



GRENADA

PARLIAMENTARY DEBATES

(HANSARD)

First Session of the Tenth Parliament

OFFICIAL REPORT

SENATE

Friday 14th September, 2018

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Attendance

PRESENT

Senator the Honourable Christopher De Allie	- Deputy President (In the Chair)
Senator the Honourable Simon Stiell	- Minister for Climate Resilience, the Environment, Forestry, Fisheries, Disaster Management and Information
Senator the Honourable Judd Cadet	- Member
Senator the Honourable Norland Cox	- Minister for Youth Development, Sports, Culture and the Arts
Senator the Honourable Dr. Winston Garraway	- Minister of State wrf Disaster Management and Information
Senator the Honourable Kim George	- Member
Senator the Honourable Cathisha Williams	- Member
Senator the Honourable Ron Livingston Redhead	- Member
Senator the Honourable Glynis Roberts	- Member
Senator the Honourable Dr. Dunstan Campbell	- Member
Senator the Honourable Mondy André Lewis	- Member

ABSENT

Senator the Honourable Chester A. A. Humphrey	- President (Excuse tendered)
Senator the Honourable Kerryne James	- Member
Senator the Honourable Ron Livingston Redhead	- Member (Excuse tendered)

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***Prayers
Minutes***

The Sitting of the Senate began at 9:00 a.m.

Mr. Deputy President: Good morning, Honourable Members. Let us pray.
Please join me in the Lord's Prayer.

(Prayers were said)

Mr. Deputy President: Pray be seated.

Clerk Assistant: Item 3 - Oath of Allegiance or Affirmation of a new Senator
Item 4 - Confirmation of Minutes

Mr. Deputy President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move that the Minutes of the proceedings of a Sitting of the Senate held at the Grenada Trade Centre on Wednesday, 24th January, 2018 be taken as read.

Question put and agreed to.

Minutes taken as read.

Mr. Deputy President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move that the Minutes of the proceedings of a Sitting of the Senate held at the Grenada Trade Centre on Wednesday, 24th January, 2018 be confirmed.

Mr. Deputy President: Just before we move the Confirmation, this is just to remind the Members that this Minutes, as you would recall from the last Sitting we had

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some corrections that were made on a little issue concerning whether we should accept, in the Minutes, as the words there, because of Senator Glynis Roberts, at the time had questioned. The Clerk has informed that based on the Rules, the Hansard has to be taken as is, as what has been said. So, this is why these Minutes were deferred and we now confirm; that's for clarity.

Question put and agreed to.

Minutes confirmed as amended.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move that the Minutes of the proceedings of a Sitting of the Senate held at the Parliament Chamber, Mt. Wheldale, St. George's on Tuesday, 24th July, 2018, be taken as read.

Question put and agreed to.

Minutes taken as read.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move that the Minutes of the proceedings of a Sitting of the Senate held at Parliament Chamber, at Mt. Wheldale, St. George's on Tuesday, 24th July, 2018, be confirmed.

Question put and agreed to.

Minutes Confirmed.

Clerk Assistant: Item 5 - Messages from the Governor-General.

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***Announcements
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Item 6 - Announcements by Mr. Deputy President.

Mr. Deputy President: Honourable Members, good morning, again. I just want to say I hope you would take it easy on the Deputy President this morning. This is his first Sitting, fully, in the Chair.

I have a few announcements. First of all, we have an excuse from Senator Ron Redhead that he would not be making the Sitting today; and we also have from Senator Glynis Roberts, she has indicated that she would be arriving late to this morning's Session.

Because our Rules have not been upgraded as yet, I am informed that I have to always say at this Sitting that permission is given to Honourable Members to use their various electronic gadgets, because, you know, our Rules don't yet accommodate it. So, until we change those Rules, then we have to announce that permission is given from the Chair.

I also have an apology from the President. As you know, the President is out of State, that's why I have this exercise to be sitting here. So, he sends his apology for missing this important Session, because we are going to be debating the CCJ Bill, something that I know he is passionate about, as well.

We also will be having, I suspect, I don't know if things have changed, the Clerk has informed that we will be having a visit from one of our Schools, SAASS, in particular, who would be coming to observe our proceedings this morning; and the indication is that, of course, I have to give them permission to take some notes. So, I am saying it for the Minutes, in case they come later, it is already approved. And, to also say to our Honourable Members, please be on your best behaviour, we have the young ones watching us. Thank you, that is all from the Chair.

Clerk Assistant: Item 7 - Ministerial Statements.

Mr. President: Senator Garraway.

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Sen. the Hon. Dr. Winston Garraway: Thank you very much, Mr. Deputy President, and good morning to you and good morning to the rest of my colleagues.

Mr. Deputy President, I am pleased to present to this Honourable House this morning the reports for the Ministries, which I am responsible for. But, I want to start on a sad note, in as much as NaDMA is mourning the loss of its Communications Director, one who would have served the Agency for the last fifteen (15) years, with distinction, Mr. Jerry Lewis. Sadly, we lost him last Wednesday, and come Monday, 17th, he would be laid to rest at the St. George's Centre Cemetery.

It has been a hard moment for us, as an Agency, having your Communications Officer passing, at this point-in-time, within the midst of the Atlantic Hurricane Season. And, we all know...

Mr. Deputy President: Senator Garraway, just let me interrupt you, please, for a second, and just to say that I also should have said this earlier, before we started, but I want us to stand to observe a moment of silence for the passing of Bishop Sydney Charles, who recently passed on. So, if the Members would join me in standing to observe a moment of silence on his passing. I think it is adequate that we do this at this time, based on his contribution, over the years, to our community.

(One moment of silence observed)

Mr. Deputy President: Thank you. Senator, please, continue.

Sen. the Hon. Dr. Winston Garraway: Thank you, Mr. Deputy President, and as I said in the midst of the Atlantic Hurricane Season, to have lost your Communications Season, it means a lot, and we are at the Agency are making do with what we have, and with the additional staff that we do expect, to ensure that we have an Agency fully prepared to respond in the event. And, I too would like to extend our condolences to the Diocese on the passing of Bishop Sydney Charles. I remember him

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from a little boy growing up, he was this man who I remember as Bishop, and all these years he was a pillar of strength for a lot of us, I do believe.

Mr. Deputy President, I want to also announce to this Honourable House that come the 20th of this month, Thursday, 20th September, we will be seeing St. Patrick become the first Parish within Grenada certified as Tsunami-ready. What is this? We have been talking about this for the last nine (9) months, as it relates to ensuring that we develop capacity, we develop, within our Communities, persons having knowledge, as to the hazards that we are exposed to. So, come the 18th of September, we'll have a Verification Team coming in on the Island to ensure that the prerequisites of the project were met. These Verification Pillars will include checking of all the signs and positions, maps and interviewing community members to determine their knowledge on the projects and its existence.

The Project is a collaborative initiative between NaDMA, the National Oceanic Atmospheric Administration and UNESCO. Taking into account the proximity of the northern Parish to the Kick 'Em Jenny Volcano, St. Patrick was chosen to pilot the Project with a plan to later replicate the project throughout the Tri-Island State. The project started with workshops and officials being made aware and becoming knowledgeable as to what this is about, and I want to say from the experience on the ground, the people of St. Patrick, they are excited about it. I remember posting some of the signage that were posted up. There were some mix-up with the signage, and the community came out very strongly and said, no, there are some issues as it relates to the pointing of the arrows where people should run from in the event there should be a warning.

It speaks to community acceptance and buy-in into the project. We do believe, as we roll out this project this Thursday, the ceremony would be held in the schoolyard of the Anglican Primary School in St. Patrick, and we are inviting the whole of St. Patrick and the whole of Grenada to be there to support us and support the work and the initiative within St. Patrick, as it relate to Tsunami readiness.

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Mr. Deputy President, on November 30th, a community meeting will be held to ensure that persons fully understand what would have transpired. And, when I put it this way, we want to ensure that the residents are fully involved with this unveiling, and we would do constant updating of the information, but most importantly the Simulations that you would carry out to ensure that they know what to do in the event they should hear a siren.

As you know, just about three (3) weeks ago, we had this massive shake in the country, a massive earthquake, 7.3 on the Richter Scale, and it brought to the fore the importance of having all the mechanisms in place to provide warning and one central alerting mechanism, so that persons, may it be sirens or bells, when they hear the blast, they know exactly what to do. So, we had this massive shake and within the Region we do not have such a Warning System. What this says to us with Tsunami Ready Certification for St. Patrick, we need now to ensure that we go a little further and to have a National Alerting Protocol, so that the entire country will be made aware, if there is an approaching Tsunami, what they need to do. And, that is the charge that we have, at this point in time, to ensure that we do the work within the schools and the churches, with families throughout the communities, so our Nation would know. If you say you hear, you feel, or you see, run. What is that? You might just hear or feel the rumbling. You might see the sea receding, don't wait around to ask or tell yourself you could go and hold some fish, run to higher ground. That is where we want to bring our people to know that in this period of Climate Change and all that is happening, we need to become more aware, as to what is happening.

As I have said in the opening that this is the Atlantic Hurricane Season, and so far, Mr. President, as we have seen, September is a very busy month, in terms of cyclonic events. We are happy, as a Nation, that what was Tropical Storm, Isaac, a depression now, has virtually evaded Dominica, as it was moving directly and likely to impact Dominica, but Dominica was spared, and I want to say, collectively, the Region's prayers would have been answered.

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But, there are a number of other storms within the Atlantic Basin, but it continues to say to us what we, as a people need to do. At this point-in-time, we need to ensure that our surroundings are clear of debris... hanging debris that could become a missile should there be heavy winds. Our waterways should be cleared. Our drains and the likes should be free of objects, but create a passage for water to run smoothly, because in this period, with the forecast that was given, having fourteen (14) to seventeen (17) named storms, and seven (7) could become hurricanes, and between three (3) to four (4) major hurricanes, it only takes one, Mr. Deputy President, to give you a bad season. So, what is important for us now is to ensure that we continue the education process, our people continue to take the warning seriously and do what is required of us.

This morning, I was listening the news coming out from Charlotte. Florence is doing quite a lot over there, and over two hundred and sixteen thousand (216,000) residents had to be evacuated, evacuated from their homes, their places of comfort. Some people were stubborn and didn't want to go. But, I want to say to the Nation, if there is an issue, or a Bulletin out that persons in low lying areas so prone to flooding to take the necessary precautions, we ask you to move, move to higher ground. But, I know sometimes we feel there is no place safer than our homes. But, what we fail to realise, and like they are experiencing right now in Charlotte, if you fail to move, when you are asked to move, and then you get engulfed in the emergency, our First Responders are not Supermen and Superwomen, don't expect them that they would just come through the danger to release you, they have to wait. So, if you chose to wait it out in the hazardous zone, it means, therefore, Mr. Deputy President, you have to wait it out, as we would have to wait it out before we could send in Responders.

So, it is very important that we take all the precautions that are given, at this point-in-time, to save lives and to save property, because, as you know, this is all that we have. What we are able to do, we should do it, and if it just means to take warning, or pay heed to the notices that are being given, go ahead with it, take it.

The other point I want to raise, Mr. Deputy President, I look at the proliferation of information on Social Media, as it relates to managing disasters and getting qualified

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information, and we constantly speak of it, that the Hurricane Centre, NOAA, might produce information, that is mass communication for the entire Region, the Americas. But, as it relates to...

(Time Bell Rings)

Sen. the Hon. Dr. Winston Garraway: I just need one minute to round up.

Mr. Deputy President: That's fine, Senator Garraway. I think my President has established that Protocol, so, please, feel free.

Sen. the Hon. Dr. Winston Garraway: Thank you very much. So, in as much as we have that, and the bell kind of threw me off, but the point is all that I am asking is that when Social Media gives the information, they take from NOAA, mass communication, but none is specific to your local area. So, the Authorities have to take this information, contextualize it to your specific zones. So, in their job to contextualize the information, like our MET Office, it would take more time than when you see it posted on NOAA's Website. But, people would take it and move it around and ask where is NaDMA, or where is the MET, but they have to do their jobs properly, run it through the models, it may take half an hour longer, but run it through the models, so when they present information to you, this is specific to Grenada, Carriacou and Petite Martinique. Let us wait on the Authorities.

But, the point is, NOAA, or the Hurricane Centre will say to you, as it relates to your local market, you need to contact your local Authorities, because they know what they give you in mass communication may not be specific to your area. So, I just want to say to the Nation, let us continue to use Social Media wisely. There are those who see what NOAA posts and create their own forecasts and to spread doom and gloom and to frighten the entire Nation. I would like to ask those persons to desist from such, because you create the sort of panic that we don't want. We really don't want it. Allow

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the Professional people to do their job and to provide the information that is designed to save lives and may help people to make the right decision, as it relates to saving lives and saving property. Mr. Deputy President, I want to thank you. **(Applause)**

Mr. Deputy President: Senator the Honourable Norland Cox.

Sen. the Hon. Norland Cox: Thank you very much, Mr. Deputy President. Mr. Deputy President, I take this opportunity to give a report on the stewardship of the Ministry of Youth Development, Sports, Culture and the Arts and also a little bit on Tourism.

Mr. Deputy President, I want to, first, start with our 2018 Spicemas Carnival, to say that I believe we had one of the biggest Festivals ever in the history of Grenada's Carnival. **(Applause)** And, I want to owe that success to the entire Nation and all stakeholders, who worked diligently to ensure that Spicemas 2018 came off successful.

But, most notably, for some of the challenges that we have had leading up to the hosting of Spicemas 2018, we had flooding, and I really want to recognise all stakeholders, staff and management of Spicemas, who worked together to change schedules to ensure that all the events took place on Carnival weekend. I think that was a remarkable collaborative effort, and we must recognise that in this Honourable Place.

Also, Mr. Deputy President, the Royal Grenada Police Force continues to be outstanding in their work, and we must recognise them for keeping peace and safety, not just for our Nationals, but also for visiting Patrons here, in Grenada, for the 2018 Carnival.

Mr. Deputy President, as we move forward to build on what we have achieved, we are endeavouring to have continuous consultations with all our stakeholders. We also want to congratulate all our winners. We know that persons would have invested significantly, to participate in the various events, and we must congratulate them on

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their effort. Some of our Artistes are overseas, plying their skills, and we wish them all the best, as they take Grenada's Carnival and Spicemas worldwide.

Mr. Deputy President, I want to take this opportunity to speak about the Festival of the Arts. This is an important development cultural activity that has not happened in the past nine (9) years, and for a number of reasons it didn't and we are endeavouring to host the Festival of the Arts in 2018 commencing this October, starting on the 1st October, where we have registration for participants. This Festival of the Arts particularly targets schools. It provides an avenue for our young persons to display their talents, their skills, acting, dancing, theatre, whatever the case may be and we have structures in place for preparing them for training and for judging.

This, Mr. Deputy President, we believe is a very important initiative and maybe should not have been discontinued, but nonetheless is back on the Schedule, and we are going to do everything, through the Ministry of Culture to ensure that it remains, even if it means us getting some extra support from the Corporate Sector to ensure that it continues to thrive and expand. But, all the feedback from this initiative is very positive.

So, we are happy that the Ministry of Culture is putting back this activity, and I know that the Schools, in particular, are very excited about this, and persons are preparing. The only challenge that we have, in terms of persons' interests, we don't know what the demand would be like and whether or not we will be able to handle that increase in participation. So, that is something that we will have to deal with, going forward. But, registration commences from the 1st to the 19th of October, and then we have Preliminaries, the 26th October to the 9th November, and then we have semi-finals from the 26th to the 30th November, and the finals on the 6th December. So, for the next couple weeks, we will be having an array of display of Grenadian talent throughout the Tri-Island State, including Carriacou and Petite Martinique.

Mr. President, I also want to congratulate the staff of the Ministry of Culture for working hard to ensure that we get this important developmental cultural activity back up and running.

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Mr. Deputy President, I just want to take this opportunity to recognise the achievements of our Sporting Personnels out there. They have been working hard representing Grenada, in some cases, with limited resources, and we at the Ministry of Sports continue to work to see how we can improve that.

We have before us a draft Sports Policy that we are working on, and we are hoping and endeavouring to finalize that, with consultation from all parties, and we just want to congratulate them on their efforts. However, Mr. Deputy President, we recognize that we have a lot more to do, in terms of investing in our Sporting personnel, and we will continue to ever do that, as much as we can.

Mr. Deputy President, International Cricket. It has been quite a while, since 2014, that we had international Cricket in Grenada. I am happy to report to this Honourable House that come next year, February, 25th and 27th, Grenada would receive two (2) One-Day International Games against England, right here in Grenada. **(Applause)** We anticipate that this would be a very lucrative week for Grenada, in terms of economic activity. We know that England travels very heavy, and we are happy that they have chosen Grenada, as one of their choices on the Schedule. We are expecting both teams to be in Grenada by the 23rd of February, and will leave on the 28th, thereabout, so we have a few days for them to experience Grenada at its best.

Also, I can confirm, Mr. Deputy President, rooms for the players have already been booked. I received confirmation yesterday that all the rooms have already been booked for the players, so the hotels are basically doing well. So, persons can start preparing, in terms of services, Food Providers, everybody, Taxi personnel can start preparing for this big Sporting Event.

We are working towards preparing a local Organising Committee and hopefully by Tuesday, Wednesday that should be finalised. We are consulting with the Grenada Cricket Association, our Strategic Partner, in this regard, and we are consulting with the Cricket West Indies. And, they were here earlier on this week and we had a representation from the Manager of the West Indies Senior Men's Team, and we had our Ambassador, our General-Manager, that is Rawle Lewis, our Grenadian own Rawle

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Lewis, and we had the Communications and Commercial and Marketing person, Mr. Dominique Juan, who are here to officially announce Grenada's receipt of this important cricket schedule.

So, Mr. Deputy President, we continue to work towards ensuring that we have a successful event, come 2019. The work starts now and so we are working diligently to bring success and as time goes on, I would continue to inform this Honourable House as we progress with this important event.

Mr. Deputy President, I move to Youth. The Ministry of Youth Development, we have just recommenced our Project Reach at Her Majesty's Prisons. That is a very important project, Mr. Deputy President, because you know we have a number of young persons, who have come in crossways with the Law, and they are at Her Majesty's Prisons, and we believe that we, as the Ministry of Youth Development have a critical responsibility to help them rehabilitate, to build themselves better, as they come back in Society, to come back more solid. And, we have thirty-two (32) inmates who are participating in this Project Reach currently, and some of the areas in which they will be engaged, in terms of development, in terms of Literacy. They will be doing also debates. They will be taking part in sporting activities. There will also be Vocational training at the CVQ Level II, Mr. Deputy President, and also Agriculture is a big area for them and also for Grenada, and they will be involved in Crop and Livestock Production activities there.

So, Mr. Deputy President, this is something that we want to inform this Honourable House where we are, in terms of Project Reach. We have a number of other project initiatives, empowering others, which we'll inform the Honourable House, as we move forward.

Mr. Deputy President, we are planning a Students' Symposium on the 19th, Wednesday the 19th of September at the TAMCC. This Students' Symposium is themed: 'Gifted to Succeed.' The purpose of this Symposium is to engage new students, new entrants, new students into TAMCC, to motivate them and to give them guidance and to give them that necessary support as they approach Tertiary Education.

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As we know, it can be challenging. There are number of issues, when you are moving from Secondary to Tertiary, sometimes it gets a little difficult and even the environment. So, we from the Ministry of Youth Development, has seen this as a critical initiative, to engage them, to give them that necessary support and guidance through this Symposium.

Finally, Mr. Deputy President, the IMANI Programme, we continue to work diligently to ensure that this Programme succeeds. We know that we have a number of challenges, but that has not deterred us in any way; we continue to tweak and make improvements as we go along. Within the past three (3) months, fifty-four (54) IMANI Trainees have transitioned into permanent employment. We see this, as a small success, as we move forward with the Programme, Mr. Deputy President. **(Applause)**

As we continue to endeavor to move forward with the transition period, we are engaging our businesses for them to share costs, in terms of the stipend for our Trainees, and we are having ongoing discussions, and we are hoping to commence that from the end of September and starting the first of October, 50% cost sharing, in terms of the stipend.

Mr. Deputy President, the IMANI Programme is a critical Programme for our students and for our young people, and we try to encourage persons to spend some time to understand the impact that this programme has and how it tends to move. With every project, there are going to be challenges. Projects are dynamic, and sometimes things evolve that you didn't foresee, and some of those things have evolved with the IMANI Programme. But, we are confident that its presence and its existence have borne significant benefits. And, so some of the negatives, we believe that we can curb those and minimise those, as we move forward, and as such, we are hoping between now and the end of the year to commence another batch, a new batch of IMANI Trainees, once we get all the necessary structures in place. We are working hard towards achieving that. So, more information will come, to this Honourable House, on this important programme. Mr. Deputy President, this is all that I have to report at this point in time. Thank you very much. **(Applause)**

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Mr. Deputy President: Senator Stiell.

Sen. the Hon. Simon Stiell: Thank you, Mr. Deputy President. Mr. Deputy President, I wish to give an update on the Ministry, which I am substantially responsible for, but focusing mainly on the areas of Climate Resilience and the Environment, and I'll speak on a particular matter related to the Ministry of Education.

So, the Ministry of Environment, after the passing the Non-Biodegradable Waste Control Act, at our last Sitting, the ban on the importation of Styrofoam took effect from the 1st of September. Mr. Deputy President, this is a phased ban, starting with the importation of specific Styrofoam products including food containers, plates, cups and egg cartons. And, as alternatives for other Styrofoam based products become readily available, would be added to this list. But, the plan is that for the complete ban of those items currently identified, the complete ban would come into effect from the 1st of April, 2019. So, all of those products would be phased out of Grenada. And, this would be followed by single use handled shopping bags, with the importation ban coming into effect the 1st of February, 2019, with the complete banning of these items the 1st of February, 2020. And, all of these dates have been agreed in consultation with stakeholders. We are balancing our aggressive agenda to eliminate plastics, Styrofoam, other pollutants that are a scourge on our environment, balancing that with the economic needs and the positions of our stakeholders; so to find that right balance.

The final area, the third order that again is due to come into effect on the 1st of February, 2019 are other single use plastics such as cutlery, food containers, plates, glasses and straws. We are currently in discussions with stakeholders, looking at the dates, looking at the approaches to how we're phasing that in, and if there are any modifications that need to be made, then they would be brought forward. But, this, Mr. Deputy President, is the role that Grenada is playing, in this global battle against plastics pollution.

However, replacing non-biodegradable items with bio-degradable and compostable items doesn't solve our litter problem, we still have that. So, we are taking

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advantage of this opportunity with the public awareness, with this ban coming into effect, to implement the Litter Abatement Act, which was passed since 2015. So, this would involve the establishment of Litter Prevention Wardens, the enforcement of fines, both on individuals and on businesses with a significant Public Education Programme.

And, the Ministry of Environment is working very closely with the Royal Grenada Police Force (RGPF) in the implementation of this Act. And, through our discussions with the RGPF, we have identified other areas of anti-social behaviour that we want to curb and one those focused areas would be the Bus Terminus, in the Town of St. George's, and some of the discussions we've been having with the RGPF are strengthening the Police presence there, upgrading the status of the current Police presence, which is just a Police post to a full Police Station, working with the Grenada Ports Authority for the installation of CCTV surveillance equipment, again, as a deterrent and improving the response of the Police.

We'll also be looking at upgrading the washroom facilities, the toilet facilities there and enforcing the Laws with regard to public urination and, again, other anti-social behaviour. We will be establishing a Working Committee that will oversee the litter and the initiatives at the Bus Terminus. That Working Committee would be led by the Ministry of the Environment and the Royal Grenada Police Force (RGPF), together with Solid Waste, the Private Sector, Legal Affairs, NGOs and the Media.

Mr. Deputy President, I'll now move on to the completion of a very successful mission, a couple of weeks ago with New York University. The project is the Climate Resilient City Project, which has the very ambitious task of establishing St. George's, as the first Climate Resilient City within the Region. And, some specific interventions have been identified to achieve this to address some specific vulnerable areas in the St. George's area including the Carenage, the Southern Corridor, between St. George's and the Airport; the Airport itself, St. George's University, an important economic engine for us; looking at Sewerage Treatment Plants for the South; an Urban Development Plan for the Town of St. George, identifying those vulnerable areas, vulnerable Communities and how to address those; looking at congestion, traffic congestion in the

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Town and the surrounding areas and then outside of that, there is an add-on, which is looking at the Grenville Coastal Road, not in St. George's, but, clearly, a very vulnerable area and a very important economic area for us. So, that has been included within the Project.

There has been significant stakeholder consultation. This is going to be a participatory approach. This is the first of six (6) Missions, over the course of the twelfth month programme, in which these projects will be identified and developed, and we estimate that those projects would be valued somewhere in the region of three hundred and fifty million dollars (\$350 m). There are some significant infrastructural activities, and we will be seeking concessionary funding, grant funding, starting with the Green Climate Fund, but plus other Climate Financing Agencies.

Moving onto another area. The United Nations Framework Convention for Climate Change, the (UNFCCC). This is the governing body for all climate action, globally. Grenada has the status, as being the only country within the Caribbean where an Office of the UNFCCC exists, and it is for that reason, the existence of that Office that the Green Climate Fund, who we will be leaning on, heavily, we're involved in a number of major projects, there is the Cruise Project, the Water Resilience Project valued at a hundred and twenty five million dollars (\$125 m). There is Enhanced Direct Access Project, together with Antigua and Dominica valued at twenty million US dollars (US\$20 m), support for the Climate Resilient City. So, a lot of engagement contraction with the GCF, but because of the presence of this UNFCCC Office here in Grenada, the Green Climate Fund has started a pilot where they have relocated a Country Specialist who is responsible for the Caribbean and Latin America, right here in Grenada, to push the climate financing activities within the Region.

But, this week the Ministry of Climate Resilience also met with the UNFCCC Representatives in Panama, and we are looking at establishing a Measurement and Reporting and Verifications Unit, right here in Grenada, and the significance of this is that Grenada would be the Regional hub for the monitoring and the measurement of our

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Climate Mitigation Progress. So how do we reduce Greenhouse Gases within the Region, and that Unit will be based right here in Grenada. **(Applause)**

What is also significant is that this Unit is going to be looking at the area of Carbon Pricing and Carbon Financing. So, how do we offset countries with low carbon generation, such as the Caribbean, such as Grenada; how do we offset that against High Carbon Producing Greenhouse Gas, produced in developed countries and the financial opportunities, financing opportunities that exists within that trading that the Region could potentially benefit from for additional climate financing. So, a very significant development there, and we are establishing Grenada as the hub for climate financing for the Caribbean Region.

Mr. Deputy President, moving onto Education and the Schoolbook Programme. I simply want to update this House that all schoolbooks, by now, should have been distributed to all schools. And, the value of the Government's investment in schoolbooks for this year alone is \$2.6 m. This is not an insignificant sum, Mr. Deputy President. **(Applause)**

Yet, we still hear those who say there is no Schoolbook Programme; that is far from the truth. What is notable is the approach of this Administration, as in our last term, 2013 – 2018, is that our focus for providing schoolbooks are to those who are most vulnerable, not to those who can readily afford them. And, taking this approach means that there are additional Government resources available to fund other Programmes that were neglected during the period, 2008 to 2013, such as the School Transportation Programme, Uniform Assistance, School Feeding Programme, other Needy Assistance Programmes that we saw cut during that period 2008.

(Time Bell Rings)

Sen. the Hon. Simon Stiell: I am just wrapping up, Mr. Deputy President. So, we will continue to strengthen the Schoolbook Programme, ensuring that resources are being invested in those areas that are most needed. But, Mr. Deputy President, the

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Schoolbook Programme is alive, is in existence and is serving those who need it most.
Thank you, Mr. Deputy President.

Mr. Deputy President: Thank you, Senator Stiell. Probably, I could take a moment to just welcome our students from St. Andrew Anglican Secondary School. **(Applause)** We hope that you enjoy the Sitting today. We have a very special Bill we will be debating, the one on the Caribbean Court of Justice; so if you are around for that, I hope you enjoy what we do.

Clerk Assistant: Item 8 - Presentation of Papers and Reports from Select Committees.

Mr. Deputy President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I, too, would like to welcome the students, and we have been instructed to be on our best behavior for all of you, so I hope this is something that you will enjoy.

Mr. Deputy President, I beg to move that the following Papers and Reports be laid on the Table:

1. Report of the Director of Audit Grenada on the Resources Managed for the period from the 1st of January, 2017 to the 31st of December, 2017 by the Project Coordination Unit within the Ministry of Finance and Energy, Safety Net Advancement Project (SNAP);
2. Report of the Director of Audit Grenada on the financial statements of the Basic Needs Trust Fund (BNTF) Grenada for the period 1st of January, 2017 to 31st of December, 2017;

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3. Grenada Development Bank 2017 Annual Report;
4. Annual Report for the National Insurance Board for the year ended 31st December, 2016;
5. Annual Report 2017, Grenada Council for Technical and Vocational Education and Training, National Training Agency;
6. Report of the Director of Audit Grenada on the Financial Statements the Grenada Bureau of Standards for the year ended 31st December, 2017;
7. Report of the Director of Audit Grenada on the resources managed for the period 1st January, 2017 to 31st December, 2017 by the Project Coordination Unit within the Ministry of Finance and Energy for the Regional Disaster Vulnerability Reduction Project;
8. Office of the Ombudsman Annual Report, 2017;
9. Grenada Ports Authority Annual Report and Accounts, 2017;
10. Report of the Director of Audit Grenada of the Financial Statements of the Office the Integrity Commission for the year ended 31st December, 2016; and finally,
11. Representations by the Minister for Finance, Planning and Economic Development and Physical Development on the 2017 Report of the Fiscal Responsibility Oversight Committee (FROC).

Mr. Deputy President: And, it is so ordered that these Papers and Reports be laid on the Table.

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Clerk Assistant: Item 9 - Petitions.
Item 10 - Government Notices.
Item 11 - Unofficial Notices.
Item 12 - Questions.
Item 13 - Personal Explanations.
Item 14 - Motions.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move the following Motion standing in my name:

WHEREAS debate of the Gracious Address delivered by the Governor-General on the occasion of the Ceremonial State Opening of the First Session of the 10th Parliament on Friday the 27th of April 2018 was deferred to a date to be named;

BE IT RESOLVED that the said Address be deferred to a date to be fixed.

Question put and agreed to.

Address deferred to a date to be fixed.

Clerk Assistant: Item 15 - Bills.

Mr. Deputy President: Senator Cox.

Sen. the Hon. Norland Cox: Mr. Deputy President, I beg to introduce for first reading a Bill for an Act shortly entitled, Conveyancing and Law of Property (Amendment) Bill, 2018.

Ag. Clerk: A Bill for an Act to amend the Conveyancing and Law of Property Act, Cap. 64 shortly entitled, Conveyancing and Law of Property (Amendment) Bill, 2018.

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Sen. the Hon. Norland Cox: Mr. Deputy President, I beg to move that the relevant Standing Order of the Senate to be suspended to enable the Bill to be taken through all its stages at this Sitting.

Question put and agreed to.

Relevant Standing Order suspended.

Sen. the Hon. Norland Cox: Mr. Deputy President, I beg to move the second reading of the Bill. Mr. Deputy President, the Bill before us for amendment, the Conveyancing and Law of Property (Amendment) Bill, 2018 is a very important amendment that we are seeking to do today at this Sitting. By way of background, Mr. Deputy President, in accordance with the provision of the Conveyancing and Law of Property Act Cap. (64) of the Principal Act, Grenada adopts an unregistered system of establishing Title to land.

Mr. Deputy President, for example in the case of purchasing or sale of land, one must have the Titled Deed, a clear Titled Deed to complete such transactions. The Deeds and Land Registry contain copies of various Deeds registered over the years, and searches are so conducted mainly in relation to obtain a continuous chain of holders of land. Mr. President, the principal Act does not specify any commencement period for conducting searches. As such, usually searches commence far back as sixty (60) years in accordance with the common law practice.

As a consequence, Mr. Deputy President, of this precedent, tremendous amount of searches are conducted at the Deeds and Land Registry and the challenge with this current process is that most of the index books containing the relevant information required for properly completing searches have been dilapidated and, therefore, render most of the searches as inconclusive. This results in numerous complaints that records are incomplete, thus present a certain risk of persons purchasing properties that may well lend itself to some legal challenges going forward, Mr. Deputy President, which have happened in cases in the past.

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Mr. Deputy President, we seek to address this with this amendment to see how we can fix this. Over the years several attempts have been made to rectify the situation by rewriting a number of the indexes and placing insertions and transactions in the computer system. But, as you know this system, this approach is one that is very cumbersome and it takes time.

Also, looking at other countries, Mr. Deputy President, other Caribbean jurisdictions with unregistered systems like ours, such as Dominica and Trinidad and Tobago, they too have enacted Legislation similar to what we are seeking to do here this morning, by reducing the period for which searches are to commence. So, currently we do searches up to sixty (60) years. So, if somebody wants to purchase a piece of land from any colleague inside here who might have lands for sale, that person who is conducting that Conveyance would have to go back sixty (60) years to find out who was the first owner and do a chain to see how that land has moved from hand to hand, to ensure that proper search is done to ensure that the person who say owns the land actually is the rightful owner of that land, so you have to go back sixty (60) years.

In Trinidad, they have amended the Legislation to go back to twenty (20) years. In Dominica, they have amended it to go back to thirty (30) years. Mr. Deputy President, we are seeking to make this amendment to go back to thirty (30) years. The reason for that, Mr. Deputy President, why we are seeking this amendment? Due to a number of unfortunate incidents, like for example, during Hurricane Ivan, some of the records have gotten damaged, from water damage, at the Registry, and as such, that render some gaps within the period in which we have to search. So, in some cases, when you go back forty (40) years, there is nothing there, there is a gap; so you might get something fifty (50) years, you might get something thirty (30), some you might not get forty (40), some you might get, so there are gaps in between. So, you cannot really complete your search properly. In most cases, the Lawyers would tell you that they will have to go to the client and say, "Look, we weren't able to find anything for year thirty-five (35) and thirty-six (36). However, we can proceed with your permission, but if for some reason somebody comes forward later on with a Deed within those years, there is

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a likelihood that they could challenge you, but there is no records to show.” So, that is one of the reasons why we are trying to rectify this.

Mr. Deputy President, also, we are talking about books. We know that books, after a number of years, some of them they just wither away, they deteriorate, and that is a challenge. We recognise the most ideal thing is for us to have a computerised system. This would require significant investment, on our part. This would require extensive work, in terms of doing topographic maps and having all this Registry built. But, we believe that what we are seeking to do today, this amendment is a step in the right direction to remedy their situation currently. But, definitely, we will definitely have to move towards what you call a registered system where no search will not have to be done, it would be much easier, because everything is up to date.

So, Mr. Deputy President, in looking at the Legislation before us; the Legislation seeks to insert a new Section, a new Section 39 of the principal Act. And, if you would permit me, Mr. Deputy President, to read Section (39) (1), Statutory Commencement of Title; and I read: “In the completion of any contract of sale involving land, after the commencement of the Conveyancing and Law of Property (Amendment) Act, 2018, and subject to any stipulation to the contrary in the Contract, thirty (30) years shall be the period of commencement of the Title of Land.” So, that is what we are seeking to do.

There is a second part, Mr. Deputy President, which deals with the issue of persons, who have acquired land under the Possessory Titles Act of 2016. If you can recall, Mr. Deputy President, in this Honourable House, at a different place, we passed Legislation enacting the Possessory Titles Act, allowing persons to get a Deed for lands after being on it for a period of twelve (12) years, without any interruption, after twelve (12) years, continuous interruption, Mr. Deputy President. This amendment does not affect persons who have acquired lands under that Act. There is an exception in this case under the Possessory Titles Act of 2016, Mr. Deputy President.

So, Mr. Deputy President, with this background and overview of the amendment, we ask this Honourable House to commend this Bill for its second reading, Mr. Deputy President. Thank you very much.

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Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Thank you very much, Mr. Deputy President. Mr. Deputy President, I stand to give my full support to the second reading of the Bill before us, and to speak, specifically, as it relates to the time that we are living in.

I am happy that the Honourable Member speaks to the modern times. We are moving towards a computerised system, because, primarily, what we are trying to achieve with this amendment is to create an avenue, or a facility, to ensure that Root Title of properties are established, and established within a period that you have information to create that establishment. As it is right now, and we understand the difficulties that those persons, who are to do searches are encountering, at this point-in-time. But, what we do know, with the information that is available, thirty (30) years is pretty safe. We have information that will guarantee, “that you can establish title.” But, I look forward to us moving the bar, and very shortly. There are other means around that you can establish Title without using this thirty (30) years. We talk about the Registration System. But, we need to get there. We need to get there and get there faster. I think there are only three (3) countries in the Region that, maybe, are using this system to establish Title, and we need to move fast. We speak quite a lot of the technology, and what we can do with a computerised system, and I must commend the Authorities, because, I know, just about three (3) months ago, we were presented with the Lieber Reports. We had this team that came and did the topographical studies; had a specialised plane flying over the country and capturing the data, so that, at least, we can have, as it relates, as it were, establishing location of lands and the likes and so forth, to bring us to that place. Yes, I understand it is going to take a huge investment to get us there, but no investment is too big to ease the life of our people and to create the sort of environment where we can live harmoniously. So, whatever the investment, it is important that we ensure that we provide the necessary resources to make it happen. But, I understand that everything happens in its time. But, I want to commend the

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passage of this Bill, because it is the step in the right direction, and I am happy to give my support for the second reading. I thank you.

Mr. Deputy President: Senator George.

Sen. the Hon. Kim George: Thank you, Mr. Deputy President. I rise, as well, Mr. Deputy President, in support of the Bill, primarily because, Mr. Deputy President, it speaks to this Administration's commitment to augmenting the Law and its application and the processes that are related to it, as well.

I echo Senator Cox's reference to the recent passage, well, not so recent anymore, but in relative terms, the recent passage of the Possessory Titles Act, which would have ameliorated a very difficult situation for property land owners, who would have been unable to find a mechanism that would have allowed them to have Title to land, notwithstanding the fact that they would have been in occupation for quite some time.

This Bill, as well, Mr. Deputy President, ameliorates a situation that arises, and I take off my hat, as a Senator, and I speak here, wearing my hat as an Attorney-at-Law, that Practitioners are confronted with, every day. It is no secret that the records in the Deeds and Lands Registry are not conducive to timely searches, and to searches that would give the stakeholders the assurance that having gone back the sixty (60) year period, you can be 100% certain that Title is clear, and, so, certainly, it is a good move.

I echo, as well, the sentiments of Senator Garraway, when he speaks to the urgent need for us to transition to a system of Registered Title. I believe us and St. Vincent are the only Islands, in the English-speaking Caribbean, who rely on a strict system of unregistered Title. Trinidad and some of the other jurisdictions have a combined system, as does the UK. And, really, what the registered System of Title would do is, it would allow for a person, who is interested in purchasing a piece of land to check a Register and to see who is the registered owner of that particular piece of land. And, having confirmed that that person is recorded in the Register, as the owner

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of that piece of land, they can then walk away, comforted in the fact that this is the person that the Law will recognize, as the owner, without the need and the time and the expense of having to search sixty (60) years back. In this case, the time has been shortened, but I certainly do look forward to an expeditious move in that direction. As Senator Garraway has said, it takes time, it takes resources. I am comforted in the fact that the process has begun, and expect that, as quickly as possible, we would make that transition into the modern times. I thank you, Mr. Deputy President. **(Applause)**

(Senator Cox and Senator Williams rose at the same time)

Mr. Deputy President: Senator Cathisha Williams.

Sen. the Hon. Cathisha Williams: Thank you, Mr. Deputy President, and thank you Honourable Member Cox for yielding. I stand in support of the Bill before us, Mr. Deputy President, and many of the points, in support of the Bill, have already been expressed by Honourable Members. But, I feel obligated, as an Attorney-at-Law, to still stand and give a few remarks, in support of this Bill, because I know the enormous advantage that this Bill would bring to the practice of Law and Conveyancing. In fact, as I was leaving a Mediation Session the other day, a colleague came up to me, very excited about this Bill, and she said; “You know what, you guys need to pass this Bill, because it’s really hard out here”; and I understand what she is saying, because anyone who visits the Registry and has sight of the Liebers, of the indices, will understand the plight of Attorneys and Search Clerks. Many of the books are in tatters, missing pages and it makes the task of establishing a clear, marketable title for a vendor for a period of sixty (60) years, virtually impossible; it is virtually impossible. There will be gaps. We find ourselves in a position where we have to give disingenuous advice to our clients, because it is our duty to assure them that the Title that they have is good Title, and that they are able to pass on that Title without any challenges. But, when we do our searches and we are encountered with so many gaps in the chain of Title, then we are

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allowing them to proceed with Conveyances and transactions that there is a high risk in the future that these transactions may be challenged. So, we are leading our clients into potential risks for challenges of their Title. And, I think that this Legislation would significantly reduce that risk.

I think, eventually, as was said by Honourable Member George, the ideal position would be a Registered System where the Title of land owners would be cemented in the Register and there can be no challenges to it, and that anyone who is conveying property or transferring property can be satisfied that they have done so, legitimately.

Honourable Member, Garraway, have pointed out the challenges of getting to that point, but I am encouraged by his sense of motivation and his optimism that, eventually, we can get there. So, this is a step in the right direction.

Honourable Member Cox mentioned that Dominica and Trinidad and Tobago, they have, through their Legislation, reduced the period to forty (40) years and twenty (20) years, respectively. The same can be said of the Bahamas, where the period is thirty (30) years; St. Kitts, the period is forty (40) years; Barbados, which is twenty (20) years; Grenada, is usually known for being trail-blazers. We are always the ones to challenge. We are the Island that is always, you know, looking for trouble, in a good sense. When you look at our history of 1979, etcetera, and I do not think that we should be left behind, when it comes to our conveyancing practices.

Grenada and St. Vincent and the Grenadines are the only two (2) Caribbean countries who still adhere to this commonlaw period of sixty (60) years. So, I am glad that this Administration sees it fit to bring us in line with the way that the rest of our Caribbean brothers are moving, and I think that it is a good sign for things to come. But, I just want to let everyone know, on behalf of the; well, I do not know if I can speak on behalf of the entire Legal Fraternity, but from what I have been hearing, that this Bill is welcomed by the Legal Fraternity. I support the passing of this Bill. Thank you, Mr. President. **(Applause)**

Mr. Deputy President: Senator Stiell.

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Sen. the Hon. Simon Stiell: Thank you, Mr. Deputy President. Mr. Deputy President, I, too stand in full support of the Bill before us. I would not repeat all that has been said. I think it has been very well articulated by Members. But, one area I would like us to draw down on, and anyone, who has been involved in, whether it is purchasing, selling, transferring land, anyone who has visited the Registry, will know the challenges that is faced there. But, it is the focus on business and how this amendment, the passage of this Bill will improve the ease of doing business, and this is not something that is insignificant.

When we look at trying to find Root Title going back to sixty (60) years, the comments from my colleagues here who have legal experience and hearing some of the advice that they have to give to their clients to try and instill confidence where the evidence does not actually substantiate that, and the doubt and the ambiguity that is created in property transfers; and the impact of that is it slows down economic activity. You may have persons, who have the resources to make a purchase, but can't, because the property that they are seeking to purchase is in question, because they may go back fifty (50) years, but not the required sixty (60) years; so it's that doubt. The knowledge that the Title that you have, especially if it's a significant investment, that it could be challenged somewhere down the road, can be off-putting to persons making purchases, or those wanting to sell, and it does have a direct economic impact.

So, I am pleased and I commend this Government for making this bold step, notwithstanding the need for the bolder step, which is moving to a Registered System, but we know that is going to take time, that is going to take significant resources. But, it is on the agenda, it is something that is being worked on. But, as an interim measure, moving from sixty (60) years to thirty (30) years, will alleviate many of the challenges that are faced, will instill greater confidence in the property market and will have a significant positive impact on our economic development. Thank you, Mr. Deputy President. **(Applause)**

Mr. Deputy President: Senator André Lewis.

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Sen. the Hon. Mondy André Lewis: Thank you very much, Mr. Deputy President; and I was not too sure that I wanted to speak, but after listening to my learned colleagues on the 'Other Side', especially the practicing Attorneys, I think it is extremely important to raise the following.

I support the aspect of narrowing the gap, but I think you would know better than me, through you, Mr. Deputy President, that a number of persons, in our society, have come into property, not through the best means. And, a number of our people, in our Communities, because they are not as lettered or cultured, have lost their properties. And, therefore, it is incumbent upon us to call upon all of us to be aware of this change, because we are narrowing the gap from sixty (60) to thirty (30).

So, I am making this appeal through you, Mr. Deputy President, because the aspect of especially land ownership within families, has created a number of problems outside there. So, let us not only pay attention to the vendors and the purchasers, but what about the dispossessed children, who, because they were not able to be afforded proper representation, found themselves on the side where they were denied their rightful property. This change calls upon us to pay particular attention to this.

I know 'Buyer Beware', I know it is said, and it is said that ignorance of the Law is not a defence. But, for those who are not able to get their rightful representation outside there, and to be pointed out their rights, especially we in this House have that responsibility, not as Attorneys and not as vendors, but as the people tasked with that responsibility to ensure that justice is done, as much as possible, across the board, across the country, to make that point; you would know better than me about that which I speak.

Many of our working-class people, many of our working-class children, who, just to repeat, have not been able to afford themselves the Legal representation, have found themselves without their parents' property. Yes, thirty (30) years is one generation, sixty (60) years is two. I am agreeing with narrowing it down, but I am also calling to do all that is necessary to limit, as much as possible, and to wipe away that which we know currently exist outside there. That would be my contribution on behalf of the

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dispossessed people outside there, who now, rather than going back sixty (60) years, to be thirty (30) years, who stand a greater chance of losing their property. But, we have that responsibility to call upon everyone and to call upon, probably, the Legal Fraternity to, I'm not sure if you still have it, your Pro bono Day, through you, Mr. Deputy President. Sorry for looking across there, but my colleagues; probably to have more Pro bono days that deal, especially, with land/property issues, because it is a major issue outside there, and that would be my contribution. Thank you. **(Applause)**

Mr. Deputy President: Senator Cox.

Sen. the Hon. Norlan Cox: Mr. Deputy President, let me first take this opportunity to thank my colleagues for their contributions on this amendment.

However, Mr. Deputy President, we are seeking this amendment, also taking into account the integrity of the searches, and that has been looked at in its entirety. And, I hear the concern by my colleague, Senator Lewis, on the 'Other Side'; this has been looked at, significantly. There were even calls that we should even make it shorter, we should make it twenty (20) years, but, we have not acceded to that, for good reason.

Some of the issues that you raised, through you, Mr. Deputy President, that Senator Lewis, would have raised, is as a result of the gaps by trying to do the search over the sixty (60) years, because of not having information in between there, that has allowed persons, in some cases, to be deprived of their property in a rightful manner. So, this, in itself, is even correcting some of the current challenges that we have in that regard; Because from thirty (30) years, going forward, based on what is happening from thirty (30) years, there is clear records, going forward, but after that, there are gaps. Because if, Mr. Deputy President, we do not have the information, neither yourself, or myself cannot lay claim if the information is not there and that has created a number of challenges. And, hence, that is one of the problems, the same issue that our dear colleague Senator Lewis would have raised; that is one of the issues that is affected by those gaps.

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But, at the same time, Mr. Deputy President, this amendment does not, in any way, lend itself to say who should make an attempt to go and clear up lands that parents or grandparents have forty (40) years somewhere, this has nothing to do with that. That has to do with persons on their own free will deciding whether or not I want to go and see what is the situation in my grandparents land or my parents land. This has nothing to do with that, but this amendment will help significantly, to ensure that for the last thirty (30) years, what has happened, coming forward, to present.

So, the concern, Mr. Deputy President, that was raised by Senator Lewis, is one that is quite valid, and based on consultation with our Legal Counsel, through the Legal Affairs, they have done due diligence to ensure that the integrity of the searches would not be compromised in this regard. So, with these extra contributions, Mr. Deputy President, I commend the Bill for its second reading.

Question put and agreed to.

Bill read a second time.

Mr. Deputy President: Senator Cox.

Sen. the Hon. Norland Cox: Mr. Deputy President, I beg to move that the Senate resolve itself into the Committee of the whole Senate to consider the Bill Clause by Clause.

Question put and agreed to.

Senate in Committee.

Senate Resumes.

Mr. Deputy President: Honourable Members, I have to report that the Bill was considered by a Committee of the whole Senate and passed without amendment. Senator Cox.

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Sen. the Hon. Norland Cox: Mr. Deputy President, I beg to move that the Chairman's Report be adopted.

Question put and agreed to.

Chairman's Report adopted.

Sen. the Hon. Norland Cox: Mr. President, I beg to move the third reading of the Bill.

Question put and agreed to.

Bill read a third time and passed.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Thank you very much, Mr. Deputy President. Mr. Deputy President, I rise to introduce for first reading a Bill shortly entitled, Extradition Treaty (Government of Grenada and the Government of the People's Republic of China) Bill, 2018.

Ag. Clerk: A Bill for an Act to incorporate into the Domestic Law of Grenada, a Treaty between the Government of Grenada and the Government of the People's Republic of China on Extradition, shortly entitled, Extradition (Government of Grenada and the Government of the People's Republic of China) Act, 2018.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the relevant Standing Order of the House be suspended, so that we can take the Bill through all its reading at this Sitting.

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Question put and agreed to.

Relevant Standing Order suspended.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move the second reading of the Bill. Mr. Deputy President, this Bill seeks to introduce into our Domestic Law the Extradition Treaty, which was signed between the Government of Grenada and the Government of the People's Republic of China.

This Treaty between the parties was signed on the 24th of March, 2016, and this was in an effort to improve the cooperation at all levels, between the Government of Grenada and the Government of the People's Republic of China.

It is well known, Mr. Deputy President, in International Law, that a State does not have any obligation to surrender an alleged criminal to a Foreign State. This, Mr. Deputy President, is because of the principle of sovereignty, which states that each State has a legal authority over the people within its borders. As a result of the absence of international obligations, and, of course, the desire for the right to demand criminals and other persons from countries, countries have evolved and have developed instruments, a web of Extradition Treaties to achieve this.

Mr. Deputy President, the Treaty between the Government of Grenada and the Government of the People's Republic of China, which embodies mutual arrangement made between the two (2) countries for the purpose of extraditing persons from Grenada to China. The signing of the Treaty alone, Mr. Deputy President, is not enough, but is a preliminary endorsement of the obligations and arrangements therein. It does not create a binding legal obligation on behalf of the parties. As a result, Grenada is now required to enter into its Legislative Agenda, actions to make the said Treaty legally enforceable and binding in our Domestic Laws.

Section 3 of this Bill, Mr. Deputy President, has the force of Law and to provide the legal authority for extraditing persons from Grenada to China pursuant to the

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obligations assumed by Grenada under the said Treaty, when it was signed on the 24th March, 2016. This Treaty is also to be passed, Mr. Deputy President, in China. It has to be brought into the Domestic Laws to give it the teeth, the same powers that we are doing here today, so that they can achieve their objectives that they have set themselves, when we signed this Agreement in 2016.

In addition to this Treaty, it is well known of the excellent and wonderful relationship we have been enjoying with the Government of the People's Republic of China. And, I do believe with the introduction or passing into Law today, this Bill, this will further enhance and cement the cooperation and friendship that we have so enjoyed. And, I look forward to greater things happening between the relationship of both countries, as we continue to look forward to enhance our productivity within our State, enhance the development of our State, but most importantly to ensure that we continue to create an environment for mutual respect and understanding and that environment to ensure that our young people are given opportunities to look forward to grow, to develop incapacities. And, we have seen over the years with that mutual understanding, so much of our people have been given opportunities, and we want this to continue. With this, Mr. Deputy President, I want to commend this Bill for its second reading. Thank you.

(No other Member rose to speak)

Mr. Deputy President: Senator Garraway, it seems as though you can proceed and wrap it up.

(Senator George and Senator Cadet stood at the same time)

Sen. the Hon. Kim George: I will defer to my colleague Senator.

Mr. Deputy President: Senator Cadet.

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Sen. the Hon. Judd Cadet: Thank you, Mr. Deputy President. Mr. Deputy President, I'll be very brief, but I will like it to go on record that I fully support this Bill.

Mr. Deputy President, Grenada is simply known as a very peaceful and harmonious place. But, also, Mr. Deputy President, I see this Bill, as improving Grenada's reputation, internationally.

As you know, Mr. President, in 2013, the Government of Grenada would have established its Economic Programme, its Citizenship By Investment Programme, and this Programme has been exceptionally well run, has been providing much adequate resources to the State, that it's assisting in its infrastructural development, in its human resource development. But, Mr. Deputy President, what is interesting to note is that we're relying on investors, particularly from China, Asia and other parts of the world to invest here.

So, Mr. Deputy President, according to the IMF Report, Grenada's Economic Programme is a gold standard in the Caribbean Region for transparency; and, as a result, we have to ensure that we continue that image and continue to transcend and ensure that the world understand that we are serious about our environment and our international relationship. And, as a result, Mr. Deputy President, we want to also continue our strong cooperation and friendship with China. So, Mr. Deputy President, I give full support to this Bill.

Mr. Deputy President: Senator Kim George.

Sen. the Hon. Kim George: Thank you, Mr. Deputy President. I, likewise, intend to be brief. I rise, Mr. Deputy President, in support of the Bill and to mention, very briefly, two (2) aspects of the Bill that I think bear referencing. The first is the mutuality of the arrangement. I think it's important to stress and to emphasise that just as the Government of Grenada would be obligated to honour the Treaty on the request of the Government of the People's Republic of China, the Treaty contemplates that, likewise, the Government of the People's Republic of China would be obligated to

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honour the terms of the Treaty at the request of the Government of Grenada. And, so it is not a one-sided exercise, but it is an exercise that is intended to strengthen the Criminal Justice System of both countries.

And, secondly, Mr. Deputy President, I wanted to make reference to Article 3 (a) and (b) of the Treaty, which speaks to mandatory grounds for refusal. And, in particular Article 3 (b), which, importantly, guarantees a person whose extradition has been requested, the safeguards contained in our own Constitution. I believe it is Section 1 of our Constitution, and there are other Sections that follow, which speak to the protection of fundamental rights and freedoms. And, so it is important to note, as well that, and, as Senator Cadet has said, it is important in these times, that sovereign Nations should make such arrangements. But, it is important to note that this Administration has seen it fit, and, likewise, the Government of the People's Republic of China, to ensure that the Constitutional provisions that Grenadian citizens ordinarily enjoy will also be applied for the benefit of any citizen of the People's Republic of China, who find himself subject to an extradition request.

And, so, Mr. Deputy President, I thought it was important to point out those two (2) aspects of the Bill, as I think they are important for people to understand that although the arrangement is made, there are certain safeguards. So, it is not a matter of an automatic right to extradition, but it has to conform with certain fundamental Laws that we hold very dear, as a people. Thank you, Mr. Deputy President.

Mr. Deputy President: Senator Cox.

Sen. the Hon. Norland Cox: Thank you very much, Mr. Deputy President. I, too, rise to give my full support to the Extradition Treaty Bill, 2018, between the Government of Grenada and the Government of the People's Republic of China.

Mr. Deputy President, this is a very important initiative. While this is just a mutual agreement between both countries, we have seen that we already have an economic development, a partnership and relationship with the People's Republic of China, and,

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as such I think this is a critical component that is missing to complement that initiative, because we have a number of engagements with them that are important, and those engagements are protected properly. As such, I really support this initiative.

Mr. Deputy President, we have such relationships and such Agreements and even, legally, Laws on the books with countries like the United States with their extraditions. They can make requests for persons or citizens of the United States to be extradited and we have Laws speaking to that, so this is not something new, but it is something that is required and something important when you have that relationship with developed or developing countries that you have such arrangements. And, so, I think that is a step in the right direction, and I would love to see the Legislation go further that speaks to it in a more formal way for us to establish that. They are an important development partner to us, and we appreciate that initiative and that effort and that relationship that we have with the People's Republic of China. As such, Mr. Deputy President, I give my full support to the passage of this Bill. Thank you very much.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Thank you very much, Mr. Deputy President. Mr. Deputy President, I want to say a special thank you to my colleague Members for their support to the second reading and passage of this Bill.

I will like to also bring to the table, in as much as we will be requested, probably, to extradite someone, there might be the belief that it might be a cost to the State. It would not be. So, if there was a request made by the People's Republic of China, to Grenada, to extradite one of its citizen, all expenses related to this transaction would be borne by the People's Republic of China; vice versa, if there is a citizen of ours over in that part, who we have to get over, we will have to foot the bill, as it were.

So, all in all, this Bill before us today is designed to ensure that we follow the path of the International Community that you have relationships, you have Treaties with

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your partners, you have Treaties for various levels of cooperation. This is one that speaks specifically to development, as far as I can see. And, I want to thank my colleague Member for citing the CBI. As you know, it's the gold standard for Citizenship By Investment Programmes in the world, and that's what the IMF would have said; the same IMF that, historically, people saw as this monster, and if they come into your country woe be onto you and they destroy you. But, we have seen a different dispensation, in this period, and they are saying, while we had quite a lot of criticism about our Citizenship By Investment Programme, and all these issues about unsavory characters might come into our country, we have done the necessities in ensuring that, yes, our monitoring system, our checks and the likes and so forth are done. So, before someone is given our instruments; and now the IMF is saying this is a gold standard and they commend us. What this is doing is going to enhance what we have been doing and what we've been saying all along, that we would leave no stone unturned in protecting the sovereignty of this country.

So, if someone, God forbid, got into this country and have our instruments and later to be found, this is the gateway towards dealing with them to bring them to justice. And, I am so happy today, Mr. Deputy President, that we are passing this at this point-in-time, to continue to protect our country. With this, I want to commend this Bill for its second reading. Thank you.

Question put and agreed to.

Bill read a second time.

Mr. President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the Senate resolves itself into a Committee of the whole Senate to consider the Bill Part by Part.

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Question put and agreed to.

Senate in Committee.

Senate Resumed.

Mr. Deputy President: I have to report that the Bill was considered by a Committee of the whole Senate and passed without amendment. Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the Chairman's Report be adopted.

Question put and agreed to.

Chairman's Report adopted.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. President, I beg to move the third reading of the Bill.

Question put and agreed to.

(Ag. Clerk converses with the Deputy President in private)

Mr. Deputy President: Honourable Members, we seem to have omitted a Section of the Bill, when we were doing it in Committee, which is the Schedule. We didn't particularly get that one, so we go back just to make sure that we have it properly covered. So, we go back to Committee. The House is now in Committee.

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Sen. the Hon. Dr. Winston Garraway: Mr. President, I beg to move that the House resolve itself into a Committee of the whole Senate to consider the Bill Clause by Clause.

Question put and agreed to.

Senate in Committee.

Senate Resumed.

Mr. Deputy President: I have to report that the Bill was considered by a Committee of the whole Senate and passed without amendment. Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the Chairman's Report be adopted.

Question put and agreed to.

Chairman's Report adopted.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I move that the Bill gets the third reading.

Question put and agreed to.

Bill read a third time and passed.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to introduce for first reading a Bill for an Act shortly entitled, Mutual Legal Assistance in Criminal

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Matters Treaty (Government of Grenada and Government of the People's Republic of China) Bill, 2018.

Ag. Clerk: A Bill for an Act to incorporate into the Domestic Laws of Grenada a Treaty between the Government of Grenada and the Government of the People's Republic of China on Mutual Legal Assistance in Criminal Matters, shortly entitled, Mutual Legal Assistance in Criminal Matters Treaty (Government of Grenada and the Government of the People's Republic of China) Act, 2018.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the relevant Standing Order of the Senate be suspended to enable the Bill to be taken through all its stages at this Sitting.

Question put and agreed to.

Relevant Standing Order suspended.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the Bill be read a second time. Mr. Deputy President, the Mutual Legal Assistance Treaty in Criminal Matters between the Government of Grenada and the Government of the People's Republic of China was signed also on the 24th of March, 2016, with a view to improve the effective cooperation between the two (2) countries with respect to offering mutual legal assistance in criminal matters on the basis of sovereignty, equality and mutual benefits.

In accordance with the provisions of the Treaty, Mr. Deputy President, the parties are to provide the widest possible legal assistance in criminal investigations, prosecutions and judicial procedures in criminal matters. Such assistance, Mr. Deputy President, include serving of documents through all proceedings, taking testimonies, or

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statements from persons, providing documents, records and articles of evidence, obtaining and providing expert evaluation, locating and identifying persons, conducting inspections and examinations, making persons available for investigations and giving of evidence, or assisting in investigation, transferring persons in custody to give evidence, or assisting in investigations on conducting enquiries, searches, freezing and seizing of assets related to proceeds of crime or criminal activities and instruments of crime and notifying of the results of criminal proceedings and supplying criminal records.

As we are aware today, Mr. Deputy President, global groups and individuals have been very aggressive and innovative in capitalising in today's global economy. And, with the sophisticated technology that we have today, they have been able to use these technologies to create havoc on the unsuspecting investor or simple homeowner. With cooperation such as this between the Government of Grenada and the People's Republic of China will certainly impact heavily, I do believe, on the ability of these groups and individuals, international criminals, I would say, to operate successfully and to help citizens everywhere in the often struggles to remain in safety even in their own homes. And, we have heard of it, we have read it in the news of the unsuspecting investor, putting their money into operations and we hear what happens thereafter.

As indicated before, with the signing of this Treaty on March 24th, 2016, it's only the preliminary obligation, or the preliminary endorsement to ensure that arrangement between two (2) countries are synchronised and are placed in Law to achieve the objective, when they signed the Treaty just over two (2) years ago.

It is noteworthy, Mr. Deputy President, the signing, it does not create a binding legal obligation, hence the reason why we are here today, to ensure that we incorporate or we bring into Law to make this Treaty legally binding between the two parties. Therefore, there is a need that Grenada, with passing this Bill here today, will be able to offer assistance to China, if they so require from us, and vice versa, we will be able to request information from them, as it says: "mutual legal assistance in criminal matters."

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The legal effect will be given to this Treaty with the enactment of the Mutual Legal Assistance in Criminal Matters Treaty (Government of Grenada and the Government of the People's Republic of China).

Section 3, Mr. Deputy President, the Treaty will have the force of Law, which will provide the legal authority for giving assistance in criminal matters pursuant to the obligations assumed by the Government under this Treaty. The Bill further strengthens our cooperation efforts between the two (2) countries. When we take note of a lot of investments that are happening within the country, and we have seen the involvement of the People's Republic of China in the development of this country; one may just look at the National Stadium, and you see what they have done. They have the Contract and they have a Contracting Firm from China to come to work on their behalf, in helping us. As a matter of fact, right now, I know Minister Cox is quite happy, because his Ministry would have facilitated a team from China, recently, as we signed the agreement for the facelift of the National Cricket Stadium in preparation for the two One-Days that we are looking forward to next year, 25th and 27th, Mr. Deputy President of February, between West Indies and England. The point here, with those Contracts that are being signed between the People's Republic of China and the Contracting Firms, if something went wrong with one of the Principals or so on while they are here, whatever assistance, legally, that is necessary for China to put its case forward, probably, to get extradited, but the person, Grenada would be able, by legal authority to provide such assistance. This is a step in the right direction.

When this Administration came into Office, one of the things that we spoke about was creating an environment for our country to develop, and we have seen a number of programmes being initiated and the country started doing well. And, in as much as you are doing well, there are so many investors wanting to come here, and we are seeing it, coming to invest their monies. It is not a free for all. This is about securing this piece of rock that we call 'Pure Grenada'. So, with the two Bills that I am piloting here today, these two Bills speak to continuing to protect the sovereignty of this country, and I want to commend the Government for taking this bold initiative, signing cooperation and

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agreement to ensure that Grenada continues to remain safe, but more than that, to continue to remain peaceful.

One of the factors that we have seen, as encouraging persons to wanting to come to invest in Grenada, yes, the beauty of this country is one of them, but the safety, and, Mr. Deputy President, we want to maintain that, because these are our young students here. This is their home, this is where they have to live. We, as Administrators now have to continue to create and fashion that environment that they would be at peace. They would be able to survive and do well in their home, so we have to do what is necessary. This Bill, today, is signing into Law, the guarantee that they will enjoy a peaceful country, but they have their part to play. Yes, you get the opportunity to learn, to study and do well, develop yourself and continue to build your country, but you have to stay on the straight and narrow, to follow Law and Order and to ensure that what you do in school today contributes to the development of this country tomorrow. This is what we are leaving for you.

So, we would do all that we can, Mr. Deputy President, to ensure that we continue to provide that environment, and yes, we would welcome other investors, and as we do this, we would sign into Law whatever Treaty there is to ensure that if you are unsavoury, and you came through the cracks, we are going to get you out when the time comes, because we want to maintain the peace and security and serenity within the State we call Grenada. And, I am thankful, Mr. Deputy President, that the Government continues to look for innovative ways to continue to protect our country. With this, I want to commend this Bill for its second reading.

Mr. Deputy President: Senator Cathisha Williams.

Sen. the Hon. Cathisha Williams: Thank you, Mr. Deputy President. I stand in support of the Bill before us, the Mutual Legal Assistance Bill, and this Bill speaks to the continuing relationship between Grenada and the People's Republic of China.

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Since the commencement of diplomatic relations in 1985, I believe there was break and resumption of those relations in 2005, we have seen cooperation between these two States in the areas of Tourism, Training and Education, Trade and this Mutual Assistance in Legal Matters is just another step in the strengthening of these bonds, and I think this is a good sign for Grenada. It shows that we are players in the International Arena. These days a lot of things get done through diplomacy. Post-World War II and the formation of the UN, there has been a movement, or an encouragement in the International Community, a cooperation among Member States in order to achieve common goals.

And, I think that Caribbean countries, including ours, should take advantage of that, and should engage with international players and should enter into Treaties and Conventions, as long as they are mutually beneficial, and I think that this is a good sign. This is the second Bill before us, this morning, of this nature. The Treaties to which they speak, I should say, they place the States on equal footing. They speak to offences, for example, in the two States, which are offences in both of the States, the terms of termination of the Treaties, the limitations with respect to the types of assistance that the Treaty speak to, they are mutual in every respect. So, I think that the Treaties that our effort here today to give legal force to these Treaties is commendable. There is a trend among larger countries to enter into these Treaties and never ratify them, and we can speak to our brother to the North. Just entering into those Treaties and then they have no obligation to perform any of the obligations under the Treaty, because it has not been ratified, or it has not been incorporated into domestic Law. So, I think that our move here today to incorporate this Treaty and the previous one into Domestic Law shows that we are serious about meeting our obligations under these Treaties, and we are serious about international relations, and I hope that this is a sign of greater things to come, in terms of our interaction with our international players. And, I hope to see more activity, especially from the Ministry of Foreign Affairs in that regard. So, thank you, Mr. Deputy President.

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Mr. Deputy President: Senator Cox.

Sen. the Hon. Norland Cox: Thank you very much, Mr. Deputy President. I, too, would like to go on record in giving my support for this Bill, Mutual Legal Assistance in Criminal Matters Treaty Bill, 2018.

Mr. Deputy President, this is a significant initiative. As you know, we have Grenadians, who are living in China, most of them are at school, some are actually working in China, and likewise we have citizens from the People's Republic of China living here in Grenada. And, as such, this creates an environment for both countries, if so necessary, to have that relationship on any legal matter that may arise, and to provide their support to facilitate either to apprehend, or to clear somebody who may find themselves in any legal challenge, so this is a critical, critical instrument to strengthen the cooperation between both countries.

Mr. President, I want to go on record as giving my full support to the passage of this Bill, and I do look forward to more initiatives by this Government in support of that relationship that we have with the People's Republic of China, going forward. Thank you very much, Mr. Deputy President.

Mr. Deputy President: Senator Glynis Roberts.

Sen. the Hon. Glynis Roberts: Morning, Mr. Deputy President. I want to stand to support the Bill, and to reiterate to persons who may not understand it that it is really something not new to us in Grenada, because we do have such Agreements with Commonwealth countries. So, to pacify our emotions, I think it is a good piece of legislation for just this particular country, and to explain that it helps both countries, because if something may happen in China with a Grenadian there, or here in Grenada with someone of Chinese Nationality that the parties can go to their own countries to serve their time, because, usually, if you look at it economically, keeping somebody here is a burden on our resources, and likewise other ways. So, I want to commend the

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Bill. I know in Commonwealth countries, we have done it before. We have cases where people came back to Grenada, being extradited under the Law. So, I want to add my voice in commending this Bill for its passage.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. President, I beg to move the second reading of the Bill.

Question put and agreed to.

Bill read a second time.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the Senate resolve itself into a Committee of the whole Senate to consider the Bill Clause by Clause.

Question put and agreed to.

Senate in Committee.

Senate resumes.

Mr. Deputy President: Honourable Members, I have to report that the Bill was considered Clause by Clause in a Committee of the whole Senate and passed without amendment. Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move that the Chairman's Report be adopted.

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Question put and agreed to.

Chairman's Report adopted.

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Mr. Deputy President, I beg to move the third reading of the Bill.

Question put and agreed to.

Bill read a third time and passed.

Mr. Deputy President: Senator Simon Stiell.

Sen. the Hon. Simon Stiell: Mr. President, I beg to introduce for first reading, a Bill for an Act shortly entitled, Constitution of Grenada (Caribbean Court of Justice and Renaming the Supreme Court) (Amendment) Act, 2018.

Ag. Clerk: A Bill for an Act to alter the Constitution of Grenada to provide for the establishing of the Caribbean Court of Justice, as the final Appellate Court for Grenada in substitution for Her Majesty in Council and to provide for the renaming of the Supreme Court in Grenada to the Eastern Caribbean Supreme Court and other Justice Related Matters, shortly entitled, Constitution of Grenada (Caribbean Court of Justice and Renaming of the Supreme Court) (Amendment) Act, 2018.

Mr. Deputy President: Senator Stiell, just before you proceed, just give me a moment to just indicate a few things for our newer Members. As this is a Constitutional amendment, Honourable Members, especially for our newer Members, as you are aware this Bill has to receive the majority support of the Members of the Senate, when we come to the section of passing, and in this particular instance, we are going to do

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the support by Division, meaning that every Senator is going to have to indicate, publicly, their support to the Bill, either positively, or negatively. Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move that the relevant Standing Order of the Senate be suspended to enable the Bill to be taken through all its stages at this Sitting.

Question put and agreed to.

Relevant Standing Order suspended.

Mr. Deputy President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move the second reading of the Bill. Mr. Deputy President, the Bill for an Act shortly entitled, Constitution of Grenada, (Caribbean Court of Justice and Renaming the Supreme Court) (Amendment) Bill, 2018 seeks to amend the Constitution of Grenada to enable accession to the Caribbean Court of Justice, as a Court of Final Appeal instead of the London based Privy Council.

In addition, Mr. Deputy President, the changing of the name of our Supreme Court, from the Supreme Court of Grenada and the West Indies Associated States, to the Eastern Caribbean Supreme Court and this in keeping with our Regional Members.

Mr. Deputy President, the Privy Council, as our final Court of Appeal is enshrined in Section 104 of our Constitution. Therefore, to make a change from the Privy Council to the Caribbean Court of Justice, as Grenada's final Appellate Court, requires an amendment to the Constitution in accordance with Section 39 of the Constitution. And, in keeping with those Constitutional requirements, this Bill has already been passed in that 'Other Place', and passage through this Honourable House, with a simple majority enables, or lays the path for a Referendum for the people to decide on November 6th, and this is the same date, as Antigua and Barbuda will be going to their Referendum.

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Mr. Deputy President, our current Court System consists of Magistrates Courts, High Court, Court of Appeal, with the final Court of Appeal being the Privy Council based in London. Therefore, when a Defendant, or a Claimant is dissatisfied with the justice served here in Grenada, that person has the option to file their appeal with the Privy Council in the UK to overturn that decision, but that is only once that person has the financial means to do so.

Mr. Deputy President, the Bill before us lays out the mechanisms that the Constitutional changes to enable accession to the CCJ. Sections 3 to 16 of the Bill addresses the changes required, within the Constitution, to affect Grenada's accession to the CCJ, as its final Appellate Court. With Sections 17 to 31 outlining the requirements for the name change to the Eastern Caribbean Supreme Court.

Mr. Deputy President, what I seek to do in my presentation is to lay out the arguments to support that accession to the CCJ, as the final Appellate Court and my colleagues on 'This Side' will build on the arguments, as we go through this debate. The arguments, the principles for the justification of this amendment, of this move from the Privy Council to the CCJ, first, is Grenada honouring its Treaty obligations. Secondly, accessibility and costs; third, speed and quality of the judgments that have been offered, an opportunity for us to build a mature Caribbean jurisprudence and the fact that the UK Government may itself, withdraw support of the Privy Council for the Caribbean at any time; and finally, the completion of our independent status. So, I will talk through each of the justifications; so, first of all, with Grenada honouring its Treaty obligations.

Mr. Deputy President, the Agreement establishing the Caribbean Court of Justice was signed by all CARICOM Members, including Grenada on the 14th February, 2001. And, on the 16th April, 2005, the official inauguration of the CCJ was held at the Queen's Hall, Port-of-Spain, Trinidad, which is a seat of that Court.

Mr. Deputy President, there are two jurisdictions, the original jurisdiction, which is responsible for issues connected to the interpretation of the Treaty of Chaguaramas,

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which seeks to establish a common economic space among CARICOM Members. All CARICOM Members are active Members of that original jurisdiction.

The second is the Appellate Jurisdiction, which we speak to today, of which only four (4) CARICOM Members, Barbados, Belize, Guyana and Dominica have acceded to, and of which Grenada and Antigua and Barbuda would be seeking to follow, come November 6th, subject to the passing of this Bill in this Honourable House.

As a signatory, Mr. Deputy President, Grenada, together with other Member States has paid its portion of the hundred million US dollars (US\$100 m) financial contribution to the Court to establish the Court's operations. So, we enjoy the benefits of the original Jurisdiction, but we do not benefit from the benefits of the Appellate, although we have already paid for it. So, those who say the establishment of the CCJ, as our final Court of Appeal, would be a financial burden on us, economically, Mr. Deputy President, we have already paid those dues, but not benefitting from the benefits of that Court.

So, moving on to accessibility and costs, Mr. Deputy President. Throughout the hundred and eighty-five (185) year history of the Privy Council, it has never been considered a Court for the ordinary man. The high costs involved in taking cases to the Privy Council is an immediate barrier for most.

The filing of an Appeal with the Privy Council is more than five (5) times greater than filing an Appeal with the CCJ; five (5) times, Mr. Deputy President. With the Privy Council located in London, the logistical costs of travel, of accommodation for the Litigant and that means carrying your Grenadian Legal team, your Lawyers, whatever technical support you need to support your particular case. And, it is not just for the duration of the Hearing, but preparation for that. In addition, we are looking at plane tickets, we are talking about hotels, we are talking about other incidentals; and then in addition to that, you need to retain an English-based Legal Team, which would consist of a Solicitor, a Barrister, other technical persons, and those fees, Mr. Deputy President, are not cheap. And, once again, it is not just for the duration of the Hearing, itself, but all of the preparatory work that goes on in advance, which could be months in advance,

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and for detailed, complex cases it could even be years in advance. So, again, significant costs, and those are just the direct costs; there are other indirect costs that the Litigant would have to bear. It is estimated that the minimum average costs, minimum, for taking a case to the Privy Council is one hundred and seventy-five thousand EC dollars (EC\$175,000.00), and there is no assurance that you are actually going to win that case, and you would have an opportunity to recoup those monies. So, this is clearly out of the reach of the ordinary man.

By contrast, the overall costs of Appeal to the CCJ, are considerably cheaper, an average 1/5 cheaper, the cost of filing at the Privy Council. There is no need for a separate Legal Team; a local Law Firm can represent you at the CCJ. The cost of travel to Trinidad, if you go to the seat of the Court, again, significantly cheaper than airfares, accommodation, etcetera, in the heart of London.

The CCJ is also an itinerant Court, it's a travelling Court. There are instances where the Court would come to you. It would travel around the Region to Member States, hearing cases, as and when they arrive. So, there may not be a need for your Lawyers to even travel, locally. Most importantly, the CCJ has embraced technology, so whether it is using conferencing facilities, where Lawyers can perform their duties, can represent you from their own offices, or their homes, is a major positive and a major contributor to the reduction in costs. And, also using technology, in terms of the filing of Appeals, that this can be done, electronically, again, reducing the transaction of costs. And, as a result of this, as a result of the lowering of cost, ease of access in the three years following its inception in 2005, Civil Appeals outnumbered Criminal Appeals by almost seven to one and it's Criminal Appeals that are the most popular with the Privy Council; civil matters that may be viewed as trivial won't even make it there.

About 15% of civil cases filed in the CCJ were from persons too poor to cover the filing cost, and the Court has a provision where it would waver expenses. Once you are able to establish your lack of means, consideration can be given to your fees so it is affordable to the most vulnerable of us. And, this is unprecedented in terms of Appeals, Mr. Deputy President.

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And some of the cases, civil cases that have been brought before the Court include property disputes between poor tenants, public housing disputes, the admissibility of a police officer's testimony in a child abuse case and a civil servant's dismissal from the Public Service. Mr. Deputy President, these are cases that ordinarily would not make it to the Privy Council or would not be viewed as important enough, it would not be viewed as significant enough to warrant their attention or the cost of being a hundred and seventy five thousand dollars (\$175,000.00). But, to the lives of those individuals, it is important, it is of significance, so having access to an Appeal Court process right here at home has significant benefit to the ordinary man.

Mr. Deputy President, I was interested in the debate, and I listened to the debate in that 'Other Place' where you had a Member sharing his own experiences, his family's experiences; one of the wealthiest families in Grenada, where they had a case to bring to the Privy Council, a case they were confident was strong, but they had to think long and hard, long and hard, before they considered filing that Appeal. So, if the wealthy among us struggled with that decision, what about the man in the back of La Fillete.

So, Mr. Deputy President, regarding quality of the Court, that is important, it's not just about the cost and accessibility, the quality of the Court, the quality and the speed of the judgments that we have seen over these past few years. Firstly, the issue of immunity from political interferences, considerable debate within the Region over concerns of political interference. We're a small society, we are a highly politised society.

But, Mr. Deputy President, from the financing of the CCJ through to the appointment of the Judges, these processes are insulated from political interference. The Court is not dependent on Member States to provide financial support for its operations, so preference will not be given to those who are current with their dues, or those who are withholding dues, who are trying to leverage financial support for the Court. That doesn't exist, Mr. Deputy President. The day-to-day operations of the Court are financed through a hundred US million dollars (US\$100 m) loan that was provided by the Caribbean Development Bank that the Member States have now paid back. But,

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that loan, that hundred million US dollars (US\$100 m) forms part of an endowment that generates an annual income that is sufficient to fund the operations of the Court.

Secondly, Mr. Deputy President, the appointment of the Judges to the CCJ. Up to nine (9) Judges sit on that Bench, and appointments are made by the Judicial Legal Services Commission, a politically independent Committee, that comprises of members of the Regional Bar Association, distinguished Jurists, Civil Society and Public Service Chairs from some of the Member States. So, when we compare the financing, we compare the selection of Judges to those of the Privy Council, which are determined by the political establishments in the UK, let alone the United States. We all know how politically sensitive, how politically inflammatory selection of Judges to the Supreme Court are there. For the CCJ, the selection of the President, the selection of the Judges are far removed from that and politically immune.

So, the quality of the Judges, the criteria set for the selection of Judges is high. They are as highly qualified, as any British Judge that sits on the Privy Council, some even better qualified, Mr. Deputy President. The range of experiences include not only domestic matters, but there is a requirement that three (3) persons on that Bench must have international Law and Trade Law, and this is important within the context of providing confidence, especially for investors, who would want to know that if there is a commercial dispute, if there is a legal dispute, which involves other Territories outside of the Region, that those Judges have the competence, the experience, the skill-set to be able to manage those cases and they do, Mr. Deputy President.

The Judges currently serving on the CCJ are highly respected, the existing six (6), highly respected by their peers, not only within the Caribbean but, again, internationally and the judgements that have come out of that Court whether the original, or the Appellate Jurisdiction have been internationally acclaimed. They are doing good work, Mr. Deputy President.

And, moving onto this opportunity to build a mature Caribbean Jurisprudence. Jurisprudence is a very fancy name, Mr. Deputy President, for the science behind Law-making and determines the principles upon which legal rules are developed and used to

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settle ambiguities that may exist within the Law. And, at the heart of our jurisprudence, here in the Caribbean, is a culture, our Caribbean culture, our traditions, who we are, what we are, our values is at the heart of it.

But, Mr. Deputy President, there are many areas, those values, the culture, those traditions could not be more different from those that reside in the Courts in the British Legal System. Our Laws must be derived from those traditions, our own traditions and that culture. So accession to the CCJ, as our final Court of Appeal, allows us to start building those legal rules, so that we could have Laws that are more reflective of our values.

I was struck by Prime Minister Motley's presentation, when she was here a couple of weeks ago, at the Trade Centre. And, she spoke of her experience, as a trainee Lawyer in the United Kingdom where she witnessed a case of a Jamaican woman, who was wrongly accused of a criminal offence and convicted, and her observations about the entire Court System and Legal System, the prejudices, the insensitivities to our cultural nuances, even language, Mr. Deputy President; how so much was misunderstood, misinterpreted and that resulted in her conviction, which was later overturned. But, for Prime Minister Motley, it was an eye-opener, as to the need for proper representation and a sensitive and reflective understanding of us, as a People. And, it was clear that if this matter was heard in a Caribbean Court, the outcome, Mr. Deputy President, I am sure would have been very, very different.

Now, Mr. Deputy President, I want to build on this theme of cultural sensitivity, and I want to draw on some of my own experiences, the time I spent in the United Kingdom. And, there is a particular case that struck me. It led to some landmark rulings in English Law. It affected the whole of the United Kingdom, and this is a ruling that came out of a Mac Pherson Report, this is back in 1999, and this was after the murder of a black teenager, Stephen Lawrence by five (5) white boys and the miscarriages of justice that occurred with this particular case, and the struggle a black family had in seeking justice in modern Britain. The Mac Pherson Report spoke to the

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lack of justice served to Stephen Lawrence and his family and concluded that the British Judicial System was institutionally racist.

I want to make it very clear from the start that the Report did not speak to the Privy Council, but it does set a context for the British Legal Establishment, and what they think of us and how they treat us.

So, what is Institutional Racism? It's defined as: ***“The collective failure of an Organisation to provide an appropriate and professional service to people, because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour, which amounts to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping. Institutional Racism is characterised by a systemic form of prejudice, which is particularly evident in the differential treatments that various racial groups receive within a system, and the use of judicial procedure in one way or another in which the Criminal Justice System operates, and regards to it to its process of prosecution, sentencing and imprisonment.”*** And, it goes on to say, that: ***“There are different effects of race and ethnicity on sentencing outcomes and imprisonment rights.”*** This is pretty serious stuff; Institutional Racism and the effect that has in serving honest justice to black people in the United Kingdom.

Mr. Deputy President, I could go on further. I can now speak of my own personal experiences, as a Caribbean man living in Britain, and I had the opportunity to serve as a Juror in a High Court in London. Again, a different part of the British Judicial System, but it is still reflective of the attitude of the British Legal Establishment.

My experience, Mr. Deputy President, made me fear the British Judicial System, to hear the prejudices, the injustices, the insensitivities, the ignorance, the biases, the treatment of black defendants over white defendants, similar cases, similar circumstances, but interpreted completely differently, with different outcomes, whether you were a black defendants or you were a white defendant, and this was from the Judges, the Barristers, the Solicitors, let alone the Jurors of which I was one. It frightened me, frightened me, Mr. Deputy President.

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So, I have lived there and I would prefer to be judged here, by my own people, than over there. So, we talk about justice there, I prefer to be judged by my own, Mr. Deputy President. And, the final note, along the same lines I wish to touch on and it's the treatment of my parents' generation and their experiences in Britain. The windrush generation, those who immigrated from the Caribbean to Britain in the 1960s and 1970s. The British Government recently classified many of them, as undocumented, illegal immigrants. Many of them had lived, worked, struggled, because it is a struggle, Mr. Deputy President, a struggle, for forty (40) or fifty (50) years, then to be classified as an undocumented immigrant; those that were deported, those who were denied healthcare, those who were denied access to welfare, their pensions stopped.

Mr. Deputy President, this is how British establishment viewed us, as West Indians, living within their society for forty (40) to fifty (50) years. But, it was the intervention of our Caribbean Leaders, led by the Prime Minister of Jamaica, Prime Minister Hollness, and our own Prime Minister Keith Mitchell, who brought the argument to the doorsteps of the British Prime Minister and put our case forward, and in fairness to the British Government they reversed that decision.

But, Mr. Deputy President, it tells us something. It tells us precisely how they view us and what they think of us. So, Mr. President, so who are we here? If that's how they treat those of us who live there for decades, what about us? Do they even know where Grenada is, let alone understand our traditions and our values? So, Mr. President, I say all of this to say how we are viewed and treated there. Is that what we want? Is that what we say is justice and justice served? Is it that where we wish our Appeals Court to reside? So, once again, Mr. Deputy President, I lived there, I felt it, I prefer to be judged by my own people.

So, moving on, if you listen to some of the comments that have come out of the British Establishment about their support for us, the Privy Council has indicated, time and time again, its displeasure in serving us here in the Caribbean. That we're a drain on the British taxpayer; we are a burden on their Legal and Judicial System. The words have warmed in more recent times, but those are the sentiments that have been

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publicly expressed. So, Mr. Deputy President, if we do not take our destiny in our own hands and determine for ourselves when and how we leave the Privy Council, that decision may be made for us.

So, finally, Mr. Deputy President, the final point I wish to raise is about our Independence. We are now in our forty-fifth (45) year, as an independent, sovereign Nation. We have an independent Executive, a Cabinet, a Policy-making Branch of Government. We have an independent Legislature, right here, where we are, our Parliament where the views of the people are represented, second branch of Government. But, what about a third Branch of Government, the Judiciary? Can we say that we are truly an independent sovereign State, where we still seek justice, not here in Grenada, or here in the Caribbean, but the Privy Council in London?

Mr. Deputy President, our seeking to break this remaining vestige of Colonialism is not just born out of our own pride and desire for self-worth, it's not just about a quest for self-determination. It is all of that, but planted on firm foundations, built on the quality of the Judges, who serve on the CCJ, the integrity of the CCJ's Judicial Systems, and that has been proven over the years, that is free from political interference and that it is self-financing.

Mr. Deputy President, it is all of those things that justify our move from the Privy Council to selecting the Caribbean Court of Justice as our final Court of Appeal. Mr. Deputy President, it's for those reasons, I commend this Bill for its second reading. I thank you.

Mr. Deputy President: Senator George.

Sen. the Hon. Kim George: Thank you, Mr. Deputy President. I am not sure on the protocol, but through you, Mr. Deputy President, I wish to speak to the students in the Visitors' Gallery. Very quickly, just to welcome them, and to say that I am encouraged by their presence, and I think it's almost prophetic that they are here today, because in doing my research I landed in a place where I felt I was between the

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generations to come after me and the generations who have gone before me. So, I hope what we say here today will not just be for their education, but also will assist in charting a course that will bring them further along in the journey of independence and self-realisation.

And, so, Mr. Deputy President, I rise in support of the Bill and to say, quite frankly, that as part of my journey, I started as the proverbial 'Doubting Thomas'. I had my concerns, as a number of my colleagues, a number of citizens of this country have had about the transition, potentially, from the Privy Council to the Caribbean Court of Justice. And, I am happy to say that having done my research, having spoken to a number of colleagues and citizens and having done my own reflections, I have moved into the light, in a manner of speaking, and I propose, Mr. Deputy President, to treat the debate as a discussion between citizens of this Nation, without reference to sides, as it were, and really, as more of a civic issue; and civic in the sense of this being something that deals with the rights and the duties of every citizen of Grenada, because every citizen of Grenada has a right to participate in the creation of a functioning Judicial System that is tailored to suit the needs of us, as Grenadians. And, I think, fundamentally, this is what this debate is about. There are persons, who have concerns and correctly so, I believe, about the state of our current Judicial System, and the citizen has a right to be concerned if his judgments are delayed. The citizen has a right to be concerned, if justice is not dispensed in a timely manner. The citizen has a right to be concerned, if he feels that because of our size, undue influence would be brought to bear on decisions made in respect of his matter. And, I mention it at this stage, because I want to emphasize that in this exercise, we really should not be seen as brushing those concerns aside, because they are real.

But, we must understand, as well that they are only a part of the issue that we face and a part of the decision that we have to make in deciding whether or not we will accede to the Appellate Jurisdiction of the Caribbean Court of Justice. So, that although they are related, to a certain extent they are exclusive of each other. And, in my research, I was humbled in a way, to find that these are issues and questions that

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have troubled and vexed ordinary citizens of this country and intellectuals of not just Grenada, but of the Caribbean, as a whole.

I came across a Report of the Commissioners of Enquiry into Civil and Criminal Justice in the British West Indies which was commissioned in 1826, and it was a very extensive Report. It would have been done, obviously, at a time long before our Independence and, amongst other things, what it sort to do was to actually come into the Territories including Grenada and to interview persons, who were impacted by the Justice System. And, I was reading an account of a Slave from one of the Plantations in Carriacou, who complained about the way he was treated, the lack of meals and so on, and it humbled me, because he was not even mentioned by name, he was mentioned as a negro boy. And, I thought to myself that it is time, in this year 2018, that we honestly address our minds to whether or not the time has not now reached for us to embrace the opportunity that we now have to fashion something of our own.

(Applause)

And, respectfully, Mr. Deputy President, I think it is our obligation, certainly, in this Senate and, certainly, as citizens, to give this issue our free, our genuine and our impartial consideration, because it is no light feat to amend the Constitution. The requirement of a two-thirds majority in relation to the Referendum is deliberate, because the thinking is that you don't just jump in today and amend the Constitution and jump in tomorrow and amend it again. So, the opportunity to do so must be embraced when we have it.

And, I go further, Mr. Deputy President, to say that those who have gone before us, and I speak to the TA Marryshows, I speak to the persons in the Trade Unions' Council, I speak to the persons who have fought for us, to get us to the point where we are standing today. And, I say, Mr. Deputy President, that I think it is the least that they would expect of us, at this juncture, that we do what we needed to do to carry forward the work that they have done, and that they have paid for in their own blood and in their own sweat and in their own tears.

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And, I want to reference and to mention, as well, this very old text that was given to me by Mr. Derek Knight, QC, who was my Mentor and who I appeared, as junior to in matters before the High Court, and these were the sorts of discussions that we would have, and I am grateful to him. Yes, Senator Cox, you can see the vintage of the text. **(Chuckles)** It has seen better days. But, it was published in 1966, and what it contains is a sort of series of conversations by Caribbean intellectuals, who would have been writing at the time when Independence would have been a hot topic. Certainly for us we would not have been independent, but certain of the other Territories would already have been there, and it would have been written, as well, shortly after the failure of the Federal Court, which was a Court which was set up with the intention of unifying the administration of justice in the Federal Territories.

And, I want to refer to an article written by a very well renowned West Indian intellectual, his name is Professor K. W. Pasha. I hope I am not butchering his surname. But, I believe he is certainly well known, and he spoke, amongst other things, about the concerns that were raised, as far back as then, about doing away with the Privy Council. And, one of those issues that was raised, even in 1966, and he wrote this Lecture, he said coming out of consultation with Law students in England, was the independence of the Judiciary. And, he said, and to put it in further context, he was referencing the measures that had been made for the removal of Judges in the present Court System. And, he said: **“However desirable this procedure may seem for ensuring an impartial investigation of allegations against a Judge, the ultimate preference for the Privy Council, seems inappropriate, certainly, for the independent Territories and perhaps even for the remainder. For if higher standards in the Judiciary are to be obtained, they should be set and maintained in the Territories themselves. Had the Federal Supreme Court continued having evoked much confidence in a short life, final jurisdiction in these matters might have rested there, even with respect to the Federal Authority, and there is now nobody of like standing for all Territories in the area. The ultimate responsibility for these matters might better rest with the final Appeal Courts of the Caribbean.”**

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And, he went on to say, and I am skipping out certain parts for the sake of brevity. **“Again, it may be asked whether the Judicial Committee should retain this power after Independence, for Independence bears with it responsibility for ones’s own development. Although the Judicial Committee represents impartiality and objectivity, many of the Constitutional issues turn upon concepts, such as equality and reasonableness, which should be applied, not abstractly, but by those who are aware of their meaning and effect in a particular society.”** This is as far back, Mr. Deputy President, as 1966.

“If the Judiciary is to be required to decide these issues, it is as much an instrument for the development of the society, as the Executive. If the Executive is to enjoy Independence from the United Kingdom, it is just as important that the Judiciary should enjoy it too.” And, Mr. Deputy President, I could not put it any better.

Mr. Deputy President: Senator George, just before you continue, please, just for completeness, could you just read the text that you are quoting from, so the Hansard could completely quote from where.

Sen. the Hon. Kim George: Yes. Thank you very much, Mr. Deputy President. And, so it is a publication of the British Institute of International and Comparative Law. It is called **Law in the West Indies, Some Recent Trends**, and I believe it is Series No. (6).

Mr. Deputy President: Very well.

Sen. the Hon. Kim George: And, so, Mr. Deputy President, as I was saying, I could not express it better myself. And, I would only want to graft the statements that I have made onto the statements already made by the Honourable Senator Stiell, and to

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say that I think the time has come for us as a people to make that bold move and to embrace our own destiny.

And, I want to end by saying to the persons who have concerns about whether or not we should be making this move while our own internal affairs remain unaddressed, I say to them that in every difficulty is an opportunity to fix the thing and to fashion something that better suits us. And, I myself, as part of the Committee entrusted with finding solutions in relation to the Court House and so on, I have found that there is benefit in consensus. There is benefit in meeting and communicating our difficulties and drawing on the experiences of different stakeholders. And, I want to encourage that approach, as we move forward in dealing with the issues which we have, locally, because it is certainly not the intention of this Administration, certainly not the intention of the other stakeholders to allow those issues to go unaddressed. It is important that they are raised. It is important that the persons in authority are called on to account, but they must not be the only reason that we rely on to deny ourselves an opportunity to craft and to fashion a final Appellate Court that will work for us. I thank you, Mr. Deputy President. **(Applause)**

Mr. Deputy President: Senator Lewis.

Sen. the Hon. Mondy André Lewis: Thank you, Mr. Deputy President. But, before I make my contribution, could I just ask you for some guidance? Because I, indeed, have about three (3) or four (4) proposed amendments I would like to suggest; two, at least, I consider extremely fundamental, and you would be the Judge. At this stage of the debate, should this be where I make it, or when we are in the Committee stage?

Mr. Deputy President: Depending on the nature, you could indicate all here and then when you get to Committee you could pinpoint it.

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Sen. the Hon. Mondy André Lewis: Okay. Thank you very much. But, before I reach there, Senator George and Senator Stiell, I identify with most, if not all of what you have identified. I would want to boldly say that the time has come and long overdue, for us, in the Region to take our destiny in our hands and the CCJ is one of it.

The issue for me is that I am feeling rushed. I want to be extremely blunt and straight, Mr. Deputy President, and why am I feeling rushed? Just as Senator George has indicated, that there are a number of concerns outside there, and we need to face it frontally. In other words, we must not view those concerns as opposition, but as genuine concerns; just as how you have reached that journey where most people feel comfortable, and I am convinced. I do not need to be sold on the CCJ, but I am not representing myself only. I am not representing me. I feel very, very rushed.

The question is, why the haste? And, I feel that haste. I honestly, colleagues, I honestly feel that haste. I do not have an answer, but I feel that haste. And, I hear the arguments about the local Courts, and we can address it as we go forward, and I say yes. But, the concern that I have and a number of us have, is that once we achieve that objective of the CCJ, these matters will be forgotten. These matters will be forgotten. The general public, Senator Stiell, through you, Mr. Deputy President, and I made a note, 'the man from the back of La Filette', yes, is very much more concerned about access to the Magistracy level. The bulk of our people, how many cases we would have like to take to the Privy Council, and we can't. It pales into comparison at the Magistracy level. I am for the CCJ, but one has not yet gotten the feel that the Powers that be..., yes, some attempts have been made, but the genuine efforts, or the prioritising of that issue have reached that level to address the access to the mass of our people. And, therefore, we would like to propose that in furtherance of going to the CCJ, and that is all we are saying, we feel rushed, it does not have to be voted upon right now. Let us give ourselves a timeline. Let us demonstrate, let us demonstrate to the mass of our people, that we are committing the resources, the necessary resources to addressing the local issues. I am saying, yes to the CCJ, but I am a negotiator, I am a Trade Unionist. And, we all know that when promises are being made, that, yes,

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these matters that you raised are important, but if you give us that bligh, we will come back and address it, but it does not happen.

The question would arise, why the rush? Why the haste? Is it that we must do something by a deadline? So, for instance, in our earlier debates in this House and in the 'Other Place', because we were under the Structural Adjustment Programme, and we had to meet certain legislative deadlines, it was said that we had to do certain things by 'x' or 'y' time, and, therefore, we all threw our hands up in the air and said, "yes, although there are shortcomings, but we have a bigger obligation to meet some international commitments and let us rush along." If we could be told that, this must be done before the end of the year, then I would be one of the leading voices that will go out there for the bigger picture, and say let's do it now. We are saying, yes, CCJ, don't get us wrong. And, when I go into the amendments that we would want to propose, hopefully, you would recognize the bigger picture.

Colleagues, Mr. Deputy President, just on some minor, but related matters. You know, Mr. Deputy President, earlier on, in a discussion on what I would call 'a side bar' in which Senator Cox was also involved, and I was told that in the absence of the President and the Deputy President in the Chair, if the Deputy Chair has to vacate his seat for a moment, I may be called upon to sit there. And, it dawned upon me, and after I see my good colleague Senator Roberts here, and I am not sure what the Senator will do, it dawned upon us that we can make a statement from today that we are now wearing the wig. In other words, anti-colonialism. There are small measures that we can take, and so I look at you and I said, yes, Mr. Deputy President, I did not see the wig. I said that's good, because one of the hallmarks that we advance, and it is not the major matter, eh. I do not buy the issue of the CCJ significantly on the basis of anti-colonialism. I am anti-colonialist, I am, but that's not the major matter for me. But, I am saying, because it is part of the argument, the Sirs, Sir this and Sir that, those of us who lead that, needs to be addressed, and there are certain basic steps that we can take.

We are trying to convince the man from La Filette. One of the most serious Calypsos that I have heard, very deep, in my view, that advanced the thinking of the

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general public was Rootsman Kelly about the CCJ. In my view, it is my view, he addressed the issues, as advanced by Senator George, the journey that you went through and we have not addressed them, frontally. In my view, and we, as Leaders, must take responsibility, even within the Labour Movement, because we have to be outside there, either advocating for or against. In other words, we must be part, and I am calling on the wider community and the different Organisations, to be part of that debate. I am calling on all of us to be part of that debate, but we must do it on the basis of respect for each other's views, and to get us along the line, not by condemning those who say, well, we have concern. These are valid concerns.

I agree that the issue of the Treaty obligations, in other words the Government of the day has the right to go into Treaty obligations, and when you go into Treaty obligations, you have to bring it into National Laws. I buy all these arguments. However, I do not buy the argument about the costs, and I will tell you why. If we know we have to go through a Constitutional amendment, in terms of a Referendum, and we go and we spend money, we can't hold people hostage to that. I am buying the point of our Treaty Obligation, because the Government has that right. These are minor points.

I want to address the selection of the Judges. There is absolutely no doubt, and my dear friend, I guess I can use the word 'Comrade', my dear Comrade, Senator Cathisha Williams, spoke during the time of the issue with the Treaty with China on the question of exchange of persons of interest, and indicating that we are known for making our firsts, Grenada, and therein lies the concerns of some people. Therein lies the concerns of some people that, especially vote in the Labour Movement, because we confront the State from time to time. And, history has shown us, in our recent past, over the past thirty (30) years, that it is possible, it is possible; and I am not saying that it doesn't happen in America, it happens in England, because at the level of the Supreme Court, that is why there is this battle over whether President Trump or Obama, or whoever it is, the Democrats and Republicans should be the ones nominating the Judges, because they are political biases.

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It happens in England. At the level of the Privy Council, one has seen there are different Judges, all depends on their political and social background, takes a particular slant, because Law is opinion. Any Judge, any Judge can find some interpretation on what is written to go in a particular direction, and I am not imputing any ulterior motive here. I am just saying that this is what Law is, and, therefore, we want to propose for consideration that in the context of the selection of Judges, that serious consideration should be given to the posting of the names of the Judges who are nominated, and giving the citizens of the Region an opportunity to raise whatever concerns they may have. In other words, you go through whatever system there is. It is a means of further insulating. It may not be part of this document here, in terms of our Constitution, but I am speaking about selection of the Judges, because it leads to the amendments, and we can develop a process by which those objections can be submitted.

I would now want to turn my attention to the proposed amendments itself. If I may, I will start with what one will consider the most, and in my view, fundamental issue. On the question of amending Section 104, if we were to turn to Section 104 of the Constitution, Section 104, Item (6), as it relates to Section 37 (7). In the Constitution, Section 104, that's page 83. I have a Constitution that is very much beaten up. It would be 99 in the modern-looking one. This one has gone through a lot, a lot of blows. It says here, "subject to the provision of Section 37 (7) of this Constitution."

So, let us now go to Section 37 of the Constitution. You would have to tell me what is the page number in the modern-looking one. Page 49. And, in my piece here, it page 40. It says here, 37 (7) says: ***"No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6) of this section, and no appeal shall lie from any decision of the High Court in proceedings under this section other than a final decision determining such a questions, as it relates to, in subsection (1) of this section."***

So, let us go to subsection (6). It says: ***"An appeal shall lie as a right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in subsection (1)."*** Subsection (1) addresses the

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composition of Parliament, the results of the election. So, let us go to subsection (1), and subsection (1) says, and the side note is 'Determination of questions, as to membership of Parliament.' 37 (1), ***"The High Court shall have jurisdiction to hear and determine any question, whether..."*** and, probably, it is not necessary to read everything. This is the composition of membership of Parliament. This matter, under our present Constitution, and I agree with it, prevents any of these matters, any question concerning Parliament from being addressed by the Privy Council. I am in total agreement. But, in our amendment, we are saying, which I totally agree with, that this is a Caribbean Court, this is a Grenadian Court, the CCJ. Why are we proposing that we give the CCJ... In other words, let us put our money where our mouth is, let us put our money where our mouth is. The amendment that we propose, because the CCJ is replacing the Privy Council it still contains, the CCJ will now have the powers that the Privy Council had. Am I correct? And, because the CCJ will have the powers that the Privy Council had, unless you give the CCJ the powers that the Privy Council did not have, it, therefore, means that the CCJ will not have jurisdiction over the issue relating to Parliament.

If we accept that the CCJ is a reflection of breaking that final yoke of colonialism, which I agree with... that's one of them, it is not the only one, we must put our money where our mouth is and demonstrate to the people of this Caribbean Region, demonstrate to our ordinary people that our Parliamentarians are prepared, and we in these Houses are prepared to subject ourselves to the CCJ.

I want to go back to it, 37 (1). Let us link it. 37 (1) speaks about the determination of questions as to membership of Parliament, and let us go to 37 (7). It says: ***"No appeal shall lie from any decision of the Court of Appeal."*** In other words, the Court of Appeal has jurisdiction and relation to 37 (1); yes, that is my understanding. It says here: ***"No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6) of this section."*** And, subsection (6) says: ***"An appeal shall lie, as of right to the Court of Appeal from any final decision of the High Court, determining such a question, as is***

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referred to in subsection (1) of this section.” So, the Court of Appeal shall have the right to hear matters coming out of the High Court in relation to subsection (1). But, our existing Constitution says that: ***“No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (6) of this section, and no appeal shall lie from any decision of the High Court in proceedings under this section other than from the final decision determining such a question as referred to in subsection (1) of this section.”***

My understanding and our understanding is that, as it stands currently, subsection (1), which deals with the determination of the question, as to membership of Parliament, can be heard up to the level of the Appeal Court in our current System. Whatever the Appeal Court says should be final and binding. You can't go to the Privy Council. I could understand that. Let's rest with that. But, we are now taking our destiny into our own hands. I have absolutely no quarrel with that. I agree and I will advocate that we have some of the best minds in the Region. I am not worried about the composition of the CCJ. I am absolutely confident that we have the right minds. We have world class minds. If we want our people believe in the CCJ, we must lead that call and subject the composition of Parliament to the CCJ. It cannot be two (2) standards. It cannot be two (2) standards, and I am hoping that it is an oversight. I am accepting that it is an oversight. That, for us, will determine our support for the CCJ, not for the CCJ, but at this stage. In other words, Colleagues, we say yes to the CCJ, but there are certain issues, and I say there are some that are more weightier than others. There are others that I will raise. There are three (3) or four (4) others that I will raise, but this here, this is one of the most fundamental issues. Even if you want to address speed, we have them. As a matter of fact, one of the launch pads for the argument for going to the CCJ is that it is faster. The example in Barbados was used.

The reason I could understand not going to the Privy Council is the question of, you don't want to have a Government in flux. Although, it happens in places like Australia and Israel and those places and Germany, when you can't find coalition partners, sometimes the Government is in flux for a long time. That is why I understand

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it and I accept it. I would like to, here, would like to propose this, as a fundamental amendment, and the Administration can demonstrate, if they agree, with the observation that we have made, that this is not about rush and this is fundamental enough to entertain that amendment. I will develop it further, if there it needs be, when we go in Committee stage, but that, for us, colleagues, that for us; in other words, give the CCJ jurisdiction over all the matters. The Courts, as we said, is the final bastion of our defence of democracy and human rights and whatever. If this be the case, as we are tempted to accept, give me ammunition, so I can go to my thousands of members that we represent and say, look, the Politicians, the Parliamentarians have demonstrated their belief in the CCJ. Powers that we did not give the Privy Council, we are so confident of our CCJ, that we are now conferring to the CCJ, give me added ammunition. I want the CCJ, you know, colleagues, but I don't want it at any cost and every cost. I want it, because it is part of our destiny that we need to take into our hands. It is part of the destiny that we need to take into our hands, and, therefore, we need to demonstrate, we need to demonstrate that to our people.

I agree we are not giving no Privy Council control over our Parliament, then calling for CCJ, or Caribbean Court of Justice. As we march on to one Caribbean people, as we march on to demonstrating the confidence that we have to a regional and local institutions, that would be a significant demonstration of where we want to go. And, therefore, Grenada can demonstrate to the Region our leadership role, the point made by my dear Senator Cathisha Williams, that Grenada is known to making its firsts. We can demonstrate to the rest of the Region and the world that at the level of the Senate, we saw an oversight, and despite the fact that in the 'Other Place', we are prepared. If it's worth it, and we genuinely believe that it's worth it. And, I think that if what I am saying is correct, if what I am saying is correct, and I verily believe what I am saying is correct, my observation and interpretation of that oversight, we can demonstrate to everyone our belief in the CCJ, and not just belief, but that if we get it wrong, we are prepared to go back and get it right, and, therefore, at the same time institute the education aspect.

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The TUC wants to play a leading role in this matter, but we want to do it on the basis of these amendments, and we want to do it on the basis of further engagement, because the last Referendum, there is no doubt that the last Referendum was tainted by Party politics. We don't want that. We want this Referendum to be done on the basis of education, and, therefore, we want more engagement. We want more engagement, so that we can go out to our members. So much so, I can let this House know that a letter will be going very soon, to the Advisory Committee, because the TUC is part of the Committee, where we want an engagement with our leadership, that is the TUC Management Committee and the Executive of all the other Unions, where we can sit and discuss, because we want to be on board; as a matter of fact, we are on board with the discussion. The General Secretary of the Trades Union Council, Comrade Bert Patterson is our representative on the Committee. So, we are not here fighting against the CCJ, we are not. We want the CCJ, we want it. But, we are saying, where we observe that there are challenges... As a matter of fact, especially where the Referendum is not yet held, let us, when we observe where there are weaknesses, because in two (2) or so of the other issues I want to address is a matter of clarity. I am seeking matters of clarity, and if we agree that there are ways that we can reduce the ambiguity of those, let's address them.

So, I would now want to head on to the others, but that, for us, is the most fundamental issue here. So, on this basis, I will now head onto the others, just as a means of power save, these things, normally, close down. I don't always need it, but just, in terms, of the records, if we go now to, and they are all around the same area. Let's go now to; my apologies for this, but that's what, because I have the whole document in front of me.

Yes, if we go now to Appeals to the Caribbean Court of Justice, that's Section 104 (1). I am dealing now with the amendments. In the existing Constitution 104 (1) says: ***"An appeal..."***, 104 (1) (a) ***"Final decisions in any civil.."***, I am dealing with the amendments now, the amendments.

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(Mr. Deputy President made an inquiry)

Sen. the Hon. Mondy André Lewis: That's 104 (1)...

Mr. Deputy President: In the amendments?

Sen. the Hon. Mondy André Lewis: In the amendments, yes.

Mr. Deputy President: What page?

Sen. the Hon. Mondy André Lewis: That will be page 9.

Mr. Deputy President: Page (9)?

Sen. the Hon. Mondy André Lewis: Yes, page (9); Section 104 (1) (a) subsection (i), both Roman Numerals (i) and (ii). It speaks here: ***“The matter in dispute on appeal to the Court is of a prescribed value or upwards”***, both of them addressed that. So, if we go down now to; let's see what's the prescribed value is. The prescribed value is...

Sen. the Hon. Simon Stiell: You said this is 104 (1)?

Sen. the Hon. Mondy Andre Lewis: Yes, 104 (1), Roman Numerals (i) and (ii).

(Comments by Mr. Deputy President)

Sen. the Hon. Mondy André Lewis: No, page (9); yes, the prescribed value in our existing Constitution and as repeated....

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(Comments by Mr. Deputy President)

Sen. the Hon. Mondy André Lewis: Yes, yes, fifteen hundred dollars (\$1,500.00), sub section (5). It says: ***“In this section, the ‘prescribed value,’ means the value of fifteen hundred dollars (\$1,500.00) or such other value, as may be prescribed by Parliament.”*** Here, I will need some assistance, because I do not have the Agreement with me, that’s the Treaty, the Agreement. I researched it, my apologies, I do not have it here, but in the Agreement it speaks about ‘prescribed value’, the Agreement is...

(The mike went off)

Mr. Deputy President: Senator André Lewis, you were on the floor. I now invite you to continue with your contribution.

Sen. the Hon. Mondy André Lewis: Okay. I am ready to go, but the challenge I have, through you, Mr. Deputy President, is where do I start.

Mr. Deputy President: You were on Section 104 pointing out the issues with the money, the fifteen hundred dollars (\$1,500.00).

Sen. the Hon. Mondy André Lewis: Okay. So, we would take that the contribution that I made relative to 37 (1)

Mr. Deputy President: Yes, that is taken care of.

Sen. the Hon. Mondy André Lewis: Could I just finish? You don’t start looking at time. Of all the persons, watch who’s looking at time. **(Laughter)** Yes, let’s go.

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The issues with the money. As I said, my apologies, because I do not have the Agreement here with me. The Agreement speaks about twenty-five thousand dollars (\$25,000.00). In other words, as a means of trying to waste the Court's time, which I agree with, because the CCJ is the highest Court, and here we are dealing with issues of values of property, the prescribed value in the existing Constitution is fifteen hundred dollars (\$1,500.00). But, in the Agreement and the clarity that I am seeking, because Grenada has signed on to the Treaty and the Agreement; and if we keep in our Constitution the prescribed value as fifteen hundred dollars (\$1,500.00) or more, whether or not there would be an issue of which takes precedent. I know it's the Constitution. I am not a trained Lawyer, I may be a bush Lawyer, but, (I am kidding), so I am seeking a bit of clarity on this matter. So, I wanted to address that there.

I want to go to the other two (2) that I have and then I would be rested. If we go to Section 104 (b), that is page 10 of the amendments of the Bill. It says: ***"No appeal shall lie from any Court in or for Grenada except to the Caribbean Court of Justice."*** If you read 104 (b)

(Comments by other Members)

Sen. the Hon. Mondy Andre Lewis: 104 (b), it's on page (10); that's what I have in front of me here. Yes. 104 has an (a) and a (b), that's Part 2, 104, Part (2), that's at the bottom of page (10). If we read, it says: ***"No appeal shall lie or shall be brought from or in respect of any decision of any Court in or for of Grenada to any Court, Tribunal or other body whatsoever, except only to the Caribbean Court of Justice in accordance with Section 104 of this Constitution."***

The clarity that I am seeking here, because we are at a stage where we can help the Court, in terms of managing issues that come to it for clarity, Section 103, I am interchanging between 104 and 103, so just bear with me, I'll tell you when. Section 103 of the Constitution; as I said I keep using mine here. Section 103, colleagues I have the old Constitution, that's page (83), so tell me ...

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(A Member said 99)

Sen. the Hon. Mondy André Lewis: 99. Section 103 addresses Appeals to the Court of Appeal. So, Section 103 allows you to go from the High Court to the Court of Appeal. I am a bit concerned that this amendment may give rise to an individual arguing the following, because 104 (b), which addresses, “***no appeal shall lie from any Court in or of Grenada except to the Caribbean Court of Justice,***” there is possibility that it can be interpreted that you cannot go to the Court of Appeal. So, you go to the High Court and you then have to go to the Caribbean Court of Justice. I know this is not the intention, so probably, if we were to say, subject to Section 103, I am just suggesting that 104 (b), which starts by saying: “Subject to Section 103, then that would take care of the issue, because 104 (b), as it is written says that: “***No appeal shall lie, or shall be brought from, or in respect of any decision of any Court in or for Grenada to any Court, Tribunal, or other whatsoever, except only to the Caribbean Court of Justice.***” I don’t know if I have it right, in terms of a possible interpretation. Now, I know that 103 speaks about the Court of Appeal; 104, because it is an amending section, I am wondering whether or not someone may argue that 104 now has precedence over 103. That could be clarified, I am only raising the concern that I have here. So, that’s one issue and then I’ll just go to the final issue that I wanted to raise.

Colleagues, I think that’s it. I think I dealt with 37 (1), so that will be the issues that I have. So, I have raised, just let me make sure. I have raised the issue of the prescribed amount. I have raised the issue with 37 (7) and Section 6, and then I have raised the issue with what appears to leave leeway for someone to argue that the Court of Appeal does not come into play with the amendment. And, these are the clarities I am seeking.

I am about to sit, but just to repeat, the issue of the CCJ has been part of one Caribbean Court System, the High Court, the Court of Appeal and the CCJ, which is distinct from the High Court, the Court of Appeal, as Caribbean based and the Privy

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Council not having any jurisdiction over an election petition, I could have understood this and accept it.

However, because we are accepting, and I am accepting that the CCJ is the way to go it has now given us one seamless Court System, High Court, Court of Appeal and CCJ, an election petition must be able to be heard up to the level of the CCJ. If there is an issue of concern of time, mechanisms can be put in place to address time. Colleagues, that's my contribution to this matter.

Mr. Deputy President: Senator Cox.

Sen. the Hon. Norland Cox: Thank you very much, Mr. Deputy President. Mr. Deputy President, I rise to give my full support to the Constitution of Grenada (Caribbean Court of Justice and Renaming the Supreme Court) (Amendment) Bill, 2018.

Mr. Deputy President, I have a few things I wanted to say initially, but I think seen that I am making comments on the heels of my fellow colleague, Senator Lewis, I just think it's instructive that I just address some of those issues while I have them fresh in my mind. And, I think one of the most instructive things that was mentioned by Honourable Senator, I think when he commenced his contributions on this Bill, had to do with the issue of rush. And, I seek to clarify that the issue of the CCJ there is no rush about it and there is a clear historical transit that shows there is no rush about the CCJ.

Mr. Deputy President, in 1901, an Editorial published in the Jamaican Gleaner, spoke to having our own Courts, that is more than one hundred (100) years ago. In 1970, the Sixth Meeting of the Commonwealth Heads of Government proposed a Regional Court of Appeal. In 1989, the CARICOM Heads of Government, at its Tenth Meeting agreed to establish the CCJ.

In 2001, on Valentine's Day, an Agreement was signed to establish the CCJ. On the 16th of April, 2005, the inauguration of the CCJ Court of Appeal in Port of Spain and

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we could go on thereafter. So, I don't see this as an issue of rush. It's over one hundred years the discussion of our Court in the Caribbean has been in discussion. So, I believe that was important for us to clear that issue up.

Another critical thing that was mentioned is the issue of wanting the CCJ, supporting the CCJ. Mr. Deputy President, but I think what was instructive in the comments by our Honourable Member was that the suggested amendments, if those were not sought, he will personally go out and advocate against the Bill. I think that says something.

While, I respect his decision of putting forward his amendments, but going the extra mile to ensure that other persons should not vote, because of something that he feels passionate about, I think that was a little bit instructive for me, and I just wanted to raise that.

But, I think a critical issue, most critical that was mentioned earlier on in the day is our dear Honourable Senator's passion for the disenfranchised, the vulnerable, as he indicated, when we spoke on the land matter. And, so, what is being said is that if a small portion, be it the Parliament, is not, in some way, covered under this amendment, or to our Constitution, the greater part of the Nation should be sacrificed. If I am wrong in my analysis of what is put forward by our dear Colleague, Senator, well then I stand corrected. So, Mr. Deputy President, I just wanted to touch on those.

And, also, I think the issue of the amendment on page 10, regarding the issue of the Appeal. But, if you look at... starting higher up just above where it says: ***"Part (2), insertion of Section in the Constitution,"*** it says that: ***"A decision of the Caribbean Court of Justice shall be final, 104 (a): "Decisions of the Caribbean Court of Justice shall be final and shall not be subject to any Appeal."*** This, basically, is informing us that the CCJ is the final Court of Appeal and not the only Court of Appeal. So, I think, in terms of clarity, regarding the issue of 103 in the Constitution, I don't see an issue there, alright, because it says it is the final Court. As you know, we have the Magistrates Court, our High Court and a Court of Appeals, but the CCJ is the final

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Court. So, I don't know if that helps in clarity for him, Mr. Deputy President, but that is just my observation, as regards to the amendment Bill before us.

But, Mr. Deputy President, I think one of the most critical things, in going back to some earlier statements that this amendment does, and is the issue of access and access is critical; it's very critical. Despite whatever challenges that we have currently, with our Court System, the issue of access to our final Court still remains an issue. If we were to address all our legal challenges in the morning, Mr. Deputy President, the issue of access to the final Court of Appeal remains. They are two (2) distinct different issues. We are not saying that the challenges that we have with our High Court System is not one that doesn't need addressing, but they are separate and apart. If we were to fix everything in the morning, Mr. Deputy President, the issue of being able to access the Privy Council remains, and that is a fact. So, the issue of access, I believe, is critical. The ordinary person, or the person who cannot afford, Mr. Deputy President, I believe that this affords an excellent opportunity for them to better access the final Court of Appeal, and so I think this is somewhat understated.

But, Mr. Deputy President, I think what is before us is an excellent opportunity. It is an excellent opportunity, as a Nation, not as a Government, not as a Party, but, as a Nation for us to do what is right for us, as a People. I know I am not probably, old enough, but I am certain that some of the most Senior Heads around, who can recall, in 1973, when our then, Leader, Sir Eric Matthew Gairy took the bold decision, and I am certain that there were numerous doubts and oppositions, numerous. I am quite certain about that, and we are at a similar situation where a significant decision we are about to take on the future of our country, and I think some persons are in that mindset. But, there is sufficient evidence, there are sufficient records to show that we are making a bold step, and we should do that. We have existing CCJ Courts, and I haven't heard any adverse issues regarding those current Courts. While they are seen as pretty young, but there aren't any glaring issues, thus far, and so I believe that the time is now and the time is right for us to support this national initiative. Mr. Deputy President, with

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these few words, I give my support to the passage of this amendment Bill. Thank you very much. **(Applause)**

Mr. Deputy President: Senator Cathisha Williams.

Sen. the Hon. Cathisha Williams: Thank you, Mr. Deputy President. I stand to express my full support for the CCJ (Amendment) Bill, and many of the salient points, in support of the ascension to the Appellate Jurisdiction of the Court have already been raised and traversed by the Honourable Members. I think everyone, by now, is acquainted with independence, access, affordability. And, what I have found, in speaking to people, generally, is that despite all of the benefits of the CCJ, all of the advantages encapsulated in those three categories, there is still an unwillingness to leave what is familiar to them, and that familiarity is with the Colonial Judicial System. I stand here in full support of the CCJ, not really because of those points, but because of my personal experience with the Privy Council, as a young Attorney in practice.

In 2015, I had the opportunity to work with a client, myself and other Attorneys, and this gentleman was a hardworking gentleman, and I would say he is middleclass. He earned a decent salary, he drove a vehicle, and unfortunately he was involved in an accident that cost him one of his limbs, and he was unable to get the requisite benefits from the NIS. There was an issue of the interpretation of what it meant to be in the course of employment, so the benefits were withheld from him on the basis that when the accident occurred he was not in the course of his employment. The matter went to the High Court and he lost. The matter went to the Court of Appeal and he lost, so the next step was the great Judicial Committee of the Privy Council.

Now, in the consultation we had in the Trade Centre, I heard a learned Attorney say that it's easy to go to the Privy Council. You can just, you know, buy a plane ticket and go to England and go argue before the Lords of the Privy Council. I mean, if you need surgery, you can't perform it yourself, so I don't think it would be wise to be advising our citizens that if they want to make their case before the Privy Council, they

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should just take a trip up to England and go before the Court and present their cases. I think it would be more prudent to advise them to get the proper Legal Counsel, because even Attorneys in the Commonwealth Jurisdictions, they are not fully acquainted with the processes of the Privy Council, or the processes of the Courts in England. Yes, we are Attorneys, but we don't do everything. So, the normal course of things is that the Attorney in the Commonwealth Jurisdiction would have to get an Agent, in England, to bring the case before the Privy Council. So, you have to pay an Attorney, or a Firm in England, to present your case, to file your documents and argue before the Privy Council. I mean, you can also travel there, but for the filing processes, you have to get an Agent. So, we were able to make contact with a firm in the United Kingdom.

Now, apart from the filing fees of the Privy Council, there is the Counsel fees. Now, for that particular case, the Attorney in England, his fees were about thirty-five thousand dollars (\$35,000.00), one hundred and fifty pounds (£150); that's just his fees. And, then you had disbursements, things like photocopying and filing fees, which were about nine thousand pounds (£900,000). So, in all, it came up to forty something thousand pounds; pounds, yes; so you multiply that by four point something or five; so it means that this gentleman had to fork out over one hundred thousand dollars (\$100,000.00) to have his case heard, and that is excluding the cost of travel to London and the cost of accommodation. And, as I said before, he was a man of some means, but he was unable to afford the fees, so we had to seek the assistance of a financial institution, something had to be mortgaged in order to pay Counsel. And, they demanded twenty thousand pounds (£20,000), upfront, before they could do everything. So, my role, as a junior Attorney, I was sort of like the Secretary, communicating with Counsel in England; so we started that process in 2015, and then there was a constant back and forth, so we had to send documents, copy the pleadings, the record of proceedings.

Eventually, we were able to get a Court date in March of 2017, so documents were being filed up to that point. So, we started the process in 2015, the hearing date was March 2017. In November, 2016, we got correspondence from Counsel in London

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saying that he didn't believe in the strength of the case, and he didn't think that we had a chance of succeeding an Appeal. This was after a year and a half of working with these Attorneys, them having all of the information before them, all of the pleadings, all of the submissions before the High Court and the Court of Appeal, and then, at the last minute, after this man had mortgaged whatever he had to mortgage to be able to afford the fees, you're telling us, **'I don't believe your case is strong enough'**. I mean, the disrespect, the disregard for the welfare of our client.

In that moment, I experienced what Honourable Senator Stiell would have referred to, earlier, in his presentation. But, you would have experienced how people in these Colonial powers view us in the Caribbean. You weren't worthy enough to be allowed some sort of respect, dignity, forewarning. It was fine for them, just to tell us, your case is no longer worth it. I don't care how much money you have to spend. I don't care how much time you have to sacrifice. I don't care how much time you have to sacrifice. I don't care about your missing limb. I don't care that you have to go throughout life without the compensation that you may have deserved; we never know, because we never went to the Privy Council, but I don't have time for this, so we are not going to take your case to the Privy Council.

But, here is the kicker, here is the best part. So, of course, we asked for a refund. They said, well, we had to put in a lot of work up to this time. We had to file your documents and so, so we would not be able to give you a full refund. So, at the end of all of this, this poor man was not able to be reimbursed the full amount of the money that he had sent. And, apart from everything else, all these arguments that were being bandied about, at that moment, I knew that the Privy Council was not for us, and we could no longer subject ourselves to the whims and fancies of these people in the United Kingdom. **(Applause)**

Now, I find it very interesting how the Privy Council is viewed in the Commonwealth realms, as opposed to their status in the United Kingdom, because the Judicial Council of the Privy Council is just a Sect, or a part of the larger Privy Council, and what the Privy Council is, is a Council of Advisors to the Queen. And, the Judicial

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Committee just plays the Judicial function, and the Judicial Committee was formed in 1833, the same year that Slavery was abolished in the British Empire, and their main function was to provide those legal services to their Colonies; that was in 1833. So, the Mother Country said, alright, we have to provide some legal services for them; so that is what the Judicial Committee would do; that was in 1833. So, you are telling me, back in 1833, our Colonies were poor, populations uneducated, rudderless, lacking basic social services, that was the state of our Colonies back then, and the Judicial Committee of the Privy Council catered to those Colonies.

But, in 2018, almost two hundred (200) years later, we have a bunch of independent Nations making their own Laws, running their own Economies, determining their own destinies and we are still, we are still relying on this old vestige of Colonialism to have all matters determined? It makes no sense, in this day and age, Mr. Deputy President, and especially in light of the fact that we have an excellent alternative in the CCJ. If we had no CCJ, then I'll say, okay, we have no choice. But, we have an Institution that we have already paid for, fully staffed, fully funded, requiring nothing extra from us, we already utilise their original jurisdiction and all we have to do is say, yes, we are acceding to your Appellate Jurisdiction, and we are still reluctant to do so, and why is that? Why does the Mother Colony have this hold on us?

I stated, earlier, about the status of the Privy Council in England. Whereas in the Commonwealth the Privy Council is our final Court of Appeal, in the United Kingdom, it is not the single, final Court of Appeal; I mean, for some cases, for some specific matters, it's the final Court. But, for most cases, the final Court of Appeal is the Supreme Court of the United Kingdom; that's one.

Secondly, the judgments of the Judicial Committee of the Privy Council are not binding on the United Kingdom. They are binding on Commonwealth regimes, therefore, we have to follow their precedence. But, if a binding decision of the Supreme Court of the United Kingdom, or the House of Lords conflicts with a decision of the Judicial Committee of the Privy Council, guess which one takes precedence; the decision of the Courts in England. So, while we in the Commonwealth like to laud the

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Judicial Committee of the Privy Council, in England, to put it in local terms, they're not all of that. And, at this point, the citizens of the United Kingdom are wondering why it is that the Judicial Committee of the Privy Council; I'll just start saying 'Privy Council', because that's a lot to keep saying, why the Privy Council is still catering to these former Colonies.

There was an article in the Financial Times, a London based newspaper, from September 2009, and, Mr. Deputy President, if you will allow me to read a bit, because I don't want to miss out anything from this Article. So, this is from the Financial Times in London. This is in 2009. I know Senator George referred to some writings from 1967. This is as recent as 2009. The title of the article was 'Privy Council Hampers Supreme Court.' It's the Supreme Court in England we are speaking about. In that article, they refer to the Privy Council, as 'a jurisprudential relic, a post imperial anacromy,' these are British people, referring to their own Court.

“Sir Lord Phillip, the President of the Supreme Court,”... this is the body of the article, now... “Lord Phillip, the President of the Supreme Court said he was searching for ways to curb the disproportionate time he and his fellow Senior Justices spent hearing legal appeals from...”; forgive me, it is very cold, I am trying not to shake. Let me take that again. ***“Lord Phillip, President of the Supreme Court said he was searching for ways to curb the disproportionate time he and his fellow Senior Justices spent hearing legal appeals from independent Commonwealth Countries to the Privy Council in London. He was concerned that the Judges, who would staff the Supreme Court would end up spending as much as 40% of their working hours on the Privy Council business. He said, ‘it is a huge amount of time. I, personally, would like to see it reduced. It is disproportionate’. The President questioned whether some Privy Council cases, which have reigns from Jamaican death row appeals, to fights over Press freedom in Bermuda, needed to be heard by a panel of five (5) of Britain’s most Senior Judges.”*** So, our issues are not very important to them; Death Penalty, Freedom of the Press, in Jamaica and Bermuda, our Senior Judges, we don't have time

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for that. He added, and this next statement is important, he added that, ***“in an ideal world, former Commonwealth countries would stop using the Privy Council and set up their own final Court of Appeal instead,”***... Lord Phillips, the President of the Supreme Court of the United Kingdom. Now, if that isn't enough indication that we should get out, I don't what is. My mother told me never let somebody tell you they don't want you more than once. This here is a clear statement to the Commonwealth Regime that we no longer want you, so I am not sure why we are still holding on to them.

Now, that was the Justices, the Judges. Now, what do the people of the United Kingdom think about the Privy Council? In the same article it goes on to say: ***“Many independent observers say this is both an ideological strain and a financial drain on the newly created Supreme Court. The Council Judicial Committee shares both the Courts handsome Parliament Square Headquarters and access to the dozen Judges, who, two hundred thousand pounds a year day job is supposed to be resolving Britain's most important and commercial cases.”*** So, your well paid Judges are supposed to be dealing with Britain's criminal and commercial cases.

“Robert Hazel, Director of the Constitution Unit at the University College, London, said: ‘It was a minor public scandal that Judges in that country's top Court spent more than half of their time on business of no interest to anyone in the UK’. So, according to the citizenry of the United Kingdom, our business here, in our small Territory are of no business to anyone in the UK. So, they are not sure why their high-paid, senior Judges are spending time on us.

I think, probably, if this statement is circulated to the public, maybe, that would put the CCJ Privy Council debate to rest, because I think the people need to see, clearly, before them that we are no longer wanted by the Privy Council, and it is time for us to make our own path and use our own Judges and develop our own jurisprudence.

(Applause)

Now, you know what the Ministry of Justice said, in response, to those statements by Lord Phillip? The Ministry of Justice said that Lord Phillips should; how

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Lord Phillips ran the Supreme Court was a matter for him. There is no interest in any level in the hierarchy of the UK Government, any interest at all, in our affairs.

Now, Mr. Deputy President, I would like to address the issue that seems to be most nagging, or most on the minds of Grenadian people, which is the current state of our local Judiciary. There seems to be an impression that a session to the Appellate Jurisdiction of the CCJ would entail taking the focus, somehow, off the local Judiciary, or the allocation of resources away from the local Judiciary, but that is not the case. The CCJ is already paid for. There are no extra resources that we have to put out, in order to accede to their jurisdiction. The issues that we have in the local Judiciary can be rectified, simultaneously, with our assession to the CCJ.

Now, what has the Privy Council done for our Local Judiciary? How does remaining with the Privy Council help to rectify the problems that we face today? **(Applause)** But, let me tell you what can happen, if we accede to the Appellate Jurisdiction of the CCJ. The CCJ, because of its genesis, because it was born from the bosoms of Caribbean Nations, has a vested interest in the development of our Judicial System, **(applause)** and I am not only stating that, there is evidence of that. And, one of the most, one of the most recent examples is the Juris Project, which was a collaboration of the CCJ and the Government of Canada. And, the aim of that Project was to reduce the backlog of cases within the High Court System in Grenada. And, because of the initiative of the CCJ, we were able in, I believe, 2016, we were able to dispose of one hundred and sixty-five (165) of the one hundred and seventy-five (175) cases that were pending in our system, and that was because of the CCJ. **(Applause)** And, that is only one project, that is only one project, Mr. Deputy President. So, imagine, imagine what else we can accomplish with the CCJ. Imagine with other assistance they can lend to our local Judiciary. But, we will never know unless we listen.

Now, Mr. Deputy President, there was one point that I believe I had to raise in relation to the costs of appealing to the CCJ, as opposed to the Privy Council. And, I believe that the man from La Fillette, is it?

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(A Member replied, yes)

Sen. the Hon. Cathisha Williams: I am not sure why he chose La Fillette, but, **(comments from Senators)** was the actual person, I believe the man from La Fillette, he would have particular interest in what I am about to say. According to the CCJ Appellate Amendment Rules, 2008, particularly Section 10 (17). This Section allows application for leave to appeal or defend an appeal in the CCJ, as a poor person. According to this Section, ***“an applicant who wishes to obtain leave to appeal as a poor person shall file an application for leave within the Court and if he is”***; forgive me, I am trying to locate the; yes, sorry, ***“A person to whom leave has been granted to appeal or defend an appeal as a poor person shall not be required to provide security for cost or to pay any Court fees.”*** **(Applause)** This is a Court that cares about its people. This is a Court that considers local circumstances. This is a Court whose main objective is the provision of justice for all, regardless, of your economic standing, or your financial position. Unfortunately, I cannot say the same of the Privy Council.

Mr. Deputy President, I can go on, but I believe I would go into the realm of repeating what has already been said. But, I just want to echo the sentiments of the Honourable Members, who have preceded me and express my full support, once again, for this Bill. It is not only a Bill that would realise our practical needs, such as affordable justice, justice that is readily provided, justice from independent Judicial Officers. But, it is also a Bill that will help to improve our sense of independence, our sense of worth, our sense of self-determination. It is a Bill that will tell the students who are here today that there is no ceiling, or there is no limit to what they can achieve, and that if any one of them aspire to be a Justice on the highest Final Court in the Region, that with the CCJ they can do so. This Bill appeals to that part in all of us. And, Mr. Deputy President, this is where I end my presentation. Thank you. **(Applause)**

Mr. Deputy President: Senator Doctor Dunstan Campbell.

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Sen. the Hon. Dr. Dunstan Campbell: Thank you very much, Mr. Deputy President. I rise to support the CCJ Bill, in fact, and I also want to congratulate all those who went before me with all the arguments put forward. I do not want to go over them, because it was so well put that I rest on this.

But, however, I want to make two (2) very important points. In order for us to win this battle going forward, there are noises out there that we should understand, tame and control. And, to me, the two noises that I am familiar with is one, the issue of the lower Courts, the backup system. I know that Senator Williams just made a point with regards to it, and it ties into the point of access. Yes, I believe... what I believe, we can have all the arguments that it is easier to go to, we have regulations, which state that if you are poor, you can be accommodated. But, if you are blocked up in a system and you cannot move towards the other level, then you don't have access. It is like we say in Food Security, it's available, but not accessible. So, the CCJ, from my part, is available to all of us, it is better, it is one where we can say that it is our Legal Luminaries are in charge of our system, it's not these Colonial Masters out there, and as Senator Williams rightly put it, they don't care about us.

In fact, I want to just to take a few minutes to say this. I spent nineteen (19) years in St. Lucia and I lived between two Judges; on my right, I had Chief Justice Rubottom and on my left I had Justice Matthews from Dominica. And, it was amazing when we get together and talk how much they leave out the Law and they start dealing with the social problems and in depth, and they would question me, you know, as if I was on the Stand, and they were interested in the people of the Region, and I think that still holds. It's true that both of them have died, but there are others who have taken their place. So, the question of having people who are would take care of our issues, to me, is not a problem, and we have brilliant Lawyers in our system, but we have to put those resources at the disposal of our people. When I go out and I speak to the fishermen and the farmers, they say: ***"Boy, look I am not even going back to Court again, because when I go I can't see a Magistrate and so on. Dunstan Campbell, I had a case of Preadial Larceny and I went four (4) times to the Court, four (4)***

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times to the Court, and every time I go, it's either the Magistrate can't come or something else, four (4) times, and I just decided to give it up, so justice was denied. I didn't get my justice, it was not available", right, but these are the issues. I consider these noises, little noises on their side, the bigger picture is what was presented by my colleagues here. So that's one issue.

The other issue is the political interference into the System. We have to assure our people that the mechanisms are in place to prevent political influence in the System, and there are examples of political interference in the System. While working in the OECS, in the 90s, I remember a Grenadian Judge, in one of our Islands had to run, because of political pressure, and we know who that person is, he is easy to find. He had to run, because of political pressure, because of a decision she took. So, all of these things are things that we need to manage. These are noises that we need to manage, as we move to join the CCJ. We cannot and should not miss this opportunity of the CCJ, it is too important to fail. So, we should put together and do not say, of course, we talk about partisan and so on. This is the wrong path to go. It is a noise, address it and let's move forward.

So Mr. Deputy President, I would not say very much more, because I know that what has been said here today is sufficient to move us forward, so I thank you very much. **(Applause)**

Mr. Deputy President: Senator Garraway, would you give way to Senator Glynis Roberts?

(Senator Garraway agreed to give way)

Sen. the Hon. Glynis Roberts: Thank you very much Senator Garraway and Deputy President of the Senate. My contribution towards the CCJ is that I am in full support of it. However, I believe, as was said before, we have to manage the process

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properly. The CCJ offers us accessible justice, and it's close to our institutional people that we trust. That is what I think it can offer us.

Based on all the arguments and having gone through the Explanatory Memorandum, I want to say that although we at this level will agree it will not be effective unless point four (4) under Section 7, it has to be approved on a Referendum by not less than two thirds of the votes validly cast on the Referendum.

As we manage the process forward, I want us to take the Referendum with seriousness, so that all the noises will be explained to the persons these will affect, because most times for us as Lawmakers, we sit, we pass the Laws, but the people who it really affects doesn't understand. So, Mr. Deputy President, I think we should manage it that way. Although we said about political interference, at the end of the day, the money towards the Referendum has to come from the State, so I want to urge that the State uses the money, effectively, just as how when we're doing Election campaign, make it interesting, so that the people will understand and buy in. Do not set a talk for people in the Trade Centre, when you know they cannot access it. We have the schools close in communities, go into these areas and explain to people what the Referendum will mean.

I also want to support what Senator Lewis was saying this morning that the Appellate Court should be for everyone. At times, we have exclusion, especially for people, who are serving in our capacity, and I say so to talk about what he spoke about the Election Petition. Everything, if we are believing in the Caribbean Court of Justice should go to that. **(Applause)**

And, I also want to say, it happens not only, in terms of, let us say Parliament. And, I have a vivid example of just having gone to Barbados to Netball and there was this brilliant Opening Ceremony and it was a Netball Tournament for players, Mr. Deputy President. However, at the end of the Official Ceremony the persons who were refreshed were the people in the VIP, and I only ended up in the VIP not as the Presidents, of Netball, but they recognised that I was a Senator from another Parliament, so I ended up in VIP by default. But, there, the players were all there

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having to play and not being refreshed. And, that happens, because most times at our level, we can eat easily, but the people who need it really don't get it. And, I am making that point to say, just as here, as we talk about Colonialism and all the ills that happened, let's try and march towards equality and justice for all, and I rest my case to say that I am in support of the CCJ. **(Applause)**

Mr. Deputy President: Senator Cadet.

Sen. the Hon. Judd Cadet: Alright, thank you, Mr. Deputy President. Mr. Deputy President, I don't think I will have to spend long on the floor, because my colleagues have done an extremely good job in addressing the matter of the CCJ being our final Appellate Court.

However, I will like to say a few words, as it relates to the support for this Bill. Yes, I understand many concerns. I understand the concerns of the current delay that we currently have. Yes, I understand the concerns of the perception of maybe political interference. But Mr. Deputy President, I believe the obligation is on us to ensure that we, as Parliamentarians and as citizens educate our peers, educate our Constituents and structure a nature of this Bill.

Sergeant-at-Arms: Senator Roberts in the Chair.

Sen. the Hon. Judd Cadet: Senator, when I look at the vision of the CCJ, and it states: ***“To protect and to promote the Rule of Law as a Court of Final Appeal and as the guardian of the Revised Treaty of Chaguaramas, by guaranteeing accessibility, fairness, efficiency and transparency, delivering clear and just decisions in a timely manner”***. Senator, I feel connected to this vision, not only because I'm a CARICOM national, but more so of the prominent role that the Grand Anse Declaration played in that vision statement. Yes, Senator, the famous Grand Anse, which we all know has a wonderful beach and five-star hotels, in 1989, at the 10th

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Conference of the Heads of Government at our famous Grand Anse, there the Governments worked together and came up with a work programme with specific agenda to get done within a specific time. Senator, it's kind of very, the unusual way of saying it, but Senator, it was the Grand Anse Declaration that gave rise to the Revised Treaty of Chaguaramus, that is highlighted profoundly in the vision statement.

Therefore, Senator, I feel proud, as a Grenadian, I feel proud as a CARICOM National that it was the Grand Anse Declaration that gave rise or helped in the creation or the foundation of the CCJ. It was the Grand Anse Declaration that paved the way for Shanique Myrie to defeat the Barbadian Government, when she was denied entry into the Country. Now, I understand why Grenadians feel so passionate about this Bill. Now, I understand why this Bill carried a high 'Yes' vote at the last Referendum than other Bills, because it is deeply connected.

Senator, the Caribbean has an identity that we feel passionate about. Institutions and organisations that are identified all over the world like the West Indies Cricket Team, because when they lose, it hurts us very much and when they win we feel good, we also feel that we win.

And, therefore I would also want to add that we may see another match on February 25th and 27th of the CCJ and Privy Council again. But, this time, like November 6th, I'm confident that the West Indies, which I quote, unquote, put as the "CCJ" there, will, definitely, be victorious. So, Senator, our University of the West Indies, which is also a profound institution that has given birth to many educated...

Sergeant-at-Arms: Deputy President in the Chair.

Sen. the Hon. Judd Cadet: Yes, Mr. Deputy President. So, as I was saying, the Caribbean has given rise to many well-known organisations and institutions across the world. And as I mentioned the West Indies Cricket, I also want to make mention of the University of the West Indies, a renowned Institution that is producing great Lawyers

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and educated minds that are making their contribution not only in the Caribbean, but across the world.

And as Senator Williams would have mentioned, acceding to the CCJ is not just accessing justice but it also adds another Caribbean identity we can relate to, and also provides hope and shows that our young people can aspire, one day, to be great Jurists, as you would have seen, when our Dr. Antoine became Governor of the ECCB, how great we felt. Someday, maybe someday, our next President of the CCJ would be from Grenada and we too, Mr. President, should feel proud, when that moment arises.

CARICOM, another renowned institution, an organization that unites us as a people. Mr. President, these are the institution's and systems that I believe makes us all a part of the Caribbean identity. So, like my colleagues, I too believe that the time is now to take control. We, the people have taken full control of our Governments, we have taken full control of our Parliament and it is time to take full control of our Judiciary.

Mr. Deputy President we are one people, from one Caribbean with one struggle, one destiny. It is time to tear down that artificial wall of Colonialism and build on the oneness and the Caribbean unity that already exist. The CCJ is definitely the way to go, Mr. Deputy President. And, like the CC Bird Choir would have done at the Opening and they would have said, get in your section. Mr. Deputy President, I think it's time for us to get in our section, it's time for us to get in our direction and support the CCJ. Thank you, Mr. Deputy President. **(Applause)**

Mr. Deputy President: Senator Garraway.

Sen. the Hon. Dr. Winston Garraway: Thank you very much, Mr. Deputy President. Mr. Deputy President, I stand to give my unwavering support to the Bill that is before us, at this point in time, and I want us to be mindful of a number of factors that we should consider. Yes, two (2) years ago, we tried, in the Referendum, to pass this Bill, or some version of it, and it didn't happen. But, most Grenadians recognise the

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value of the CCJ and there would have been more responses towards this Bill than any other during the time of the Referendum.

As an indication, probably one, we needed some more time and more information to assimilate all the issues surrounding the CCJ. And, I think the two year period has given us a good enough platform to bring us to this place where we can send it back again to the people, to get it passed. But, for some reason, Mr. Deputy President, I don't know why, but there is this taboo associated with Courts, going to Court and people, maybe because folks felt that they didn't get the justice that they desire, something of the sort, or may be probably how our foreparents saw it 1833, when the Privy Council was given to us, that it was heavily weighted and probably put in the former slave owners and the likes; I don't know. So, I tried to get some context, as it relates to the Court system and the Bible gave me that. In Exodus 8:22, the Bible speaks of Moses, as judging the people and he had to do this and obviously, those are tremendous tasks, until his Father-in-Law came, Jethro, and said to him, this thing you're doing is not good to you; you need to resolve yourself for the harder cases. So, appoint lower Judges to judge the cases, and those big ones, they can appeal to you, and he accepted this.

So, I want to say that to our people, the Court System has been established way back then, so if you have a grievance, if you have an issue you can go to the system and get redress. One may say, well my cases are being tied up in the system for such a long time, we have to admit, yes. For a number of years, I have been serving as a Juror and you may come in these Assizes and you have probably let's say, twenty (20) cases on the sheet, or maybe ten maybe dispensed with, but the percentage of cases being dispensed with to the amount you came in with was very small.

So, one may say well, we need to fix this first. I agree, we need to do some more work there to dispense with justice passed within the Local System. But, does this, in any way, hinder you? Or does this have enough weight to say if I don't get that done first, no with the CCJ? I do believe, Mr. Deputy President, if we don't go through with the CCJ now, in our lifetime we will not see it again. So, in as much as I listened to my

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colleagues saying we support it, now is the time we have to make it work. We can fix those other domestic issues that seem to be an issue, we can fix them, and I know we are addressing them, because when I listened to my fellow Senator Williams saying as a benefit of the CCJ with the Jurist Prudence Project, working along with Canada, we had out of the hundred and seventy-five cases that was probably not coming through before for one reason or the other and they would have dispensed with a hundred and ten (110) to that period... **(Senator Williams made inaudible comment)** ...a hundred and sixty-nine (169) and a hundred and ten, but a large percentage of it was dispensed with, and that was benefit from the CCJ, though we have not acceded to the Appealing jurisdiction as yet, but there are benefits there. So, we can get the best of both worlds.

But, my main concern here, Mr. Deputy President, when we're talking about access to justice, I listened to the noise out there, and one of the noise that there is, this is not for the poor man, only the big people that could, wow, only the big people can go to the Privy Council. We just heard of an actual case, the man had to mortgage, I don't know what big property to raise all this money to get to this Privy Council.

So, yes, as it is now only the bigger people in society can access the Privy Council. What we are saying with acceding to the CCJ, we are empowering our little man on the ground and saying, if you feel that justice was not dispensed with you, there is an ability or we're giving you that ability to go further and access the CCJ to give you justice.

So, on the 15th of March, 2013, NowGrenada published an article, Mr. Deputy President. It said, "Landmark Decision Made by the CCJ." What was this decision about? A young woman, simple young woman from Jamaica, Shanique Myrie, on entering Barbados in 2011, was given a cavity search by a Custom Officer, Border Officer at the Grantley Adams International Airport. And, to add some insult to injury, was apprehended and placed in a cell, not just a cell, a filthy cell to remain overnight and then deported the next morning back to Jamaica. A simple, black woman who felt aggrieved that she did nothing wrong, but was denied the access to free movement ,as

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prescribed in the Revised Treaty of Chaguaramas, the same Treaty, my dear fellow Senator Cadet eloquently spoke to that started in the Grand Anse Declaration.

So, yes, Grenada has always been a part of the forward movement and creating things to happen. The Grand Anse Declaration gave rise to what we see as the Revised Treaty of Chaguaramas. And, within that Revised Treaty of Chaguaramas, "Freedom of Movement within the Region," Article 45, was given prominence and Shanique cited that, based on the provisions within that Treaty, she was denied access to free movement. And, that simple black woman, it could have been, yes, it could have been somebody from Birchgrove, it could have been somebody from St. James, in St. Andrew, it could have been somebody from La Digue. It could have been somebody from anywhere, Morne Longue, wherever, simple person, whom you may want to look down on, they have a fundamental right and we need to remember that. What we are trying to do here is to say to our young people, to say to our citizens that you have a course of redress, if you feel your rights have been trampled upon. We don't have it right now with the Privy Council. We don't have the resources. We don't have the where-it-all. Listen to what sister Cathisha, who was involved in the filing of this case had to go through with this poor Grenadian man and where he ended up, paid so much money and got nothing, not even his case being heard.

So, Sister Myrie got leave from the Jamaican Government, to take her case to the CCJ and she took the Barbados Government to the CCJ. And, on the 4th of October, 2013, the CCJ ruled in saying that yes, her fundamental rights and freedom of movement was interfered with and caused the Barbadian Government to pay damages. What does this mean? It is saying that whoever you are, as a poor person, if your rights have been trampled upon, be it in this State, be it anywhere, you can, so long, as Grenada accede to the CCJ, you can take your case to the CCJ.

And, let's look at access, we're talking about access, we're talking about costs. And, Sister Cathisha went through it, so I don't have to go further into it, as it relates to Section (10.17): "Applicant, who was considered to be poor, given leave, to appeal the case to the CCJ."

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But, the point I want to elaborate a little more on, and she went to Part 3, it said, **“A party to whom leave has been granted to, to appeal or to defend an appeal as the poor person shall be required to provide security for cost, or to pay enco fee..., shall not be required.”** What does that mean? You can take a case right now, if you have the means to the Privy Council, and, yes, as we heard, it would be a hefty amount you will have to pay to get your case heard. But, you also will have to ensure that you have the security fees there, because in the event, Mr. Deputy President, that you may have lost the case, the opposing Lawyer can ask the Court to have you to pay legal costs. So, in addition to your own legal cost, you have to pay the cost of the other party. What the CCJ is saying here, if you are considered to be poor, not only will we provide access to you, with you not having to pay monies, but also we are protecting you, should you lose the case, there is no way you will be charged to provide security costs to pay for the expense of the other party.

When we are talking about access, this is access for the poor man of the Caribbean, and saying to the poor people of the Caribbean, you have a right and you have value, you have worth, we are here to protect it. We need to give access. We need to pass this Bill within this country and give access to all our citizens, the protection they need.

One may say, and I heard this other noise out there, they said some Lawyers don't want to see the CCJ, because so many times, they are the ones that drag it out, when you did not get the judgment, because they did not do a good job. I do not want to believe that. I listened to my fellow Senator George, and I listened to fellow Senator Williams, and you could have listened to the passion from the bowels, that they have come through the process as Attorneys and realised that this is the way to go, to give the protection to our people. So, don't tell me Lawyers do not want to support it, because of their own personal issue, no, I do not believe that.

But, I want to say in closing, Mr. Deputy President, what we are doing here, or what we are asking the people of Grenada, Carriacou and Peitte Martinique to give support to, is a part of the whole drive towards ensuring that we give opportunities to

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our people to a higher calling. A higher calling in that, sister Williams said it, our young people can aspire to be the best that they can be, if they are looking at the Judiciary, as their best, they can aspire, they can see themselves being one of those top Judges around. But, it is also saying to our people that you do not have to be called a negro boy, sister George sight it from the case report. You do not have to feel not important, as Senator Stiell spoke of when he experienced it himself. We are saying to our Caribbean people, we are saying to our people in Grenada, Carriacou and Petite Martinique, you are important and you can see that with the CCJ that you will be treated fairly, and you will be given the righter place, to know that you are a valuable citizen within this Region.

And, I have no doubt, absolutely no doubt, Mr. Deputy President, that the CCJ is the way to go, if we really and truly, truly want to be the West Indians we all aspire to be; one Nation, one Region, one People, recognising each other, as valuable citizens in this one space.

Mr. Deputy President, I want to continue to give my full support to this Bill and to say to my fellow Grenadians, this is probably our final moment to make it a reality. On November 6th, it will not only be Grenada do it, Antigua and Barbuda will be doing it on the same day like us, because the Region has recognised this is the way we ought to go. So, both countries would be bringing to the people, in Referendum, the CCJ Bill, and I believe the people of both countries would give support to it, and I want to thank them in advance for it. I thank you. **(Applause)**

Mr. Deputy President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, in wrapping up this debate on this very important matter, and that is one of the themes that resonated in the Chamber this afternoon is the national significance of this. It rises above partisan politics. It rises above petty debates. It is a matter of real significance for us, as a people, and it comes at a critical time. I want to commend all contributors. The quality

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of this debate is one of the finest I would have seen in past term and the short stint we have had so far in this term. I particularly want to commend the new Senators on the level of thought, the level of preparation that has been placed on this, and also the approach that is being taken. I've actually heard no politics, at all, in what has been discussed, highly objective from many different perspectives. But, drawing to a common point, and that is, we cannot let this opportunity pass us by.

Senator Lewis raised a number of points, one of them very deep in its construction, as to elevating the role of the CCJ with regards to the powers, or control it could have over our Parliament, as opposed to the limited powers of the Privy Council. And, as a matter of recognition of the seriousness and the significance that we place on our own homegrown Appellate Court. And, I am certainly appreciative of the sentiments that lie behind that.

I am not sure that the debate in this Chamber is actually going to be able to satisfy the depth of that question and the request for us to make amendments based on that. The discussion, I believe, goes far beyond the justice we would be able to provide it. And, I certainly think that, that is a discussion that needs to be taken up, certainly, in the first instance, with the Advisory Committee. The TUC has a very active member there, and the debate may even go beyond that. But, I don't think it is something I think we can take on this afternoon, but it is certainly something that needs to be captured. It is a demonstration of what we are coming to expect from Senator Lewis, in terms of the attention and time that he places on important matters that are brought before him. So, I, certainly, do not want to give the impression that we are going to let it evaporate. It is a discussion that needs to be taken up outside of here.

But, this also says to me, and a matter of personal pride that I have in being part of the process and being part of this debate. I certainly have some very strong feelings and experiences of the Justice System in the UK and how black people are treated there, how I have been treated there, and pride in coming home and being able to serve and offer service, and the confidence I have in our people, real confidence that I have in our people, in our systems. Not that they are perfect, not that there are no issues with

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it, but the fact that it is ours and it is for us to make those mistakes, let us make those mistakes, let us learn from those mistakes, let us grow and develop, as our former Colonial Masters, who have had hundreds of years to evolve and get where they are. And, I fundamentally believe, as young and immature as we are, we are mature enough to make our mark, not just here in the Region, but on the international stage.

We have talent, we have competence, we have ability, and I think the question that is being put before us here, in this Chamber, and hoping it would pass here, this afternoon, so that we can ask the same question of every eligible citizen, eligible to vote on November 6th, for each of us to ask ourselves the question, do we have sufficient faith in us, as a people to take this bold step, to say that we are mature enough, to say that we are responsible enough, to say that we want to take ownership of our destiny and to chart our own path. And, if that two-thirds majority is achieved, Mr. Deputy President, it will be a historic moment for us, as a people and I believe it will signal the start of the next phase in our journey, not just in independence, but establishing who we are and who we aspire to be, as a people by taking charge of our own destiny. And, I think we are at a crossroads, and it is something, as a Nation we must take very, very seriously. But, I have confidence and I have faith in who we are as a people. And, I believe it is our collective responsibility, as Senators today, as we are about to be asked to take a vote on this important matter, that we allow this to be taken to the people for the people to decide and for us to have faith in that process.

So, Mr. President, Deputy President, I think I have heard consensus from different perspectives. But, the overarching message is, this is our time, and we have heard all of the reasons why we should support this very important Bill. And, it is for all that is being discussed, not letting any single comment slip, for all of those reasons, Mr. Deputy President, that I commend this Bill for its second reading. **(Applause)**

Mr. Deputy President: Thank you, Senator Stiell, and before we go to the second reading and before I put it, the question on the second reading, I myself want to

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make a few comments, taking prerogative from the Chair, and I know I have precedence from my President.

So, like you, Senator Stiell, my observations are, I am totally impressed with the quality of the debate. Sitting here in this House for a number of years, you come to expect our debate and quality to always be of a higher standard than that 'Other Place', but in this particular instance, I am particularly pleased how we have prepared ourselves, as Senators to deal with the issues of this accession to the CCJ and the issues that have been raised.

I mean, we come to expect quality from Senator Lewis, that is now expectation, but our younger Senators, in particular, Senator George, Senator Williams, Senator Cadet, have impressed me in the manner in which they have dealt with this issue. As indicated, we have ascended the whole issue of party partisan debate on this issue, and we have taken it way above that and into the national realm and what we see as a people going forward, the importance of the decision that is before us. I do not think I need to rehash all the issues that were raised of accessibility, costs, the itinerant court, use of technology and quality of Judges.

I want to just add that, when we talk about the issue of problems that we have at the lower levels of our Court System, the Magistracy level and others; the point that was raised by Senator Williams, with the Jurist Project, which I was fortunate to be a part of, on another hat that I wear, it showed that even though we want part of the Appellate System of the CCJ, the CCJ was still willing to interject into our civil side of the Court and assist directly in getting us to make progress there and to remove significant amount of the backlog.

The issue of the use of technology, again, it is an initiative coming from CCJ. Down to our High Courts where we could submit things, digitally, evidence could be taken across a digital spectrum and bundles and all of that can be something, again, it is an initiative from that level. And, if the CCJ can influence our High Courts, I am certain that if we are able to get them more fully involved through our accession to them under the Appellate Jurisdiction that we certainly can get them to help us solve some of

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the issues we have at the Magistracy level. And, I look at that as an opportunity not to be missed, but rather something that we should take full advantage of in the vein of all the issues that we have. And, we can't solve all at one time, but, at least, it opens a door for us where another one is closed, that being the Privy Council for us to take advantage of it.

So, my two pence is that I see us, as Senator Stiell just indicated, this is an opportunity for us, as a People to take a decision and move it to a point where we all believe it is for the greater good. However, it would not come without its challenges. And, I think we are up to the challenges, we are mature enough to deal with the challenges and we will make mistakes, but the greatest thing about mistakes is the opportunity it presents for us to improve. And, with those few words, I now take us to the second part of this.

Question put and agreed to.

Bill read a second time.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. President, I beg to move that the Senate resolve itself into a Committee of the whole Senate to consider the Bill, Part by Part.

Question put and agreed to.

House in Committee.

House Resumes.

Mr. Deputy President: Honourable Members, I have to report that the Bill was considered by a Committee of the whole Senate and passed without amendment.

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Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move that the Chairman's Report be adopted.

Question put and agreed to.

Chairman's Report adopted.

Mr. President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President. I beg to move the third reading for the Bill, and if I could ask for a Division to indicate the position of each Member.

Mr. Deputy President: As indicated before we started Senate this morning, and my comments on this Bill, I did say we were going to ask for a Division, so I now ask the Clerk to proceed.

Ag. Clerk: Honourable Simon Stiell.

Sen. the Hon. Simon Stiell: Aye.

Ag. Clerk: Honourable Judd Cadet.

Sen. the Hon. Judd Cadet: Aye.

Ag. Clerk: Honourable Norland Cox.

Sen. the Hon. Norland Cox: Aye.

Ag. Clerk: Honourable Winston Garraway.

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Sen. the Hon. Dr. Winston Garraway: Aye.

Ag. Clerk: Honourable Kim George is absent. Honourable Cathisa Williams.

Sen. the Hon. Cathisa Williams: Aye.

Ag. Clerk: Honourable Glynis Roberts.

Sen. the Hon. Glynis Roberts: Aye.

Ag. Clerk: Honourable Dunstan Campbell.

Sen. the Hon. Dr. Dunstan Campbell: Aye.

Ag. Clerk: Honourable Mondy Andrè Lewis.

Sen. the Hon. Mondy Andrè Lewis: Abstention on the basis until the amendment has been addressed. I didn't get a response on that, so I abstain.

Mr. Deputy President: Clerk. Could you please indicate...

Ag. Clerk: Seven (7) ayes; one (1) abstention and three (3) persons absent.

Mr. Deputy President: So, we do have a simple majority?

(Acting Clerk and Deputy President converses)

Mr. Deputy President: Right. So, as we stated, once we have a simple majority, we can move to the third reading. Senator Stiell.

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Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move the third reading of the Bill.

Question put and agreed to.

Bill read a third time and passed.

Clerk Assistant: Item No. 16 - Public Business.

Item No. 17 - Adjournment.

Mr. Deputy President: Senator Williams.

Sen. the Hon. Cathisha Williams: Mr. Deputy President, as I believe this is the appointed time, I have not yet had the opportunity to deliver my maiden address, so I seek your leave to do so.

Mr. Deputy President: Please proceed.

Sen. the Hon. Cathisha Williams: Thank you. Mr. Deputy President, if you will allow me to read, just a bit. Thank you.

Mr. Deputy President, Honourable Members, the enormity of the function which I am expected to perform, as a Member of the Legislative Arm of my country is not lost on me. From the moment I accepted our Prime Minister's call to serve in the Senate, to this moment, today, I am continuously aware of my responsibility to uphold the democratic traditions of our political institutions, to channel the remonstrations and aspirations of the nation and to make laws for the betterment and wellbeing of our people. This daunting role is neither one that I had ever imagined performing, nor one that a few political science courses at UWI could have ever prepared me for.

However, it is a role that I feel most grateful and honoured to have been charged with, and one which I hope to effectively fulfill with the guidance of the Divine, the

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support of my family and colleagues and by my adherence to a few fundamental principles.

The principles to which I refer are not academic or obscure, but they are the basic universal principles, which have been transmitted through our Ancestors and taught through our folklore and religions, stated informly, these include being kind to others, doing unto others, as you would like them do unto you, and loving your neighbour, as yourself. I believe that with the application of these very basic mores, we can realise the ideal outcome of any task, in any aspect of our lives and the legislature is no different.

Therefore, I pray that the Laws, which we pass, our reflection of the love that we have for our neighbours, the kind regard we give to our brothers, the well wishes we have even for those who wish us harm and a reflection of the reality that we want to shape, equally, for ourselves and the people we serve. There are many perceptions of what it is that we do in these Chambers, as Senators, as Ministers, as Constituency Representatives, and I daresay the ‘P’ word, as ‘Politicians.’

Historically, many of these impressions are cynical or pessimistic and are often influenced by the public sense of being removed from the decision-making processes. These negative impressions are also influenced by the human tendency to magnify and sensationalise scandalous political events, while remaining mum, or significantly less enthusiastic about praiseworthy achievements. It doesn’t help that our international political scene is reminiscent of reality TV shows, or soap operas, especially in recent times. To address the ensuing pervasive sense of political apathy, there has been an international effort to revamp the faces of our Parliamentary Assemblies, so that they can better reflect the diversity of the people they represent. Consequently, the United Kingdom and Canadian Parliaments are now the most diverse they have ever been in their history, with a rise on the number of women and ethnic minority MPs. Not to be left behind, our Parliament is one of the most diverse in our Nation’s history with more female and youth representation than ever before. **(Applause)**

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I believe that the diverse composition of this Parliament is a testament to this Government's commitment to embody the views of and to make Laws for all people, for every representative group of our society, and I am proud to lend my voice to this discourse. As a woman, as a youth, as an Attorney, as a daughter of the parish of St. John, it is my hope that this historic Tenth Parliament can help to improve, or further improve, the antiquated perception of politics, so that it may be viewed as the noble and enlightened activity that it is.

Hannah Arendt, a German Political Theorist argued that politics is the most important form of human activity because it involves interaction amongst free and equal citizens. It thus gives meaning to life and affirms the uniqueness of each individual. This public character of our Assemblies and the all inclusiveness of our democracy is the reason that any person from any walk of life may have the opportunity to sit in these national debating Chambers. Even a gangly little girl, of very modest means who at one point wanted to find the cure for AIDS and Cancer and who sometimes had the awkward task of explaining to her peers why her father named her Lenin after the Communist Russian Revolutionary, that little girl was me. Fortunately, to the relief of some, my political persuasions do not exactly mirror those of my namesake.

Growing up, an only child, often immersed in my creative pursuits, I had many ambitions, and although I developed an academic interest in the science of politics and Government, my ambitions were never of a political nature. However, my acceptance of this Senatorial position, after much reflection, was a decision grounded in the realisation that individual goals are secondary to the greater good and serving the people of Grenada is a privilege that should never be eschewed. **(Applause)**

I was also guided by my father's words that; "As human beings, we may not always be aware of our potentials or our purposes, but there are moments when we may be guided to a higher calling and we must be prepared to accept or answer that call."

I must thank Dr. the Rt. Honourable Keith Mitchell for facilitating that call and the confidence that he has reposed in me by moving my appointment. I would not have

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even been eligible for any such elevation, if it wasn't for the nurture and sacrifice of Jane and Martin Williams, my loving parents, who taught me, at an early age, the importance of education, of good manners and, ironically, of fighting for what you believe in, that is.

I am forever grateful for their unconditional support and the support of my other family members, friends, colleagues and anyone who has ever expressed a word of encouragement to me. Thanks to Mr. President, Mr. Deputy President, and the Honourable Members, my introduction to Parliament has, thus far, been a pleasant one and I look forward to working with you, collectively, to engineer the great Grenadian future.

I envision that this will entail tackling many contemporary issues such as Climate Change and the Environment, the implications of global trade disputes and Constitutional Reform. Certainly, I imagine that the ongoing concerns of poverty, unemployment and social services will also be addressed. I am encouraged by the legislation that has been passed thus far, in the short life of this Tenth Session and hope that it is an indication of the great things ahead.

I trust this Session would be a transformative one; that we will represent purely and fully the interest of the people; that we will provide scrutiny and oversight; that we will strive for necessity rather than political expediency and that through our actions, we will further cement the legitimacy of our great democracy. I am happy and blessed to be an agent in this most rewarding vocation. I thank you. **(Applause)**

Mr. Deputy President: Senator Stiell.

Sen. the Hon. Simon Stiell: Mr. Deputy President, I beg to move the adjournment *sine die*.

Question proposed.

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Mr. Deputy President: But, before we go there, I just want to comment and say that Senator Williams after that Maiden Voyage Speech that you should have given the last time, but you weren't here, I am now more reinforced that when fellahs like myself and the Leader of Government's Business fade from this Honourable Senate, we are assured that the quality of the young Senators that we have is going to certainly do us proud to carry on the traditions of this very Honourable House.

Question put and agreed to.

Senate adjourned sine die at 3:47 p.m.

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