



SENATE OF THE REPUBLIC OF TRINIDAD AND TOBAGO

ORDER PAPER

TWENTY-FIRST SITTING, FIFTH SESSION (2006/2007), EIGHTH PARLIAMENT
TUESDAY MARCH 06, 2007 AT 1:30 P.M.

1. PRAYERS
2. OATH OF ALLEGIANCE OF A NEW SENATOR
3. ANNOUNCEMENTS BY THE VICE-PRESIDENT
4. BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES
5. PETITIONS
6. PAPERS
7. PRESENTATION OF REPORTS FROM SELECT COMMITTEES
8. QUESTIONS TO MINISTERS

QUESTIONS FOR WRITTEN ANSWERS APPEAR THE APPENDIX I

Questions for Oral Answer

***Question No. 25 to the Honourable Minister in the Ministry of Finance**

(By Senator Wade Mark)

With respect to the restructuring report which addressed the various options and concerns in regard to the future of BWIA, could the Minister provide the Senate with:

- (i) the name of the firm or group of consultants that produced the said report;
- (ii) the cost to the Government of Trinidad and Tobago for producing the report; and
- (iii) copies of the report?

***Question No. 26 to the Honourable Minister in the Ministry of Finance**

(By Senator Wade Mark)

With respect to the new company known as Caribbean Airlines, could the Minister advise this Senate of:

* Questions Nos. 25 and 26 were deferred for two (2) weeks on 13.02.2007 and on 27.02.2007 the time allotted for questions expired.

- (i) the date of its incorporation;
- (ii) the names of the Chairman and Directors;
- (iii) the qualifications of the Chairman and Directors;
- (iv) the number of employees; and
- (v) the value of Government's capital injection into the new airline?

***Question No. 27 to the Honourable Minister in the Ministry of Finance**

(By Senator Wade Mark)

With respect to the new entity known as Caribbean Airlines, could the Minister inform the Senate:

- (i) what is Government's policy position with regard to Trade Union involvement and participation in the Airline;
- (ii) why were the existing Unions in the Industry not provided with a successorship plan; and
- (iii) why were the new employees placed on contract and directed by management not to join Trade Unions?

Question No. 57 to the Honourable Minister of Finance

(By Senator Dr. Tim Gopeesingh)

- A. Could the Minister provide the Senate with a list of all State Enterprises and Statutory Authorities which fall under the purview of the Ministry of Finance; and
- B. Could the Minister also inform the Senate which Minister in the Ministry of Finance has responsibility for each State Enterprise and/or Statutory Authority?

Question No. 58 to the Honourable Minister of Finance

(By Senator Dr. Tim Gopeesingh)

Could the Minister inform the Senate of the names of all Chairmen and Members of the Board of Directors of State Enterprises and Statutory Authorities?

Question No. 59 to the Honourable Minister of Finance

(By Senator Dr. Tim Gopeesingh)

- A. Could the Minister provide the Senate with a detailed breakdown of the annual financial allocations made to all State Enterprises and Statutory Authorities for the period January 01, 2002 to December 31, 2006?
- B. Could the Minister also provide the Senate with a detailed breakdown of the profits/losses for these State Enterprises and Statutory Authorities over the same period?

9. QUESTIONS TO CHAIRMEN OF SESSIONAL AND SPECIAL SELECT COMMITTEES

* Question No. 27 was deferred for two (2) weeks on 13.02.2007 and on 27.02.2007 the time allotted for questions expired.

10. REQUESTS FOR LEAVE TO MOVE THE ADJOURNMENT OF THE SENATE ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE
11. STATEMENTS BY MINISTERS OR PARLIAMENTARY SECRETARIES
12. PERSONAL EXPLANATIONS
13. INTRODUCTION OF BILLS
14. MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE AND MOVED BY A MINISTER OR PARLIAMENTARY SECRETARY
15. PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

- (i) **BE IT RESOLVED** that the House of Representatives amendments to the Evidence (Amendment) Bill, 2006 as listed in Appendix II, be now considered.
(By the Attorney General)

Bills Second Reading:

- (i) **The debate on the following Bill which was in progress when the Senate adjourned on Tuesday February 13, 2007, will be resumed:**

A Bill entitled “An Act to provide for the establishment and management of the Heritage and Stabilisation Fund and for matters related thereto”.
(By the Minister in the Ministry of Finance)
- (ii) A Bill entitled “An Act to repeal the Homes for Older Persons Act, 2000 and provide for the licensing, regulation and control of Homes for Older Persons”.
(By the Minister of Social Development)
- (iii) A Bill entitled “An Act to amend the Criminal Injuries Compensation Act, 1999”.
(By the Attorney General)
- (iv) A Bill entitled “An Act to validate the collection of certain fees received under the Companies Act, Chapter 81:01.”
(By the Minister of Legal Affairs)

PRIVATE BUSINESS

Motions:

The debate on the following Motion which was in progress when the Senate adjourned on Tuesday February 27, 2007, will now be resumed:

- (i) **WHEREAS** the fears and concerns of law-abiding citizens have increased over the worsening crime situation in Trinidad and Tobago, resulting in severe psychological, social and economic consequences;

AND WHEREAS the Government has expended vast sums of money on resources for fighting crime and on foreign expertise and assistance with no visible effect on the spiraling crime situation;

BE IT RESOLVED that this Senate:

- (a) express its concern over Government's performance in handling crime,
- (b) call on the government to explain to the Senate why the actions of the relevant agencies have so far consistently failed to produce the desired results; and
- (c) agree that the Government outline, with specific performance targets and mechanisms for accountability, what concrete measures it intends to take to deal effectively with the serious crime situation now facing the country so as to facilitate the pathway to national consensus and civic mobilization.

(By Senator Prof. Ramesh Deosaran)

- (ii) **WHEREAS** Section 4 of the Constitution of the Republic of Trinidad and Tobago provides for all citizens the right to equality of treatment from any public authority in the exercise of any function and the right to equality before the law and the protection of the law;

AND WHEREAS both Houses of Parliament have already passed into law the Equal Opportunities Act;

BE IT RESOLVED that the Government takes immediate steps to have the Equal Opportunity Legislation proclaimed and fully effected in the Republic of Trinidad and Tobago.

(By the Senator Wade Mark)

- (iii) **WHEREAS** Article 3 of the United Nations Declaration on the Elimination of all forms of Discrimination states that "Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing";

AND WHEREAS Article 26 of the United Nations Universal Declaration of Human Rights asserts that "*Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit*";

AND WHEREAS on November 3rd 1973, Trinidad and Tobago ratified the Convention on the Elimination of all forms of Racial Discrimination;

AND WHEREAS Section 4 of the Constitution of the Republic of Trinidad and Tobago recognises and declares that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, certain fundamental human rights and freedoms;

AND WHEREAS the National Anthem of Trinidad and Tobago resonates with the aspiration that "*Here every creed and race find an equal place*";

AND WHEREAS section 7 of the Education Act, Chap. 39:01 states, "*No person shall be refused admission to any public institution on account of religious persuasion, race, social status or language of such a person or of his parent*";

AND WHEREAS since December 24th 2001 there has been a renewal and an institutionalization of the victimization of and discrimination against employees of State Enterprises, Statutory Authorities, Government Ministries and Public Authorities by the PNM Government;

AND WHEREAS, throughout our nation, through victimization and discrimination by the PNM Government, citizens are denied the opportunity to access jobs, contracts and loans in the Unemployment Relief Programme (URP); the Community Environmental Protection and Enhancement Programme (CEPEP) and the National Entrepreneurship Development Company Limited (NEDCO) and other public programmes;

AND WHEREAS, throughout the nation, citizens are denied equality of treatment in accessing training opportunities in the Youth Apprenticeship Programme in Agriculture (YAPA); On the Job Training (OJT); Helping Youth Prepare for Employment (HYPE); Geriatric Adolescent/Partnership Programme (GAPP) and other public programmes;

AND WHEREAS the Honourable Member for Diego Martin West and Minister of Housing has publicly affirmed a policy of racial and gender discrimination as contained in the *Social and Economic Framework 2004* policy document, notwithstanding its deletion as an “Errata”:

BE IT RESOLVED that this House re-affirms its commitment to the elimination of discrimination in all its forms and the right of the individual to equality of treatment from public authorities.

(By Senator Wade Mark)

COMMITTEE BUSINESS

Motions:

- (i) **BE IT RESOLVED** that the Senate adopt the 3rd Report of the Public Accounts Committee for the Third Session (2004-2005) of the Eighth Parliament.

(By Senator Basharat Ali)

- (ii) **BE IT RESOLVED** that the Senate adopt the First Report of the Joint Select Committee appointed to inquire into and report on Government Ministries Part II and on the Statutory Authorities and State Enterprises falling under those Ministries.

(By Senator Mary King)

Jean Sandy
Clerk of the Senate (Ag.)

Senate Secretariat
The Red House
PORT OF SPAIN

February 28, 2007

ORDER PAPER/TUESDAY MARCH 06, 2007

QUESTIONS FOR WRITTEN ANSWERS

Question No. 1 to the Honourable Attorney General

(By Senator Professor Ramesh Deosaran)

With respect to the specific crimes of robbery, burglary, larceny, abduction, kidnapping, assault, house break-in, possession of drugs and drug trafficking, could the Minister inform the Senate for each of the last three years 2002, 2003, 2004 and 2005:

- (a) How many times each crime was committed (reported) in each of these years?
- (b) How many persons have been charged for each crime in each year?
- (c) Of those charged, how many have been granted bail or refused bail in the Magistrate's Court?
- (d) Of those refused bail in the Magistrate's Court, how many on appeal have had such bail subsequently granted in the High Court?
- (e) Of those granted bail in the Magistrate's Court, how many have had this decision on appeal reversed in the High Court?
- (f) Of those granted bail in the Magistrate's Court, or in the High Court, how many have subsequently been charged for one or more crimes?
- (g) What type(s) of crime(s) have they been charged for while out on bail?
- (h) Of those charged for each of such crimes while out on bail, how many have been convicted?
- (i) Of this convicted lot, what type of sentence did they receive?

(Answer due by 08.11.06)

Question No. 4 to the Honourable Minister of Planning and Development

(By Senator Wade Mark)

- (a) Could the Minister provide the Senate with the following information from the establishment of the Urban Development Corporation of Trinidad and Tobago (UDeCOTT):
 - (i) The number and names of projects undertaken by UDeCOTT;
 - (ii) The types of financial arrangements governing each project;
 - (iii) The cost of each project; and
 - (iv) The names and addresses of all contractors engaged by UDeCOTT in the execution of those projects?
- (b) Will the Minister further state whether the accounts and financial statements of UDeCOTT have been audited as is customary and the names of the auditing firms engaged for these projects;

- (c) Could the Minister also state whether UDeCOTT has been in full compliance with the provisions of the Central Tenders Board Act;
- (d) If the answer is in the affirmative, could the Minister provide a full account of the process involved; and
- (e) If it is in the negative, will the Minister provide details of the Tender procedures employed by UDeCOTT in the award of contracts?

(Answer due by 11.11.06)

Question No. 5 to the Honourable Minister of Planning and Development

(By Senator Wade Mark)

Could the Hon. Minister of Planning and Development provide the Senate with a detailed understanding of the procurement procedures adopted by Urban Development Corporation of Trinidad and Tobago (UDeCOTT) with respect to the Tarouba project as well as all the other projects undertaken by UDeCOTT from the period January 01, 2002 to October 30, 2005?

(Answer due by 11.11.06)

Question No. 6 to the Honourable Minister of Community Development , Culture and Gender Affairs

(By Senator Wade Mark)

- (a) Could the Minister inform this Senate whether her Ministry has provided financial assistance or awarded scholarships to persons desirous of pursuing studies at Universities in Trinidad and Tobago, the Caribbean region and/or internationally?
- (b) If the answer is in the affirmative, will the Minister provide this Senate with the following information
 - (i) a list of the names of persons who have benefited from such assistance for the period 2002 to April, 2006;
 - (ii) the amount of financial assistance provided to each person; and
 - (iii) the names of the institutions involved?

(Answer due by 11.11.06)

Question No. 7 to the Honourable Minister of Health

(By Senator Dr. Tim Gopeesingh)

- (a) Would the Honourable Minister please inform this Senate of the name of the Company which was awarded a contract for the purchase and supply of C.T. and M.R.I. machines for use in the nation's hospital?
- (b) Would the Honourable Minister further inform this Senate of:
 - (i) The names of the Directors of that company;

- (ii) The number and names of the companies which submitted all bids;
- (iii) The value of each bid submitted;
- (iv) The value of the successful bidders' tender; and
- (v) The names of the members of the Specification Committee and the Evaluation Committee involved in the award of this contract?

(Answer due by 16.11.06)

Question No. 10 to the Honourable Minister of Health

(By Senator Dr. Tim Gopeesingh)

- (a) Would the Honourable Minister inform this Senate of the total number of persons employed by the North West Regional Health Authority (NWRHA) and the North Central Regional Health Authority (NCRHA) between 2002 and the present?
- (b) Would the Minister also provide this Senate with the following information:
 - (i) The names of persons mentioned in part (a) above; and
 - (ii) The positions to which those persons were appointed?
- (c) Would the Honourable Minister further inform this Senate of any role played by Eastman and Associates Company Limited in the selection and placement process used to employ persons referred to in part (b) of this question?

(Answer due by 16.11.06)

Question No. 20 to the Honourable Minister in the Ministry of Finance

(By Senator Wade Mark)

Could the Minister provide the Senate with copies of the business plan for Caribbean Airlines and indicate the projected revenues and expenditure over the life of the said plan?

(Answer due by 10.02.07)

Question No. 21 to the Honourable Minister in the Ministry of Finance

(By Senator Wade Mark)

- A. Could the Minister provide the Senate with copies of the contract signed between Caribbean Airlines and British Airways in respect of the slots which were sold as well as the code sharing agreement?
- B. Could the Minister also indicate how was the sale of the sixteen (16) slots owned by former BWIA at Heathrow Airport factored into the new company known as Caribbean Airlines?

(Answer due by 10.02.07)

Question No. 39 to the Honourable Minister of Science, Technology and Tertiary Education

(By Senator Wade Mark)

- A. Could the Minister provide the Senate with the Rules and Regulations of the University of the West Indies which governs the employment of Senior Lecturers and Heads of Faculties?
- B. Could the Minister further direct the Senate to the provisions in the Rules/Regulations which allow for Lecturers and Heads of Faculties to practice privately in their respective professions?

(Answer due by 14.02.07)

Question No. 40 to the Honourable Attorney General

(By Senator Wade Mark)

- A. Could the Attorney General provide the Senate with a detailed list of the matters in which Mr. Douglas Mendes, S.C., has been retained by:
 - (a) the Government of Trinidad and Tobago;
 - (b) the Integrity Commission;
 - (c) the National Lotteries Control Board;
 - (d) the Telecommunications Authority of Trinidad and Tobago; and
 - (e) any other State Enterprise and/or Statutory Authority
 during the period January 01, 2002 and December 31, 2006?
- B. Could the Attorney General also provide a detailed breakdown of the fees paid to the said Senior Counsel during the same period?

(Answer due by 14.02.07)

Question No. 41 to the Honourable Attorney General

(By Senator Wade Mark)

- A. Could the Attorney General provide the Senate with a list of all the State Enterprises, Statutory Authorities, Municipal Corporations and Regional Health Authorities and any other State Agencies that have retained the services of the law firm of Alexander, Jeremie and Company for legal advice and/or representation during the period May 27, 2004 to December 31, 2006?
- B. Could the Attorney General provide the Senate with a detailed breakdown of the various fees paid to the said law firm during this period?
- C. Could the Attorney General indicate whether he receives any fees and/or income from the firm of Alexander, Jeremie and Company, since his appointment as Attorney General?

- D. If the answer to (C) is in the affirmative, could the Attorney General provide the Senate with a detailed breakdown of the fees and/or income received?

(Answer due by 14.02.07)

Question No. 42 to the Honourable Minister of Housing

(By Senator Harry Persad Mungalsingh)

- A. Could the Minister provide the Senate with a detailed account of housing start-ups, houses completed and houses delivered by the NHA/HDC to the people of Trinidad and Tobago on a yearly basis for the period January 01, 2002 to December 31, 2006?
- B. Could the Minister also provide the Senate with a list of the names of the recipients of the houses delivered during the same period on a project by project basis?

(Answer due by 21.02.07)

Question No. 43 to the Honourable Minister of Health

(By Senator Dr. Tim Gopeesingh)

- A. Could the Minister provide the Senate with a detailed statement of expenditure for advertising and public relations for the Ministry of Health for the period January 02, 2002 to December 31, 2006?
- B. Could the Minister also provide the details of the salaries and allowances for all personnel employed for public relations purposes in the Ministry of Health and all Advisors to the Minister?

(Answer due by 01.03.07)

Question No. 44 to the Honourable Minister of Health

(By Senator Dr. Tim Gopeesingh)

Could the Minister provide the Senate with a detailed statement of all foreign travel embarked upon by the Minister and officers of the Ministry of Health for the period January 01, 2002 to December 31, 2006?

(Answer due by 01.03.07)

Question No. 45 to the Honourable Minister of Finance

(By Senator Dr. Tim Gopeesingh)

Could the Minister provide the Senate with a detailed statement of all expenditure incurred by the Honourable Minister of Community Development, Culture and Gender Affairs in respect of hotel accommodation at the Trinidad Hilton for the period January 01, 2002 to December 31, 2006?

(Answer due by 01.03.07)

Question No. 46 to the Honourable Minister of Community Development, Culture and Gender Affairs

(By Senator Dr. Tim Gopeesingh)

- A. Could the Minister provide the Senate with a list of all organisations that have received funding/grants and/or financial support from the Ministry of Community Development, Culture and Gender Affairs during the period January 02, 2002 to December 31, 2006?
- B. Could the Minister also provide the details of the amount provided and for what purpose?

(Answer due by 01.03.07)

Question No. 47 to the Honourable Minister of Community Development, Culture and Gender Affairs

(By Senator Wade Mark)

- A. Could the Minister inform this Senate whether her Ministry has provided financial assistance or awarded scholarships to persons desirous of pursuing studies at Universities in Trinidad and Tobago, the Caribbean region and/or internationally?
- B. If the answer is in the affirmative, will the Minister provide this Senate with the following information:
 - (a) a list of the names of persons who have benefited from such assistance for the period January 01, 2002 to December 31, 2006; and
 - (b) the amount of financial assistance provided to each person?

(Answer due by 01.03.07)

Question No. 48 to the Honourable Minister of Community Development, Culture and Gender Affairs

(By Senator Wade Mark)

With respect to the grant of any scholarship, assistance or funding to nationals of Trinidad and Tobago by the Ministry of Community Development, Culture and Gender Affairs, could the Minister advise the Senate:

- (i) the total amount of money allocated for such funding for each of the years 2002, 2003, 2004, 2005 and 2006;
- (ii) the amount of money utilized from the overall allocation for each of the years 2002, 2003, 2004, 2005 and 2006;
- (iii) the various purposes of training/areas of study ; and
- (iv) the criteria used by the Ministry in determining eligibility for accessing funding/assistance?

(Answer due by 01.03.07)

Question No. 49 to the Honourable Minister of Community Development, Culture and Gender Affairs

(By Senator Wade Mark)

- A. Could the Minister provide the Senate with a list of the Members who comprise the Committee in the Ministry of Community Development, Culture and Gender Affairs charged with the responsibility for determining the grant of scholarships/funding to needy individuals?
- B. Could the Minister provide the Senate with copies of the brochures/pamphlets containing the procedure and criteria adopted by the committee for determining the eligibility for scholarships/funding?

(Answer due by 01.03.07)

Question No. 50 to the Honourable Minister of Community Development, Culture and Gender Affairs

(By Senator Wade Mark)

- A. Could the Minister provide the Senate with a detailed breakdown of its National Service Programmes?
- B. Could the Minister also inform the Senate of the amount of money allocated to this National Service Programme on a yearly basis for the years 2002, 2003, 2004, 2005 and 2006?
- C. Could the Minister indicate to the Senate the total number of citizens who have benefited from the National Service Programmes and what types of programmes were offered to these citizens during the period?

(Answer due by 01.03.07)

February 28, 2007

THE EVIDENCE (AMENDMENT) BILL, 2006

List of Amendments made in the House of Representatives on
Thursday February 15, 2007

First Column Clause	Second Column Extent of Amendments
2	(A) In the proposed section 15C(2)(b) delete the words “relevant person” and substitute the words “person who made the statement” ;
	(B) In the proposed section 15C(3) delete the words “Subject to subsection (3), the” and substitute the word “The” ;
	(C) Insert after the proposed section 15D the following new section: “Power of court to exclude evidence 15E. It is hereby declared that in any criminal proceedings the court may exclude evidence under sections 15B, 15C (except subsection (2)) and 15D if, in the opinion of the court, the prejudicial effect of that evidence outweighs its probative value.”;
	(D) (i) The proposed section 15E is renumbered as section 15F.; (ii) In the first line of renumbered 15F delete the word “and 15D” and insert the words “, 15D and 15E.” .
	(E) Insert after the renumbered 15F the following new section: “Transitional 15G. This Act, upon commencement, shall not apply to cases where a person is charged for an offence and is already brought before any court.”;