CONTRIBUTION BY
THE HONOURABLE T. DESMOND BANNISTER
MINISTER OF EDUCATION
AT
THE HONOURABLE HOUSE OF ASSEMBLY
ON A PACKAGE OF CRIME BILLS
ON WEDNESDAY, 12TH OCTOBER, 2011

INTRODUCTION

MR. SPEAKER, I RISE TO MOVE FOR THE SECOND READING OF TEN (10) BILLS WHICH ARE AIMED DIRECTLY AT WHAT WE PERCEIVE TO BE ASPECTS OF OUR CRIMINAL JUSTICE SYSTEM THAT CAN BE IMPROVED.

IN MOVING THIS LEGISLATION THE GOVERNMENT IS FULLY COGNIZANT OF THE FACT THAT EVERY BAHAMIAN HAS A ROLE TO PLAY IN ENSURING THAT WE HAVE THE TYPE OF SOCIETY THAT THE PREAMBLE OF OUR CONSTITUTION REFERS TO WHEN IT PROVIDES THAT:

> "THE PEOPLE OF THIS FAMILY OF ISLANDS RECOGNIZE THAT THE PRESERVATION OF THEIR

FREEDOM WILL BE GUARANTEED BY A NATIONAL COMMITMENT TO SELF-DISCIPLINE, INDUSTRY, LOYALTY, UNITY AND AN ABIDING RESPECT FOR CHRISTIAN VALUES AND THE RULE OF LAW."

IN BRINGING THESE BILLS, MR. SPEAKER, WE HAVE, THEREFORE, SOUGHT TO BALANCE THE RIGHTS OF THE INDIVIDUAL WHILST SEEKING TO ENSURE THAT WE TAKE STEPS TO PRESERVE THE FREEDOM OF ALL BAHAMIANS TO LIVE IN A SOCIETY WHERE FEAR IS NOT THEIR CONSTANT COMPANION. WE BELIEVE THAT THE BAHAMIAN PEOPLE FOLLOW OUR LEAD IN A NATIONAL RECOMMITMENT TO THE VALUES THAT ARE ENSHRINED IN THE PREAMBLE TO ENSURE THAT THERE IS FELT NATIONALLY AN ABIDING RESPECT FOR OUR CHRISTIAN VALUES AND THE RULE OF LAW.

MR. SPEAKER, THE TEN BILLS ARE:

1. THE PENAL CODE (AMENDMENT) BILL, 2011
2. THE BAIL (AMENDMENT) BILL, 2011

3. THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2011
4. THE PAWNBROKERS AND SECONDHAND DEALERS BILL, 2011
5. THE FIREARMS (AMENDMENT) BILL, 2011
6. THE DANGEROUS DRUGS (AMENDMENT) BILL, 2011
7. THE EVIDENCE (AMENDMENT) BILL, 2011
8. THE COURT OF APPEAL (AMENDMENT) BILL, 2011
9. THE SEXUAL OFFENCES (AMENDMENT) BILL, 2011
10. THE CUSTOMS MANAGEMENT (AMENDMENT) BILL, 2011

THE ELEVENTH BILL, THE CRIMINAL EVIDENCE (WITNESS ANONYMITY) BILL, 2011 WILL BE DEBATED SEPARATELY.

MR. SPEAKER, THIS IS A TIME OF SERIOUS REFLECTION IN OUR COUNTRY. IT IS ALSO A TIME FOR SERIOUS

DEBATE, SIR, AND WE EXPECT THAT IN SOME CASES THERE WILL BE DIVERGENT VIEWS; AFTER ALL REASONABLE PEOPLE DO DISAGREE. WE WERE ALL ELECTED BY THE PEOPLE, AND THEY EXPECT THAT WE WILL EXPRESS OUR VIEWS OPENLY AND FORTHRIGHTLY; AND THAT THE INTERESTS OF THE COUNTRY WILL BE FOREMOST.

I TURN FIRST TO

2. **THE PENAL CODE (AMENDMENT) BILL, 2011**

MR. SPEAKER, JUST A FEW SHORT DAYS AGO WE WERE ALL FACED WITH THE HORRIBLY REVOLTING SPECTACLE OF THE MURDER OF ELEVEN YEAR OLD MARCO ARCHER. THE FACTUAL CIRCUMSTANCES SICKENED THE STOMACHS OF ALL RIGHT THINKING BAHAMIANS, AND IT MUST HAVE SOBERED ALL OF US WHO ARE PARENTS.

AS WE ASK OURSELVES WHAT TYPE OF BEAST HAVE WE BIRTHED AND NURTURED IN THIS SOCIETY, WHO WOULD DO THIS TO AN INNOCENT CHILD, WE ARE ALSO OBLIGED TO CAREFULLY REVIEW THE LAW AS IT RELATES TO THE OFFENCE OF MURDER, AND MAKE SOBER DECISIONS TO PROTECT OUR CITIZENS AND TO PUNISH OFFENDERS. THE PENAL CODE (AMENDMENT) BILL, 2011 HAS JUST SUCH AN OBJECTIVE.

MR. SPEAKER, SINCE IT'S COMMENCEMENT IN 1927, THE BAHAMIAN PENAL CODE HAS PROVIDED A COMPREHENSIVE CODE OF CRIMES AND PUNISHMENTS UPON WHICH WE HAVE ALL RELIED.

SECTION 291 OF THE PENAL CODE PROVIDES THAT "WHOEVER COMMITS MURDER SHALL BE LIABLE TO SUFFER DEATH." THROUGH THE YEARS, SIR, LAWYERS AND JUDGES ALL TOOK THE VIEW THAT THE DEATH PENALTY WAS MANDATORY FOR THE CRIME OF MURDER, IT WAS AS SIMPLE AS THAT; YOU COMMIT

MURDER, YOU DIE. FEW OF US GAVE IT A SECOND THOUGHT.

THE COURTS CAME ALONG, MR. SPEAKER, AND ON 8TH MARCH, 2006, THE PRIVY COUNCIL DETERMINED THAT THE DEATH PENALTY WAS NOT A MANDATORY PENALTY FOR A CONVICTION OF MURDER. THEY DETERMINED THAT THE LAW UNDER WHICH WE HAVE HUNG FIFTY PEOPLE SINCE 1929 IMPOSED A DISCRETIONARY SENTENCE OF DEATH.

MR. SPEAKER, I PAUSE HERE TO SAY THAT WHATEVER PERSONAL VIEWS WE MAY HOLD INDIVIDUALLY, THE CONCEPT OF THE SEPARATION OF POWERS IS THE VITAL UNDERPINING THAT HOLDS OUR DEMOCRACY TOGETHER. THE LEGISLATURE, THE EXECUTIVE AND THE JUDICIARY ALL HAVE COUNTERBALANCING ROLES. WE MUST RESPECT THE ROLE THAT EACH PLAY IN PROTECTING THE DEMOCRATIC FREEDOMS WHICH ARE ENSHRINED IN OUR CONSTITUTION, AND WHICH WE HOLD SO DEAR.

THE COURTS HAVE POINTED OUT THAT

> "ALL KILLINGS WHICH SATISFY THE DEFINITION OF MURDER ARE NOT EQUALLY HEINOUS", AND THAT "IT IS PRACTICALLY IMPOSSIBLE TO LAY DOWN AN INFLEXIBLE RULE WHICH THE SAME PUNISHMENT MUST IN EVERY CASE BE INFLICTED IN RESPECT OF EVERY CRIME FALLING WITHIN A GIVEN DEFINITION BECAUSE THE DEGREES OF MORAL GUILT AND PUBLIC DANGER INVOLVED IN OFFENCES WHICH BEAR THE SAME NAME AND FALL UNDER THE SAME DEFINITION MUST OF NECESSITY VARY".

IN SHORT, THE COURTS HAVE SENT A CLEAR MESSAGE THAT THE SENTENCE FOR EACH PERSON WHO IS CONVICTED OF MURDER MUST BE DETERMINED INDIVIDUALLY ON IT'S OWN MERITS, AND NOT BY A PRESET FORMULA. GIVEN THESE CIRCUMSTANCES, MR.

SPEAKER, MEMBERS OPPOSITE PASSED NO SENTENCING GUIDELINES; NOR DID THEY AMEND THE PENAL CODE BETWEEN THE DELIVERING OF THE FORRESTER BOWE DECISION AND THE DATE THAT THEY DEMITTED OFFICE. THEY LEFT THAT FOR US TO DO.

MR. SPEAKER, THE PRIVY COUNCIL HAS GIVEN MORE GUIDANCE ON THE ISSUE. IN THE TRIMMINGHAM CASE THE PRIVY COUNCIL SAID THAT FIRST "THE DEATH PENALTY SHOULD BE IMPOSED ONLY IN CASES WHICH ON THE FACTS OF THE OFFENCE ARE THE MOST EXTREME AND EXCEPTIONAL, THE WORST OF TH E WORST OR THE RAREST OF THE RARE."

ONCE WE HAVE MADE THIS DETERMINATION, THE COURT SAID WE MUST THEN DETERMINE "THAT THERE MUST BE **NO** REASONABLE PROSPECT OF REFORM OF THE OFFENDER AND THAT THE OBJECT OF PUNISHMENT COULD NOT BE ACHIEVED BY ANY MEANS OTHER THAN THE ULTIMATE SENTEANCE OF DEATH."

MR. SPEAKER, LEADERS WHO ARE STATESMEN SHOULD UTILIZE OPPORTUNITIES SUCH AS THIS AS TEACHABLE MOMENTS. WE HAVE A DUTY TO EDUCATE AND INFORM. WE SHOULD, THEREFORE, ADVISE BAHAMIANS THAT THE COURTS ARE VERY RELUCTANT TO EXECUTE ANYONE, AS THE FACTS OF THE TRIMMINGHAM CASE REVEAL. THAT WAS A CASE IN WHICH THE LAW REPORTS REVEAL (THIS IS A BIT GRAPHIC, SIR) THAT THE ACCUSED TRIED TO ROB A SIXTY-EIGHT YEAR OLD MAN. HE CUT HIS VICTIM'S THROAT WITH A CUTLASS, AND THEN CUT HIS HEAD OFF. HE REMOVED THE VICTIM'S TROUSERS AND WRAPPED THE HEAD IN IT WHILE MAKING AN UNCOMPLIMENTARY REMARK ABOUT THE MAN'S PENIS. HE THEN SLIT THE VICTIM'S BODY WITH HIS CUTLASS AND BURIED HIS HEAD IN A BANANA GROVE BEFORE STEALING THE MAN'S GOATS.

MR. SPEAKER, THAT IS ONE OF THE MOST CALLOUS, DISGUSTING, CRUEL, SAVAGE AND BARBARIC KILLINGS THAT ANYONE COULD EVER IMAGINE; YET THE

COURTS MOVED THE GOAL AGAIN BY SAYING THAT EVEN THOUGH THE KILLING WAS REVOLTING, IT COULD NOT BE CATEGORIZED AMONG THE WORST OF SADISTIC KILLINGS. WHEN ONE LOOKS AT THE FACTS OF THE TRIMMINGHAM CASE AND THE MAXO TIDO CASE, ONE HAS TO CONCLUDE THAT THE COURTS WILL BE VERY RELUCTANT TO SENTENCE CONVICTED MURDERERS TO DEATH; SINCE THE STANDARD OF CASES BEING THE WORST OF THE WORST, AND THERE BEING **NO** REASONABLE PROSPECT OF REFORM ARE EXTREMELY DIFFICULT TO MEET.

THAT IS WHERE THE LAW STANDS TODAY, SIR, AND NO MATTER WHAT ANY OF US MAY THINK OF THE PRIVY COUNCIL, THEIR PRESENCE AS OUR FINAL APPELLATE COURT HAS ENABLED THE BAHAMAS TO BE RESPECTED INTERNATIONALLY FOR THE STABILITY OF OUR LEGAL SYSTEM. WE SAY IT ALL THE TIME IN THE TOURISM AND BANKING BROCHURES.

AGAINST THIS EVOLVING BACKGROUND, MR. SPEAKER, THE HONOURABLE ATTORNEY GENERAL HAS PATIENTLY CRAFTED THIS AMENDMENT TO THE PENAL CODE THAT IS BEFORE US TODAY. I COMMEND HIM AND HIS STAFF FOR INCLUDING ALL OF THE RELEVANT PRINCIPLES IN THE LEGISLATION. IF WE SEEK TO GIVE OUR COURTS THE OPTION OF IMPOSING THE DEATH PENALTY IN CASES OF MURDER, MR. SPEAKER, THEN I VENTURE TO SAY THAT THIS BILL HAS BEEN CRAFTED IN SUCH A MANNER SO TO COMPLY WITH THE DIRECTIVES OF THE COURTS.

THE BILL FIRST AMENDS SECTION 290 OF THE PENAL CODE BY SPECIFYING THE CIRCUMSTANCES IN WHICH A PERSON WHO IS CONVICTED OF MURDER MAY BE SENTENCED TO DEATH. THESE ARE:

1. THE KILLING OF A MEMBER OF A DISCIPLINED FORCE, SUCH AS A POLICE OFFICER, PRISON OFFICER OR DEFENCE FORCE OFFICER WHO IS ACTING IN THE EXECUTION OF HIS DUTIES, OR

SOMEONE WHO IS ASSISTING SUCH AN OFFICER TO CARRY OUT HIS DUTIES; AS WELL AS THE KILLING OF ANYONE WHO IS ACTING PURSUANT TO POWERS, AUTHORITY OR PRIVILEGES AS ARE GIVEN TO MEMBERS OF THE ROYAL BAHAMAS POLICE FORCE. MEMBERS WOULD APPRECIATE THAT THE CONSTITUTION PERMITS PARLIAMENT TO PASS LEGISLATION TO SUPPLEMENT THE LIST OF DISCIPLINED FORCES; HENCE IF WE SO CHOOSE TO DO SO TO ALLEVIATE ANY DOUBT, WE ARE AT LIBERTY TO SPECIFY CUSTOMS AND IMMIGRATION OFFICERS TO FALL WITHIN THIS CATEGORY.

2. THE KILLING OF A JUDICIAL OFFICER WHO IS ACTING IN THE COURSE OF HIS DUTIES, OR SOMEONE WHO IS ASSISTING THAT JUDICIAL OFFICER TO CARRY OUT HIS DUTIES. AND MR. SPEAKER, JUDICIAL OFFICER, IS DEFINED TO INCLUDE JUDGES OF THE COURT OF APPEAL;

JUSTICES OF THE SUPREME COURT; THE REGISTRAR OR DEPUTY REGISTRAR OF BOTH OF THOSE COURTS; MAGISTRATES; THE ATTORNEY GENERAL, THE DIRECTOR OF PUBLIC PROSECUTIONS AND ATTORNEYS IN THE OFFICE OF THE ATTORNEY GENERAL OR THE DIRECTOR OF PUBLIC PROSECUTIONS; OR ANYONE PERFORMING THE FUNCTIONS OF ANY OF THE PERSONS NAMED.

3. THE MURDER OF A WITNESS OR PARTY TO PENDING OR CONCLUDED CIVIL OF CRIMINAL PROCEEDINGS IN OUR COURTS; AND THE MURDER OF A JUROR IN A CRIMINAL CASE, WHETHER THAT CASE IS ONGOING OR HAS BEEN CONCLUDED.

4. ANY MURDER COMMITTED IN THE COURSE OF OR IN FURTHERANCE OF A ROBERRY, RAPE, KIDNAPPING, ACT OF TERRORISM OR ANY OTHER FELONY. MR. SPEAKER, A FELONY IS A

CRIME FOR WHICH ONE MAY BE SENTENCED TO IMPRISONMENT FOR THREE YEARS OR MORE, SO THIS CATEGORY IS QUITE COMPREHENSIVE.

5. THE MURDER OF MORE THAN ONE PERSON.

6. A MURDER COMMITTED BY A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF MURDER, WHETHER INSIDE OR OUTSIDE THE BAHAMAS; AND

7. A MURDER WHERE SOMEONE IS EITHER PAID OR HAS PROMISED PAYMENT TO THE ACCUSED OR TO A THIRD PARTY AS CONSIDERATION FOR CAUSING OR ASSISTING IN CAUSING THE DEATH OF ANOTHER PERSONS; OR FOR COUNSELLING OR PROCURING ANOTHER PERSON TO DO AN ACT WHICH CAUSES OR ASSISTS IN CAUSING THAT DEATH. MR. SPEAKER, MEMBERS WILL NOTE THAT THE PAYMENT THAT I REFER TO MAY BE IN MONEY OR ANYTHING OF VALUE.

HONOURABLE MEMBERS SHOULD ALSO NOTE, SIR, THAT WHEN TWO OR MORE PEOPLE GET TOGETHER IN A PLAN TO CAUSE THE DEATH OF ANOTHER PERSON, ALL WILL BE LIABLE TO THE DEATH PENALTY ONCE THEY DID ANYTHING IN FURTHERANCE OF THE PLAN, EVEN IF IT WAS ONLY TO DRIVE THE GETAWAY VEHICLE.

MR. SPEAKER, IT IS INTERESTING TO NOTE THAT AS FAR BACK AS 1998 THE NATIONAL COMMISSION ON CRIME CHAIRED BY THEN JUSTICE BURTON HALL AND COMPRISED OF DEPUTY CHAIRMAN, DR. DAVID ALLEN, REV. CHARLES SWEETING, PASTOR KEITH ALBURY, BISHOP CEPHAS FERGUSON, REV. SIMEON HALL, PASTOR JONATHAN CAREY, MS. SHARON POITIER, MS. JESSICA MINNIS, DR. ELLISTON RAHMING AND THE VENERABLE ARCHDEACON, WILLIAM THOMPSON RECOMMENDED THAT "NOTWITHSTANDING THE OSTENSIBLY 'MANDATORY' NATURE OF THE DEATH PENANLTY FOR MURDER, THE CIRCUMSTANCES OF EACH CASE ARE CAREFULLY REVIEWED TO DETERMINE

WHETHER THE PENALTY SHOULD BE EXACTED." THE COMMISSION THEN RECOMMENDED THAT THE DEATH PENALTY BE RESERVED FOR CATEGORIES OF MURDER SIMILAR TO THE ONES THAT ARE NOW BEING PUT FORWARD IN THIS BILL. IN DOING SO, MR. SPEAKER, THEY OBVIOUSLY SAW THE WRITING ON THE WALL WITH RESPECT TO THE IMPOSITION OF THE DEATH PENALTY. THEY WERE BOLD ENOUGH TO STATE IT PUBLICLY, SIR, AND WE AS STATESMEN HAVE TO BE ABLE TO ENACT LAWS BASED ON THE GUIDANCE PROVIDED BY REASONABLE MINDS.

MR. SPEAKER, IN ALL OF THE CASES THAT I HAVE MENTIONED, A PERSON WHO IS CONVICTED OF MURDER IS LIABLE TO BE SENTENCED TO DEATH UNLESS THE COURT DETERMINES THAT HE OUGHT TO BE SENTENCED TO LIFE IMPRISONMENT.

MR. SPEAKER, HONOURABLE MEMBERS WILL SEE THAT THIS BILL IS A BOLD ATTEMPT TO PERMIT OUR COURTS TO COMPLY WITH THE CASE LAW AS IT CURRENTLY

STANDS SO THAT THOSE WHO COMMIT THE WORST OF THE WORST MURDERS WILL BE SUBJECT TO THE DEATH PENALTY.

MR. SPEAKER, I WOULD BE REMISS IF I DID NOT ADVISE MEMBERS OF THE COUNTRIES THAT HAVE CARRIED OUT THE DEATH PENALTY IN 2011. THESE ARE BANGLADESH, CHINA, IRAN, NORTH KOREA, THE PALESTINIAN AUTHORITY, SAUDI ARABIA, SOMALIA, THE UNITED ARAB EMIRATES AND THE UNITED STATES OF AMERICA. WE HAVE TO BE AWARE OF THE COMPANY THAT WE ARE KEEPING, SIR. NOWADAYS, THE TREND INTERNATIONALLY HAS BEEN TO EITHER ABOLISH THE DEATH PENALTY OR TO NOT ENFORCE IT.

THE POSITION OF THE FREE NATIONAL MOVEMENT GOVERNMENT UNDER THE LEADERSHIP OF THE RIGHT HONOURABLE MEMBER FOR NORTH ABACO, SIR, IS TO ENFORCE THE LAWS THAT ARE IN THE BOOKS. FIVE LAWFUL EXECUTIONS HAVE BEEN CARRIED OUT BETWEEN 1997 AND 2000, SOME DESPITE PROTESTS

FROM INFLUENTIAL AND PRIVILEGED MEMBERS OF THIS SOCIETY (RIGHT ENGLERSTON AND FOX HILL). IN CONTRAST, MR. SPEAKER, NOT ONE EXECUTION WAS CARRIED OUT DURING THE CHRISTIE ADMINISTRATION DESPITE THE FACT THAT THE MANDATORY DEATH PENALTY WAS NOT DECLARED UNCONSTITUTIONAL UNTIL 2006, AFTER THEY HAD BEEN IN OFFICE FOR ALMOST FOUR YEARS. SWIFT JUSTICE JUST WAS NOT VERY SWIFT WHEN IT CAME TO ENSURING THAT MURDERERS PAID THE ULTIMATE PENALTY UNDER THE FORMER ADMINISTRATION, SIR. ON THIS SIDE, MR. SPEAKER, NOBODY'S PERSONAL VIEWS GET IN THE WAY OF ENFORCING THE LAW; HENCE MEMBERS OUGHT TO CONSIDER THESE AMENDMENTS CAREFULLY, AND FRANKLY; AND FORTHRIGHTLY DEBATE THE PROVISIONS TO DETERMINE THE COURSE THAT WE TAKE WITH THIS LEGISLATION.

WE ARE CONVINCED THAT AT THIS TIME THE BAHAMIAN PEOPLE WISH TO RETAIN THE DEATH PENALTY IN AS MANY CASES OF MURDER AS POSSIBLE;

HENCE WE HAVE SOUGHT TO EMBRACE AS MANY FACTUAL CIRCUMSTANCES AS POSSIBLE IN MAKING CONVICTED MURDERERS SUBJECT TO THE DEATH PENALTY.

HOWEVER, MR. SPEAKER, WE KNOW THAT ULTIMATELY IN EACH CASE THE DECISION LIES IN THE DISCRETION OF THE COURTS. HENCE, SIR, IN ALL CASES OTHER THAN THOSE THAT I MENTIONED, THE BILL PROVIDES THAT AN ADULT WHO IS CONVICTED OF MURDER SHALL BE SENTENCED TO LIFE IMPRISONMENT OR TO A TERM OF THIRTY TO SIXTY YEARS IMPRISONMENT. THE AMENDMENT ALSO SPECIFIES THAT IMPRISONMENT FOR LIFE MEANS "IMPRISONMENT FOR THE WHOLE OF THE REMAINING YEARS OF A CONVICTED PERSON'S LIFE"; SO THERE WILL BE NO DOUBT THAT LIFE NOW MEANS LIFE, AND NOT A TERM OF YEARS AS SOME COURTS HAVE SOUGHT TO DETERMINE.

BEFORE MOVING ON TO THE NEXT BILL, MR. SPEAKER, IT IS IMPORTANT FOR MEMBERS TO KNOW THAT A PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO COMMITS MURDER IS TO BE DETAINED IN LEGAL CUSTODY AT THE COURT'S PLEASURE. THE BILL GIVES THE COURT THE POWER TO REVIEW THE SENTENCE OF DETENTION ONLY AFTER TWENTY YEARS HAVE ELAPSED; AND THEREAFTER EVERY FIVE YEARS. HENCE THE LAW WILL NOW PROVIDE THAT SUCH PERSONS WILL HAVE TO BE DETAINED FOR A MINIMUM OF TWENTY YEARS.

FINALLY, SIR, THE BILL AMENDS THE PENALTY FOR THE OFFENCE THAT WE COMMONLY REFER TO AS ARMED ROBBERY, AND SUBSTITUTES A PENALTY OF IMPRISONMENT OF FIFTEEN TO TWENTY YEARS FOR THOSE FOUND GUILTY OF THAT OFFENCE.

I NOW TURN TO

3. THE BAIL AMENDMENT BILL, 2011

MR. SPEAKER, NEXT TO THE TOPIC OF CAPITAL PUNISHMENT, THERE IS NO TOPIC IN THE CRIMINAL JUSTICE SYSTEM THAT CAUSES AS MUCH COMMENT AS DISCUSSION WHICH IS CENTRED ON THE ISSUE OF BAIL. ON THIS SUBJECT, SIR, WE ALL HOLD FAST TO OUR OPINIONS EVEN WHEN THEY PROVE TO BE UNINFORMED AND INCORRECT.

MR. SPEAKER, THE CONSTITUTION IS THE SUPREME LAW OF THE LAND. THE FRAMERS DELIBERATELY ENTRENCHED CERTAIN PROVISIONS OF THE CONSTITUTION SO THAT PARLIAMENT COULD NOT TAMPER WITH THEM LIGHTLY OR ARBITRARILY.

AMONG THESE PROVISIONS ARE THE BILL OF RIGHTS, AND THE RIGHT OF EVERY BAHAMIAN WHO IS ARRESTED OR DETAINED TO BE BROUGHT BEFORE A COURT WITHOUT UNDUE DELAY; AND TO BE RELEASED EITHER UNCONDITIONALLY OR UPON REASONABLE TERMS IF HE IS NOT TRIED WITHIN A REASONABLE TIME.

MR. SPEAKER, THAT PROVISION, AND THE ABILITY OF THE SUPREME COURT TO ENFORCE IT ON OUR BEHALF SEPARATES US FROM MANY PEOPLE AROUND THE WORLD WHO ARE PICKED UP BY POLICE AUTHORITIES AND LOST IN JAIL FOR MONTHS OR YEARS, MANY OF THEM INNOCENT OF ANY OFFENCE.

THAT CONSITUTIONAL PROVISION MAKES IT POSSILBE FOR THE COURTS TO PROTECT US FROM ARBITRARY DETENTION. IN SOME COUNTRIES SIR, BEING A MEMBER OF THE OPPOSITION COULD STILL TODAY SUBJECT ONE TO INDEFINITE DETENTION; NOT SO IN THE BAHAMAS.

FOR THIS REASON, MR. SPEAKER, THE RIGHT TO BAIL IS NOT A SUBJECT TO BE TAKEN LIGHTLY. MR. SPEAKER, THIS BILL HAS BEEN TABLED PURSUANT TO THE RIGHT HONOURABLE PRIME MINISTER'S PROMISE TO DO SO AS SOON AS WE RETURNED FROM THE SUMMER BREAK. HE HAS LIVED UP TO HIS PROMISE, AND HAS TABLED A THOROUGH AMENDING BILL, WHICH WE BELIEVE

PROTECTS THE RIGHTS OF INDIVIDUAL BAHAMIANS AND SOCIETY IN GENERAL.

IN THIS RESPECT, MR. SPEAKER, HE IS BEING COMPLETELY CONSISTENT. YOU SEE, MR. SPEAKER, IT WAS THE FREE NATIONAL MOVEMENT GOVERNMENT UNDER HIS LEADERSHIP WHICH TABLED AND PASSED THE FIRST BAIL ACT OF THE BAHAMAS IN 1994, AFTER THE ROYAL COMMISSION OF INQUIRY RECOMMENDED IT TO THE PROGRESSIVE LIBERAL PARTY GOVERNMENT IN 1984, AND THEY FAILED TO TABLE A BAIL BILL IN THE ENSUING EIGHT YEARS THAT THEY WERE IN POWER. THOSE WERE THE DAYS, MR. SPEAKER, WHEN THE BAHAMAS WAS LABELLED INTERNATIONALLY AS A NATION FOR SALE; A PLACE WHERE INTERNATIONAL DRUG TRAFFICKERS COULD EASILY GET BAIL.

MR. SPEAKER, THAT UNREASONABLE DELAY WAS COMPOUNDED BY THEIR FAILURE TO AMEND THE BAIL ACT ONCE DURING THEIR FIVE YEARS AS THE GOVERNMENT OF THE BAHAMAS FROM 2002 TO 2007;

HENCE ANY CRITICISM FROM THE OTHER SIDE OF THE TIMING OF THE TABLING OF THIS AMENDMENT, SIR, IS ENTIRELY DISINGENOUS, AS THE BAIL ACT AND EVERY SINGLE AMENDMENT TO IT HAS BEEN BROUGHT BY SUCCESSIVE FREE NATIONAL MOVEMENT GOVERNMENTS UNDER THE LEADERSHIP OF THE RIGHT HONOURABLE MEMBER FOR NORTH ABACO. MOREOVER, MR. SPEAKER, THE CALL BY THE LEADER OF THE OPPOSITION, THE RIGHT HONOURABLE MEMBER FOR FARM ROAD AND CENTREVILLE, IN HIS 2009 CONVENTION ADDRESS FOR "A CONSTITUTIONAL AMENDMENT TO RESTRICT THE GRANTING OF BAIL IN CAPITAL CASES" IS IN OUR VIEW SHORTSIGHTED. FIRST, IF ALL THAT THE RIGHT HONOURABLE MEMBER WANTED TO ACCOMPLISH WAS TO "RESTRICT" THE GRANTING OF BAIL IN CAPITAL CASES, WE WILL SHOW HIM TODAY THAT NO CONSTITUTIONAL AMENDMENT IS NEEDED. IF, HOWEVER, HE WANTED THE CONSTITUTIONAL AMENDMENT IN ORDER TO DENY BAIL TO SUCH PERSONS, THEN HE SHOULD BE AWARE THAT HIS STATEMENT WAS JUST PLAIN WRONG SINCE

THE COURTS HAVE DECLARED THAT AT COMMON LAW THEY HAVE HAD AND STILL RETAIN THE POWER TO GRANT BAIL EVEN FOR TREASON AND MURDER. MOREOVER, THE CONSTITUTIONAL RIGHT THAT HE SPEAKS OF GOES BACK TO THE 1964 CONSTITUTION.

HENCE, EVEN IF IT HAD BEEN DESIRABLE, AN AMENDMENT TO THIS PROVISION WOULD NOT HAVE THE EFFECT IN LAW THAT THE OPPOSITION LEADER SEEMED TO BELIEVE THAT IT WOULD HAVE. WE HAVE TO BE FORTHRIGHT WITH THE BAHAMIAN PEOPLE, MR. SPEAKER. THEY HAVE TO KNOW THE TRUTH ABOUT THE LAW, AND THEY WILL RESPECT US FOR IT.

MR. SPEAKER, THIS BILL HAS BEEN CAREFULLY CRAFTED BY THE HONOURABLE ATTORNEY GENERAL TO FOLLOW CLOSELY THE GUIDELINES PROVIDED BY OUR COURTS. IN DOING SO, MR. SPEAKER, HE HAD TO BE MINDFUL THAT THE COURTS VALUE THE LIBERTY OF THE SUBJECT AND JEALOUSLY GUARD THE RIGHT TO GRANT BAIL. FOR THIS REASON, MR. SPEAKER, THE

COURTS HELD THAT THE 1996 AMENDMENTS TO SECTION 4 (2) OF THE BAIL ACT WERE UNCONSTITUTIONAL.

IT IS IMPORTANT TO REMEMBER, MR. SPEAKER, THAT THE BAHAMAS WAS IN THE MIDST OF A CRIME WAVE IN 1996 AND THE GOVERNMENT SOUGHT TO PROHIBIT THE GRANTING OF BAIL FOR PERSONS WHO WERE CHARGED WITH CERTAIN VERY SERIOUS OFFENCES AND AMENDED THE ACT TO SAY THAT PERSONS CHARGED WITH THE OFFENCES OF KIDNAPPING, MURDER, ARMED ROBBERY AND TREASON, AND WITH CONSPIRACY TO COMMIT ANY OF THESE OFFENCES "SHALL NOT BE GRANTED BAIL". THE COURTS HAVE NOW AFFIRMED THAT THEY ARE THE GUARDIANS OF THE CONSTITUTION, AND HAVE DETERMINED THAT THEY HAVE A DISCRETION WHETHER OR NOT BAIL SHOULD BE GRANTED EVEN IN THESE VERY SERIOUS CASES.

MR. SPEAKER, THE COURTS ACKNOWELDGE THAT WE IN PARLIAMENT HAVE THE POWER TO RESTRICT THE

GRANTING OF BAIL, BUT NOT TO PROHIBIT IT ENTIRELY; HENCE THE AMENDMENTS WHICH WE ARE CURRENTLY DEBATING, SIR.

THE AMENDMENT EXPANDS THE ORIGNIAL LIST OF OFFENCES, AND PROVIDES THAT WHEN A PERSON IS CHARGED WITH KIDNAPPING; MURDER, ARMED ROBBERY, TREASON OR CONSPIRACY TO COMMIT ANY OF THOSE OFFENCES; AS WELL AS ATTEMPTED MURDER, POSSESSION OF DANGEROUS DRUGS WITH INTENT TO SUPPLY; RAPE; SEXUAL INTERCOURSE WITH A PERSON UNDER FOURTEEN YEARS; INCEST; SEXUAL INTERCOURSE WITH A DEPENDENT; SEXUAL INTERCOURSE WITH A PERSON SUFFERING FROM A MENTAL DISORDER; OR CERTAIN OFFENCES OF POSSESSION OF AMMUNITION OR FIREARMS, THE COURT SHALL NOT GRANT THEM BAIL UNLESS IT IS SATISFIED EITHER THAT THE PERSON HAS NOT BEEN TRIED WITHIN A REASONABLE TIME; OR IS UNLIKELY TO BE TRIED WITHIN A REASONABLE TIME; OR THE COURT IS SATISFIED THAT VERY SPECIFIC CRITERIA

WHICH ARE SET OUT IN THE BILL APPLY TO THE ACCUSED.

FOR THE PURPOSE OF THE AMENDMENT, MR. SPEAKER, A REASONABLE TIME IS DEFINED AS THREE YEARS FROM THE DATE OF ARREST OR DETENTION, AND ANY DELAY WHICH IS CAUSED BY THE ACCUSED PERSONS IS EXCLUDED FROM THE CALCULATION. MOREOVER, THE ONLY COURTS THAT MAY GRANT BAIL IN SUCH CIRCUMSTANCES ARE THE SUPREME COURT AND THE COURT OF APPEAL.

HENCE, MR. SPEAKER, WE SEEK TO LIMIT THE GRANTING OF BAIL TO PERSONS WHO ARE CHARGED WITH THESE VERY SERIOUS OFFENCES, FIRST TO THOSE WHO CAN SHOW THE COURTS THAT THEY HAVE NOT BEEN TRIED WITHIN THREE YEARS.

SECONDLY, AFTER THE BILL IS PASSED THE COURT MAY GRANT BAIL FOR THOSE OFFENCES IF IT DETERMINES THAT IN A PARTICULAR CASE, FOR

WHATEVER REASON THE ACCUSED IS UNLIKELY TO BE TRIED WITHIN THREE YEARS.

IN THE THIRD SITUATION, MR. SPEAKER, THE COURT MAY ALSO GRANT BAIL AFTER CONSIDERING THE CHARACTER AND ANTECEDENTS OF THE ACCUSED; THE NEED TO PROTECT THE SAFETY OF THE PUBLIC OR PUBLIC ORDER; AND THE NEED TO PROTECT THE VICTIM OF THE ALLEGED OFFENCE. IN SUCH CIRCUMSTANCES, HOWEVER, IT STILL CANNOT GRANT BAIL UNLESS IT FIRST DETERMINES THAT THERE ARE NO SUBSTANTIAL GROUNDS FOR BELIEVING THAT THE ACCUSED PERSON WOULD

(I) FAIL TO SURRENDER TO CUSTODY OR APPEAR AT TRIAL;

(II) COMMIT AN OFFENCE WHILE ON BAIL

(III) INTERFERE WITH WITNESSES OR OTHERWISE OBSTRUCT THE COURSE

OF JUSTICE IN RELATION TO HIMSELF OR SOMEONE ELSE.

MOREOVER, THE COURT MUST ALSO CONSIDER THE NATURE AND SERIOUSNESS OF THE OFFENCE CHARGED AND THE NATURE AND THE STRENGTH OF THE EVIDENCE AGAINST THE ACCUSED, AND MUST DETERMINE -

- WHETHER THE ACCUSED SHOULD BE KEPT IN CUSTODY FOR HIS OWN PROTECTION, OR FOR HIS OWN WELFARE IF HE IS A CHILD OR YOUNG PERSON;

- WHETHER HE IS IN CUSTODY BY VIRTUE OF A SENTENCE OF A COURT OR AN AUTHORITY ACTING UNDER THE DEFENCE ACT;

- WHETHER OR NOT IT HAS SUFFICIENT INFORMATION TO MAKE DECISIONS ABOUT BAIL;

- WHETHER HE WAS PREVIOUSLY RELEASED ON BAIL AND WAS ARRESTED BECAUSE HE FAILED TO APPEAR IN COURT; AND

- WHETHER HE WAS CHARGED WITH AN OFFENCE WHICH IS SIMILAR TO AN OFFENCE WITH WHICH HE WAS PREVIOUSLY CHARGED AND WHICH CARRIES A PENALTY OF IMPRISONMENT EXCEEDING ONE YEAR.

FINALLY, MR. SPEAKER, THE AMENDMENT ENSURES THAT MAGISTRATES DO NOT HAVE THE JURISDICTION TO GRANT BAIL FOR THE MOST SERIOUS OFFENCES; NOR MAY THEY GRANT BAIL WHERE A PERSON HAS BEEN CONVICTED OF CERTAIN SPECIFIED OFFENCES.

MR. SPEAKER, WHILE WE HAVE PUSHED THE ENVELOPE BY DEFINING A REASONABLE TIME AS THREE YEARS WHEN SOME COURTS MAY BE RELUCTANT TO GO THAT FAR, WE ARE CONVINCED THAT THESE ARE EXTRAORDINARY TIMES, AND THEY REQUIRE

EXTRAORDINARY RESPONSES. SHOULD ANY MEMBERS OPPOSITE DISAGREE WITH THIS TIME PERIOD OF THREE YEARS AS BEING A REASONABLE TIME WE WOULD CERTAINLY BE PREPARED TO HEAR THOSE VIEWS.

IN OUR VIEW, SIR, THE AMENDMENTS ARE SUFFICIENTLY RESTRICTIVE SO THAT THE COURTS WILL HAVE MUCH TO CONSIDER PRIOR TO GRANTING BAIL; YET WE TAKE THE VIEW THAT THESE NEW PROVISIONS DO NOT EXTEND TO AN IMPERMISSIBLE USE OF OUR LEGISLATIVE POWER. IN THE MOST CRITICAL CASES THE BILL REQUIRES JUDGES OF THE SUPREME COURT AND JUSTICES OF THE COURT OF APPEAL TO MAKE THE DECISIONS ABOUT BAIL. THESE ARE THE PEOPLE WHO WE CALL UPON TO INTERPRET THE CONSTITUTION AND TO PROTECT OUR CONSTITUTIONAL RIGHTS; HENCE, MR. SPEAKER, THERE IS EVERY REASONABLE EXPECTATION THAT THEY WILL FAITHFULLY CONSIDER AND APPLY THESE NEW AMENDMENTS TO THE BAIL ACT.

ONE OF THE REASONS WHY THIS ISSUE OF BAIL HAS COME TO THE FOREFRONT IN RECENT TIMES, MR. SPEAKER, IS THE EXPLOSIVE GROWTH IN SECONDHAND SALES OF METALS AND THE PHENOMENA OF THE OPENING OF A MULTITUDE OF CASH FOR GOLD OUTLETS. ACCORDINGLY, I NOW TURN TO THE BILLS WHICH ARE DESIGNED TO BRING ORDER TO THE CURRENT UNSUSTAINABLE SITUATION.

4. THE CUSTOMS MANAGEMENT (AMENDMENT) BILL, 2011

THERE IS CONCERN INTERNATIONALLY, SIR, WITH RESPECT TO THE EPIDEMIC OF COPPER THEFTS. LOCALLY WE HAVE BEEN CONTINUALLY VICTIMIZED. IN ADDITION TO THE WELL PUBLICIZED THEFT AT Z.N.S., WHICH DEPRIVED MANY FAMILY ISLAND RESIDENTS OF RADIO SERVICE FOR MONTHS AND THE SCORES OF OTHER LARGE SCALE COPPER THEFTS, THE GRAND BAHAMA POWER COMPANY HAD TO ISSUE A

PUBLIC STATEMENT THAT COPPER THEFT DISRUPTED POWER AND PUT THEIR EMPLOYEES AT RISK.

MY OWN EXPERIENCE, MR. SPEAKER, OF RECEIVING A CALL NOTIFYING ME THAT CALLOUS THIEVES HAD STOLEN COPPER WIRING FROM THE GRAND BAHAMA SPORTS COMPLEX THEREBY JEOPARDIZING SPORTING EVENTS THERE, WHEN I SERVED AS MINISTER OF YOUTH, SPORTS AND CULTURE, CAUSED ME TO BE ENTIRELY UNSYMPATHITIC TO THESE UNCARING RASCALS. THIS INDUSTRY, SIR, CALLS FOR MOST URGENT REGULATION.

ACCORDINGLY, SIR, IN THE CUSTOMS MANAGEMENT (AMENDMENT) BILL THE COMPTROLLER OF CUSTOMS IS MANDATED TO ESTABLISH A SPECIAL INVESTIGATION UNIT WITHIN THE CUSTOMS DEPARTMENT TO INVESTIGATE AND INSPECT PROPOSED SHIPMENTS OF SCRAP METAL BEFORE SUCH SCRAP METAL MAY BE TRANSSHIPED BETWEEN ISLANDS OR EXPORTED FROM THE BAHAMAS. WHERE

THE SHIPMENT CONTAINS COPPER, ALUMINUM, BRASS OR CATALYTIC CONVERTERS THE UNIT MUST CONDUCT A COMPREHENSIVE CHAIN OF CUSTODY INVESTIGATION. THE UNIT IS THEN ABLE TO EITHER CERTIFY THAT THE SHIPMENT IS COMPRISED OF PERMITTED SCRAP WHICH MAY BE SHIPPED OR EXPORTED; OR REFER THE MATTER TO THE ROYAL BAHAMAS POLICE FORCE WHERE THE PROPOSED SHIPMENT DOES NOT COMPRISE PERMITTED SCRAP.

UNDER THE BILL, SIR, THE SPECIAL INVESTIGATION UNIT WILL BE THE ONLY BODY WITH AUTHORITY TO CERTIFY THAT A SHIPMENT CONTAINS SCRAP METAL WHICH MAY BE TRANSSHIPED OR EXPORTED, AND THEY MAY ONLY DO SO WHERE THE EXPORTER OR SHIPPER IS AN AUTHORIZED DEALER UNDER THE ACT, AND A DOCUMENTED CHAIN OF CUSTODY HAS BEEN SUBMITTED WITH THE PROPOSED SHIPMENT.

MR. SPEAKER, THE BILL PROVIDES THAT IN ORDER TO ESTABLISH THE REQUIRED CHAIN OF CUSTODY THE

AUTHORIZED DEALER MUST EXERCISE DUE DILIGENCE BY SECURING FROM EACH CUSTOMER A VALID PHOTO IDENTIFICATION, AND MUST HAVE THE CUSTOMER CERTIFY THE ORIGIN AND HISTORY OF THE SCRAP METAL PRIOR TO IT COMING INTO HIS POSSESSION, AND THE FACT THAT THE SCRAP METAL WAS LEGITIMATELY OBTAINED BY HIM.

ADDITIONALLY, SIR, WHERE THE SHIPMENT CONTAINS ALUMINUM, BRASS OR CATALYTIC CONVERTERS THE UNIT SHALL NOT GRANT PERMISSION FOR TRANSSHIPMENT OR EXPORT UNTIL AFTER FIFTEEN DAYS HAVE ELAPSED SINCE THE METALS WERE PRESENTED FOR SHIPMENT. IN THE CASE OF COPPER OR OTHER PROHIBITED METALS THE WAITING PERIOD IS DOUBLED TO THIRTY DAYS, AND WHERE THE COPPER COMES FROM EQUIPMENT OR APPLIANCES THE EQUIPMENT OR APPLIANCE MUST BE PRESENTED FOR EXPORT IN ITS ASSEMBLED STATE.

MR. SPEAKER, THESE PROVISIONS ARE DESIGNED TO PROTECT BAHAMIANS. WE HAVE ALL HEARD THE STORIES OF THE DESECRATION OF GRAVEYARDS; OF AIR CONDITIONING UNITS BEING PULLED OUT OF WALLS FOR THIEVES TO EXTRACT THE COPPER. SOME OF US HAVE BEEN VICTIMS OURSELVES; AND THE MEMBER FOR LUCAYA IS ALL TOO FAMILIAR WITH THE MULTITUDE OF ALUMINUM STREET SIGNS THAT HAVE DISAPPEARED, MAKING THE ROADS MORE DANGEROUS FOR ALL OF US. THE AMENDMENT IS TIMELY, SIR, AND LEGITIMATE BUSINESSES WILL GLADLY KEEP THE REQUIRED RECORDS AND WAIT FOR THE STIPULATED PERIODS; AND I DARE SAY, SIR, THAT THOSE WHO HAVE DIFFICULTY COMPLYING WITH THESE PROVISIONS ARE THE PERSONS WHO OUGHT NOT TO BE IN THIS BUSINESS.

RELATED TO THE URGENT NEED FOR THE REGULATION OF SCRAP METAL, MR. SPEAKER, IS AN URGENT NEED TO FOCUS ON THE UNREGULATED SALE OF GOLD IN THE BAHAMAS. I, THEREFORE, NOW TURN TO:

5. THE PAWNBROKERS AND SECONDHAND DEALERS BILL, 2011

MR. SPEAKER, THE ENTIRE WESTERN WORLD IS NOW EXPERIENCING HUGE GROWTH IN CRIME WHICH IS DIRECTLY ATTRIBUTABLE TO CASH FOR GOLD SCHEMES. A QUICK CHECK ON THE INTERNET HIGHLIGHTS STATEMENTS BY POLICE AUTHORITIES IN BARBADOS, THE VIRGIN ISLANDS, PUERTO RICO, JAMAICA AND THROUGHOUT THE UNITED STATES; AS WELL AS A WARNING AND CALL FOR TIGHTER REGULATIONS IN THE HOUSE OF COMMONS.

MOREOVER, MR. SPEAKER, A CALL FROM A CONSTITUENT WHO TOLD ME THAT SHE HAD BEEN ROBBED OF A GOLD CHAIN HIGHLIGHTED THE CASH FOR GOLD PROBLEM FOR ME. THE POLICE WERE ON THE SCENE WITHIN MINUTES; AND IN SHORT ORDER THEY VISITED A LOCAL CASH FOR GOLD STORE ONLY TO FIND THAT THE THIEVES HAD ALREADY SOLD THE CHAIN TO THAT STORE, AND THE STOREOWNERS HAD

IMMEDIATELY MELTED THE CHAIN DOWN. STORIES OF SIMILAR NATURE ABOUND, SIR.

MR. SPEAKER, FOR THE PROTECTION AND SAFETY OF ALL BAHAMIANS, THIS PARLIAMENT MUST LOOK AT THIS BILL AND TAKE ACTION WITH RESPECT THERETO.

MR. SPEAKER, THE BILL REQUIRES ANYONE WHO SEEKS TO CONDUCT A PAWNBROKING BUSINESS OR TO TRADE IN SECONDHAND GOODS TO BE LICENCED; AND TO SECURE THEIR PREMISES WITH ALARM SYSTEMS, SURVEILLANCE CAMERAS AND OTHER PRESCRIBED SAFETY MEASURES.

SUCH DEALERS WILL BE PROHIBITED FROM CONDUCTING BUSINESS WITH ANYONE WHO IS UNDER THE AGE OF EIGHTEEN YEARS OR WHO APPEARS TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

DEALERS WILL ALSO BE REQUIRED TO VERIFY THE IDENTITY OF EVERY PERSON WITH WHOM THEY DO

BUSINESS, AND TO ENSURE THAT SUCH PERSONS HAVE THE AUTHORITY TO SELL OR TO PAWN THE ARTICLE IN QUESTION. MOREOVER, THE BILL GIVES DEALERS INCENTIVE TO ACT HONESTLY BY PROVIDING THAT THOSE WHO RECORD INFORMATION INCORRECTLY COMMIT AN OFFENCE.

DEALERS WILL ALSO BE REQUIRED TO MAINTAIN THE ARTICLES IN AN UNALTERED STATE FOR A MINIMUM OF FOURTEEN DAYS UNLESS HE ACQUIRED THE ARTICLE FROM ANOTHER DEALER; OR HE RETURNED THE ARTICLE TO THE PERSON FROM WHOM HE ACQUIRED IT; OR HE SELLS IT AS AGENT FOR THE OWNER, AND PROVIDES CERTAIN SPECIFIED PARTICULARS. MR. SPEAKER, WHILE THIS PROVISION COMES TOO LATE FOR MY CONSTITUENT WHO HAD HER GOLD CHAIN MELTED DOWN IN LESS THAN AN HOUR, IT DOES PROVIDE A WELCOME PROTECTION FOR THE FUTURE. THE ARTICLES ARE ALSO REQUIRED TO BE KEPT IN A SAFE PLACE AND BE AVAILABLE FOR INSPECTION. AT THE SAME TIME THE DEALER MUST

CLEARLY LABEL EVERY ARTICLE AND MAINTAIN ELECTRONIC RECORDS OF HIS TRANSACTIONS FOR A PERIOD OF FIVE YEARS.

ADDITIONALLY, MR. SPEAKER, THE BILL IMPOSES A HIGH DEGREE OR RESPONSIBILITY ON DEALERS, SO THAT IF THEY KNOW OR EVEN SUSPECT THAT AN ARTICLE IS STOLEN, THE DEALER HAS A DUTY TO REPORT THE MATTER TO THE POLICE AS SOON AS PRACTICABLE, AND TO HOLD IT FOR TWENTY-ONE DAYS FROM THE DATE THE REPORT WAS MADE TO THE POLICE.

MR. SPEAKER, THE BILL ALSO GIVES THE POLICE THE POWER TO ISSUE HOLD NOTICES WHERE THEY SUSPECT THAT ANY ARTICLE WHICH IS IN THE POSSESSION OF A DEALER HAS BEEN STOLEN. THIS IS ANOTHER VALUABLE PROTECTION FOR THE BAHAMIAN PEOPLE INASMUCH AS ONCE A HOLD NOTICE IS ISSUED THE DEALER IS REQUIRED TO HOLD THAT ITEM FOR A PERIOD OF TWENTY-EIGHT DAYS, AND IF THE POLICE

REQUIRE IT FOR THE PROSECUTION OF AN OFFENCE THEY HAVE THE POWER TO SEIZE THE ARTICLE. DESIGNATED POLICE OFFICERS WHO HAVE A REASONABLE SUSPICION ALSO HAVE THE POWER TO ENTER THE PREMISES OF DEALERS TO REQUEST THE PRODUCTION OF ARTICLES; TO INSPECT THE SAME; AND TO REQUEST THE PRODUCTION OF RECORDS WHICH THE LAW WILL NOW REQUIRE DEALERS TO KEEP.

MR. SPEAKER, THERE ARE PROTECTIONS FOR THE DEALER WHEN ARTICLES ARE SEIZED; HOWEVER, THE FACT THAT SUCH ITEMS MAY BE SUBJECT TO FORFEITURE WILL GIVE THE DEALERS PAUSE AND REQUIRE THEM TO ENSURE THAT THEY KEEP EXCELLENT RECORDS, VERIFY THE IDENTITY OF THEIR CUSTOMERS, AND ENSURE THAT THEY DO NOT BECOME INVOLVED IN SUSPICIOUS TRANSACTIONS.

MR. SPEAKER, CERTAIN PROVISIONS IN THE BILL RELATE SPECIFICALLY TO PAWNBROKERS. ONCE THE

BILL IS PASSED THEY WILL BE REQUIRED TO KEEP GENERAL LIABILITY AND FIRE INSURANCE SUFFICIENT TO PROTECT PLEDGED GOODS.

UNDER THE BILL, SIR, PAWNBROKERS WILL BE REQUIRED TO GIVE A RECEIPT TO ANYONE WHO PLEDGES AN ITEM WITH THEM, AND MUST ADVANCE CASH TO THAT PERSON. THEY MAY NOT SELL OR DISPOSE OF PAWNED GOODS BEFORE THE REDEMPTION DATE; AND MAY ONLY PURCHASE PLEDGED ITEMS UNDER CERTAIN SPECIFIED CONDITIONS. FINALLY, SIR, THE MINISTER RETAINS THE POWER TO SET THEIR FEES. THIS LATTER PROVISION WILL PREVENT USURY.

SO MR. SPEAKER, WE SEEK FOR THE FIRST TIME TO REGULATE THESE PAWNBROKERS AND SECONDHAND DEALERS. THESE BUSINESSES ARE MUSHROOMING, AND THERE MAY BE A NEED TO REVISIT THE BILL AT SOME STAGE, HOWEVER, THE PROVISIONS BEFORE US TODAY ARE SUFFICIENTLY STRONG THAT IF ENFORCED WILL MAKE A HUGE DENT IN CRIMINAL ACTIVITY

WHICH IS MOTIVATED BY THOSE WHO SEEK TO PREY ON US BY STEALING, AND QUICKLY DISPOSING OF OUR VALUABLES.

MR. SPEAKER, UNFORTUNATELY SOME OF THE PERSONS WHO HAVE BEEN CAUGHT UP IN STEALING GOLD FROM INNOCENT LAW ABIDING CITIZENS IN ORDER TO SECURE IMMEDIATE CASH HAVE BEEN USING FIREARMS. WE HAVE HAD TOO MANY MURDERS IN WHICH FIREARMS WERE USED, AND TOO MANY YOUNG BAHAMIANS SEEM TO BE ENAMOROURED WITH FIREARMS, AND SO I TURN TO THE

6. **FIREARMS (AMENDMENT) BILL, 2011**
7. **DANGEROUS DRUGS (AMENDMENT) BILL, 2011**
8. **SEXUAL OFFENCES (AMENDMENT) BILL, 2011**

MR. SPEAKER, THIS FASCINATION THAT SO MANY BAHAMIANS HAVE WITH FIREARMS IS QUITE PUZZLING. WE HAVE DEVELOPED A FIREARMS CULTURE MUCH AS

WE DEVELOPED A DRUG CULTUR IN THE 1970'S AND 1980'S.

IT'S VERY INTERESTING, MR. SPEAKER, THAT AS LATE AS 1998 THE NATIONAL COMMISSION ON CRIME ADDRESSED A CHAPTER ON THE DRUG CULTURE, AND ONLY DISCUSSED FIREARMS IN THAT CONTEXT.

THAT'S NOT SURPRISING TO ME, SIR, SINCE I RECALL MY DAYS AS A LAW STUDENT IN JAMAICA BEING ALARMED AT HOW POLICE OFFICERS IN JAMAICA WERE FORCED, FOR THEIR OWN SAFETY AND THE SAFETY OF CITIZENS, TO CARRY GUNS. THE MEMBER FOR CLIFTON AND MYSELF USED TO CHUCKLE AND SAY THAT WOULD NEVER HAPPEN IN THE BAHAMAS. HOW WRONG WE WERE.

MR. SPEAKER, THE AMENDMENTS TO THE FIREARMS ACT AND THE DANGEROUS DRUGS ACT HAVE THREE BROAD OBJECTIVES. THE FIRST IS TO INCREASE THE

JURISDICTION OF THE MAGISTRATE'S COURTS TO IMPOSE LONGER TERMS OF IMPRISONMENT FOR FIREARMS OFFENCES; TO RATIONALIZE THE PENALTIES THAT THE SUPREME COURT MAY IMPOSE FOR FIREARMS OFFENCES; AND TO INCREASE THE JURISDICATION OF MAGISTRATES WITH RESPECT TO OFFENCES AGAINST THE DANGEROUS DRUGS ACT.

MR. SPEAKER, IN INCREASING PENALTIES WE HAVE SOUGHT TO GIVE MAGISTRATES POWER TO IMPRISON CONVICTED OFFENDERS FOR UP TO SEVEN YEARS FOR FIREARMS OFFENCES AND OFFENCES AGAINST THE DANGEROUS DRUGS ACT WHEN IN MANY CASES THE OFFENCES CURRENTLY CALL FOR MUCH, MUCH SHORTER PERIODS OF IMPRISONMENT. MR. SPEAKER, WE REALIZE THAT THERE WILL BE SOME WHO QUESTION THE POWER OF THE MAGISTRATE TO SENTENCE FIREARMS OFFENDERS TO IMPRISONMENT FOR TERMS OF UP TO SEVEN YEARS, BUT IN THAT RESPECT WE BELIEVE THAT THE AFFIRMATION OF THE COURTS OF SUCH SENTENCES WITH RESPECT TO DRUG

OFFENCES WILL ALSO APPLY TO FIREARMS OFFENCES SINCE THEY LIKE DRUG OFFENCES HAVE HISTORICALLY ATTRACTED HIGHER PENALTIES THAN OTHER OFFENCES THAT ARE TRIABLE BY MAGISTRATES.

I REMIND COLLEAGUES, MR. SPEAKER, THAT NOT ONLY DO MAGISTRATES COURTS HAVE THE ABILITY TO HEAR AND DISPOSE OF FIREARMS AND DRUG OFFENCES MUCH MORE QUICKLY THAN THE SUPREME COURT DOES, THEREBY SPEEDING UP THE ADMINISTRATION OF JUSTICE, BUT ALSO THAT SUCH TRIALS ARE ALSO LESS SUSCEPTIBLE TO THE SCOURGE OF JURY TAMPERING, WHICH MAY AT TIMES GO TOTALLY UNDETECTED.

MR. SPEAKER, SEVERAL AMENDEMENTS ARE AIMED DIRECTLY AT THE TRAFFICKING OF FIREARMS. ONE AMENDMENT CREATES THE OFFENCE OF IMPORTATION OF FIREARMS. HENCE, THOSE WHO HAVE BEEN ENGAGED IN BRINGING FIREARMS INTO THE BAHAMAS FOR DISTRIBUTION TO OTHERS, BUT WHO HAVE NOT

BEEN CAUGHT WITH THE FIREARMS IN THEIR POSSESSION ARE HEREBY PUT ON NOTICE THAT THEY NOW FACE IMPRISONMENT FOR UP TO FIFTEEN YEARS IF CONVICTED IN THE SUPREME COURT, AND UP TO SEVEN YEARS IF CONVICTED BY A MAGISTRATE.

SIMILARLY, SIR, THOSE WHO POSSESS FIREARMS NOT FOR THE PURPOSE OF USING THEM. BUT WITH THE SOLE INTENT OF SUPPLYING THEM TO OTHERS WILL NOW APPRECIATE THAT THIS IS AN OFFENCE FOR WHICH THEY CAN SERVE LONG TERMS OF IMPRISONMENT.

MR. SPEAKER, THE FIREARMS ACT HAS LONG CONTAINED A PRESUMPTION THAT WHERE A REVOLVER IS FOUND IN A HOUSE OR PREMESIS, THE OCCUPIER OF THAT HOUSE OR PREMESIS IS DEEMED TO BE IN POSSESSION OF THAT REVOLVER. THAT PROVISION HAS NOW BEEN EXTENDED TO FIREARMS GENERALLY, AND ALSO WILL NOW APPLY TO PRIVATELY OPERATED VEHICLES, AIRCRAFT AND

VESSELS. THIS PUTS AN ONUS ON ALL OF US, SIR, TO BE CAREFUL OF WHO WE LET INTO OUR VEHICLES AND WHO WE PERMIT TO RESIDE WITH US, SINCE ANY OCCUPIER WHO IS CHARGED WITH POSSESSION OF A FIREARM MUST PROVE TO THE COURT ON A BALANCE OF PROBABILITIES THAT HE WAS NOT IN FACT IN POSSESSION OF THE FIREARM.

MR. SPEAKER, THE BILL ALSO CONTAINS A PROVISION THAT PUTS THE BURDEN ON ANY PERSON WHO IS FOUND IN POSSESSION OF TWO OR MORE FIREARMS OR TWENTY-FIVE OR MORE ROUNDS OF AMMUNITION, AND WHO DOES NOT HAVE A FIREARMS CERTIFICATE TO PROVE TO THE COURT ON A BALANCE OF PROBABILITIES THAT HE DID NOT HAVE THAT FIREARM OR AMMUNITION FOR THE PURPOSE OF SUPPLYING IT TO ANOTHER CONTRARY TO THE LAW.

MR. SPEAKER, MEMBERS WOULD ALSO WISH TO KNOW THAT ONCE THESE BILLS ARE PASSED, ANY PERSON WHO IS SENTENCED TO A TERM OF IMPRISONMENT FOR ANY OFFENCE UNDER THE FIREARMS ACT OR THE

DANGEROUS DRUGS ACT WILL SERVE THEIR TERM IN FULL. NO MATTER HOW WELL THEY BEHAVE IN PRISON, ONE YEAR WILL BE ONE CALENDAR YEAR AND NOT A DAY LESS.

ADDITIONALLY, SIR, THE COURT WILL NO LONGER HAVE A WIDE DISCRETION NOT TO FORFEIT FIREARMS USED IN OFFENCES, OR TO REFUSE TO CANCEL FIREARMS CERTIFICATES HELD BY THOSE CONVICTED OF FIREARMS OFFENCES. THE LAW WILL NOW SAY THAT WHEN AN ACCUSED PERSON IS MADE SUBJECT TO A POLICE SUPERVISION ORDER, OR AN ORDER TO BE OF GOOD BEHAVIOUR, OR IS CONVICTED IN RELATION TO A FIREARMS OFFENCE THE FIREARM SHALL BE FORFEITED TO THE CROWN UNLESS THE CONVICTED PERSON WAS NOT THE OWNER OF THE FIREARM AND WAS NOT ACTING WITH THE AUTHORITY OF THE OWNER.

FINALLY MR. SPEAKER, THE FIREARMS BILL CREATES THREE NEW OFFENCES. THE FIRST OFFENCE CRIMINALIZES THE MANUFACTURE, ACQUISITION,

SALE, TRANSFER, PURCHASE OR POSSESSION OF RIFLES WHICH ARE DESIGNED TO DISCHARGE AMMUNITION OF .22 CALIBRE OR ABOVE WHERE THE OFFENDER DOES NOT POSSESS A LICENCE.

THE SECOND NEW OFFENCE, SIR, IS THE OFFENCE OF CONSPIRING TO COMMIT OR ABET AN OFFENCE UNDER THE FIREARMS ACT; OR AIDING, ABETTING, COUNSELLING OR PROCURING THE COMMISSION OF AN OFFENCE UNDER THE ACT.

THE THIRD NEW OFFENCE, SIR, RELATES TO THE VEXING ISSUE OF BODY ARMOUR. THE BILL SEEKS TO CRIMINALIZE THE MANUFACTURE, POSSESSION, SALE, DISTRIBUTION OR USE OF BODY ARMOUR WITHOUT A LICENCE. IT ONLY MAKES SENSE, MR. SPEAKER, THAT CRIMINALS ARE NOT PERMITTED TO ACQUIRE BULLETPROOF VESTS AND THE LIKE TO PROTECT THEMSELVES WHEN THEY CARRY OUT THEIR ILLICIT ACTIVITIES.

MR. SPEAKER, THE FIGHT AGAINST CRIME AND THE INNOVATIONS THAT OCCUR IN TECHNOLOGY MEAN

THAT LEGISLATION SUCH AS THE FIREAMS ACT MUST BE PERIODICALLY REVIEWED AND UPDATED. WE ARE SATISFIED THAT THE AMENDMENTS BEFORE US ASSIST IN ENSURING THAT THE LAW WILL MEET THE CHALLENGES THAT THE POLICE, PROSECUTORS AND COURTS CURRENTLY FACE. HOWEVER, MR. SPEAKER, THERE IS STILL THE SOCIAL CHALLENGE THAT I REFERRED TO EARLIER. THE BAHAMAS HAS BEEN DEVELOPING A GUN CULTURE THAT IS EXTREMELY HARMFUL TO OUR COUNTRY. ALL OF US, SIR, MUST BE INVOLVED IN THE PROCESS OF CHANGING ATTITUDES SO THAT THE POSSESSION AND USE OF FIREARMS IS NO LONGER GLAMOURIZED FOR OUR YOUNG PEOPLE.

MR. SPEAKER, WE SEEK TO DO SOME SOCIAL ENGINEERING WITH THE AMENDMENT TO THE DANGEROUS DRUGS ACT. WE BELIEVE, SIR, THAT SCHOOL ZONES SHOULD BE SAFE PLACES TO LIVE, PLAY AND RAISE A FAMILY. WE ALSO BELIEVE THAT THE GOVERNMENT HAS A SPECIAL RESPONSIBILITY TO PROTECT MINOR CHILDREN BY KEEPING AWAY THOSE

WHO WOULD PREY ON THEM. ACCORDINGLY, SIR, WHERE ANY PERSON IS CONVICTED OF POSSESSING DANGEROUS DRUGS WITH INTENT TO SUPPLY, AND THE OFFENCE OCCURS WITHIN ONE MILE OF A SCHOOL, THAT PERSON WILL BE SUBJECT TO IMPRISONMENT FOR SEVEN YEARS AND A FINE OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS. MR. SPEAKER, THE OFFENCE DOES NOT HAVE TO BE COMMITTED IN RELATION TO A CHILD. ONCE IT IS COMMITTED WITHIN A MILE OF A SCHOOL THE HIGHER PENALTY WILL APPLY NO MATTER WHOTHE ACCUSED INTENDED TO SELL THE DRUGS TO.

ONE FINAL POINT ON THIS ISSUE OF ENHANCED PENALTIES, SIR. MEMBERS WOULD WISH TO KNOW THAT AS WITH THE PENAL CODE (AMENDMENT) BILL, PERSONS CONVICTED OF SEXUAL OFFENCES WHICH CARRY A PENALTY OF LIFE IMPRISONMENT WILL BE IMPRISONED FOR THE REMAINING YEARS OF THEIR LIFE. HONOURABLE MEMBERS WILL RECALL, SIR, THAT WE AMENDED THE SEXUAL OFFENCES ACT IN 2008, AND IN THE PROCESS INCREASED PENALTIES TO PERMIT

THE IMPOSITION OF LIFE SENTENCES ON THOSE WHO COMMITTED CERTAIN SEXUAL OFFENCES AGAINST CHILDREN. ONCE THIS BILL PASSES, SIR, THOSE WHO WOULD TAKE ADVANTAGE OF CHILDREN AND ROB THEM OF THEIR INNOCENCE WILL UPON CONVICTION REMAIN IN PRISON UNTIL THEIR OWN MISERABLE LIVES COME TO AN END.

MR. SPEAKER, I NOW TURN TO THE THREE PROCEDURAL BILLS.

9. THE COURT OF APPEAL (AMENDMENT) BILL, 2011

MR. SPEAKER, THIS AMENDMENT SEEKS TO PROTECT THE INTEREST OF THE STATE BY ENSURING THAT JUSTICE IS DONE IN INDIVIDUAL CASES SO THAT THOSE WHO ARE GUILTY OF AN OFFENCE DO NOT SLIP THROUGH THE CRACKS OF THE JUDICIAL SYSTEM MERELY BECAUSE A JUDGE MAY HAVE MADE A MISTAKE.

MR. SPEAKER, OUR CONSTITUTION PROVIDES THAT WHEN TRIED IN THE SUPREME COURT EACH OF US HAS A RIGHT TO TRIAL BY JURY. HOWEVER, WHEN AN ACUSED PERSON IS TRIED IN THE SUPREME COURT THE JUDGE HAS THE POWER TO DETERMINE ALL LEGAL ISSUES, AND THE JURY HAS THE POWER TO DETERMINE THE FACTS. JUDGES MAY, QUITE LEGITIMATELY, USE THEIR POWER TO DIRECT A JURY THAT THEY MUST ACQUIT AN ACCUSED PERSON BECAUSE IN THE VIEW OF THE JUDGE THE CROWN MAY NOT HAVE MADE OUT A CASE IN LAW.

AS THE LAW STANDS NOW, IF THE ATTORNEY GENERAL DISAGREES WITH THE JUDGE'S DECISION HE IS NOT ABLE TO ASK A HIGHER COURT TO REVIEW THAT DECISION AND TO CHANGE IT IF THE COURT OF APPEAL DETERMINES THAT THE JUDGE WAS WRONG. WE TAKE THE VIEW THAT THE STATE SHOULD HAVE A RIGHT TO ENSURE THAT JUSTICE IS DONE, AND ACCORDINGLY HAVE BROUGHT THIS AMENDMENT TO CORRECT THAT ANOMALY IN THE LAW. ONCE THIS AMENDMENT

PASSES THE COURT OF APPEAL WILL HAVE THE POWER TO DETERMINE WHETHER THE JUDGE WAS RIGHT OR WRONG; AND IF IT DETERMINES THAT THE JUDGE WAS WRONG, TO DIRECT THE JURY TO FIND THE ACCUSED PERSON GUILTY AND TO SEND THE CASE BACK TO THE SUPREME COURT FOR RETRIAL.

ADDITIONALLY, MR. SPEAKER, SOMETIMES WHEN A PERSON WHO IS FOUND GUILTY OF AN OFFENCE IN THE SUPREME COURT APPEALS HIS CONVICTION THE COURT MAY DETERMINE FOR ANY NUMBER OF REASONS THAT HIS APPEAL SHOULD BE ALLOWED. HOWEVER, THE DOCUMENTS BEFORE THE COURT MAY SHOW THEM THAT HE IS GUILTY OF SOME OTHER OFFENCE. FOR EXAMPLE, HE MAY HAVE BEEN CONVICTED OF MURDER, AND THE COURT MAY DETERMINE THAT WHILE HE SHOULD HAVE BEEN FOUND NOT GUILTY OF MURDER, HE SHOULD HAVE, IN FACT, BEEN FOUND GUILTY OF CAUSING HARM, OR OF SOME OTHER OFFENCE.

CURRENTLY, MR. SPEAKER, THE COURT OF APPEAL HAS NO POWER TO CORRECT SUCH MISTAKES BY SUBSTITUTING THE VERDICT TO CORRECT THE JURY'S ERROR. THEY WOULD BE OBLIGED TO ALLOW THE APPEAL AND LET THE PERSON WALK FREE. THAT OFFENDS COMMON SENSE. IT IS IN THE INTEREST OF THE STATE THAT THOSE WHO ARE GULTY OF OFFENCES BE FOUND TO BE GUILTY. WE SEEK, THEREFORE, TO CORRECT THIS ANOMALY IN THE LAW SO THAT HONEST CITIZENS WILL RETAIN THEIR RESPECT FOR THE LAW; AND ALSO SO THAT THE RIGHTS OF VICTIMS WILL BE PROTECTED; AND FINALLY TO ENSURE THAT THOSE WHO ARE TRULY GUILTY DO NOT WALK FREE TO MOCK THE SYSTEM OF JUSTICE FOR IT'S TECHNICAL SHORTCOMINGS, OR TO REOFFEND.

I NOW TURN TO

9. THE CRIMINAL PROCEDURE CODE (AMENDMENT) ACT, 2011

MR. SPEAKER, THE FIRST TWO AMENDMENTS TO THE CRIMINAL PROCEDURE CODE ACT CONFER UPON MAGISTATES THE POWER TO IMPOSE SENTENCES NOT EXCEEDING SEVEN YEARS IMPRISONMENT. THESE AMENDMENTS FACILITATE THE AMENDMENTS TO THE DANGEROUS DRUGS ACT AND THE FIREARMS ACT THAT WE DISCUSSED EARLIER.

THE THIRD AMENDMENT, SIR, IS DIRECTD AT AN ISSUE WHICH CNTINUES TO HINDER LAW ENFORCEMENT. CRIMINALS AND THEIR CRIMES HAVE BECOME MORE SOPHISTICATED, AND ACCORDINGLY POLICE INVESTIGATIONS ARE NOT AS CUT AND DRIED AS THEY ONCE WERE. FOR EXAMPLE, THE POLICE MAY BE CALLED UPON TO INVESTIGATE A COMPLEX FRAUD COMMITTED VIA COMPUTER AND THE INTERNET AND REQUIRING THEM TO LIASE WITH AUTHORITIES IN EUROPE OR ASIA.

CURRENTLY THE LAW PERMITS THE POLICE TO HOLD A SUSPECT IN CUSTODY FOR A PERIOD OF FORTY-EIGHT

HOURS. THE POLICE MAY AT THAT TIME DETERMINE THAT MORE TIME IS NEEDED FOR THEM TO COMPLETE THEIR INVESTIGATION IN ORDER FOR THEM TO MAKE A DECISION AS TO WHETHER TO CHARGE THE SUSPECT WITH AN OFFENCE. IN SUCH CIRCUMSTANCES THEY ARE REQUIRED TO PRESERVE THE CONSTITUTIONAL RIGHTS OF THE SUSPECT BY TAKING HIM BEFORE A MAGISTRATE TO APPLY FOR PERMISSION TO HOLD THE SUSPECT IN CUSTODY FOR A FURTHER PERIOD OF TIME OF UP TO FORTY-EIGHT HOURS. THE MAGISTRATE IS THEN ABLE TO MAKE A JUDICIAL DECISION ON THE ISSUE.

MR. SPEAKER, THIS AMENDMENT SEEKS TO GIVE THE POLICE THE AUTHORITY TO ASK THE MAGISTRATE TO PERMIT THEM TO HLD THE SUSPECT IN CUSTODY FOR A PERIOD OF UP TO SEVENTY-TWO HOURS RATHER THAN FORTY-EIGHT. THE MAGISTRATE WILL BE ABLE TO DECIDE WHETHER OR NOT TO GRANT PERMISSION.

MEMBERS WOULD NOTE THAT THERE IS NO REQUIREMENT THAT THE MAGISTRATE MUST GRANT THE APPLICATION; NOR IS THE MAGISTRATE FORCED TO AGREE TO A PERIOD OF SEVENTY-TWO HOURS EVEN IF THEY DO EXTEND THE PERIOD. WE BELIEVE THAT THIS IS A CRIME FIGHTING TOOL THAT SHOULD BE MADE AVAILABLE TO THE POLICE BEARING IN MIND THE FACT THAT THE IMPOSITION OF THE DECISION OF THE MAGISTRATE PROVIDES A CHECK ON THE POWER OF THE POLICE.

MR. SPEAKER, ANOTHER AMENDMENT REQUIRES THE MAGISTRATE TO GIVE ACCUSED PERSONS AN ALIBI WARNING WHEN THEY ARE IN COURT PURSUANT TO A VOLUNTARY BILL OF INDICTMENT JUST AS THE MAGISTRATE IS REQUIRED TO DO IN OTHER PRELIMINARY INQUIRIES. IN THESE CASES ACCUSED PERSONS WHO INTEND TO RELY ON AN ALIBI AT TRIAL WILL NOW BE REQUIRED TO PROVIDE NOTICE OF THAT ALIBI TO THE ATTORNEY GENERAL WITHIN TWENTY-ONE DAYS OF THE END OF HIS PRELIMINARY INQUIRY. THIS PROVISION WILL ENABLE THE POLICE AND

PROSECUTORS TO CHECK THE ABIBI OUT PRIOR TO GOING TO COURT. PROSECUTORS CAN THEN BE FULLY PREPARED TO CROSS EXAMINE THE ACCUSED, RATHER THAN BEING SURPRISED BY AN ALIBI AT TRIAL AND HAVING TO ASK FOR AN ADJOURNMENT OR LEAVING THE JURY WITH A DOUBT WHICH LEADS TO ACQUITTAL OF THE ACCUSED.

ADDITIONALLY, SIR THE CRIMINAL PROCEDURE CODE ACT IS BEING AMENDED TO SAY THAT WHERE AN ACCUSED PERSON DOES NOT COMPLY WITH THE ALIBI REQUIREMENTS IN A TIMELY MANNER OR AT ALL, THE JUDGE AT HIS TRIAL WILL BE REQUIRED TO DIRECT THE JURY THAT THEY MAY DRAW ADVERSE INFERENCES FROM HIS NON COMPLIANCE.

MR. SPEAKER, TWO OTHER AMENDMENTS CLEAR UP AMBIGUITIES WITH RESPECT TO THE SERVICE OF APPEAL DOCUMENTS AND THE TRANSMISSION OF APPEAL PAPERS. DOCUMENTS THAT ARE SUBMITTED FOR APPEALS ARE NOW SPECIFIC AND, THEREFORE,

THE PROCESS WILL BE MORE STREAMLINED. MOREOVER, THE LAW WILL NOW PERMIT DOCUMENTS TO BE SERVED ON THE ATTORNEYS WHO ARE REPRESENTING RESPONDENTS IN AN APPEAL AND NOT SIMPLY ON THE RESPONDENT HIMSELF; AND THERE ARE GOOD REASONS FOR THIS SINCE SOMETIMES THE RESPONDENT MAY BE DIFFICULT TO FIND, WHETHER DELIBERATELY OR NOT. MR. SPEAKER, THE INABILITY TO FIND A FEW SUCH PERSONS CAN DELAY APPEALS AND CLOG UP THE JUSTICE SYSTEM.

THERE ARE FOUR MORE AMENDMENTS TO THE CRIMINAL PROCEDURE CODE ACT, SIR. THE FIRST GIVES THE PROSECUTOR THE RIGHT TO RESPOND TO ANY ADDRESS BY AN ACCUSED PERSON OR HIS ATTORNEY TO A JURY AT HIS TRIAL IF DURING THE TRIAL THE ACCUSED HAS CALLED WITNESSES TO PROVE CERTAIN FACTS.

THE SECOND AMENDMENT RETAINS THE LIMITATION PERIOD OF SIX MONTHS FOR BRINGING CHARGES IN THE MAGISTRATE'S COURT, BUT ALSO GIVES

PARLIAMENT THE OPPORTUNITY TO PASS LEGISLATION TO EXEMPT ANY OFFENCE FROM THAT LIMITATION PERIOD. MOREOVER, IT CLARIFIES THE POSITION WITH RESPECT TO INDICTABLE OFFENCES WHICH ARE TRIABLE BY A MAGISTRATE.

WITH RESPECT TO THE FIRST POINT, MR. SPEAKER, MAGISTRATES ARE NOW PERMITTED TO TRY VERY SERIOUS OFFENCES SUCH AS MATTERS RELATING TO DRUGS AND FIREARMS. IT IS, THEREFORE, IN THE INTEREST OF JUSTICE THAT PARLIAMENT BE PERMITTED TO DECIDE THAT WHERE SUCH MATTERS COME TO THE ATTENTION OF AUTHORITIES MORE THAN SIX MONTHS AFTER THE OFFENCE IS COMMITTED, CERTAIN SPECIFIED OFFENCES MAY STILL BE PERMITTED TO BE TRIED BEFORE A MAGISTRATE. MOREOVER, SIR, SINCE THERE IS NO LIMITATION ON THE TIME PERIOD WITHIN WHICH PERSONS MAY BE CHARGED WITH INDICTABLE OFFENCES, A FAILURE TO AMEND THE SECTION WILL OPERATE TO THE DETRIMENT OF ACCUSED PERSONS BY MAKING THEIR

RIGHT TO CHOOSE A SUMMARY TRIAL WHEN CHARGED WITH AN ELECTABLE OFFENCE A MERE ILLUSION IF THE CHARGE IS BROUGHT MORE THAN SIX MONTHS AFTER THE OFFENCE WAS COMMITTED.

THE PENULTIMATE AMENDMENT, SIR, IS DIRECTED AT ABOLISHING UNSWORN STATEMENTS. TRIALS ARE HELD IN PUBLIC SO THAT JUSTICE MAY BOTH BE DONE AND BE SEEN TO BE DONE. IN THE BAHAMAS THE CONSTITUTION CONFERS UPON US THE RIGHT TO A FAIR HEARING, AND REQUIRES THE PROSECUTING AUTHORITIES TO PROVE THEIR CASE AGAINST THE ACCUSED PERSON BEYOND A REASONABLE DOUBT. SINCE THE BURDEN OF PROOF IS ON THE PROSECUTOR, THE ACCUSED PERSON HAS THE RIGHT TO DECIDE THAT HE WILL PARTICIPATE IN THE TRIAL BY GIVING SWORN EVIDENCE, OR IF HE DOES NOT SWEAR OATHS, TO AFFIRM. IN SUCH A CASE HE IS SUBJECT TO CROSS EXAMINATION BY THE PROSECUTOR. HE MAY ALSO CHOOSE, HOWEVER, TO REMAIN SILENT AND THEREBY CHALLENGE THE PROSECUTOR TO PROVE THE CASE AGAINST HIM. IN SUCH A CASE THE PROSECUTOR

CANNOT QUESTION HIM, AND IF THERE IS A REASONABLE DOUBT HE IS ENTITLED TO GO FREE.

CURRENTLY, SIR, THE CRIMINAL PROCEDURE CODE ACT PROVIDES THAT IN ADDITION TO THESE OPTIONS AN ACCUSED PERSON CAN GIVE AN UNSWORN STATEMENT. IN SUCH A CASE THERE IS NO OATH OR SOLEMN AFFIRMATION TO BIND HIS CONSCIENCE, NOR IS THE VERACITY OF WHAT HE SAYS SUBJECT TO CROSS EXAMINATION. BY THIS AMENDMENT WE SEEK TO FOLLOW PROGRESSIVE JURISDICTIONS SUCH AS THE ENGLAND BY ENSURING THAT ACCUSED PERSONS EITHER GIVE EVIDENCE IN COURT OR REMAIN SILENT. THE ANOMALY OF THE UNSWORN STATEMENT WILL BE ABOLISHED.

THE FINAL AMENDMENT TO THE CRIMINAL PROCEDURE CODE ACT, SIR, IS DRAFTED ON BEHALF OF VICTIMS OF CRIME. COURTS IN THE BAHAMAS MAKE FINAL DECISIONS IN AN ALMOST ANTISEPTIC MANNER. THEY MAY HEAR THE VICTIM’S EVIDENCE DURING THE

TRIAL, BUT EVEN THEN THAT IS GENERALLY LIMITED TO THE FACTS OF THE CASE. MOREOVER, WHERE THE ACCUSED PERSON PEADS GULTY ALL THAT THE COURT HEARS IS A RECITAL OF HE FACTS BY THE PROSECUTOR. THE VICTIM DOES NOT GET TO TELL THE COURT HOW THEIR LIFE WAS IMPACTED BY WHAT THEY HAD TO ENDURE. THIS AMENDEMENT GIVES THE COURT THE OPTION OF PROVIDING VICTIMS WITH THAT OPPORTUNITY. IT IS NOT MANDATORY, HENCE IT WILL NOT UNDULY DELAY COURT PROCEEDINGS; HOWEVER WHEN USED IT IS ABLE TO GIVE A DEGREE OF COMFORT TO VICTIMS OF CRIME, AND IN DOING SO PERMIT THEM TO IMPACT THE SENTENCING PROCESS. WE COMMEND IT AS A VERY SENSIBLE PROVISION THAT IS LONG OVERDUE.

10. THE EVIDENCE (AMENDMENT) BILL, 2011

MR. SPEAKER, THE FINAL BILL THAT I WISH TO DISCUSS THIS MORNING IS THE EVIDENCE (AMENDMENT) BILL, 2011.

THE BILL HAS TWO OBJECTIVES. THE FIRST IS TO DO AWAY WITH AN ANOMALY IN THE LAW THAT GIVES A PERSON WHO IS ACCUSED OF SERIOUS CRIMES THAT ARE PUNISHABLE BY DEATH, SUCH AS MURDER OR TREASON, A BENEFIT THAT OTHER ACCUSED PERSONS DO NOT HAVE. MR. SPEAKER, THE LAW GENERALLY PROVIDES THAT IF A PERSON HAS BEEN PREVIOUSLY CONVICTED OF AN OFFENCE THE PROSECUTION IS NOT PERMITTED TO LEAD EVIDENCE OF THAT CONVICTION. THE JURY NEVER KNOWS THAT THE ACCUSED PERSON HAS A PREVIOUS CONVICTION, NO MATTER WHAT A ROGUE HE MAY BE. IT’S ONE OF THOSE RULES, SIR, THAT WAS PUT IN PLACE TO ENSURE THAT EVERY ACCUSED PERSON HAS A FAIR TRIAL, AND

PROSECUTORS UNDERSTAND THE IMPORTANCE OF ADHERING TO THE RULE.

THE EXCEPTION TO THE RULE, SIR, IS WHERE THE ACCUSED PERSON TRIES TO LEAD EVIDENCE TO SHOW THAT HE'S A MAN OF GOOD CHARACTER. IN SUCH CIRCUMSTANCES, PROSECUTORS MAY APPLY TO THE COURT FOR PERMISSION TO PUT HIS PREVIOUS CONVICTIONS IN EVIDENCE SO AS TO SHOW THE JURY THAT HE'S NOT THE GREAT GUY THAT HE IS LEADING THEM TO BELIEVE THAT HE IS. THE HANDICAP THAT PROSECUTORS FACE, MR. SPEAKER, IS THAT THE EVIDENCE ACT PROHIBITS THEM FROM LEADING THIS TYPE OF EVIDENCE OF PREVIOUS CONVICTIONS FOR AN ACCUSED PERSON WHO IS CHARGED WITH MURDER OR ANY OTHER OFFENCE THAT CARRIES THE DEATH PENALTY. DEFENDANTS ALL KNOW THE RULE AND THE HANDICAP FACED BY PROSECUTORS, SO IN MURDER TRIALS THEY VERY OFTEN LEAD EVIDENCE OF THEIR GOOD CHARACTER, AND SOMETIMES CALL WITNESSES TO SAY WHAT A GREAT GUY THEY ARE.

THE JURY IS OFTEN FOOLED, MR. SPEAKER, AND OFTEN ACQUITS SUCH PERSONS BECAUSE THEY SEE THAT THE PROSECUTION DOES NOT COUNTER THE EVIDENCE OF GOOD CHARACTER. THEY DON'T KNOW THAT THE LAW DOES NOT PERMIT THE PROSECUTION TO DO THIS.

THE AMENDMENT TO THE EVIDENCE ACT WILL REMOVE THIS IMPEDIMENT, MR. SPEAKER, SO THAT WHEN ROGUES WHO ARE ON TRIAL FOR AN OFFENCE THAT CARRIES THE DEATH PENALTY ATTEMPT TO LEAD EVIDENCE OF THEIR GOOD CHARACTER THE PROSECUTION WILL BE ABLE TO APPLY TO THE COURT FOR PERMISSION TO LEAD EVIDENCE OF THEIR BAD CHARACTER. THIS IS A LEVELING OF THE FIELD, SIR, AND IT IS LONG OVERDUE.

MR. SPEAKER, THE AMENDMENT ALSO SEEKS TO BRING THE TAKING OF EVIDENCE IN OUR COURTS INTO THIS CENTURY. I CAN STAND HERE NOW, AND IF YOU PERMITTED IT, SIR, I COULD TURN MY COMPUTER ON

AND USE MY WEBCAM TO BROADCAST WHATEVER I SAY TODAY TO THE WORLD VIA THE INTERNET.

UNFORTUNATELY, MR SPEAKER, IN A COUNTRY COMPRISED OF ISLANDS, OUR RULES OF EVIDENCE ARE WOEFULLY LIMITING. EXCEPT IN THOSE EXCEPTIONAL CIRCUMSTANCES WHERE THE COURT PERMITS WRITTEN DEPOSITIONS TO BE PUT INTO EVIDENCE, ALL WITNESSES MUST PHYSICALLY APPEAR IN COURT. IT IS NOT UNUSUAL, MR. SPEAKER, TO SEE A TRIAL GOING ON FOR TWO WEEKS AND TO OBSERVE WITNESSES HAVING TO COME TO COURT AND TO SIT AND WAIT FOR SEVERAL DAYS BEFORE THEY CAN GIVE EVIDENCE. THE PROSECUTION OFTEN MUST BRING WITNESSES FROM FAMILY ISLANDS, PARTICULARLY, POLICE OFFICERS WHO MAY HAVE BEEN TRANSFERRED, AND VERY OFTEN THE GOVERNMENT HAS TO NOT ONLY PAY THEIR AIRFARE, BUT MUST ALSO PUT THEM UP IN HOTELS. WE BELIEVE THAT WE CAN USE OUR TAX MONEY MORE WISELY, SIR.

ANOTHER, PROBLEM, MR. SPEAKER, IS THAT PRISONERS ON REMAND HAVE TO BE BROUGHT TO COURT TO APPEAR BEFORE MAGISTRATES ON A REGULAR BASIS. THEY ARE BUSSED TO COURT, OFTEN CAUSING TRAFFIC CONGESTION AND NOT WITHOUT SAFETY FEARS OVER POTENTIAL ESCAPES. POLICE AND PRISON OFFICERS HAVE TO BE DETAILED TO WATCH PRISONERS WHEN THEY COULD BE ENGAGED IN MORE PRODUCTIVE ACTIVITY.

AFTER WE PASS THIS AMENDMENT, SIR, WE WILL HAVE THE OPPORTUNITY TO SIGNIFICANTLY STREAMLINE OUR SYSTEM OF JUSTICE. THE COURT MAY GIVE PERMISSION FOR WITNESSES TO GIVE EVIDENCE BY LIVE TELEVISION LINK FROM WHEREVER THEY ARE. THE LAW WILL APPLY TO WITNESSES WHO ARE ON AN ISLAND OTHER THAN THE ONE WHERE THE COURT PROCEEDINGS ARE BEING CONDUCTED; WITNESSES WHO ARE OUTSIDE THE BAHAMAS; AND CHILDREN, ELDERLY OR VULNERABLE PERSONS.

ACCUSED PERSONS MAY NOW REMAIN SAFE IN THE PRISON COMPOUND AND APPEAR BEFORE THE MAGISTRATE BY LIVE TELEVISION LINK FOR THEIR REMAND HEARING; AND WHERE AN ACCUSED PERSON AGREES OR SO MISBEHAVES HIMSELF THAT THE JUDGE IS FORCED TO EXCLUDE HIM FROM COURT, HE MAY APPEAR AT HIS OWN TRIAL BY LIVE TELEVISION LINK.

MR. SPEAKER, THE AMENDMENT SPECIFIES THAT THE COURT HAS COMPLETE DISCRETION TO EXCLUDE ANY EVIDENCE WHICH MAY OPERATE UNFAIRLY AGAINST AN ACCUSED PERSON. HENCE, THE RIGHTS OF EVERY DEFENDANT WILL BE FULLY PROTECTED NOTWITHSTANDING THE USE OF A LIVE TELEVISION LINK.

FINALLY SIR, THE BILL PERMITS VIDEO RECORDED EVIDENCE OF CHILD WITNESSES WHERE THE RECORDING CONSISTS OF AN INTERVIEW BETWEEN THE CHILD AND AN ADULT WHO IS NOT THE ACCUSED AND RELATES TO AN ISSUE IN THE TRIAL.

THIS IS A VALUABLE TOOL FOR LAW ENFORCEMENT, MR. SPEAKER. OFTEN CHILDREN WHO HAVE BEEN TAKEN ADVANTAGE OF COME INTO COURT AND ARE SO OVERWHELMED OR FRIGHTENED THAT THE ENTIRETY OF THE HARM DONE TO THEM IS NOT CONVEYED TO THE JURY. ONCE THIS BILL IS PASSED, SIR, JURIES WILL BE PERMITTED VIA VIDEO RECORDINGS TO SEE CHILDREN TELL OF THEIR EXPERIENCES IN LESS THREATENING SURROUNDINGS.

MR. SPEAKER, I COMMEND THE HONOURABLE ATTORNEY GENERAL FOR INTRODUCING THIS TECHNOLOGICAL INNOVATION INTO OUR LAW.

11 CONCLUSION

MR. SPEAKER, THESE BILLS ARE ALL WELL THOUGHT OUT. I AM CONVINCED THAT THEY WILL ALL ASSIST SOMEWHAT IN DEALING WITH THE CRIME ISSUE. HOWEVER, SIR, I COME BACK TO THE POINT WHERE I STARTED THIS DEBATE. THE PREAMBLE TO THE

CONSTITUTION RECOGNIZES THE IMPORTANCE OF A NATIONAL COMMITMENT TO SELF DISCIPLINE, INDUSTRY, LOYALTY, UNITY AND AN ABIDING RESPECT FOR CHRISTIAN VALUES AND THE RULE OF LAW. HENCE, WHATEVER WE DO HERE, SIR, MUST BE SUPPLEMENTED BY OUR SOCIAL INSTITUTIONS AND THE EXAMPLES THAT WE SET IN OUR COMMUNTIES. IN THIS RESPECT, MR. SPEAKER, I TOUCH ON A FEW EXAMPLES HIGHLIGHTED BY THE 1998 NATIONAL COMMISSION ON CRIME. THEY POINTED OUT THIRTEEN YEARS AGO THAT

> "THE PROBLEMS BEING EXPERIENCED TODAY DID NOT SUDDENLY COME UPON US AND THEY WERE NOT THRUST UPON US FROM OUTSIDE THE BAHAMAS. WE ARE TODAY REAPING THE REWARDS OF OUR OWN INABILITIES, INATTENTIVENESS, INCOMPETENCE AND INDISCIPLINE- THE SEEDS OF WHICH WERE SOWN MANY YEARS AGO."

FIRST, THE EDUCATION SYSTEM IS DOING SOME THINGS RIGHT, MR. SPEAKER, WITH OUR FOCUS ON SOCIALIZATION AND CONFLICT RESOLUTION; BUT THERE IS MORE THAT CAN AND MUST BE DONE. WE WILL COMMIT TO CONTINUING TO SEEK TO IMPROVE OUR EFFORTS IN THIS RESPECT BECAUSE WE ALL APPRECIATE THAT IT ALL STARTS WITH EDUCATION. I DO WISH TO COMMEND THE NATIONAL CHILD PROTECTION COUNCIL AND NOVIA T. CARTER-HIGGS FOR CREATING A WONDERFUL COLOURING BOOK "SAY NO THEN GO". THIS IS A VERY GOOD BOOK FOR OUR CHILDREN, SIR, AND I'M PROVIDING COPIES FOR ALL MEMBERS PRESENT. WITH THE ASSISTANCE OF OUR PARTNERS IN THE DEPARTMENT OF SOCIAL SERVICES WE EXPECT THAT THIS COLOURING BOOK WILL BE DISTRIBUTED IN ALL OF OUR PRIMARY SCHOOLS. IT IS ONE OF SEVERAL HANDS ON USER FRIENDLY TOOLS THAT HELP YOUNG CHILDREN TO APPRECIATE HOW THEY ARE TO ACT WHEN CONFRONTED WITH THREATENING SITUATIONS.

SECONDLY, MR. SPEAKER, THAT VERY SAME NATIONAL COMMISSION ON CRIME OBSERVED THAT "NEW PROVIDENCE IS FILTY". WHILE THEY OBSERVED THAT WE COULD DO A BETTER JOB COLLECTING GARBAGE, THEY ALSO OBSERVED:

> "…… THE MAJOR PROBLEM IS A PRECIPITOUS DISREGARD BY TOO MANY PERSONS FOR THEIR SURROUNDINGS. ….. SQUALID SURROUNDINGS STRONGLY SUGGEST A MENTALITY CONDUCIVE TO OTHER FORMS OF ANTI SOCIAL ACTIVITIES, EXTENDING EVEN TO CRIMINAL BEHAVIOUR. INATTENTIVENESS TO ONES IMMEDIATE ENVIRONMENT INDICATES A DISDAIN FOR RULES INCLUDING THOSE WHICH PROSCRIBE CRIMINAL CONDUCT. WALLS COVERED WITH GRAFFITI EASILY SHADE INTO DAMAGE TO PRIVATE PROPERTY AND VANDALISM OF STREET SIGNS, ALL OF WHICH ARE APPARENT THROUGHOUT THE CAPITAL."

MR. SPEAKER, WE CAN BLAME THE MINISTRY OF THE ENVIRONMENT AS MUCH AS WE WANT, AND AS POLITICIANS WE CAN FIND ALL OF THE EXCUSES THAT WE WANT, BUT I REMEMBER A TIME WHEN BAHAMIANS PUBLICLY CONDEMNED THOSE WHO THREW LITTER FROM THEIR CARS; WHERE THE SPIRIT OF VOLUNTEERISM THAT THE PRIME MINISTER SPOKE ABOUT LED US TO HAVE FREQUENT CLEAN UP COMPAIGNS IN OUR NEIGHBOURHOODS; AND WHERE KEEPING OUR YARDS AND HOMES CLEAN MEANT SOMETHING TO US AS A NATION. SOMEHOW, MR. SPEAKER, WE AS NATIONAL LEADERS MUST ONCE AGAIN GET THAT MESSAGE OF COMMUNITY PRIDE OUT. THE RIGHT HONOURABLE MEMBER FOR NORTH ABACO HAS TAKEN THE INITIATIVE. ALL OF US HAVE A ROLE TO PLAY.

THIRDLY, MR. SPEAKER, WE HAVE TO DO SOMETHING ABOUT WHAT THE NATIONAL COMMISSION ON CRIME REFERRED TO AS “THE

CULTURE OF SELFISHNESS AND LAWLESSNESS WHICH SEEMS TO BE SUFFUSING US, ESPECIALLY IN THE ISLAND OF NEW PROVIDENCE. THE EXAMPLES THAT THEY GAVE OF “THE DRIVING TACTICS ENGAGED IN BY PARENTS AS THEY TRANSPORT CHILDREN TO AND FROM SCHOOL” AND “THE CRUDE BEHAVIOUR DISPLAYED BY FANS AT SPORTING EVENTS OR CONCERTS, OR THE LACK OF DECORUM EXHIBITED BY PATRONS AT BANQUETS” ARE ALL TOO FAMILIAR TO EACH OF US. MR. SPEAKER, WE CAN ALL GIVE EXAMPLES FROM OUR OWN PERSONAL EXPERIENCES. ON A DAILY BASIS I SEE OTHERWISE REPUTABLE BAHAMIANS DISREGARDING TRAFFIC RULES AND TRAFFIC SIGNALS, AND ONE OF MY PET PEEVES IS THE NUMBER OF “RESPECTABLE” BAHAMIANS WHO GO TO BATELCO OR THE H.O. NASH JUNIOR HIGH SCHOOL AND THEN ARE TOO LAZY TO FOLLOW THE ROADS BUT INSTEAD DELIBERATELY DRIVE THEIR EXPENSIVE LATE MODEL CARS IN THE WRONG DIRECTION TO ACCESS THE SIR MILO

BUTLER HIGHWAY EXTENSION AND THEN MAKE A PROHIBITED RIGHT TURN, SOMETIMES WITH A CAR FULL OF CHILDREN. THIS TYPE OF CONDUCT, MR. SPEAKER, BREEDS A CONTEMPT AND GENERAL DISRESPECT FOR THE LAW.

AND WE ARE ALL TO BLAME.

FINALLY, MR. SPEAKER, I HAVE HEARD MANY MEMBERS SPEAK TO THE ISSUE OF CRIME BEFORE. WE ALL SAY THAT IT'S NOT A POLITICAL ISSUE; BUT THEN WE GO OUT AND MAKE OUR STATEMENTS POLITICIZING IT. I'VE HEARD MANY OF THOSE STATEMENTS IN RECENT TIMES, MR. SPEAKER. MANY HAVE BLAMED THE GOVERNMENT FOR ALL SORTS OF ILLS WHEN WE KNOW ITS NOT SO. HOWEVER, MR. SPEAKER, IT'S TIME FOR ALL OF US TO TAKE THE HIGH ROAD. TIME FOR US TO ACKNOWLEDGE THAT THERE IS MUCH WORK FOR EVERY CITIZEN OF THIS COUNTRY TO DO IF WE ARE TRULY SERIOUS

ABOUT A NATIONAL COMMITMENT TO FIGHTING CRIME. IN THIS RESPECT, MR. SPEAKER, I WISH TO PUBLICLY COMMEND DR. MYLES MUNROE AND DR HAVARD COOPER WHO THIS WEEK PRESENTED THE MINISTRY OF EDUCATION WITH SOME 50,000 BOOKS, PENCILS, ERASERS, SHARPENERS AND POSTERS ILLUSTRATING THE TEN COMMANDMENTS IN THE FORM OF TEN COMMITMENTS THAT SCHOOL CHILDREN CAN MAKE AND KEEP. THEY HAVE MADE THEIR CONTRIBUTION IN THE SAME SPIRIT OF VOLUNTERRISM, COMMUNITY INVOLVEMENT AND COMMUNITY ENGAGEMENT THAT THE RIGHT HONOURABLE PRIME MINISTER SPOKE OF IN HIS RECENT NATIONAL ADDRESS. I THANK AND COMMEND THEM, SIR, AND IN THE SAME SPIRIT I CLOSE BY QUOTING DAME JOAN SAWYER IN A NASSAU GUARDIAN ARTICLE IN WHICH SHE ASKED ALL OF US TO LOOK WITHIN OURSELVES FOR THE SOLUTION TO THE PROBLEM. THIS IS WHAT SHE SAID:

"WHAT IS REQUIRED, I THINK, IS THAT EACH MAN, WOMAN, BOY, GIRL, EXAMINE HIM OR HERSELF HONESTLY AND CONSIDER WHETHER HE OR SHE HAS IN ANY WAY CONTRIBUTED TO, OR CONDONED OR ENCOURAGED ANY BREACH OF THE LAW EITHER WITH REGARD TO THEMSELVES OR OTHER PERSONS. AND, WHERE ANY OF US FIND THAT WE MAY HAVE SO ACTED, WE SHOULD THEN SET OUT DAILY, HOURLY, MINUTELY, TO UNDO ANY HARM WE MAY HAVE DONE BY NEGLECT, AND TO DO ANY RIGHT WE HAVE FAILED TO DO AND TRY NOT TO REPEAT THE WRONGDOING OF THE PAST."

WISE WORDS.

MR. SPEAKER, CARMICHAEL ECHOES THE RIGHT HONOURABLE PRIME MINISTER'S CALL FOR A

RECULTIVATION OF THE SPIRIT OF VOLUNTEERISM AND COMMUNITY SERVICE; AND IN THAT SPIRIT, SIR, I MOVE THAT THE BILLS BE READ A SECOND TIME.