Mr. Speaker. Our Skills Training, as I mentioned when we opened this Parliament, we did basic navigation and seamanship, we did leathercraft designs, we did pattern cutting and dress making and we did plumbing. Mr. Speaker, what a Government.

Mr. Speaker, what hard work is being put into education and I am very thankful. We look at upgrading of teachers skills from time to time, literacy enrichment and support. We trained the parents, Mr. Speaker and today, we are forging ahead as we look at those persons who are physically challenged and believe that they must not be left behind and so centres are being constructed as we say from time to time and I am getting some partnership work from someone in England who heard of what we are doing and would want to work with us again.

Mr. Speaker, we are looking at early childhood and this year we are hoping to do more for the little ones giving them a head start. Mr. Speaker, we look at our under achievers, we work with the Ministry of Health. Mr. Speaker, in the early days sometimes children came to you at 9 O'clock in the morning, they sat and you will be talking to them and it is as though they are not hearing you. It was not until we partnered with the Ministry of Health and we got the nurses to come in sometimes two days per week in order to do some work with our children from the Infants go right up. What did we find? Some of them have tapeworms, some of them they had wax plugs and other ailments that caused them not to learn. Today, Mr. Speaker, the Ministry of Education is looking at all of this. We are looking at our underachievers and we are even going into the homes, the roving caregivers that is a group that would have been working here for a while and would be working again this year, they would be working not only with the children from zero to three, but they will also be working with their parents so that better parenting can be given [applause].

Mr. Speaker, within we must [be] organised. After expending all of this money, we have to make sure that we do it right. We are trying now to get the home and the school to work hand in hand, it is very important and we are trying to establish the school boards of management in our primary and our secondary schools. We have to develop a legal and regulatory framework in trying to certify our young people who are being trained. Mr. Speaker, in education we are doing a lot. We are doing a great deal of work [applause] and I know that the people of this country, they are very thankful for what is being done.

Mr. Speaker, in anything that we do we have to keep the focus and on page 213 in the Estimates. Mr. Speaker, I remember the great Lord Christ as he came to redeem the world, he always said, my meat is to do the will of

him that sent me, hence the reason we must have our mission statement and in education we said that we must provide all persons of the state with opportunities appropriate to their development needs through the provision of quality education, academic, technical vocational, moral and physical, which will equip them with the values, attitudes, knowledge and skills necessary for creating and maintaining a productive, innovative and harmonious society.

Mr. Speaker, in the Ministry of Education we keep our eyes on the goal.

Mr. Speaker, the Honourable Member did not seem to listen to me very well. Mr. Speaker, the Honourable Member is free to come with me. Maybe, Honourable Member, I can invite you when I am going down. Do you want to go with me? Tell the country if you want to go. [Interjection] well you can tell us what is right Honourable Member; I open my arms to you sir. We can go down.

**HONOURABLE MR. SPEAKER:** Honourable Minister let us continue the debate.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, we cannot fail to plan. In all that we do, we cannot fail to do our planning properly. On page 219, Mr. Speaker, we see a bullet here, it is bullet 9 on that page and it speaks to the ongoing Sector Skills Development Agency Bill which we now passed and it says to us that work continues. Administrative arrangements are to be put in place in 2011. This is going to deal with certification and accreditation of our TVET programmes and bearers of the certificates may move freely within CARICOM.

Mr. Speaker, we want to have a skilled labour force. We want to see an increase in jobs. We want us to have increased productivity as employees will have the necessary skills to live and to line up with industry standards. Mr. Speaker, Honourable Members, we live in a world that has been transformed by technology and so I would repeat again as I did before that there are two new departments which would be added in our Ministry. One calls the Education Research Information and Communication Technology Department and the National Qualification Department. Mr. Speaker, work is ongoing.

Mr. Speaker, the Community College. I would like to let us know that classes start there from 8:30 a.m. to 7:45 p.m. in Arts, Science and General Studies. The library at the Community College is opened from 8:00 a.m. to 7:00 p.m. and now offered at the St. Vincent and the Grenadines Community College is Associate Degrees, Bachelors Degrees, Diplomas and Certificates; Associate Degrees in Law, Psychology, Business Administration, Computer Studies, Paralegal Studies and Information Technology; Bachelors in Education, Nursing, Language, Literacy and Maths. Mr. Speaker, the Education Revolution is moving on. Long live the Education Revolution [applause].

Mr. Speaker, I register my wholehearted support once again to this budget. It was crafted with our Vincentian people in mind. It points to the upliftment of the poor, the voiceless, the indigent and the marginalised. I call on all of our elected members to work in your constituencies and to encourage the young people. Education is the key to success. Whether we are on this side or on that side, Mr. Speaker, we really need to work together. [Interjection] we are only stewards in this vineyard on the earth, only stewards, Mr. Speaker. Our land is broken because love...,

**DR. THE HONOURABLE RALPH GONSALVES:** We just build the most expensive secondary school down there, \$13 million.

**HONOURABLE FREDERICK STEPHENSON:** A jet airport, really, the police station, the clinic.

**HONOURABLE GIRLYN MIGUEL:** Honourable Member, I do go down there to visit, do not think so. Mr. Speaker, our land is broken. Love waxes cold because of partisan politics. Lack of respect is in our community, but Mr. Speaker, I am using this opportunity to encourage our people that we be a people of prayer. Prayer makes the darkest clouds withdraw. Prayer climbs the ladder Jacob saw, gives exercise to faith and love; it brings every blessing from above [applause]. Rather than fighting, we need to pray, we need to be reconciled to God and to be reconciled to one another.

**HONOURABLE FREDERICK STEPHENSON:** And you cannot pray and stone church [laughter].

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I want at this time to thank the constituents of Marriacqua. I want to complement Marriacqua on a positive attitude towards community building. I want at this time, Mr. Speaker, to greet all our shut-ins, you are my friends and you pray for me and I thank you very much. I want to greet the persons at the Credit Unions and at Bunpan and on the church organisations, Mr. Speaker, there is much to do within our constituencies and I do thank the people of Marriacqua for reposing their faith in me. Mr. Speaker, I want to be a better and a better person as the years goes by. There is still a lot of work to do, but I ask us that we be cognizant of the fact that times are hard.

Mr. Speaker, today the budget that is present here calls for reconciliation, for efficiency and for prudent and for good management in all areas of work. For education it is 19 percent of the overall budget. On the recurrent side is \$106,775,181.00 and on the capital side it is \$33,206,820.00, Mr. Speaker, whatever the future brings. Mr. Speaker, every time we meet, sometimes we only think dollars and cents but Mr. Speaker, we need as a people of God to put our faith in him so that our country can prosper. Mr. Speaker, I am imploring us in this Honourable House that we do the best we can that we reach out to one another, stop the bickering and stop the fighting. All because we are on the opposite side we tend to want to fight too much, but let us work together as one nation.

Mr. Speaker, let us lift up one another in prayer. Our country is a blessed one and those of us sitting in this Honourable House we have been called to set a good example, we have been called to fight the good fight, not to pull down one another, but we have been called to fight the good fight, if we see someone making a mistake that we try to help them rather than trying to pull them down. I call on the people of Marriacqua and asked them please to let us work together. There is much work to be done. Around the playing field in Richland Park, there are persons there who live on land that they have to get title for, we are working on it. There is land already bought for an indoor sporting facility up in Richland Park. We were promised the Golden Year's Activity Centre up in Montreal. We have one last bridge to build. We have the bridge at the station to be rebuilt as well. At the Dumbarton Cemetery we need a chapel, up in Riley an area that really needs a playing field and we need..., there is an island in the river, in the Yamboo River that we need to be developed. There is

a lot of work to do, but except we hold each other's hand that we speak the truth and we be friends, we would always be having war.

But Mr. Speaker, this is the end of January, God being our helper and I prayed, it is my constant prayer that this country would live in peace and in harmony. Forget about which side of the fence we are on, but work together as one Vincentian people. Mr. Speaker, I beg that this bill have a safe passage through this Honourable House [applause] thank you very much.

**HONOURABLE MR. SPEAKER:** Honourable Members, in a few moments or shortly the Honourable Prime Minister would be winding up his debate on this Appropriation Bill and we have..., at least he is accorded three hours to do that exercise and for Members convenience I am going to have a short suspension, because we would not like to have Members walking around about the place while the Honourable Prime Minister is doing his wind up. So we are going to suspend for about 10 minutes.

**Question put and agreed to.**  
**House suspended at 10:00 a.m. (break)**  
**House resumed at 10:20 a.m.**

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister in winding up you have a maximum of three hours to conclude.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, in winding up this debate on the 2011 Budget, I first of all will like to thank all Honourable Members for their contributions. I naturally will make some comments on some contributions as my response goes along. Mr. Speaker, I want to thank yet again the public servants who have done quite a magnificent job in respect of putting the Estimates together and the Appropriation Bill.

Mr. Speaker, there was an infantile complaint by some who ought to know better that they are getting the Estimates for the Estimates debate and the Budget debate too late. I want (a) to remind what the practice was when I first arrived in this Parliament 17 years ago. The Prime Minister and Minister of Finance at the time on the Monday evening would deliver his Budget Speech and at that time, at the conclusion of his presentation, we would wait around to get copies of his Budget Speech and the Estimates. The debate was held in a rolled up fashion completely in violation of the Constitution. It is we in the ULP when we were in Opposition, we who pointed out the unconstitutionality of that particular procedure and drew their attention to section 70 of the Constitution of St. Vincent and the Grenadines. Indeed it took two Attorneys General, at least one Attorney General and an immediate past Attorney General to concur with our position for the Government to cave in. That is how obstinate they were in delivering the documentation to Members of Parliament earlier. I refer of course to immediate past Attorney General at that time, Mr. Parnell Campbell Q.C and the then sitting Attorney General, Mr. Carlyle Dougan. We had to endure it for two years before they caved in and Mr. Speaker, we had to respond to the debate the next morning at 9 O'clock. So we had to take this tome and the budget speech, what it meant is that we had to prepare ourselves so well in advance to anticipate what was coming in order to provide coherence the next morning.

What as Prime Minister and Minister of Finance I have sought to do, usually we will hold the Estimates debates on a Wednesday and the subsequent Monday we will hold the debate on the Appropriation Bill, deliver the Budget Speech and we will always seek to target no later than the Friday afternoon before the Wednesday and we always meet that target save and except in two circumstances when we had General Elections in December, for the budget presentation in 2006 January and for the presentation this year.

Mr. Speaker, in order to accommodate the Opposition I put the debate without asking them one day later on Thursday, because I knew that we were not going to have it ready on the weekend, but they had it for three days before the Estimates debate and of course for the debates on the budget itself they had it for a week. I really cannot comprehend this kind of infantile childlike complaint. It is a griping about everything, it is a whining.

Mr. Speaker, after a while that kind of whining leaves one to steep their teeth, not in polite company of course, to say really now, are these grown ups. We had an election on the 13<sup>th</sup> of December, the Cabinet first put together on the Sunday following that Monday. Of course work was being done earlier, because the budget call had gone out from the Ministry of Finance in August and Mr. Speaker, work was being done before the General Election. After the General Election and the swearing in of Members of the Cabinet we had Christmas and New Year. It is a near heroic effort to get the Estimates out, printed and delivered to Honourable Members before the end of the third week and to have the debate on the 20<sup>th</sup>. I would say that that is efficient Government, excellent governance, rather than on occasions for infantile snipping [applause]. Of course I would have wished, Mr. Speaker, for the matter if I could have had it on the Friday as I would normally give the Honourable Members.

One of the major players in this in the preparation, Mr. Speaker, is the Budget Director and of course nobody asked anything. Everybody believes the worse of everything. His mother very ill dying and died while in the terminal preparations of the Estimates, even the night before the presentation on Thursday as is his duty to put together notes with the Prime Minister, I had to ask the Budget Director please go home. At 10 O'clock he was still at the office the night before. Now I leave it to the verdict of the people to see who is reasonable and who is unreasonable.

Mr. Speaker, one of the easiest jobs in the world is to be Leader of the Opposition in St. Vincent and the Grenadines. You get the salary of a Minister, you get \$190,000 or a sum close to that for the office of the Leader of the Opposition and every Monday morning come on Lynch programme and talk anything that comes to your head you know and your concern deeply concerned, you are worried, serious matter and call that George, eh? That is all. But of course, I went to sleep last night about 9 O'clock, Mr. Speaker, because I know I had to read this [applause] I know I had to read this at 12:30 last night, the energy sufficiency study which has just come out, because I wanted to make contributions on the issue of energy today. I am not bemoaning the fact that I have to do it. I asked the people for the job and they gave it to me and I thank them very much, but the point about it is this, those who never run a Government Department, or those who occupy the office of Prime Minister for five months as a kind of hand me down, do not understand what it is to be Prime Minister and Minister of Finance to deal with ten budgets especially in these challenging times [applause]. They do not have a clue and some others who come along they are cocooned inside of a state entity, getting a salary higher than that of a Prime Minister by far and since then is downhill with all kind of mouth cannot even run a business

and want to tell persons about how to run certain things which they do not understand, have the slightest clue about. When I speak like this some, Mr. Speaker, say it is arrogance, I do not plead guilty to that charge in this respect, what it is, is a robust defence against folly [applause].

In this budget debate, Mr. Speaker, the seven representatives and two senators from the Opposition spoke for a total of 10 hours and they did so without preferring any coherent strategic framework for the socioeconomic development of this country and they offered little or no specific suggestions or proposals to tackle this or that problems or challenge in our country's society and economy. What we got was a lot of gripping, empty political posturing, while pleading for reconciliation, falsehoods, half truths and ignorance about the actual business of running a country. It was frankly, Mr. Speaker, an amazing display of collective and individual ignorance, ignorance in the sense of not knowing. If anyone had come from Mars or nearby looking for a grown up adult conversation of our nation's economy, its challenges and possible solutions, none they would have heard from the Opposition. Frankly it amount to 10 wasted hours.

Mr. Speaker, among the most important matters in any budget are the revenue measures. There are several of them which I laid out in my speech. Neither the Opposition Leader nor seven of the other Members on that side made any reference whatsoever to any of these measures. They may say that I had not been here, how do I know. I have a television in the office to the Prime Minister and I was listening and I can multitask. Two Members, the Honourable Member for the Northern Grenadines and the Honourable Member for Central Kingstown made a mention of one only, the issue of the removal of the exemptions regarding the payment of stamp duty on Deeds of Gifts of land between family members. They mentioned it as a possible hardship to people without addressing all the issues attendant upon it or the manner to effect a possible resolution.

In other words is something..., well they say we against it, people might suffer, people would suffer. Of course, the Honourable Member for the Northern Grenadines I can understand that he does not want to belabour issues of taxation, because he is a member of a profession which is notorious for not paying taxes. I am not speaking about him that he does not pay it because I do not know what individual members of the profession do, I do not ask for that, I am talking about as a profession 62 of them are in private practice, Lawyers, the average yearly tax those lawyers paid in 2009 was \$4,159.42 [interjection] yes that is what they paid for the year. The average monthly tax paid by them was \$346.62 by each of them. My younger secretary outside, Mr. Speaker, pays five hundred and something dollars a month PAYE and the lawyers drive about in the biggest cars, they live in the biggest houses, they enjoy quite rightly a wonderful standard of living, but everybody in the country must subsidise them. The poor must subsidise them, well it cannot happen anymore.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, the Honourable Prime Minister is misleading the House.

**HONOURABLE MR. SPEAKER:** He is?

**HONOURABLE DANIEL CUMMINGS:** Misleading the House.

**HONOURABLE MR. SPEAKER:** Misleading the House.

**HONOURABLE DANIEL CUMMINGS:** On the fiscal measures in my presentation while lamenting the increase in fees, professional fees I pointed also to the need to have licensing for professional engineers among others.

**HONOURABLE MR. SPEAKER:** Yes, I think you did.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, he is strengthening particularly my point. He is lamenting an increase, a slight increase of 25 percent in professional fees when..., you see, he has just illustrated my point, from 2001 to 2010 this Government has moved the top marginal rate of Income Tax payable from 40 percent to 32.5 percent. We have reduced it, therefore they pay less taxes and the last time there was an increase in professional licenses was 2002. Does the Honourable Member think really that their fees remain the same? So they have more money because of less taxes, they are having higher fees and I asked them to pay a little more in professional fees, to see why I say there is no adult discussion, Mr. Speaker, no adult discussion, what are the fees? A lawyer would move from \$750 to \$900 that is what the Honourable Member is complaining about. For a year an architect from \$750 to \$900; a dentist from \$750 to \$900 I mean really, I mean if anything can show a self serving nature with all respect to a professional that is what is revealed in that comment and a lack of comprehension.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, the Honourable Prime Minister is imputing improper motives to me.

**HONOURABLE MR. SPEAKER:** You did not even ask to give way.

**HONOURABLE DANIEL CUMMINGS:** On a point of order, Mr. Speaker, the Honourable Prime Minister sat.

**HONOURABLE MR. SPEAKER:** Okay.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, in asking for the licensing of engineers, I am a civil engineer, qualified, therefore Mr. Speaker, the comments that I am making self-serving requests is totally wrong and it is far from infantile.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I made the point with absolute clarity and I am coming back to the lawyer's tax you know. I would not be taken off. My eyes are on the ball [laughter] my eye is on the ball. Mr. Speaker, the point I was making there is that my Honourable friend is a member of a particular professional class and it is that point I was making because I said with all due respect to his personal situations, so that he hears one thing but not the caveat on the qualification so that there would be an exculpation.

**HONOURABLE MR. SPEAKER:** Okay.

**DR. THE HONOURABLE RALPH GONSALVES:** So that I would not have to rise on a point of order. I am in this business a long time you know.

**HONOURABLE MR. SPEAKER:** So you did not include him in your...

**DR. THE HONOURABLE RALPH GONSALVES:** I did not impute any improper motives on him Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Okay.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, the largest amount paid by a single lawyer for 2009 was \$80,264 and number 19, because remember I have said, Mr. Speaker, only 19 who paid, number 19 out of 62 paid \$100 for the whole year, number 18 paid \$545.88; number 17, \$1,007. 56; number 16, \$1,630.00; number 15, \$2,800.86 and so on, actually to get into the top ten you only have to pay \$6,700; \$500 a month less than the tax what my junior secretary pays. So I can understand why my Honourable friend, my learned friend may be reluctant to raise these issues because it is a can of worms.

Mr. Speaker, the total arrears outstanding for these private sector lawyers, for the 62 lawyers, the total arrears as at December 31<sup>st</sup> 2010 is \$10 million, \$10 million [interjection] well I will love that to help with the deficit [applause]. The Inland Revenue Department also has sent out best of judgment assessments to eight persons who are believed to be involved in activities which would not necessarily be approved of by persons who want to see the financial system not being used as a Laundromat nor indeed for the trafficking in commodities which are not lawful.

He has sent out a best of judgment assessment for eight of them totaling \$12 million. Of course that includes their arrears. Again they, the money launderers and the drug traffickers, they want all of us to subsidise them. They drive the best cars, they live in the best houses, they live the highest lifestyle and then they will go and take the money, they do not pay any taxes to support a particular party, particularly on the leeward side of the island and bribe people, intimidate people. Now the Government cannot facilitate a criminal enterprise [applause] and they say I am a lame duck. They must understand in this thing, Mr. Speaker, I made the point before, in this business of Parliamentary Elections, there is no prize for coming second. This is not a beauty contest. Nobody gets a prize for Miss congeniality, nobody gets a prize for Miss photogenic nor swimwear or evening wear, nor second runner up or first runner up, there is only one prize, it is first prize and it is here on the Government that is why we are governing [applause].

There are some who think it is a beauty pageant [interjection] yes I know it is only eight this time, but you said last time in November last time, you said that you had 13 seats, last time you said in November that you had 13 so that you have lost..., from 13 you have come down to 7 that means in a year the Opposition on their own reckoning lost 6 seats you know, on your own reckoning and on the true election the ULP won 8 seats close to 52 percent of the votes or there about. We are grounded in both legality and popular legitimacy [applause]. You know and this looks like a Government that it is worried about either its popularity or its legitimacy or legality?

Mr. Speaker, so that I want to give some ideas, if you look at the total taxes paid the average tax paid by employees where the chargeable income does not exceed \$5,000 a year it is \$462.00 that is people where their chargeable income is less than \$5,000 so at the moment a person gets \$23,000 a year, their first \$18,000 they do not pay anything on it and the other \$5,000 they will pay. In other words persons who are getting other persons out there who are paying \$462.00 a year for having a chargeable income of \$5,000 if they were to be among the lawyers they will be number 19 and just under number 18. Where chargeable income exceeds \$5,000 but does not exceed \$10,000 the average tax paid is \$1,168 a year, such an average tax payer if he or she were a lawyer would be at number 15 in the batting order. Where chargeable income exceeds \$10,000 and does not exceed \$30,000 the average tax paid for the year by such a person under \$30,000 is \$4,111 if such a person were a lawyer they would be at number 13 in the batting order.

Now Mr. Speaker, I am a practical man of affairs. I do not expect that the lawyer..., that the taxman is going to get the lawyer down to the final penny. It has never been like that and I do not think I would see a world in which that is the case, but frankly these own account professionals are making it a scandal and causing the Income Tax Department to go behind these things and reveal what is taking place. Mr. Speaker, I do not get involved in personal tax business, but as Minister of Finance I am interested naturally in tax policy and tax administration. I cannot tell you the names attached to these numbers, I do not know and I am not interested in knowing. Similarly something comes to my attention purely by the way that a man is ordinarily resident here and has in Anguilla a contract for a period of time of US\$10,000 a month tax free in Anguilla, he is supposed to pay taxes on it here you know, he does not pay any taxes on it. It is not my business to go and tell the tax authorities, whether he is a waterman, whether he is an engineer, whether he is a chef, whether he is a mason, it does not matter.

So Mr. Speaker, I really would have liked to have seen some discussions by the Honourable Members on the Opposition on the revenue measures. It means, therefore, an Appropriation Bill, Mr. Speaker, is about how the money is appropriated, how the taxes are raised to pay for the expenditure inside of the Estimates of expenditure that is what this debate should be about and there is a gaping hole. This is why I say the Opposition they are not serious people. There was no adult conversation on this presentation on their side. Frankly speaking for the 17 years I have been here is the worse that I have ever heard from any Opposition. Certainly since I am Prime Minister is the worse that I have heard any Opposition. When they had three of them they appeared to have been doing better and by far Mr. Speaker, the worse speech that I have heard in this Honourable House in 17 years was the one delivered in this budget debate by the Honourable Member for South Leeward. It was indescribably bad. You may say, who am I, are you a professor to give grades? No, I am not a professor to give grades, but I have been a professor and I have been in the habit of giving grades and I have given that grade from the position of being here for 17 years.

The Honourable Leader of the Opposition, Mr. Speaker, makes basically the same speech every year. He has become frankly speaking the caricature of an economist. A caricature, he is full of superficial comments and he has some prefabricated insults and put downs, they are a narrow repertoire and they are repeated annually. Like for instance, humpty dumpty. I do not know whether he has read Alice in Wonderland, Lewis Carol's famous novel, but I do not think he has, because if he has, he would recall the conversation between Alice and Humpty Dumpty [interjection] yes, I know you could wind up your finger and wind up your finger as much as you want

you know. Just keep your hands off the item there, because given your proclivities you might throw it you know. I prefer you do your finger than put your hand on top of that because you may think is a stone [laughter].

Mr. Speaker, the Honourable Leader of the Opposition stylizes his facts in search of a theory of explanation. He provides no conceptual or strategic framework, he is very wrong-headed about facts, he utters a lot of falsehoods on facts and I will give those here today and as always he offers no solutions or no credible solutions. He continues to make the mistake in thinking that economic analysis is a recitation of statistics devoid of history context than text. Further, Mr. Speaker, he postures with a narrow view of economics as merely the aggregate of a series of technical functions, abstract unreal and disconnected from real flesh and blood people in their multiple connections. He does not seem to understand the nature of the post colonial society and economy which we have, size limited resources, buffeted by the ill winds of globalisation and the challenges of nature and the workings of the contemporary world economy.

When I hear someone like Senator Leacock who is a graduate of the University of the West Indies said that in my budget speech I mentioned Tomas 7 times or 9 times, he apparently went through and did the counting, Mr. Speaker, Tomas is a major disaster [applause]. It affected people livelihoods in a real way. From the forest to the seacoast, the plantations, banana fields, houses, roads, everything, it has caused a lot of money thus far to address Tomas and still we have a lot more expenditure to lay out this year on Tomas and in so far as the forests are concerned, where there is a damage of \$31 million to be repaired and the seacoast which we have yet to fully get the dollar value, the dollar costs of the damage, because we are working with the World Bank with that and the river defences. It is a major constraint on how we are proceeding and it is an important question which had to be considered in this budget.

So for a university graduate, a gentleman of mature years to say, well why he had to mention Tomas like that, clearly they are not ready for an adult conversation. They are so accustomed to going on Lynch programme and on Nice Radio unchallenged about anything and we get the worse of them, the worse and one would think that when they come to the House there would be some kind of metamorphosis, some kind of a change, no, it is too deeply ingrained. The superficiality, the tendency towards falsehood, all of that continues and what is driving them more than anything is a thirst, a hunger for political power to come here, to come over here and sit down. I tell you, Mr. Speaker, I told my family that I will like to leave in 2015, but if that is what is there as the alternative, I have to rethink my position in the interest of the nation [applause]. [Interjection] you see what I mean? You are not even following logically. If I see the writing on the wall, I will like to leave, but the fact that I am staying or considering staying is an indication that I have to save the country from what is over there. So it is not a writing on the wall, [interjection] you think you are going to get close like this next time? You are in dreamland [interjection] you are in dreamland.

Mr. Speaker, a budget is not merely a numbers exercise. It is an encapsulation fundamentally of a country's frame of governance and the frame for development captured in target numbers within a specified time period. The budget is not simply an economic tomb based on a traditional fiscal formula, grounded in the Washington consensus of the IMF and the World Bank. The budget for me and this Government embraces other disciplines. It embraces economics, but importantly it has to embrace sociology and philosophy, history, political economy and an enlarged view of economics and fiscal possibilities and yes, theology, beliefs systems,

existential ideas and from all these considerations we have emerging a creative imagination apply to the reality of our condition and that is how solutions arise [applause].

Mr. Speaker, the context of this budget among other things was laid out in the introduction to my budget speech, the global meltdown and its consequences, the regional challenges in banking and insurance, hurricane Tomas and the performance of our economy. And Mr. Speaker, we had yesterday, and I urge the Honourable Senator Baptiste whose writings I read, but find difficult to do so on an ongoing basis now because they are in one narrow vertex, but I always like to see young people, they are getting involved in writing. It is something which I look at and say, even though I disagree with the person, let me see how she is coming along and one of the things I would advise her seriously as I did in the Estimates debate, please do not take as gospel matters on economics and fiscal matters what you hear from the Leader of the Opposition, you would be led astray, please. [Interjection] well, I am far better [laughter] I am far better [applause]. [Interjection] yes, yes, yes, yes, yes, but we all learn under the suzerainty of Almighty God you know. Mr. Speaker, let us look at the fiscal outturn for the year 2010. Remember I indicated that we budgeted for a \$20.5 million current account deficit. We ended up with a current account surplus of \$1.3 million [applause]. We did so by being very prudent in some of our expenditure, extremely prudent while being enterprising. When you have a budget, this is why I say a budget gives a targeted set of numbers in relation to certain goals, but if in the first half of the year you are looking at your revenue collection on a monthly basis and you see things are coming tight, I tell my Cabinet, I said, I do not see that revenue numbers are going to be increasing sharply so that certain things which we intended to do we can do, but we have to scale back in this way or that way and hold it. And the reason why that can happen is because I lead team and we talk about these things.

Mr. Speaker, let me just say this, they may appear to be simple matters, there is a Prime Minister for instance in an island in a Caribbean country, a senior Minister who was with him for 13 years called me, he said, I want you to talk to your brother, he said that there is no collegiality, there is no oneness, I say, how you mean, don't you go to his house? He says, you know I cannot go to his house unannounced and I have been there twice in 13 years, once for an official function and once I had to go as a matter of urgency to him about something. Well my house at Gorse is open to all my colleagues and their families and also the official residence [applause]. Every week we eat a lunch together, every single week and during that period when we eat it we talk matters about Government, but we talk a lot of personal things and you build friendships and relationships. Why is it that you have never seen somebody resigning from the ULP? Or I had to take somebody under me wing [laughter] or I had to hold the jib or some other such expression, no, because of the way we function.

Mr. Speaker, we have a surplus in 2010. So when the Honourable Leader of the Opposition recites that St. Vincent is the only country, St. Vincent and the Grenadines is the only one along with Antigua which run a deficit on their budget, you may structure it in a targeted way but you seek in your application to make sure that it does not get away from you. Mr. Speaker, and that is why the Deputy Prime Minister whom they will say, she is a school teacher, but you notice she read the first page of the conclusion about deficits and manageable deficits if you hold them for a period of time, because she understands it. It is something which we all discussed [applause]. But let us look at our comparison with the rest of the OECS.

Mr. Speaker, let us look at per capita GDP, Gross Domestic Product, the Gross Domestic Product is the value, the aggregate value of all the goods and services produced in a country within a year. That is the measurement. And to have the per capita, the per head you divide it by the population and this measurement is an internationally accepted measurement having the GDP at market prices and really it is easy in a region which is so homogenous too, our subregion. I am addressing the six independent countries of the Eastern Caribbean Currency Union.

When we came to office, we were last among the independent countries of the OECS. We were last in 1984, we were last in 2000, in fact the gap was going wider. I have demonstrated that time and again in this Honourable House between the others and ourselves. What has happened and I will just take 2005, 2006, 2007, 2008, 2009, the five years and come up..., I will give an average as to how we have seen the capita per GDP grow, but I will give the absolute numbers. Remember we were last, we are now number three [applause].

Only the high wage economies of Antigua and Barbuda and St. Kitts Nevis, high wage tourism economies are ahead of us. We went past first all Dominica, and then we went past Grenada and St. Lucia. These are the figures and Mr. Speaker, lest it be said that I and using our rebased figures and not the older GDP figures, because our rebased figures will be higher than in some countries who have not done the rebasing yet, even though they are all moving to it. So what I have done, or what I had the staff do is to use the pre-rebasing figures so that there would be..., you are comparing same and same.

Antigua and Barbuda for the year 2009, we do not have the figures finalised for 2010 yet, the per capita GDP, sometimes they call it the per capita income for short that is a precise measure, the capita GDP, Antigua and Barbuda \$33,249.00; St. Kitts Nevis \$27,152.00. Number three St. Vincent and the Grenadines \$15,884.00; St. Lucia \$15,236.00; Grenada \$15,034.00 and Dominica \$14,036.00. This tells us what all Vincentians know that our wealth in this country has increased and people throughout the whole country have had on an average a lift in their wealth, their incomes and an improvement in their lifestyles [applause].

I will come to the poverty issue shortly. Mr. Speaker, let us look at the GDP at market prices current, the same five year average and see what the increases have been. The highest increase St. Vincent and the Grenadines 6.8 percent, next Antigua and Barbuda 6.1 percent, and St. Kitts Nevis 5.7 percent, and so on. Debt to GDP ratio, I would not use the rebased figures which show us at sixty-two point something percent, I want to use the pre-rebased figures to make the comparison again equal across the board.

In 2001 when we arrived here the debt to GDP ratio for St. Vincent and the Grenadines was 72 percent. In 2009 it was 70.2 percent, it was less. Why was it less? Because the GDP grew faster, the wealth of the country grew faster than the rate of the increase in the debt and we have to take into account too the nearly \$180 million in debt relief which we obtained on the Ottley Hall project, incidentally, you did not hear a word about them from Ottley Hall. They have amnesia.

Mr. Speaker, the budget debate, may I borrow..., the Standing Orders, Mr. Speaker, 62 (3) after the Minister of Finance has made his budget speech the motion for the second reading of the bill shall be seconded and the debate thereon shall commence the following day and shall be confined to the financial and economic state of

the country and the general principles of Government policy and administration as indicated in the Bill and the Estimates, the financial and economic state of the country. The Ottley Hall debt is an issue touching upon the financial and economic state of St. Vincent and the Grenadines [applause] and I will talk about it in my wind up [applause] but you would not want to say anything about it, would you? [Interjection] you might? Well you are reckless enough, you are reckless enough because you told us that the Argyle International Airport has the potential to bankrupt the country and you dealt with all the wind studies and so forth. You were not a page 4 man which is the SCL page; a major international construction group would partner the NDP to finally get the Argyle Airport into a state of readiness. You are not a page 4 man [interjection] no, no, no, no; I am just showing how you are reckless. That is the point I am making [interjection] you do not get me off. The NDP is about the governance of the country too you know, to keep you out from it [laughter]. Then I will go on the infrastructure page, page 55 [interjection] I am not getting distracted. I am a focused man.

In fact, what Luther and the comrade..., you remember the hit during the election? NDP them a joker [laughter] like a pack a card them a play poker [laughter] you remember that one? Yes, Mr. Speaker, page 55 wind studies you told us about that, a study of the prevailing winds at the site should normally take ten years before the project starts. In this case the wind studies began simultaneously with the construction work. So you are going to halt the work, have the consultants, five years, four and half years of wind studies have been done, so you will do another five and half years, by the time you get around to finish your wind studies the airhostesses announcing that your wife and children arriving from Toronto on the 747 [interjection] no, when they go back on holidays nah. That is the point I am making to you.

Mr. Speaker, the Honourable Leader of the Opposition did not address the issue of growth, sorry, the debt Mr. Speaker, 70.2 percent in St. Vincent and the Grenadines. The lowest in the independent OECS countries, the next is 72.8 percent for St. Lucia, 90.4 percent for Dominica, 98.2 percent for Antigua and Barbuda, 111.3 percent for Grenada and 174.8 percent for St. Kitts Nevis, I ask the Honourable Leader of the Opposition in putting down St. Vincent and the Grenadines, would he want to be in the situation of St. Kitts Nevis with its contrived surplus on the current account, but having a debt to GDP of 174.8 percent. Would he want to be like Grenada 111.3 percent? Come on, this is why you do not take the Caricature of an economist seriously, which is what the Leader of the Opposition has become.

Growth Mr. Speaker, for the last..., we do not have all the comparative figures for the other islands for 2010, but let us deal with 2008 and 2009. In 2009 we had a decline of 1.1 percent; St. Lucia had -3.6 percent, St. Kitts Nevis -9.6 percent, Grenada -7.7 percent, Dominica -2.2 percent and Antigua and Barbuda -8.9 percent in 2009. I make the point here what I made in my budget speech which was not challenged by anybody on the Opposition side that though we have had negative growth in the Eastern Caribbean Currency Union in 2009 and 2010 our decline was much less than the Eastern Caribbean Currency Union Average [applause]. Now this does not mean that we do not have our challenges. That is why I said, we are not out of the woods, it is not a walk in the park and that is why people decided to put this enterprise again in safe hands [applause].

Mr. Speaker, the Honourable Leader of the Opposition did something which I had to get up and correct. He said that I do not speak the truth of our condition. I must follow my friend Nazim Burke as the Minister of Finance in Grenada. Mr. Speaker, in last year's budget, and you can go back and you can look at the one for

2009, on the first page I said, the global economic recession of the past 16 months or so has caused enormous economic dislocation in the Caribbean including St. Vincent and the Grenadines. The evidence is before us and I read out the evidence. Sharp decline in growth rates resulting in negative growth across the region; a rise in unemployment; a drop in Government revenues; an increase in debt to GDP ratios; a fall in investment, including foreign direct investment; the decline in remittances from abroad; a fall in banana earnings occasioned largely by the continued erosion of trade preferences; a decrease in tourism receipts and exports of goods and services; externally sourced attacks on the International Financial Services Sector; an increase in Government spending particularly on enhanced safety net provisions, those are for the poor; subsidies and a certain financial stimuli; a deferral of expenditure on certain capital projects; and a daily strain on the cash flow position of Governments in the region. And then I went on to talk about CLICO and British American.

Mr. Speaker, in my budget speech I practically repeated that paragraph. That is the truth. You have never heard a Minister of Finance tell it with such unvarnished clarity. Why must I hide these challenges from the people, when I am asking the people to own their Government and for letting us work together in going forward? I understand, Mr. Speaker, the problems of the Opposition in this because, becoming part and parcel of the process of owning the Government would mean that they would have to reconcile themselves to an event which took place on the 13<sup>th</sup> December, but if you cannot reconcile yourselves to your defeat and you believe you run things, well you know, what can you do with persons like that? Completely turning their face against reality, you lost, accept it and go on you know and enjoy your other five years in purgatory and see how you can bring yourselves up either to redemption or whether you are going to go into domination, I am using the concept of purgatory here in a very broad and catholic sense, small 'c' not Catholic Church.

So Mr. Speaker, I tell the truth about what has happened. There are some who..., they talk about they are in for truth saying, but they duck things. I do not do that. The truth was told this year as we did last [year] fully about the challenges relating to pensions. The Honourable Leader of the Opposition, an amazing gentleman, he says, he wants to put forward himself as a statesman. You see there is this view that if a feller is dour and he does not have a personality which grabs people to him and he is leading he must have some redeeming qualities, so whether he has them or not, you ascribe them to him. So you ascribe this mythical thing in relation to him as statesman that is part of the quest but of course it fails because it rings all over, it does not have anything to support it. Because it says that politicians look for the next election, but statesmen look for the welfare of the country way into the future. Let us deal with the issue of pensions.

I was in this Honourable House in 2000 and I was amazed, Mr. Speaker, when the then Minister of Finance now the Leader of the Opposition, he was not yet Prime Minister, he brought a Bill to reverse the law in relation to pensions. In 1993, everyone who entered the Public Service from the 1<sup>st</sup> January had agreed upon their entry, because that was the law, not to have a gratuity and pension from the Consolidated Fund. They said you will get it just from the NIS. Of course they should have structured the NIS properly so that the Public Servants would not have been demanding the double pension from the Consolidated Fund and from the NIS, and the Gratuity and that law was in place from 1993 until May 2000. What transpired then? In April the same Minister of Finance at the time brought a Bill here which was honestly captured by the people as a whole called, "the greedy bill", where the original Bill which came, it went through several mutations, even spouses of Ministers were supposed to get pension after Minister had left this earthly city, and they increased the pension

provisions for Parliamentarians and they did so in the immediate aftermath of what the then Minister of Finance now Leader of the Opposition when he had told the Public Servants on television, not one more cent for you, not one more cent. So the nurses and the teachers and everybody began to protest. They started it and we got involved as the ULP.

Mr. Speaker, among the things which the Public Servants were agitating for, for some time was to get the pension, what you call the double pension and the Minister of Finance then came here and he moved a Bill, he moved the first reading, the second reading, the third reading, he passed it in one day to remove the 1993 law so that the Public Servants will get the state pension, gratuity and pension and that from the NIS. On the other side, we said, we cannot oppose this, but have you studied it? The then Minister of Finance they were seeking to curry favour with the Public Servants and Teachers and Police because they knew that an election was around the corner. I asked them, I say, you seriously think that you can butter up civil servants with this at this late stage and get their vote? He the Minister of Finance went and grasps the ignoble chalice of opportunistic politics. Went and grasped it [interjection] statesman, where, where is that? And now because somebody asked me a question, Mr. Speaker, at a Press Conference where somebody had said, well I should not act like a politician, I should act like a statesman and do a, b, c, d, e, f, g, things and I said, the persons who are preferring the advice now, are those who wanted to see my political demise and that you know, it has been said that a statesman is a dead politician. President Churaman said that and I give examples, I said, Errol Barrow is a national hero in Barbados, but when he was alive those opposed to him said that he was a partisan politician. So you do good work but while you are in the rough and tumble those who are there with you would see you as a politician, history make the judgment about you and that is how I made it. And then that now becomes an issue, Ralph is not a statesman, he is a pure politician, but they forget the analysis which was given.

But you know one of the things why I believe that I survive all the slings and arrows of misfortune, Almighty God sees how my enemies try to distort what I say and sometimes, some who claim that they have a higher hold on God than anybody else, I pray for them, I pray for them. [Interjection] I cannot critique everything my dear, my Honourable Member. I cannot critique everything. You will discover and you may be discovering it, you see, maybe your only job now is that of a Senator and doing your Thusian work [interjection] no, what I am saying, so you may have time to respond to every little thing somebody says about you. Me from the vantage point of all my years of experience, I respond only to those things which I consider worthwhile responding to and I ride the other things with the grace of Almighty God [applause].

Now Mr. Speaker, I came here following upon what the Governor General, His Excellency said on December, 29<sup>th</sup> about attitudes to work and production and I elaborated on it in my speech, because when the Governor General spoke, he spoke on behalf of the Government. And some persons may not understand this, the Governor General Throne Speech is drafted in the office of the Prime Minister and the draft is sent to the Governor General and he makes the editing and so forth and what editing he makes or any insertions, it comes back, the Cabinet Secretary brings it to me, he say, Prime Minister this seems to be in order. I say, Cabinet Secretary if it is in order, fine. That is how the Throne Speech is crafted. So what is represented there has to support the Government of St. Vincent and the Grenadines. Because the Governor General represents a Constitutional Monarch and his role is clearly defined in the Constitution.

Now Mr. Speaker, not one Member of the Opposition has addressed the question of attitudes to work and production and everybody who is here knows; everybody who is listening to me knows that this is a challenge which we have in our country. In the private sector, in the public sector, why? One of the things which voters do not want to hear is that, at least some people think voters do not want to hear is to say to them, you need to work a little harder and smarter. But we say it and the people agree with us. It is in our manifesto too you know, improving attitudes to work and production as one of the critical factors in lifting the economy [applause] but that is statesmanship. On the other side, they are ducking it. They are afraid to touch it. Some people are afraid to walk the streets of Ashton or Clifton to say, boy he talking about working harder and so on, the man aint even paying me no money, way he think, eh? Fellars are afraid of that. Not me, not this Government. You know why? Because the people know that we are a Government for the poor and the working people and the nation as a whole and when we come to speak to them like that, we come to speak to them in their own interests and to lift all of us up together [applause].

Mr. Speaker, I have come and I have spoken openly and frankly throughout this whole region about the insurance issues and matters touching upon the responses of regional Governments. Talk openly about wastage. When I spoke first about wastage at the medical stores and when I talked also about things go missing and not just ordinary workers who necessarily will take them, I got a torrent of criticism. NDP everybody for them on the radio stations and from captain right down back to cook were criticising me, they were criticising me. Until it came out bit by bit that the comrade was talking the truth and then all of a sudden the Opposition now begins to accept that is the truth and say, ah look at what is happening at the medical stores and bringing documentation to show what was happening at the medical stores. Documentation no doubt supplied by somebody who is from inside who is seeking to unseat the Member for Marriaqua, but we see how that happened. We see how that panned out.

Mr. Speaker, this Government is not afraid to tackle the difficult issues. That is why we are not afraid to tackle the matter of Constitutional Reform about which people were talking so long. That is why we were not afraid to tackle the kinds of activities which were going on in Public Works and you required an organisation like BRAGSA to bring a new structural frame to deliver value for money for the people of St. Vincent and the Grenadines and so on and so forth. Never ever are we afraid of handling matters which are apparently unpopular. We go and we explain them to the people.

Mr. Speaker, the Honourable Leader of the Opposition got on his real high horse about jobs. He says the budget has nothing to do with jobs. When in fact it is one of the central objectives of the budget, not only is it in the title of the budget, the issue of jobs recur throughout the budget. If the Honourable Member for Central Kingstown had done the count about job creation, he would have found far more references than Tomas. The title of this budget, “fiscal and financial stabilization, job creation, wealth creation and social safety at the tail end of the recession,” and I will point out a number of issues in the budget as I go along in my wrap up, Mr. Speaker, which touch and concern and which interface with job creation.

But I want to address the issue of jobs. The Honourable Leader of the Opposition he takes a document from the Eastern Caribbean Central Bank, which is an organisation which he also damned in his speech, but he used this and said that they showed that for the NIS for 2010 you had over 5,000 persons less as active employees. Now

in a country like this, if you have 5,000 persons less active employees and you have it between 2008 and 2009 and then between 2009 and 2010 there will be riot on the streets. So everybody..., he himself must have known that something is wrong with the numbers and he tried to be crafty and said, if even we discount it by 50 percent, two thousand and something is still a big number that is how he did it you know. He knew, that that could not be true that something was wrong with the data and that is why I told him that when you want to get the correct data for any particular year, you have to wait until the end of the first quarter of the subsequent year, until all the reconciliations are done. Because companies including the Government will send in the payments, but would not necessarily send the names of the persons or the numbers of persons they are paying for and then the NIS personnel will go to them and do the reconciliation. So what is really the truth? Incidentally, when I told the Leader of the Opposition this, he said, well it worked the other way then when you overstate it. But I do not overstate it. I know how the statistics are collected, so I will give you the final number for a particular year after the reconciliation and then I will also know what is the number I can give you which are a reasonable approximation, because they will have an idea as to the extent of the non compliance of employers. So he tried to make a come back, but it is a come back with no point. I mean it is nothing. He was caught and then he said something which had absolutely no meaning. I did not bother with him again, because I had made my point, and I know that in this wrap up I will give the data.

Let us deal with the data. First of all he is wrong that between 2008 and 2009 that you had a decline in the number of employees active. In 2008 it was 38,069 and in 2009 it was 38,192 so that is the first error. It was more rather than less. So rather than being 2500 less, it was actually one hundred and something more. What can you make of the Leader of the Opposition when he sullies whatever reputation he has as an economist? That is why I say, he is now a caricature. The obsession for the number job is so much in him. Apparently, Mr. Speaker, there is something where I do not know, this is a hypothesis and it has to be tested and he can help us in the testing, but we can make the observation and see whether I am right or not that somewhere in his upbringing, his parents must have told him that you will be the Prime Minister, you will be leading this country some time, you will lead it some time. And what really rankles, Mr. Speaker, is that there is this feller from Colonaire who comes from nowhere, son of a peasant, just pip all of them and take the prize. They cannot accommodate themselves yet to it, it is an obsession with them. So he is there, he wants it. I promise my wife on the 28<sup>th</sup> March, her birthday that I will give her a birthday present. Man from Colonaire take it away from me [interjection] yes, country bookie come to town, tek it from him.

2009 he got the Referendum, he say, aaaah, ah have him now, ah have him now. And that is why, Mr. Speaker, when I told him yesterday, he did not say anything and I said in a cross talk and I repeat it here. Mr. Speaker, [interjection] yes, yes, yes, they started to measure curtains, they trying to get to measure curtains, they got the plans from the architects and so on and they were measuring curtains [interjection] no, no, no, no, those what you all call Saddam Palace [laughter].

Now, Mr. Speaker, he was listening to the results at Hotel Candy. When the results came in, when 8 seats he started to cry, he went into a corner and the reports reliably, people started to scatter of course, because when they lose you know they have to come into town to put on their red shirt [laughter]. I saw some of them who had yellow the day before and the night when I came in town from country I see them in red. I said what? I had to take a second look and a third look, like my eye giving me some problem there comrade [laughter]. He

was in a corner shaking as though he had ague, they had to get limacol and alcolado and sap him and put smelling salts by his nose [interjection] yes, limacol and alcolado, sap him. That is what happened. Now so there is this thing, he wants it; it is almost now an obsession. That is why, Mr. Speaker, and it concerns governance, because I read the..., and it is a point of relevance and contact with the Standing Order. The night of the election, the Honourable Member for Central Kingstown had a different view and he repeated it the next morning. He said and we are sorry that we lose. It is good that the party has gotten a few more seats but it is clear that you need fresh legs to carry it over. Fresh legs at the top and no doubt he was saying his legs are the freshest of the lot. He has the freshest legs and when on the night my..., you see these legs, these legs and these eyes, I know you are watching my eyes you know, I know you are watching my eyes from over there [laughter]. I saw you took off your glasses to watch my eyes [interjection] thank you very much [laughter] thank you very much. You see better without the glasses [laughter] [interjection] oh, with the glasses, but when you take them off you kind a spy me [laughter] you kind a spy me and thank you very much for spying me.

Mr. Speaker, in relation to the number for 2010, the NIS says to me that the number for 2010 which they may have to do some reconciliation with, but the numbers which they are working with is \$37,869. Now if you take \$37,869 in 2010 and in 2009 it was \$38,192 you just see that there is a difference there of \$323 that is all. That is more realistic that if you have a decline of the active number of employees..., but Mr. Speaker, you have to put on in addition to the active number of employees, you have to put the active employers and you have to put the active self-employed persons and the active employers in 2010 was 2002 persons and self-employed active was 1014 giving you a total of..., it is over 30,000; 37,000..., let me get the number there, 37,869 plus 2002 plus 1014 just over 40,000; whereas in 2001 when we came to office the number was just over 34,000 the aggregate number, maintaining the position which you have always maintained that under the ULP we have had significant increases in employment [applause].

Now I want to say a few things additional, Mr. Speaker, I just want to correct another error by the Leader of the Opposition. He said that the NIS has \$62 million invested with British American alone. Well that is not true. They have \$6.51 million invested in British American [interjection] yes the point was in the wrong place and for CL Financial Barbados they have \$11.95 million and with CL Financial Trinidad \$35.47 million giving a total of \$53.93 million. Mr. Speaker, it is important for me to provide some data on the NIS. Even though there was a slight decline in numbers between 2009 and 2010 the contribution income has gone up, from \$41.5 million to \$42.5 million. The benefit expenditure was \$29 million in 2009 and \$30.5 million in 2010. The Net Income was \$22.2 million in 2009 and \$20.2 million in 2010. And I should indicate that the number of pensioners actually on the list is 5571. So we see the significant number of persons when you put the pensioners on the NIS and also those who are on public assistance, it is a significant number of people whom both the state and the NIS have to carry, the Government and the NIS.

But I want to say that the employment is much more than we see on the active contributors, because you take active employees by economic sector. For agriculture they just have 360 persons showing that a lot of people who are working in agriculture are not really on the NIS. It is a problem. Fishing only 32 persons, this one really where it should be easier to address, work in private houses, just 617 persons and of course we know we have more than 617 persons working in people's private homes. So you have a far more employment than you have on the list, the active list.

Now, other information, Mr. Speaker, it is part of the ongoing debate. Mr. Speaker, the issue of pension reform of the National Insurance Plan has been in the public domain since 2005, so that the proposed reform measures we have been reflecting on them for quite some time. The sixth actuarial valuation of the NIS which stated specifically to increase the current contribution rate to at least 11.64 percent of insurable earnings within the next five years that report was publicised late 2005 early 2006. Then the seventh actuarial valuation report, also highlighted the need for a contribution rate increase within the next couple of years and we have the IMF, the Fiscal Affairs Department in late 2007 do a study for us called, “assessing pension reform options.” So that I want to say, it is not the collapse of CLICO, CL Financial which has been driving us to this, it is our understanding of the problems of an insurance system which is young and as it matures it is going to have some challenges combined with what we have seen on the pension and retirement benefits. Because let me say this, if the Honourable Leader of the Opposition when he was Minister of Finance did not change the pension arrangement, I would not have had to be finding now \$7 million additional for retirement benefits for this year. But he took the political way out. You see, I notice that the Honourable Senator Baptiste, I know she has even a residual affection for me, because I see she listens and she says a few things under her and I am sorry that before she had left the ULP to go to the NDP, she should have really have a conversation with me and I would have advised you of the error of your ways [interjection] yes, yes, but you know I..., but it is okay. I always believe in redemption [interjection] yes, yes, yes, I know redemption ultimately there that one is with God and we go forward, but I am talking about..., the ground politically you will say that redemption can come you know, you sing a sankey and you light a candle [laughter].

Mr. Speaker, the [interjection] he should not really talk about grapes because people would remind him about wine [laughter]. Mr. Speaker, [interjection] no, I would not remind you about rape at all...,

**HONOURABLE MR. SPEAKER:** Honourable Members let us...,

**DR. THE HONOURABLE RALPH GONSALVES:** No, but Mr. Speaker, I do not mind addressing it, because a false accusation was made on me. The matter was ventilated through the courts, then the..., through the High Court the Court of Appeal, then when they sought to bring it before a Magistrate again, the Family Court they said the complaint is frivolous, vexatious and abuse of the process of the court. But one thing I know I never stone church.

**HONOURABLE MR. SPEAKER:** Let us stop this kind of throwing words across the floor.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, you see, he did it once and I allowed it pass, so he think somehow I am afraid of the subject. I am not afraid of the subject and I have addressed it on many times, but that is the kind of vile nastiness, which is really unbecoming [applause].

**HONOURABLE MR. SPEAKER:** Continue the debate.

**DR. THE HONOURABLE RALPH GONSALVES:** But Mr. Speaker, sometimes we are in the same line going up to take communion you know, so Mr. Speaker...,

**HONOURABLE MR. SPEAKER:** Maybe you need to be Evangelicals [laughter].

**DR. THE HONOURABLE RALPH GONSALVES:** Yes, so hope I have put him to rest with that matter. He may yet raise it again, but he has to be worried about things what he is facing in the court below.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister, let us move on with the debate please. We will deal with that otherwise.

**DR. THE HONOURABLE RALPH GONSALVES:** [interjection], no, because nobody has put a private criminal complaint against you, they can. It is an easy thing.

**HONOURABLE MR. SPEAKER:** Honourable Senator, Honourable Prime Minister, let us move on with the debate.

**DR. THE HONOURABLE RALPH GONSALVES:** Yes, Mr. Speaker, [interjection] no, I will...,

**HONOURABLE MR. SPEAKER:** No I am cautioning you. Kindly stop throwing these things across the table. Honourable sit down for me please [laughter] continue your debate.

**HONOURABLE DANIEL CUMMINGS:** Point of order.

**HONOURABLE MR. SPEAKER:** Let me hear your point of order.

**HONOURABLE DANIEL CUMMINGS:** There are disparaging remarks being made about me and I have a right to respond.

**HONOURABLE MR. SPEAKER:** But I asked that let us..., I do not know about the question of having a right to respond, but I say let us discontinue this.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, there are disparaging remarks made about me and I have a right to respond in this Honourable House.

**HONOURABLE MR. SPEAKER:** It takes two to tango and I ask that you..., well either of you finish this conversation. If one would not give way, at least if the other does then I can deal with the matter in a different way, but if each of you continue to throw words as across in a market square, then I mean it has to come to an end. Somebody has to stop. Not so?

**HONOURABLE DANIEL CUMMINGS:** ..., still remains, there are disparaging remarks which I need to respond to.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister, could we continue the debate and let us just end these disparaging remarks.

**DR. THE HONOURABLE RALPH GONSALVES:** I am obliged, Mr. Speaker. Mr. Speaker, one of the challenges with the NIS has to do with the increasing maturity of the plan and is evident by the steady increase in the support ratio, the number of pensioners to active insured population. This is driven mainly by the longevity issue where pensioners are living longer and we have lower mortality rates among pensioners and the future active population is threatened by the low fertility rates and rising outward migration, point one.

Secondly, the transition of the plan from a grant's based plan to a pension based plan, this is because the insured persons are able to accumulate more contribution weeks which makes an increasing number of pensioners eligible for pension instead of a grant. Further the rapid increase in the average pensions relative to insurable earnings, the average weekly pensions in 2010 stood at \$88 compared to \$47 in 2001 which represents a growth of 87 percent.

Mr. Speaker, there is also the drastic increase in expenditure that is to say the total expenses as a percentage of insurable wages during the review period. The expenditure rate increase from 4.3 percent in 2001 to 7.27 percent in 2010. It is to be noted that the expenditure rate of 7.72 percent is very close to the contribution rate of 8 percent and Mr. Speaker, the generous design which is also a main driver of pension growth, the generous design of the plan and there are two generous aspects of the design that are worth highlighting, the first, a frontend loaded design which provides pension entitlement for 500 weeks of contribution at a rate of 30 percent of insurable wages effectively 3 percent per year and after the first 500 weeks, pension entitlement is effectively 1 percent for every 50 weeks of credit up to a maximum of 30 percent making the maximum replacement rate of 60 percent of the insurable earnings and also pensions are calculated based on the best three contribution years of the last 15 years. And finally Mr. Speaker, in this regard, the low contribution rate in the NIS, our country has one of the lowest contribution rates in the region, second only to Jamaica, whilst providing a very competitive and dignified benefit package to the beneficiaries and their families.

Mr. Speaker, I turn to the allied subject of poverty and public assistance. This has generated a lot of discussion during this debate. It is an amazing thing. Someone who is uninformed on this subject, a gentleman who is on Nice Radio on Monday Nights is the first person to raise the issue that we have so many persons on public assistance because of the increase poverty in the country. I do not know where they get this from. First of all Mr. Speaker, the data show that poverty has gone down and the poverty rate has gone down both in relation to general poverty and indigent. And we use the same consultants which the NDP, Kairi Consultants out of Trinidad.

In 1997 they found, Mr. Speaker, the consultants found that you had poverty at 37.5 percent of the population and indigents, what you may call dirt poor poverty of 25.7 percent. In 2008 which was not, Mr. Speaker, a very good year to complete your field work on a poverty assessment with prices rising and oil prices at US\$147 a barrel in July of that year. Yet despite the time when much of the field work was done, some was done before, Mr. Speaker, we saw a reduction of poverty, general poverty from 37.5 percent to 30.2 percent and for indigents from 25.7 percent to 2.9 percent [applause] of the population. It means that when we arrived here in office you had 26,000 persons living in indigents cannot make ends meet, cannot keep body and soul together as we would say and when the research was done, completed in 2008, it shows that we had moved to just about 3000. We got to get those 3000 away from indigents and we have to also reduce the general poverty level.

Mr. Speaker, how have we proceeded? And there is logic in these things. We arrived in office and when we arrived in office we said that addressing poverty and the education issue, they are the two priorities, poverty reduction and the Education Revolution and they go hand in hand. And we went about them in a most focused manner. Mr. Speaker, when..., apparently there are some activities outside that is [interjection] yes, Mr. Speaker, when we arrived in office we said we would set about and have an interim poverty reduction strategy. We did a lot of consultations, we brought in a lot of experts and having done that we decided to apply the interim poverty reduction strategy and when we have been applying now for a good six years, I said to the Director of Planning, Laura Anthony Browne, I said to her, “we should really assess how we are.” Is our anti-poverty strategy working? Let us study it.

There are people who said, but this is a risk. Suppose the numbers come out bad? I say, well if the numbers come out bad it means that our strategy was failing. We will get an idea as to extent to which we are succeeding and that is why we had the Kairi Consultant Study. Having done that now and as a result of that study, Mr. Speaker, we are now engaging the Caribbean Development Bank and we have the terms of reference and I have outlined those things in my budget speech that what we do now is to develop a poverty reduction strategy paper arising out of the findings to see what other things that we should be doing and that is how we have proceeded and that is the way in which this Government is addressing this question.

Mr. Speaker, I heard it said by the Honourable Member for West Kingstown that it would be good if we can have reconciliation in the granting of public assistance doing things in social development. Mr. Speaker, this country is law based. There is a Public Assistance Act. The Cabinet appoints the members of the Public Assistance Act and they make the assessments. They work with the Permanent Secretary and the Minister concerned.

Mr. Speaker, some persons may not want to believe this, but the gentleman who is the representative for the constituency of North Central Windwards, Mr. Ainsworth Andrews, he is now there I think for two years, maybe three years, or maybe a little more than that, I have never on one occasion said to Mr. Andrews, I want you to get Tom or Mary to go on. I have not gone to the Permanent Secretary, with me in the case of poverty, I allow the professionals to do their work in respect of who to put on, on the public assistance and from time to time they would check the list on an ongoing basis to see that it is in order.

Mr. Speaker, in relation to materials, when I was in the Opposition there was a system where..., I met a system where you could get forms and you filled them out and send them in. You as a Member of the Opposition, and sign your name on it. I was very diligent on this to send for materials and then the people whom I sent with the forms they sent them back and say they changed the form. When I enquired about this if I cannot get some of the forms which are changed, they say, no, you cannot get the forms which are changed. How I then had to try and have that addressed, because of my personal relationship with two former Ministers Louis Jones and Monty Roberts, I would go sometimes and maybe they may help one a me people, maybe two, but I was not too ashamed to go and beg. I ain't too big to go and beg, even though I was Deputy Leader of the ULP and subsequently Leader, I am not ashamed to go and listen..., but there are some people for them to get reconcile to anything, you have to have them appoint somebody to the Public Assistance Board. But the Government does not work like that. There is a Government and there is an Opposition.

You can send in your names, but let the professionals deal with this matter. Mr. Speaker, when we started the Youth Empowerment Service in October 2001, we started it first with 300 persons, not yet 500 or 550, and we said for each constituency since it is 300 we would have 20 persons from each constituency and we would ask the Opposition MPs to send in 10 names, the Government MPs would send in 10 names, but people can go to the office and finally, the people down at the office would decide whose names they put on. And a lot of persons who were recommended by the NDP for the Youth Empowerment Service got on [applause] and then I said....,

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister, just to remind you on your final hour.

**DR. THE HONOURABLE RALPH GONSALVES:** Thank you very much, Mr. Speaker. I said to the Cabinet, I say, “look, the NDP out there they are saying it is a Youth Exploitation Service.” They are attacking it. You know what we do? Let us take the politics out of this. Let us not have any representative send anybody from anywhere. Do not allocate anything, let the professionals address it and that is what has been happening. In fact, there are some people who claim that if you look at the list you have more NDP supporters on it than ULP supporters. But I do not know who all they are and I have not done that check. I am saying what it is. The Honourable Member for the Southern Grenadines would remember. He sent in at first, but then everybody started to say it is a Youth Exploitation Service. Well you cannot be damning it and want to be part of it.

Now Mr. Speaker and I want to have this matter corrected for the Members of the Opposition who seemed to be in some doubt about this issue of public assistance. I use the figure that you have close to 6000 persons in different forms of public assistance and in this 6000 Mr. Speaker, 1/3 of them are students and then you have people older than 60 years of age, 65 years of age and Mr. Speaker, when you look at the list, those who are below 60 who are not students they are persons who are suffering from one or the other disability. There are persons who have sugar and pressure and cannot work, some people have a problem with their foot or their hand, some people who are in and out of the hospital, some people who are for one reason or the other not together and cannot whole something and the Social Welfare persons assessed them as being worthy of public assistance. Able bodied people are not on the public assistance, so the issue of saying that persons who lose their jobs go on public assistance that is not the case at all, absolutely not. So the idea of there is some..., it has to do something with the unemployment it is not so, it is entirely different situation and I really want the Honourable Members on that side to understand this point.

Mr. Speaker, I spend some time in my budget speech addressing the issue of VINLEC and the energy and I want, oh sorry, Mr. Speaker, before I deal with that I want to once and for all nail this issue of the VAT. The Opposition line now, reduce commodities on the VAT for zero-rated, have them zero-rated, more commodities, have more commodities exempt. What is the situation? In 2007 I want to read out the zero- rated items, export of goods and other supplies of goods for consumption outside St. Vincent and the Grenadines, export of services and other supplies of services for consumption outside St. Vincent and the Grenadines. A supply or import of the following food items listed for human consumption, non-packaged white rice, cane sugar, milk, raw chicken back, neck and wings, raw turkey back, neck and wings, baby formula, non-packaged wheat flour, the first 200 kilowatt hours per month of electricity and the fuel surcharge provided by VINLEC, gasoline, kerosene, diesel, cooking gas, exercise books, newspapers, computers, packages, containers, labels, bottles,

invalid carriages and orthopedic appliances, services by the Port Authority and by any airport in St. Vincent and the Grenadines international Financial services. And then, Mr. Speaker, there are 28 categories of exempt supplies including medicines, veterinary services, agricultural inputs including machinery, bread supply by the producer of bread, supply of water by the CWSA if the supply is provided for residential purposes for domestic use, dozens of items we zero-rated or exempted and we said as time goes on we will increase that list to ease hardship. Then in 2008 a year later rather than exempting the water supply by CWSA to domestic consumers we zero-rate it.

We zero-rate the surcharge or service charge on hotel accommodation, zero-rated solar water heaters, solar panels and related equipment, then there is a list of foods and other personal items, whole legs, table margarine, cooking margarine, shortening, cooking oil, baking powder, energy saving bulbs, salt, yeast, sanitary napkins, baby diapers, toilet tissue, undergarments and exempted further yachting services, the sale of real property and items such as onions, lentils, garlic, pigeon peas. We charge a reduced rate of VAT of 10 percent for diving tours and other tourism related services and we allow the Comptroller of Customs and Excise to register persons who undertaking tourism related developments and therefore they will get the refund of the VAT during the construction phase [applause] that is in 2008. Mr. Speaker, those concessions cost the revenue \$6 million. Then in 2010 we went further, we removed the VAT from the imports of animal feed ingredients so that the animal feed would be sold free of the VAT for the farmers [applause]. We waived the VAT payable on the supply and the imports of all chicken regardless of the cut. So now leg quarters and whole leg all of them, all the categories of chicken zero-rated. But the NDP is still asking us to zero-rate chicken [applause].

Mr. Speaker, the reduction..., they are taking away..., the removal of the VAT on chicken legs and the leg quarters cost the revenue \$3 million so that what we do have here, Mr. Speaker, is an attempt clearly by a Government to make sure that we take care of the consumer and reduce the VAT on a wide range of commodities [applause]. Now there are some people who create the impression that the VAT is a tax which is imposed and which the VAT was something which never existed before, no other kind of tax existed before, but remember this, these items had consumption taxes of at least 20 percent and we removed the consumption taxes. Why? Because the VAT is easier to collect, so it was a matter for the administration of the tax rather than to deal with the consumption taxes and you broaden the base. For instance, there was a tax on goods, consumption taxes, but not on services, lawyers, accountants and so on, people who provide these services and who do not pay hardly any Income Tax. At least there would be some transactions on which you would get some revenue on the services and that was the idea behind the VAT and it is an excellent idea and we have seen as we have predicted that the cost of living with stabilised at the lower level. 2009 the point to point percent increase for the inflation was less than 1 percent. Point to point last year to this year is not even 2 percent. So that is where we are and the good sense of the government, again a courageous display by a Government which is clearly interested in putting the interest of the people, all the people ahead of one or two other sectional interests [applause].

Mr. Speaker, I want to address energy efficiency. We have a study done, this came out late last year, it is done by a consultant called “EGISBCEOM International Energy Efficiency Study” and Mr. Speaker, if you may permit me to read parts of the executive summary. The overall objective of the project was to identify strategies that will contribute to the energy security of St. Vincent and the Grenadines and the global environment through

the improvement of energy efficiency and the use of renewable energy in state owned facilities. Indirectly, the project is aimed at contributing to the direction of the green house gas emissions in response to the challenge of climate change.

Mr. Speaker, there was an audit of 70 facilities having the highest electricity consumption and these were based on numbers provided by VINLEC and I will give some ideas as to what this is like. Mr. Speaker, I should point out that a quarter of the consumption, a quarter of Government's bill for electricity is street lights. But street lights is not involved here for the simple reason, we pay a flat fee per light to VINLEC so whether..., if VINLEC uses the energy savings device on the poles, they would get the benefits because we would still pay whatever is the fee. So I am talking here now about Government buildings.

Based on the findings from the energy audits, a list of energy efficiency measures (EEM) was proposed for each building including project costs, potential savings and simple pay back. The EEMs recommended in this report could save approximately 3.8 million kilowatt hours annually and achieve a peak demand reduction of \$1.6 million k.v.a. There are several low cost soft measures that could be implemented to achieve significance savings. Additionally, the investment type EEMs presented for implementation having a total estimated value of EC\$7.95 million would further effect significant financial and environmental benefits. If these measures were implemented in the KWh consumption and the p.k.v.a demand reduction would realise a simple payback period of two and a half years. They would also aid in reducing the size and investment cost of renewable energy and represent the potential greenhouse gas emission benefits to about 3 tons of C<sub>02</sub>.

Based on the historical data on energy consumption and energy savings, the implementations of the EEMs, a 10 years energy consumption forecast was prepared for each facility. The forecast provides data on future energy consumption for each facility considering three scenarios, business as usual scenario with no change in energy efficiency. Energy efficiency scenario that is to say implementation of recommended energy efficiency measures and energy efficiency measures plus photovoltaic and solar cooling measures and Mr. Speaker, the numbers are astounding. In fact, so astounding that I wonder whether some of these are not optimistic numbers, overly optimistic, but at the same time, it is clear that we are going to have savings. From the 70 buildings 8.2 million kilowatt hours' annual consumption, business as usual by 2010 it would be 9.5 million, the energy efficiency scenario would be 4.4 million and the energy efficiency plus the photovoltaic and solar cooling scenario would be 2.1 million. Mr. Speaker, whether these forecasts are accurate or not, I read this document and it is in an area where we have to have the energy unit in the office of the Prime Minister working with VINLEC drive this process very seriously. This is a fine piece of work which has been done.

Mr. Speaker, for VINLEC itself I want to record and I did not hear anybody on the Opposition side speaking about our national energy policy. I am sure they are aware of our national energy policy, but it has been adopted by Cabinet and it has been published. I am sure that they have a copy of it.

**DR. THE HONOURABLE GODWIN FRIDAY:** ..., document or was it just an internal document?

**DR. THE HONOURABLE RALPH GONSALVES:** It is not as yet a public document, but I intend after it is discussed with the energy unit and the officials with VINLEC, I want to have a discussion publicly on it and the

consultants probably will have to come back, because there was an energy efficiency workshop for stakeholders on November 4<sup>th</sup> 2010, many persons were not paying attention to it because we were getting ready for politics, but it was done in conjunction with the energy unit in the Prime Minister's Office and a significant number of stakeholders attended and that was not the first one, there was one before in March 2010. So that it is something of great importance.

Mr. Speaker, VINLEC is doing significant investments at Lowmans and we are working, contrary to what the Honourable Member for West Kingstown, we are working feverishly on the issue of geothermal and wind and we have taken certain policy positions in relation to solar. I must say reading the manifesto of the NDP; we do not seem to have in principle important policy differences between both political parties on the question of the energy issue. What we do have is how we approach different components and you know it is easy to say in an offhand way that Nevis is on the verge..., Nevis is not so on the verge with geothermal, it is not that simple, the complexities are immense.

Mr. Speaker, I want to say that in 2011 the company VINLEC is projecting capital expenditure of \$21 million. The main focus of the organisational capital investment programme will be the completion of phase II of the Lowmans Bay power plant, the construction of a waste heat recovery plant at Lowmans Bay to produce additional energy, the rehabilitation of the hydro plant at South Rivers and Richmond and the expansion of the company's corporate headquarters. The capital expenditure also includes final payments for the 33 kilovolt transmission system that is expected to be fully commissioned in February 2011. I want to say this, Mr. Speaker, we have a capital project of \$176 million, a much focused capital project. Mr. Speaker, I have explained in my budget speech why it is smaller than last year and I give you the reasons for the items which were taken out and some journalists themselves did not seem to hear that. For instance, \$40 million which was to be put in terms of the financial stabilisation with British American, none was spent on that. Similarly, the \$19 million, sorry, some \$20 million for the Argyle International Airport, because we are supposed to put \$54 we put \$33 and then \$19 million for the Coast Guard Vessels out of Malaysia. So when you look at the core, we have targeted matters inside of the \$176 to be achieved to create jobs and I gave all the reasons why we are doing all these things.

Mr. Speaker, but in addition that does not take care only of public sector capital programme. VINLEC is here putting \$21 million; you do not see that in these accounts because a state corporation is dealing with that that is not here. So the public sector investment programme is only, what is here is only part of it. You take for instance, the Honourable Member for West Kingstown said that he sees nothing inside of the budget for the..., doing something with the port in Kingstown, but all the studies have been done by the Port Authority for Port Kingstown, for Campden Park and also for the Port in Canouan and the point about it is this, Mr. Speaker, in the case of Kingstown, they already receiving bids. There is a tendering process which is out, finance through arrangements made by the Port Authority. National Properties is doing investments, CWSA is doing investment, all of these things are part and parcel of public sector investment, but are not inside of the project themselves.

Mr. Speaker, we have done something here, commercial enterprises are going to pay 3.06 cents per kilowatt or cheaper, less and industrial consumers 8.6 cents per kilowatt hour cheaper. It is costing nearly \$3 million. I

have not heard one single word from the Opposition, have not heard anything from them, I have not heard them about the progressive policies which we have taken in relation to telecoms and the further reduction in rates, you know and then Mr. Speaker, I want to say something about British American and CLICO.

Mr. Speaker, British American, the liability/exposure for British American is \$166.2 million covering 7174 policy holders, 3981 of those policy holders are life, 750 are health, well both the property and health arrangements have been made for those annuities including their individuals and institutional investors and that number is \$144.6 million 2443 persons or institutions. It is a significant amount of money. The annuities and those for investment contracts like the institutional investors, there are 2443 of them and the total is \$144.6 million. In fact the annuities are \$127.2 million. So as I have indicated before the property portfolio has already been transferred to Alliance Insurance.

Mr. Speaker, and we have outlined how we are going to address what I call plan B. I want to say this, I remember when the elections in Trinidad in May, the Opposition NDP was saying, well it is the end of Ralph friend in Trinidad and when the PNM lost, oh they were elated, ecstatic but with the PNM Government we had an arrangement with British American. We are going to form a new company, Patrick Manning had already at my urging transferred US\$50 million from the petroleum fund, had it sent to the Central Bank and it is lucky thing I had the foresight to ask him to have it lodged there, otherwise, we would not have had anything at all and that was done early in 2010 and we had an agreement where they were going to put in US\$100 million as a contribution in preference shares to capitalise a company call NEUCO on the basis of the principles which I have outlined over and over and which are in the result indicators in the Estimates. Among other things we have a regional solution and we try not to have persons suffering loss and we do not have a systematic risk to the financial system.

Mr. Speaker, the new Government in Trinidad and Tobago I knew that it was unlikely that they were going to support the Manning formula, the Manning solution. The solution which was put up by the Eastern Caribbean Currency Union and Manning as the regionalist was embracing it and he understood the responsibility. Now what we are going to do for plan B, we still have to involve the Government of Trinidad and Tobago, but we want to take care of the life policies where you have 22,000 persons and for the annuities you have 1100 persons, but the annuities are the ones where you have as you notice the extent of the exposure. So when we address the issue of the life as we indicated in plan B with US\$38 million, when we do that with the US\$38 million we are going to be able to make sure that we can then have Trinidad and Tobago and other Governments involved and the CDB to put together a fund where we can address the remainder of British American. That is not the question of the life, this is now the question only of the annuities.

Mr. Speaker, the Honourable Leader of the Opposition said, he made a suggestion, he said, why don't we float a bond? Mr. Speaker, first of all, floating a bond to have a national solution is an incredible ambitious thing which is very difficult, near impossible to be done, because you will have to find monies approximating \$144 million. What we have to do is to involve the other Governments including Trinidad and Tobago, including the CDB to have a company continue. Because when we were putting the monies, Mr. Speaker, the EC\$40 million into the new company, we anticipated that down the road that it would provide us with a return, but the idea of taking this sum or a sum close to it to provide payouts, it is not a matter which I do not think that the Leader of

the Opposition has addressed his mind properly to it. It seems as though it is like a page 4 solution in the manifesto. So I urge him to get some more details on the plan B and let us see how we can proceed with that.

Mr. Speaker, how much time I have remaining, Mr. Speaker?

**HONOURABLE MR. SPEAKER:** Half an hour.

**DR. THE HONOURABLE RALPH GONSALVES:** Half an hour. Mr. Speaker, Private Sector Development. It is said that that is something which we have just come to. I have to smile that has been at the core of our budget but because of the overwhelming presence of concessions made to the private sector in this budget, they have to back peddle on all their suggestions because if we look at page 28 of our manifesto, Mr. Speaker, page 28 and to 29, look at the things recorded here what we have done. Reduction of the standard rate of company tax and personal tax from 40 percent to 32.5 percent, reduction of the standard rate of company tax and tourism enterprises from 40 percent to 30 percent in 2005 and then to 20 percent in 2008, reduction of the tax to 25 percent on the chargeable income in relation to exports of manufactured commodities to CARICOM countries and to 14 percent to extra-regional markets, increase in tax allowances for housing construction companies, engaged in building of housing developments, support to the housing construction industry through a number of measures including the 100 percent mortgages for public servants, support for small and micro enterprises through the micro enterprises loan programme at the NCB, provision of generous concessions and incentives and release to all kinds of producers in Agriculture, Fisheries, Tourism, Manufacturing, Restaurants, Fast Food Establishments, Telecommunications Providers, Shipping, Construction Companies, and Small Enterprises among others.

The creation of six vital institutions to facilitate businesses and generally in the specific sectors, CED, Invest SVG, Tourism Authority, Input Warehouse Company, the Banana Services Unit, the Commerce and Intellectual Property Department, Liberalisation of Telecommunications where we have improved the quality and range of services at reasonable prices, ensuring an independent fair and transparent tendering process in the central government and in public sector enterprises for building contracts and the procurement of goods and services, reduction in a number of commodities requiring import licenses and generally freeing up regional international trade, providing generally a very sound investment and business climate, acclaim by international agencies such as the World Bank and the heritage foundation. All these are things which we have done. There has been no Government in this country which has been at one and the same time in favour of the poor and the working people and in support of the business community like the Government of the Unity Labour Party [applause].

Mr. Speaker, among the issues which we said that we will address in this particular period is to seek further credit facilities at competitive prices for starting up businesses and we are doing that. Promote sharpened competitiveness through increased labour and management productivity, an appropriate application of modern science and technology including information technology, a more efficient state administration, we are seeing what we are doing at the port and all the business persons are commending how much the port has become more efficient, facilitating the sourcing of cheaper raw materials for production inputs, the availability of cheaper energy we have just done that and we are continuing to do that and improve further the cleanliness nationwide and especially in the city of Kingstown.

Mr. Speaker, you see what happens is this, because for historical reasons, two or three wealthy families in St. Vincent and the Grenadines have supported the NDP, because they support the NDP they assume that the ULP does not support business. In fact, what is interesting when you talk to those families, they tell you that they have made more money under the ULP than they made when the NDP was in office [applause].

Mr. Speaker, in education the question of access, quality performance, relevance, affordability, management, planting equipment and technology including the ITC, all those have been canvassed. Our health indicators are improving, the CT scan is on its way, improvements in the hospital and clinics, Mr. Speaker, I do not know how the NDP except to go into the windward side of the island. They said that we should not have the medical complex in Georgetown, suppose Soufriere blow? That is what the Honourable Member for West Kingstown said, put it somewhere else or nearby in Calliaqua.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, on a point of order. The Prime Minister is completely misrepresenting me. I never made such a statement.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I heard him. I heard him, I heard him, I could go and give witness in a courthouse and say, I heard him.

**HONOURABLE MR. SPEAKER:** Honourable Member, well I have not heard you made any statement where [interjection] no, no, no, that is not correct. I have heard you making statement that it is in the wrong place and made reference to Soufriere.

**HONOURABLE DANIEL CUMMINGS:** Never.

**HONOURABLE MR. SPEAKER:** You never did? All right, okay, okay.

**HONOURABLE DANIEL CUMMINGS:** Never and Mr. Speaker, I say adamantly, never have I made that statement and I want it to be withdrawn.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I know I heard him say it.

**HONOURABLE MR. SPEAKER:** I am not asking any statement to be withdrawn.

**DR. THE HONOURABLE RALPH GONSALVES:** I know I heard him say it. I heard him say it. Mr. Speaker, the issues relating to the state pharmaceutical services, we have provided them throughout the whole country. There has been a virtual revolution in the provision of state pharmaceutical services. I outlined in my estimates speech the difficulties which you have and the steps which have been taken to correct those difficulties. Mr. Speaker, we have a good public health system, primary health, secondary health system and we are working with other partners in the region and in the US to facilitate our people with tertiary health care.

On Sports, Mr. Speaker, now Mr. Speaker, when someone gets up and said we have not done anything for sports, I really, I mean we built the World Cup facilities and I remember at a public meeting in late 2006 or

early 2007, early 2007 in fact the Honourable Member for West Kingstown said at Sion Hill, I again heard him, he say that is a white elephant down there. It will never finish and it would not finish for March. It finished. Just as his prediction that nothing will be built at Buccama because it is a phantom project. Again, I heard him. You see, there are these reckless statements made by someone who is a professional.

Mr. Speaker, professionalism ought to induce when you making those statements some restraint, but they are made in a manner as though, once I say this, this is so and when the reality turns out to be entirely different, he seeks to deny what he has said. Mr. Speaker, Victoria Park when we came to office, nobody could play any sports at Victoria Park. We have put in the lights, the number of playing fields throughout the country and hard courts, now Mr. Speaker, the fact that there may be a playing fields in Union Island which need some repairs does not mean that we have not done anything in the Southern Grenadines. I mean, what about the playing field in Canouan? What about in fact all the infrastructural development in Union and Canouan and in Mayreau? Electricity, the port, the wharf in Union Island, the \$12; \$13 million secondary school state of the art, the Mulzac Square, what we have done with the Tobago Cays, Mr. Speaker, the question of the garbage, I mean when you came in at the airport, you use to have a problem with flies. I mean all of these things, so I do not know the Learning Resource Centre, you know, in fact, I invite a student who is doing a thesis for the University of the West Indies to look at spending in the Southern Grenadines, capital spending by the ULP Government and they will find that perhaps it has the highest percentage of spending per head of population. Look at the beautiful police station in Canouan. Look at all the work which we have done fixing houses and the fascia boards along the way and fixed up the picket fences, look at what we have done in relation to beautifying Canouan. Look at the jet airport, I mean really, look at the big administrative building, I just cannot understand.

Now if any of those..., look Mr. Speaker, I would tell you this, constituencies which the NDP do not have a chance to win, they would not have been interested in doing any work in them. That is what they say. We do not operate like that. Look in the Northern Grenadines; look at a school which we had built there, a beautiful primary school [applause]. You know, look at so many physical structures which we have improved there. Look at the delivery of universal secondary education and Mr. Speaker, I do not understand the Member for the Southern Grenadines. If in fact you cannot have a hostel at the moment down in Canouan because there are issues of the numbers, we had planned to have a hostel there you know, but the costs of the building itself is such, we said that it is better to provide the facilities for the teachers to stay. I do not know if one of the teachers is the brother of the Member [interjection] yes, he occupies one of the houses you see, the Member for the Southern Grenadines. He occupies one of the houses. Incidentally, he got his education courtesy the Education Revolution [applause] his university education and I am happy. So I mean, let us be fair when we talk about these things.

Mr. Speaker, yesterday I addressed the issue of the exemption of stamp duty and I said that a lot of lawyers have come to me, written, telephoned me and visited me and said, look, three, four, lawyers five of them maybe are the major culprits. Where the problem is, is between siblings, brothers and sisters, brothers and brothers, sisters and sisters. So cut those out and leave the exemptions for parents to children and for spouses and the suggested is that in relation to the parcel of land you do not give the concession more than once in three years, so that you kind a restrict the abuse too and the certification should come from the Registrar or somebody named by the Registrar to certify it. And I go along with that and I have gone along with that especially with

their suggestion, the lawyers suggestion that their colleagues whom they know have abused the system to tell them to go and take the deed, a copy, go to the Government valuer, value it and pay the Government their stamp duty. That is only fair and I am suggesting that that be done, Mr. Speaker, within a three month period and if we give them that three month window to rectify what the wrong they would have done that they should take advantage of it because it is likely that thereafter that the Registrar and the relevant authorities would take what action is necessary and desirable in all the circumstances. So I think that is a fair position.

**DR. THE HONOURABLE GODWIN FRIDAY:** Are you suggesting that you are reconsidering removal of the exemption for transfers from parents to children?

**DR. THE HONOURABLE RALPH GONSALVES:** Within spouses,

**DR. THE HONOURABLE GODWIN FRIDAY:** Within spouses, but not within siblings?

**DR. THE HONOURABLE RALPH GONSALVES:** No. In fact, it is not considering, I am announcing as I did yesterday evening having discussed the matter with lawyers. I announced yesterday and I am confirming that announcement, reiterating it that the exemptions will remain between spouses and from parents to children, but the land the exemption would be for one in every three years, one transaction in every three years in relation to the particular parcel of land. If you need more transactions you pay the stamp duty, but it is unlikely that you will need more transactions than one and that for those who have abused the system, please I ask them to sort it out.

You see if people are reasonable you would not have to go and address your mind to these matters.

**HONOURABLE MR. SPEAKER:** You have 3 minutes.

**DR. THE HONOURABLE RALPH GONSALVES:** I am obliged, Mr. Speaker. Mr. Speaker, on the airport, as I said, it is noticeable that the Member for the Northern Grenadines has gone back to his page 55 position on the international airport which is a position of skepticism maybe even opposition, but certainly not one with which you would pursue [with] any vigour. So that is as I understand his position.

Mr. Speaker, we are proceeding and we are confident that by the end of 2012 that we would be..., the works will be completed and sometime in the first half of 2013 that we can get our show on the road in terms of being formally opened. We have had a set back as I outlined in relation to the contract for the terminal building though we had the money for the terminal building, but the contract has been awarded to OECC. I did not hear anything from the Opposition about housing. I heard very little about them from manufacturing, well I think the presentation by the Minister of Agriculture was so comprehensive that I do not think they had much to say about that. I just want to make a correction, Mr. Speaker, about a comment which I was alleged to have made in relation to Vincy Pac and I saw the news went ahead this morning, the news would not learn either and misquoting me.

Mr. Speaker, when the comment was made by me sometime ago about going after the criminals, I stand by that, but what the Member for South Leeward was talking about was going after the youths, which is an entirely different thing [interjection] the Member for South Leeward, yes, yes, yes, yes, yes, it is an entirely different thing. I was saying that we will pursue the criminals and the bulk of the criminals who went into the hills were the foreigners, the serious criminals were foreigners. We had some local ones and I made the point on the campaign trail that the first object of Vincy Pac was to clear the hills and valleys and the communities of the foreign criminals and to have them not control gangs with spurned violence and to control the guns, but you see, the NDP wants to play it fast and loose on this matter. They have the feeling that in some parts of North Leeward that supporting drugs will win them some votes. So when they are down there, they kind a play a cat and mouse and in fact NDP activist, oh sorry, NDP supporters were going in the few days before the election, say comrade a talk about laptop, give me ganja any day before laptop, ganja before laptop. That is where they were running in certain circles and they knew that lots of drug money was being spent before Election Day and on Election Day in support of the New Democratic Party. I am not saying that...

**DR. THE HONOURABLE GODWIN FRIDAY:** Mr. Speaker, I am thinking about the comments the Honourable Prime Minister made regarding statement made by the Member for South Leeward and I am trying to be cautious because I do not remember verbatim the words, but I think I understood him to say that persons who did not have opportunity may then get involved in activities that would put them on the wrong side of the law. He did not use those words, but that was the gist of it. But then the Honourable Prime Minister..., and then he made the statement about pursuing them until they no longer exist and the Honourable Prime Minister..., I do not recall him actually calling any names, he said, those with an agenda that part I believe I have accurately would pursue them until they exist no more and the Prime Minister stood up and said that he never said those words and he had an opportunity then to say, well if he said those words, he said them in a different context, but then you asked the Honourable Member for South Leeward to withdraw the remark and now with the qualification, Mr. Speaker, it seems to me that that was an unfair ruling on behalf of the Member for South Leeward.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, it was clear that the Member for South Leeward was talking about young persons. He was on the issue of youth and about how the youths fall through the cracks and they go through the hills, they go up to the hills and I say that I will pursue them..., well not I; that it is said that we will pursue them

**DR. THE HONOURABLE GODWIN FRIDAY:** [Inaudible.]

**DR. THE HONOURABLE RALPH GONSALVES:** No. Mr. Speaker, he spoke in relation to the young persons and anybody who would look at what I said, I was talking about the criminals. Make it absolutely clear. Mr. Speaker, I just want to announce that...

**HONOURABLE MR. SPEAKER:** Well honestly I do not know how you want me to rule on that. Prime Minister has also given a clarification. I remember that the Honourable Member refers to youths and youths falling through the cracks and then talking about pursuing them until they no longer exist. I remember that that was when the Prime Minister came in and say, well when he was referring to that you know, as he indicated, he

was referring to the youths. The only how I would want to deal with that question now is that I have to get back the tapes and see what exactly what the ..., [interjection] you have the tape, well I want you to bring it. Bring it forward and let us deal with it [interjection] so why you have it and where you are hiding it, why you hiding it? [Interjection] well I will want to have it [interjection] I will want to have it [interjection] right, all right. [Interjection] when I get the tape and I am satisfied then I will deal with the matter accordingly.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I am obliged. The NDP, the Opposition can twist as much as they want, they can seek to have angels dance on the head of the pin as much as they want. The people of this country are satisfied that a load of drug money was spend on the Leeward side and in other constituencies and that money was spend supporting the New Democratic Party [applause].

Mr. Speaker, I want to announce that on Wednesday the Prime Ministers of two other shareholders Governments, Barbados and Antigua and Barbuda would be coming here and we would be having a shareholders meeting in relation to LIAT and to see how we go forward on some issues which are before us.

Mr. Speaker, I want, before I turn to the constituency, to raise one matter and to that the Honourable Leader of the Opposition made an amazing statement. This is why I say he has become a caricature of an economist and he was applauded by Member for Central Kingstown, not so sure whether he was applauded by the Honourable Senator Baptiste, but there were general gofers. He said this, Mr. Speaker, he said, it is the most basic question he wants to ask, everything else apparently was super structural, this one was fundamental, basic. So I want to go to the basic question. He said, I have a basic question for the Prime Minister, explain how is it possible to have a deficit and finance capital spending from local revenue?

Mr. Speaker, I draw Honourable Members attention to the financial summary at roman numerals (i) and the Estimates and Mr. Speaker, this is not an expenditure issue it is a revenue issue. In any event it has arisen legitimately in the debate. Roman numerals (i) financial summary 2011 to 2013, details of revenues in the left hand column, current revenue includes tax revenue and non-tax revenue. Capital receipts, grants, external loans, local loans, capital revenue and other receipts.

Mr. Speaker, the capital revenue is what is referred to in the capital estimates as local revenue. You would see several areas and you will see revenue in brackets. That revenue is not current revenue. That revenue is capital revenue. Now when I tell you he has been reduced to a caricature and even less, the financial summary, he went through it, but it is like he has forgotten economics 101, he has forgotten the basics of matters fiscal and makes the assumption that where revenue is listed, it is recurrent revenue. So obsessed he is with this notion that you have to have some current revenue to go over to the capital.

Mr. Speaker, common sense would tell you in the days when they ran a surplus two hundred and something thousand dollars, how much that is going to finance capital spending of \$60 million. I mean, let us..., this is why I tell you people are so formalistic and they do not understand this thing. It is not a mature conversation, it is an attempt of one eye man in blind man country in the NDP saying something and well yes, they applaud.

Mr. Speaker, at page 89 the copy I have, but it is after the details of expenditure of my budget speech, said, “of the total resources required to meet capital expenditure and the deficit on the current account, I expect to provide \$25 million from capital revenue, \$54.7 million from grants, \$53 million from external loans, \$33.4 million in local loans and the balance from a variety of sources including bank deposits, sale of additional assets and expenditure saving measures.

Since the main source of capital revenue for 2011 is expected to come from the sale of an additional \$2.9 million common shares in the National Commercial Bank which is expected to realise between \$24 million and \$30 million. So I put the figure at \$25 million. Mr. Speaker, if you check we get \$42 million for 51 percent that is \$8.23 per share. Clearly if you do the Arithmetic [interjection] that is all you need to do, 2.9 million common shares, you will see you get \$23.8 million or thereabout, call it \$24 million. So I round it to \$25 million because we are likely to get a higher share value for that 29 percent because the parent company is being traded at eleven dollars and something cents or twelve dollars and something cents per share and because of the manner in which we have dealt with part of the indebtedness of the state to the bank with the \$100 million swapping of the debt, really, we get the \$100 million from the CDB and we pay it there. The CDB takes the debt and we pay at 4 1/2 percent interest rather than 9 percent, so that we are in the business. We are making savings and that is why among other things we are paying less in interest which is part of current expenditure.

So he said, this was the best question in the budget. Well I have answered the basic question, the fundamental question and the Leader of the Opposition is found wanting. He would have failed Economics 101 on the basis of what he has said. This is why I advise those Members on the other side, do not take what he says, he is getting reckless and loose [Interjection] no I have never taught economics, I have taught political economy [interjection] eh? Well sometimes I wonder if he did economics from the mistakes he is making [interjection] what it mean to me. So wait, so am I making an error here? Look at it, \$25 million capital revenue. It is there and Mr. Speaker, you may notice too that there is a big hullalala boo made about other receipts. You know the last time for the year 2010 we got other receipts from \$42 million which we sold.

Mr. Speaker, there are always resources which you have in mind. This is a Government you know, it is not a baby play shop and finally on the budget, Mr. Speaker, I just want to say especially to the newer Members. Please look at the performance on the capital side. The last year the NDP dispenses \$35 million in 2000. We have never gone anywhere near as low as that. When we came in we were running their budget so we spend \$48 million. Thereafter we rose very swiftly to \$100 million, last year challenging as the year was, we did \$130 million in capital spending [applause] sorry, in 2009 as the out turn shows. It is not a bad performance and if I have \$176 million and I spend \$130 million, \$140 I will be doing well in addition to the other capital spending by the other state agencies and by the private sector including direct private foreign investors who are already on the ground doing work in several areas as I have outlined particularly in the area of tourism.

Mr. Speaker, I want to thank all those who again supported me and delivered to me the highest number of votes you know and I do not campaign you know in my constituency. I do not, because if I do, they consider it an insult. They say, comrade do not come and ask us for the vote. You live with us all the time, we are family, do not come. Go and help Gomery, go and help Clayton that is how they send me you know and I know who I go

and see. I pay my respects to tanty Grace over the village. I go in Dundo Hole and I go and see Ms. Lee, I go up Dr. Smith, I pass in before election because I had to be a good luck charm, I have to go and see mother Butler. When I go South Rivers, when I am having a drink with the boys down the bottom at pasture or in the main area by compay Lyde, I had to go up Jarvis so I could see Ms. Walters. When I go up Chilly and I fire one by [interjection] a pepsi, a fire a pepsi, a fire a pepsi by [laughter] by my friend flasher shop and when the whole village gather there and I am leaving, I am leaving walking, somebody say, way dey gone? Somebody say, way ye going? You hear in a chorus they say, eh gone by Ben Cato widow. You know you just know when I go up Chester Cottage I have to go and visit certain people. When I pass in Colonaire I have to stop by Loleen you know, well Patsy is now over in Caratal in North Windward. So that, that is the way I do not campaign, because I live with the people. And that is why when I turn up at a meeting people are saying, you are going to hold a meeting in your area? When they come to hear me, they go into the neighbouring constituency to hear me. That is love [applause] that is love. I love them. We have done so many things in North Central and we have other things doing. I do not even have to recite them [interjection] eh; I do not have to recite them.

Mr. Speaker, but I want to say this, every time there is an election somebody lose, a Government, especially if it is a friend of mine, Kenny Anthony, Patrick Manning, wind of change is blowing [laughter] that is what they say. I said, the wind of change is not a meteorological concept simply. If you apply it to politics you have to contextualise it. A man thinks a wind of change is meteorology simpliciter and applying it to politics. To show you, Mr. Speaker, when I went to my first meeting of CARICOM there are people there who is not there now. I will indicate where we have had changes in Governments in the Caribbean, Bahamas, Jamaica, Belize, Antigua and Barbuda, Montserrat, St. Lucia, Grenada, Barbados, Trinidad and Tobago, BVI, Anguilla, Cayman Island, Turks and Caicos, Haiti and Suriname. In some cases they go and come. Fifteen of those CARICOM states, four of them associates. We have had no change in Guyana because they have a peculiar ethnic issue there. In Bermuda the similar situation, in Dominica well Pierre Charles died and Roosevelt Skerrit took over, but the two have remained is Denzil Douglas in St. Kitts and the comrade and the ULP [applause]. You see, that is why I advise look at the whole context. Look at the whole context, look at the whole context.

Mr. Speaker, I want to say this, never has in the history of this country that a politician has been subjected to so much character assassination like Ralph Gonsalves, none. But you know I am an ancient warrior and in the Old Testament, you know those who have gone through the battlefield, beaten on the anvil of experience [applause] and forged in the cauldron of struggle [applause] and I had my wilderness years and all the leaders in the Old Testament, you got to go through the wilderness years. Moses was in the wilderness years, I am not near to Moses, but I learn. Nehemiah, he had his wilderness years, the prophet builder and I have had my wilderness years and I know in my heart that I have been put through it all to test me, to test me and no weapon form against I shall prosper [applause].

Mr. Speaker, the prayers that go up for me from the poor, those in the elderly, home help for the elderly programme, the Member for the Northern Grenadines said that I have taken more rock than I have given. Well I know he is a good lawyer, but clearly elementary arithmetic is a problem [interjection] you are the Speaker [laughter].

Mr. Speaker, this has been a budget which has lived up to its promise to create jobs, to create wealth, to stabilise the fiscal and financial situation and we are coming to the tail end of the recession. Growth is predicted this year and next year, slow at first, but more robust over the medium period and I always end with this, because I believe it to the depths of my being. The book of Deuteronomy tells me, Mr. Speaker, it is like a mantra for me, I believe it, it is an echo in my bone, and it is a noise in my blood. If my brother in the gates needs my help, I must help him. Not only am I blessed in helping him, but I am blessed in everything that I put my hand onto and the Psalms of David confirm it. The Leader of Israel for 40 years united that great nation, built it, not only with his own people, even went and get the Levites to help him, yes, not because I do not wear religion on my sleeve you know, but I read the Bible.

**HONOURABLE MR. SPEAKER:** Let us wind up Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, it is confirmed that he who considereth the poor, the Lord, not only will he bless you, but he will protect you in every time of trouble. Mr. Speaker, this has been a good budget debate on this side, the youngsters who came on, oh, I was so happy [applause]. Mr. Speaker, they said that I could not leave; the NDP said that I could not leave. Robust debate, they cannot go to the bathroom they say. I stayed away two half days, yes, that is what was said on NDP radio [interjection] making up? Mr. Speaker and we have performed the good task. I want the Members of the Opposition to know I have nothing against any of them. I bear them no malice; I bear them no ill will. It is impossible for me to have any ill will against anyone. It is not in my nature, it is not in my make up. I have been given a job and this authority is an authority which comes through the people, but a blessing from God and I appreciate it.

I beg to move Mr. Speaker that this Honourable House resolve itself into a Committee of the Whole House to consider the Bill clause by clause.

**HONOURABLE MR. SPEAKER:** Just for the benefit of Members for your information, every person who spoke in this budget was accorded excess time, everyone except those who did not go their full round. Thank you.

**House went into Committee.**

**House Resumed**

**Bill reported, read a third time by title and passed without amendment.**

## **RESOLUTIONS**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable members, I beg to move that a Bill for an Act to provide for the services of St. Vincent and the Grenadines for the year ending on the 31<sup>st</sup> day of December 2011 be read a third time by title and passed.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I beg to second the motion.

**Question put and agreed to.**  
**Bill read a third time by title and passed.**

**2. CRIMINAL PROCEDURE (AMENDMENT) CODE BILL 2011**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, may I ask if it is possible for us to, before I come to the item read, simply to get the finance matter out of the way by reading the resolution and then we come back.

Well I would like to do the first and second reading of the Criminal Procedure (Amendment) Code Bill and then perhaps take the luncheon suspension if Members are so minded.

**HONOURABLE MR. SPEAKER:** I think there is a preparation for the lunch, so is that..., all right, we can do that. Go that way and then...,

**DR. THE HONOURABLE RALPH GONSALVES:** Yes Mr. Speaker. Mr. Speaker, I beg to move the Resolution standing in my name on the Order Paper.

**BE IT RESOLVED** that this Honourable House do authorise the Minister of Finance to borrow by means of fluctuating overdraft or otherwise from First Caribbean International Bank or the RBTT Bank Caribbean Ltd or the Bank of Nova Scotia or the National Commercial Bank (SVG) Ltd money to an amount not exceeding in the aggregate seventy-five million dollars, during the period the 1<sup>st</sup> January, 2011 to 31<sup>st</sup> December, 2011 for the purpose of meeting the current requirements of the Government.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I beg to second the motion.

**Question put and agreed to.**  
**Resolution passed.**

**HONOURABLE DANIEL CUMMINGS:** Is the National Commercial Bank of (SVG) Ltd, is that still the name or is there a name change?

**DR. THE HONOURABLE RALPH GONSALVES:** It has not to the best of my knowledge, Mr. Speaker, been formally altered. But even though it will be the understanding that it will be the bank...,

**HONOURABLE MR. SPEAKER:** The bank of states.

**DR. THE HONOURABLE RALPH GONSALVES:** Yes, institution.

**HONOURABLE MR. SPEAKER:** Okay, all right. Yes Honourable Members, without reciting the Resolution, the Resolution having been recited and seconded is now open for debate.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, this is a very straightforward Resolution. It is really to ensure that the business of Government continues. It provisions have been made for it in our Estimates in which we have just debated. It is the normal Resolution. Honourable Members know about this, I do not see any reason really for..., certainly on our side any debate.

**DR. THE HONOURABLE GODWIN FRIDAY:** Similarly here. We may have said what we have to say in the Estimates.

**HONOURABLE MR. SPEAKER:** Okay, Honourable Prime Minister, there seems to be no more.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I beg to move that a Bill for an Act to amend the Criminal Procedure Code be read a first time.

The object of this Bill is to amend the Criminal Procedure Code in relation to the subject to institution of private criminal prosecutions.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I beg to second the motion.

**Question put and agreed to.**

**Bill read a first time.**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I beg to move under Standing Order 48(2) that the Bill be taken through all its stages at today's sitting and passed.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I beg to second the motion.

**Question put and agreed to.**

**Bill taken through all its stages and passed.**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I beg to move that a Bill for an Act to amend the Criminal Procedure Code be read a second time.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I beg to second the motion.

**Question put and agreed to.**

**Bill read a second time.**

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, as I indicated a short while ago, we will have the luncheon suspension, and then we will return to do the debate on this Bill.

**HONOURABLE MR. SPEAKER:** Thank you.

**DR. THE HONOURABLE RALPH GONSALVES:** It is 2 o'clock, Mr. Speaker, we can return at 4 o'clock.

**HONOURABLE MR. SPEAKER:** Usual time, okay.

**DR. THE HONOURABLE RALPH GONSALVES:** I beg to move that this Honourable House do stand suspended until 4:00 p.m.

**HONOURABLE GIRLYN MIGUEL:** Mr. Speaker, I beg to second the motion.

**Question put and agreed to.**

**House suspended at 2:00 p.m. (Luncheon)**

**Until 4:00 p.m.**

**House Resumed 4:00 p.m.**

**HONOURABLE MR. SPEAKER:** Pray be seated.

Honourable Members we are about to debate the amendment to the Criminal Procedure Code. We have already had the first and second reading of this Bill and when we actually get into it we shall be beginning with the debate.

I just want to make a few preliminary statements. I was asked a question of a member of the Opposition whether I think enough people were in the House this afternoon. I said I think so. He agreed with me. Low and behold, in coming to the Parliament, I heard Senator Vynnette Frederick making an announcement to the people that the Speaker has decided to limit the amount of persons coming into the House. I do not take that statement quite lightly, because as far as I am concerned it does not really have truth within it. I was asked a question and I gave an answer, if the Honourable Member for Central Kingstown did not agree with me, he could have said that and we probably could have negotiated how many more persons maybe we could have had in the Gallery. And for the Honourable Senator Frederick to be out there on a microphone saying that I have decided to limit the amount of persons in the House I take that as a matter of trying to incite people into coming to the House and I do not take that matter lightly.

I want to welcome all of you here to this House this afternoon. We are going to debate as I said the amendment to the Criminal Procedure Bill. This House has rules and I am asking all members, sorry, Strangers in the Gallery as you are so called, that you are welcomed here but I am sure, I would like to know that you conduct yourselves in a proper manner. And I was given that assurance by some members of the New Democratic Party, that they are going to have an orderly conduct here from the Strangers in the Gallery who were so invited here by them to come. The House has rules and any disorder would be dealt with according to the Rules of the

House and I am begging people please let us have cooperation in here. And I do not like the idea of people peddling misinformation on me. My name is out there in the public enough already in relation to misinformation and I take that matter very strongly. Thank you.

Yes Honourable Senator.

**HONOURABLE ST. CLAIR LEACOCK:** Mr. Speaker, thank you, very much.

**HONOURABLE MR. SPEAKER:** Member for Central Kingstown, sorry.

**HONOURABLE ST. CLAIR LEACOCK:** That is all right. Mr. Speaker, we have been having plentiful discussions, you and I. You probably not even aware of what initiatives have been taken thus far to provide leadership for us to be here at this time. Let me let you know straight up front, that I have been doing that for the last two and three quarters of an hour, because I see the potential for things to get out of hand here this evening. And the people of St. Vincent and the Grenadines are determined that their voices be heard, and their parliamentarians have a clear message of what is their mood.

Now, I had that exchange with you with respect to the numbers and that is a follow up with what I had with the police high command. I did indicate to the officers of the Police Force that I will go to the Parliament, I will check and I would come to the Speaker and do a check; after my discussion with you, I gave no indication to suggest that you were taking an action that inimical to the proper control of the Parliament, but what the Honourable Senator said, may well not be out of sync with what I said. She said that you have decided to limit the numbers in the Parliament. You have in fact so decided. But you had so decided for good reasons. That is my assumption. But to read into it there is some going back on the discourse that I had with you...

**HONOURABLE MR. SPEAKER:** No, I am not reading you...

**HONOURABLE ST. CLAIR LEACOCK:** I just want that to be very clear that is not in fact the case. I spoke to you because I understood you to have facilitating and control with respect to the House and that is what I did. The Honourable Senator gave her own interpretation but we also need not to be punitive in the way we approach the statement that is coming from her. But I think we really need to just back off... not you, Mr. Speaker, but there needs to be a backing off and a cooling off, so that things may flow very smoothly, because there is a very charged atmosphere at this time, in St. Vincent and the Grenadines.

**HONOURABLE MR. SPEAKER:** Thank you. Well, I am not charged. Yes, Honourable Member.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I crave your indulgence.

**HONOURABLE MR. SPEAKER:** Oh, you. I think I saw him before.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, during the course of this morning's proceedings an event took place in this House. My understanding of the Rules, Mr. Speaker, and precedent set is that when an accusation is levelled about someone about something they said, and it is denied, it is incumbent on the person

making the accusation to prove otherwise. I do not recall, Mr. Speaker, that during the debate this morning, when I denied vehemently what the Honourable Prime Minister claimed that I said, you I recall, supported, stating that you also heard me saying it; I say to you again, Mr. Speaker, I have never made such a statement and I asked that the procedure be followed, because I say vehemently, I have never made such a statement. And it is my reputation here on the line.

**HONOURABLE MR. SPEAKER:** Thank you, very much, Honourable Member, but I am sure as you would appreciate it is as in this case, it is my word, or somebody's word against your word, and these things since they went back a bit, because I remember statements were made in this Parliament, since they went back a bit, I think it is not be unreasonable to think that we would need time to check the issue. And that is exactly... I have made no ruling on anything, we would simply need time to check the issue.

There was another matter that came up and the Honourable Member for the Northern Grenadines agreed with me that when the time comes we would look at the necessary evidence as the case would be. He said he has it, [Interjection] No, no I would not take it now. Let us move on.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, let me elucidate on this matter because it is a critical matter...

**HONOURABLE MR. SPEAKER:** Honourable Members, let us continue with the debate, we will deal with that.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, the matter is an important one, and I have not heard you give a timeframe. I believe what I have to say would help you in your decision, Mr. Speaker. Mr. Speaker, there have been many persons on radio who have made the pronouncement that the Soufriere Volcano will affect the placing of the hospital. I have never said that. In fact, I have condemned that statement. Repeatedly, I have made the point that the problem is location because of where the population centre is and that the hospital is about not a localized thing, it is to deal with all the citizens. I went further to explain that people from the Southern Grenadines, for example, have to come to mainland St. Vincent and be transported to Georgetown, or from Chateaubelair. I made the point that the centre of the population is somewhere in the area of Calliaqua and if one wanted to be reasonable that is the appropriate place to locate such an institution. I have never used the Soufriere Volcano as an excuse for not placing the hospital there and I want my name to be cleared.

**HONOURABLE MR. SPEAKER:** I will deal with that matter in the process of time. You cannot force me to deal with it now. I will deal with it, since I have the evidence if there are such evidences, if there are such to check and it cannot be done now. Right.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, before the debate begins; I was a little perplexed, if I may say so, about the comment by the Honourable Member for Central Kingstown that words to the effect that he does not want the voice of the people to be curtailed. That is not the word he used, but he wants to make sure that the opportunity is there to express the mood of the people.

**HONOURABLE MR. SPEAKER:** That is outside, not inside here.

**DR. THE HONOURABLE RALPH GONSALVES:** As I understand it, Mr. Speaker, we have a representative democracy. This Parliament, which makes laws and these laws are assented to by the Governor General and are then published in the Gazette and become operational and we just had an effect called general elections where people elected representatives to represent them. There are fifteen constituencies, eight on this side won, seven on that side. We formed the government, there are certain number of Senators, they are all here and we make up the Parliament, in addition with the Honourable Attorney General, who is a Public Servant, she is entitled to be... if that is the decision which is being taken by government an assent has been given to that through the Governor General and of course, the Speaker being a member of this Honourable House also. So that is my understanding.

I do not know that we are at a stage where there is something called mob rule. I know, that that is a representative democracy, and I happened to speak on behalf of the majority in this country, that I also know what their mood is. And in addition to mood there is a subject called, "strength." I may go to the doctor, Mr. Speaker, with a mood thinking that I am going to die, I am very ill, but the doctor sounds me, tests me and say you are strong like an ox. Another occasion I may go in an excellent mood and he says, well my dear friend, you have three months to live, so there is mood and there is strength. These are two interesting concepts. And we representative democracy in this country and this government would not be bullied in any way at all or browbeaten by any sense of disorder or by any threats or anything of the sort. People have elected us, we have brought the bill to this House and we are proceeding in accordance with the constitution of this country. Those who wish to get hot behind the collar and want cooling off periods that is perfectly okay for them. I have been cool all the time. So I just want to make my position clear, Mr. Speaker, so that no one is mistaken.

Mr. Speaker, let me say this I left this Honourable House today having had lunch here, because I did not want anyone to be under any misapprehension that the Prime Minister has been falsely imprisoned. And I left. I was very disappointed that there was a vehicle for the police which had blocked that side of the road so I could not go out on the main street. So I had to be driven over Mc Kies Hill. But I insisted on returning, that I return through the front gate as I always do when I come to this Honourable House and that was done. So let us be very clear as to what we are about.

Mr. Speaker, we will proceed with a bill here today and at the end of the day we will know if the bill is passed, which is passed on the basis of a majority of the elected members and the senators present and voting at the time of the House. If we do not have a majority at the time in the House, the bill presumably will fall, if it goes to a vote. This is a very straightforward matter, Mr. Speaker, so I just want to... lest there be any... because I am speaking to the people of St. Vincent and the Grenadines directly, I have noticed out there, Mr. Speaker, I have seen a former member of the House holding a battering ram with others to break down the gate, right at the moment, there is a member of this House, I recognize her voice, is on a public address system disturbing the proceedings of this House which is an illegal activity. I cannot tell the police how to do their jobs but I expect that it would stop. There is... you cannot, according to the law of this country gather in the precincts of this Parliament unless you are 100 yards away, and you cannot disturb the Parliament. There are good reasons for these things.

Now, Mr. Speaker, normally people would allow individuals to stand up and picket because there is no disorder, if there is disorder I fully expect the police to act. I am not doing their jobs for them, and I am not telling them what to do. But clearly, I would very much expect this. So I want the position again to be made very clear, Mr. Speaker, because I know the Honourable Senator Frederick's voice, unless if I am mistaken, I will apologize to her but I am pretty sure that is her voice. And others may be able to ascertain whether at 4:20 p.m. that is her voice which is there, and in breach of the law. So I also want to make that plain, Mr. Speaker, and maybe on that question, Mr. Speaker, if you are minded to maintain the order in this House which is your duty, to address that question in the precincts of this Honourable House, if you feel, Mr. Speaker, it is tolerable well then I accept your ruling. If you feel that it is not tolerable, even though I happen to know, it is against the law. So I leave the matter in your hands, Mr. Speaker, I would be guided.

**HONOURABLE MR. SPEAKER:** Honourable Member, the Prime Minister is still on the floor, you know.

**HONOURABLE ST. CLAIR LEACOCK:** Yeah, yeah. Mr. Speaker, I wanted to say that I do not envy your job at this time, but it is not within my purview to make such a statement. When I commented earlier I have been a practitioner of law and order in this country. I know what it is about. I am a responsible Vincentian. Perhaps I have been more so than the Prime Minister for many years. He boasts of his coming to government by a roadblock revolution. That is his boast. [Very loud applause]

**HONOURABLE MR. SPEAKER:** Just a minute. Please sit. I am going to order that the Strangers' Gallery be cleared now. Take them out please. Clear now. I just warned you about it. I want every one of you down there to leave the Strangers' Gallery.

Honourable Members this sitting is suspended until that Gallery is cleared.

**House suspended at 4:27 p.m.**

**House resumed at 4:40 p.m.**

**HONOURABLE MR. SPEAKER:** Pray be seated. Yes, Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** May I just in the interest of truth and accuracy, Mr. Speaker. Mr. Speaker, the ULP did not come to office by way of any roadblock revolution. We came by way of an election conducted by the Supervisor of Elections under the laws of this country when the Honourable Arnhim Eustace, when the Honourable Leader of the Opposition here was Prime Minister. The verdict was 12-3. Mr. Speaker, it is the NDP propagandists and columnists and commentators who have called it a roadblock revolution. Not me. Not me, they are the ones who have popularized this concept. We came to power; we came to authority in this country not by a roadblock revolution but by way of general elections. So that is the facts.

**HONOURABLE MR. SPEAKER:** Honourable Member for Central Kingstown, would you please climax your contribution and after that I think we will go straight into the debate on this bill.

**HONOURABLE ST. CLAIR LEACOCK:** Thank you, Mr. Speaker. I do not think that the interest of the people of the Grenadines would be best served by myself engaging in any boxing or any sparing match with the Honourable Prime Minister this evening.

**HONOURABLE MR. SPEAKER:** Thank you.

**HONOURABLE ST. CLAIR LEACOCK:** And your work is already cut out for you. The people out there would decide for themselves on the capacity or the ability of the Prime Minister to speak a single story. In the life of this Parliament, we have heard him reverse himself three, four, five times.

**HONOURABLE MR. SPEAKER:** To speak what?

**HONOURABLE ST. CLAIR LEACOCK:** The same story.

**HONOURABLE MR. SPEAKER:** Oh the same story. Okay. I did not get the part.

**HONOURABLE ST. CLAIR LEACOCK:** He clearly has the ability to reverse himself and that is his prerogative. I am not going to engage myself into that, this sparing match. I simply want to say that I took the course of action this evening that I thought was in the best interest of the law and order and democracy in our St. Vincent and the Grenadines, which is being the character of my life existence. I will continue along that path.

**HONOURABLE MR. SPEAKER:** Thank you, very much. Honourable Members, you see, I do not have to apologize for what I have done. I must give the assurance that everything would be in order in the House. I mean we cannot allow the House of Assembly to become a House of disrepute and disorder. We cannot allow that. And therefore as Speaker of the House I hold myself responsible for maintaining order in this Honourable House, which I pledge by the Grace of God that I will do.

I want to make a point also clear because yesterday, a statement was made by the Honourable Member for Central Kingstown in relation to my being here. I want to make it clear and establish that I have been elected as Speaker of this Honourable House and not appointed. I went through a process of election. It was a competition in my case. I won it. And I have the right as an elected member of this House. I have been elected. I do not have to go out there on a political husking to be elected. The constitution makes provision and the Rules of the House make provisions for my election here to this Honourable House. And I want that to be understood. I did not come here by appointment. I came here by election and I have been duly elected and I have the right and the authority to be in this House. And I want to make that point abundantly clear. Thank you.

Honourable Prime Minister, you have lead on this bill, let us begin. And you have one hour to make your presentation. Every other member has 45 minutes.

**DR. THE HONOURABLE RALPH GONSALVES:** I am obliged, Mr. Speaker. Mr. Speaker, this is a very straightforward bill. It seeks to amend section 69 of the Criminal Procedure Code. The Criminal Procedure Code reads as follows section 69:

**“Any person conducting a private prosecution may do so in person or may be represented by a legal practitioner instructed by him in that behalf.”**

So a right is established for a private criminal prosecution. All that the bill has done is to put a procedural step in place in accordance with a constitutional right of the Director of Public Prosecution. Under the constitution of this country, Mr. Speaker, the Director of Public Prosecution under Section 64 has the right to do the following things: the side note in section 64 of the constitution reads “control of Public Prosecutions.’ 64 (1)

**There shall be a Director of Public Prosecutions whose office shall be a public office.**

- (2) **The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do. In any case**
- (a) **To institute and undertake criminal proceedings against any person before any court of law other than a court marshal, in respect of any offence alleged to have been committed by that person,**
  - (b) **To take over and continue such criminal proceedings that have been instituted or undertaken by any other person or authority.**
  - (c) **To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.**

Constitutionally the Director of Public Prosecution is the gatekeeper for criminal prosecutions in St. Vincent and the Grenadines. It goes on to say in 64: (3)

**The powers of the Director of Public Prosecutions under subsection 2 of this section maybe exercised by him in person or through other persons acting under or in accordance with his general or specific instructions.**

Importantly, subsection 6 of section 64 of the constitution,

**In the exercise vested in him by subsection 2 (which I have just read) of this condition and section 42 of this constitution the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.**

It establishes his office as an independent public office. Mr. Speaker, the issue of section 42 of this constitution that does not arise in the general purview of what we are talking about here in terms of section 69 of the Criminal Code.

Mr. Speaker, even though the DPP shall not be subject to the directions or control of any other person or authority, it does not mean that his decisions are not subject to review. And the law has evolved both by statute and judge made law, the right to review the decisions of the DPP. And those decisions have been reviewed time and again here in St. Vincent and the Grenadines and in other Commonwealth jurisdictions which share the same basic legal system as we do here in St. Vincent and the Grenadines, including that of the United Kingdom from which these institutions arose and were transplanted to us.

So, Mr. Speaker, you have prosecutions being brought. They could be brought directly by the police or the DPP or by some other legal authority ascribed that power or authority by the law of the law or by a private individual. But, whatever the avenue you can come, whether it is through the police or some other established authority or through a private person, the Director of Public Prosecution is the gatekeeper. So after you have filed your proceedings, your criminal proceedings, the Director of Public Prosecution is authorized by the constitution to take over and continue or to take over and discontinue, or they can give as the law says here somebody else an authority to proceed. It is clear. So what is this amendment about? The right private criminal prosecution remains but instead of being the gatekeeper after you entered the domain of the criminal justice system, this amendment is saying we will have the gatekeeper address you at the gate. Not after you have entered, but have him address you at the gate. That is all. But the right to a private criminal prosecution remains. I want to repeat that.

Mr. Speaker, I have heard many persons with commentaries on the radio who have spoken as though they have not read the bill. They do not know the law. What are some of the things they say? They say we are taking away your right. No right is being taken away. The right is being subjected to a procedural check. That is all. And that procedural check by the DPP is subject to review by the courts, because that is the established law of the land. Why is it that you would wish to have the gate-keeper address the subject matter at the entry to the criminal justice system as distinct from having entered it to prevent abuse? And misuse of your right. That is all. This amendment is to prevent abuse and misuse. That is all it is about.

What has happened, some commentators I have heard them, they do not understand the difference between a right to bring a civil action and a right to bring a criminal action. I hear people call in and they say so that means that I cannot, if somebody is to defame me, somebody says I am a thief; I cannot go and sue them. Of course, you can go and sue them for damages. Nobody interferes with that right that is a civil remedy in which you get damages. As I will establish as I go along. A criminal wrong is a wrong against the state and the society, it may involve a wrong against an individual but that wrong is against the partnership of the citizenry, which we have and the guardian for that is the Director of Public Prosecution, but you can take any number of civil actions that you want to take for damages. And in a particular event your right to a civil remedy and the state right to a criminal remedy to which you are the virtual complainant often arise from the same wrong which is committed. Somebody boxes me in my eye, I can sue them for compensation, for pain and suffering \$2,000.00, if you have damaged my eye, the amount of money I paid to the doctor to fix myself, the drops that I put in my eye. I can get back all my money from you, but I can also go to the police and I get an injury form and the police bring the case against the person whom I complained about but before the police bring that case the police will investigate to prevent the abuse.

Mr. Speaker, Honourable Members on the other side of the House do not realize in this climate of the modern day where people are seeing all the things they want to see on television and where you have so many mischievous people, that this provision is also protecting them. Somebody, you innocently gives a ride, might be a woman, it might be a man. They ask you for some money, while you giving them the right, you say, no, no, no, I am giving you a ride, how do you want money. And he begins to curse you and you say to him, get out of my vehicle. And you put him or her out of your vehicle. The next thing he or she does, they tear their pants or tear their top, go to a neighbour, and say look John Browne just gave me a ride, he try to do something with me, whether it is man or woman, and I had to resist him. I am not going to any police, I going to take my step with a private criminal case. So he comes, busybody, trumping up this thing, goes to a lawyer and if the person is a person of means, or a person for whatever reason they have something against you, they file it. The complaint comes to the magistrate. The magistrate does not assess evidence at that stage, the magistrate is just interested that on the face of it, the complaint of which you made, it can bear out what, on the face of it the criminal charge. And you could be brought before the court, private criminal complaint, it is in the newspapers. Can you imagine, being accused of indecent assaulting somebody is one thing, but suppose a young man, says that you indecently assault him in this kind of society and the news goes all around, Mr. Speaker, but if that person had to go to the police, the police will investigate the matter, the police would say, man this complainant he always doing that, the fella is a liar. They cross examined the witness who he was supposed to have gone to, most recent complaint, to get the evidence and the person says to tell you the truth, he gave a piece a change for me to come and say that but nothing like that ever happened. It is open to such abuse. So that clears up first of all the matter of a criminal complaint as against a civil complaint. And once you have those concepts clear in your head, nobody is stopping you from bringing any case without going to the DPP in respect of damages. But if it is a criminal matter you submit all the statements to the DPP and the DPP get the police to look into it and decide whether he is going to prosecute or not prosecute. That is what this is about.

Mr. Speaker, when something is abused, and I personally have been subjected to the abuse, but, it is not my personal subjection to the abuse, is what I see now, is that it is used in a manner which has gone beyond all bounds of reasonableness, that the legislature ought to say that the right remains, but put a step so as to deter the busybodies, the malicious, the mischief makers who would want to abuse it. But your right remains.

Mr. Speaker, what does the law says? It says simply,

**“Before any person institutes a private prosecution (not bring a private civil matter, a private prosecution) he shall obtain a fiat from the Director of Public Prosecutions”**

What is a fiat? A fiat is a nice Latin word. What it means, it is not a motor car. It means it is the hand, the deed of the DPP, the hand, the deed of the DPP, the act of the DPP. But it is not merely consent, which it is, but it is something more. When the DPP, issues a fiat, he provides thereby an endorsement. He said I am consenting to this matter and I am endorsing it. It goes forward with the authority of the Director of Public Prosecution. And it goes on:

**“Unless the Director of Public Prosecutions grant a fiat referred to in the subsection (2), no private prosecution shall be instituted.**

**The Director of Public Prosecutions may request from the person who intends to institute a private prosecution or his counsel any or all evidence, statements or other material which the Director of Public Prosecutions, in his own absolute discretion, considers necessary in the circumstances.”**

That is simply legislated, Mr. Speaker, what is there in the constitution already. And that is why it goes on to say,

**“Nothing in this section shall be construed to curtail the powers of the Director of Public Prosecutions under any law including the powers to give directions.”**

I see one of the Honourable Members, as though this is something novel. The constitution in the exercise invested in him, the Director of Public Prosecution shall not be subject to the direction or control of any person or authority. But having exercised it, the courts can review that. The courts cannot tell him when he is acting do this, but if he takes a decision, the court can review it. You can go to the court.

**“A fiat referred to in this section is required from the Director of Public Prosecutions whether or not the commission of the alleged offence is before or after the commencement of this Act.”**

Mr. Speaker, what happens is this; there is a time period for criminal offense. In relation to what you may call the ordinary summary offences, I think the time period now is a year, when I went into law first, it was six months; one year. Indictable matters, the more serious matters which go to the High Court, there is no time unless a statute puts a specific time on it. Even if that provision was not put in, the constitution would have allowed the DPP to do that, because it is at the moment when you bring the prosecution that the DPP acts. It does not matter whether a law like this is passed or one is not passed. So when persons say that this is retroactive. It is not retroactive. First of all Parliament cannot make retroactive legislation. Parliament can make retrospective legislation. A piece of retroactive legislation is to create an offence out of a conduct which was not an offence last week. If we come here and we make a law, saying that a particular behaviour which Tom Jones, something which Tom Jones did a month ago, which was not an offence but you make it an offence now and say this applies backward, you cannot do that because that is retroactive legislation. You cannot create a criminal offence out of a conduct from the past. But what you can do of course is to legislation which is retrospective. Mr. Speaker, and this frankly is not retrospective legislation this is just a clarification of what is the existing authority.

Mr. Speaker, retrospective legislation in the constitution, let me, please just bear me, it follows the section where the law is published, after the law is published, let me find the legislation, ah, yes, section 43 (4),

**“No law made by Parliament shall come into operation until it has been published in the official gazette, but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.”**

That is section 43 (4). This thing, you know, Mr. Speaker, is like riding a bicycle, once you know how to ride a bicycle, once you know how to ride a bicycle, it is all there. It becomes second nature, once you start to address the subject, everything comes.

Mr. Speaker, let me say this, it is the Director of Public Prosecution at the last criminal assizes, last year, at the close of the assizes, he called for the abolition of the right to private prosecution. And there was a letter which was sent to the Honourable Attorney General, and a copy sent to me for it to be on the legislative agenda, this year. This is why it is here. But you do not have to go along with the recommendation that you abolish the right, you keep the right but you subject it to a safeguard. And the safe-guard is to have the gatekeeper look at it first.

Mr. Speaker, this is a matter which has been discussed for years in England. Mr. Speaker, there are at least two, maybe three documents that I will make, I will have them photocopied, the relevant sections to this Honourable House. This is the Royal Commission on criminal procedure in the United Kingdom presented to Parliament by Commander of Her Majesty January 1981, known as Phillips Commission. And in chapter seven, paragraph 46, this is how he introduces the subject under the rubric 'private prosecutor' and Mr. Speaker, you will bear with me until I get to the stage, where he suggest, he recommends, not the abolition of the right, but the subjecting of the right to certain procedural safeguards; 1981. Though Mr. Speaker, I can take you back earlier, where the debate had been started. And I will bring you, Mr. Speaker, up to date with a case entitled "Jones vs. Wally" the criminal appeal from Her Majesty's High Court of Justice, a case before the House of Lords in 2006, one of the seminal cases on this subject. This is how the Royal Commission on criminal procedure began the assessment.

**"Apart from those retail stores that have to prosecute because of the policy of a particular police force, prosecution by private citizens are as a significant phenomenon confined to prosecutions of common assault."**

That is the first sentence. This sentence is pregnant with a lot of learning and history.

**"Apart from those retail stores that have to prosecute because of the policy of a particular police force,"**

You see, Mr. Speaker, in Harrods, and the big department stores in London, there is a lot of shoplifting. And the police forces have said, listen, all these shoplifting cases, just tell us about them, you have your own in-house lawyers when somebody from Timbuktu, Albania, Gladivox.com and do a little bit of shoplifting, do not bother us with it, prosecute them, but just tell us about it. So this is it, Mr. Speaker.

**"Apart from those retail stores that have to prosecute because of the policy of a particular police force, prosecution by private citizens are as a significant phenomenon confined to prosecutions of common assault."**

And he goes on:

**“Even private prosecutions for the offence of common assault may well owe their relative frequency but they form a tiny proportion of all prosecutions; to the way in which the offence is treated by the offences against the Person, Act 1861. The Act makes it an essentially private wrong, any proceedings that have to be brought by or on behalf of the aggrieved person and any person who is prosecuted is thereby released from threat of civil proceedings.”**

That is a particular provision in the offences against the Person Act in the United Kingdom of 1861. Mr. Speaker, I practiced actively before the criminal bar for 20 years and the two sets of cases that I would have brought, and very infrequently would have been a private criminal complaint for insulting language, and a private criminal complaint for common assault. Why is that so? Well, the common assault as we say in St. Vincent and the Grenadines, a man ‘salt yo’ he put his finger in front of your face, or he touch your nose or something like that; with no injury, for which you hardly get any money. [Interjection]

Somebody assault you yesterday? Mr. Speaker, or insulting language where it, may be obscene and may not have been heard by the police but it may be a word which insults you, phrases which insult you and they do not amount to defamation so you will bring a private civil case. But, Mr. Speaker, these types of situations can easily be dealt with through the mechanism I am talking about, which we are talking about here and in any event, the abuse which private criminal prosecutions can cause that we have to weigh that in the balance.

**“The criminal law revision committee has recommended the repeal of these provisions. We accept the case for bringing this offence under the purview of the police and into the prosecution arrangements which we proposed. As far as prosecutions by retail stores for shoplifting are concerned we recommend that this practice should cease and the police should start proceedings in such cases, and the crown prosecutor should conduct the prosecutions. Police forces have not found it easy to achieve consistency in the treatment of shoplifters who may be elderly and with medical and personal histories, justifying non-prosecution. Since a greater consistency in the use of prosecution in these cases is desirable, it is in our view inappropriate to permit or expect private organizations routinely to be exercising the responsibility for the decision to prosecute.”**

So they are saying that even in those narrow cases please bring it under the purview of the police, so you can have consistency and you can have... If an old lady goes into a store somewhere and picks up a bag of biscuits, if it is a private prosecutor they would want to prosecute the old lady, but the DPP might say, man, in the circumstances, just leave that, you know, she has not gone out with it, or if she went out with it, let her pay for it.

Mr. Speaker, it goes on to say that:

Already the private prosecution system has a number of restraints where the DPP enters, take for instance, a matter of criminal libel, because you can have a civil libel and you can have a criminal libel. Somebody writes something or says it over a wireless that the Prime Minister sent police down to Vermont to kill people. That is a criminal libel in addition of course to being a civil libel, where I can get damages. But if I want to go for a

criminal libel I cannot institute private proceedings, under the existing law I have to go to the gatekeeper, the Director of Public Prosecutions to get his fiat. So there are several such cases already, so we are not breaking new ground, what we are seeking to do is cut out the abuse.

Mr. Speaker, the learned commissioners said that we should do away with the right of private prosecution as it is currently functioning and we must put a safeguard. And what is the safeguard they suggested, they said:

**If the private citizen still wishes to proceed he should be able to make an application for leave to commence proceedings to Her Magistrate Court that is to at least two justices attended by a Clerk, but here what it goes on to say, the Crown Prosecutor, that is the DPP or somebody in the DPP's Office should attend the hearing of the application which should be held in private to explain why he considers the matter should not be prosecuted. We have considered whether if leave were granted the Crown Prosecutor should be obliged to undertake the case.**

So they are saying, Mr. Speaker, in England what they had recommended, they said this private criminal prosecution thing has gone too far, if you want to go there you go before two justices and explain it to the justices why you want to do it. But if you are going there you have to bring the DPP and sit down with the two justices in private, that is what they recommended there, in England. But I will show you by 2006, the House of Lords was saying, no, no, do not worry about that, just leave the DPP. But the DPP would have had to be involved in any event.

Mr. Speaker, this is a matter, when this came up for discussion, the English Parliament decided to leave it as it is. Why? Not because of the common assault but because of the shoplifting cases, the Politicians did not want to trouble Harrods and the rest of them, that is the reason and the debate showed it.

Mr. Speaker, let me find the reference... In the House of Lords 1985, Lord Hutchinson of Lollington, (they have some beautiful names) he says

**The mischief of continuing private prosecutions is that motivation of those who bring private prosecutions may well not be the good of society but may be based on personal spite, on revenge, on financial gain, on blackmail, on fanaticism, all sorts of motivations. If this private prosecution procedure is going to allowed to continue then I would submit that it is absolutely essential that the Director of Public Prosecutions or the Crown Prosecutor should know in every case that a private prosecution has in fact been launched. So that he can look at it and decide whether he ought in the public interest to take over the prosecution, rather than allow it to go on, either in order to stop it, or to prosecute it on behalf of society and not for some personal reason.**

Lord Hutchinson of Lollington, he is not an ordinary lord you know, he is a big time QC in London, what they call a Criminal Silk, he wears the silk gown to the criminal bar. He spoke over and over again on this issue calling for reform and he said if you do not abolish what he call this nuisance, at least, you should follow what the Royal Commission said in 1981, which I had just outlined.

Now, clearly, Lord Hutchinson of Lollington, he is a Ralph man. That is a ULP doge, eh? Nah, in 1985, you know? Boy, this fellar Ralph is something else, he reaching the House of Lords and have a fellar like he, you know. Well, if after all I predicted Tomas, the date of Tomas, who is the Comrade in 1985 to go in the House of Lords and say, Lord Hutchinson of Lollington talk the thing for me man.

Mr. Speaker, you know, in this case of, ... Mr. Speaker, how much time I have remaining?

**HONOURABLE MR. SPEAKER:** You have 25 minutes.

**DR. THE HONOURABLE RALPH GONSALVES:** Twenty-five minutes remaining. I am Obligated, Mr. Speaker.

Mr. Speaker, in the House of Lords the case of “Jones vs. Whaley” the reference is 2006, United Kingdom’s House of Lords, UK, HL, at page 41, and the major judgment is delivered by Lord Bingham of Cornhill, one of the most distinguished judges in the modern period. And at paragraph 16 of his judgment he says this:

**“A crime is an offence against the good order of the state. It is for the state by its appropriate agencies to investigate alleged crimes and decide whether offenders should be prosecuted. In times past with no public prosecution service; and ill organised means of enforcing the law. The prosecution of offenders necessarily depending on the involvement of private individuals, but that is no longer so. The surviving right of private prosecution is of questionable value and can be exercised in a way damaging to the public interest.”**

That is Lord Bingham; well in 2006, well he is a Ralph lap dog, eh? Yeah, yeah, he is in South Central, he is next to me. We play dominos and drink mauby together. That is my man, Bingham.

Mr. Speaker, but that is not the only one. Lord Roger, of Earl’s Ferry, they have some really beautiful names, Lord Roger of Earl’s Ferry, E-A-R-L-‘S F-E-R-R-Y, in his judgment in the same of “Jones vs. Whaley”:

**“Nowadays public prosecutions are the rule. So usually the court will be concerned to prevent this process from being abuse by a public prosecutor. But in times gone by when private prosecutions were the rule, the court must have had the power to guard against the corresponding danger of its process being misused by a private prosecutor”.**

Lord Caswell has addressed the matter in a similar vein. Mr. Speaker, you see, Honourable Members, in the old days in the United Kingdom, you had no Director of Public Prosecution and in the prosecutorial service. You had large areas, you do not see a police station for hundreds of miles, so somebody does you something, you jump on your horse and your buggy and you ride for several days to put in a private complaint by an office somewhere, where the magistrates are, or you wait until the magistrate comes around in an itinerant manner, or even judges drop by, by the old pub near to the farm and you fix up a private criminal complaint there, because there are no police, but that is not the case anymore. We have to prevent the abuse. I repeat, this amendment is not, emphasize not taking away the right of a citizen for a private prosecution. It subjects it only to the

procedural safeguard of informing the gatekeeper to the criminal justice system, the DPP and the DPP has the police with him, they make the investigation and decide whether to proceed or not to proceed. And that decision by the DPP is subject to judicial review by the High Court judge. So, Mr. Speaker, let me say this, I want to emphasize that the real reason is Harrods and Marks and Spenser why you still have private criminal prosecutions in England, you know. Yes. If you want the evidence for it, Lord Elliston Morgan of the House of Lords says this,

**May I make one point in relation to private prosecutions? I believe with my noble and learned friend, Lord Elwin Jones with his second thoughts on the matter that there is a justification for maintaining ordinary private prosecutions. As we have heard, they represent only about one percent of the totality of prosecutions. They are confined almost to two exclusive categories, though shops and stores which for some reason wish to bring their own prosecutions for shoplifting rather than have the police do it and quarrels between neighbours where it is felt that it would not be right for a public service to bring the prosecution.**

So you are going to maintain a right so that -- Layne's and Jax they do not have that problem, because they do not, anytime you meet a shoplifter in Layne's and Jax, they call the police, the security holds him or her and calls the police, because they are not big enough to have in-house lawyers to do this job. And we have a tradition here, Mr. Speaker, because we have so many police stations, that if my neighbour fowl cock comes in my yard and pick up where I plant my peas or my corn or my groundnuts, by the time a quarrel ensues, the whole neighbourhood already brought everybody to the police station. I say to the people of this country, I know it is felt that oh they are bringing this law so that, when we bring any private criminal charge, in anything political or anything, they will have somebody to stop it up in front. By the DPP is an independent office, under the constitution. [Interjection] The DPP, tell people that. Okay. In 1972, Othneil Sylvester ran in South Leeward for election, a fellow name John Mc Dowall, said that he bribed him and John Mc Dowall brought a private criminal complaint, check the records. You see, those who just come do not understand these things, you know. [Interjection] Eh? You what? Well, we can bring plenty. We can bring plenty. Now, Mr. Speaker, why I cannot...

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister...

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, let me just say this, in the case when Senator Frederick brought the case against Luke Browne inside of the Magistrate court I was dressed in a light pink long sleeve shirt jack...

**HONOURABLE VYNNETTE FREDERICK:** I rise on a Point of Order...

**HONOURABLE MR. SPEAKER:** Point of Order.

**HONOURABLE VYNNETTE FREDERICK:** Just to clarify, I did not bring a case against Luke Browne. That is actually in the record. There is no criminal action or other action at all brought in the name of Vynnette Frederick against Luke Browne.

**DR. THE HONOURABLE RALPH GONSALVES:** Thanks for the correction. Where you provided, where you were part and parcel of an organisation, which got somebody to bring a case against Luke Browne. That is fine. I am prepared to make the amendment. It does not take away from my point. What I am about to make. Inside, Mr. Speaker, inside of the law courts, she goes on her Facebook and talks about, the peasant dictator, dressed and described how I dressed, I could bring a private criminal prosecution against her on that. But why would I. Why am I going to waste time with juvenile? Why I am going to waste time with juveniles? Eh? In fact, I was concerned about... [Interjection] Well I will tell you that conduct is the conduct of a juvenile, and if the Honourable Member for North Leeward does not really understand the rich use of language,...

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister let we not...

**DR. THE HONOURABLE RALPH GONSALVES:** Fine, Mr. Speaker. You see...

**HONOURABLE MR. SPEAKER:** And let me say to Honourable Members, just a minute... if a member is objecting to something being said or done, it does not make any sense you sit there and you say, Mr. Speaker, you would allow this, or you would allow that. The rules make provision for you to do the right thing, that is move on a Point of Order. Please, do not, Honourable Members, subject me to any cross talk as it were as to how I perform my responsibility. Thank you.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, as always I have the ability to take a detour and comeback to the central point. John Mc Dowall vs. Othneil Sylvester, he brought a private case against Sylvester for bribery to have knocked him out for five years, same thing they want to do, some members on this side, over trivia. Mr. Speaker, Mr. Rawl...

**DR. THE HONOURABLE GODWIN FRIDAY:** Mr. Speaker, the first is the Rule 36 (3), you have asked us to point to the rule,

(3) **It shall be out of order to use offensive and insulting language in the House.**

And the Honourable Prime Minister in referring to the Honourable Member as juvenile, I think that would qualify not just as colourful but as insulting language.

**HONOURABLE MR. SPEAKER:** That is it?

**DR. THE HONOURABLE GODWIN FRIDAY:** Well that is the first one, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Well, Honourable Prime Minister, let me caution you about using... you see, I do not share similar opinion, but let me caution you on using what might be termed or considered

insulting language to any member in the House, once an appropriate language could be used, I caution you not to use any...

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I am prepared to withdraw the formulation, 'I do not have time to waste with juvenile.' To say that I have not time to waste with on anyone who has engaged in the sense of bringing any criminal or civil action against anyone who engages in juvenile conduct. Because to put on the Face book, that the Prime Minister is a peasant dictator, is juvenile conduct. And that was the point I was making.

**DR. THE HONOURABLE GODWIN FRIDAY:** I rise on a point of order again.

**HONOURABLE MR. SPEAKER:** State your point of order.

**DR. THE HONOURABLE GODWIN FRIDAY:** The second point, and that is, Rule No. 36: (1)

**HONOURABLE MR. SPEAKER:** 36: (1).

**DR. THE HONOURABLE GODWIN FRIDAY:** It says,

**Reference shall not be made to any matter which is sub-judice, in such a way as might in the opinion of the Speaker prejudice the interest of parties thereto.**

To refer to a matter that is before the Court as trivia, as the position of the Prime Minister is saying, that the Court, that the matter has no merit and that prejudices the interest of the party bringing the application.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister, what were you referring to...

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I made the general point that the Members of the Opposition wanted to bring matters of trivia against us. I was not referring to any particular case in the court. I was not referring to any particular case in the Court. You see, I am very careful with how I use language, you know.

**HONOURABLE MR. SPEAKER:** Okay.

**DR. THE HONOURABLE RALPH GONSALVES:** I am very careful how I use language. I know I cannot comment on a case which is before the court. So I would not say that such and such a case is before the court and make a comment on it. I know I cannot do that.

**HONOURABLE MR. SPEAKER:** Thank you.

**DR. THE HONOURABLE RALPH GONSALVES:** But, I did not do that.

**HONOURABLE MR. SPEAKER:** Thank you, very much, Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, so John Mc Dowall brought this case against Othniel Sylvester and Mr. Rawl who subsequently unfortunately was murdered in this country, not relating to any of this. He was the Director of Public Prosecution. He was also a magistrate at sometime, a Dominican. Son of the famous Cecil Rawl who was the regional integrationist from the 1932 Roseau Conference, he was the DPP, he nolle pros, he discontinued the case. The Labour Party at the time did not go for any judicial review. They accepted that it would be difficult for them in the circumstances to have challenged the Director of Public Prosecution and there it was, and there is where it remained, the famous case of Mc Dowall vs. Sylvester. Mr. Speaker, all I will say is that I believe in representative government, democracy, and people at the polls.

Mr. Speaker, I want to show you how bad this private criminal prosecution can be.

**HONOURABLE MR. SPEAKER:** Ten minutes, Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** I wonder if there is a copy of the NDP manifesto. Mr. Speaker, this manifesto does not have the name of the printer or the publisher. This is an offence under the Representation of the People Act. So incidentally, Mr. Speaker, is the ULP manifesto. It does not have it. I looked at it. But, every member here distributed this manifesto, every member on the other side, not this side. Mr. Speaker, to distribute this without it having a publisher or a printer makes it liable for you to lose your seat because it is what is called, an illegal election practice.

Let me read section 52 of the... I do not understand why all these jokes in which people are engaged. The Representation of the People Act Cap. 6, section 52:

**A person shall;**

- (a) **print or publish or caused to be printed or published any bill placard or poster having reference to any election or any printed document, distributed for the purpose of promoting or procuring the election of a candidate. Or**
- (b) **post or cause to be posted any such bill, placard or poster as aforesaid. Or**
- (c) **distribute or cause to be distributed any printed document, for the said purpose, unless the bill, placard, poster or document, bears upon the face thereof the name and address of the printer and publisher.**

[interjection] Ah, you get my point, everybody could be prosecuted. You are getting my point. You have confirmed what I am saying. Section 2

**For the purposes of this section any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression printer shall be construed accordingly.**

- (3) **A candidate or agent acting in contravention of this section is guilty of an illegal practice and liable to be punished as if he had committed an offence under section 51 (1) and any person so acting shall be liable to be punished as provided therein.**

What does section 51 (1) says? You are guilty of an illegal practice and liable of a fine of \$750.00. And what is the punishment for an illegal practice? 51 (4)

**Any person who is convicted of any offence declared to be an illegal practice under this or any section of the Act shall in addition to any other penalty for such offence be incapable during a period of five years from the date of this conviction:**

- (a) **Being registered as a voter or voting on any election and**
- (b) **Of being elected or appointed as a member of the House of Assembly, or if elected or appointed before his conviction of retaining his seat as such member.**

There is no poster which is being put up... [Interjection] But that section, please, Mr. Speaker, he asked to repeal that section, in the next amendment bill we are repealing section 51 (4) and thereby repealing the draconian penalty in relation to that. So, you have agreed with me, repeal it. It is amazing you know. it is like the light bulb is switched on in men's heads. [Interjection] I am making that point, so that if anybody over there brings a private criminal prosecution against me and I bring against the Leader of the Opposition, what is the position of the DPP? The position of the DPP what he has to consider is the first thing, (a) is there a sufficiency of evidence. Clearly, this is easy to prove. You do not have a printer. You do not have a publisher. But if he considers that that is so, he then goes on to ask the next question, is it in the public's interest to prosecute? I do not know how the DPP will answer that. I suspect if I am DPP how I will answer that. I do not want to compromise the DPP if anybody were to bring any such case. But from a private prosecutor would not consider the public's interest, but the DPP would have to consider the public's interest, and he may well consider that it is not in the public's interest to have this string of criminal prosecutions and a re-run of the elections.

Mr. Speaker, this is why the issue of a private criminal prosecution is something which must be subjected to safeguards. I have gone through all the Lords. I have gone through the case law. I have dealt in a summary form the history and I have just brought practical examples.

Mr. Speaker, I was practicing law, there is, [Interjection] I should say Your Worship? No. It is a law.

**HONOURABLE MR. SPEAKER:** Honourable Member, you have to wind up.

**DR. THE HONOURABLE RALPH GONSALVES:** I am winding up now, Mr. Speaker. Mr. Speaker, there is a businessman in this country, about 15 years ago, I was practicing law and he came to me. There is a lady with whom, (very prominent businessman, he was not so much then), a lady with whom he had an encounter one evening and the encounter was not a pleasant one, in the sense that they had an argument over the terms of trade and he left her way up in Green Hill, the lady is now dead, a young woman, he left her up in Green Hill

and she had to walk to come down. And as she was coming down she took her hand and tore her bodice, ripped her chain and scratch her neck, she was with a friend, and then went to a lawyer to institute private criminal proceedings. So when the case was going on, the lady's testimony was so compelling, the woman whom she asked to walk with her down said her conscience would not permit her, standby and she came to my Chambers during the lunch period and I took her to see Parnell Campbell who was the lawyer acting for the lady in question. It was an entirely false accusation. This man could have been jailed. It is just so he got away. Please, you may feel that this has some political purpose; I want to say to you, accept my view and experience. [Interjection] It is a horrible example, it could have been properly investigated, that is the point. The police would have investigated because the police would have gone to the woman.

Mr. Speaker, I want to advise against the abuse, which you will have. I have given several examples. I can understand that the NDP thinks that this is something that they can beat the government on for a political advantage. They cannot manage it. When the people know the facts of this kind of case and the public fully appreciate that they have been fed a lot of untruths that they will know that this amendment to have the DPP and the police address this question at the gate as the gatekeeper rather than wait until you get in is the best course forward for a proper jurisprudence in St Vincent and the Grenadines. I am obliged.

**HONOURABLE MR. SPEAKER:** Thank you, Honourable Prime Minister. Honourable Leader of the Opposition.

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, we are involved here in a very important matter. Mr. Speaker, over the last couple of weeks I have been reflecting because of certain developments on my stint here in the Parliament of St Vincent and the Grenadines which dates back to 1998. Mr. Speaker, I participated in elections at that time which had a result not too different from the Election of December 13<sup>th</sup> 2010. In both case it was eight seven. In 1998, the New Democratic Party had eight, in 2010 the Unity Labour Party had the eight and we had seven, at that time coming down from the days when the New Democratic Party had all fifteen seats there was quite a decline but the reality was, Mr. Speaker, that we had eight. Mr. Speaker, I listened very carefully to the presentation of the Prime Minister on this Bill that is before us here in relation to the Criminal Procedure Code and I have taken note, Mr. Speaker, that in the two sessions of Parliament that we had both on the Estimates and the Budget that there is an effort being made to make it appear that the fact that we had seven seats did not really matter. The fact that we had a substantial portion of the population in support of us does not matter. The way it has been cast in two consecutive sessions of this sitting of the parliament, you know who get the most win there is no second place, there is no Miss Congeniality, and there is no runner up.

Mr. Speaker, I understand that to mean that it really does not matter whether 47 or 48% of the population showed support for the New Democratic Party. It does not matter whether the score was changed from 12-3 to 8-7 of course I do not agree with that I believe, Mr. Speaker, that it represents a change in the attitude of the public of St Vincent and the Grenadines to both the New Democratic Party and to the Unity Labour Party. But recently, it has been said over and over again, I want to assure the Prime Minister give him all assurance that second can also count. Today, he said, he was elected and the road block revolution it was called does not matter as it took place in 2001 but Mr. Speaker that road block ...

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, if my Honourable friend.

I never said that the road block event did not matter: I never said that. I also want to make it clear that there was no road block event in 2001. There was a road block event in May 2000 and within nine months thereafter ten months elections were called: the length of time similarly between a referendum and an election.

**HONOURABLE MR. SPEAKER:** Okay. Honourable Members, if we are going to be quoting let us try and see ... then we can avoid a lot of things if we can quote accurately what is being said. I am not going to make a judgement here or there. Let us quote accurately what is being said. The reason for that is that if somebody has the right to make an objection or move on a point of order of something that is been said and what that is going to result in us probably being here until midnight. So, I do not know if anyone of us wishes to be here till midnight? Okay, it does not matter. I could be here until six the next morning, personally. Okay.

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, I understand the point that you are making and I do not mind if we are here six o'clock tomorrow morning. The point I am trying to make is that the road block revolution as it is called led to the Grand Beach Accord which led to those elections. So those who had seven took action on the street to facilitate a shortening of the life of the Government, so sometimes there is something in coming second because actions for those who come second can sometimes lead as in that case to coming first.

Mr. Speaker, so I listened carefully these days, I am not known in this House for making a lot of noise or jumping up in relation to points of order or so on because I let a lot of them pass Mr. Speaker, because I recognised the fact that sometimes or most times it is better to give way because the point of order is going to be made anyway and that is how it is in this parliament here in St Vincent and the Grenadines. I have had twelve years of it and I think I know our parliament pretty well.

Mr. Speaker, I want to say that this piece of legislation that we are debating today is for me a matter of grave concern. I know that very often when we use these words we were laughed at, a lot of jokes and a lot of picong is made and so on. I recognise that but I am deadly serious about what I am saying. Mr. Speaker, something that has aroused quite a bit of public interest really should have gone to a select committee of this parliament that is part of being second and as part of being second especially when it is 8-7 and not 12-3. That is not the case this afternoon.

Mr. Speaker, I have been here for the last number of years, never once in the entire time that I have been in this parliament I ever heard the word abuse relating to any private criminal complaint; never once in the entire time that I have been in this parliament I have ever heard that. So, I am at a loss, Mr. Speaker, to understand how suddenly we are speaking as if there is mass abuse of the system and only now that there is need to do something about it. And in that context, Mr. Speaker, I questioned the motive.

Mr. Speaker, I believe the whole question of abuse is a convenient way to deal with this particular matter before the Parliament. I believe, Mr. Speaker, if some of our Members had not brought private criminal complaints we would not be here now that is my belief. The Budget would have finished and we would have gone home, there would have been nobody outside protesting, but Mr. Speaker, the reality is that we are here and people are

outside and there is a concern. And I listened very carefully to all of the presentation of the Prime Minister and what he referred to as those beautiful names coming from our colonial past and in fact coming from Great Britain. And you know I like the term post-colonial economy but we are not far away from it.

Mr. Speaker, I looked at this Bill when it came out and I know, Mr. Speaker, something about the history of some cases that have been brought from time to time, brought against some of the Members on this side of the House and our supporters by the Honourable Prime Minister on a regular basis, they face the courts all the time, I did not hear anything about abuse or anything of the sort they faced the court.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, if my Honourable Friend, may I? If my Honourable Friend would give way; Mr. Speaker, I have never brought a private criminal matter ...

**HONOURABLE ARNHIM EUSTACE:** I did not say that. [Knocking on the desk]

**DR. THE HONOURABLE RALPH GONSALVES:** against anybody.

**HONOURABLE ARNHIM EUSTACE:** I did not say that.

**DR. THE HONOURABLE RALPH GONSALVES:** The point about it is this; we are talking about the abuse of a private criminal process which is an entire different matter than a civil case.

**HONOURABLE ARNHIM EUSTACE:** I [Inaudible] talking about a private criminal matter here.

**HONOURABLE MR. SPEAKER:** [Knocking on the desk with a Gavel] All right, you say you were not referring to what? A private criminal ... well, let us continue Honourable

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, I have come to the conclusion wrongly or rightly that I have no confidence whatsoever in the Director of Public Prosecutions in this country. [Knocking on the desk] None whatsoever, because in a number of instances, it seems to me that when it comes to matters relating to nolle prosequi cases they seemed always to be on one side. [Interjection] You might call it the right side. The Director of Public Prosecutions has a lot of authority and power already and the Prime Minister referred to it in his presentation; he has that already.

The Chief Magistrate who has had to handle some of these matters, which were under discussion, which came from members on our side, she is also a gatekeeper and she made a determination that something she found frivolous and vexatious and she put it aside, others she sent forward. What she sent forward has been taken over by the DDP because the Chief Magistrate does not know what she is doing and discontinued. So, you know sometimes you wonder what her purpose is. What is the purpose of that position?

**DR. THE HONOURABLE RALPH GONSALVES:** Different roles, different functions.

**HONOURABLE ARNHIM EUSTACE:** I understand they are different functions; I do not want you to tell me that; I understand that. But I am saying she is also a gatekeeper, I am saying also that the Director of Public Prosecutions already has a lot of authority to discontinue or continue a matter. All of a sudden he is required to have new powers. He must be the super gatekeeper.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible]

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, it says here:-

**“Before any person institutes a private prosecution, he shall obtain a fiat from the Director of Public Prosecutions”.**

What did the law say before? (Sixty nine, let me see what section 69, this one is cut off). It says here, Mr. Speaker, section 69 with the Criminal Procedure Code:-

**“Any person conducting a private prosecution may do so in person or may be represented by a legal practitioner, instructed by him in that behalf.**

So, there is a right on the part of any person to do so. And even in this context, Mr. Speaker, the DDP already has the right to discontinue or to continue the matter, but we are now saying we must enhance his powers make him what I referred to again as the super gatekeeper by doing the following. So you can add to that that I have just read:-

**Before any person ...**

And I am quoting subsection (2).

**institutes a private prosecution, he shall obtain a fiat from the Director of Public Prosecutions.**

And the Prime Minister gave a definition for ‘fiat’, for me all it means: they got to get his approval if your private criminal prosecution is to go through. Although he already has the right to discontinue if he sees fit: so, what is the purpose? What really is the intent of this amendment? But it does not stop there, it says:-

**Unless the Director of Public Prosecutions grants a fiat referred to in subsection (2), no private prosecution shall be instituted.**

This is what is says, it says: none shall be instituted. And it goes on, Mr. Speaker:-

**The Director of Public Prosecutions may request from the person who intends to institute a private prosecution or his counsel any or all evidence, statement or other material which**

**the Director of Public Prosecutions, in his own absolute discretion, considers necessary in the circumstances.**

But since he has the right to discontinue already he would want to have those anyway, so then why the additional authority? Why he has to be the super gatekeeper? It is still beyond me. And it goes on, Mr. Speaker:-

**Nothing in this section shall be construed to curtail the powers of the Director of Public Prosecutions under any law including the power to give directions.**

**A fiat referred to in this section**

Which is section (6)

**is required from the Director of Public Prosecutions whether or not the commission of the alleged offence is before or after the commencement of this Act.**

You have a lot of song and dance about the difference between 'retroactive' and 'retrospective'. I am not interested in that, Mr. Speaker, I know what this means, it means that if a matter was there before you can now go back and deal with that and prevent it from coming forward, and that is the bottom line in this piece of legislation, Mr. Speaker. I do not care all the dressing we had here from the Prime Minister that is the reality; that is the fundamental reality of this Act. And in my view Mr. Speaker, it takes away rights from individual citizens of this country.

And Mr. Speaker, let me say this, I recognise the need to have a Director of Public Prosecutions, I have no problem with that, Mr. Speaker, I recognise that need. I recognise what the law now permits. Unless I have some evidence of this mass abuse which I have never heard of for all the years I have been in this House, it makes me wonder. It really makes me wonder what it is we are trying to achieve by this piece of legislation. Is it really necessary given the existing powers of the Director of Public Prosecutions is it really necessary? So now give him the right, the right that you must come to him first if you want to institute a proceeding. Why is this? Why is this? And why is this necessary now? And if as a result of that that individuals are not able now to go forward on the basis of the law as we know it for me that is taking away a part of their right. And that is why we asked people to come out on the street here today whether this Bill passes or not [Knocking on the desk]

**HONOURABLE SABOTO CAESAR:** It is a free country. [Interjections] [Laughter] After this Sunday cricket. [Knocking on the desk with the Gavel]

**HONOURABLE ARNHIM EUSTACE:** What I am trying to say Mr. Speaker,

**DR. THE HONOURABLE RALPH GONSALVES:** Next time try getting more than one hundred and fifty enough.

**HONOURABLE ARNHIM EUSTACE:** I would not bother with you with that, you can always talk.

**DR. THE HONOURABLE RALPH GONSALVES:** You are using this to prop up your leadership [Knocking on the desk with the Gavel]

**HONOURABLE MR. SPEAKER:** Honourable Members, let us ...

**HONOURABLE ARNHIM EUSTACE:** You do not bother with my leadership, bother about yours, do not bother with mine. [Interjections] [Knocking on the desk Gavel] Mr. Speaker, you know in this country here, second has no rights you know; [Interjection] that is right. And the loser has no rights. Tell the people of St Vincent and the Grenadines whom we represent in this House that they have no rights because they are losers, you go ahead and tell them.

**HONOURABLE SABOTO CAESAR:** Everyone has rights.

**HONOURABLE ARNHIM EUSTACE:** All I am saying, you are trying to reduce those rights

**HONOURABLE MR. SPEAKER:** [Knocking on the desk with Gavel] Honourable Members.

**HONOURABLE ARNHIM EUSTACE:** by this piece of legislation: that is what I am saying. You can laugh and you can talk, let me tell you something. [Interjection]

**HONOURABLE MR. SPEAKER:** Let the Member be heard in silence and [inaudible] [Interjection]

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, in St Vincent and the Grenadines when I take the Prime Minister statement very seriously in this regard. We are developing something here which is called a dictatorship, where one individual feels the need for absolute control. We on this side of the House represent a certain number of people in this country and will give a voice to their concerns. [Knocking on the desk] I do not care who on the other side feels otherwise, and we will continue to do so. And I am saying the increased size of our membership here is important and we will use what has been given to us in the best interest of not only them but all the people of this country. I do not believe that we should be taking away the right of any citizen to bring a private criminal prosecution in accordance with the law as we know it.

You know, we have come to a situation in St Vincent and the Grenadines today which is quite different to what we are accustomed to; quite different. I do not mind the picong across the way; I could take that any day.

**HONOURABLE JULIAN FRANCIS:** [Inaudible] [Laughs]

**HONOURABLE ARNHIM EUSTACE:** I know that I took a lot from you, Mr. Senator.

**HONOURABLE JULIAN FRANCIS:** And you have plenty to [inaudible]

**HONOURABLE ARNHIM EUSTACE:** And I heard

**HONOURABLE JULIAN FRANCIS:** [Inaudible]

**HONOURABLE MR. SPEAKER:** Honourable Member, [Knocking on the desk with the Gavel] please.

**HONOURABLE ARNHIM EUSTACE:** I do not mind that.

**HONOURABLE JULIAN FRANCIS:** You do not mind. I will [inaudible]

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, where I am concerned is about what is developing here and I see this piece of legislation as a representative act in relation to that process of a creeping dictatorship in this country. Mr. Speaker, you know there is a perception and sometimes many of us are guilty of that perception that ordinary people in our country do not understand what is going on. There is a perception that they do not understand anything about the Budget in some quarters and there is a perception that they do not understand what this is about here today. There is that perception. There is a perception that our people sometimes are not learned enough to understand reasons for certain actions taken in this parliament, and therefore one can get away with it. But I think, Mr. Speaker, to assume that is often wrong. They may not cast it in the language that may be used in this parliament but they understand when you take away their rights.

They understand what it means to struggle, to be poor, to be rich and to be middle class: they understand all those things and that is why, Mr. Speaker, so many of them came on the street here today. Mr. Speaker, I am saying to the government of the day that this piece of legislation is going to come back to haunt the government of this country, we are not going to let it rest, Mr. Speaker. No, I am a person for a quite life, for a quite life you know. I have respect for every single Member of this parliament whether we agree or disagree. I am not easily angered but at times I have to get angry, but Mr. Speaker, I am urging the Government of St Vincent and the Grenadines not to pass this piece of legislation in this Houses. Do not pass this piece of legislation in this House.

**HONOURABLE SABOTO CAESAR:** [Inaudible]

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker, the people who are standing out there in the streets who have been there all day, I do not think any of them expected to be standing there all day, I do not think so, but the fact that they are there tells me something, and Mr. speaker, I want to say to Prime Minister Gonsalves, I want to appeal in fact to Prime Minister Gonsalves not to pass this legislation in this House today. We are living in a climate, in an environment of difficulty and every addition to that difficulty has its consequence.

You know a couple of days ago in the Budget, the Prime Minister dealt with the questions relating to Deeds of Gift and a lot of people did not understand, they understand now, a lot of them are speaking about it and do not want to see it implemented in St Vincent and the Grenadines where the exemption which is now there for persons who want to pass property to members of their family, a son or daughter that exemption from stamp duty is suddenly removed. Thousand of people in this country, a lot of them poor will be severely affected by that measure. In our climate and all of us know it, a lot of people spend years struggling to build a house, they get their friends to help them and often it takes years before they can complete a house and they may want for some reason or the other to pass it on to a son or daughter. They are not being paid for the land they are giving it

and years ago an exemption was given that you do not have to pay the stamp duty and the stamp duty is 5% buyer and 5% seller, 10% value of the property.

So, Mr. Speaker, in St Vincent and the Grenadines there are a lot of areas where people will feel hardship to find the 10% stamp duty. A property of \$50,000 is \$5,000 stamp duty, \$100,000 is \$10,000 stamp duty; they have to find that cash in this difficult environment they cannot find it and therefore their effort to pass on to a son or daughter is stymied. These kinds, Mr. Speaker, of decisions are what I am talking about and I see this act in that context also, Mr. Speaker. People cannot stand much more difficulty, whether you determine the difficulty arises because of external economic and financial forces or whether we determine it is a combination of what we do here in terms of our management or a combination of both people cannot stand much more.

I had an experience yesterday, Mr. Speaker, I had an experience yesterday and it struck me and touched me, I believe that everyone of the parliamentarians in this House give support to families and children who have to go to school and their parents cannot make ends meet.

**HONOURABLE MR. SPEAKER:** Ten Minutes.

**HONOURABLE ARNHIM EUSTACE:** I believe that every one of us in this parliament have assisted people in that regard. Some of us do it on a monthly basis. A lady called me on Monday and said she has a daughter in the high school and she cannot pay for the transportation of her child from the countryside into Kingstown from this end of month, and she is fearful that because of that that next month her child would not be able to go to school if she does not pay the Bill this end of month. [Interjection] I know all of you know about that but there was a difference she called me yesterday and she said to me “Mr. Eustace, I get through” and so I was happy for her and I said, “well how you get it”, she said, “I got the \$8” , I said, “which \$8”? “The \$8 I borrow to come to town to see”. I thought she was referring to having gotten the money to pay the vehicle, in fact she was referring to the fact that she had to borrow some money to pay the van to come to town, and she was glad that she was able to borrow it.

What I am trying to saying, Mr. Speaker, there are a lot of people in this country who are meeting it real hard.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible]

**HONOURABLE ARNHIM EUSTACE:** And adding additional difficulties in the same way that we talk about these Bills and also about the stamp duty is not going to help us.

**HONOURABLE MR. SPEAKER:** Honourable Member, I believe you were not in the House during the Prime Minister’s winding up of his

**DR. THE HONOURABLE RALPH GONSALVES:** The night before.

**HONOURABLE MR. SPEAKER:** the night before winding up of this budget debate and you have been going on, on this stamp duty business but as far as I know that has been rescinded. The Prime Minister announced that he has withdrawn that [Interjection] in relation to ... Hello [Interjections]

**HONOURABLE DANIEL CUMMINGS:** [Inaudible]

**HONOURABLE MR. SPEAKER:** Honourable Member, when I am on the floor please do not interrupt me. He has so far, I do not know if you are aware and maybe I believe your colleagues might want to fill you in on that matter but some redress has been made in relation to that matter somehow somewhere.

**HONOURABLE ARNHIM EUSTACE:** Mr. Speaker that is the point I am making,

**HONOURABLE MR. SPEAKER:** Okay.

**HONOURABLE ARNHIM EUSTACE:** it need not have happened.

**HONOURABLE MR. SPEAKER:** Okay, Well that is a different discussion. That is a different discussion now Honourable ...

**HONOURABLE ARNHIM EUSTACE:** It need not have happened and it is rescinded completely, that is the point I am trying to make that we add on difficulties at a time when the climate is bad. When people are more concerned with matters of this type: that is what I am talking about. And I am saying things pertaining to rights and so forth get touchier everyday in this country and we must do what we can to minimize those responsibilities. People cannot take much more, a lot of people in our country. I say to the Prime Minister again as I close, I say to the Honourable Prime Minister in the same way that you had second thoughts on the stamp duty, you should also look at this piece of legislation again. Much obliged Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Further debate. Honourable Senator Slater, Minister of Foreign Affairs. Honourable Members, I am just asking you to recognise the Deputy Chair while I take a five minutes reprieve; Deputy Speaker, well, same thing.

**HONOURABLE DAVID BROWNE:** Honourable Member, please continue.

**DR. THE HONOURABLE DOUGLAS SLATER:** I am going to begin, thank you, much obliged Mr. Speaker. Mr. Speaker, Honourable Members, I rise to make my contribution; I think it is going to be fairly concise but I think it is going to be important. Mr. Speaker, Honourable Members, before I proceed though, I had a note here to raise about the stamp duty exemption. We talk about picong and we talk about leadership, it is a clear demonstration of the lack of unity on the other side. Mr. Speaker, I felt embarrassed for the Honourable Leader of the Opposition that in the winding up of the Budget Debates it was so clear that there was a rethinking of this issue. To see that it is after he has been going on, and on that at a side bar he has to realise that there were some changes. Nevertheless, let me go on with the debate at hand here now.

Mr. Speaker, Honourable Members, what is the genesis of this Bill, the amendment? Mr. Speaker, it was mentioned by the Honourable Member of the Opposition that he does not think that it would have been here if private criminal charges were not brought against some Members on this side. Mr. Speaker, therefore he has opened up for me a Member on this side who was directly involved, even more reason why I feel compelled to debate this Bill. Mr. Speaker, I am not a legal expert, I am not a lawyer, and many of us here are not; the Honourable Leader of the House, the Honourable Prime Minister, he is and he has given us what I think is more than enough on the legal issues related to this. Of course, others may think differently but in my opinion, I have heard enough. Incidentally, Mr. Speaker, because I am not a legal expert, I again, we sit and ingest but I again apply the principle of osmosis and I read about this case. In fact, it was interesting; I was able to follow almost, I cannot remember the names of all the Lords but I read almost all of the cases and more of them that were being presented, because I could imagine that in the interest of time it was impossible to bring all of the examples because I do use technology and all available opportunities I can to educate myself.

So, Mr. Speaker, it is my understanding that the Laws of St Vincent and the Grenadines were to a great extent were derived from parent laws in the United Kingdom our former colonial masters. And it is my understanding that the Privy Council is still the final court of appeal for this jurisdiction. It is my understanding that therefore there are very much similarities and we can be guided by the thinking of the legal experts in the UK. I think it is very reasonable that the cases presented by the Honourable Prime Minister are sufficient justification because they come from Law Lords and again I am not a lawyer, but my understanding of Law Lords, those are the same final arbiters in the Privy Council who when we have exhausted all avenues in these lower courts here, they are the ones. And if they have those opinions about the procedure for private criminal and charges who am I? Who am I to second guess them? But I am a legislator some people do not like to hear that but by the Constitution of this country as a Senator all of us here are legislators: that is we are responsible for the construction and making of laws.

Mr. Speaker, when one decides to make a law or amend a law it is my understanding that one has to take into consideration strict established law but also we are human beings, we are organisms we are not isolated in space, there must be a context, a sociological context, there must be a context of tradition, how do we live? What are the norms and practices? How do we practice our politics? That is my understanding. What is considered to be reasonable or acceptable? And Mr. Speaker, because of that I believe that the bringing of private criminal charges, as was insinuated or suggested by the Leader of the Opposition that it was done because of what happened, and I believed him, I agree. I believe it was out of malice, it was because of vexatious reason and that is enough of a reason that I think that we should not allow it to be abused.

Mr. Speaker, I could easily say, well, I believe that one of the Lawyers involved in making the case may have a particular grudge against me and encourage their Party, it could be because of a representative I may have led the way to acquire lands, against a relative, I can say so. It may not be so but I can say so, and I can say it might be a case of revenge. Mr. Speaker, all of us live in a small ... and small societies you know, all of us hear a lot of things. And you know there are many times when despite the fact that there is evidence out there it is very difficult

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, point of order.

**DR. THE HONOURABLE DOUGLAS SLATER:** State what is the point of order. Am I to give way? What is the point of order?

**HONOURABLE DANIEL CUMMINGS:** Well, I cannot stand until you sit Sir.

**DR. THE HONOURABLE DOUGLAS SLATER:** Okay.

**HONOURABLE DAVID BROWNE (Deputy Speaker):** State your point of order please.

**HONOURABLE DANIEL CUMMINGS:** Yes, I hear you, Mr. Speaker. Mr. Speaker, under the Rules a matter that is before the court ...

**HONOURABLE DAVID BROWNE (Deputy Speaker):** What Rules?

**HONOURABLE DANIEL CUMMINGS:** The Standing Orders of the Parliament, Mr. Speaker.

**HONOURABLE DAVID BROWNE (Deputy Speaker):** What [inaudible]

**HONOURABLE DANIEL CUMMINGS:** The Standing Order requires that when a matter...

**HONOURABLE DAVID BROWNE (Deputy Speaker):** Honourable Member, could you please give me the section please.

**HONOURABLE DANIEL CUMMINGS:** I will give you the section in a second, Mr. Speaker, the section relating to a matter being sub-judice.

**HONOURABLE DAVID BROWNE:** That is what section?

**HONOURABLE DANIEL CUMMINGS:** I am getting it for you, Mr. Speaker, if you want it, I will get it for you. Mr. Speaker, the same section was used earlier in the day.

**HONOURABLE DAVID BROWNE:** Honourable Member please, the rule of this Honourable House is that you must state when you call a point of order what section are you raising the point of order on. If you do not know the section...

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker

**HONOURABLE DAVID BROWNE:** I expect you ... Honourable Member, can you please be seated please;

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I

**HONOURABLE DAVID BROWNE:** I am on the floor.

**HONOURABLE DANIEL CUMMINGS:** Oh!

**HONOURABLE DAVID BROWNE:** I expect when you arise on a point of order that you have with you the section, and I understanding for a gentleman who have been in, sorry, Honourable Member who have been in the House for a while, you should know that by heart by now. I will suggest before you continue you get the section, Honourable Member. And at this moment I will pause as the Speaker, of the House returns.

**HONOURABLE MR. SPEAKER:** Honourable Member, I was standing at the door and I would have heard you standing on a point of order, [Interjection] would you want to still pursue that matter, Honourable Member?

**HONOURABLE DANIEL CUMMINGS:** [Inaudible] Mr. Speaker. Mr. Speaker, I was making the point that the matter, the Standing Order with a matter relating to a matter that was sub-judice, however it is pronounced, was dealt with in this House not too long ago and the section is known to all and sundry [Laughter]

**HONOURABLE MR. SPEAKER:** What is the section?

**HONOURABLE DANIEL CUMMINGS:** What is the section, the one with sub-judice? [Laughter]

**HONOURABLE MR. SPEAKER:** Honourable Member, I would help you with the section, the section is 36:1.

**HONOURABLE DANIEL CUMMINGS:** As I said, Mr. Speaker,

**HONOURABLE MR. SPEAKER:** Yes.

**HONOURABLE DANIEL CUMMINGS:** I am aware that everybody is familiar with the section.

**HONOURABLE MR. SPEAKER:** Well, you need to be familiar as well, so that when you stand up you can state it.

**HONOURABLE DANIEL CUMMINGS:** I thank you Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Right.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, to the best of my knowledge, the matter being discussed by the Honourable Minister of Foreign Affairs and Senator is a matter rightly before the Court. It has gone through several stages and it is subject of appeal, it is before the court. The Honourable Minister is going into debts with matters that can influence the outcome of the case. And I respectfully submit that he should stop it.

**HONOURABLE MR. SPEAKER:** Okay, Honourable, just a minute, you

**DR. THE HONOURABLE RALPH GONSALVES:** May I just say this.

**HONOURABLE MR. SPEAKER:** You are standing on?

**DR. THE HONOURABLE RALPH GONSALVES:** May I just, if I may crave your indulgence on a matter, Mr. Speaker. This matter, clearly the rule is that if the matter which is sub-judice in such a way as might in the opinion of the Speaker, prejudice the interest of the parties thereto, it is not the matter that because something is sub-judice

**HONOURABLE MR. SPEAKER:** It cannot be discussed.

**DR. THE HONOURABLE RALPH GONSALVES:** It cannot be discussed. It has to be in such a way as it might in the opinion of the Speaker, prejudice the interest of the parties thereto. It may or may not prejudice the interest of the parties. That is one point, Mr. Speaker. The second thing, there are several cases which were filed and my understanding is: is that some are up for judicial review not all whether the case involving the Honourable Minister of Foreign Affairs is up for review is not a matter which is known. So that you know, there is a rule [Interjection] but there is a factual matrix, which must be laid. Like for instances, if he has the document and the nature of that particular matter and something which is said which will precisely prejudice the issue, well then there is a case for determination. At the moment, it is just an assertion that there is a case, there is no evidence that there is none has been brought to this Honourable House by the Honourable Member who is raising it. And certainly the question as to whether it prejudices the rights of the Parties thereto, it is a matter which is up for your determination, Speaker. In other words the Rule is not simply one of sub-judice, there has to be a factual basis first.

**HONOURABLE MR. SPEAKER:** Yes, Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** And then the conclusion could be drawn.

**HONOURABLE MR. SPEAKER:** Honourable Member, I was going to make the same reference as in terms of the interpretation and the understanding of the particular Rule.

**HONOURABLE JULIAN FRANCIS:** Microphone please.

**HONOURABLE MR. SPEAKER:** Hello.

**HONOURABLE JULIAN FRANCIS:** Microphone.

**HONOURABLE MR. SPEAKER:** Yes, I was going to make the same explanation in relation to the Rule and its interpretation. The thing is you know it might be even very difficult for me to give an opinion on this since I am not aware as the Rule says “opinion of the Speaker” I am not aware that this matter is before the Court and if the Honourable Member has that information and he is passing it to us today then I will ask the Honourable Minister of Foreign Affairs to please discontinue this sort of discussion, okay.

**DR. THE HONOURABLE DOUGLAS SLATER:** Much obliged, Mr. Speaker. Mr. Speaker, let me say, I am not aware that there is such a process against me but Mr. Speaker, as I said before, it was the Honourable Leader of the Opposition who made mention of the reasons why we are here, why I felt it was in order for me to make reference. And that is in the Hansard as to why we are here. The reason you said, and I will paraphrase that had it not been for cases brought by Members of that side against Members of this side: we may not have been here and I am just making reference to that. [Interjections] [Inaudible]

**HONOURABLE MR. SPEAKER:** Let us go ahead.

**DR. THE HONOURABLE DOUGLAS SLATER:** Okay. Mr. Speaker, yes, I will go ahead. Mr. Speaker, Honourable Members, [Interjections] Mr. Speaker, you know, Mr. Speaker, we need to do some introspection to understand what is really happening here. We are all politicians, we had an election the 13<sup>th</sup> December, the people decided. I here mention about a dictatorship, Mr. Speaker, when I studied medicine I had to do a lot of liberal art courses including some political science, and there is a concept I was taught about the dictatorship of the proletariat, and our people when you talk about that you hear people talk about communism. You know what the dictatorship of the proletariat means? That is democracy; it is democracy of the majority; that is what it means. [Interjection] Do not bother about me and what I know about John Stewart Mill [Interjections]

Mr. Speaker, Honourable Members, so we have here a political issue, and I also know that my good friend on the other side, yes is a friend, I heard him mentioned, and I have heard it mentioned by other persons that

**HONOURABLE MR. SPEAKER:** Honourable Member, let us cut this good friend thing. Let us ...

**DR. THE HONOURABLE DOUGLAS SLATER:** All right Mr. Speaker, the Honourable Member of Central Kingstown, I think earlier in the debate on the Estimates, he stated and we have heard it repeatedly here that “we are in an in and out club” . It is interesting; Mr. Speaker, that we might be incensed now, and feel that it is okay to have this procedure stay as it is. I just want Honourable Members to, for a moment, just imagine the shoes is being on their feet because, Mr. Speaker, one of the reasons why we need proper gate keeping to prevent abuse of this process. Let me give a case scenario, I used a similar example in my debate. The Honourable Member of the Southern Grenadines or John Doe has a twelve year old daughter and he asked a friend, a male friend to give her a ride somewhere, the daughter complains that she was fondled and her parents decides to bring a private criminal case as opposed to civil. Now, would you prefer to be served with a summons having to go and get legal counsel, it would be costing you, it is some stress on you, not that some of us cannot manage stress but I just want to put a scenario, and would you prefer that or do you prefer to have some evidence gathered by the DPP whoever he or she may be. Mr. Speaker, as a medical practitioner, it is very often you know that people misunderstand actions; let me give you another example. I could remember working in a clinic in Jamaica and there was an attempt to bring a criminal case against a physician because a young female stated that she went to that physician and he groped her and fondled her to examine her. She went into the details of what he did and the physician denied it.

It reached to the point that where I actually had to participate in a tribunal. When they brought the young lady and asked her to describe what was done you know what it turns out, the physician was performing what all

practitioners know was a normal vaginal examination concomitant with the complaints that that young lady made. Now, just imagine if you did not have a gate keeper, if that was a private criminal case, imagine what could have been done to the reputation of that physician: just an example. Mr. Speaker, as I said I planned to be concise here. When a person brings a private criminal charge as I understand it again and I stand corrected, the intent is to imprison you [Interjection] No there is no reward in private criminal case. There is no reward any fine is to the state, and I am not a lawyer. They want to put you in prison, and in the case of a politician to prevent you from enjoying your rights as a citizen to be elected.

Mr. Speaker, the question is where is my right as a citizen of this country? We talk about removal of rights but remember it is not only one side that has rights you know, the other side has rights too. Mr. Speaker, I believe that the majority of Vincentians and all objective thinking persons would agree that this right is being abused and can be abused and a stop to it should be made. [Knocking on the desk] Mr. Speaker, the Honourable Prime Minister just brought some examples, just imagine this if every single member of this team decided to bring a charge against the NDP about the charge with the Manifesto and vice versa if it is allowed to go direct to court and pass through the DPP it will take a lot of lawyers and a lot of time. Just imagine that and if you have to take a lot of that to the DPP we will need a DPP office with dozens of lawyers, just think about it. So, Mr. Speaker, we have to understand that is why I said laws should be made in the context of the sociological practices, the cultural practice and our political culture et cetera. And therefore, Mr. Speaker, I think that it is important to remember that no one's right is taken away to bring forward a private criminal charge, although I will tell you it is my opinion that it should be based on all that I have heard, but this is not what we are trying to do here, but that is my opinion.

I respect anyone who does not agree with that but you know in a debate as we are having here in a court of law is a matter of ones opinion versus the other with some of course established facts. And what we are trying to do here is decide what is reasonable, what is desirable and some may say what is necessary? It may not be necessary but it may well be desirable and in this case I think it is very desirable for us to insure that malicious intent does not reach a point where it overcomes the rights of others. [Knocking on the desk] And Mr. Speaker, you know, we here a lot of things discussed as I said sometimes very difficult, very difficult even when some of us know that things are happening out there, it is difficult to get the evidence.

Mr. Speaker, let me just give you an example, Mr. Speaker, I mentioned a term which I want and I promised to use whatever opportunity I get to raise the consciousness of this nation about a practice called pedophilia, pedophiles and I want to use this let me give you an example. If I say out there (as I read) there are pedophiles walking among us one may ask how do you know that? What is the proof? Do I have the proof to say so? Yes I do. And Mr. Speaker, I am going to present the proof. Mr. Speaker, as Minister of Health and the Environment that I have been over ten years several years ago the Head of the Department of Obstetrics and Gynecology started an annual presentation they called an Annual Perinatal Conference, that person happens to be very close to me. Mr. Speaker, that person happens to be very close to me. Mr. Speaker, let me give you some statistics, I have statistics here from 2005-2009 and I see people here who would have been Ministers of Health, the former Minister of Health here and he might know what I am talking about. In the year 2005 they have a group of a number of deliveries born to females in this country. In the year 2005, under 13 years, there were (4); in the year 2006 there were (2); 2007 (4); 2008 (3); and 2009 (4). I do not have the figures for 2010.

Mark the figures, but here this, there is another age group, we have below (13) and then you have (14-16) in 2005 there were (82), 2006 (80), 2007 (69), 2008 (77) and 2009 (99). Mr. Speaker, this may be in law, I cannot go to a court and say who is. What I know is there is a fact that if you have an average (90) young women because remember you know, listen what I am saying under (16) but that is when the baby born you would have had to commit an act, we call it coitus when that person is (15). Mr. Speaker that is fact; that is only possible if there is a practice of pedophilia. So, Mr. Speaker, I use this to show you that there are things and those who mobilize people must remember that there are rights: rights of the child and we probably should mobilize to protect the rights of the innocent; the well-being of the child. Mr. Speaker and I want Honourable Members and those who are listening let them think deeply about what they are doing because, Mr. Speaker, remember the Honourable Leader of the Opposition said that we may not have been here today if certain charges were not brought against us that is the connection of the information I am giving here.

Mr. Speaker, Honourable Member as a responsible citizen of this country again I pledge to champion the rights of the oppressed and the children of this country and I had read from this document a newspaper, the Vincentian of Friday January 14<sup>th</sup> and I give the author Karielle Sue-Ann Richards, just want to read with your permission, Mr. Speaker, just a little piece:-

**What kind of nation is St Vincent and the Grenadines, if we shrug our shoulders as the pedophiles walk among us? What kind of people are we who put the rights of a pedophile before the rights of children?**

Mr. Speaker, let us think on these things, I am much obliged. [Knocking on the desk]

**HONOURABLE MR. SPEAKER:** Further debate, Honourable Member for the Northern Grenadines.

**DR. THE HONOURABLE GODWIN FRIDAY:** Mr. Speaker, I rise with a heavy heart and a deep sense of foreboding to make my contribution to this debate on a measure to amend the criminal procedure code. The matter has been much ventilated in the public but I think we as elected officials in this Honourable House, we have an obligation to provide leadership as well on the issue in this House and also to educate the public. Before I proceed though, Mr. Speaker, there are two points I wish to address. I think in this Honourable House, Mr. Speaker, the practice of having debates or carrying the business of the House late on Friday evenings does not pay sufficient respect to the religious needs of Members of this Honourable House. I know for a fact that Honourable Senator Baptiste wanted to make a contribution to this debate but because of matter of religion she could not be here tonight. [Interjection] What did you say? [Inaudible response] Yes, but that compounds the problem it does not eliminate ... matters of religion are not matters of convenience; for some people maybe; but for others it is a very serious matter.

And when you have to choose, Mr. Speaker, between your service in this Honourable House and your religion, your service and your fealty to your religion, to your principles it is an unfair choice; and it is one which our constitution, Mr. Speaker, would frown upon. And I think that you and the Prime Minister as leader of the House ought to do something about it in the future, Mr. Speaker. Because I do not know about the other Members on the other side but I would assume that they also wanted to make a contribution on the debate. And

I would hate to know, Mr. Speaker, that I were in that position where I wish to say something in this House because that is why I am here, and then I have to choose between observing my religious principles and representing my constituency in this Honourable House. No one ought to be put in that position and anyone who makes light of it, Mr. Speaker, really ought to be ashamed about themselves. [Interjections]

**HONOURABLE MR. SPEAKER:** Honourable Members.

**DR. THE HONOURABLE GODWIN FRIDAY:** Once more, Mr. Speaker, I really do not see what is the rush in dealing with this Bill today; where is the fire that this Bill is going to put out? What is the rush? Why did we have to do it today? Why couldn't parliament be recalled next week to deal with it or Monday? [Interjection] Yes, you wanted it done but you worship on Sundays like me.

**HONOURABLE MR. SPEAKER:** Honourable Members, Honourable Member you continue your debate.

**DR. THE HONOURABLE GODWIN FRIDAY:** Mr. Speaker, I spoke about the urgency of this matter, there is no urgency in this matter. So, the next question that I ask is: why is a matter of this importance being rushed through this Honourable House in one single sitting, without having any reflection within a select committee? This is a matter that should go to select committee because it has deep historical roots, the right to institute a private prosecution to get into the court before the DPP intervenes, and it affects, Mr. Speaker, the way in which our criminal justice system functions. The DPP is a constitutional position yes, but if you look even at the powers that are given under section (64) of the constitution, they clearly contemplate the existence of private criminal prosecution. Mr. Speaker, I urge the Members on the Government side to send this matter to a select committee; we can do it after the debate and to have the reflections of the Members of the Committee and whoever else you wish to call to assist us.

Mr. Speaker, I come now to the substance of this legislative amendment. The object ... well the objects and reasons do not really say much, it says:

**“The object of the Bill is to amend the Criminal Procedure Code”.**

But the purpose of it, Mr. Speaker, the effect of it is as the Prime Minister says, the Honourable Prime Minister, to prevent an abuse that somehow nobody ever heard of before the recent times. I have seen he is giving a lot of information of what is happening in England, the reflections that have been made on it, I think he said it had been considered by a committee of some sort and ultimately, parliament decided to leave the law as it was. And then he cited several cases, well the opinions of Law Lords, you know if you were before a court and the matter was not relevant to the determination of the matter or what was being quoted the opinion, you would say it was obiter. In this case, Mr. Speaker, the comments that the Honourable Prime Minister read from the learned Law Lords seemed to be suggesting that private criminal prosecution is something of an anachronism and that something should be done about it, but what I did not hear him say was anything was done about it. It seems to me that they have had a very lively debate for sometime and I am not as well versed on the matter as he is. I haven't had the opportunity to read the cases he cited but if anyone of them had said that a decision had been

taken to do away with private criminal prosecution, I am sure that would have been the first sentence he would have read.

The point is it appears to me from what he said that the situation remains the same as it was in England. If that is not so then he can correct me when he replies. In fact he mentioned a judgement of Lord Hutchinson of Lollington, I think it was who said that

**To avoid an abuse the DPP should be notified in every case filed so that he could decide whether to continue or discontinue it in the public interest.**

He did not say that the DPP should intervene prior to the institution of criminal proceedings. All he is saying is that the power which our DPP has presently to institute or to involve himself in criminal proceedings, should be exercised more vigorously in the sense that he should be made aware of every private criminal prosecution so that he could decide whether to take it over or discontinue it or continue it.

What we are proposing here is different from that because the proposal of this legislation and the government brought to this House is to put the DPP outside of the gate of the Court and to make a determination prior to the complaint and getting into the Court.

**DR. THE HONOURABLE RALPH GONSALVES:** If my Honourable Friend will give way.

**HONOURABLE MR. SPEAKER:** Honourable Member.

**DR. THE HONOURABLE RALPH GONSALVES:** I know that he does not have the document in respect of Lord Hutchinson of Lollington. He is making the point that if you are going to continue it ... actually he is the one who is of the view that you should not have it; but if you are going to continue it this is one possible way and he said if you did not want to do it this way, you can do it the way the Royal Commission suggested in 1981. He is not closing all the possibilities as may be possible to address this matter. So, do not for one moment say that the quote that I made was entirely restricted. He is saying that this thing is opened to abuse; we should not have it, if we are having it perhaps these are some of the ways in which we could do it and if you do not want to do it this way, you could do it this other way, or you could do it some other way, that is the gravamen of the learning which he is presenting. I just want to make that clarification and I know you would appreciate the point.

**DR. THE HONOURABLE GODWIN FRIDAY:** But the point is that the situation was not changed right [Inaudible response] well, there was discussion about it. And you see what is wonderful, Mr. Speaker about systems of government of societies like in England even though you have eminent Law Lords and maybe others in parliament who may wish to have a certain change in legislation or practice they do not just simply implement it in one evening: late on a Friday evening without any serious discussion [Interjection] I thought that was the whole justification of the remarks of the judge. [Interjection] Mr. Speaker, in that context the matter was ventilated fully. There were people in the legal community as I understand it who may have wanted the change but parliament when they came to consider it thought otherwise.

Parliament is made up of people who are elected, who listen to their constituents and are guided by their wishes. It is our view, Mr. Speaker, that the people of this country do not want this legislation change. They do not want this legislation change, and I believe, Mr. Speaker, that given that there is so much public interest in it that as a democratic institution we ought to listen and have further debate and inquiry into the matter before it is rushed through parliament in one Friday evening. What is the fire we are trying to put out? What depends on the determination here tonight that we have to do it tonight? If this is being done simply in the public interest or is there some other private interest that is being served. If it is in the public interest then I say the public interest demands that we go to select committee and you have the matters discussed more fully there. So, we rush it through on a Friday evening when three Members of this Honourable House cannot be here because of religious conviction and we say that we are a progressive enlightened democracy at the beginning of the 21st Century.

Mr. Speaker, where is the abuse that is so much talked about? Do we have any statistics? I would like to see how many criminal prosecutions were instituted privately over the past ten years and what the determinations were. The information that the Honourable Prime Minister presented tonight he said I think about 1% of prosecutions in England were private criminal prosecutions, I think I heard that. That would be a large number in absolute terms in a country as large as England, 1% of them were shoplifting alone so then the figure might even be higher. Well: do the arithmetic; find out how many criminal prosecutions there are in England in the United Kingdom or England and find out how much 1% is and those are just shoplifting. So, there might be other private criminal prosecutions that were started for other offences.

In our context, Mr. Speaker, I have not heard any public outcry or concern about private criminal prosecution, if it is anything that people complain about, Mr. Speaker, is frivolous law suit because you go in the Magistrate Court and as the Prime Minister like to say, "You have your long list of cuss cases" [Interjection] that is where it is and if we are dealing with abuse of a court process that causes a citizen to respond to a frivolous claim, what is the difference between criminal and civil? [Interjection] If you are going to fix the problem for criminal prosecutions one which I would say is less frequent than frivolous civil complaints then what is to stop you from doing a similar thing with respect to civil complaints? It is fixing an abuse of process. You are stopping people from having to go to court and in front of the whole community answer to things which can be quite embarrassing to them and it turns out that there is no merit to it. So, if that is what we are fixing why stop there? There is no logic to it. The point is, Mr. Speaker, is there is some other object behind the attempt at amending this legislation and it is not one that speaks well of our democracy. You cannot simply deal with criminal matters by legislating either the offence out of existence or by creating an obstacle for the complainant to get into court.

The way we do it in our system is that you go to court and you answer the charge, if it is a frivolous matter you have as the Honourable Leader of the Opposition pointed out the Magistrate who is a judicial officer at first instance makes a determination as to whether the matter is frivolous and vexatious by that they just simply mean it has no basis at all to it. No, you need a DPP and if it is an abuse of process the Magistrate would not issue a summons and that is the end of the matter, unless you want to appeal the Magistrate's decision. The DPP Mr. Speaker, even after a private criminal prosecution has been instituted, the DPP can then become involved if he chooses to do so, in the public interest not with a motive of discontinuing but rather to asses the merits of the case and to determine whether it should go forward or it should be discontinued. And in other to do so Mr.

Speaker, I would say, I do not want to tell the DPP how to do his job but I would think that you would need to question the witnesses and to see whatever documentary evidence there is to support the claim before you make a decision, and important decision as to whether the matter should go forward or not.

But here is the other matter if the DPP becomes the gatekeeper not after you have gotten into the Court but before you get into the Courtyard, he makes a determination that there is merit to the case that it should go forward, he would then turn to the citizen and say, and by the way go and do it yourself. I would think a responsible DPP would say well this person has a case; the State has an obligation to assist them, it is a criminal matter and to pursue it. Effectively, that is the end of private criminal prosecution, so when we say that this measure effectively ends private criminal prosecution it does, and it is something Mr. Speaker, it is reprehensible to be dealt with in this way, it makes our citizens nervous because they know the power of our state, they know the weakness of our institution to protect us from the power of our state. We do not have all the investigative mechanisms that you have in the United States and England; you do not have independent press who can expose things, everybody is afraid to speak in St Vincent and the Grenadines because they have something to lose. [Interjection] So, I want Mr. Speaker that when we have a right to go before a judicial officer who is independent and is used to exercising that independence [Interjection] that we do that, we allow the citizens to do that.

And this is why people are so nervous and why I applaud all those people who came out today to show their displeasure with this, their concern. If you say you want to explain it to people well give them time and explain it. The only people who have been doing the explanation have been the people who have been opposed to it [Interjection] I am explaining now and you are voting on it in another hour [inaudible response] [Interjections] that is what we have come to Mr. Speaker, it is all about power, the interest of the minority has no place in St Vincent and the Grenadines [Interjection] You have the power so you do whatever you like [Interjection], I think that is what the Honourable Minister of Tourism made the point very plainly in his own rebuttal of a statement that Honourable Senator Baptiste made. That is not how democracies work; we govern by coming to power based on a majority [Interjection] you do not govern only for the majority: you do not govern only for the majority. If you believe that then you do not understand democracy and you do not deserve to be in government [Interjections] [Striking of Gavel] that is why we have one half getting fat and the other half starving.

Mr. Speaker, it really saddens me you know, I understand that in winning you have bragging rights but winning does not bring a price: winning does not bring a price; winning brings an obligation Mr. Speaker to govern the country on behalf of all the citizens of St Vincent and the Grenadines. In my own service as a representative I do that in my constituency and I think that even the people in the Opposition who are opposed to me who are supporters of the other Party recognised that and that is why more and more of them support me. That is not a boast that is a fact, and Mr. Speaker, I do not need bragging rights.

Mr. Speaker, this piece of legislation is serious business; we ought not to be going down this road in St Vincent and the Grenadines at this stage of our development, people all over the world are expanding the scope of freedom of giving citizens more power, more inclusiveness and we are looking at ways Mr. Speaker, to interpose a person in the office of the DPP; and I do not care who the person is the office changes from time to time as do governments; between the private citizen and his right to bring a complaint before a judicial officer.

You will not have the right to do that because the DPP intercedes before; a magistrate is a judicial officer; you file a complaint you go to a magistrate. I urge Mr. Speaker that the government reconsiders.

It heartened me though, today I saw, I spoke to a couple of people on the picket line outside and they said, “I supported the government but I don’t like this Bill” [Interjections] well, [Clapping of hand] They said, “I support the Government but I do not like this Bill that is why I am opposing it”. They did the same thing during the Referendum and you ought to be chastened by that because you use to have a much larger side on that side of the House and this time you escape by the skin of your teeth as we say. But you are not out of the woods as yet because if it is one thing that the Elections of 2010 showed is that the ULP Administration is on its way out because once the slide continues or start you are not going to stop it. So, knowing that Mr. Speaker, any prudent legislator or policy maker on the government side ought to govern when they are in opposition not just for when they are in the Government. But the truth is this is not a matter about ULP and NDP [Interjections] this is a matter of the rights of the citizens of St Vincent and the Grenadines. The citizens of St Vincent and the Grenadines send us here to serve them, to enhance their rights, to protect their rights and to improve their standard of living. They did not send us here to take away rights they had enjoyed many, many years and want to continue to enjoy.

And where is the evidence of abuse Mr. Speaker, [Interjection] other than a [Interjection] self serving attempt to deal with matters that ought to be dealt within a court of law? Mr. Speaker, I ponder very deeply about the future of this country Mr. Speaker, because I believe in the promise of a better life, I respect the sacrifice of those who have gone before us and I pledge myself Mr. Speaker, in what little way I can to contribute to make this a better country, a better society and when I see things that threaten that it pains me and I wish that sometimes in this Honourable House Mr. Speaker that we could rise above the narrow partisan politics, step back and see whether the national interest is being served. I know we can do better in this House and I know Mr. Speaker that our fellow citizens, I use that word deliberately instead of constituents because we are all in the same level, we have one vote that our fellow citizens want us to do better.

This Bill is not in the interest of St Vincent and the Grenadines, I have seen no compelling reason why it should be changed, none of the evidence which the Prime Minister provided whether in terms of legal authority and certainly no statistical data to make a case for changing the law. I urge that it be left the way it is. If the DPP takes an interest in the matter the DPP has the right under the Constitution to deal with the matter. These are serious matters Mr. Speaker, and that is why there was so much public dissent and disapproval of it and I urge this Honourable House to reconsider the position. At the very least the matter should not be voted on tonight, it should go to a select committee [Interjection] and be dealt with ... you know we have developed a practice in this House where push legislation through in a day, it becomes like a routine thing. It ought to be an exceptional practice not routine, you cannot consider major legislation in a couple of hours every day. The people of St Vincent and the Grenadines do not want this Bill changed, I am convinced of that and the government ought to listen. [Interjection] The Prime Minister says, I heard him he said that he would listen to the people [Interjection] well, the old people say, “You can’t hear you gone feel” [Laughter] [Interjection]

**DR. THE HONOURABLE RALPH GONSALVES:** And Mr. Speaker, I support the position of the Honourable Leader of the Opposition in calling on this Honourable House to step back; step back in the same

way you did with respect to change to the revenue measure to remove the exemption of stamp duties from family members then because you listened to the public concern about it. There is greater, believe you me, greater public concern regarding this piece of legislation and the other piece that is on the Order Paper here, the Bill to Amend the Representation of the People Act. I urge that my pleadings, my submissions and comments here Mr. Speaker, would be taken in the true spirit of patriotic citizenship and that they be heeded. Thank you. [Knocking on the desk]

**HONOURABLE MR. SPEAKER:** Further debate, Honourable Senator.

**HONOURABLE JULIAN FRANCIS:** Yes; that is good. I rise to make my contribution to this piece of legislation, the amendment to the Criminal Procedure Code. Mr. Speaker, before I start, I would like to ask specifically, because I have heard repeatedly on the other side that we must present evidence of abuse, and I call under 36:1 to establish ... It says, "Reference shall not be made to any matter which is sub-judice". Every time this matter comes up a Member on the other side jumps up and uses this section 36:1. There are two Members of this Honourable House Mr. Speaker, who recently laid charges against two Members on this side; they are present in this Honourable House tonight. The Honourable Senator Frederick laid the charge against then Senator McKie, well, he was not a Senator he was a candidate in the West St George election and there was a charge by the parliamentary representative against the Minister of Foreign Affairs. I have done my questioning as to whether these two issues are sub-judice, they are here, Mr. Speaker, I would wish to include them in my discussion. My information tells me that these matters are finished with, there is no matter before the Court. I went as far as asking officials in the office of the AG and they said they have no knowledge of these matters still being in the Courts; similarly, the case with Linton Lewis versus Clayton Burgin.

I have asked the Honourable Minister of Foreign Affairs

**HONOURABLE MR. SPEAKER:** [Knocking on the desk] I have no reason to doubt you, but I hope that the information you are giving here is correct because a few minutes ago, I was informed that these matters are sub-judice and as a result of that I had to caution the Minister, so that he would not discuss this matter, and that would be if such information comes to this parliament and it is not so, well something we have to probably look into. So, therefore, I am only hoping that you are giving us correct information, Honourable Member. Thank you.

**HONOURABLE JULIAN FRANCIS:** Mr. Speaker, I was getting to that point because I believe that you are referring to the information that you got in this discussion tonight, yes, not out ... the information that you said you have received is out of this discussion tonight, when the matter was raised on the other side of it being sub-judice?

**HONOURABLE MR. SPEAKER:** But the two of the three cases are here, so as Members of this House they can easily inform us if they are sub-judice or not, have they taken further action Honourable Senator Frederick and the Honourable Parliamentary Representative for South Leeward. If it is I would leave it out if they have not made any further legal advances and the matter is not before the legal authorities, Mr. Speaker, I want to be free to speak on them, and I will give way for them to answer to us Mr. Speaker. [Interjection]

**HONOURABLE MR. SPEAKER:** Honourable Senator Fredericks you are [Inaudible]

**HONOURABLE VYNETTE FREDERICKS:** Mr. Speaker, it is said that the Lawyer who has himself for a client is an ass so that I can only go on the advise of my counsel on these matters that they are indeed sub-judice, and that I speak on behalf of myself and of course on my colleague on this side that they are indeed sub-judice. But if the Honourable Senator knows better than I what the position is I certainly would not fetter him going into discussion if it advances the point on which ...

**HONOURABLE JULIAN FRANCIS:** Mr. Speaker that is enough for me please: that is enough. I gave way for her to speak Mr. Speaker, and I think I have the right to say that is enough. Mr. Speaker, if the Honourable Member said so, I will not mention the cases. I will not speak about them but as a matter of abuse, I will say that these three cases were brought immediately following the last general elections. We have never had these cases in the history of St Vincent here before and in the history of politics. We have said all sorts of things on the political rostrum and this has never happened, the last one I believe ...

**HONOURABLE VYNETTE FREDERICK:** [Inaudible]

**HONOURABLE JULIAN FRANCIS:** Well, Mr. Speaker, we come to this Honourable House all the time the Opposition with this holier than though attitude, I said so in my recently concluded discourse on the Appropriation Bill but Mr. Speaker, when the Opposition Members leave this Honourable Parliament House and they go on the Nice Radio Programme called 'New Times' which every single morning it is said by the Host Edwardo Lynch that this is a programme of and for the New Democratic Party and then Nice Radio puts on a disclaimer and during that programme Mr. Speaker, the holier than though disappear and every single law abiding citizen in this country who wishes to open his mouth to say anything against the NDP is besmirched on a daily basis and abused.

Mr. Speaker, there is no one in politics other than the Honourable Prime Minister today who has been abused more on the radio station and on the political platform than your humble servant Julian Francis. It is a daily exercise and I say if Mr. Lynch does not call my name on a daily basis he cannot have a programme. It seems as though it is Phensic or Alcolado or something to him, so he has to do it [Laughter] [Interjection] Cafenol; okay. [Interjections]

Mr. Speaker, the statements that are made on radio on a daily basis I can take legal action, I can institute the private criminal proceedings, Mr. Speaker. I have taken a position after taking a civil case against Mr. Lynch on the beach affair that that is the first and last one, they can say whatever they want about me I am not taking neither civil nor private criminal that is my attitude because I have a very tough skin when it comes to politics. One of our problems is the thin skin nature of a lot of our politicians today. The last one that we know of for bribery, the Honourable Prime Minister detailed it, Robinson versus

**DR. THE HONOURABLE RALPH GONSALVES:** Mc Dowal versus Sylvester.

**HONOURABLE JULIAN FRANCIS:** Mc Dowal versus Sylvester that was the last one [Interjection] 1972. I was in St Lucia, I was not here. Mr. Speaker, I tuned in to Nice Radio yesterday morning when I was coming down and I heard the owner of Nice Radio making this statement Mr. Speaker, he said:-

**“I don’t mind apologizing for statements**

Because he was talking of all the civil charges that were being brought against him that was referred to by the Honourable Member on the other side that we abuse the civil process.

**I have told them already that I do not mind apologising but every time they ask me for an apology they ask me for \$250,000.00. And I have brought a lot of statements and a lot of recordings, and you see that Hendricks, he is a sick man he sick to the bone: Tell he Dougie De Freitas say so”.**

Mr. Speaker that is what I heard with my own ear, nobody came and told me.

**DR. THE HONOURABLE RALPH GONSALVES:** He is a physician. [Laughter]

**HONOURABLE JULIAN FRANCIS:** He said, “Hendricks is a sick man, sick to the bone”. The same abuse that the Speaker, of the House gets on the New Times Radio Programme is the same daily abuse because of this abuse of the system that the Director of Public Prosecution is getting on a daily basis. I am beginning to believe that the NDP does not want an office of Director of Public Prosecution. I thought their only problem was with the person who fills the office of Director of Public Prosecution but do not forget that Carl Joseph was Director of Public Prosecution a former candidate of the NDP.

**DR. THE HONOURABLE GODWIN FRIDAY:** Mr. Speaker, if the Honourable Member gives ... I do not know where he got the impression that anybody on this side, there are two Members on this side of the House who have spoken and I did not say anything about not wanting the Director of Public Prosecution. In fact, as an interjection came from one side, and I said that the DPP has a place and I did not hear the Leader of the Opposition said anything to that regard. So, I think the Honourable Member in his exuberance, he is going a bit overboard as usual.

**HONOURABLE JULIAN FRANCIS:** Mr. Speaker, I said that I am of the opinion listening to the Members on the other side. If I had heard you say so Honourable Member I would have been the first to call your name, so please do not take the front on it.

**HONOURABLE MR. SPEAKER:** And that is not in relation to anything that was said in the House? I am asking.

**HONOURABLE JULIAN FRANCIS:** That was debated this afternoon.

**HONOURABLE MR. SPEAKER:** Okay.

**HONOURABLE JULIAN FRANCIS:** I got that opinion, I got that feeling.

**HONOURABLE MR. SPEAKER:** Oh! Oh!

**DR. THE HONOURABLE DOUGLAS SLATER:** Because they say the Magistrate will be the gatekeeper.

**HONOURABLE JULIAN FRANCIS:** Yea! Yea! Yea! In other words why you need the Director of Prosecution to stand by the gate of the Courthouse? [Interjection] Mr. Speaker, the Honourable Prime Minister read something but I want to read it again, from Lord Hutchinson, this is what he said:-

**“The mischief of continuing private prosecution is that the motivation of those who bring private prosecutions may not be the good of society, but may be based on personal spite, on revenge, on financial gain, on blackmail, on fanaticism all sorts of motivation”.**

Not those who bring the thing you know, that are not the good of society: the motivation. [Laughs] Mr. Speaker, having listened to the Leader of the Opposition on this, and you know I was going to be as pious as he was in the beginning of my presentation. I was going to be holier than though you would not have heard a pin fall inside here if the Leader of the Opposition did not take this front on his presentation. Mr. Speaker, the Leader of the Opposition wants us to be sorry that we won the election in 2010 [Interjection] [Laughter] Yea! Yea! Yea! You came here piously stating that simply soft and nice that in 1998 it was a similar situation but it is not a similar situation. In 1998 we got seven seats and we got 55% of the votes. You got eight seats and because of the gerrymandering of the seats you won yours by twenty seven: that is why you got eight seats. If the West St George, East Kingstown boundary was not changed deliberately in 1998 to suit you ... I am saying it so clearly, Mr. Speaker, you would not have won the East Kingstown seat Michael Hamlett would have won it, and we would have had eight with 55% of the vote.

So, in 1998 we had seven with the majority of the seats [Interjection] with the majority of the popular votes. Today in this election we got eight still with the majority of the votes. In fact, we got the majority of the votes in 1998, 2001, 2005 and 2010; you get the majority of the votes in your - what you call your elections the Referendum. We jump from 22,000 votes after the Referendum to 32,099 in this election. And Mr. Speaker, then the Leader of the Opposition went on that he is prepared to stay here until 6:00 o'clock until tomorrow morning because outside there he got his people. The people outside want this change and he is going to fight this. This is not going to be the end of it whether this is passed in this House or not tonight.

Mr. Speaker let me just drop in something about DPP and nolle prosequi. We never heard from the NDP about the nolle prosequi of the case for Glenford Stewart, a former NDP Minister, candidate and representative for the Southern Grenadines, he was brought from the Coroner's Inquest, I think criminally culpable and the DPP nolle prosequi and you never heard a thing about that. So coming back to the Leader of the Opposition, (I just wanted to drop that one in) he said that his people are outside. Mr. Speaker, I went outside and let me say like the Prime Minister, I was just packing my bag to leave at lunch when the Deputy Clerk or the Clerk Secretary came to me

and said, “Lunch is being served here”, I said for the others not for me; the boys up at the office cooking breadfruit and salt fish I am going up there to eat breadfruit and salt fish, I am not being locked in the precinct of this parliament building, I will feel claustrophobic. I got into my car, police opened the gate and I drove through. On the way out Cools Vanloo standing at the gate and he said, “You Julian Francis, your time coming to an end just now”. No problem, I do not ‘fraid that, I drove, I went to have my lunch, my lady went away, I went by the airport pick up a car and bring it back and I decided that I was coming back to parliament.

I called the Honourable Prime Minister; he said he was going back to parliament through the front gate, I said, sure that is where you normally go in. I tried to go back through the front gate but when I got by Coreas the police said that they had a barrier across the road and he said that it would be difficult for me to go down. If I can go down the street and come up I will get in through the front gate. When I looked at the traffic on Bay Street I said no but normally when I leave here because I go to the Party Office for lunch I will drive through this gate and still drive back in through this gate. So, I decide well, I will drive back in that gate. When I got there, there were a lot of people in front of the gate maybe fifty of them, police were there, I blew my horn and they kindly parted and I drove in.

Mr. Speaker, on the way out to lunch the people that the Honourable Leader of the Opposition spoke of was split 50-50 out there, there is no question, they had 30 people out there in NDP Tee Shirts but the NDP had good other support out there, but they do not clap me [Interjection] I know, I know I saw it with my own eyes, the NDP do clap me they jeer me; but I was clapped from Corea’s corner right up to the Ministry gate that is where they been, and some were over here. [Interjection] Yea! So, when I heard the people ... Mr. Speaker, let me say this clearly many years ago the Prime Minister and I had a political meeting at Vernetta Burke Shop, a very tense and threatening public meeting. Those days we used horns so I had six horns out with six wires on the ground. I am on the platform and I am hearing one speaker going out at a time next thing the meeting was dead; the Honourable Prime Minister was belching he was not going to stop talking so I did not want him to end up with a sore throat. Mr. Speaker, I left the platform went to my vehicle took my pliers, my knife and my tape and I walked through that crowd a very hostile crowd bending down without any police protection and I fixed every single wire and brought back those six speakers so we could continue the public meeting. I am saying that to say this: I am not intimidated by whatever [knocking on the desk] is the threat of the Leader of the Opposition. He can never intimidate me [Interjection] Ah! I do not have any protection. I do not want protection of government. In fact, when I was leaving the gate I saw three SSU Officers running and I said, but why are you running behind my car? But they were not really running behind my car, but the NDP people thought they were running to protect me. They said, “Hi! Hi, you have to have policeman with you”.

They were running towards the barracks to get their shields because by that time the former member of House Burton Williams had taken up a battering ram and was battering and ramming the front gate of the parliament. Now, Mr. Speaker, I could have brought out the troops today you know, and all I have to do is whistle, in fact, if I whistle now before we finish here they down there [Knocking on the desk] [Laughter] All I have to do is whistle on this because they all listening to our radio station. You know why I say that, Mr. Speaker, when there is a meeting to this parliament; this House; and two sides are outside, one supporting and one demonstrating, the Honourable Speaker, asked me for my assistance because there was a lot of equipment. He said, “Could we put

some extension speakers outside”? And I assisted him in putting some extension speakers outside, and every single speech in here is broadcast outside so both sides can hear.

I went downstairs while the Honourable Prime Minister was speaking, I could not hear him, I went downstairs for my second cigarette and I am hearing the Leader of the Opposition voice being amplified, so I asked, so they are only carrying the Leader of the Opposition, so they have a truck out there, Mr. Speaker, with a big PA System that was disturbing us all day but we never took notice of it and when Dr. Slater came back on after the Leader of the Opposition, the Minister of Foreign Affairs, they did not bring it again. So they are there, but in any case they would not have listened to us because it is pure NDP people out there. The 100 that leave out there now is dead ranking NDP. So, even though they did not broadcast it ... but the point I am making to you is that right now all the people who I can whistle to are listening on Star Radio that is why we invested in it in 2008. So, I am not intimidated in this regard, Mr. Speaker, and I believe that I will bring them out if this continues.

I called the Commissioner of Police yesterday and I enquired as to whether the NDP had permission to do what they were going to do today, and he said “Yes”. I called Seon Marshall, I said, Seon when you go on the radio tell our people that the NDP has an authorised march and we are not coming out; and do not even come out to look at them because it is going to swell their ranks and they are going to believe that they have so many people. Seon said so on Nice Radio this morning, on Star FM this morning.

The NDP applied for a march from New Democrat House or Democrat House to the Central Market, and they were advised by the police to stay on the usual side. Mr. Speaker, if I had brought out the forces today, there is no way what happened downstairs today would have happened [Knocking on the desk] Burton Williams would not have been able to pick up one of the barriers and try to ram the gate because he would have had to come through all the female warriors who normally stand exactly in that position. Mr. Speaker, this is not a threat, this is a promise that I will call out the troops as the General Secretary of the Party I will ask for permission from the Central Executive and the Political Leader. It is not a threat, take it as a promise. So, whatever the Leader of the Opposition wants to stand up until 6:00 o'clock tomorrow morning and threaten, I am not intimidated, Mr. Leader of the Opposition.

**HONOURABLE ARNHIM EUSTACE:** [Inaudible]

**HONOURABLE JULIAN FRANCIS:** Mr. Speaker, since all cases are sub-judice and I have been so informed. Mr. Speaker, I want to give you a feel [Interjection]. Mr. Speaker, I heard the Leader of the Opposition himself when he was referring to East Kingstown all the time, Mr. Speaker, I have a document here which I read into the Hansard in January 2006 following the 2005 Election, it is there and Members can go for it but the public do not have it. The Elections of 2005 were on the 7<sup>th</sup> December, I was running against the Leader of the Opposition and he beat me by 157 votes and you talk about bragging rights [Laughs] up until now he still has bragging rights about that. Had another candidate he did not brag about beating the other candidate he still continues to brag about beating me well that is cool, no problem, but that is why I told you I do not take legal action against nobody. But I want to show you the type of things that they say about us on this side and I have a

document which I will read some excerpts from, Mr. Speaker, it is already in the Hansard, to show you the nature of things that are said on a daily basis; daily basis.

Mr. Speaker, I was accused in this country by the NDP that I had called the Leader of the Opposition black and ugly, I was thinking of suing but I backed off. I got a letter written and by the end of the week the Leader of the Opposition and Kenneth John had apologised. He did admit the Leader of the Opposition that I never said so, and Kenneth followed suit and backed off. Mr. Lynch the case I had in court said that I was on the beach with a drug man, the drug man went and gave evidence that he was not here, the Magistrate throw it out and said that she did not want to continue to hear this case, this case has to go back over, not my case the one that the DPP brought against him for causing public alarm; that is out of the Court. The Magistrate says she is no longer hearing it, it has to be heard again so my case is delayed but the part of it is that the Leader of the Opposition went on the radio and television and give people the impression in this country, yes, he had information about my being on the beach, and when quizzed he said, "I am holding my cards close to my chest, I am not saying anything more about it now". [Knocking on the desk] [Interjections]

When I read this into the Hansard in 2006, the Leader of the Opposition got up and said he knew nothing about it. I am telling you, I am not blaming this on Lynch alone, you know, Lynch is a paid servant of the NDP, Lynch represents the interest and the views of the New Democratic Party on a daily basis and I am abused daily by Mr. Lynch on the New Times Programme and there is not a single member on that side of the House who will stand in my defence on Nice Radio; none. This thing was sent out by Email, Mr. Speaker, first on the 2<sup>nd</sup> February, when it was sent out then it was emailed to 93 persons, and three lawyers are on this list, none of them found it indecent. The Leader of the Opposition got up in this House and said he did not know anything about it. There is one that says [lawyers@SVGLawyers.com](mailto:lawyers@SVGLawyers.com), I do not know who that is but that is the only one I am calling out: [lawyers@SVGLawyers.com](mailto:lawyers@SVGLawyers.com), whoever that is and there is another lawyer here two more lawyers I am going to leave them alone for now. After that Jeremiah Heywood sent to Howard sawtoo1@hotmail and he like he sent it to who turned out to be Nick Howard. I believe they are brothers. The first one came from adamsbrothersabell@caribsurf; these are the people who sent them out. But there are 93 others and this thing you could imagine how fast this thing multiply on the net because by the 5<sup>th</sup>, so this was sent out on the 2<sup>nd</sup> and by the 5<sup>th</sup> the last one that I have the copy of was sent out.

Mr. Speaker, I am convinced that in Cane Garden I was affected by this letter: I am convinced about that personal reason and my personal knowledge of the people of Cane Garden. I lived among them for many years, I know them. I have very, very close intimate connections with people in Cane Gardens, Mr. Speaker. I will read some of it Mr. Speaker, it says:-

**“The character, the story of silver fox with the mantis fist**

Some of you would have heard it already.

**is so named because of his propensity to outsmart, deceive, lie and steal. The silver describes his appearance which we have otherwise called grey; the mantis fist referred to**

**his dexterity, frequency and manner in which he uses his light fingers to ply his trade without having to contend with the law of the land.**

**Some 54 years ago silver fox was born to parents of European descent. This meant a lot to fox since he always prided himself as being light skin or perhaps white. This pride was further manifested in his preference for women with the lighter complexion.**

Obviously, somebody does not know my taste in women.

**Check his records, his concubines knew this and constantly massaged his ego by referring to him as the blue eyed one.**

[Laughter]

**Some of silver foxes siblings went on to prove themselves academically but fox was not so inclined, he was far too smart for that he was ready for the big bucks and the big life. After a little jostling here and there silver fox was able to land the job as a Banker at one of our premier financial institutions**

I want to read the areas to direct your mind to tell you that the silver fox they are talking about is Julian Francis you know.

**His upbringing as a member of the planter class must have been partly responsible for that.**

My getting a job at a premier financial institution

**This was a beginning of a now infamous seemingly never-ending saga. While an employee of this noble institution which was owned by the state, silver fox and other Labourites some of whom were his seniors behaved as if the institution belonged to them. For that matter assumed the free rein and proceeded to lend himself the people's money without authority and lend others the people's money without security among other things. For example, while silver fox served as a Banker he accumulated an unauthorised debt of \$560,000.00 and an unauthorised overdraft of \$354,000.00 nearly \$1 million of people's money. So as you can see long before Bensacome meets Adamas there was silver fox".**

So the link is established, National Commercial Bank, Silver Fox, Julian Francis and so. Mr. Speaker, the nastiness and scurrility of the authors supported and given leverage by the New Democratic Party, I am not suing a soul. When you talk of abuse, I could have taken advantage of private criminal [knocking folder with documents] because I have enough evidence here; but I am not touching them: 93. Could you imagine, the thing is in private criminal you do not get the money the State gets it, I would have taken civil ... if I get from 93 of them you could imagine, \$250,000.00 each as Dougie says. [Laughter] Mr. Speaker, they went on to say:-

That instead he took well, I am leaving out some parts there you know when government change and so on and what not Oh no! I better read that part.

**“As faith would have had it, the government change in 1984 and silver fox who really should have been in jail got a little spank on his hand, he lost his job at approximately 33 years of age and still a relatively young man silver fox did not have the ambition to seek a decent job to be gainfully employed. Instead he took refuge in politics. For 17 years he did nothing meaningful in his life. During this time he obviously went bankrupt, the proxy loans he took that is in the name of his girlfriends did not save him from financial disaster. Once again the NDP came to silver fox’s rescue by writing off a substantial portion of the mounting debts he left at our premier banking institution the NCB.**

So, they spell it right out everything there.

**Thank God for the NDP. First silver fox escape a jail sentence for fraud and secondly, his debts were written off. I wish many of us had such luck and good fortune, all this time when all else had failed silver fox rested his hope in politics ably assisted by his cousin Papa Marks.**

Let us go down. Mr. Speaker, am I running out of time? I do not have much more to do than to read this, but I want if sink in.

**HONOURABLE MR. SPEAKER:** Just a few more minutes.

**HONOURABLE JULIAN FRANCIS:-**

**To make a bad situation worst the ULP won the race and silver fox was placed in charged of the most corrupt Ministry, talking about putting a thief to catch a thief, not surprisingly, silver fox found ready allies at Works. His first business was to try and overturn a properly awarded contract won by DIPCON and to give it to his brother’s company: I am speaking about the Murray’s Road rehabilitation.**

So, there is no question in my mind that it is Julian Francis they are talking about. They can cloud it as much as they want silver fox with mantis fist.

**Since that time silver fox has demonstrated to this nation how little power and authority could legitimize wanton acts of stealing, dishonesty and fraudulent conduct without facing the law. ‘Cost overruns became his new name.**

No doubt in my mind as to who they are talking about. [Interjections]

**Just recall the outrageous amount spent on the rehabilitation of the Peace Memorial Hall and of course the internationally known: Bridge over Troubled Waters.**

They did not hide it, Mr. Speaker, they were deliberately out to make me lose and make the Honourable Leader of the Opposition win and they succeeded. Because I would put it to this House and to the Members who are listening: up to the date that the Honourable Prime Minister called the Elections I was leading the Leader of the Opposition in East Kingstown; but I was campaign manager and I was a candidate and I spent too much time in my office as campaign manager. The last three days before the Election I went out to try and revive some house to house and he gained momentum and this letter came out on the 2<sup>nd</sup> and the 5<sup>th</sup> three days before the Election and some of those people they were sold on this; not the only reason he beat me but this counts significantly.

Where a member will bring a charge against another one for a statement that the candidate made to an individual, and bringing a charge against the candidate for that, and wants the candidate to be brought before court and lose his seat and not run for five years. And the gentleman won her by 468 votes. What would one vote have made a difference? In this case at least I could count 93 [Laughs] but in her case she could only count one Ken Roberts who the Honourable Ces McKie has helped for years, the whole family. He almost was a McKie; I think he only stopped being a McKie when the Honourable Member became the candidate. Mr. Speaker, as if all that is not flattering enough:-

**Silver fox was in the habit of getting his cronies to make out claims**

Here this one.

**In the name of a son who has not even reached working age. So, a boy who is not of working age getting claims made out to him and went to the Treasury and the Bank and cashed them**

Eh!

**for transporting goods for government activities which never took place. While on that score it may be interesting to find out how many trucks and other equipment belonging to his brother who also works there are engaged by the same brother to carry out government work. Ask some of the petty contractors who are also squeezed out of jobs but cannot say anything for fear of not getting anymore jobs. Why would they complain to anyone? Who would they complain to in anyway?**

Mr. Speaker, and then they went in this is a long paragraph; but I will give you the gist of it. There was a case in Rillan with some counterfeit money that they also laid the claim here that I was the employer, and I had the machinery and did counterfeit money, but it long I am going to leave that out but that is what they said.

**The saga does not end there; I happened to know that silver fox owns a construction company named JAG**

John Greaves they are talking about and that I own that company and John Greaves was last a carpenter working with DECCO Products, but after we won the Election in 2001 he became the major contract for the Government and that my girlfriend was a signatory to JAG; the accounts of JAG, she never signed a cheque in her life for JAG she is not a name you can go ... I hope concerned citizens check for themselves that what I am saying, and when to check out and see if that is registered in my name. Ah! My girlfriend, Mr. Speaker, but this one here, and sometimes when Honourable Member in this House wants to take advantage of an abuse of this private criminal process they must remember this paragraph because man says whenever you point one finger pointing forward four pointing back at you.

So, the charge against the Honourable Minister of Foreign Affairs stands out with persons who are pointing with four fingers pointing back at them.

**In this election season while silver fox is on the hunting to be crowned, I am appealing to the ladies in East Kingstown to maintain their dignity and at the same time they will be ensuring that they remain HIV free.**

Mr. Speaker, this is the level to which the people went in 2005 to make sure that I did not win the Leader of the Opposition and the Leader of the Opposition had the gall to come into this House and said he knew nothing about it. And for five years I never said anything about it but I am getting a chance to read it back in front of him because whenever I have to respond in the House the Leader of the Opposition finds it inconvenient to be here.

**Silver fox has claimed without shame in fact, he has bragged that his route to victory is through his loins, in other words silver fox is bold enough to claim that he can win the East Kingstown seat easily by having sex with the whole of Sion Hill, the whole of Long Wall, the whole of Rockies, the whole of Frenches and the whole of Murray's Village?'**

[Interjection] [Laughs], for some reason Cane Garden was not mentioned. Mr. Speaker, [Interjections] I am not the average politician, I am a politician that has been around and made a living before politics and when politics done I have enough skill and resources to still make a living. [Knocking on the desk] So, I do not want no money from anybody through a court they have said what they wanted to say but I am reading this to make the point in this House, Mr. Speaker, that little things that are said in an election we cannot use those things to try and evacuate a whole House of fifteen elected Members and we say that this administration is not looking out for society. You could imagine if we have to go through a whole general election again because every single Member in this parliament will be disqualified because we printed and circulated some manifestos. Anybody can bring a private criminal charge against that you know, put up posters and they put up more posters that us but that does not make them guiltier than us, all of us are equally guilty. So, I am appealing to the Members on this matter:-

The matter is being abused the cases that were brought were frivolous and vexatious according to the Magistrate and the DPP. Under the present arrangements there is not one of these cases that have been brought where the DPP did not step in, not one all of them, but all we are doing here, Mr. Speaker, is to make sure that the DPP is

informed up front that this is happening and stop the malicious, thin skinned approach to this thing called politics in St Vincent. [Knocking on the desk] In 1998 Mr. Speaker,

**HONOURABLE MR. SPEAKER:** You have three minutes.

**HONOURABLE JULIAN FRANCIS:** I will wrap up in that. In 1998, they won the Election 8-7, we had the majority of the votes; in this election 2010 we won the Election 8-7 and we still have the majority of the votes. Mr. Speaker, I am saying again you cannot win an election through this course of action that the Opposition is bringing. The people have voted and I promise you that if you continue this course of action on the streets that I, with the permission of the Central Executives of my Party, will bring the forces out on the street to show support for the action that this Party has in the Parliament; [Knocking on the desk] thank you, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Further debate, Honourable Senator Cummings, ah! Member for West Kingstown.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker that is fine.

**HONOURABLE MR. SPEAKER:** No that is not fine [inaudible]

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, before I make my contribution to this debate, I would like to inquire when if at anytime we are going to break so that I may have my supper. [Laughter] Unlike some people, Mr. Speaker, I have to have my meals at a particular time and I think I am entitled to the rights to have that [Interjection] so I simply ask if you can so indicate, Mr. Speaker, when we are likely to break.

**HONOURABLE MR. SPEAKER:** I do not have such information. I am not sure when we are going to break.

**HONOURABLE ST CLAIR LEACOCK:** But is there supper?

**HONOURABLE MR. SPEAKER:** Hello.

**HONOURABLE ST CLAIR LEACOCK:** Is there supper?

**HONOURABLE MR. SPEAKER:** No, there was lunch.

**HONOURABLE ST CLAIR LEACOCK:** [Laughs]

**HONOURABLE MR. SPEAKER:** [Interjection] I have no idea Honourable Member, maybe if I can consult with the Leader of the House he probably can assist us.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, it was not my intention for us to have a break when we finish this matter. I do not know how many more speakers we are going to have, so I am going to see how we go. I do not know whether all the Members on the Opposition side and all the Members on the

Government side would wish to speak, I do not know. Maybe, the Honourable Leader of the Opposition can indicate, what is the situation if all the Members present on his side are going to speak? You see, Mr. Speaker, I am very frank, I have an aversion to bullies and those who seek to engage in mob rule and I am quietly resolved that I have the support of the people of St Vincent and the Grenadines including large numbers of persons who voted for the New Democratic Party for us to proceed all night if need be.

**HONOURABLE MR. SPEAKER:** You want to indicate, Honourable Member, Leader of the Opposition as to how many other persons would speak?

**HONOURABLE ARNHIM EUSTACE:** I would like to know how many people are going to speak on the Government side.

**HONOURABLE MR. SPEAKER:** Well, fair enough; fair enough.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, as presently advised one other person was intended to speak; but that person has indicated to me that the argument has been canvassed and that particular person would defer his own contribution; unless of course a matter or matters arise in contributions from the side of the Opposition which may require any response. So, I think that is the honest position that is why I said, I do not really know for sure but as presently advised we were going to have one other speaker but that speaker himself is prepared to defer on the basis on that he thought that the arguments were compelling made in the opening statement which I made and supported by the Honourable Minister of Foreign Affairs and the Honourable Minister of Transport and Works. So that is the position.

**HONOURABLE ARNHIM EUSTACE:** The position on this side is that everyone would speak.

**HONOURABLE MR. SPEAKER:** Everyone will speak. Honourable Member.

**HONOURABLE DANIEL CUMMINGS:** Thank you, Mr. Speaker. Mr. Speaker, before I proceed on the substantive matter of the Bill before this Honourable House, I would like to bring to your attention an observation what happened in the precincts of this parliament building today.

**HONOURABLE MR. SPEAKER:** Honourable Senator, you are standing?

**HONOURABLE DANIEL CUMMINGS:** I crave your indulgence for two minutes, Mr. Speaker. Mr. Speaker, thus far in the session of this parliament there have been a number of occasions where supporters of the Unity Labour Party have been allowed to enter on the compound of the Parliament Building to block the gate and to be very offensive. I have had a number of experiences where the supporters have refused to part to allow Members of the Opposition to enter and to leave and they did so in the presence of the Security Forces. Today, however, Mr. Speaker, Members of the New Democratic Party have been prohibited from entering on the compound of the Parliament Building. There cannot and should not be a country where rules are biased against one side as against the other and I draw this to your kind attention.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, it is the typical jaundiced view of my Honourable Friend the Member from West Kingstown that he sees and hears only what he wishes to see and hear. I saw inside of the area in the precincts not only supporters of the New Democratic Party but with placards and that in fact is an offence under the law, so this holier than though attitude delivered with this mock solemnity really is just a play to a gallery. What he is saying, Mr. Speaker, is false and the security forces would make their best judgement because you had people there using a battering ram, including Burton Williams, ramming the gate seeking to destroy public property and to create a commotion; a breach of the peace. The peace officers could act in manner which they consider reasonable in all the circumstances and this is what they did. And it becomes ill in the mouth of my Honourable Friend to be speaking like this when an Honourable Member was on a public address system. Indeed the Leader of the Opposition was addressing a gathering within the hearing of this parliament building; they were taking advantage of the generosity of the police. Indeed one was to ask why the police were this generous. So, I do not hold, I do not want to say that the police were partial to the NDP, I would not say that. The police were seeking to do their best in all the circumstances to maintain order. One may have a criticism about this and that but I think by and large they did a job which was not unreasonable and to have this stricter levelled at them is wrong and frankly speaking unprincipled.

**HONOURABLE MR. SPEAKER:** Honourable Members.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, may I respond.

**HONOURABLE MR. SPEAKER:** No, Just a minute.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I would like to because there are statements made that are incorrect. Mr. Speaker, the persons within the precincts of the Parliament with placards were members of the legal profession who have a right to be here and who are members of other organisations, demonstrating on their own strength. Further, Mr. Speaker, it is the very act of preventing the supporters from coming into parliament that caused them to try to get in on their own steam.

**HONOURABLE MR. SPEAKER:** [Knocking on the desk with the Gavel] Thank you let me just end this situation. Honourable Members, I was standing for most time at my window looking on at what was taking place and I myself saw a number of persons including the activists who were also ... I can identify them, I can tell how they dress, their clothes and who were also in the precincts of the Parliament. I saw them so to say that just people who were of the legal profession holding placard is incorrect as far as I am concerned.

**DR. THE HONOURABLE RALPH GONSALVES:** But the lawyers have no right, Mr. Speaker, being inside here...

**HONOURABLE MR. SPEAKER:** Well, the right to take...

**DR. THE HONOURABLE RALPH GONSALVES:** ...with the placards.

**HONOURABLE MR. SPEAKER:** And I myself would agree with the thing because I saw persons trying to ... well they call it battering ram, use that piece of instrument, weapon whatever you want to call it [Interjection] the barriers to try to breach the security to come in here. And as a matter of fact, at one moment I was wondering whether the police were going to allow such a situation; but of course, as we say they were quite generous, I think they were following instructions and all they did they applied the same force in trying to hold the gates back from that kind of forced situation that was taking place there. I was looking, I did not leave my office, I was there looking at all the situations [inaudible] Honourable Member, let us continue with the debate please. Let us go into the debate.

**HONOURABLE DANIEL CUMMINGS:** Thank you very, Mr. Speaker. Mr. Speaker, it is a painful exercise a very sad exercise to have to forego my supper to address a matter before this parliament which ought not to have been before us. Mr. Speaker, if my memory serves me right, the Honourable Minister of Foreign Affairs agreed with the Honourable Leader of the Opposition that had the charges not been laid against Members of the Government this would not have been taking place. And I ask myself Mr. Speaker, what is the purpose of parliament and the passing them before King Laws, is it not to look after the interest of the people who elect us to be here or is to use our majority to bring matters that are of interest to us personally for the parliament to decide.

**DR. THE HONOURABLE RALPH GONSALVES:** You had no [inaudible] none whatsoever. [Laughs]

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I listened with extreme interest to some strange justification for this kind of legislation. [Interjection] I hear and I preface the following comments, Mr. Speaker, by making it clear though I do not think it is necessary but I will still do it; that I have absolutely no legal training, but Mr. Speaker, I hear examples of cases brought before the Court of law where but for the admission by a witness someone would have received the full penalty of law and I tried to understand in my simple mind how on earth does that relate to the matter before us. Are we ascribing to the Director of Public Prosecutions the unique ability to look at, interview and interrogate a witness and determine if that person is lying or not? How could the DPP's ability to prevent this case from going forward? [Interjection] How can he be more astute than the Magistrate or Judge and all the Lawyers involved in the case?

**DR. THE HONOURABLE RALPH GONSALVES:** You really do not understand the [inaudible]

**HONOURABLE DANIEL CUMMINGS:** And for the life of me, Mr. Speaker

**DR. THE HONOURABLE RALPH GONSALVES:** You do not understand it.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I really am at a loss.

**DR. THE HONOURABLE RALPH GONSALVES:** Yea! Yea! I can understand [inaudible]

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I want to draw

**HONOURABLE MR. SPEAKER:** [Knocking of Gavel on the desk]

**HONOURABLE DANIEL CUMMINGS:** I want to draw on some experiences with the Court of Law in St Vincent and the Grenadines and in particular my own experience. I do not like court, Mr. Speaker, never have never will. My dear wife is a member of the legal fraternity but she knows my views as it relate to Lawyers, but Mr. Speaker, I have been taken before the Court. At a Press Conference based on the information I had I said that the then Supervisor of Election should be jailed. Mr. Speaker, I was taken to court and I went at least twelve times, lo and behold! Not one shred of evidence was ever offered and the case was thrown out with cost.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible]

**HONOURABLE DANIEL CUMMINGS:** Nobody says that that is a frivolous matter that it was baseless and that it was intended to harass me as a relatively new Senator, nobody said that. And Mr. Speaker, there are other cases which I would not comment on because they are still before the Court except to say they are still languishing: languishing in the Court when we have done all our submissions. The other side is not submitting anything but the matter is more than a year now that nothing is happening, but that is not an abuse of the process. In the meantime people keep boasting about how they are going to get retirements from me, boasting and have absolutely nothing on which to pursue the case, nothing.

**DR. THE HONOURABLE RALPH GONSALVES:** You will find out. [Laughs]

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I want the public and Members of this House to reflect on this: when a Member of the Government.

**DR. THE HONOURABLE RALPH GONSALVES:** May I, if my Honourable Friend will give way?

**HONOURABLE MR. SPEAKER:** He is not giving way.

**DR. THE HONOURABLE RALPH GONSALVES:** A Point of Order, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** State the Point of Order.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, the Point of Order relates to the same issue under 36:1, the matter being sub-judice. He is referring to a case, Mr. Speaker, which was brought by me against him that is the case to which he is referring. And he said there is not one iota ... he said they made all their submissions and we are not doing anything which is not so at all and that we are abusing the process

**HONOURABLE ST CLAIR LEACOCK:** But you are doing the same thing which is sub-judice.

**HONOURABLE VYNETTE FREDERICKS:** [Laughs]

**DR. THE HONOURABLE RALPH GONSALVES:** Yes it is sub-judice.

**HONOURABLE ST CLAIR LEACOCK:** Well, just leave it.

**DR. THE HONOURABLE RALPH GONSALVES:** But I have to provide the basis of my objection, so [Interjection] Mr. Speaker he has [Interjection] you know I normally would not rise on this, Mr. Speaker, but he was just on his feet with it and do so really does not like so.

**HONOURABLE MR. SPEAKER:** [Knocking on the desk] Honourable Member, I would be very surprised if you know that that matter is sub-judice and you raised it because you know that this is one of the objections you raised a few minutes ago. So if ... and I have all reason to believe because you yourself said it is there still languishing as it is in the Court. So would you please just leave the matter move on, I am sure there are a lot of other things you have to say in relation to the Bill. Go ahead.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, in fact I had moved off from that a long time and I preface my statement [Laughter]

**HONOURABLE MR. SPEAKER:** [Knocking of Gavel on the desk]

**HONOURABLE MR. DANIEL CUMMINGS:** I preface my statement by saying that I acknowledge and I said nothing in my mind that would influence, but Mr. Speaker, I accept my ruling.

I was saying Mr. Speaker, when a member of government is charged criminally the State to the best of my understanding bears the cost of the defense. To the best of my understanding when a private person is on the other side the individual has to bear the full cost. Mr. Speaker, there are numerous instances in this country where hundreds of thousands of dollars have been used to defend the Honourable Prime Minister in criminal prosecution matters.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable [inaudible] if my Honourable Friend would give way if he is not giving way he is misleading the House, Mr. Speaker and 35 (a) I want to bring this Point of Order. Mr. Speaker ...

**HONOURABLE MR. SPEAKER:** Thirty five (a), yes go ahead.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, there is not one single case involving Ralph Gonsalves in which the State has had to pay , no case where I have been a party to the proceedings; no case . Mr. Speaker, the facts are these a private criminal prosecution was made against me in a particular matter, the Director of Public Prosecution intervened; the virtual complainant; the complainant and their lawyers took the matter for judicial review against the DPP that did not have anything to do with Ralph Gonsalves; that is a matter of a judicial review of the decision made by the Director of Public Prosecution. So, let us get this very clear: I was not a party before the High Court; I was not a party before the court of appeal. Any matter involving Ralph Gonsalves personally I take care of my legal expenses whether the matter is a criminal matter or the matter is a civil matter. So please, absolutely incorrect.

**HONOURABLE MR. SPEAKER:** Thank you. Honourable Member, I hope you will be guided thereby. I am just hoping that you will be guided thereby. Let us continue the debate.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, in the particular case I asked the question did the State pay the fees for the police officer in the matter? Was the case against the DPP in relation to the criminal matter brought against the Prime Minister? And I rest my case.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, again my Honourable Friend if he does not give way the same provision 35 (a) a Point of Order, Mr. Speaker, he is in incorrect.

**HONOURABLE MR. SPEAKER:** Why you are not [inaudible] [Interjections]

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, there seems to be a misapprehension on the part of my Honourable Friend about basic matters. The police woman brought a private criminal action that is an action on her own part she has to pay her lawyers. I retained lawyers; I did not have to answer the summons even though the summons was issued because the DPP intervened, as the DPP has intervened in cases not involving me.

**HONOURABLE ST CLAIR LEACOCK:** That is why we are here tonight?

**DR. THE HONOURABLE RALPH GONSALVES:** And Mr. Speaker, there was no question of I having to have the government bear any cost for me and if somebody brings an action as the police woman did private criminal or civil she has to bear her cost.

**HONOURABLE MR. SPEAKER:** Okay, thank you. Honourable Member, could you kindly move on, on this matter because honestly we cannot spend all night on this issue; claim and counter charge and that sort of thing. So please.

**HONOURABLE JULIAN FRANCIS:** [Inaudible] that is what they always do come in parliament and lie.

**HONOURABLE MR. SPEAKER:** [Knocking of Gavel on the desk] Honourable Senator please, that word is really unparliamentary.

**HONOURABLE JULIAN FRANCIS:** I withdraw 'lie' but Mr. Speaker, we were told an 'untruth' by the Honourable Senator

**DR. THE HONOURABLE RALPH GONSALVES:** Member of West Kingstown.

**HONOURABLE JULIAN FRANCIS:** No! No! No! Honourable Senator Frederick to whom I am referring, telling this Honourable House that the matter with her and McKie is still sub-judice.

**HONOURABLE MR. SPEAKER:** Honourable Member, I dealt with that issue earlier and I am going to pursue it because if in my pursuit of that matter it is incorrect then obviously the Honourable Senator would have to address it.

**HONOURABLE VYNETTE FREDERICKS:** Let me rise and again restate what I said, I am not my own lawyer as far as I have been advised the matters are still sub-judice in so far as myself and my colleague to my right is concerned.

**HONOURABLE MR. SPEAKER:** All right, okay I shall ...

**HONOURABLE ST CLAIR LEACOCK:** But that is what she said.

**HONOURABLE MR. SPEAKER:** Yes, well that is quite true

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] No, if a judicial review is filed it is not before the Court.

**HONOURABLE ST CLAIR LEACOCK:** She said that is what her lawyer said she has to go by that.

**HONOURABLE MR. SPEAKER:** Yes, all of that we would verify.

**HONOURABLE VYNETTE FREDERICK:** I am told that it was filed that is what I am saying as far as I was advised it is still sub-judice.

**HONOURABLE MR. SPEAKER:** All right we will leave that matter for the time being.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] really making a mockery of this thing.

**HONOURABLE MR. SPEAKER:** [Knocking the Gavel on the desk] Honourable Member let us move on.

**HONOURABLE DANIEL CUMMINGS:** Thank you very, Mr. Speaker. Mr. Speaker, I heard reference by the Honourable Prime Minister to what obtains I believe in the United Kingdom and I inferred from that that we are to be guided as if what obtains there can be translated wholeheartedly here. Mr. Speaker, the United Kingdom has a tradition of politics that is not nearly as divisive and pervasive at all levels of society, as is the case here in St Vincent and the Grenadines and particularly within the last several years. So that Mr. Speaker, it is quite practical and reasonable to have many persons who can be accepted as reasonable, fair and untainted by any political biases to serve in the office of the Director of Public Prosecution. Indeed, we on this side of the Honourable House are absolutely in support of the retention and think it is necessary to have a Director of Public Prosecution. Mr. Speaker, I want to focus on the history and in particular the recent history surrounding the office of the Director of Public Prosecutions.

It has not been very long ago, Mr. Speaker, that we had in this country a Director of Public Prosecution who is Trinidadian I believe by birth. That individual now serves his country as the Deputy Director of Public Prosecution, while he was here, Mr. Speaker, we heard from the then government that the DPP has too much power.

**DR. THE HONOURABLE RALPH GONSALVES:** Who said that?

**HONOURABLE DANIEL CUMMINGS:** We heard from Sir Vincent Beache, Mr. Speaker that the DPP has too much power

**HONOURABLE ST CLAIR LEACOCK:** In print.

**HONOURABLE DANIEL CUMMINGS:** And I can give you the quote. This was at a time Mr. Speaker when the DPP's action varied substantially from that of the Minister of Justice and I believe the ruling Party. Today; today Mr. Speaker after we had a change in the Director of Public Prosecutions ... and I want to spend some time, Mr. Speaker, on the process involved in the appointment first as acting DPP and then as DPP of Mr. Colin Williams the current Director of Public Prosecutions. Mr. Speaker, I was not in politics then but I recalled vividly and I was very much concerned by the statements [Interjection] made by the Bar Association

**HONOURABLE JULIAN FRANCIS:** You were a politician at the Water Authority.

**HONOURABLE DANIEL CUMMINGS:** in relation to the appointment of this DPP. I also listened very keenly to a gentleman who is now a Senior Counsel, Queens Counsel and in particular his writing in the Newspaper: I refer to R. Andrew Cummings. Mr. Speaker, despite all and very cogent argument made by the Bar Association, I was amazed that the DPP was appointed to act. Having been appointed, Mr. Speaker, I followed developments and my fears grew greater and in one instance my fear actually materialized.

Mr. Speaker, there are a number of instances in the Press where sitting Judges have had occasion to make remarks in relation to the functioning of the DPP which if I were in that position I will be very much ashamed, and this has happened on many occasions.

**DR. THE HONOURABLE RALPH GONSALVES:** Come on, come on.

**HONOURABLE DANIEL CUMMINGS:** On many occasions, Mr. Speaker, [interjection] there are very disparaging quoted in the Newspapers as was said by sitting Judges in relation to the functioning of the DPP.

**HONOURABLE MR. SPEAKER:** Wait, wait let me

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, if my Honourable Friend would give way, he does not intend to give way, he has to sit while I rise. Once I get up he must sit.

**HONOURABLE ST CLAIR LEACOCK:** You must state your Point of Order.

**DR. THE HONOURABLE RALPH GONSALVES:** No, once I rise automatically

**HONOURABLE DANIEL CUMMINGS:** I am on my feet.

**HONOURABLE MR. SPEAKER:** [Knocking on the desk with Gavel]

**DR. THE HONOURABLE RALPH GONSALVES:** you sit and I will state the Point of Order, we cannot be on the floor at the same time.

**HONOURABLE MR. SPEAKER:** You move on a Point of Order.

**DR. THE HONOURABLE RALPH GONSALVES:** Yes, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Kindly sit.

**HONOURABLE DANIEL CUMMINGS:** Thank you, Mr. Speaker.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, again...

**HONOURABLE MR. SPEAKER:** I mean the Honourable Prime Minister is right but we do not bother with it. He is right.

**DR. THE HONOURABLE RALPH GONSALVES:** Again under 35 (a), Mr. Speaker, the Honourable Member for West Kingstown is misleading this Honourable House yet again and he is playing fast and loose with the facts. Mr. Speaker, on no occasion has any Judge commented in anyway in open court or reported in the Press which touches upon the current Director of Public Prosecution in terms of his ability, his capacity and his independence none of those things. Judges may make criticisms about this or that prosecution but never has a criticism been made about Colin Williams in respect of his capacity, his independence and his performance. And Mr. Speaker, while I am at it let me also say in relation to an earlier statement. The impression was given that Colin Williams was appointed by the Government.

**HONOURABLE MR. SPEAKER:** No! That could not be: that couldn't be.

**DR. THE HONOURABLE RALPH GONSALVES:** The Government does not have anything to do with Colin William's appointment [Laughter] that is the business ... I happen to know the Judicial and Legal Services Commission which is a regional body. Two persons apply for the job and the Chief Justice who is the Chairman knew those two persons who function in his court and he was able to make a judgement, not Ralph Gonsalves; those are the facts.

**HONOURABLE MR. SPEAKER:** Thank you, Honourable Member. Honourable Senator, Member for West Kingstown could you please

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, there is absolutely nothing I said that is dishonest

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**HONOURABLE MR. SPEAKER:** [Striking of Gavel]

**HONOURABLE DANIEL CUMMINGS:** and I take that statement as very offensive. Mr. Speaker, the Honourable Prime Minister

**HONOURABLE MR. SPEAKER:** [Inaudible]

**HONOURABLE DANIEL CUMMINGS:** has just said that I am being dishonest and I take umbrage very seriously to it

**DR. THE HONOURABLE RALPH GONSALVES:** And I honestly think you are being dishonest.

**HONOURABLE ST CLAIR LEACOCK:** But look ... Man look

**DR. THE HONOURABLE RALPH GONSALVES:** I honestly think you are being dishonest.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister maybe could you kindly withdraw the statement for me.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, may I say this, the Constitution of this country Section 81 defines how the Director of Public Prosecution is appointed and the suggestion is made somehow that he was appointed in a manner which is somehow devious. And then he has proceeded to make a statement about Colin Williams and comments made in the Press touching on the integrity and performance and that is a dishonest statement it is not true. Well Mr. Speaker, if you wish me ...

**HONOURABLE MR. SPEAKER:** No, you see the word dishonest is sort of a strong word and I can probably understand the sentiment of the Member.

**DR. THE HONOURABLE RALPH GONSALVES:** Well, Mr. Speaker, he is very economical with the truth. I withdraw 'dishonest' and say that he is very economical with the truth.

**HONOURABLE MR. SPEAKER:** All right, whatever that means. [Laughter] Honourable Members, you see the thing is, I do not know, maybe he did not know and you have just enlightening him as to how the procedure is. I do not know.

**HONOURABLE ST CLAIR LEACOCK:** Come on. Come on.

**HONOURABLE MR. SPEAKER:** I do not know.

**HONOURABLE ST CLAIR LEACOCK:** Come on.

**HONOURABLE MR. SPEAKER:** You cannot tell me come on. You cannot tell me come on.

**HONOURABLE VYNETTE FREDERICKS:** Ugh!

**HONOURABLE ST CLAIR LEACOCK:** How you mean, I can tell you come on.

**HONOURABLE MR. SPEAKER:** Nah!

**HONOURABLE ST CLAIR LEACOCK:** I could make statements. I am not speaking to [inaudible]

**HONOURABLE MR. SPEAKER:** What is that?

**HONOURABLE ST CLAIR LEACOCK:** I am not addressing you.

**HONOURABLE MR. SPEAKER:** Oh! Oh! Oh Sir.

**HONOURABLE ST CLAIR LEACOCK:** I have a [inaudible] to say come on, come on.

**HONOURABLE MR. SPEAKER:** Of course you intend to say come on.

**HONOURABLE ST CLAIR LEACOCK:** You were not disturbing me so I was not addressing you.

**HONOURABLE MR. SPEAKER:** All right Honourable Member continue the

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker

**HONOURABLE MR. SPEAKER:** Honourable Member you have been going at this thing for about

**HONOURABLE [Inaudible]:** Going around the place like a circus.

**HONOURABLE MR. SPEAKER:** You have been going at this it for about half an hour, could we ... you are there for half an hour you know [Laughs]

**HONOURABLE DANIEL CUMMINGS:** Are you implying that I have lost half an hour.

**HONOURABLE MR. SPEAKER:** No! No! No!

**HONOURABLE DANIEL CUMMINGS:** You have your time.

**HONOURABLE MR. SPEAKER:** In terms of time you have only gone into nineteen minutes but the time so far that

**HONOURABLE DANIEL CUMMINGS:** That is not my fault, Mr. Speaker.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, may I crave your indulgence it does not relate to a matter with the Honourable ...

**HONOURABLE DANIEL CUMMINGS:** Am I on the floor, Mr. Speaker?

**HONOURABLE MR. SPEAKER:** Crave my indulgence. Have a seat, sit until such time.

**HONOURABLE DANIEL CUMMINGS:** Thank you.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, the kind of offensive statement emanating from the Member for Central Kingstown and he seeks to get away with it pointing towards and speaking towards me, you: you have this place like a circus, you might have overheard that.

**HONOURABLE MR. SPEAKER:** No I probably was

**DR. THE HONOURABLE RALPH GONSALVES:** Yes Mr. Speaker that is what

**HONOURABLE MR. SPEAKER:** Oh he said that.

**DR. THE HONOURABLE RALPH GONSALVES:** You know there is this kind of a belief that he can get away with anything.

**HONOURABLE MR. SPEAKER:** I honestly did not hear that one.

**HONOURABLE ST CLAIR LEACOCK:** Thank you, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Well, I am not saying that you did not say it.

**HONOURABLE ST CLAIR LEACOCK:** But thank you very much.

**HONOURABLE MR. SPEAKER:** But if you did I am saying that I did not hear it.

**HONOURABLE ST CLAIR LEACOCK:** I am glad for your ruling, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** I have not ruled.

**HONOURABLE ST CLAIR LEACOCK:** Not?

**HONOURABLE MR. SPEAKER:** I have not ruled I have said.

**HONOURABLE ST CLAIR LEACOCK:** Oh! Oh!

**HONOURABLE MR. SPEAKER:** I said I did not hear the statement, but if you did and you too yourself would know whether you did;

**HONOURABLE ST CLAIR LEACOCK:** Ah! Ah!

**HONOURABLE MR. SPEAKER:** and I am saying if you did

**HONOURABLE ST CLAIR LEACOCK:** Yes.

**HONOURABLE MR. SPEAKER:** and deep within yourself you know you did

**HONOURABLE ST CLAIR LEACOCK:** Confess to my [inaudible]

**HONOURABLE MR. SPEAKER:** No, I am not saying confess,

**HONOURABLE ST CLAIR LEACOCK:** Oh!

**HONOURABLE MR. SPEAKER:** Please try and avoid these kinds of statements.

**HONOURABLE ST CLAIR LEACOCK:** Well that can work.

**HONOURABLE MR. SPEAKER:** They are unbecoming;

**HONOURABLE ST CLAIR LEACOCK:** That could work

**HONOURABLE MR. SPEAKER:** they are unparliamentary and so on. Thank you.

**HONOURABLE ST CLAIR LEACOCK:** That also could work.

**HONOURABLE MR. SPEAKER:** Good. Honourable Member

**HONOURABLE DANIEL CUMMINGS:** Yes, Mr. Speaker, I am saying that in my mind having read several newspaper articles relating to the performance of the DPP

**DR. THE HONOURABLE RALPH GONSALVES:** He gone back again.

**HONOURABLE MR. SPEAKER:** If you are going to go back

**HONOURABLE DANIEL CUMMINGS:** Hear me, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** No! I want to tell you now, because I want you to move on, on that issue.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, if necessary I will present you with the proof of what I have to say.

**HONOURABLE MR. SPEAKER:** Well do that!

**HONOURABLE DANIEL CUMMINGS:** Right.

**HONOURABLE MR. SPEAKER:** Bring the proof

**HONOURABLE DANIEL CUMMINGS:** But you are not allowing me to say it.

**HONOURABLE MR. SPEAKER:** Be prepared to ... because I want you to move off from that issue, I mean you have been on it for the longest while, and move on.

**HONOURABLE DANIEL CUMMINGS:** And is there something wrong with that, Mr. Speaker?

**HONOURABLE MR. SPEAKER:** Yes, because it could become a tedious matter [Interjection] and within the Rules that should not happen.

**HONOURABLE DANIEL CUMMINGS:** I respect your ruling Mr. Speaker.

**HONOURABLE MR. SPEAKER:** I am just guiding you.

**HONOURABLE DANIEL CUMMINGS:** I respect your ruling Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Thank you. [Interjection]

**HONOURABLE ST CLAIR LEACOCK:** Exactly, and he expects [inaudible]

**HONOURABLE DANIEL CUMMINGS:** [Laughs] the question

**HONOURABLE MR. SPEAKER:** You could have ... Honourable Member you could have raised anything you think is objection...

**HONOURABLE ST CLAIR LEACOCK:** But Mr. Speaker, you could do that too, that is your purpose here, Mr. Speaker when you see that we are out of line, you do not have to wait for so much rain.

**HONOURABLE MR. SPEAKER:** That is true.

**HONOURABLE ST CLAIR LEACOCK:** Ah!

**HONOURABLE MR. SPEAKER:** That is true.

**HONOURABLE ST CLAIR LEACOCK:** Ah!

**HONOURABLE MR. SPEAKER:** Okay; that is true.

**HONOURABLE MR. SPEAKER:** Ah!

**HONOURABLE MR. SPEAKER:** I will be reminded. Go ahead Honourable Member.

**HONOURABLE DANIEL CUMMINGS:** Thank you, Mr. Speaker. In this country, Mr. Speaker, the legal profession rightly or wrongly is often not held in high esteem. If you ask the average person they would believe that lawyers are not likely to go against lawyers they would believe that. And Mr. Speaker, just as it is recommended that in bigger societies whether it be the United Kingdom even in the Caribbean, Jamaica and Trinidad because of the sheer numbers the legal profession can be regulated by a body of some of its own peers. Because there are some people who have no links with other lawyers and can act independently but in a small society like ours we are very constrained and in matters relating to the office of the DPP it becomes even more crucial because, Mr. Speaker, I will show that beyond a shadow of a doubt, the powers given to the DPP are indeed vast for good reason, but I honestly believe that the overriding requirement was for unquestionable independence; unquestionable independence is the most essential ingredient in the office of the Director of Public Prosecutions.

Mr. Speaker, I want to bring before this Honourable House a matter that involves me personally and which involves the Director of Public Prosecution, which was taken before the Court and had an historic ruling by the learned Judge Justice Bruce Lyle. To give a background, Mr. Speaker, as a member of parliament participating in a demonstration at the Port Compound I made it public that I was accosted by a police officer. This went on for some time, I made a report to the police nothing happened; my lawyers filed private criminal proceedings against the police officer lo and behold the matter before the Magistrate. In the meantime the police officer brought a similar case against me [inaudible] by the office of the Director of Public Prosecution. Mr. Speaker when the matter came up before the Court Counsel for me required both cases to be heard together and this was disallowed. I sat in court and heard the DPP state that he is taking over the case, in my naiveté I thought he was taking over the case that the policeman had, I was mortified, Mr. Speaker, when I was told that the DPP is taking over my private criminal matter.

The DPP did not see it fit to prosecute the police on my behalf, the police brought a case and now the DPP wants to take over my case and prosecute on my behalf, so my lawyers took the matter before the learned Judge and I want to quote, Mr. Speaker, from the judgments delivered by the learned Judge Justice Bruce Lyle it is the case in the High Court Civil claim No. 268 of 2007. Mr. Speaker I want to read several quotations from this judgement because I believe it is germane to the matter before us in a very big way. Section 17:-

**“There is no doubt therefore that the powers of the DPP are far reaching and profound, the exercise of that power carries with it serious implications.**

Later on the learned Judge quotes from the Attorney General of Grenada versus Grenada Bar Association and in part he says speaking of the office of the Director of Public Prosecution :-

**It is required to be endowed with the same qualities of independence [Interjection] as the judiciary to ensure that the Criminal Justice System is independent of political and other improper influences and operates on the lofty principles of equality before the Law”.**

Mr. Speaker, I want to repeat that part:-

**“Ensure that the Criminal Justice System is independent of political and other improper influences and operates on the lofty principles of equality before the Law”.**

Mr. Speaker, as a citizen of this country I have seen on more than one occasion that there are reported incidents, I cite a case of Orden Graham, reported incidents where things happened and people are talking about it and as soon as or soon after the Prime Minister makes a pronouncement you see the DPP going and put in a case. This has happened more than once and one has to ask; one reasonably has to ask, Mr. Speaker, if the Prime Minister did not make a pronouncement would the DPP have acted, I ask the question?

In Section 23, Mr. Speaker, paragraph (23) (thank you Counsel) you see, Mr. Speaker, legal documents are strange; paragraph (23) it has a bracket. The learned Judge says:-

**“I reiterate that the Director of Public Prosecution exercised bad judgement in taking over the private prosecution before deciding whether to continue with it or discontinue”.**

Paragraph (26) Mr. Speaker, quote:-

**“I would go as far as saying that in the exercise of his bad judgement referred to earlier the decision was an unreasonable irrational exercise of such powers of discretion”.**

I repeat:-

**“I would go as far as saying that in the exercise of his bad judgement referred to earlier, the decision was an unreasonable irrational exercise of such powers of discretion. In the circumstances I am inclined to accept the fears, apprehensions and misgivings of the claimant to make a fair minded independent observer to conclude that the decision would create a real likelihood of bias on the part of the whole proceeding before the Magistrate Court”.**

Paragraph (28):-

**“In applying paragraph (11) of the relief sought by the claimant, I order that the private prosecution taken over by the DPP be remitted back to the Magistrate Court and heard together with the prosecution instituted against the claimant as a cross complaint. This in my view will conduce to the just and fair disposal of the magisterial matters mentioned above in accordance with the Constitution of St Vincent and the Grenadines and principles of justice, equity and equality before the law and fair play”.**

Mr. Speaker, these are not my words; these are the words of High Court Judge, His Lordship Frederick V Bruce Lyle, given in his hands and signed. Why am I raising this Mr. Speaker? You hear from the learned Judge of the abuse of discretionary powers given to the DPP, we come here today

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**HONOURABLE DANIEL CUMMINGS:** We come here today to add to those discretionary powers.

**HONOURABLE ST CLAIR LEACOCK:** That is the point.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker,

**HONOURABLE ST CLAIR LEACOCK:** That is the point [knocking on the desk]

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, when a private criminal proceeding is before the court it is well within the rights of the DPP to take it over and continue it or to throw it out. It is within his rights, the law provides for it. The law provides that certain of his actions be challenged; there are safeguards in the system all around.

**HONOURABLE ST CLAIR LEACOCK:** There are numerous safeguards what is there in the present legislation that creates problems for anybody? The DPP now has enormous powers existing.

**HONOURABLE ST CLAIR LEACOCK:** And abused always.

**HONOURABLE DANIEL CUMMINGS:** But Mr. Speaker, what makes me shiver even more is when I hear the Honourable Prime Minister said [Interjection] and repeats Mr. Speaker that this law is here because the DPP requested it.

**HONOURABLE ST CLAIR LEACOCK:** Exactly.

**HONOURABLE DANIEL CUMMINGS:** What a world?

**HONOURABLE ST CLAIR LEACOCK:** Exactly.

**HONOURABLE DANIEL CUMMINGS:** What a world!

**HONOURABLE DANIEL CUMMINGS:** What a world! What a world!

**HONOURABLE ST CLAIR LEACOCK:** That alone [inaudible]

**HONOURABLE DANIEL CUMMINGS:** What a time! How can anyone basis on all of these matters believe that given further discretionary powers to a DPP in these circumstances can enhance the justice system. Isn't that what this is about? Isn't it the pursuit of justice for all? This is the most ignoble piece of legislation that I have ever heard about. [Interjection] Mr. Speaker, it is a disgrace to this parliament that we have to discuss this matter here in this Honourable House.

**HONOURABLE ST CLAIR LEACOCK:** Embarrassing. [Knocking on the desk]

**HONOURABLE DANIEL CUMMINGS:** Absolute disgrace.

**HONOURABLE MR. SPEAKER:** Honourable Member you have 7 minutes remaining.

**HONOURABLE DANIEL CUMMINGS:** Thank you Mr. Speaker. You know Mr. Speaker, when the Honourable Prime Minister was talking about a case of yesteryear involving a gentleman deceased called Mr. Rawl; Mr. Rawl who I believed served as Attorney General; served as a Magistrate and as DPP, I listened seriously to the discourse on that subject but when the matter should have been brought to its finality there was absolute silence. The public cannot forget that soon after that Mr. Rawl died; soon after that the same Mr. Rawl died from a bullet, I do not know if it was one or two; but he was shot. That is not something to take lightly.

**HONOURABLE JULIAN FRANCIS:** You are establishing a link. Ah!

**HONOURABLE DANIEL CUMMINGS:** You could. You have a habit of doing it.

**HONOURABLE JULIAN FRANCIS:** I am just asking I am not sure. [Knocking on the desk with Gavel]

**HONOURABLE DANIEL CUMMINGS:** But Mr. Speaker, I believe that that point is super critical to the very case raised by the Prime Minister: it is. If one goes back and remembers the conversations in this country, the concerns of the then Labour Party about the actions of the DPP and so on, you would put it into context to understand what I am talking about, so I agree and that is why I say, Mr. Speaker,

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, if my Honourable friend is not giving way, I raise a Point of Order under Standing Order 35 (a). Mr. Speaker, it is a matter of record that certain individuals who were attached to an organisation called the either BLACK or OPCA were charged with the murder of Mr. Rawl

**HONOURABLE MR. SPEAKER:** In 1973?

**DR. THE HONOURABLE RALPH GONSALVES:** And that took place not shortly after but sometime after, it would have been after 1974 I believe.

**HONOURABLE MR. SPEAKER:** 1973.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, to draw a link without any evidence it is the most spurious

**HONOURABLE ST CLAIR LEACOCK:** But he is free to make his point, you may accept or reject it but he is free to [inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I am on the floor. Mr. Speaker, we cannot have accusations being thrown in relation to murder to persons at the time in the Labour Party when in fact it is very interesting that it was the Labour Party one of the Labour Party main lawyers who did the prosecution in the case of Mr. Arthur Williams, who was the Attorney General. I mean it is so preposterous.

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, [Knocking on desk with Gavel] please we cannot have the Honourable Member for West Kingstown making suggestions that somehow the Labour Party people of 1972 was somehow involved in the murder of Mr. Rawl.

**HONOURABLE ST CLAIR LEACOCK:** I did not say that.

**DR. THE HONOURABLE RALPH GONSALVES:** He did not say that but the implication is clear.

**HONOURABLE ST CLAIR LEACOCK:** I did not say that. [Knocking on the desk with the Gavel] I did not say that. [Interjection]

**DR. THE HONOURABLE RALPH GONSALVES:** Oh come on man.

**HONOURABLE MR. SPEAKER:** [Knocking on the desk] Honourable Member; Honourable Members. Honourable Members, he did not say that but there could be insinuations

**DR. THE HONOURABLE RALPH GONSALVES:** Inferences.

**HONOURABLE MR. SPEAKER:** and inferences. Honourable Member, for the next 5 minutes please move on. You have to be careful with the insinuations, there certainly have been. Thank you.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, there is absolutely nothing in which I have said which had the intention of drawing that correlation and I make it abundantly clear that I never either did or intend to infer that anybody in the Labour Party was involved in the assassination of Mr. Rawl. I said as a fact that there were people who were concerned in the Labour Party about the rulings of the man. That is the point that I was making.

**HONOURABLE ST CLAIR LEACOCK:** And you were more Labour at the time.

**HONOURABLE DANIEL CUMMINGS:** That is the point I was making, Mr. Speaker. That is all that I said.

**HONOURABLE ST CLAIR LEACOCK:** And you were more Labour at the time.

**HONOURABLE DANIEL CUMMINGS:** But if people know otherwise, I do not know.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker.

**HONOURABLE DANIEL CUMMINGS:** I never said that.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, again on a Point of Order

**HONOURABLE MR. SPEAKER:** Which Point of Order?

**DR. THE HONOURABLE RALPH GONSALVES:** Thirty five (a). The Honourable Member for West Kingstown is again being disingenuous on the subject. If indeed that the persons in the Labour Party did not have any kind of a connection with the or any inference to be drawn with the murder of Mr. Rawl why indeed would the matter be mentioned. If he is disclaiming that there is any connection whatsoever therefore the statement was irrelevant and ought not to have been mentioned in the first place. On either leg he is completely out of order.

**HONOURABLE MR. SPEAKER:** Honourable Member, let us move on with this matter. You have 3 minutes [Interjection] [Knocking with Gavel on desk]

**HONOURABLE ST CLAIR LEACOCK:** I live to see you defending Labour. [Striking of Gavel]

**HONOURABLE MR. SPEAKER:** Three minutes.

**HONOURABLE ST CLAIR LEACOCK:** This is not a joke. I say I live to see you defending Labour.

**HONOURABLE MR. SPEAKER:** Honourable Members.

**HONOURABLE ST CLAIR LEACOCK:** Yes, please, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** The Honourable Member has 3 minutes to finish could you allow him to finish please.

**HONOURABLE ST CLAIR LEACOCK:** You have my support, Mr. Speaker.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I wish to draw to the attention of this Honourable House, the haste with which this Bill has been brought before this House and the haste with which it is being processed through this Honourable House; all as I understand it, Mr. Speaker, to help the people of this country. Mr. Speaker, the Unity Labour Party Government has been in office for almost 10 years now, prior to coming into power they boasted of bringing up into the parliament within 100 days a piece of legislation to deal with integrity, to date we are yet to see this Bill before parliament. Something, Mr. Speaker, which I believe the vast majority of the people of this country have a deep concern about and desire to have.

**DR. THE HONOURABLE RALPH GONSALVES:** I argued for it in the Constitution [Inaudible]

**HONOURABLE DANIEL CUMMINGS:** I ask the question, Mr. Speaker, why is it that that piece of legislation cannot find muster, cannot come to this House. A piece of legislation at a time when we have myriad of claims by the Director of Audit many claims by the Director Audit of acts of impropriety by senior members of the Public Service and to the best of my knowledge, Mr. Speaker, to the best of my knowledge, Mr. Speaker, no action has been taken against these people. And we do not see any legislation, legislation that was intended to...

**DR. THE HONOURABLE RALPH GONSALVES:** I rise on a Point of Order, again 35 (a) my Honourable Friend is misleading this Honourable House. Mr. Speaker, there have been three situations of audit which has been drawn to the public attention:-

1. In relation to the Ministry of Agriculture, the particular individual concerned who was an acting Permanent Secretary was put back to her substantive position of Senior Assistant Secretary and was fined.

Mr. Speaker, in relation to the two other matters one in the Ministry of Health:-

2. The Director of Audit did an audit, the Accounting Officer and the Permanent Secretary of the Ministry of Health submitted an answer to the queries which were raised. It is for the Director of Audit to then make the next step.
3. In relation to the other matter which has been drawn to the attention of the Director of Audit, I do not as yet know whether indeed one in the Ministry of Agriculture, another one has been addressed by the Director of Audit.

So, when you get these cavalier statements these are the three cases and in one case where the matter has come to a determination the public servant concerned had been disciplined by the Public Service Commission. In the

other case in the Ministry of Health there are answers to the queries maybe the answers are satisfactory to the Director of Audit, I do not know and then the third one I do not know of any process which has commenced. These are the facts; do not destroy people's reputation with these sweeping statements, they are unbecoming.

**HONOURABLE MR. SPEAKER:** Honourable Member, you would wrap up now, I think your time is exhausted.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, the number of instances of matters

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, I rise on a Point of Order

**HONOURABLE DANIEL CUMMINGS:** raised by the Director of Audit suggest

**HONOURABLE MR. SPEAKER:** Wait just a minute.

**HONOURABLE DANIEL CUMMINGS:** that we need to have the Integrity Bill so that people can be kept in line.

**HONOURABLE MR. SPEAKER:** All right, thank you very much Honourable Member.

**HONOURABLE DANIEL CUMMINGS:** And I put forward the view, Mr. Speaker, that that legislation is one hundred times more important

**HONOURABLE MR. SPEAKER:** Thank you very much, Honourable Member.

**HONOURABLE DANIEL CUMMINGS:** than this matter before us.

**HONOURABLE MR. SPEAKER:** Thank you very much; [Knocking on the desk] Honourable Senator Frederick. [Interjections] So then we need to go home. So you are going to forfeit your contribution? [Laughs] Honourable Senator.

**HONOURABLE VYNETTE FREDERICK:** Mr. Speaker, Honourable Members, good evening. We are here and I rise to make my contribution to the Debate concerning the amendment of the Criminal Procedure Code, details of which have been given to us and which everyone here is aware of. There are two elements of the amendment that 'smarts' and when I say 'smarts' I mean it in the context of hurts in a sense where essentially from the perspective of a member of the public. The private right, that right to go privately and bring criminal prosecution before the Magistrate Court where all prosecution begins is being extinguished by this amendment. In the sense where under section 2: (2) a member of the public would have no choice, they must, they shall obtain a fiat from the Director of Public

**HONOURABLE MR. SPEAKER:** Honourable Member

**HONOURABLE SABOTO CAESAR:** I rise on a Point of Order 35 (b) if the Honourable Member may give way.

**HONOURABLE MR. SPEAKER:** Thirty five (b)

**HONOURABLE SABOTO CAESAR:** The word ‘extinguished’ was used; I would like the Honourable Member to define for me what is meant in these circumstances by her use of the word ‘extinguished’ because it may have been used loosely by her and my interpretation of the legislation the only how she can be correct is if she had used it loosely, because the right is not extinguished. The right to bring a case by way of private prosecution remains. So, I just want to know if the Honourable Senator is using the word loosely because there are persons up still listening; just for the correction of the public because we are being heard in New Jersey and New York all over the world. [Interjections]

**HONOURABLE MR. SPEAKER:** Honourable Senator.

**HONOURABLE VYNETTE FREDERICK:** And I was in another forum, I would have said that we could get into that discourse but I was using the word loosely, and indeed in other forum we could argue on the point. But maybe that is also an argument that could be made here that all of this really ought to be taking place in the court if it really is an issue. [Interjections] So, the issue essentially is that any individual who wants to bring a private criminal prosecution must first get a fiat from the DPP and the second element that is most bothersome and quite frankly unacceptable to members of the public is that the DPP has an absolute discretion; an absolute discretion which to my mind means that you can query it. So, because you even get into court you have a judge of first instance checking out what you are going to the Court with to determine whether you could go or not, in a simple sense.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, if my Honourable Friend would give way. Mr. Speaker, my Honourable Friend is a lawyer.

**The Director of Public Prosecution may request from the person who intends to institute a private prosecution or his counsel any or all evidence, statements and all materials which the Director of Public Prosecution in his own absolute discretion considers necessary in the circumstances.**

It is the request for the material that is in his discretion, so that when he says look you have brought these things for me I want to get (a) (b) (c) (d) (e) other things and I want you to give me these other things so that the person cannot be heard to say: no I do not want to give you those. I am asking you, you have to give me these things but the question of whether the Director of Public Prosecution can have his action reviewed by judicial review; that is opened always. The discretion relates only to the request for the information on which he is going to make his judgement that is all, it is elementary.

**HONOURABLE MR. SPEAKER:** Just a minute, let me just look at that because. [Interjections] Okay, go ahead I ... Hello! Oh! Sorry.

**HONOURABLE VYNETTE FREDERICK:** So, what I appreciate from what the Honourable Member for North Central Windward has detailed is that indeed the DPP is going

**DR. THE HONOURABLE RALPH GONSALVES:** I think [inaudible] the office

**HONOURABLE VYNETTE FREDERICKS:** Oh indeed and the Honourable Prime Minister certainly. Indeed the DPP will make a judgement, will make a judgement on whether you go forward or whether you do not, and that essentially irks the public. Whether it irks one of them, ten of them, twenty of them, one hundred and fifty of them; is enough for us not to shirk our responsibility to listen to the public in making a determination on whether this amendment is a requirement, whether it is necessary and we have to look at it in a most serious manner, given the fact that as far as the public is concerned this takes away their right to freely walk into a court and bring a private criminal action.

And the right to complain is something that existed historically in every society, so when we look at doing things which essentially amounts to qualifying how you can complain, it must irk the public, it must grate the people who we, as members of this parliament here all represent, whether we explain to them how the rights are being impacted or not. Now what transpires in this Honourable House is as my ... as the Honourable Minister of Tourism says, is being broadcast not just through out St Vincent and the Grenadines but all over the world and indeed Vincentians all over the world are keenly interested in any piece of legislation that seeks to fiddle in some way or another with the rights of the individual.

But you see public perception is formed not just by what we see in parliament not just by these debates, it is formed by body language, people's perception of cross talk, people's perception of each and every individual's presentation and on this particular Bill with what has come to the fore in this presentation and in this debate. We cannot ignore what the public understands by what is happening here. I get a sense, Mr. Speaker, Honourable Members, that somehow on this side of the House the thinking is that every single supporter of the New Democratic Party will hold one head on whatever is debated in this House and I get a sense not from my perception of supporters who do not support or Vincentians who do not support the New Democratic Party but some of the [inaudible] and cross talk that I have heard in these debates. That quite frankly those who support the Members on the other side of the House have no choice but to hold one head [Interjection] with regard to the position on issues that we debate.

You know, perhaps it is the way in which this parliament is presently constituted that has caused the extra interest; but it is important when we debate issues and amendments that go to the rights of our citizenry, that we do not forget what public perception is being formed out there by what we say in here; [Interjection] comments such as those, feeding into the public perception. We live in a society Mr. Speaker, the people and the polity, what happens inside of here directly concerns them; directly. So that if one person indicates discomfort with something that is happening in here that person ought not to be dismissed as a consequence of whatever their politics is because we are governing for the whole, at least we should be.

So, let me look at the arguments as I understand them and I am subject to clarification and feel free to interrupt me if I have gotten it wrong but I have been listening [Interjection] and several things happened in this debate

so far, we heard an argument being put forward by the Honourable Senator the Minister of Foreign Affairs and I will paraphrase but it is on the record. He made a comment about the tremendous amount of time spend by the DPP in taking over and discontinuing cases which I believe to his mind were frivolous and vexatious ones. [Interjection] And now, the issue is how is it going to be less time consuming? How is it going to be less time consuming when now the DPP has to take a look at each and every prosecution that comes or intends to come before the Court? To have him give a first look and by the words of the Honourable Prime Minister do what he has to do to come up with his judgement. That argument seems to me not to have validity; it does not support the view that you should extend the powers of the DPP which essentially is what this amendment is seeking to do.

And we heard the argument made that these cases are frivolous and vexatious, whatever case that prompted the laying of this Bill to amend the Criminal Procedure Code. So, we heard though interestingly, and I believe that I got that from the Senator and the Minister of Trans ... (I am sorry Senator Francis, I am not sure of your portfolio)

**HONOURABLE JULIAN FRANCIS:** It is time you learn, look it right there: look it right there.

**HONOURABLE VYNETTE FREDERICK:** I know that it has to do with politics [Interjection] my eyes cannot see that

**HONOURABLE JULIAN FRANCIS:** [Inaudible]

**HONOURABLE VYNETTE FREDERICK:** Urban Development and so on; right. I believe the argument was made by the Honourable Senator Francis, the Minister and it seems to be steeped in partisan politics. He sent two messages to the people; his argument is that if the people do not stop their protest: he would bring out his forces to show support for your side of the House. He also indicated that the Bill was being tabled essentially to secure the Government that is what I understood. [Interjection] No it was not said, but that is what I understood from what was said. And this is what I am saying I am subject to clarifications if necessary, [Interjection] right.

He made a point that ... the Honourable Senator actually indicated that there have never been cases brought in St Vincent and the Grenadines and somehow seem to believe that that was a basis upon which, well I do not know, he will guide me. That was a basis upon which this intervention by legislation was necessary but certainly in conversation with the Honourable Minister of Tourism you would know that testing the law is something that the Court and certainly the Honourable Prime Minister would say there is no difficulty in testing the law. Testing the law and not just testing the law but setting precedents is something courts do. So, using that argument to somehow suggest that this amendment is necessary to stop this or to change the whole fact, there is some mystery about the fact that the actual law has never been tested before is an absolute non-argument. And one of the other arguments that was made and I am again, Mr. Speaker, Honourable Members, saying what I understood from the argument.

Again we would agree that our parliament is not governed by modern rules, rules with an ancient foundation, and while we hold on to those rules to govern the conduct and utterances within this House we use the fact that a law is ancient not suited to modern times.

You know we heard about the horse and buggy and going down to lodge a complaint with the Magistrate or if the Magistrate was itinerant you could somehow get justice but you had to drive for days back in the ancient days, so it struck me that when rules are ancient but somehow satisfy you in their application, there is no difficulty with them but you bring up the ancient argument to justify changing the law to essentially impact on the rights of a citizen. And that argument really cannot hold water with me. And it really does not hold water with the people, because essentially what to my mind the government side of the House is saying is that this is more about securing them in government than about actually amending a piece of legislation to do something to help the population. [Knocking on the desk] That is essentially how it comes across. Can this sit well with the public? You are saying that you are messing with everybody's right, and I will use slang, "*Yu messing with everybody's rights*", to basically secure yourselves. How can that be acceptable? How can that be something that you even want to canvas with the public?

And then you get hot and bothered when the public says, "*Well here nah, that's not what we are about; we don't want that*". [Interjection] The general public: John public; [Laughter] John public. And then in the utterances that we see during this debate the public, Mr. Speaker, the public are discounted. [Interjected] Who John public? You mean the 100 people downstairs? [Interjection] Absolutely: unacceptable to the people of St Vincent and the Grenadines. Now the right of the citizen to bring an unfettered and untampered with private criminal prosecution should that be tampered with in truth? And there is really no argument that you could make to tell the public to accept that you are going to mess with their rights and certainly not the argument that this is about securing your own government. If there is an issue [Interjection] there is a place called the court, so you let the matter go there and let justice be done in the court. Let the Judges sink their teeth into the questions that are being raised with your particular matter but do not come and amend a law simply because you have a parliamentary majority to ensure that it happens and an interest to serve.

**HONOURABLE ST CLAIR LEACOCK:** That is right.

**HONOURABLE VYNETTE FREDERICKS:** And do not believe that in this current dispensation that you can sell that to the public and that they will be happy consuming that. [Interjection] Because you are taking away people's rights and there is no way to colour it. You know, it is amazing to consider and I wonder sometimes, Mr. Speaker, Members of this Honourable House if the hope is that the people would not be listening or if the hope is that they are going to forget about that that is going to be a nine days talk. Because even if one person has an issue that issue is important and it should be important, it should not be discounted for any reason whatsoever.

I listened to the Honourable Senator, the Minister of Foreign Affairs, I listened to all of the debates essentially and I noticed the direction that people took in their debate, some went to look at the conduct of the DPP's office as it is presently constituted to base their arguments from there. Others sought to share information to justify where in their mind abuse took place or the potential for abuse exists; but the Honourable Senator the Minister

of Foreign Affairs actually went down the hypothetical vein, he placed before us a scenario he said and I would like, Mr. Speaker, to follow his lead because I would like to end by placing a scenario before this court [Interjection] I beg you pardon you could tell that I believe that I am before the court; but indeed I am in parliament, which could probably add to the argument that these arguments could better be ventilated before a court.

Now, let us say that we have a leader of an organisation a big multinational corporation you know, a big [inaudible] he sits on a police benevolence board, he is the Chairman of the Board determining what happens to police officer you know, what benefits you get and that kind of thing. Now, as head of his corporation he will see people so he sees a client, a woman at his office in private and the woman leaves the office accusing this big leader of this corporation of rape sexual assault which she says happened to her at that office at that time perpetrated by that big [inaudible] well, the matter goes to the police but this is somebody who is chairing their board. So, this is somebody who determines how their benefits go; so they try to let the matter not really move, maybe it moves, not really moves they want to stifle to insulate the chairman of the benevolent board. But she goes to a lawyer with her evidence; she goes with all her evidence to a lawyer and the lawyer tries to proceed with the matter to court but this legislation is in place and it just so happens that the District Attorney or the DPP or the head legal man is somebody who worked in that organisation belonging to the [Inaudible] as a matter of fact he was the face of that organisation, the mouth piece of that organisation before he became District Attorney. It is a hypothetical, think about this scenario and he has to decide whether this matter will proceed or not, I will leave those who are listening to decide how justice will be served. I am obliged to you, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Honourable Senator, sorry, Member for South Central and Minister, I recognise you. Also I want to recognise the Deputy Speaker, and he should take you right through your contribution.

**HONOURABLE DAVID BROWNE:** Honourable Member, you may begin.

**HONOURABLE SABOTO CAESAR:** Thank you very much, Mr. Speaker, Mr. Speaker, I rise to make my contribution on the debate before us, a debate on an Act to amend the Criminal Procedure Code. Mr. Speaker, if I may say by way of introduction that before coming to this Honourable House as an attorney I spent three years as a prosecutor, so I am very, very much comfortable with this territory and especially how it works and operates in all legal system. I listened to the arguments coming from the other side and sometimes you wonder the impression that persons who are listening will get. And I must say, Mr. Speaker, on many occasions persons were basically being misled by the opposition. I do not know if it is intentionally done but the fact of the matter whether it is out of a proper outstanding of the law that we are here to debate but the end result is that it is purely misleading. And because of that, Mr. Speaker, I am going to take my time and go through item by item, section by section in a way that those persons who may have been misled can get a second bite of the cherry.

**HONOURABLE JULIAN FRANCIS:** Yes that is why I left that part for you.

**HONOURABLE SABOTO CAESAR:** Mr. Speaker, it is clear that the role of the parliament is to make laws, be it on health issues, education, tourism, agriculture but in this particular case we are here to debate an amendment that would have an impact on the administration of justice. Mr. Speaker, laws are not cast in stone and when I say this I mean as the society evolves there is always a need to change with the changing times. In a nutshell it brings about an evolution of the jurisprudence and when we come here to change laws, what we are actually doing we are keeping abreast with the times. Mr. Speaker, years ago I worked on a piece of legislation and it was to have positive impact on the farming sector because prior to that piece of legislation issues of theft came under the general laws of theft, but we wanted to bring in a special piece of legislation to deal with the theft of farm animals and produce, so we came to the parliament, no one was being a dictator then and I saw my name last night all over the world, Caesar the new dictator, and emails were sent to my hotmail account that I must be aware of the Ides of March. I do not know who the soothsayer is but I say as Caesar says:-

**“Cowards die even before their death but the valiant will always taste of death but once, so let it be with Caesar”.**

I begin on the point of legitimacy because in the leader of the Opposition’s address, the Honourable Leader of the Opposition there seems to be an attempt to weigh in the balance the legitimacy of the Members on this side to bring a matter or to bring an amend or the request for a law in parliament. And it was clearly said and shown when the issue was raised of the 7-8 and there are persons who supported the 7 and there are those who support the 8 and those who support the 7 have rights and those who support the 8. I do not, when I speak on the issue of rights, Mr. Speaker, I do not speak about 8 or 7 I speak about 15; I speak on behalf of every single Vincentian.

Mr. Speaker, the issue before us is a simple one and I want us to take a very careful note of the issue before us lest we miss the issue, because if you miss the issue then all your debates and debating on the point will basically fall by the wayside. And the issue is this whether the law on the books as it relates to private prosecution best serves the people of the state of St Vincent and the Grenadines in its current form? Whether the law in the books as it is today if it best serves the right of the citizens of the state of St Vincent and the Grenadines in its current form? If the answer to that question is no then there is a need for an amendment. I gather if I am to take the arguments from the other side to its logical conclusion what is being said is that there is no problem with the law as it is therefore there is no need for an amendment.

Mr. Speaker, a perfect point of departure is what is the role of the DPP? And Mr. Speaker, the DPP’s role and an understanding and appreciation of the role of the DPP is central to understanding this amendment and the reason why that is so is because the powers that will be conferred will be conferred to the DPP if you do not understand and appreciate the office of the DPP you would not really understand how the DPP got its powers and his authority and how he is going to exercise them based on this amendment. And Mr. Speaker, we must first realise that the office of the DPP and the person who holds the office of the DPP there is a clear dichotomy in the definition, we must get that clear first. The office of the DPP and the person who sits in the office, the person changes from time to time they might go to become a defense lawyer, they might change their profession, they might go overseas but the office is a constitutional office and that is clearly noted in the Constitution of St Vincent and the Grenadines in Section 81 and the Constitution remains the supreme law of

the land and the fact that this office is enshrined in constitution shows you the level of respect that is given to the office.

Mr. Speaker, the law on prosecution and is noted in chapter 125 section 66:1 and section 66:3 and if I may just be permitted, Mr. Speaker, to read this: Cap 125 section 66:1 says this:-

**“The DPP any legal practitioner introduced for the purpose by him and any crown counsel may appear to prosecute on behalf of the Crown the Commissioner of Police or any other public officer, public authority or department of government in any criminal proceedings before any court”.**

So the office is given its power under the Constitution but chapter 125, section 66:1 outlines how this power is supposed to be operationalised procedural. Section 3 also speaks:-

**“The DPP may by writing authorise any public officer to conduct prosecution”.**

So, it all deals with the operationalisation of the office. But section 67 Mr. Speaker, is a very interesting section and it speaks to the issue of the power of the DPP to discontinue and it reads, section 67:1:-

**“In any proceedings against any person**

And I want to spend some time on that.

**at any stage thereof before verdict or judgement as the case may be the DPP may enter a nolle prosequi either by stating in court or informing the court in writing that the crown intends that the proceedings whether undertaken by itself or by any other person or authority shall not continue”.**

So the DPP has the power to discontinue a matter which is started at anytime. Now I go to a practical example because the powers to discontinue here speak to the issue of when the matter is already started. If I may read section 68:-

**“In a trial before any court a public prosecutor may with the consent of the court or on the instructions of the DPP and any other complainant may with the consent of the court at anytime before judgement is pronounced withdraw from the prosecution of any person”.**

And it goes on to speak about what happens when the DPP withdraws. But Mr. Speaker, the important section, the section under review in this debate is section 69 and if my friends will see with me; section 69 which currently reads:-

**“Any person conducting a private prosecution may do so in person or may be represented by a legal practitioner instructed by him in that behalf”.**

Mr. Speaker, a logical reasoning and understanding of these powers conferred on the DPP, he has the power to stop the case at anytime but in section 69 nothing was ever mentioned of the DPP. Mr. Speaker I want to raise a particular case in point because many cases were raised here but I want to raise a particular case in point as an example and I am certain most certain that when any citizen hears this example that they will be convinced that what is being done here by this amendment is for the betterment of every single Vincentian. [Knocking on the desk] Mr. Speaker, let us take an example and let us take an area Mala, in Mala and this is purely hypothetical for those who are listening. In Mala there is a church [Interjection] no leave Mount Grenan out of this, remember the Leader of the Opposition has lands in Mount Grenan right next to mine [Interjection] so when we, you never know, we might be sharing yams and dasheen soon to come especially when he retires from the Party, which is very soon.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] fresh eggs [inaudible]

**HONOURABLE SABOTO CAESAR:** By next election when he builds his farm house in Mount Grenan and lives there and I build on the hill I might be singing “Me and my neighbour voting for Labour” [Laughs] [Laughter] But I am back to the hypothetical case;

**HONOURABLE ARNHIM EUSTACE:** [Inaudible]

**HONOURABLE SABOTO CAESAR:** Aaaah! I like that come back; it shows that you are still awake. A church in Mala, the Pastor has a church in Mala over 25 years. The church is going full swing, persons are coming in worshipping but there is a song service leader and an accusation is raised that she is living with her boy friend who is a DJ and the Disco is in walking distance to the church, the Pastor with his own eyes would have seen the song service leader attending dance on the Saturday night sleeping by her boyfriend the Saturday night and coming to church to lead song service the Sunday morning. So, I mean as a Pastor he would say I have to discipline you but sometimes when you discipline people it creates anger in them, and they pursuant malice so he said to her “You can no longer lead song services in my church”. Okay she goes back home with her boyfriend who is the DJ and she now comes up with a plan as to how to get back at the Pastor and I know that every single person here, we know that these things happen from time to time. Someone do you something you come up with a plan. How am I going to get back to the Pastor?

**HONOURABLE FREDERICK STEPHENSON:** [Inaudible] Pastor in St Vincent.

**HONOURABLE SABOTO CAESAR:** Wait nah man, people listening and I want them to follow. We could talk about that after. The pastor goes off to a crusade in Africa on the 2 January and stays until January 20, the song service leader does not know that and she formulates in her mind that the best case to bring against the Pastor is a sexual case because in law in prosecuting one thing you will know that when persons bring sexual cases it is between two persons so it is not a case like when someone goes into Little Tokyo and commits an heinous crime and there are fifty persons to come and witness. So, basically it is her word against the Pastor’s word. She goes to a lawyer and she tells the lawyer I was raped by the Pastor, now in our law a man commits rape when he has unlawful sexual intercourse with a woman who at the time does not consent. He knows that she does not consent but is reckless as to whether she had consented.

The lawyer upon hearing the evidence from the young lady sees that there is not a case, is better he brings a lesser case let us say indecent assault and she brings the case and states that the incident took place actually when the Pastor was in Africa winning souls. So, what happens, when the Pastor comes back from Africa where he would have converted 3,000 persons to Christianity: because you know a good Pentecostal Pastor can do that easily in a massive crusade. [Interjection] Shanguila [Laughter]

When he comes back the Monday morning after his revival service in his home church in Mala he is served that he indecently assaults someone. The News newspaper has it, the Searchlight has it, it is all over talk show and radio, the persons who accepted Christ in Africa go on line to follow the progress of the Pastor and they see it and I have a couple scenarios here that came to my mind. The home church splits because nobody going back to that church because they hear the Pastor involved in things. His wife suffers a heart attack and dies, the children are mocked when they go to school, they say, “Your father feel up people” He the Pastor is diagnosed with hypertension, and he is suspended from the church pending investigation and final determination of the matter. His grandmother who was hospitalised at the time suffers a stroke and dies. He loses his property: his house, you know why? Because he used to use money the monies that came in that was his income that use to help with the mortgage [Interjection] no you are trying to distract me but I will not be moved.

**HONOURABLE DR. DOUGLAS SLATER:** Talk the talk man, talk the talk.

**HONOURABLE SABOTO CAESAR:** The church was on the property that he lived on so they lose both the church building and the house and at the end of the day the Pastor leaves everything including his Ministry, however, when the matter is instituted or when the matter starts the DPP discontinues the matter after fifteen minutes in the Magistrate Court. Now tell me is it justice? What did this Pastor receive? Is that justice? You see when we speak about justice and I am really ... I hear the Member for the Northern Grenadines speaking but when he had his chance to speak I had expected a more in depth well researched really from a colleague, after all I was very disappointed. I thought he was coming with a discussion in some theoretical jurisprudence of how rights must trump utility [Interjection] I really thought that you were coming with something that was sound but probably your mind is on the Blues Fest going on in Bequia and he just stayed here at the behest, you just stayed here at the behest of your leader [Interjection]

Mr. Speaker, the point is a simple just like how the lady, the young lady had a right to bring a case the Pastor also suffered because she brought a frivolous and vexatious case and if the DPP had a chance to peruse the evidence before the case was brought his grandmother may have still have been alive

**HONOURABLE DANIEL CUMMINGS:** [Inaudible]

**HONOURABLE SABOTO CAESAR:** You had your time to speak, you spoke for forty five minutes and you made absolutely a mock of yourself [Interjections] yes and remember you like the topic of church you know. Mr. Speaker, this is a clear issue of the balancing of rights. [Interjection] You see some persons usually think you know that rights have a cockeye; and that the rights are only one sided. Now, Mr. Speaker, back to the hypothetical situation [Interjection]

**HONOURABLE DAVID BROWNE** [Deputy Speaker]: [Knocking on the desk] Honourable Members please.

**HONOURABLE SABOTO CAESAR:** If that young lady was of the view that she still had a case, she could have gone for a judicial review of the decision of the DPP that is all that is happening in here you know and men are using a legitimate amendment for their own political purposes [Knocking on the desk] that is what is happening here. You made people leave their homes for the entire day come in the hot sun bleached out while you are inside in an air condition building in an air condition room and you will be leaving in your SUV while they are hanging up on some truck fooling people. Mr. Speaker, this is what this parliament has come to when we are using a case where we have basically no merit and you come and you pampazet, we are going to stay all night. When the Honourable Prime Minister had ended his address on the issue and we listened to the Honourable Leader of the Opposition that that was enough discussion on the issue because clearly no one else has added anything more than what the Opposition Leader had said. And this amendment is argued not on legal principles by the Opposition but purely on emotions and politics.

It is not an issue that you come here and because you lost an election, you pump up yourself and then you looking for any little crack [Interjections] [Knocking on the desk] Mr. Speaker, [Interjection] remember you are the legal engineer you know

**HONOURABLE DANIEL CUMMINGS:** Right now [inaudible] right now the DPP

**HONOURABLE DAVID BROWNE** [Deputy Speaker]: Honourable Member.

**HONOURABLE SABOTO CAESAR:** Mr. Speaker, I am reading from a book written by one Dana S Seetahal Commonwealth Caribbean Criminal Practices and Procedure, she was my lecturer a brilliant and profound Defense Attorney in Trinidad and Tobago. And on the issue of consent of the DPP it is said:-

**“While the police themselves lay charges and may institute proceedings on their own initiative there are certain offences ...**

And I am using this example to show you that your argument has already been dispelled by the law because:-

**there are certain offences for which the consent of the DPP termed a fiat is required before proceedings are instituted”.**

I hear silence on the other side. [Interjection] Let me read it again.

**“There are certain offences for which the consent of the DPP through a fiat is required before proceedings are instituted. These offences are specified by statute in various jurisdictions and unless specific consent by the DPP is given for their initiation, all ensuing proceedings will be null and void and to no effect and to no effect”.**

And there is a case which I will make a document of the, a case of R and Angel and if you hear the seriousness of the facts: if you hear the seriousness of the facts. Mr. Speaker, can I get a check on my time please.

**HONOURABLE DAVID BROWNE** [Deputy Speaker]: Yes, you have fifteen more minutes.

**HONOURABLE SABOTO CAESAR**: Lord Parker C. J had this to say in R and Angel:-

**“Having stated the nature of the appeal and indicating the legal question continued it has been ascertained that the consent of the DPP was not obtained in this case.**

And that is the consent to bring the case you know.

**And as a result the whole of the trial including the committal proceedings has been a complete nullity, as it has been instituted without the necessary consent”.**

So, when you speak about you do not want to give the DPP power to start it is something that is done. I mean when I spoke to an attorney in St Lucia in the company of Honourable Member for West St George, he said, “You mean anybody could just walk in the court and say, you Saboto give them a ride and something happened”. That is why, Mr. Speaker, at a political meeting in Lowmans where I had close to one thousand persons where I beat the NDP at a polling station I said on the political platform because of the nature of the politics practiced by the NDP the propagandist style I am not going to give a female a ride in my car if it is me alone. I said that because I have my eyes and I know that the gates are opened and when a man is drowning a straw looks like an island. [Laughter] [Interjection] I say that again you see straight from South Central, I know my mother she is still awake if she cooked I will get my dinner when I reach home no matter how late it is. When a desperate man is drowning when he sees a straw he thinks it is an island that is the state of the opposition [Knocking on the desk] [Interjections]

Mr. Speaker, on the issue of rights because sometimes I love to ... I have left the courtroom where when I was called to the Bar I said in this very hall, it was not parliament that as a national scholar I was willing to work for this country for free for the first five years of my legal practice, I said that here. So, when you go about and say Saboto is arrogant and he is pompous, when you hear you know the truth and persons are trying to misguide innocent minds you have to be aggressive in the way you approach. You know I have been ascribed a new name dictator Caesar. I do not know if that will damage my prospects of getting a wife [Laughter] because no one wants to marry a dictator. [Interject] But that is the nature of the frivolity in the politics that is going on; but we must never allow when we are having serious discussions in parliament because you know what, future generations will come and read the Hansard of this Honourable Parliament. And when they hear the jurisprudential gymnastics being spoken for example by the Members on the other side they will want to know what was happening in St Vincent and the Grenadines in 2010, [Interjection] 2011 (sorry) was it close to lunch time why were these people saying these things they just do not add up.

Remember you know everything that is said in this Honourable House is recorded. Mr. Speaker, I know that this amendment will benefit and will bring a much needed avenue for the protection of the rights of many persons and it will create that very necessary balance. Mr. Speaker, as I round up, I will like to say this if the

DPP has the power to stop the case fifteen minutes after it has started in the court, he has the power to stop it, he has the power to discharge the person why do you allow an innocent Vincentian to be shamed suffer so much discomfort and injustice by having him being dragged before the court by a private prosecution that is frivolous and vexatious? Mr. Speaker, it is on that ground that I support this amendment and I know that every single Vincentian who would have listened to this address and listened to this side of the House would support this amendment wholeheartedly [Applause] Mr. Speaker, thank you.

**HONOURABLE DAVID BROWNE [Deputy Speaker]:** Honourable Member for ... Honourable Member we acknowledge the Speaker, at this time.

**HONOURABLE MR. SPEAKER:** Yes Honourable ... just a minute Honourable Member for the Southern Grenadines.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, having heard what the Honourable Leader of the Opposition said that there are two more speakers on the opposition side we are 10:40 and assuming that each takes 45 minutes [Interjection] on your side, [Interjection] yes I am saying that each of the two speakers takes ... an 1½ hours. I just want to indicate Mr. Speaker that one of the Rules when we arrive close to midnight so I give notice, Mr. Speaker, that I intend to move a Motion for the suspension of this Honourable House

**HONOURABLE MR. SPEAKER:** Section 12.

**DR. THE HONOURABLE RALPH GONSALVES:** for five minutes so that we can resume on the next day, because I made a Motion earlier in relation to this day's sitting which will come to the end at midnight so that we could begin the next day.

**HONOURABLE MR. SPEAKER:** Yes.

**DR. THE HONOURABLE RALPH GONSALVES:** So that I can wind up or anybody else who wishes to speak. I just want to give ... so that I am on the same page, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Yes.

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** Ah!

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** Well, the point is this.

**HONOURABLE MR. SPEAKER:** It could be another day.

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** That the proceedings be exempted at this day's sitting from the provision of Standing Order Hours of sitting: this day will end at midnight, so before we end at midnight, I will move a motion, I will crave the indulgence if somebody is on his feet, so that I can move the Motion for the suspension for five minutes so we will resume on the next day which is Saturday. I do not think that I would have to [Interjection] I am one person I do not give into hooliganism, what I saw outside, I am not doing that.

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible] shame [inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** Okay. I saw ... protest is one thing, seeking to destroy public property is another.

**HONOURABLE ST CLAIR LEACOCK:** Which one [inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** Protest.

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** You could not have seen me [Laughter]

**HONOURABLE ST CLAIR LEACOCK:** I know.

**DR. THE HONOURABLE RALPH GONSALVES:** He was in short pants, Mr. Speaker. [Laughter] He was in short pants; in 1968 he was in short pants.

**HONOURABLE ST CLAIR LEACOCK:** Short pants?

**DR. THE HONOURABLE RALPH GONSALVES:** I left him in short pants. I just, Mr. Speaker, want to be clear that I am on the same page. I am obliged, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Very good, very good. Honourable Member.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I crave your indulgence one more time before the Honourable Member for South Leeward.

**HONOURABLE MR. SPEAKER:** One more time.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, during my presentation earlier tonight, I stated that in the matter of Mr. Rawl, shortly after he was assassinated. The Honourable Prime Minister said I was not telling the truth

**HONOURABLE MR. SPEAKER:** Yes.

**HONOURABLE DANIEL CUMMINGS:** And that it was a long period he even said may be in another year. Mr. Speaker, the events are on the following dates: January 1973, Mr. Rawl took the action as DPP and May 1973 Mr. Rawl was assassinated.

**DR. THE HONOURABLE RALPH GONSALVES:** So?

**HONOURABLE DANIEL CUMMINGS:** The facts are it was a short period after Mr. Rawl was assassinated.

**DR. THE HONOURABLE RALPH GONSALVES:** That is a short period?

**HONOURABLE ST CLAIR LEACOCK:** How do you mean; January-May is short.

**DR. THE HONOURABLE RALPH GONSALVES:** Ah!

**HONOURABLE MR. SPEAKER:** All right.

**HONOURABLE ST CLAIR LEACOCK:** Four months. [Interjections]

**HONOURABLE MR. SPEAKER:** Honourable Member for the Southern Grenadines.

**HONOURABLE DANIEL CUMMINGS:** Mr. Speaker, I did not hear you rule on the matter you know.

**HONOURABLE MR. SPEAKER:** Well, I do not know it may just be a matter of opinion in terms of the time, you know..

**HONOURABLE DANIEL CUMMINGS:** It is germane to the discussion.

**HONOURABLE MR. SPEAKER:** Yes.

**HONOURABLE DANIEL CUMMINGS:** Four months is not a long period of time, because the point was made that there was no relationship.

**HONOURABLE MR. SPEAKER:** Well, I am saying

**HONOURABLE DANIEL CUMMINGS:** That is the point.

**HONOURABLE MR. SPEAKER:** I am saying.

**HONOURABLE DANIEL CUMMINGS:** That is the point.

**HONOURABLE MR. SPEAKER:** No! I mean to be honest with you it may be an opinion.

**HONOURABLE ST CLAIR LEACOCK:** No but he is saying shortly after so there is logic in it [inaudible]

**HONOURABLE MR. SPEAKER:** Okay for four months, all right, okay.

**HONOURABLE ST CLAIR LEACOCK:** Yes that is the point he is saying.

**HONOURABLE ARNHIM EUSTACE:** Shortly after you know.

**DR. THE HONOURABLE RALPH GONSALVES:** Let us assume given the fact that he said that there is no connection, no imputation of any connection and no inferences; therefore, it is logical that the assertion is irrelevant to the debate. It is a logic you know I mean.

**HONOURABLE MR. SPEAKER:** Honourable Member for the Southern Grenadines, change your mind? Oh! Sorry.

**HONOURABLE TERRANCE OLLIVIERE:** No Mr. Speaker, I was waiting on you.

**HONOURABLE MR. SPEAKER:** Yes, go ahead. You are starting at 10:45.

**HONOURABLE TERRANCE OLLIVIERE:** Mr. Speaker, Honourable Members, I was not here in 2000 and for the events which became known as the 'Road Block Revolution' but the important point is I am here now and not only to represent my constituency but the citizens of St Vincent and the Grenadines as a whole and that gives me the right, Mr. Speaker, to assist in safeguarding the rights of the people of St Vincent and the Grenadines. Mr. Speaker, as the leader of the Opposition has said tonight in the debate and other Members of this side of the House that they are concerned when we have legislation that are being changed or amended. And my concern is how this amendment would affect the people of St Vincent and the Grenadines.

Mr. Speaker, the events today or should I say the number of persons outside whether it was 10, 15, 25 or 150 as the Honourable Prime Minister would have said is important enough to say to us that it is important that we listen to what the people of this country have to say in regards to the amendment to the Criminal Procedure Code. Mr. Speaker, I have heard it has been mentioned about the abuse of this process of bringing criminal proceedings against other members of the public who would have done some wrong. I heard the Honourable Minister of Foreign Affairs was alluding to the fact that if my eleven years old daughter then he changed it to say if John Doe and he asked a friend to give her a ride, later on John Doe discovered that his daughter is abused. Mr. Speaker, if I were John Doe woe be on to such a person, because indeed, Mr. Speaker, my daughter I and the relationship that I formed with her, I would know whether she is speaking the truth or not.

I have also heard today in the debate on the budget not today but before when the Honourable Minister of Foreign Affairs was also speaking and he was talking about pedophiles walking among us, Mr. Speaker, and it is a fact that when we look at this law, I am not a lawyer but when I read what is before me in terms of the law,

it shows that it gives the citizen the right to address and to seek redress because of what would have taken place and Mr. Speaker, before I go on to state in my debate I would like to say that we have been hearing about abuse, abuse, abuse but do we have the statistics to show how many criminals cases have been filed in St Vincent and the Grenadines private criminal cases sorry. And do we have an abuse of such cases in St Vincent and the Grenadines?

**DR. THE HONOURABLE RALPH GONSALVES:** We just say it.

**HONOURABLE TERRANCE OLLIVIERRE:** Where is the evidence to show that we have an abuse, an abundance of such cases coming before the court and have quite of a number of these cases being nolle prosequi because they are frivolous and vexatious, and that is the point, Mr. Speaker. The Honourable Minister of Tourism asked the question, “Whether the law on the books as it is today best served the people of St Vincent and the Grenadines”? And I say yes, leave the law as it is because there are certain [Knocking on the desk] certain safeguards in the law that would ensure that the rights of the citizens of St Vincent and the Grenadines are met. Mr. Speaker, section 71 Mr. Speaker, section (2) we also have the provision where:-

**“A Magistrate shall not refuse to issue a summons under the provision of this section 9 unless he or she is of the opinion that the application for a summons is frivolous and vexatious and an abuse of the process of the court and if he refuses to issue a summons the person applying for the same may require the Magistrate to give him a written certificate or refusal or may apply to the High Court for an order directing such Magistrate to issue a summons”.**

So, here we are, Mr. Speaker, even though you go before a Magistrate the evidence is there for that Magistrate to make a determination as to whether the case should go on or not. To decide whether it is frivolous or vexatious so that safeguard is in the law even up to that point. And to go on, Mr. Speaker, the DPP can also get involved in the case, Mr. Speaker, even as his powers grant him now at this time, and can even discontinue the case. Mr. Speaker, as in section 67 which the heading outside said:-

**“The power of the Director of Public Prosecution to enter nolle prosequi in any proceedings against any person and at any stage thereof before verdict of judgement as the case may be; the Director of Public Prosecution may enter a nolle prosequi, either by stating it in court or by informing the court in writing that the crown intends that the proceeding whether undertaken by himself or any other person or authority shall not continue”.**

So, Mr. Speaker, it brings to mind the question if we have all these safeguards what is the reason for the amendment for bringing private criminal proceedings against someone, Mr. Speaker. Mr. Speaker, we all need to take warning, we do not need to harden our hearts at this time, Mr. Speaker, but what we need to do is to listen to the voice of the public

**DR. THE HONOURABLE RALPH GONSALVES:** I am listening.

**HONOURABLE TERRANCE OLLIVIERRE:** There must be some way, Mr. Speaker, as the Honourable Members from the Northern Grenadines suggested why this matter didn't go to a Select Committee and as we said if we have all these learned people in St Vincent and the Grenadines who know the law, I am not a lawyer why didn't we give them the opportunity to vent their feelings on this issue so that they can guide us as to the best way to go about this amendment, Mr. Speaker. As I said before the Director of Public Prosecution he already has the power to nolle prosequi, why do we want to widen the power and add to the power of the DPP? I sat here and listened in amazement to what the Honourable Member for Central Kingstown was saying in a judgement that was awarded to him, Mr. Speaker, [Interjection] in West Kingstown, sorry, in what he was saying in a judgement that was awarded to him and Mr. Speaker, even in those judgments if I heard clearly the judge was warning about the powers: the extent of the powers of the DPP as it exists, so why do you want to widen that power even more of the DPP as it exists? So why do we want to widen that power more even enhance it, even when we were warned against such powers, Mr. Speaker?

Because ... let me go back to the case if my daughter is abused I would like to know that I could go and get my lawyer and go to the police and enter in front a Magistrate and pursue my case, Mr. Speaker, and that should be the right of every citizen of St Vincent and the Grenadines. [Knocking on the desk]

**HONOURABLE DR. DOUGLAS SLATER:** Honourable Member, I do not know if you would just give way for me to elucidate a matter. The example I gave is not what he said.

**HONOURABLE ARNHIM EUSTACE:** Let him state the Standing Order like everybody else.

**HONOURABLE DR. DOUGLAS SLATER:** Thirty five (b). Mr. Speaker, when I made the example I did not suggest that an act occurred you know and that is why I made the example, that you may give somebody a ride or you may be the driver and somebody give you a friend and the child accuses you and you are taken to court but you may be innocent so you are having it the other way around. That is not what I said.

**HONOURABLE TERRANCE OLLIVIERRE:** To the Honourable Minister of Foreign Affairs if you got it that way I am sorry but I was just being hypothetical as I said before no such thing happened as I said God forbid and woe be unto the person who may want to...

**DR. THE HONOURABLE RALPH GONSALVES:** I my friend, what he just said is that he would go to his lawyer and take his daughter to the police, well I mean that is the point: that is the point to go to the police [Interjections].

**HONOURABLE TERRANCE OLLIVIERRE:** But Mr. Speaker, even if the DPP finds that there is a case to answer would it still be a private criminal matter?

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] that is the point. Now you understand.

**HONOURABLE TERRANCE OLLIVIERRE:** Mr. Speaker, we are to safeguard the rights of the people and Mr. Speaker, I hear the Prime Minister, the Honourable Prime Minister sorry talking about making the DPP the gatekeeper.

**DR. THE HONOURABLE RALPH GONSALVES:** He is already the gatekeeper.

**HONOURABLE ARNHIM EUSTACE:** Super gatekeeper.

**HONOURABLE TERRANCE OLLIVIERRE:** The super gatekeeper as the Honourable Leader of the Opposition said. And Mr. Speaker, Mr. Speaker as I said before we have a number of safeguards within this law and there is no need to change it; there is no need to change this law because it has been working so what is the need? It makes me believe that probably there is another reason for wanting to change this law and what is it? Why, as the Honourable Member for the Northern Grenadines was saying, what is the haste, and why are we here at this hour debating this Bill? What is the haste to pass it tonight?

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] power [inaudible]

**HONOURABLE TERRANCE OLLIVIERRE:** And because of some of those which I have made tonight I would join with the other Members of this side of the House and I cannot support the amendment to this Bill. I have heard a lot of hypothetical cases and if this happen and if that happens and what if the other but have they really happened? And we are just making a whole set of hypothesis and want to test hypothesis dealing with the law but Mr. Speaker, we need to deal with reality, there is nothing wrong with the law and there is no need to change it.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] example [Inaudible] reality.

**HONOURABLE TERRANCE OLLIVIERRE:** Mr. Speaker, there is no need for us to ... because you know future generations they are going to hold us accountable for the decisions that we make in this Honourable House. And we have to make sure that whatever decisions we make here is for the benefit of all and not just for some and that is one of the most important point, Mr. Speaker, and as I said with that I am not of the legal fraternity but what I do understand here and listening to the debate tonight I cannot support the amendment to this Bill. Thank you. [Knocking on the desk]

**HONOURABLE MR. SPEAKER:** Honourable Member for West Kingstown, Central Kingstown, sorry I do not know why I want to give away your... You are starting about 11:00 o'clock there about 11:01.

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, I am sure that I am not going to use up my 45 minutes this evening.

**HONOURABLE MR. SPEAKER:** You are not going to use them up?

**HONOURABLE ST CLAIR LEACOCK:** No, I am not going to use them up. [Interjection] I promise you that.

**DR. THE HONOURABLE RALPH GONSALVES:** You saw my intention.

**HONOURABLE ST CLAIR LEACOCK:** I saw your intention.

**DR. THE HONOURABLE RALPH GONSALVES:** Ah! Ah!

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, it is about 11:00 o'clock, just about.

**HONOURABLE MR. SPEAKER:** 11:00 p.m.

**HONOURABLE ST CLAIR LEACOCK:** If you had told me there would have been an occasion at which I would have been here at 11:00 o'clock speaking to what the Honourable Prime Minister called 'political junkies' not my word his description, I would have wager a bet and say, never. But alas!

**HONOURABLE JULIAN FRANCIS:** You would have lost the bet.

**HONOURABLE ST CLAIR LEACOCK:** I would have lost the bet. Alas! I am here on a Friday night.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] junkies I said, 'political junkies'.

**HONOURABLE ST CLAIR LEACOCK:** What about those I say, Scoby Taylor.

**DR. THE HONOURABLE RALPH GONSALVES:** What?

**HONOURABLE ST CLAIR LEACOCK:** The ones that you said Scoby Taylor ran from, what are those ones called?

**DR. THE HONOURABLE RALPH GONSALVES:** Ackatus

**HONOURABLE ST CLAIR LEACOCK:** Ackatus

**DR. THE HONOURABLE RALPH GONSALVES:** That is a long legged jumbie.

**HONOURABLE ST CLAIR LEACOCK:** I remember all your stories you know.

**DR. THE HONOURABLE RALPH GONSALVES:** Yes.

**HONOURABLE ST CLAIR LEACOCK:** And I know when you are telling stories too.

**DR. THE HONOURABLE RALPH GONSALVES:** [Laughter] [Interjection]

**HONOURABLE JULIAN FRANCIS:** Set it up, set it up.

**HONOURABLE MR. SPEAKER:** Honourable Member.

**HONOURABLE ST CLAIR LEACOCK:** [Laughs] Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] wrong still [laughter] go ahead. [Laughs]

**HONOURABLE ST CLAIR LEACOCK:** I know, [Laughs] I see that band that you are wearing around your hand, you are protected. Mr. Speaker, I want to get out of here and I really do not intend to be here for 45 minutes. Mr. Speaker, this is not one of the better times for us in the House of Assembly, I mean it is very challenging to both sides of the House [Interjection] I always do that, speak for myself. But I cannot support, Mr. Speaker, and that is why I am on my feet because the record must show that I oppose this proposed amendment to the Criminal Procedures Bill as it stands now. And I have listened carefully to the arguments presented tonight in this Honourable House. It is true that there are times the nature of the presentation would have led one to believe that we are before a court of law and that is why I said at times we could have easily slip to refer to you as ‘Your Worship’ or ‘Your Lordship’ because at times the detail in the pleadings were that concentrated especially the case references. Let me say by the way, Mr. Speaker, I had two years of legal studies just about the time I came into this parliament and I abandon that and from time to time I considered why I should not have taken a year off and go to England and do like the Prime Minister.

**HONOURABLE DANIEL CUMMINGS:** So, you are goat skin lawyer then.

**DR. THE HONOURABLE RALPH GONSALVES:** You could still do it.

**HONOURABLE ST CLAIR LEACOCK:** I probably should still do it; I probably should still do it.

**DR. THE HONOURABLE RALPH GONSALVES:** You could be a genius in 10 years. [Laughs]

**HONOURABLE ST CLAIR LEACOCK:** I may just do that. Mr. Speaker, I mentioned that only because in as much as I am a long way from being a lawyer I still have the ability to follow legal arguments. And this one gave me some pain as well, because the Director of Public Prosecutor here an old student of mine is one with whom I still have up to today very good social relations and certainly this matter has strained that. And I would endeavour on my part to do what I can to keep the relationship, even though I would say to him when I have the opportunity straight off the bat that I am in disagreement with him not only on this matter and other matters that have gone before. And this is the epiphany tome that the extent to which he, it appears to me at times, that he allows his professional judgement to be clouded and to be manipulated. Because the existing DPP is a very rounded and a very educated person Diploma I believe or Degree in Journalism or Mass Communication. I think he might have gone on to do work in International Relations all before he went on to do law. So this is somebody who was quite well educated and I have had my difficulties to understand why he would want to make this recommendation, because we could have ended this debate tonight, Mr. Speaker, on the strength of the presentation of the Honourable Member for West Kingstown alone. Because we have the conclusions based on solid empirical evidence and I think somewhere in the judgement of His Lordship Bruce Lyle I recalled the

words “Justice, equity and equality before the law being expressed in important and fundamental tenets in our jurisprudence”.

I cannot understand, Mr. Speaker, for example, let me use the Daniel Cummings case, what judgement could have really motivated the DPP in a case like that to want to take over the Senator’s case as he was then and to discontinue, bearing in mind all that we know that has happened before. I mean, I may be biased but you have to conclude it just had to be ... very, very, poor judgement, it is horrible and I have to rationally conclude that he could only have been driven by political consideration and if that is where our justice system have gotten to then we ... it is troubling. You know let me just depart a little bit, Mr. Speaker, I go to the Courts every Monday morning for important reasons in the last three weeks between the Courts and the CID Department it is not related to the case but I will tell you I came across three experiences:

1. The last one a young man 18 years of age from Green Hill, I am not going to call name and go beyond that he police goes into his home, he is in his home not on the street: in his home and they picked him up with a IPod. They took him to the Police Barracks and they arrested him. He moves from the Barracks to the Drugs Squad back and forth and I am trying to identify and locate him between the Court House, the Cell at the Barracks CID and Baghdad and he cannot be found. Nobody could tell you where he is until eventually we discovered that he is in fact in the Cell. We got him out and it takes you a leg and an arm to find the IPod. And then when they found it, I hope the police are listening because I am very disturbed about it; they want some relative of his to come and identify that in fact they are the real owner of the IPod. And when the relatives came they are not satisfied with that you must also go and get the receipt of where they bought it in Canada, before they could release him. In other words he is virtually guilty until he could prove himself innocent. I suspect because of my intervention and I tend to keep away from the police doing their work because I know that is a thin line, he eventually was released.
2. The week before that, Mr. Speaker, here is a case of a gentleman being picked up for investigation by the Police. Why? A man reports that his wife has paid that gentleman to kill him. They did not pick up the wife you know they took up the man who was going to kill him but not the wife who has paid him. She is not under suspicion and she is not being investigated. There is a case before that, Mr. Speaker, which was also dismissed, a woman pulls a cutlass on a gentleman, he picks up a stone, and the police give evidence that yes, she had a cutlass but the man with the stone is prosecuted. I say all that to show, Mr. Speaker, that this course of judgement, equity and equality before the law is rare. It can happen: it happens in small matters and it happens in big matters.

The question of whether we need a DPP and the constitutional importance of it is beyond debate, everyone of us agreed on the importance of that. And I followed very carefully the argument constructed by the Honourable Minister of Tourism and I think he presented a clear argument, we have to decide whether or not the law as it exists now is good enough, it serves a good purpose and I think he went on to raise the question whether or not there are sufficiently serious weaknesses in the Law that could be enhanced and he went on through his

hypothetical case and then the Legal ... the Law Journal I suppose I could refer to the Law Journal to support his argument but nothing contained in that argument, Mr. Speaker, defied the empirical evidence presented in a real case by the Minister for West Kingstown that the Law is sufficient and it can serve us well as it is. But Mr. Speaker, there is something that was also raised this evening, which we probably cannot reconcile and it is troubling. Not necessarily in this case before us only, but in that case of whether we are supporting the man or the office is something that we must be given consideration to because very often or in more case than one absolutely nothing is wrong with the office and sometimes the problem is the person filling the office.

I want to suggest in all respect, for a person who we had great admiration for, tonight that we have been let down on more than one occasion with the man filling the office. Again I said there is a basis for my conclusion going back to the Daniel Cummings case and so if it is, Mr. Speaker, we have that before us it must count for something. Now, I do not want to go and dig up old sores because it was raised here tonight and I am going back to it only for emphasis but you cannot have it both ways, you cannot have it both ways. This administration but the previous ULP found themselves in a situation in which, the DPP at the time Roger Gaspard was hounded prosecuted, vilified by Sir Vincent at the time that he was frustrating the administration, he wanted to embarrass them. All sorts of argument they printed in the Newspaper and it was on the radio. He had too much power and he would not rest until he got him out of here. Well, I think the gentleman in respect for his own profession and his own character did not wait for them to do that. Now, it is not within their powers to do that I know there is a Judicial and Legal Services Commission.

**HONOURABLE JULIAN FRANCIS:** We did not get him out of here you know.

**HONOURABLE ST CLAIR LEACOCK:** But the point is he resigns

**HONOURABLE JULIAN FRANCIS:** Right he left.

**HONOURABLE ST CLAIR LEACOCK:** Ahead of the frustrations, the embarrassments and the persecutions. Do not tell me he left, he left under ...

**DR. THE HONOURABLE RALPH GONSALVES:** Mr.

**HONOURABLE ST CLAIR LEACOCK:** State the point of order and I will sit down.

**DR. THE HONOURABLE RALPH GONSALVES:** [Laughs] I do not need to state the point of order.

**HONOURABLE ST. CLAIR LEACOCK:** Where are you going 36, 35, 33 which one [interjections] all of the above.

**DR. THE HONOURABLE RALPH GONSALVES:** Just give way, Mr. Speaker, I just want him to give way...

**HONOURABLE ST CLAIR LEACOCK:** You really want rounce to ride somebody here tonight you know.

**DR. THE HONOURABLE RALPH GONSALVES:** Now, Mr. Roger Gaspard actually had a two-year contract and he left at the termination of the contract. I just want to put that as a factual situation.

**HONOURABLE ST CLAIR LEACOCK:** I know you like facts, you can facts your lies till the rest of the night, the point is you all harassed the man until thy kingdom come, however, it is getting late and I do not have to make the case. So, Vincent Beache did a terrible job, he harassed him and he could not pray enough for his two years contract to come to an end, if you want me to put it a different way. Today you are arguing the other way around, he had too much and this one does not have enough.

**DR. THE HONOURABLE RALPH GONSALVES:** If I should suggest, Mr. Speaker,

**HONOURABLE ST CLAIR LEACOCK:** I wonder what now 32(1) or 27

**DR. THE HONOURABLE RALPH GONSALVES:** [Laughs] No! No! [Laughs] please it is in the ...

**HONOURABLE ST CLAIR LEACOCK:** Because you already said those things wear long pants and I am mindful of the time I have to get home tonight.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker ...

**HONOURABLE ST CLAIR LEACOCK:** And the Speaker as well.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, if I may just say this so that you do not have a misconception. Even though he had a two-year contract, contracts are really for DPP's indicative.

**HONOURABLE ST CLAIR LEACOCK:** You just want to keep me here tonight.

**DR. THE HONOURABLE RALPH GONSALVES:** No. The learning on it is several cases, to the Court of Appeal, to the Privy Council that once the DPP has ... given the nature of our Constitution, one you hire him even though it says a contract if he wishes to continue beyond the period of the contract he can continue unless there is misbehaviour.

**HONOURABLE ST CLAIR LEACOCK:** Well, I am indebted to you because you now lead me on to another idea that I did not have before now. Maybe one of the things we need to do is to give DPP's limited contracts so they do not have too much feelings of security tenure, you know, because after a while they feel it is ownership to this prosecutorial work.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] since you got the Laws ...

**HONOURABLE ST CLAIR LEACOCK:** I am also throwing it out for your own brainwave I am bouncing it on you; maybe that is one of the things we should do, limit them because like politicians they feel they own things, own the campaign, own the government and own the people. Maybe, he has overstayed his time. If you

bring that I will support that you know. [Interjections] I promise you, if you only bring that term limits for the DPP's [inaudible] PM's I will support that, but the point I want to say, Mr. Speaker, we cannot yesterday just for the argument today ... I really am not convinced that he needs more power to do his work effectively. [Knocking on the desk] What he or she needs is more gumption if there is such a word to do his/her work efficaciously without fear or favour or contradiction [Knocking on the desk] or without political blink as a motivation. That is what the country needs real men to do real work. That is what we really need to do. So, what I am saying here he is listening and I will say the same thing in his face, you understand.

Mr. Speaker, if what is happening here was a stand alone then you could say well we have a problem, but what is worrying you know, and for one who has studied your politics for the last 30-40 years Mr. Prime Minister, tonight I heard you disavowed membership of UPCA and BLAC the forerunner to Young Socialist Organisation, you formed that you know. The came in and told those boys that they were fooling around with this backward politics and so forth and they must upgrade themselves and put all the thing and get the thing ideologically grounded I been there and you was not even Labour at the time. [Laughter] [Interjection] the Speaker, was even more Labour than you.

**DR. THE HONOURABLE RALPH GONSALVES:** You followed my initiatives.

**HONOURABLE ST CLAIR LEACOCK:** Oh yes I did.

**DR. THE HONOURABLE RALPH GONSALVES:** Yea! Yea! Okay.

**HONOURABLE ST CLAIR LEACOCK:** I was there in Diamond when you turned over the chair and we came back to town with three other ... (keep out of these things and sit down and behave yourself now the night is getting on). [Interjection] No I said I would not use the 45 minutes, I may get to 40 [laughs] if you keep getting up like that. The point is Mr. Speaker, we the people in the country and this happened today in truth you know, there are ULP people who told me today, "I am ULP but I am not supporting this". I experienced that today.

**HONOURABLE JULIAN FRANCIS:** They tricked you.

**HONOURABLE ST CLAIR LEACOCK:** They did not trick me. It is an assemblance of what happened in the Referendum. Now I would be foolish to believe that everybody who voted in the Referendum was NDP, but I never thought that way.

**HONOURABLE MR. SPEAKER:** Just a minute, Honourable Member, just as a matter of procedure, I am going to ask the Honourable Minister for Housing please to take his position if he wants to participate, he is sitting in the Gallery, and he cannot sit there and participate. [Knocking on the desk]

**HONOURABLE ST CLAIR LEACOCK:** It might not have been where you are in the Stranger's Gallery but is who you sitting next to in the Stranger's Gallery, anyhow [laughs] but that is all right; that is between us and among us [laughs] Mr. Speaker, you see the disruption I have to contend with this evening? [Laughs] no it is a

serious matter. Mr. Speaker, I was saying that I had that on the lines this evening that people were genuinely concerned about it. And Mr. Prime Minister, Honourable Prime Minister, (I am sorry) you know you have come into this parliament many times you know and drawing on your political experience you talked about when you saw the nurses in their white and this and that and they are begging and pleading, you told them listen to those people and those ... is still a hundred and fifty we are today, well me, I am not going to charge ... if you say is one hundred and fifty let me stay with your figures. That one hundred and fifty will get to three hundred and reach to four hundred and fifty and you feel you do not want to give rule to what you call them 'mob rule', you do not want to deal with vagabonds and all these sorts of things. Those are angry and irate people, and you see there is something that is troubling about the politics. We in here represent the views of over 30,000 or near 30,000 plus people about 2,000 less than you have.

**HONOURABLE MR. SPEAKER:** Honourable Member.

**HONOURABLE ST CLAIR LEACOCK:** Yes, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** I know it is late in the night and sometimes we tend to go off course. Yes, you are speaking directly to the Honourable Prime Minister.

**HONOURABLE ST CLAIR LEACOCK:** You are quite right rather than through you, apologies and I know, you like when ... through you Mr. Speaker, to the Honourable Prime Minister. Or let me put it

**HONOURABLE MR. SPEAKER:** Well,

**HONOURABLE ST CLAIR LEACOCK:** Or let me put it this way

**HONOURABLE MR. SPEAKER:** address the House.

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Whatever you are addressing address it to the House, not necessarily

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** No

**HONOURABLE JULIAN FRANCIS:** [Inaudible]

**HONOURABLE ST CLAIR LEACOCK:** Don't worry with the Appropriation Bill. I wanted to make the point and I think the Honourable Member for the Northern Grenadines made this point you know, because it is a serious consideration you know. If you go back to the Appropriation Bill in the course of that debate the Honourable member for the Northern Grenadines presented a strong argument for rethinking that Stamp Duty Provision

**DR. THE HONOURBLE RALPH GONSALVES:** [Inaudible] provided the argument.

**HONOURABLE ST CLAIR LEACOCK:** He presented the argument and he alerted you and sensitized you.

**DR. THE HONOURABLE RALPH GONSALVES:** No.

**HONOURABLE ST CLAIR LEACOCK:** You may split hairs over it, you set it aside, but you are prepared to go out on the streets and have [X] number of lawyers present an argument to you and to persuade you that you should come and rethink. You see how eager it is to yield to an interest group, albeit a very important one 'law' the barristers office, but we here the representatives of 30,000 people could not have attracted your attention, you have got to watch that kind of thing. You cannot be so selective; we here represent real constituencies and people. [Knocking on the desk] and that is the point the Leader of the Party, our Honourable Member for East Kingstown has been making, that you need to take this [inaudible] because we are going to have problems on our hands if we continue to ignore the views of large sections of society, Mr. Speaker.

You see this story of the DPP being a gatekeeper and I was glad to listen because that is all I could have done tonight to one of the contributions. I did not quite understand who or what he was gatekeeper to or of or for or by or what, [interjection] but then I realised it was the Criminal Justice System. So, he stopped you from going ... getting through the gates. Is that what a gatekeeper does, he lets in or? He regulates.

**HONOURABLE DANIEL CUMMINGS:** Or keeps out.

**DR. THE HONOURABLE RALPH GONSALVES:** He regulates.

**HONOURABLE ST CLAIR LEACOCK:** He regulates, lets in or keeps out. You see the word gatekeeper was quite appropriate in that case, but me being in front of a football world now, if he was a goal gatekeeper the story is not quite the same [interjection] the last defense but you did choose the goal keeper you want quite rightly and the point is it is not that we have to be solely dependant upon on your so called gatekeeper for justice, equity and equality to take place. The Magistrate could do it as well and we just had a classic case in which the Magistrate could have made those judgments and Mr. Speaker, we could have allowed the magistrate to and in fact one of the matters did not get that far. So, where we going out on a limb for this empowerment, enhancing and broadening and strengthening the DPP what is so sacred about him or that office or that constitutional office. [Interjection] It worries me a little bit, Mr. Speaker, but I was saying that there is something about the way, Mr. Speaker, ULP's administrations have been functioning because we have antecedents, we had the Grenadines tax as was mentioned before.

**DR. THE HONOURABLE RALPH GONSALVES:** There was no Grenadines tax.

**HONOURABLE ST CLAIR LEACOCK:** Not tax it was not tax, the User Fee, when you said master stroke, you did it on a Sunday and again not the NDP got you to change your mind an old lady got you to change your mind.

**DR. THE HONOURABLE RALPH GONSALVES:** [Inaudible] Sunday.

**HONOURABLE ST CLAIR LEACOCK:** I do not know; I was not there. Yes we had the case, Mr. Speaker, I think the Orden Graham case where after the matter was resolved we brought legislation here to change and to give the DPP or the Government I think the right to appeal or ... I cannot remember all these things, I cannot get into these legalese you know, but again every time you feel ... . [Interjection] A quite right, help me you know, you have to go and amend the right to appeal, and it gives the sense that it is a kind of Darwinian approach being adopted, Mr. Speaker, survival of self, of Party and of institution. And at that rate we are gradually moving away from being a country of law to a country of men and sometimes of a man, and God forbids that that should really be what the thinking is.

You know, you speak about Nice Radio but Dougie De Freitas he uses very often “check yourself before you wreck yourself” Mr. Speaker.

**HONOURABLE JULIAN FRANCIS:** He better do that. [Laughter]

**HONOURABLE ST CLAIR LEACOCK:** “Check yourself before you wreck yourself” [Interjection] But you know, Mr. Speaker, the serious problem that we have to deal with this legislation tonight also has to go with the perception of the wider world that is listening in for the same great reason that some members want to identify him to be an outstanding great leader with Caribbean politics, that same thing brings attention to what is happening in St Vincent. And I have been hearing it tonight we know now where the world is something happens and it is all over the world, people in [inaudible] checking up on your support that same perception can impact the investment climate in St Vincent and the Grenadines if they feel that our legal system is wobbling that much. I am not saying that it is but it is the perception one, one full basket then one incident the Orden Graham two incidents, the Grenadines [inaudible]; three incidents the Criminal Court; four incidents the Repeal of the Representation of the People’s Act and I am sure that there are a number of them that I missed. We have to watch them; we have to watch them because there may be more to lose than we have to gain in this exercise.

In typical, [interjection] well we all got to get there do, one score, two score, three score, three score and ten that is all right. Typically, Mr. Speaker, when the Honourable Prime Minister is not being persuasive in his arguments he attempts to lose us in intellectual and academic clothing so for convenience he walks us through what is retrospective and not what retroactive and so on and so forth. My feeling is that the retrospective and I am not going by no definitional thing I am dealing on how I see it. Retrospect, well you just looking back, it is like your rearview mirror to see who is behind you and to give a fresh think over of the thing. But you see the retroactive thing it mean one thing to me, you want to go back when you want to go back you want to get back to something [Interjection] Well, you say so, but you turn back in this one because you want to get at somebody’s that is why this one is retroactive you know. [Interjection] Mr. Speaker, the next set of this Bill that worries the Honourable Member for Central Kingstown, the next matter that worries the Honourable Member for Central Kingstown is a simple one you know, Mr. Speaker, is increasingly we are seeing an administration that is consumed with the protection of the interest of the State at the expense of the individual; that is my interpretation.

The State versus the individual rights it is the same thing that happened in the same one that you say that you had to amend where ... and again Mr. Speaker, for someone who figures that you are champion of the cause of the masses and you want to (what is the expression)? You want to bring dead capital alive and so forth and at the same time that you want to bring dead capital alive you have a grave digger with spade and fork taking away the ability for poor people to pass land from one to the other. [Interjection]

**DR. THE HONOURABLE RALPH GONSALVES:** I want to stop the abuse.

**HONOURABLE ST CLAIR LEACOCK:** You call it abuse but you are smart you know. You are a very smart man because you saw how the ... was building this week because while one and two people do not want to pay too much attention to this Criminal Code and the [inaudible] you see that thing where people work hard for their piece of land and you want to come and charge them \$10,000/\$15,000 and they cannot pass you wouldn't even make two A's. You wouldn't even make two A's. Mr. Speaker this is my style you know.

**HONOURABLE MR. SPEAKER:** [Laughs] Honourable Senator, I think you are tired you know.

**HONOURABLE ST CLAIR LEACOCK:** No, Mr. Speaker.

**HONOURABLE MR. SPEAKER:** You are dialoguing.

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, I am being deliberately anecdotal at this hour of the night and I am being graphical, deliberate and directive because people could relate to what I am saying. And I am very serious about it. I am very serious about what I am saying because I was making the point that these developments cannot stand alone we must contextualize and in the effort in which you consistently appearing to put the State ahead of the people the individuals and sometimes when we are in 'power' this long we can begin to lose ourselves. And I say that because in my own mind the Honourable Prime Minister is moving so far ahead and far away from what he earlier presented himself to be politically that is; that you wonder whether he had had a makeover and all I am saying to him by way of advice is that he has to begin to rethink the direction and this is as good a place as any this particular piece of legislation. For what it is worth take the advice of those of us on this side of the House that it does not enhance, it does not improve justice, equity or equality before the law and the interest of the people of St Vincent and the Grenadines will be best served by leaving the legislation with our proposed amendment. Much Obligated Mr. Speaker.

**HONOURABLE MR. SPEAKER:** Honourable Prime Minister.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I would like to thank Honourable Members for their contributions. I would like to reply to one and two of the lines of argument by my Honourable Friend. First of all this idea that there existed...

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, if I may there are number of persons in the public there are a number of persons in the public who become uncomfortable with this continuous repetition [inaudible] of us being Honourable Friends, Honourable Gentleman;

**DR. THE HONOURABLE RALPH GONSALVES:** Honourable Member.

**HONOURABLE MR. SPEAKER:** Honourable Member.

**HONOURABLE ST CLAIR LEACOCK:** because some people feel that we are such colleagues that we are only putting on a different face outside and this friend thing misleads some people: Honourable Gentleman, Honourable Member.

**HONOURABLE MR. SPEAKER:** I had a [inaudible] let us make the reference as it is.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, if the Appellate wishes Honourable Member that is fine with me, I have no problem but everyone is my neighbour and everyone is my friend. Mr. Speaker, it has been argued by the Opposition that there are existing safeguards and that we must leave them as they are. And the safeguards are by the Magistrates and by the DPP. It is true that the Magistrate when a complaint comes before him or her that the Magistrate has discretion as to the issuance of a summons; but Mr. Speaker, to pass muster in respect of the summons you could see the very low level where the threshold is in respect of the Magistrate, the very formulation of the section:-

**“A Magistrate shall not refuse to issue a summons under the provision of this section unless he shall be of the opinion that the application for a summons is frivolous and vexatious or an abuse of the process of the Court”.**

The Magistrate therefore by that section does not enquire into evidence that is what the section is saying it has to be something which is so plainly outside of the ballpark that it ought not to have been brought at all that on the face of it, it is frivolous and vexatious. You bring a complaint say that someone has said or done something contrary to this particular law you look at the law, you look at what is said or done and you say: No! No! No! This is absolutely ridiculous, it is frivolous or vexatious or in the case of a Complaint which had been adjudicated before you would add not only frivolous and vexatious but an abuse of the process of the Court, so no examination of the evidence takes place there, it is the lowest of thresholds. So, when the argument is made and I heard a lawyer making it, (an experienced lawyer) it could only have been for “gallery effect”: that is you are turning your face askance against what the Chief Magistrate has found, you have sent these summons forward therefore, they must be something here. All that it is saying, it is not frivolous, it is not vexatious or an abuse of the Court but it does not mean that it passes a threshold for persecution.

There is a different threshold which the Director of Public Persecution has to consider and he has outlined it in public. He said:-

**“I have to consider and that is in the Prosecutor’s code, I have to consider whether on the basis of the evidence before me there is a likelihood of success as a prosecution and if I come to the conclusion that there is no real prospect of success that is the end of the matter”.**

If the DPP says that there is a real prospect of success, the DPP is duty-bound to ask the other question is this in the public interest, to that there are different tests and if the DPP proceeds to say yes, it is a likely prospect of success and it is in the public interest when he now goes in front of the same Magistrate who issued the summons, when the Magistrate is now assessing the evidence in the court, the Magistrate first has to ask whether there is a prima facie case for the defence to be called: that is one more test. And then there is a fourth test if that one is passed when all the evidence is heard including that of the Defense whether the person before him or her is guilty beyond reasonable doubt in other words there are different test and different roles to be performed and the position which we are putting forward there are existing safeguards but those safeguards need to be strengthened and strengthened in a manner which does not take away the right to private prosecution but simply has the DPP acting sooner rather than later to prevent abuse. This is what this issue is all about; this is what this amendment is all about.

Now, I have heard lots of things spoken, I have heard the Honourable Member for West Kingstown reading out from a case the judgement of Justice Bruce Lyle, Mr. Speaker, I read that judgement but interestingly the judgement fortifies the position what we are having here because it says the DPP's decision can be reviewed and interestingly when that judgement was given Justice Bruce Lyle did not say that the DPP cannot proceed to do what he wanted to do you know, what the judgement in effect says is have a second look at this because I do not think that you have been reasonable in your judgement and as a DPP he could have challenged, he could have gone to the High Court and challenged, and say okay the judge said that I do not really agree with him but I am prepared to abide by what the judge said, which tells you something about the quality of the DPP who has been hammered here tonight.

**HONOURABLE ST CLAIR LEACOCK:** No! You lose your marbles.

**DR. THE HONOURABLE RALPH GONSALVES:** Yes! A person

**HONOURABLE ST CLAIR LEACOCK:** You losing your marbles.

**DR. THE HONOURABLE RALPH GONSALVES:** No! You see the importance of the argument.

**HONOURABLE MR. SPEAKER:** Honourable Member.

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, if the Honourable Prime Minister would allow me to join the debate. I mean what I understand the Prime Minister to be saying to us is that a DPP has a case it goes before the Magistrate and this is my construction [Interjection] no, well I just ... I am constructing this. It is a Magistrate required; I know it does not necessarily work that way but at the Magistrate Court let us say it was referred to a High Court but I know this case it gone to a judge which is a higher court who has a finding on the DPP. And your argument to me is that DPP still has another resort; he could say: look that judge does not really know what he is saying, let me go somewhere else; let me go to the Court of Appeal or go to another ... that is what you are saying?

**DR. THE HONOURABLE RALPH GONSALVES:** He can.

**HONOURABLE ST CLAIR LEACOCK:** But you see, we start to make the DPP sacrosanct when we look at it like that.

**DR. THE HONOURABLE RALPH GONSALVES:** No.

**HONOURABLE ST CLAIR LEACOCK:** No wonder the people do not have any belief in the ECCJ and all that kind of thing because after a while your work becomes a joke.

**HONOURABLE MR. SPEAKER:** [Striking the gavel on the desk]

**DR. THE HONOURABLE RALPH GONSALVES:** But Mr. Speaker, all I can do is say what the Law is you know. That is the Law currently, without this amendment. [Interjection] All that is happening, it is preventing persons who may be motivated by any kinds of ignoble reason or cause to let them not provide problems with persons getting into the Criminal Justice System, that in fact the DPP will at the front gate says: ‘Look, upon looking on all this material, you do not have a case, so you cannot bring a private criminal prosecution in those circumstances’. But, but if you want to question me...

**HONOURABLE ST CLAIR LEACOCK:** I am not questioning you.

**DR. THE HONOURABLE RALPH GONSALVES:** (No, I am talking about the DPP) you can go for judicial review. And I repeat no right is being taken away, none whatsoever; there is a procedural safeguard, which is putting on the issue of abuse. Mr. Speaker, I want to say this, I listened and the Honourable Members have not answered that central argument they take refuge at the end of the day into what I would call opportunistic politics. They find they say ... they have declared their intention to bring the government down. And anything what happens: it will be this law and it would be another one that is fine. This is a free and democratic country do what you want to do but remember this that when you act on the grounds of opportunistic partisan politics that there will be a resistant, it is natural; that is natural. And Mr. Speaker, I just want to add so that there is absolutely no mistake. For instance if we had a discussion as per normal and we had reached 6:00 o’clock, 7:00 o’clock and the debate was not concluded I would say find let us continue on Monday but today I saw breaches of the Law which was so flagrant and attempts to storm the Parliament that I was resolved, [Interjections] I was resolved not to allow that to triumph over the will of the people. [Knocking on the desk] I was determined not to allow that because the right thinking people out there are watching to see what the government will do

**HONOURABLE ST CLAIR LEACOCK:** You are not supposed to [Inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** And if we break, if we break at the first hurdle

**HONOURABLE ST CLAIR LEACOCK:** You have no moral authority on that.

**HONOURABLE MR. SPEAKER:** [Striking Gavel on desk]

**DR. THE HONOURABLE RALPH GONSALVES:** If we break at the first hurdle

**HONOURABLE ST CLAIR LEACOCK:** You have no moral authority on that.

**HONOURABLE MR. SPEAKER:** Honourable Member for Central Kingstown.

**DR. THE HONOURABLE RALPH GONSALVES:** I have every moral authority.

**HONOURABLE MR. SPEAKER:** [Striking of Gavel on desk]

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible]

**HONOURABLE MR. SPEAKER:** If you want to deal with it, the Honourable Member use the ...

**DR. THE HONOURABLE RALPH GONSALVES:** I am not going to give way on that because there is no point of order to be made.

**HONOURABLE ST CLAIR LEACOCK:** [Laughs] No point of order.

**DR. THE HONOURABLE RALPH GONSALVES:** I am not going to give way on that because I know there is no point of order.

**HONOURABLE ST CLAIR LEACOCK:** [Laughs] Thirty five (a) Mr. Speaker.

**HONOURABLE MR. SPEAKER:** What is 35 (a)?

**DR. THE HONOURABLE RALPH GONSALVES:** You have to state the Point of Order.

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, the Honourable Prime Minister has been constructing arguments tonight about the behaviour of the people outside. Let me say it in case you do not know ...

**HONOURABLE MR. SPEAKER:** I have not told you to talk of 35 (a) as yet you know. I just need to go over 35 (a)

**HONOURABLE ST CLAIR LEACOCK:** Let me sit down until the Speaker gives me permission because I would not...

**HONOURABLE MR. SPEAKER:** So, you want me to go on my own Radio.

**DR. THE HONOURABLE RALPH GONSALVES:** I am obliged, Mr. Speaker, the Honourable Member for Central Kingstown knows fully well that he would not have had a point of order.

**HONOURABLE ST CLAIR LEACOCK:** You got [Inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** I would not allow the Parliament [Laughter] to be stormed, [interjection] not allow that to happen. I would not allow that to happen and that is why, Mr. Speaker, I want to repeat it. During the lunch period they brought my basket with lunch as usual, then I left and I returned through the main gate to indicate that [Interjection]. Which spirit of Mandela, you are speaking on a platform out there causing disorder and trying to make a fool of yourself you are in the spirit of Mandela?

**HONOURABLE MR. SPEAKER:** Honourable Member let us [Interjections]

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible] how we form rules, that is the point. [Interjections]

**HONOURABLE MR. SPEAKER:** Honourable Member, let us not descend into a mob here [Interjections]

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, all I would say as Prime Minister, I would not tolerate that sort of a thing what I saw there with people coming with battering rams; absolutely not.

So, Mr. Speaker, we are here and we have answered the Central question which has been raised about safeguards. Mr. Speaker, let me say this, this matter of succession of issues, the right to appeal by the prosecution, Mr. Speaker, this is one of the few jurisdictions in the Commonwealth where the Prosecutor did not have the right to appeal from Magistrate Courts decisions: one of the few countries. We simply brought ourselves in line. This is one of the countries in the Commonwealth which did not have the right of appeal by the Prosecution from the Magistrate Court and from the High Court on criminal matters. You put that in order, this issue I have heard it said by the Honourable Member for Northern Grenadines that I changed the Law on a weekend in relation to Grenadines's tax. There was no law changed on a weekend, something simple had happened the Port Authority had acted raised this issue of the user fee but they did not do the next thing had it published in the Gazette caused it to be published in the Gazette that was it; that was their failure.

And I would say this, the Lawyers wanted to politicize the matter so much; the Lawyers for the NDP, that at 4:00 o'clock on the Friday I was leaving the office to go and catch a plane because I had something to do on the Saturday they had my name on this document, they sue the Port Authority and Ralph Gonsalves as Minister of the Port. They came in on Monday morning for an injunction, I read it, I said but this is nonsense. I called Mr. Kirby I said did you guys publish the User Fee in the Gazette he said "No". I said, "But you should have done that". He said, "Well what happened"? I said, "You know well there is an injunction on Monday but thankfully the Interpretation and General Provisions Act, provides for the publication which would have a retrospective effect". And that is what happened the publication, if they did not put my name to it and had not gone to the Port Authority you all would have gotten your injunction you know. And you did not need to put my name but you wanted to politicize it and by alerting me on the Friday and my knowledge of the Law I just called Kirby and said, "Okay, bring your lawyer here Saturday morning at 10:00 o'clock by my office, I wouldn't bother to go away anymore, I will sort this matter out this weekend and that is what happened.

**HONOURABLE ST CLAIR LEACOCK:** You [Inaudible] by the Cabinet.

**DR. THE HONOURABLE RALPH GONSALVES:** “Eh!

**HONOURABLE ST CLAIR LEACOCK:** You [Inaudible] from the Cabinet.

**DR. THE HONOURABLE RALPH GONSALVES:** No! But I am an experienced lawyer [Interjections] Yes .

**DR. THE HONOURABLE GODWIN FRIDAY:** [Interjections]

**DR. THE HONOURABLE RALPH GONSALVES:** But those regulations.

**DR. THE HONOURABLE GODWIN FRIDAY:** That is what I am saying; changes are the regulations of the law.

**DR. THE HONOURABLE RALPH GONSALVES:** No, but the point is this, it is just the publication; it is just the publication, you did not have to do anything else.

**DR. THE HONOURABLE GODWIN FRIDAY:** [Inaudible] is the fee, you cannot just [inaudible]

**DR. THE HONOURABLE RALPH GONSALVES:** But the Port Authority has the power, it is delegated legislation, the Port Authority has the power.

**DR. THE HONOURABLE GODWIN FRIDAY:** And they hadn't done it so they change the law.

**DR. THE HONOURABLE RALPH GONSALVES:** No! The Law was not changed.

**DR. THE HONOURABLE GODWIN FRIDAY:** What was the Law then?

**DR. THE HONOURABLE RALPH GONSALVES:** The Law is just - go and read it up, I mean I am not to educate you on it. So, you know, Mr. Speaker, [Interjection] I just want to make those points to show that they are not really of any relevance so I just answer them so we could get rid of all these things once and for all. [Interjection] Mr. Speaker, I am satisfied that the case for this amendment has been sustained; the DPP has asked for this openly last year, he has written the Attorney General and it is part of our legislative agenda and we are now doing this here as the first piece of legislation in the legislative agenda.

Mr. Speaker, I beg to move that this Honourable House resolve itself into a committee of the whole house to consider the Bill clause by clause.

**House dissolved into a Committee  
House resumed**

**HONOURABLE MR SPEAKER:** Honourable Members it is my honour to report that a Bill for an Act to amend the Criminal Procedure Code has passed the Committee stage without amendment.

**HONOURABLE ST CLAIR LEACOCK:** Mr. Speaker, the record must not show that I have [inaudible].

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I beg to move that a Bill for an act to amend the Criminal Procedure Code be read a third time by title and passed.

### **Question put and agreed**

**HONOURABLE MR. SPEAKER:** [Interjection] you want a count?

**HONOURABLE ST CLAIR LEACOCK:** The division.

**HONOURABLE MR. SPEAKER:** Yes we will have a division: okay.

**HONOURABLE NICOLE HERBERT (CLERK OF THE HOUSE):** Honourable Members how do you vote?

Honourable Prime Minister:	Aye
Honourable Minister of Education	Aye
Honourable Minister of Housing	Aye
Honourable Minister of Agriculture	Aye
Honourable Minister of Tourism	Aye
Honourable Minister of Health	Aye
Honourable Minister of National Mobilisation	Aye
Honourable Minister of Foreign Affairs	Aye
Honourable Minister of Transport and Works	Aye
Senator Elvis Charles	Aye
Honourable David Browne	Aye
Honourable Member for East Kingstown	No
Honourable Member for the Northern Grenadines	No
Honourable Member for the Southern Grenadines	No
Honourable Member for Central Kingstown	No
Honourable Member for West Kingstown	No
Honourable Senator Vynnette Frederick	No

**HONOURABLE ST CLAIR LEACOCK:** [Inaudible] tell me to vote [Inaudible]

**HONOURABLE NICOLE HERBERT (CLERK OF THE HOUSE):** Honourable Members the result of the division, we have (11) Ayes and (6) Noes. [Knocking on the desk]

**HONOURABLE MR. SPEAKER:** Honourable Members that result of the votes [Interjection] cannot vote in abstention; [Interjection] more than four Members.

**DR. THE HONOURABLE RALPH GONSALVES:** Mr. Speaker, Honourable Members, I think that we may all perhaps agree that we ought not to discuss the other Bills tonight so I want to move that the House stands suspended to consider that Bill on Tuesday, February 8<sup>th</sup>. Accordingly, I beg to move that this Honourable House do stand suspended until Tuesday, February 8th at 10:00 a.m.

**Question put and agreed to  
House suspended at 12:02 a.m.**