

*Leave of Absence**Friday, February 06, 2004***HOUSE OF REPRESENTATIVES***Friday, February 06, 2004*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I have received communication from the hon. Member for St. Augustine (Mr. Winston Dookeran) and the hon. Member for St. Joseph (Mr. Gerald Yetming), both of whom have asked to be excused from today's sitting of the Parliament.

The leave which these hon. Members seek is granted.

**PAPERS LAID**

1. Report of the Elections and Boundaries Commission on the Local Government Elections held on July 14, 2003. [*Mr. Hedwige Bereaux*]
2. Annual audited financial statements of the Trinidad and Tobago Free Zones Company Limited for the financial year ended December 21, 2002. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
3. Sixth Actuarial Review of the National Insurance Systems of Trinidad and Tobago. [*Hon. K. Valley*]

*Papers 2 and 3 to be referred to the Public Accounts (Enterprises) Committee*

**Mr. Speaker:** Hon. Members, deferred for later in the sitting would be the laying of two papers. One would be the laying of the Civil Aviation Regulations 2004, and the other, the agreement signed between the Government of the Republic of Trinidad and Tobago and Repsol YPF SA on December 11, 2003.

**ORAL ANSWER TO QUESTION**

- 48. Dr. Roodal Moonilal** (*Oropouche*) asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister indicate the basis upon which the consultant group Virgo Consultants Limited was chosen to manage the operations/harvesting at the Sugar Manufacturing Company of Trinidad and Tobago?

Would the Minister indicate whether other companies and/or consultants were invited to tender for such a contract?

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Could the Minister provide this House with the terms and conditions of recruitment of Virgo Consultants Limited and a list of the consultants comprising this group?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I have to ask for a deferral of that question. The Minister of Agriculture, Land and Marine Resources is not here today. He is ill and we are asking for a deferral of one week.

*Question, by leave, deferred.*

#### WRITTEN ANSWERS TO QUESTIONS

*The following question was asked by Mr. Ganga Singh (Caroni East):*

#### **Boards of Directors (State Enterprises and Statutory Authorities)**

2. Could the hon. Minister of Finance list the name and occupation of all the members of the boards of directors of all state enterprises and statutory authorities?

*Vide end of sitting for written answer*

*The following questions were asked by Mrs. Kamla Persad-Bissessar (Siparia):*

#### **Ministry of National Security (Names, Job Designations and Remuneration Packages)**

13. (a) Would the hon. Minister of National Security and Rehabilitation state:
  - (i) The names, job designation and remuneration packages of each person or company hired on contract;
  - (ii) The names and job description of each person or company awarded contracts for the supply of goods and services and the cost of each such contract awarded;

by the Ministry of National Security since January 01, 2002?
- (b) In the case of companies, the names of directors of each company;
- (c) Whether the jobs/tenders were advertised and if they were, where and when were the advertisements placed;
- (d) In the case of tenders, the bid made by each tenderer;

- (e) What was the procedure and criteria used to hire each person and company and/or used to award contracts for the supply of goods and services?

*Answer lodged in the Parliament Library.*

**Compensation of State Acquisition  
(Private Lands)**

- 27.** With respect to cases against the State concerning compensation for state acquisition of private lands, would the hon. Attorney General please state:
- (a) The number of cases pending and those settled as at January 01, 2002 the names(s) of the parties, the date each of these cases were filed and the quantum of compensation claimed/paid in each;
- (b) Whether the Attorney General gave instructions to the Solicitor General to settle any of the aforesaid cases since January 01, 2002;
- (c) If the answer to (b) is in the affirmative, the names of the parties, the date(s) of such instructions, the instructions by the Attorney General as to the terms and the actual quantum of settlement made and the criteria utilized by the Attorney General in each case for giving such instructions;
- (d) When would compensations be paid to those whose claims have been agreed to but not yet paid?

*Vide end of sitting for written answer.*

*The following question was asked by Dr. Roodal Moonilal (Oropouche):*

**National Social Development Programme**

- 30.** (a) Can the Minister of Public Utilities and the Environment State whether there exists a National Social Development Programme functioning under the aegis of his Ministry?
- (b) If the answer to (a) is in the affirmative, can the Minister state the objectives of the National Social Development Programme?
- (c) Can the Minister inform the House of the structure and functioning of this programme?

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- (d) Can the Minister inform the House as to the question of expenditure incurred by this programme to date?
- (e) Would the Minister give a breakdown of the social and development work undertaken under this programme in terms of constituency, nature of work and cost of project?

*Vide end of sitting for written answer.*

*The following question was asked by Mr. Nizam Baksh (Naparima):*

**Fertilizers/Chemicals Distribution  
(Sugar Cane Farmers)**

- 42.** (a) Could the Minister of Agriculture, Land and Marine Resources state the quantum of fertilizers and chemicals distributed to each Organization/Association/Individual who has been authorized to maintain and produce sugar cane on lands owned by Caroni (1975) Limited?
- (b) Could he state what were the criteria used to distribute these chemicals?

*Vide end of sitting for written answer.*

**INTERNATIONAL CIVIL AVIATION ORGANIZATION  
(DISCHARGE OF OBLIGATIONS)**

**The Minister of Works and Transport (Hon. Franklin Khan):** Mr. Speaker, I have been authorized by Cabinet to make the following statement.

The convention on International Civil Aviation signed in Chicago on December 07, 1944, established certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated in a sound and commercial manner.

The convention formed the International Civil Aviation Organization properly known as ICAO with aims and objectives:

To develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

1. Ensure the safe and orderly growth of international civil aviation throughout the world;

2. Encourage the arts of aircraft design and operation for peaceful purposes;
3. Encourage the development of airways, airports and air navigation facilities for international civil aviation;
4. Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
5. Prevent economic waste caused by unreasonable competition;
6. Ensure that the rights of contracting states are fully respected and that every contracting state has a fair opportunity to operate international airlines;
7. Avoid discrimination between contracting states;
8. Promote generally the development of all aspects of international civil aeronautics.

Mr. Speaker, Trinidad and Tobago as a contracting state of ICAO and a signatory to the Chicago Convention, is required to properly discharge its obligations under the Convention including the adoption of the Standards and Recommended Practices called (SARPs) contained in the annexes to the Convention.

Furthermore, the Convention stipulates that certificates of competency and licences for pilots, flight and maintenance personnel and certificates of air worthiness or for aircraft issued or rendered valid by Trinidad and Tobago shall be recognized as valid by the other contracting states provided that the requirements under which such certificates and licences were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to the Chicago Convention.

The Convention and its annexes define the principles, standards and techniques of air transport so as to ensure the safe and orderly growth of international civil aviation throughout the world. Trinidad and Tobago is obligated to provide for the safe and efficient operations of aircraft within its territory when permitting or undertaking aviation activities. These obligations include ensuring that the minimum safety standards meet the requirements of the Annexes in respect of:

Personnel licensing

Aircraft operations

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Airworthiness  
Airports  
Navigation aids  
Charting and instrument approach minima  
Weather reporting  
Air traffic services  
Search and rescue  
Aviation security and  
Safe transport of dangerous goods.

Each of these obligations will require consideration of the critical elements of a safety oversight system to ensure that the Trinidad and Tobago system is appropriate to the complexity of its aviation community.

Critical elements of a State Safety Oversight System:

ICAO has identified eight critical elements of a State Safety Oversight System. They are:

1. Primary aviation legislation
2. Specific operating regulations
3. Civil Aviation Authority Structure and Safety Oversight Functions
4. Technical guidance
5. Qualified technical personnel
6. Licensing and certification obligation
7. Continued surveillance obligation
8. Resolution of safety issues.

Mr. Speaker, in mid-1991, as a result of the 1990 crash of a Colombian airliner in Long Island, New York which ran out of fuel, the United States Federal Aviation Administration, (FAA) began to formulate a programme to address concerns regarding the effectiveness of foreign airlines operating into the United States to adhere to international standards and recommended practices for aircraft operations and maintenance established by ICAO. The FAA on a trial basis visited 12 countries with airlines seeking to operate into the United States in order to assess the countries' capabilities to properly conduct their safety oversight responsibilities.

On August 24, 1992 based on the findings of the visits to the 12 countries, the FAA publicly announced an International Aviation Safety Assessment Programme. The purpose of the IASA was to ensure that all foreign air carriers that operate to or from the United States are properly licensed and with safety oversight provided by a competent Civil Aviation Authority in accordance with the eight critical elements of a Safety Oversight System as defined by ICAO.

The FAA established two ratings for the status of countries at the time of their assessment. These are defined as follows:

Category 1 Status: Those that comply with ICAO Standards. The country's Civil Aviation Authority has been assessed by FAA inspectors and has been found to license and oversee air carriers in accordance with ICAO aviation safety standards.

Category 2 status applies to those states that do not comply with ICAO standards. In this regard the Federal Aviation Administration assessed this country's Civil Aviation Authority and determined that it does not provide safety oversight of its air carrier operations in accordance with the minimum safety oversight standards established by ICAO.

The FAA conducted a reassessment of Trinidad and Tobago in mid-January 2001. Major areas of deficiencies identified were primary aviation legislation, civil aviation regulations and an autonomous civil aviation authority. As a result, Trinidad and Tobago was officially downgraded to Category 2 in June.

This downgrading has adversely affected the national carrier BWIA in that new destinations into the United States were not allowed, additional aircraft could not fly into the United States and US airlines could not code share with BWIA. This resulted in significant losses of revenue for BWIA and thwarted its expansion plans.

In November 2001, the primary aviation legislation, the Civil Aviation Act 2001, came into force. This Act was amended by Act No. 17 of 2003 to provide for the CAA Regulations to be approved by negative resolution of the Parliament. The Act provides that the primary function of the Civil Aviation Authority ensures a standard of aviation safety that is equivalent to that required by the Chicago Convention and its annexes.

Mr. Speaker, we are pleased to announce that in October 2003, the transition from the Civil Aviation Division of the Ministry of Works and Transport to the Civil Aviation Authority was completed.

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Section 33 of the Civil Aviation Act empowers the Civil Aviation Authority, with the approval of the Minister and subject to the negative resolution of Parliament, to make regulations to give effect to the annexes of the Convention.

These regulations being laid here today are in 12 parts and define the specific what-to-do requirements for compliance with all the applicable ICAO annexes required for FAA Category 1 status.

These regulations are highly technical in nature and voluminous. They comprise of some 700-plus pages. At this time I congratulate the Civil Aviation Authority, the Chief Parliamentary Counsel and the Legal Advisor of the Ministry of Works and Transport for the lengthy hours they have put into the completion of this exercise.

All Trinidad and Tobago air operators, and in particular BWIA, shall have a 90-day period in which to comply with these regulations. Once in effect, after the 90-day period, the Civil Aviation Authority and the FAA shall conduct a re-certification exercise of these operators under the new regulations. I am advised that since August 2003, FAA inspectors have been assisting the Civil Aviation Authority with the requirements for a Category 1 upgrade.

Once the FAA is satisfied and there is compliance with all eight critical elements of a State Safety Oversight System as required by ICAO, Trinidad and Tobago would be upgraded to FAA Category 1 status.

Mr. Speaker, the upgrade to FAA Category 1 shall most certainly redound to the benefit of Trinidad and Tobago, the national airline, BWIA and the local aviation industry as a whole. For the country, it shall signify that as a government it is fully committed to meeting the highest standards of safety as required by our international treaty obligation. It shall also signify that Trinidad and Tobago possesses the local expertise to effectively administer a safety oversight system to meet the standards of ICAO and the FAA.

This honourable House may recall that as recent as 1999, safety oversight was previously provided by foreign consultants from the United Kingdom.

A Category 1 upgrade shall permit BWIA to expand its routes structure into the United States and add additional aircraft such as the airbus 8340 into FAA safety specifications. Category 1 upgrade shall also provide growth of the local aviation industry by permitting new local carriers to fly into the United States.

Mr. Speaker, this is the last legislative step for us to regain FAA Category 1 status. Let me repeat: This is the last legislative step for us to regain FAA Category 1 status. I therefore wish to urge all the local air operators, in particular BWIA, to



work steadfastly and diligently with the Civil Aviation Authority to achieve re-certification under these new regulations. I thank you.

**SUMMARY COURTS (AMDT.) (NO. 3) BILL**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, I beg to move,

That a Bill to amend the Summary Courts Act, Chap. 4:20, be now read a second time.

Mr. Speaker, I propose first to speak to the history of the legislation, and then to look at the legal purposes which we intend to achieve, its moral objectives and some of the specific problems with which we have treated in the legislation, which are currently engaging the attention of this honourable House.

The Bill is a consolidation of two former Bills, which were laid and lapsed during the last year. The first is the Summary Courts (Amdt.) Bill, 2003, which was passed with amendments in the other place during March 2003. It was then laid in this honourable House, but lapsed. That Bill was comprised of two clauses. Those clauses have since been revised and are now clauses 7 and 10 of the present Bill.

The Summary Courts (Amdt.) (No. 2) Bill was laid during June 2003 and lapsed in this honourable House. That particular Bill was comprised of four clauses. Those clauses are 4, 6, 8 and 9 of the Bill which is now engaging the attention of hon. Members. Some new clauses have been produced as a result of discussions held between the Law Reform Commission and with Sen. Dana Seetahal, whose expertise in this area is beyond parallel in this jurisdiction. So, what you have before you is an attempted consolidation of the Bills by the Government. When the second Bill lapsed as a result of the mid-year parliamentary recess, the opportunity was taken to consolidate all legislation and that is the genesis of the legislation now before this honourable House.

I turn to the legal purpose of the Bill, which is to amend the Summary Courts Act, Chap. 4:20. As hon. Members are aware, most of the justice in this country takes place in the Magistrates' Court, so that what happens in the Magistrates' Court is of critical importance to the system of the administration of justice generally speaking.

The Bill is intended to address certain specific difficulties which have occurred in the Magistrates' Court, and which have led to an imbalance in the scales of justice. It seeks to enable the Director of Public Prosecutions to file a

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Notice of Appeal as a complaint against a decision of a magistrate. That is necessary because of the decision of our local Court of Appeal. It also seeks to give the magistrate power to impose greater sentences in relation to consecutive sentencing. That is spelt out in some of the amendments that are before hon. Members this afternoon. That change is made necessary because of the interpretation that was placed on section 72 of the old Act by our higher courts.

The Bill also seeks to reform the right of appeal, first by proposing to modify the manner of appealing in cases where oral appeals are given. Also, by proposing certain legislative changes to ensure that the right of appeal is not lost, we have extended the time for the filing of an appeal and also by seeking to ensure that the administrative processes that exist in the prison are brought up to an acceptable level when it relates to the filing of appeals.

We have sought to deal with situations which cannot be foreseen by amending the law to grant the Court of Appeal power to extend time where, in unforeseen circumstances, the right to appeal might otherwise have been lost. The Bill also seeks to inform the manner in which a term of sentence is computed when an appellant abandons his appeal or is unsuccessful with the appeal and the Court of Appeal imposes, varies or affirms a term of sentence. Those problems too have been highlighted by a series of decisions of the High Court and the Court of Appeal. So that is, in short, the legal purpose of the Bill.

The moral objective, that is to say why we are here, is informed by two considerations. One is domestic and the other is international.

First of all, I will speak to the domestic moral considerations. The Government accepts that access to justice is a fundamental and essential right in a democratic society, which is designed to ensure that every citizen is treated equally before the law. In this country the right of the individual to equality before the law and to protection of the law before a public authority are all constitutionally entrenched rights under section 4 of the Constitution. These rights and freedoms are given special protection under section 5 of the Constitution, which provides that such rights and freedoms granted by section 4 are not to be easily abrogated or infringed by law. Section 5(2)(h) of the Constitution provides that the Parliament should not deprive a person of the right to such procedural provisions and protections as are necessary for the purpose of giving effect to the protection of the section 4 rights. The rights and freedoms that our citizens enjoy are not matters to be treated lightly by any branch of the State. That relates to our domestic concerns.

On the international front Trinidad and Tobago is a signatory to the International Covenant on Civil and Political Rights of 1966, Article 14(5), which provides that a person convicted of a criminal offence is to be given the opportunity to challenge that conviction before a higher body created by the law. The Bill is an example of the Government's attempt to ensure in part that a person who is convicted of such an offence in a Magistrates' Court would be certain that his legal rights would not be frustrated by legislative procedural or administrative difficulties. This is in keeping with our Constitution and it is also in keeping with our international obligations.

I turn now to the specific problems with which we have attempted to treat in the Bill. The first problem with which the Bill seeks to treat is what I refer to as the complainant problem. That problem exists because the right of the State to challenge a decision of a magistrate, in the case of a summary conviction, was severely limited by our Court of Appeal in its decision in the case of *Bridgewater vs Sanhai* which is reported in the *West Indian Reports*. In that case the respondent was charged with a customs offence. The magistrate dismissed the charge and the State appealed. The difficulty was that the Notice of Appeal was signed by a representative of the Office of the Director of Public Prosecutions. It was held that the definition of the word "complainant" as it is used in the definition section in the Summary Courts Act, did not include the DPP or representatives of his Office. That is the difficulty. The solution, which is proposed in the Bill, is in clause 3 and we have sought to amend the definition in clause 2 of the substantive Act. That amendment would allow the DPP to file an appeal under section 128(1) as a complainant.

I understand that what we are doing this afternoon is difficult work because it deals with the jurisdiction of the court, and I would have to carry hon. Members through the particular clauses and at times through particular cases, but it is necessary in order to explain the background to the legislation that is before us.

The second problem with which the Bill seeks to treat is that of consecutive sentences. That problem has arisen because of the interpretation placed on section 72 by our higher courts. Where a magistrate imposes consecutive terms of imprisonment which amounts to more than three years, it has been held that that decision is void or illegal in the eyes of the law and that has been established by a series of cases including *Rickie Bernard vs Brian Kennedy*, which is Magisterial Appeal No. 293 of 2001.

**2.00 p.m.**

The Court of Appeal has held that the magistrate has no power in law—given the terms of section 72, which is a fairly restrictive compass of the Act—to order

sentences to run consecutively. What we have done over the past 15 years, as a Parliament, is to increase the sentencing power of magistrates so that magistrates routinely grant terms of imprisonment in excess of three years. They grant terms of imprisonment, for example, for five years in certain cases and under particular enactments for 10 years. In the Sexual Offences Act, for example, a magistrate can impose a term of sentence of seven to 10 years in respect of certain offences. This is also true in respect of the Computer Misuse Act.

It is most evident in relation to the legislation recently passed, before the Christmas recess, in the Senate in relation to the Firearms Act. The difficulty faced by magistrates under the general law, that is to say the Summary Courts Act, is clearly seen in some decisions of the High Court. There is the decision of the court in Teeluck versus the Commissioner of Prisons where the applicant had pleaded guilty to three charges before a magistrate. The magistrate imposed three terms of imprisonment which were as follows: 180 days in respect of one offence and three years in respect of the other two offences. The magistrate made an order that those three sentences should run consecutively, that is to say, one after the other. The applicant pleaded guilty to another charge before another magistrate who then imposed a term of three years and ordered this sentence to run consecutively to the sentences the applicant was already serving. That would amount to a term of imprisonment of nine and a half years in total.

Under our prison rules, I think it is Rule 285 of the old prison rules, time off can be given for good behaviour. So that, nine years, in actuality, does not mean nine years, it means something like six years. But the High Court, citing the decision of the Court of Appeal in Bernard and Kennedy, held that in the light of the restrictive terms of section 72, the order of the second magistrate was a nullity and ordered the applicant to be released from prison because it held that he had already served his sentence.

The solution to that difficulty of consecutive sentences, which we propose, is in clause 4 of the Bill which is before you. What we have sought to do is to delete section 72 of the Act and substitute a new section 72, the effect of which would grant the magistrate the power to impose consecutive terms of imprisonment where the total granted is not in excess of 10 years. As I stated earlier, section 72 of the old Act restricted the power of the magistrate in relation to consecutive sentences to three years and that is on the interpretation of the higher courts.

Mr. Speaker, the third issue I seek to address this afternoon is what I refer to as the consistency problem. By that what I mean is that there is a distinction between summary offences, which are less serious offences and indictable

offences, which, of course, are traditionally the more serious offences. Now, it is open in certain instances for an accused person to opt to have an indictable offence tried summarily, but generally speaking summary offences are less serious than indictable offences.

In clause 5, what we have sought to do is to amend section 105 of the Act which states that where a person is convicted of an indictable offence, which he has consented to be tried summarily, the magistrate's power to impose a penalty is restricted to a penalty of \$4,000 or imprisonment for two years. This is in the old Act. We felt that that jurisdiction was inconsistent with the increased power given to magistrates in relation to summary offences. So, if the law was to remain unaltered, persons might be punished more severely for a summary offence in certain instances than an indictable offence for which he is elected to be tried summarily.

To address that difficulty, the Government proposes by clause 5, to increase the penalty mentioned in 100(5) from \$4,000 or two years to \$20,000 and five years. Now there is a distinction in wording between the old Act and the amendment Bill in the use of the proposition "or" and the conjunction "and". Section 68(3) of the Interpretation Act states that the use of the word "and" allows, as interpreted to the present circumstances, a magistrate to impose the penalty alternatively or cumulatively rather than the use of the word "or" which would restrict his power to a disjunctive exercise of his discretion.

So that what we have done, really, by using the word "and" as interpreted in the Interpretation Act, is to give the magistrate the power to exercise his power cumulatively or disjunctively. We must not forget that magistrates are creatures of statute, so that they can only exercise a discretion if that discretion is given to them by law, which we have done here by using the word "and".

The fourth problem which the Bill seeks to address is what I refer to as the right to appeal, problem one. There are several problems with respect to the right of appeal. When a magistrate convicts a person of an offence, as I said, that person has a right to appeal his conviction and his sentence as well. Under section 128(2) of the Act it is stated that where a court makes a conviction order, the party against whom the conviction order is made may appeal to the Court of Appeal against such conviction or order.

Mr. Speaker, the procedure governing appeals is what has proven to be problematic in this area. So that a person convicted who is entitled to an appeal may file his appeal either orally or in writing. Under section 130(1) of the Act it is stated that where the appeal is made orally the Clerk of the Peace must reduce it

to writing immediately and have the appellant or his attorney-at-law sign the Notice of Appeal.

Our practice has demonstrated that this system has not operated satisfactorily because appellants are often denied their rights of appeal because of what amounts to State's error; difficulties within the prison system. Frequently, the appellant's oral notice is not reduced to writing because the Clerk of the Peace might be absent at the relevant time, he is not in court when the sentence is imposed and the appellant states that he wishes to appeal. So that, if the appellant does that in open court he must then wait until he is imprisoned before he can exercise his right of appeal. What we have seen is that that has proven to be problematic. The prison authorities have from time to time refused or neglected to deliver the signed Notices of Appeal in time and that has often resulted in the appellant losing his right of appeal.

The injustice of the present administrative arrangements has been demonstrated in the case of Bernard and Kennedy, which I referred to earlier. In that case all of the appellants were convicted and sentenced by a magistrate to terms of imprisonment. They signed their notices on the same day, but while they were in prison. The prison authorities failed to deliver the Notices of Appeal to the Clerk of the Peace within the prescribed period of seven days. On appeal to the Court of Appeal, the Court of Appeal held that it was bound to interpret the law in a strict way because, it said the law was clear, unambiguous and mandatory. So that non-compliance by the prison authorities did not absolve the appellants from strict compliance with the seven-day period which was set out in the old law. So that the courts, in those circumstances, held that the appeals were out of time and that they had no jurisdiction to entertain them.

Mr. Speaker, to correct that problem the Government proposes, in clause 6 of this Bill, to amend section 130(1) and (3) of the Act to provide revised methods for the filing of a Notice of Appeal.

Clause 6 of the Bill provides that where an appellant makes an oral Notice of Appeal the magistrate, not the Clerk of the Peace as presently obtains, must immediately reduce it to writing. That written notice must be signed by the appellant and given to the Clerk of the Peace. In this way we hope that the appellant's right of appeal would be enhanced, not secured, but enhanced. But that is not the extent of our effort to reform the law in this area. I shall also show that we have a fallback position so that even if circumstances are such that things break down in the prison, the Court of Appeal has a residual discretion to extend time in deserving cases.

Mr. Speaker, the fifth problem which I propose to address, I refer to as the right to appeal, problem number two. This is the time within which the Notice of Appeals must be filed. At present it is seven days. What we have done is to extend that period of time to 14 days. That is in keeping with a judicial pronouncement made by then Chief Justice de la Bastide in the case of Bernard and Kennedy to which I referred earlier.

We have also—this is by way of amendment which I have included in the Bill before us—given, as I have said, a general power to the Court of Appeal to extend the time for the filing of a Notice of Appeal to take care of difficulties which cannot be foreseen. That is consistent with the right which the Court of Appeal now enjoys with respect to High Court actions, but the Court of Appeal has to be expressly granted this power and this we have sought to do in the amendment to the Summary Courts Act.

Mr. Speaker, one problem which has arisen—which I will refer to as the sixth problem—is the computation of time during the pendency of the appeal. The Bill seeks to deal with this problem in this way—perhaps I can speak to the nature of the difficulty first. The difficulty is the question of how a term or sentence is to be computed for an appellant who is in custody or who has not abandoned his appeal. What I have already said is that an appellant has a right to appeal and he also has a right to abandon his appeal for whatever reason, but where he chooses to exercise that right, section 138(1) of the legislation at present provides that the existent section 150 shall apply.

Now, the conjoint effect of those two sections, 138(1) and 150, is that where the appellant is not in custody, for example, he may have been out on bail pending the hearing of his appeal, his sentence would begin to run from the date he is in actual custody. In the case where he is in custody his sentence begins to run from the date of the decision of the Court of Appeal and not from the date he was actually placed in the custody of the court. Although the Court of Appeal has been flexible to some extent in recent times, this has been an ad hoc arrangement.

The effect of section 138(1) is that an appellant, who abandons his appeal and has been in prison or custody for a period of time, begins to serve his sentence from the date he abandons his appeal. So that when he abandons his appeal the sentence does not run from the date of his conviction but from the date he abandons his appeal. That is because of the provisions of section 138(1). This section provides that in those circumstances the decision of the magistrate is to be treated as though it has been affirmed by the Court of Appeal under section 150 when the appeal is abandoned.

An appellant who abandons his appeal, and who has served time may have served the greater part of his sentence. We felt that to force him to restart his sentence would not be fair. To correct that injustice, the Government proposes, in clause 8 of the amendment Bill which is before hon. Members, to amend section 138(1) of the Act to make the new section 150(2) apply to the cases where appeals are abandoned. The effect of this amendment is that an appellant who is in custody and who abandons his appeal would begin serving his sentence from the date of his imprisonment and not from the date he abandons his appeal.

Mr. Speaker, the seventh problem is related to the one I just spoke about, that is, the computation of a term of sentence where an appellant who is in custody loses his appeal. Section 150(2) of the Act provides, among other things, that such an appellant who is in custody and whose sentence is affirmed by the Court of Appeal must begin to serve his sentence from the date the Court of Appeal affirms his sentence and not from the date on which he was imprisoned. That is provided for in section 150(2).

In many instances this has led to grave injustice to an appellant who has already served most of the entire sentence imposed by the magistrate before his appeal is heard and who must now begin serving the sentence or an increased sentence from the date of the order of the Court of Appeal. To correct that injustice the Government proposes by clause 9 to delete section 150(2) of the Act and to substitute a new section 150(2). This would provide how a term of imprisonment, whether imposed, varied or affirmed by the Court of Appeal, may be computed and served by an unsuccessful appellant whether or not he is in custody on the date the Court of Appeal makes the order on the hearing of his appeal.

It is proposed that where the appellant is not in custody on that date—I might not have made this clear earlier—he would begin to serve his term of imprisonment from the date he is brought into prison. In the case where he is already in prison, he would begin to serve his term of imprisonment from the date he was put in prison unless the Court of Appeal sees it just to set a new date.

Mr. Speaker, the final difficulty that the amendment seeks to treat with is in clause 10 of the Bill. This would validate all of those appeals which were filed by appellants in custody pursuant to section 130 of the Act but were out of time and pending prior to the commencement of this amending Bill. The validation clause is not open-ended, it is restricted to a small category of appeals, that is, to those which are filed only by appellants in custody and are pending until the coming into force of the amendment.



Mr. Speaker, I wish to indicate that the Director of Public Prosecutions is in agreement with the Bill. The Members in the other place were in agreement with the Bill and in high praise of it and I expect an easy passage here today. [*Desk thumping*]

To summarize, the Bill seeks to amend section 2 by expanding on the meaning of complainant; section 72, to increase the power of the magistrate with respect to consecutive sentences; section 100 to increase the penalty for indictable offences which are triable summarily; 130 to change the methods of appealing; 138, to treat with the abandonment of appeals and 150 with the enforcing of judgments under the Summary Courts Act.

Mr. Speaker, this Bill is important because it seeks to ensure that Trinidad and Tobago complies strictly with its domestic legal obligations to its citizens as well as to keep us in compliance with our international obligations, particularly in relation to the access to justice and the protection of the law. It also seeks to ensure that the State is not made liable in damages as we have been in respect of breaches of constitutional rights where an appellant in a summary matter is denied access because of the misfeasance of prison authorities which is quite unconscionable.

With these words, Mr. Speaker, I beg to move.

*Question proposed.*

**Miss Gillian Lucky** (*Pointe-a-Pierre*): Mr. Speaker, let me begin immediately by dashing the hopes and expectations of the hon. Attorney General who has indicated in his presentation that he is confident that there will be a smooth passage of this Bill. Because, clearly, the Attorney General might have gotten an easy passage elsewhere but in this Lower House—and I mean no deference to any other place—where we have had the opportunity to read and reread this Bill which contains many of the suggestions, if not all, that came from the Opposition, I want to suggest to the hon. Attorney General that he should sit back, relax and enjoy the ride while we point out some of the fatal flaws and problems that still exist in this legislation before us. [*Desk thumping*]

Mr. Speaker, it is very difficult to contain oneself when we hear honourable statements being made by honourable persons indicating, amongst other things, and I quote the hon. Attorney General, when he stated in his presentation that the Government of the day recognizes “that most of the justice takes place in the Magistrates’ Court”.

With that kind of realization on the part of the Attorney General and his Government, how can they account for the manner in which they treat Magistrates’ Courts throughout Trinidad and Tobago? [*Desk thumping*] How can they stand or

sit here as hypocrites and pretend that they are doing all they can do for the administration of justice and only three days ago we have had to have the closure of a court in Arima because of a stench; where hundreds of persons were forced to go home without having their matters heard.

How could the Attorney General, as honourable as he is, expect us to believe that he is very genuine in his concern about the Magistrates' Courts when, in a former debate dealing with the Mediation Act it was the hon. Attorney General who made the point, indicating quite clearly, that responsibility for the courts had been passed on to the court administrative officer and there was so much and no more that the Attorney General could do.

Mr. Speaker, let me point out from the outset—

**Hon. Jeremie:** I am sorry, but on a point of correction, I said the court executive administrator not the court—

**Miss G. Lucky:** And I respond. I thank you for the correction, Attorney General, but I would say, what is in a name? It is the person who has that responsibility. What is amazing is that the Attorney General really does not understand, with the greatest respect to him, what the role of an Attorney General is. The role of an Attorney General is not simply to say, "I have passed the responsibility to someone else and there is nothing more I can do". If it is the Attorney General is dissatisfied with the action—[*Interruption*] I am only giving way because I respect the office, Mr. Speaker.

**Hon. Jeremie:** Thank you. In that debate I did not suggest that I had passed the responsibility. If you read the *Hansard* carefully, you would see that I painted a background. I said that there had been an ongoing discussion between the Executive and the Judiciary for a long period of time and that it was on the prompting of the Judiciary that this responsibility had been passed over to it. It was not of my doing, I would not have yielded it voluntarily.

**Miss. G. Lucky:** Mr. Speaker, might I say that bearing in mind the second interruption which I have allowed, it is clear that someone, perhaps not the court executive officer, is very upset about what the Attorney General has said about who has responsibility for the courts. I am afraid that in my contribution this afternoon I would like to concentrate on the issues before us rather than give the hon. Attorney General an opportunity to apologize to somebody upon whose toes he may be treading or tripping.

Mr. Speaker, let me just remind the hon. Attorney General that before coming to this honourable House this afternoon, I took the opportunity to reread the

*Hansard* and what was stated by the hon. Attorney General who lured himself into answering me when I asked about the responsibility of the Magistrates' Courts. What was said among other things, inter alia, by the Attorney General was that when the responsibility was passed, the Attorney General went on to indicate in that debate that he believes "rightly so". So, it means that the Attorney General endorses what was done. At the end of the day—I will give no more interruption—if the Attorney General is of the view that the Magistrates' Courts are in a deplorable state the Attorney General ought to remind himself about what is stated in section 76(2) of our Constitution, more specifically,

"The Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago..."

and it continues. Certainly, the poor state of our Magistrates' Courts, where, the hon. Attorney General has admitted, most of the justice takes place, clearly that should be an area of his concern. If the Attorney General feels, in his capacity of Attorney General, that the state of the Magistrates' Courts are unacceptable, then he must act like a man and do something about it, whomever else may have the responsibility because the buck stops with him.

Mr. Speaker, it was amazing to hear the Attorney General state—I can quote him verbatim because it was stated exactly verbatim in another place. It was amazing to hear the hon. Attorney General state in his presentation:

"The Government accepts that access to justice is a fundamental and essential right in a democratic society that is designed to ensure that every citizen stands and is treated equally before the law. In this country the right of the individual to equality before the law, the protection of the law and the right to equality of treatment from a public authority are all constitutionally entrenched rights under section 4 of the Constitution."

That was said to us this afternoon.

### **2.30 p.m.**

Juxtapose those bold words with the reality of what is happening in Trinidad and Tobago, more specifically the recent judgment, High Court Action S1352 of 2002 in which, in his decision, the Honourable Justice Carlton Best stated, and I quote:

"In the opinion of this court, this inaction on the part of the Cabinet constitutes a constructive refusal of the licences and is a prima facie case of unequal treatment."

I will repeat it for emphasis in case members of the media did not hear it. I am quoting from the decision of Justice Carlton Best in which it is stated—and I am sure many people are now calling it the Maha Sabha licence case. It states [*Interruption*] Equality in Trinidad and Tobago will always be relevant as long as this party is in opposition and when we are the government. It will be relevant and it will not be dismissed. [*Crosstalk*]

**Mr. Speaker:** Hon. Members, I am interested in hearing what the hon. Member for Pointe-a-Pierre is saying, so please all be silent and let her have her say.

**Miss G. Lucky:** Mr. Speaker, actions speak louder than words. When we come to the Parliament, we hear all these wonderful statements about what the Government is and is not doing and for whom they care. We take those statements and ask them to apply them—practise what they preach; if a person has applied for a licence and is ahead of another person, ensure that they deal with the applications in order of merit. We expect that the Government would adhere to the fundamental principles as enunciated by the hon. Attorney General.

What makes it worse is the fact that this Government knows what it ought to do and it is clear that they are not prepared to do the right thing. That is why the role of the Opposition becomes critical in ensuring that the rules of democracy remain a part of Trinidad and Tobago. We are not going to remove ourselves from our duty. This is very relevant even though persons will be put to speak right after me to attack, not the merit of what I say, but something else—perhaps for the purposes of propaganda and their public relations—the fact is we now have as a judgment in our courts a recognition by the Judiciary that the Executive has committed conduct which is a prima facie case of unequal treatment.

All I can say at the end of the day is that if this Government feels that this is the one and only case that will be in those courtrooms, it is just the start. In Trinidad and Tobago, they are very important arms of the State and if this Government and the Executive are not prepared to fulfil their roles, then thankfully we have a Judiciary that continues to remain independent and as long as we have the independence of the Judiciary, I can assure you, Mr. Speaker, that this Government will not get away with all that it feels it can. I thank the Chief Whip for providing me with this particular decision.

What we have started here this evening, based on the presentation of the Attorney General, is the greatest act of hypocrisy. When the hon. Attorney General could indicate that there is recognition that the Magistrates' Courts are important and that there is recognition that in a democratic society we must have

strict adherence to the fundamental principles of justice and the rights enshrined in the Constitution and yet the Attorney General, as honourable as he is, can sit idly by and watch the destruction of justice as it takes place on a daily basis because of the inability of the Magistrates' Courts to hear matters because of the deplorable conditions, it means that something is wrong.

Mr. Speaker, I can only make one suggestion—and it is very relevant. I do not intend to make myself irrelevant. Suffice it to say that because, based on the presentation of the hon. Attorney General, we recognize that one thing is said and the opposite is done, I think I have a solution for the Attorney General. Whereas all his other colleagues may wear their balisier ties, symbols and emblems, I really think that the Attorney General because of the office he holds, ought to put his balisier tie away and come to the Parliament wearing a tie that shows that he is aware that he is not the Attorney General of the PNM, he is the Attorney General of all the people of Trinidad and Tobago. Do not tie yourself up! Let your clothes, in terms of your tie, not have a balisier. When you are Attorney General you are to represent the rights of all, not to have partisan interests. [*Hon. Attorney General stands*]

I am not going to allow interruptions. Hon. Attorney General, I know you are new in the business. Even though I am younger than you and I have not yet gotten silk from you, the reality is that I have a little more practical experience. It is not in the politics, but in the rule of law. You will have your chance to respond. [*Interruption*] Wasting time is the allegation that is made. You know what wasting time is, Mr. Speaker? Wasting time was when contributions made by the Member for Princes Town, the Member for Siparia and me were just discarded and disregarded by the former Attorney General. That was wasting time. When the former holder of the office of Attorney General scorned and laughed and scoffed and encouraged others to say that what we were saying was all nonsense, that was wasting time. But miracles do happen.

When I heard the hon. Attorney General say that, as a matter of truth, he spoke to the hon. Sen. Dana Seetahal and consulted with the Law Reform Commission, he said the truth. You see, when you take an oath, you say that you will tell the truth, the whole truth and nothing but the truth. I am not accusing the hon. Attorney General of being a liar, so let me pre-empt any objection based on Standing Order 36(5). I am saying that what he has revealed in terms of his consultation is the truth, but it is not the whole truth. If the hon. Attorney General is true to himself and his conscience, he knows that the major consultation that he made was with the *Hansard* contributions of the hon. Members of Opposition. Every single thing we said—and I ticked it off as I went through—is miraculously

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a part of the legislation before us. Just as a means of advice, which I know the hon. Attorney General may throw away, when making your presentation do not speak about “I” and “me”, speak about “us” and “we”. Many times in the presentation we heard about “I” and “I”. I hope that when I point out two major flaws in the legislation this afternoon, he will in his winding up accept responsibility for it and not try, as he did before, to pass the buck.

Continuing with the relevance of the Bill, it is clear—and it is no fault of the hon. Attorney General—that he does not truly understand the criminal court and the law process. There is nothing wrong with that because anybody in any profession must admit that he is not the repository of all knowledge. People who are aware that they do not know something and are prepared to listen to experts normally find themselves holding high office—not that it applies to this present Government—I am talking about previous regimes.

The hon. Attorney General must be aware that the importance of this legislation is based on the number of matters that are now in the Magistrates’ Courts and, more importantly, the number of matters, after there has been a summary proceeding, which are the subject of appeal. The number of those matters is increasing. It has become very important at the level of the summary courts to ensure that the right thing is done. When the Attorney General speaks about this legislation that will cure so many defects he is right, but it is rather unfortunate that he, in bringing this legislation, has not allowed himself to inject his own creativity and competence so that we would deal with many more problems that presently confront the Magistrates’ Courts, more specifically courts dealing with summary matters.

Mr. Speaker, the hon. Attorney General did refer to the case. He did not give us the citation. He mentioned that it was in the West Indian Reports. It may be because I am differently trained, but I know that when someone states a case, he must state the exact citation. It was the case of *Bridgewater v Sanhai*, reported in 60 West Indian Reports at page 356.

What is very clear is that the hon. Attorney General only read the head note. More than just reading the head note, he read the synopsis of the case. As you would know, Mr. Speaker, and all of us who have had to rely on precedent, if you need to quickly determine what a case is about, you read the synopsis. The synopsis states, in a very short form, the facts of the case and, more importantly, what was held. However, when preparing for a debate as important as this, we in the Opposition do not do a quick-fix job. We ensure that we prepare ourselves, arm ourselves with the authority and perhaps, most importantly, understand the relevance of the case and the importance of the decision.

The Attorney General pointed out that in this particular case, which I shall refer to as Sanhai, the problem was that a state counsel had signed Form 2 of the Fourth Schedule, which is what we call the appeal form. Because the state prosecutor had signed the form and the matter was then listed for appeal, it was pointed out by the respondent—that, of course, would have been the accused person who was the beneficiary of a no-case submission—state counsel or anyone from the office of the Director of Public Prosecutions (DPP) did not come within the definition of the word “complainant”.

Having just read that in the synopsis, the Attorney General must have thought that the solution to the problem was simply to go to the Summary Courts Act and include, in the definition of the word “complainant”, “the Director of Public Prosecutions”. That is exactly my point. The Attorney General ought not to have ended his reading prematurely. He ought to have read this case very thoroughly to understand, firstly, the reason for not having the DPP included in the definition of the word “complainant”; and secondly, to understand that by so doing the Attorney General is actually creating a problem that will have to be determined in the Court of Appeal should any member of the office of the DPP or the DPP himself decide that he or she can now sign that form.

I see the Attorney General now paying attention so that I will begin to go through it very slowly so that he can understand it. It is pro bono advice and I know that there are competent officers who will be able to understand me and advise him accordingly.

In the decision of the former Chief Justice de la Bastide, he stated perhaps most importantly, on page 360 of 60 WIR, at paragraph (f)—I shall give state counsel assisting the Attorney General time to find it—

“I merely mention in passing that, even if we had accepted Mr. Gaspard's first submission, namely that Ms. Jules was competent as a ‘complainant’ to bring the appeal, we would have had to dismiss the appeal anyway because she is not present in the court.”

The former Chief Justice recognized, assuming but not admitting that the DPP or one of his officers was entitled to sign as a complainant, that the problem would still be that the person who signed would have to be before the court and the person before the court has to be the appellant and in this case the relevant officer was not before the court. So you see, one who is myopic in vision—I mean Vision 2020 like those on that side—would just make sure that the officer is before the court—that is the officer in the office of the DPP. However, it would not be that simple.

In many instances, as is happening now in the office of the DPP, there is a massive exodus. There are some persons who have moved on and become prosecutors in The Hague and may soon be justices in Trinidad and Tobago. There was a DPP who is now an Honourable Justice of the High Court. There are state counsels who have decided to leave and go into politics. There are state counsels who have gone elsewhere, and because they are being treated much better elsewhere, may decide never to come back.

When you are faced with that kind of problem—the problem of rapid turnover in the office of the DPP—how are you going to mandate the presence of the state counsel who signed the form? That would be problem number one. The first problem is that you would have to ensure that whoever signed that document is available to go before the Court of Appeal when the matter is heard. Based on the problem I have just outlined, one can understand why those who drafted the parent Act were very careful not to allow attorneys or persons who are in the office of the DPP to get caught up in this kind of situation where they would be mandated to be before the court.

It is only by understanding why the definition of “complainant” referred only to an informant or a prosecutor that the Attorney General would be able to understand why the legislation with respect to the definition of “complainant” ought not to be interfered with. I can assure the hon. Attorney General that, like him, I, too, consulted with officers and legal counsel much senior to me and more competent than me. Whereas others may turn a deaf ear to those more senior or who are experts, I ensure that I listen. I raised this issue with members of the Criminal Bar Association, which I did not hear the hon. Attorney General say he consulted; members of the Assembly of Southern Lawyers, which the Attorney General, honourable as he is, did not consult. I know that the Member for Princes Town belongs to that association and discussed it in a group with persons who are well-trained in the criminal law arena. We all recognized that this attempt by the legislation to include the DPP is a path from which we must refrain.

There is a reality of which the Attorney General is unaware. Having represented the State both when I was in the office of the DPP and also in the very limited time in which they sought to retain me in magisterial appeals, there is a very frustrating event that takes place, not for appellants who are prisoners in custody only, but also for persons who are victims of crime.

What the hon. Attorney General is seeking to do is to enable the DPP or the State Prosecutor to sign that appeal form. The unfortunate reality, as happened in the very case of Sanhai, is that when the State is the appellant—the prosecution



has appealed and is therefore the appellant in a case—when the appeal is dismissed, as also happened in Sanhai, there are victims who really are victims of the result of the findings of the Court of Appeal. I will explain that.

I appeared on behalf of the State in a magisterial appeal in which a magistrate had exercised the discretion to discharge the accused person for want of prosecution. The matter had been called on three occasions and on two occasions the prosecution had been ready. On the third occasion, the complainant, that is the police officer, did not appear in court and with good reason. The magistrate exercised her discretion to have the case thrown out because of the inability of the prosecution to proceed. When the appeal was heard in the Court of Appeal, the Court of Appeal agreed with the submission that this was a matter in which the magistrate ought not to have exercised that particular discretion. In other words, the prosecution won the appeal.

It was a case of robbery and the sum of money stolen was \$30,000. The victim of the robbery in that case made the point that if the prosecution had not won the case in the Court of Appeal, it would have been the end of the victim, the virtual complainant, getting justice. That is why it is so important to ensure in this legislation that nothing is done to jeopardize justice, not only from the perspective of persons who are convicted in the Magistrates' Courts in summary matters, but also persons who might have had their matters thrown out on grounds that cannot be sustained and therefore are entitled to appeal.

If the hon. Attorney General would get his good advice—and he is entitled to get a second, third, fourth and fifth opinion if he so chooses—he would recognize that the DPP and his staff ought not to be included in that definition of the word “complainant” because when the prosecution is successful in the Court of Appeal and it is decided that a matter ought to be tried *de nouveau*, it is very important to ensure that the relevant officers, including the complainant or the informant, are still available and know about it. That is why the legislation made it clear in one of its sections that every appellant must be present whenever his or her appeal is being heard. If the appellant wins the appeal and the court orders a trial *de nouveau* when the prosecution is appealing, the court wants to be sure that it is really a matter that can start all over again. Bearing in mind the kind of bureaucracy that exists—which the Government is refusing to remove—when it comes to the administration of justice, the legislation as it is ought not to be interfered with, otherwise the Government will be creating problems that it will just dismiss and refuse to deal with because of the approach that we have heard within recent times—if it does not affect me, I do not have anything to say about

it. Perhaps that is why the Attorney General has adopted that approach with the Magistrates' Courts. Because it does not affect him, he does not care and he has nothing to say or do about it. It is somebody else's responsibility and that is a very dangerous road for any government, especially this Government, to go down.

The first point is the understanding that the parent Act defines the word "complainant" to mean the police officer, who is the investigating officer. At the end of the day that officer will have to ensure that all his witnesses are present and that the prosecution can proceed in the matter. Leave it as it is.

What the Attorney General could have done—if only he had spent more time and not taken the easy route, which was the wrong route—was to create a new section that would have stated that an appeal from the Summary Court would also be initiated by the Director of Public Prosecutions and a new form could have been created whereby the DPP would then have one of his officers sign the form in order to initiate an appeal and have it listed before the Court of Appeal. That would have been the logical way out of it. That would have been the proper way out of it, but clearly this Government does not care to do that which is logical and does not care to do that which is proper. It is not too late, Mr. Speaker, for the Attorney General to do that which is right.

This debate this afternoon is not about the Opposition's ability to prove the flaws in this legislation. The opportunity is given for the hon. Attorney General to do the right thing. Even though this Bill has been passed with amendments in the other place, there may be an inconvenience in the hon. Attorney General taking it back to the other place and admitting that there were some problems. It is really the hon. Attorney General who has to make the call either to do what is right and address the problem and to remove the clause that includes the DPP or to leave the legislation as it is and let it rest on his conscience that he is creating a difficulty which may lead to victims of crime and virtual complainants of matters not getting justice at the end of the day.

What I am saying was already contemplated in the very decision to which I refer. In the Sanhai decision, Justice de la Bastide, Chief Justice as he then was, went on to point out on page 360, the last paragraph, that it was rather fortunate for the respondent to have had the benefit of a favourable ruling from the magistrate on that submission and that it seemed to them that the prosecution's case was in fact a very strong one.

The Honourable Chief Justice was stating that based on the evidence taken on the prosecution's case, those who sat in the Court of Appeal were clear in their

mind that at least there was a prima facie case and that the prosecution appeared to have a strong case. Unfortunately the magistrate ruled on a no-case submission in favour of the accused, the prosecution appealed, the wrong person signed—that is the State Prosecutor—as a result the appeal had to be dismissed and there we had the victim of a crime or virtual complainant being told that the accused in the matter had gotten off on what is a legal technicality. The role of the Attorney General is not to create technicalities in the law but to try to resolve the problems.

There is also another fundamental reason that will explain why the definition of “complainant” is not meant to include the DPP or even a person working in the office of the Director of Public Prosecutions. When a matter is being prosecuted in the Magistrates’ Courts by police prosecutors and there may be a case in which a complainant, who is the police officer or the complainant, feels that there has been an order of the court or a ruling against the prosecution which cannot be sustained, it is for the complainant at that point in time, expeditiously, to file an appeal. What has happened in practice is that the complainants have to go to their respective police stations, speak to someone senior; that senior person has to consult with someone in the office of the DPP and by the time the decision to appeal has been made, more than seven days have passed. So, the Attorney General might decide to respond in winding up by saying that that is why they have now given the Court of Appeal the right to extend the time of appeal and he would be right in saying that that was what ought to have been done in the first place. That was the exact suggestion made by the Members of the Opposition.

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

Mr. Speaker, there still remains a fundamental problem because, if the present state of the Office of the Director of Public Prosecutions (DPP) is allowed to continue in terms of the lack of staff and the lack of resources, there is going to be a piling up. If that time period, which is now 14 days—it is from seven days proposed to be 14 days—and the State says: “Listen, the matter took a long time from leaving the hands of the complainant to his senior officer, to reaching the Office of the Director of Public Prosecutions”, more likely than not such a ground will not justify an extension of time.

Why do I say that? Because in today's ruling, dealing with the Maha Sabha in which the Maha Sabha won in the court—I am quoting from page 3 of the *Guardian* of Friday 06, 2004:

“The judge added the State's submission of lack of staff, inefficiency in the Public Service, change of venue, political directorate and policy ‘should not

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be allowed to stand as justification for the differential treatment meted out to the Maha Sabha.”

In other words, for those of us following the argument—I am sure that would include all of us who are serious about justice. In the Maha Sabha’s case Justice Best was pointing out that you cannot use the inefficiency of any of the administrative systems in place to account for why a matter was not dealt with. One can envisage that the Court of Appeal would adopt a similar posture and state—should the prosecution seek an extension of time—that you cannot use the fact that the Director of Public Prosecutions lacks resources, and the police do not have resources and it takes a very long time before the decision could be made and be transmitted to the relevant complainant or informant as a justification for an extension. I want to repeat, for emphasis, to the Attorney General, that he cannot use it as an explanation to state why it is important for the Director of Public Prosecutions to be included in the ambit of the definition of “complainant”.

As already pointed out, therein lies another problem. It is either we leave the Director of Public Prosecutions out or, as it has already been suggested—there are competent draftsmen who belong to the various departments of the State—draft a new section giving the Director of Public Prosecutions that power—bearing in mind many times the Director of Public Prosecutions has to give advice as to whether to appeal or not—and draft a new form. I am sure the Attorney General, if he understands the point, would recognize that is the correct thing to do. As to whether the correct thing would be done, would be a matter for determination at the end of the day. If I may bet my money on it, I am sure that, again, it will fall on deaf ears.

I would like to point out the plight of the staff at the Office of the Director of Public Prosecutions, who are still struggling to get better terms and conditions. We all know about action taken by the state attorneys. The Attorney General pointed out that he did not agree with what they had done and that the matter is going to be resolved. I want to point out what the present state is. I have been reliably informed that there are so many vacancies at the middle level in the Office of the Director of Public Prosecutions it is causing a major problem. The lower offices are totally filled. The higher offices and the Office of the Director of Public Prosecutions are filled, but it is always in the middle where there is the greatest haemorrhaging and the greatest exodus of staff. There is where we need the greatest competence of expertise and it continues to be the greatest deficiency in the office.

Take for example, I am now informed that there are nine senior state positions in the Office of the Director of Public Prosecutions in terms of nine positions

available and only two are filled. There are five State Counsels III, which is a lower rank and all are filled. There are four State Counsels II, which is a lower rank and all are filled. There are four State Counsels I, the entry rank in the Office of the Director of Public Prosecutions, and only one is filled. By not promoting people fast enough within the department, there is a level of very high frustration. There is one state counsel who has been working as a state counsel for almost five years and still remains in the position of State Counsel I, that is the entry level. When we have that kind of demoralization taking place, where after five years you are still a State Counsel I where you can still aspire to be a State Counsel II or III, Senior State Counsellor, Assistant Director of Public Prosecutions or Director of Public Prosecutions, there is no incentive to stay.

When we have an Attorney General who seems to frown upon action taken by state attorneys, rather than seeing what innovative measures can be used to address the problem and to at least give some kind of interim or incentive to keep counsel, you are going to have a massive problem with respect to what is attempted to solve problems by way of legislation. Avenues are being created by this Government, but what is happening is that they are jamming the very roadways or avenues for justice that they are creating. The Government is giving power to the DPP to be a complainant but it has done nothing to boost the resources. It has done nothing to ensure that files would leave from one place to another in record time. The Government has done nothing to ensure that at least the State would have enough counsel and the department would have enough resources to deal with these matters that will now be coming before it. The Government cannot just take one judgment and have this judgment as its precedent and without fully understanding it, seek to change the legislation.

There is a third point that was raised in the case of Sanhai which would probably explain why we on this side are always so concerned about the slow wheels of justice when it comes to matters being heard and determined in the Magistrates' Courts. In the very case of Sanhai, the former Chief Justice had this to say:

“Before leaving the case, however, I would like to draw attention, as I did in the course of argument, to the deplorable history of this case, which stretched over four years, from 8 March, 1993, when the case was first called, to its completion on 21 February, 1997. During that time, there were no fewer than 56 adjournments. I would like to suggest that what this record demonstrates is the need for a co-operative effort by all concerned, primarily the magistrates, the attorneys, the police prosecutors and witnesses, to co-

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operate in bringing about a situation in which cases in the magistrate's courts are fixed for dates when it is feasible for them to be tried, and when those dates arrive, the cases are tried.”

The relevance of this particular statement of the former Chief Justice was true then and it is truer now. Because magistrates have really put their shoulders to the wheel to ensure that they start to control the voluminous lists that are before them.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

*Question put and agreed to.*

**Miss G. Lucky:** Mr. Speaker, I wish to thank my colleagues and all those in the House who, in fact, voted for me to have this extra time. Clearly, they understand what justice is about and the fact that justice must not only be done but be manifestly seen to be done.

Mr. Speaker, I was talking about the state of the Magistrates' Courts and I was pointing out that many magistrates, police officers and the stakeholders referred to by the former Chief Justice in the Sanhai case have accepted the challenge that was thrown out to them to work harder, do more and try their best to bring the situation under control.

Look at what happened on Wednesday, in the Arima Magistrates' Courts. Matters were set for trial, matters were part heard; litigants, victims, witnesses, the prison vans, attorneys, administrative staff and the magistrates were all present at the court, ready to begin work promptly at 9 o'clock, only to discover that there was a stench in the court and the matters could not be dealt with. How can we really ensure justice, when there is no commitment on the part of this Government to ensure that justice is done? What it meant and what it means is that, in the example I just pointed to on Wednesday, all those like myself, who had their matters part heard, now have to go on another day to have the matters continued. Those litigants and witnesses who took time off from work and came to the court are now finding themselves in a situation having to determine whether they can come to the new adjourned date.

[MR. DEPUTY SPEAKER *in the Chair*]

All the matters which were to be heard have been put on dates where already there is a heavy caseload. One incident has led to a situation in which there is

going to be an increase in the backlog. These are live problems that cannot be easily dismissed. When one recognizes that there are some petty matters but many serious matters that are heard in the Magistrates' Courts that are within the realm of summary offences, such as narcotics or firearms matters, certain fraud and larceny cases and possession of ammunition and firearms, these are serious matters which attract the summary jurisdiction. That is why it is important to have the matters heard expeditiously. It is also important to ensure that there are proper conditions at our Magistrates' Courts.

Many times, the subject of appeal would be based on legal points of law. At the Magistrates' Courts there is no access for attorneys or police prosecutors to avail themselves of the laws of Trinidad and Tobago or any of the local reports. One might argue that across the road from the San Fernando Supreme Court there is a library. One can argue that there is the same in Port of Spain. There is the Magistrates' Court on St. Vincent Street and there is the Hall of Justice. In other jurisdictions, especially the country districts, we do not have that ready access to the law. There are many times when even the magistrates may want to verify a point but they are unable to do so because they do not have access to a library or facilities. If we really want to deal with the problem in a constructive and comprehensive way, we have to ensure that the physical amenities, the buildings and the resources are up and running. That is not the case. It is the story in the Arima, San Fernando, Siparia, and Chaguanas Magistrates' Courts.

On Wednesday, in Arima, prisoners who had been kept in the vans in crouched positions for at least two and a half hours, hoping that they would have eventually been taken out and to the courts to have their matters heard—to at least relieve themselves from their cramped conditions, because they are presumed innocent until proven guilty were told: “You would not be taken out, but the van has to leave the compound and take you back to your respective prisons.” Mr. Deputy Speaker, that can never be justice! These are simple problems that have very serious and adverse effects on the administration of justice.

The second point I wish to raise in terms of the legislation is in fact the validation clause, more specifically, clause 10 of the legislation. I am aware that the Attorney General indicated, in his presentation, that the validation that was being given to those appeals that are presently out of time is a restricted validation. In other words, the hon. Attorney General indicated that the validation would only be for prisoners who are in custody and whose appeals, because of the bureaucracy of the prison service, would have been filled out. For one reason or the other, such notices of appeal have not been filed in conformity with the legislation.

I want the hon. Attorney General to recognize that the validation being given in clause 10 ought not to be so restricted. As it stands, it means that only an appellant in custody would have the benefit of having his notice of appeal, which is presently out of time, deemed to be in time. What about those appeals which, for good reason, are appeals that are also out of time, not coming within the rubric of an appellant in custody? This is an appeal from a person who is not in prison. What about those matters in which the appellants, who would be the informants to the police officers, have had to wait on legal advice from their senior officers or from the very Office of the Director of Public Prosecutions in order to determine whether there is any merit in an appeal that they want to file? It is important, when we speak about the scales of justice always being even and not tipped in favour of one side, that we ensure that the legislation reflects the intention.

While I agree that it is very important to have this validation clause—it being a suggestion that came from the Opposition, dealing with that situation where the State may be bombarded with litigation because of a situation in which prisoners have not had their appeals sent from the prison to the registry in a timely fashion, within the seven-day constraint, as now applies—there are also other persons who may not have had their appeals filed in time, who have filled out their notices of appeal but who should also be the beneficiaries of this validation.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, think about a case in which a person might have had—let us use larceny, something which is so prevalent in this Government today—his or her car stolen. That is an offence that is triable either way. What if such a person went to court, gave the evidence; the prosecution, for one reason or the other led all the evidence and the magistrate upheld a no-case submission? Using that very example, let us say that the police officer, the complainant, was unsure as to whether he had grounds of appeal, in other words to challenge the decision of the magistrate to dismiss the case for the prosecution, that police officer, as we explained before, would have to go to the police station, speak to a senior, the senior may have to consult another senior, that senior might send the file and the facts to the Director of Public Prosecutions. The DPP's office would then have to make a determination and send it back. That is the kind of live bureaucracy that takes place. Why is such an appeal not enjoying the same kind of validation being given to matters envisaged in clause 10?

In the example I have just highlighted, what would happen is that the victim of the crime, that is the person who has had his or her car stolen, would never get justice because of a technicality that now exists. More so, when an opportunity



was given by this Government to ensure that all pending appeals were given validation, it chose only to give validation to a restricted group of persons. We must remember that whatever the deficiencies with the State, the police service and whatever relevant departments, persons who have suffered an injustice and persons who are victims of crime must not have to pay the price.

The suggestion being made from this side is that in clause 10, which states:

“Every notice of appeal given by an appellant in custody under section 130...”

The words “in custody” ought to be removed and instead the clause should read: “Every notice of appeal given by an appellant under section 130 of the Summary Courts Act...” That would mean that those appeals, which have been filed by persons who are not persons in custody but, perhaps, have very valid reasons for not complying with the time constraint, as it exists, of seven days, will also be the beneficiaries. It is a suggestion that is being made to the hon. Attorney General. I know the Attorney General has already given his reason for not including everyone by saying that it is restricted because the clause was really meant to deal with those prisoners who had given the prison officers their notices of appeal, but it had not left the prisons and gone to the respective registries at the Magistrates’ Courts and that the State was bombarded with litigation and that this is now a means in clause 10 to ensure that the State is not so bombarded. That is a valid reason for having clause 10.

There is also another reason for ensuring that the validation is given to everyone. We also have to consider the interest of the victims of crime. When it comes to this particular piece of legislation, what is very important is for the hon. Attorney General to understand that the greatest of laws will have little or no effect, if the resources and the institutions that are meant to enforce the laws are not given what they need. Therefore, passing this kind of legislation does not give the Attorney General any reason to celebrate. In fact, this kind of legislation being passed is just one step in ensuring the effective and efficient administration of justice.

Mr. Speaker, I know there are others on my side who would be dealing with other points. In conclusion, I wish to point out just two suggestions. The first one, as I indicated earlier, is to leave the parent Act with the definition of “complainant” as it is. There is very good reason for the definition to remain as it is. If there is a need to include the Director of Public Prosecutions, create a new section and a new form.

Secondly, I would like the hon. Attorney General to consider whether, in clause 10, he would remove those words “in custody”, so that we would be able to

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give a wider validation. If it is of any benefit in this humble and respectful submission being made, I would like to assure the hon. Attorney General that before coming here this afternoon to deal with this particular point, I did consult with one person with whom he indicated he consulted and for whom he has the greatest respect. That alone would be able to substantiate the points I have made. That person, I am sure, is one of the persons who would be getting silk next year, who for some reason was not given silk this year. I am speaking the truth. The person agreed that in clause 10, the phrase “in custody” ought to be removed in order to ensure the widest protection and validation for the greatest number of people. If that person consulted could admit that in the other place, this was a particular point that had been overlooked. We have the opportunity now, in the Lower House, to correct it. Maybe it was not overlooked, but on reflection the person is indicating, and persons in the legal fraternity have indicated, that it ought to be a wider validation. I am asking the hon. Attorney General to do the honourable thing, to uphold the fundamental principles of justice and remove that phrase “in custody”. Let us ensure that we get it right.

I thank you very much, Mr. Speaker.

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Thank you, Mr. Speaker, for recognizing me as I rise to make a contribution to this very important debate on the Bill before us: the Summary Courts (Amdt.) (No. 3) Bill. Mr. Speaker, I spent, along with my colleagues, a long six years on that side. I made a tremendous number of contributions from that side. I know the frustration and pain of being in Opposition. We lived it for six years.

**Dr. Moonilal**: You are still experiencing it.

**Mr. F. Hinds**: I wondered, as I listened to my friend from Pointe-a-Pierre, whether any of us ever sounded so fluffy and irrelevant. I know that we were struggling to find issues. We found many and identified them to the national community. Those issues moved the national community sufficiently to vote the UNC out of office and to send clear signals that they would never hold the reins of power in this country again. [*Desk thumping*]

I want to make a short contribution and I would not be disturbed. The Member for Pointe-a-Pierre gave us the distinct impression that she was trying with her usual one speech. She really has only one speech which goes in synopsis like this: “I am the best thing since sliced bread. I am the best lawyer in the country. Everyone else is a fool. Nobody else understands the law. I, the Member for Pointe-a-Pierre, do exclusively.” She came here today with that one speech and

she added a little more. It sounded to me as though she was advertising herself, trying to win a few more state briefs perhaps. She was so heartless in doing it.

**Mr. Speaker:** The hon. Member.

**Mr. F. Hinds:** Thank you so kindly. The hon. Member was so heartless and mindless in doing it. The same Member told us, in her contribution, that she prosecuted for the State in recent times, under a PNM government, which demonstrates our fairness and spirit of equity. We leave none out.

**Mr. Moonilal:** Except you!

**Mr. F. Hinds:** Mr. Speaker, she prosecuted for the State in recent times. While she was prosecuting for the State, trying to convict and punish those who were found guilty by the courts, the situation at Arima and Chaguanas was the same. She did not complain about it then, but deceptively and deceitfully, the hon. Member comes to the House this afternoon so to do. That is typical UNC hypocrisy.

The other feature of her presentation was that it was as usual very noisy. I want to tell my friend from Pointe-a-Pierre, when you speak the truth you do not have to shout it. The truth has its own force. The truth has its own potency. You can whisper it and the effect would be the same. Listen to some truth, Member for Pointe-a-Pierre, without shouting.

Before I proceed, I want to caution the Member. I cautioned her sometime ago to drink her porridge cool. The hon. Member took offence, but it seems as though she continues to gulp it down hot. I will demonstrate what I mean as I proceed. The Member spoke at length about the Magistrates' Courts and the deplorable conditions. I would prefer—without trying to be critical of any administration or individual—to say that it is clear to us that in our society, as we move to developed status, we have to find a way of showing concern for the upkeep and maintenance of public buildings in a more systematic way. We have many buildings in this country that are public property that, as a nation—forget the partisan arrangement—we have not dealt with as much as we should. In other countries that is not the case.

I visited Hong Kong recently and I was absolutely impressed when I saw and learnt of the way they managed their public buildings. Even residential apartments, 41 storeys high, are impeccably clean. The lifts are serviced once per week. I am told that in commercial buildings and offices they service them on a daily basis. I was impressed by that. As we move to 2020, that is the kind of thing I would like to see in Trinidad and Tobago so that we would not have a situation and come here to pretend that the deplorable conditions at Arima Magistrates'

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Court or at a school in St. Barbs or Tranquility Government Secondary happened overnight. It did not happen overnight. It was deteriorating over the last year and indeed the last six years. We have an issue to address in this country and we should. So I would take a different approach, a much more sensible approach.

**3.30 p.m.**

Mr. Speaker, in addition, the Member for Pointe-a-Pierre and other Members on that side ought to know that the responsibility for the Magistrates' Court rests with the Court Executive Administrator. The Judiciary is a distinct and separate arm of the State. We have recognized that. Consequently, the Attorney General—though he liaises with the Chief Justice of necessity—would not want to get involved in the day-to-day dealings of those issues. He would go to Cabinet and make arrangements for the necessary funding, but this is a matter for the Court Administrator. We have recognized that and we would live by that. Contrast that with the times when the UNC was in government and they were led in the Attorney General's office by one Mr. Ramesh Maharaj. Every Monday morning there was big bacchanal between the government and the Judiciary. Every Monday morning! It was not just Mr. Maharaj; he was leading the charge, but there was also the Member for Couva North and other Members. That was normal. When last have you heard of that kind of thing in this country? This ended up in a commission of enquiry.

Mr. Speaker, last week, I read the report of that commission of enquiry and it sounded brand new to me. Nothing came of it! It costs this country millions of dollars to run that enquiry just to settle personal scores, and now it is lying somewhere. Nothing came of it! That is the track record of the UNC. Well, the Member for Pointe-a-Pierre may be excused because she was not here at that time but, since the Member claims to know it all, I would have thought that her speech would have been tempered by those realities but, certainly not. The Member continues to drink her porridge hot, too hot.

The UNC's operations, their ethos, were not to recognize that separation but it was about control: control of judges; control of buildings; and control of judicial travel. I remember Mr. Justice Mendonca giving a decision that was opposed to or contrary to the desires and wishes of the UNC, and the next thing you know, members of our Defence Force surrounded that house. He was thrown out of a house. Again, making history—I shall not give way as yet.

**Mr. Singh:** Why is the Member misleading this House?

**Mr. F. Hinds:** He was about to move into the house. The house was being repaired for occupation, and he was unceremoniously, and in a most undignified

manner thrown out at the hands of the UNC. Again, they made history, but not for anything honourable or anything good but, for their usual indignity and “ignorability”, if I may say so. We have become accustomed to these matters and we are looking forward to seeing a permanent end to them.

I want to address a point that the Member for Pointe-a-Pierre belaboured during her contribution. The Member was criticizing the Attorney General who piloted this legislation here today. The Member said that under the interpretation section of the Act, the Attorney General added a list of persons who could sign a Notice of Appeal, and she said that the Attorney General did so improperly, and added the Director of Public Prosecutions. The Member read from a decision—I did not make a detailed note of it—but, effectively, the Member was saying that a judge made the comment that even if he had accepted the attorney’s submission that the DPP officer could have signed the Notice of Appeal, the fact that the DPP officer was absent would have been fatal to the case. That is what the Member said.

**Mr. S. Panday:** You are really hard-headed.

**Mr. F. Hinds:** The Member did not tell this House whether she came to that conclusion having read the judgment—I did not read the judgment—and that those comments by the judge had formed part of the ratio *decidendi* of the case, or whether it was mere *obiter dictum*. Now, that is an important distinction, because the judge may have really been saying that the DPP officer signed the form—not the prisoner or his attorney—and, therefore, since the DPP officer signed the form, the judge may have considered Mr. Gaspard’s argument. It may be that the judge was right. We cannot go further because Miss Jules, the officer from the Office of the Director of Public Prosecutions who signed it is not here. That may not have been part of the ratio *decidendi* that is to say, the real core point upon which the case was decided. It may have just been *obiter dictum*. That is a point the Member should have sought to help us with, and I suspect that it was the latter. [*Interruption*] Mr. Speaker, I need your protection from the ranting and raving of the Member for Princes Town.

**Mr. S. Panday:** “Ah smoke cocaine and meh brain fry.”

**Mr. Speaker:** Hon. Member, please, did you smoke cocaine?

**Mr. S. Panday:** “Yes, and meh brain fry.”

**Mr. Speaker:** Well, listen, you will have 75 minutes to make your contribution, let the Member make his contribution in peace.

**Mr. F. Hinds:** Mr. Speaker, that is typical UNC bile and filth. They have tarnished this country, the Parliament, the courts and everything and they will not

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stop. Anyway, let me continue. I was making the point that the interpretation section as it now stands, before this amendment, permits a prisoner to sign the Notice of Appeal and also his attorney. An attorney-at-law could sign the Notice of Appeal and that would be quite valid. The Member for Pointe-a-Pierre is now saying that adding an attorney from the Office of the Director of Public Prosecutions would invalidate it and cause no end to the problem. But, oftentimes, the lawyer who represents the client in the Magistrates' Court would sign the Notice of Appeal. If the magistrate found that a man was guilty, it may not be the same lawyer who would be arguing the appeal at the Court of Appeal. That lawyer may not be present at all. So, if that is not a problem in those circumstances, how could the absence of an officer from the Office of the Director of Public Prosecutions be a problem? Absolute rubbish! Unthinking UNC rubbish! Thank God for the light and the wisdom of the People's National Movement (PNM).

**Dr. Moonilal:** That is why they kept you out of the Cabinet.

**Mr. F. Hinds:** That is quite all right. This is not about me. I have often said that Fitzgerald Ethelbert Hinds is not important. I do not speak here as Fitzgerald Hinds per se; I speak here as a representative of the people of Laventille East/Morvant. [*Desk thumping*] These are the kinds of subtle distinctions that they will never understand. This is not about me. I could defend me and I have defended me. My friend from Oropouche, do not take it personally. Let us keep the debate at a wonderful level. The argument is a non-argument, if I may say that. It is a waste of our precious moment.

Mr. Speaker, beyond that, the Office of the Director of Public Prosecutions is enshrined in section 90 of our Constitution. When the Director of Public Prosecution acts—the person who holds that office does not act personally as the DPP. Again, this is a subtlety that may have escaped them. There are agents in that office. There are a number of attorneys in that office. So, if Mr. Godfrey Henderson, the Director of Public Prosecutions signs a document, another lawyer from the Office of Director of Public Prosecutions could act on that matter because that lawyer is an agent of the DPP, under section 90(6) of the Constitution. The DPP's functions are exercised by his agents, otherwise it would be impossible for the DPP to represent people in all the courts on a given day in Port of Spain. So, the appellant making the appeal would be present, and another DPP officer would be present in the court under section 90(6). My friend overlooked that simple point. But just like the UNC's Attorney General and her predecessor, if I may say so, the Member comes here—and one very learned attorney told me that sometimes the former Attorney General made no sense. He speaks so loudly and forcefully, that

the unwary may believe him, and the hon. Member for Pointe-a-Pierre did the same thing here today.

**Hon. Member:** Do you believe it?

**Mr. F. Hinds:** Of course, not. I am not an unwary soul; I am a watchful man. At any rate, there are three models that could be used to address the problem that the Attorney General has sought to resolve. One of the models is that the DPP could be made a valid signatory to the Notice of Appeal which is what the hon. Attorney General offered us here today. Secondly, a brand new section could be created with a new Notice of Appeal form so that, when necessary, the DPP officer could sign that particular form.

In other Caribbean states, the law provides for the appeal by leave of the DPP, which comes very close to what we have offered here today. So, I do not know what the Member for Pointe-a-Pierre was making all of that song and dance over. The Member spent half of her time talking about that and other irrelevant matters and she was not concentrating on the matter before us.

The Member dealt with the terms and conditions of officers of the Director of Public Prosecutions Department. I understand from my colleagues that the Government is giving serious attention to the terms and conditions of officers of the Director of Public Prosecutions Department. At the moment, the matter is before the Salaries Review Commission. Again, we must wait for the outcome of that matter.

The Member for Pointe-a-Pierre and even my friend, the Member for Princes Town—limited as he may be—have agreed that the majority of criminal cases are tried, heard and determined in the Magistrates' Courts. That is as trite as one could have it but, the Member for Pointe-a-Pierre carried on about that matter as though it was something so novel. The Member expressed great concerns about magistrates and the Magistrates' Courts. I wonder if that is the reason the Member found herself—again, unthinkingly, disregarding the subtleties and the importance of our constitutional pillars and dictates—in a secret meeting with a handful of 42 magistrates in this country. A few weeks ago this was reported. I am confident to proceed because a certain amount of latitude was given to my friend, the Member for Pointe-a-Pierre.

**Mr. Singh:** Open the debate.

**Mr. F. Hinds:** I am confident that the same would be bestowed upon me. Is that the reason the Member allowed herself to be in a secret meeting with a few magistrates? I want to caution my friends, the Member for Caroni East, the

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Member for Couva North and especially lawyers on that side that when one goes to a meeting like that—of course, the magistrates have an association of magistrates, and their representative body or association is free to speak to whoever they may want to speak to, including Members on that side and including Members on this side. That meeting could not have been said to be an association meeting.

**Hon. Member:** Why?

**Mr. F. Hinds:** Because the Chief Magistrate was there. But, more importantly—I do not want to dwell on that matter—the discussion from the reports had to do with certain integrity legislation. There are persons in this country who are before the court in respect of that. As a matter of fact, the Member for Pointe-a-Pierre is on record in the courts as being one of the attorneys defending someone in this country who is before the court on a matter concerning integrity legislation.

**Mr. Speaker:** Hon. Member, I wish you would get back to the Bill, please.

**Mr. F. Hinds:** I am getting back to the Bill. [*Interruption*] There are difficulties in that matter. As a result, the Member for Pointe-a-Pierre ought to be very careful and I caution her about those kinds of secret meeting.

**Mr. Ramsaran:** What?

**Mr. F. Hinds:** Mr. Speaker, I shall be guided by you, and I will proceed apace.

**Mr. Singh:** You are bowling like Dillon.

**Mr. F. Hinds:** That is quite all right. The Member had the temerity—and if I may find another appropriate word—the gumption, and to use a colloquialism, the Member had the gall to come here today to talk about fairness and equity on the part of Mr. Justice Best's comments with respect to a matter recently decided in the High Court with respect to a radio licence and the Maha Sabha. The Member spoke at length and I objected that it was irrelevant, and my friends on the other side shouted me down but let me now respond on my legs.

Mr. Speaker, so brazen and boldfaced was the woman, the Member—I am so sorry.

**Mr. Speaker:** Please, that expression would be expunged.

**Mr. F. Hinds:** Much obliged. I am terribly sincerely apologetic and I withdraw that without reservation—a real slip of the tongue. The Member for



Pointe-a-Pierre seems to have forgotten completely that during the UNC time in government, the same and worse was said about the Member for Couva North, her political leader and then Prime Minister. A judge described him as being absolutely biased and unfair, and for the first time—

**Mr. Speaker:** Please, hon. Member for Laventille East/Morvant, I urge you to come back to the Bill. You are, in fact, straying very wide of the map. Please come back to the Bill.

**Mr. F. Hinds:** Mr. Speaker, much obliged. The Bill before us has one purpose and one purpose alone. It is to correct a number of defects that we have discovered in the law. Some of these defects have existed for a long time, and some of these defects—as you would have heard the Attorney General say—have led to some grave injustices. I consider that the amendments moved by the hon. Attorney General are very justified. It is understandable that the law of our country must reflect social changes. Sometimes the judges and attorneys representing defendants discover defects in the law, and once they are detected, as a Parliament, it is our business to address them.

Mr. Speaker, for example, we have anti-corruption laws in this country, which to some of our minds are wholly inadequate to cope with the rigours and the propensity of those who seek to be corrupted in this country. The laws are deficient; they cannot contain them. The lawmakers who put those laws that we now have in place never anticipated that the force would have come so heavily and, therefore, it is clear to us that we must amend those laws and improve them in order to capture those who plundered our Treasury and other such great misdeeds. I called them generational crimes. These crimes do not only affect this generation but they would affect generations to come, because of the amounts of money involved.

Mr. Speaker, drug lords in this country—I have said it here before that the time is clearly right for us to allow audio and video recording evidence to be used in trials, if we are to capture the “big ones” who are behind the scenes importing, selling and killing our citizens with dangerous drugs. Oftentimes the police could only reach those who are on the street corners because of the nature of things and the current laws. If we have to go behind that and to take the “big fish” as they are called, we have to do a little more. As a Parliament, these are issues we need to apply our minds to sensibly, and put aside the bipartisan arrangements and concentrate on the welfare and well being of our society. We cannot get them to speak like that. That is part of the problem but we will continue to try.

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Clause 3 of the Bill before us, amends section II of the Act. As was pointed out a while ago, it allows the DPP the right to file an appeal, and I have dealt with that matter.

Clause 4 permits the magistrate to do a little more by way of sentencing. As the hon. Attorney General explained, as it now stands, magistrates can only impose consecutive sentences to a maximum of three years. This sensible amendment in clause 4 takes it to 10 years. That is not a bad thing. It is very worthwhile. There are many people in this country who are involved in criminal activities and because of that they are obliged to give some kind of study to the law, and they have learnt how to manipulate the legal system.

Mr. Speaker, for example, there are juveniles—persons 16 years and under—who when arrested for a criminal offence and they are taken before the magistrate, they would tell the magistrate that they are 17 or 18 years of age. They would put themselves outside of the juvenile bracket. The reason is simple. If a juvenile is convicted of an offence, it is open to the magistrate to send that juvenile to the Youth Training Centre (YTC) for three years, which is a mandatory sentence because the law says so. So these juveniles have realized that as long as they are convicted as a juvenile those three years are certain. So when they tell the magistrate that they are 17 or 18 years old, the magistrate discretion now applies, as opposed to the mandatory three years. These juveniles may very well get two years or one and a half years. That is one of the ways that those who are involved in criminal activities have learnt to manipulate the system. We have to be mindful of that.

Mr. Speaker, another technique used is that a person may have committed a series of offences—12 or 15 criminal offences—and the police may have arrested that person on one of the offences. It is helpful at that point for them—even if the police are not aware of the other offences—to cause all the old matters and pending matters to come up at the same time. Again, if a magistrate could hear those—assuming that they are not indictable matters—all would be dealt with basically together, and the magistrate sentence would be limited. So, with the sentencing going to 10 years now, the Parliament—not the PNM, not the Government and my friends included on the other side, and that is why we want their support—of Trinidad and Tobago, as representatives of the people of this country, would be sending a clear signal to those who are involved in criminal activities that we understand what they are doing and that we are equal to the task in order to protect the citizens who need our protection. It is a sensible amendment for that reason, because there is a psychology to crime.

Recently, I questioned my nine-year-old son about crime because I was writing about it. I asked him what he thinks was the cause of crime, and he quite

rightly and wittingly told me that it is because people could do it. What he tried to explain is that if people could get away with something, by human nature they would get away with it. That is what we mean when we say impunity. People are now committing crimes with impunity because there is not a sense that having done the wrong, the police would be there in short order to arrest them. [*Desk thumping*] When a person is arrested that person should be taken before the court for swift and fair justice and that person should be sentenced. With that psychology being absent, people feel at ease to do what they want in the country—all kinds of crimes—[*Interruption*]

**Mr. Speaker:** Order.

**Mr. F. Hinds:** —from street crimes to white-collar crimes. I could give examples, but I trust you may not want to hear them. I will confine myself to the Bill. If my friends urge me for examples, I am prepared. I have about 10 examples.

**Mr. S. Panday:** Give us the examples.

**Mr. F. Hinds:** Mr. Speaker, as a Parliament, we have to create a psychological climate where people in Trinidad and Tobago would know that they could live their lives in an orderly, happy and prosperous manner. At the same time, if they are prepared to go outside of the law, then we are equal to the task and the full weight of the law should be brought down upon them. That is the psychological climate. We must work together to create solutions rather than talk about crime. Every time Members on the other side have an opportunity to talk it is about crime and criticizing the Government, and when it comes to finding solutions to the problem, one cannot get them in a committee room. They are not supporting that and they want constitutional reform and all manners of unnecessaries. That is why I always say that they are concerned about crime but they are not concerned about the solutions to crime. That is what I mean when I say that.

Mr. Speaker, when a person is charged for an indictable offence that is triable either way, as lawyers would put it. In other words, an offence could be heard either at the level of the Magistrates' Court or at the level of the High Court. At the moment, the magistrate sentence could only go as far as \$4,000 and two years imprisonment. Clause 5 expands this range and takes it to \$20,000 or five years imprisonment. As the Attorney General explained, the matters that are indictable are more serious matters and once they could be heard in the Magistrates' Court—and some prisoners opt for magisterial trial rather than before a judge and jury—they could do so knowing that the sentence would be limited, as I have

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described it. So, the proposal in clause 5 to extend it to \$20,000 and 5 years imprisonment is a very sensible one. I want to commend the Attorney General and the Government for bringing that proposal to us. It would take us a long way.

In the United Kingdom, they do not have legally trained magistrates; they have laypersons sitting as magistrates—three at a time—and they may hear such a matter, and if having heard a matter and determined that the defendant was guilty, according to the law, they are able to refer the matter to the Crown Court for sentencing. That is a procedure that exists in that jurisdiction. So what the Attorney General has proposed is of equal effect. It permits more serious sentencing for matters tried before the magistrates and, therefore, no one could argue with that. We expect them rushing in line to vote for that measure and the other measures here today, as we send a clear signal to the citizenry, and especially those who are intent on breaking the laws and those who behave in an antisocial manner.

**Hon. Member:** Like Repsol.

**Mr. F. Hinds:** Mr. Speaker, I particularly lend strong support and admiration to the provision that the Attorney General offered today, in respect of clause 9 of the Bill, in terms of giving the Court of Appeal the discretion that he did.

I want to conclude—

**Hon. Member:** Already?

**Mr. F. Hinds:** Yes. I do not want to speak unnecessarily. [*Laughter*] I want to conclude on the validation clause. Again, the Member for Pointe-a-Pierre disappointed me tremendously. I was really disappointed because the Member conceded that there was validity in the Attorney General's proposal in clause 10. The Member went through the clause and she read it. We have it before us and I do not have to read it again, but where the argument fell down was where the Member, by way of an example, argued that if a person was before the Magistrates' Court, and an attorney makes a no-case submission on that person's behalf, and the no-case submission comes at the end of the prosecution's case—when the prosecution puts in its witness and they are complete and they have informed the court that it is a case for the prosecution—it is open to defence counsel to make a no-case submission in which he demonstrates one of two things: One, that some important and necessary ingredient of the offence was not prima facie established, or all of the evidence taken together, thus far, is so incredulous that no reasonable jury could find guilt upon such evidence. If the

lawyer succeeds, the no-case submission would be upheld and then the man would go free without even putting in a defence.

The Member for Pointe-a-Pierre told us that in those circumstances, it may take time for the papers to go to the DPP, then to the Commissioner of Police, and in the course of that bureaucracy, the 14 days that the Attorney General has extended the right of appeal to—because we now have a seven-day limit and the Attorney General has proposed that it go to 14 days—the Member said that it would take more than 14 days and the person may lose his right to appeal. That was absolutely disappointing.

**4.00 p.m.**

In the event of a no-case submission, the question of an appeal never arises. It is the magistrate who decides that the submission is upheld and therefore the remedy is not appeal, it is an application for judicial review against the decision of the magistrate. There is where the argument breaks down. So the question of appeal does not arise. So that the Member's contribution was wholly disappointing. Again, one understands it, in the context of merely coming here in grief and agony about being in Opposition, not for a limited period of six years as we had, but it appears, from the face of it, to be so for a very long time.

I want to conclude by saying that on behalf of my 135,000 constituents, including Laventille East/Morvant, though there are—according to the statistics—about 26,000 electors, we lend strong support to the Attorney General's proposals; we lend strong support to the Government's proposals on this and we support it wholeheartedly. And I would join the Attorney General in asking my friends on the other side to do the wise, beautiful and sensible thing, to support this legislation. Not for our sake, but for the benefit of all the people that you claim to represent in Trinidad and Tobago.

I thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Subhas Panday** [*Princes Town*]: Mr. Speaker, having heard such an eloquent erudite, I really wonder why the Member for Laventille East/Morvant is not in the Cabinet. This is Cabinet material. The best of all among there—and that sort of contribution, but why have they left him out? Member for Laventille East/Morvant, do you know anybody who took a loan of \$100,000 from the National Insurance Board (NIB) and refused to repay it? I still believe that is ministerial material.

**Dr. Moonilal:** Who is that? [*Interruption*]

**Mr. S. Panday:** Okay, it is Lee Chin.

Mr. Speaker, my friend, the Member for Laventille East/Morvant, spoke; he rumbled, made personal attacks on people and did not say anything. At the end, however, the only thing he tried to come with is for us to support the legislation. May I say that except for the first two clauses in that Bill, all the amendments came from this side. [*Desk thumping*] [*Interruption*]

**Mr. Manning:** All right.

**Mr. S. Panday:** They are our amendments! The hon. Minister admitted in the other place that the reason the Bill came back in this form is because of the good contributions which came from this side and have been incorporated in the amendments. [*Interruption*]

**Mr. Manning:** We accept that.

**Mr. S. Panday:** We just want to let the national community know that while the PNM jumps about and says that the Opposition is irrelevant, this United National Congress Opposition is a government in waiting and we have been directing the legislative process and the development of the law in Trinidad and Tobago. He spoke about corruption, and the Bill says that the Director of Public Prosecutions has been given the right to sign appeals and become the complainant in the matter. I object to that. Because when one looks at the functions of the Director of Public Prosecutions, it is not inquisitorial. As a matter of fact, when a matter is reported to the Director of Public Prosecutions it has to be sent back to the police. But when he becomes a complainant in a matter, he is also being made a complainant in a matter in which he is a lawyer.

Since the Director of Public Prosecutions has no investigative power, when the Repsol document was presented to this honourable House today—stating the reason for taking a free plane ride to go and see the King of Spain—one sees that it is not to the King of Spain, but to the Chairman and Chief Executive Officer of Repsol. How could the DPP be a complainant in a matter when he is being made a complainant who has to investigate? He cannot be. This document is one that needs investigation forthwith, because this is the greatest scam that has been perpetrated on the Parliament and on the people of Trinidad and Tobago. [*Desk thumping*]

It says that imagine you have taken a free plane ride—and he comes here and says that I have made it known—the Director of Public Prosecutions cannot investigate that! Therefore, the DPP should not be incorporated as a complainant in that Act. The link is that the Director of Public Prosecutions should not be made a complainant in appeals, because he would have to investigate matters like

these; and we prefer matters like these to be put in the hands of the police and the Integrity Commission. [*Desk thumping*] This is the link. When one looks at this document, one can see where a free plane ride was taken, and what was achieved? Repsol board would be coming—

**Mr. Speaker:** The document laid earlier on is not before us, you know. It is the Summary Courts (Amdt.) (No. 3) Bill.

**Mr. S. Panday:** Yes, Mr. Speaker, but that hon. Member was permitted to speak about the DPP's role in corruption. This is a document that we should go through to see the white-collar corruption my friend spoke about. Imagine, a free plane ride was taken and what have you achieved? Would resolve that they would hold a board meeting in Trinidad and Tobago in late January 2004. They went on to say:

“...Repsol, through its priority of supporting cultural and educational programmes, has developed and runs a postgraduate energy education centre ...Trinidad and Tobago.”

They will come here and develop an energy education centre as a part of the new university of Trinidad and Tobago.

Mr. Speaker, this is a kind of white-collar crime that the DPP cannot interfere in. [*Laughter*] Taking free plane rides and producing this kind of document. [*Interruption*] He may laugh as much as he wants.

**Mr. Speaker:** Hon. Member, I think you have dealt too long on that. Move on. I am directing to you that that is irrelevant. Please come back to the Bill.

**Mr. S. Panday:** Thank you, Mr. Speaker for ruling me irrelevant. I want to indicate that the issue of white-collar crime was raised by that Member. [*Desk thumping*] This is a good example in black and white writing that this is evidence of a white-collar crime. We are just trying to put it to you. Mr. Speaker, I know that you do not want to hear from Repsol, so I will just move on.

This Bill speaks about giving fairness to defendants or appellants who have been convicted and never appealed. This is really to enhance the administration of justice. As I said before, this Bill contains all the suggestions raised by the United National Congress. We agree with most of the sections—because it came from us—but the Judiciary, as an independent arm of the Government, has been given its vote and, therefore, the maintenance of the courts is the responsibility of the Judiciary.

The Member for Pointe-a-Pierre had indicated that the Constitution gives the Attorney General the responsibility for the legal affairs, but the Judiciary cannot

operate by itself, and bureaucracy is preventing the Judiciary from operating. There are cases where the Judiciary tried to locate buildings in order to ease the problems at the San Fernando Magistracy. The problem experienced there was that they could not have gone into the building without planning permission. When they went to the Valuation Department, the Judiciary was treated as an ordinary citizen and this has kept them back.

There was the issue of an architect. The Judiciary does not have any architect, so they had to depend upon other Government departments, and those other departments are holding back the Judiciary from going forward. We would have thought that the Attorney General would have taken that position and helped the Judiciary to expedite its matters. That is why the Judiciary has been complaining like this all the time. We had a meeting with the honourable Chief Justice and he indicated that the Judiciary has been given the responsibility for the maintenance of the buildings. Although the Judiciary had been given the responsibility for the maintenance of the buildings, they were not given the power. These are some of the problems that the Judiciary faces.

In this Bill we speak about assisting those who have been convicted, and those who are trying to obtain justice, but one must look at another system which needs to be evaluated. For example, there are certain magistrates and judges who—when they come to court—have no regard for certain persons. Therefore, we must look at the appointments of certain magistrates and judges, because it is an important factor. We have a system whereby service commissions appoint persons and they are responsible to no one.

When the UNC attempted, at one time, to make the Judiciary responsible to the people, the PNM Government always said that the UNC was trying to interfere with the Judiciary. Lo and behold, when the doctor was appointed to San Fernando by the Public Service Commission, the PNM decided that they are not in agreement with it. It is in those circumstances they are saying now that the commission should be made responsible to somebody. We on this side agree that the commission should be made responsible to the people. Normally, there are three arms of Government: the Legislative, the Executive and the Judiciary. But what has happened is that the Constitution has created another arm—which the Prime Minister spoke about—dealing with service commissions, and is appointed by the President, to create that group, which appears to be independent and is responsible to no one. Our constitutional framework is wider than the normal democratic institutions or normal democracies where there are three arms of Government. This is a new situation where there is a group which interferes with the



administration of justice and with nearly every facet of government, and they have no responsibility.

As a matter of fact, there is a certain appointment in the judicial and legal system, and there was an outcry that a certain person who had the experience should have been given the job, the former Chief Justice came out and said, "The commission could do what it wants, they are responsible to no one." Because of that kind of attitude; and because of that position; and because of the opportunity given to those commissions by the Constitution, these commissions are acting as a law unto themselves. As such, when those appointments of judges and magistrates are made, we need to know how those decisions are arrived at.

That is why we are saying that we stand on the same side with the Member for San Fernando East, the hon. Prime Minister, when he says that we must make them responsible. We believe that we must give the Judiciary whatever moneys they want; give them whatever facilities they want; give them the materials they want, but we must ensure that they run the departments efficiently. We need to do that. *[Interruption]* That is the point I am coming to.

**Mr. B. Panday:** Constitutional reform! *[Interruption]*

**Mr. S. Panday:** That is a good point I made. I believe that we could come together on this important issue because there is need for constitutional reform. We need it! *[Crosstalk]* You find that we accused the Executive of being a dictator. Indeed, in a democracy like this, there is a dictatorship of the Executive. Regardless if you are on this side or on that side, we are not blaming you directly, but because of the Constitution and how the system is organized, that is the situation.

Therefore, since the Executive has to give them the money they would say that you want to control them. That was the allegation made previously. Then to whom should they be responsible? We must give them the opportunity to act efficiently, to act independently, and not to interfere with them politically, but yet we must make them responsible. Especially in the Judicial and Legal Service Commission. Mr. Speaker, the administration of justice is so important that there is need for us to make them responsible.

Maybe, we should have brought them before the parliamentary committee that we have set up, to ask them to explain—because we are not interfering with what you are doing. You take your decisions as you see fit, but you must be able to explain—not to the Executive; not to the Opposition—to the whole Parliament; the representatives of all the people of Trinidad and Tobago. That is why we are

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saying that there is need for constitutional reform. Once this takes place the administration of justice will see better days.

Mr. Speaker, coming back on the issues of the Bill. The hon. Attorney General had indicated that the objective is to ensure that justice takes place. There is a validation clause in section 10 of the Bill, which says that all the appeals which were pending at the time of the commencement of this legislation will be caught under the amendment. During the last two years, there are many cases where persons have made their full terms in prison and their matters have already been dismissed and cannot even be considered, because the court said that there is no appeal before the court. Sometimes the court will say, "We looked at the files and saw where you have a good case; you have a very good appeal and a great chance of success, but we cannot even look at the papers."

There are many persons who have already served their time in jail before their matters came up for hearing and their matters have been dismissed in the last two or three months and they are serving long terms, what are we going to do with that situation? If we want to be fair; if we want to remedy a situation, it must be done in a humane way to give—not the impression—but fairness, not only to those who would benefit, but also to those who have already been punished. I would like the hon. Attorney General to look at that matter as we go along. That is an area in which we would like to have some undertaking that something would be done to assist the number of persons there.

Although this Bill is one which deals with procedure, at the end of the day, it is dealing with the administration of justice. When we are dealing with the administration of justice, we must also try to deal with crime before it is committed and before it is repeated. On this point, I would like the hon. Attorney General to indicate as to what would be the position of those deportees who have been deported from the United States of America and have committed crimes in Trinidad and Tobago and are now serving time in jail?

There is one from the constituency of Point Fortin, who was deported for murder in the United States of America. The matter took 12 years to be heard. The court said, "This man look like a psycho; I cannot let him free, because I do not know what will happen to society." That man has been given three years hard labour. That man is in custody now. That man would be coming out next year. I wrote to the hon. Prime Minister to deal with situations like that. He indicated that he would speak to the hon. Sen. Christine Kangaloo about it. We have not heard anything from that Minister.

Although we are dealing with a procedural system, we are trying to deal with crime, and we are asking the Government to take action immediately and do some research in the jail; find out how many persons are from the United States of America. Mr. Speaker, the persons to whom I speak were only born here. They migrated at the age of three and four years and lived their lives up to 40 and 50 years, and when they do come back here, they go on the streets and end up in the hands of bandits. Persons with such technology are committing all serious crimes. Maybe, kidnapping is one of those types of crimes. We need to ensure that if we are looking for justice for those who have been convicted, we have to also make an effort to ensure those persons do not commit crime to find themselves in a position like that.

Mr. Speaker, when one looks at this system, one sees that because of this system, as it now obtains, the jails are overcrowded, and crimes are being created in jail. I would like the Attorney General to look into this matter immediately. There are about 15 to 20 persons at the St. Ann's Hospital who have been put there at the President's pleasure, and the doctors have indicated that those persons have been sufficiently rehabilitated for over two and three years, and the doctors are begging and writing the Ministry of National Security and Rehabilitation saying that these persons are fit to go out there and nobody is taking action on behalf of those persons who are fit to come back to society.

So while we feel pain for those who have suffered injustice, because of the law as it stands, there are persons who have been languishing in the St. Ann's Hospital for long periods and they cannot come out. I humbly ask that when we are feeling sorry for persons, let us deal with this system. If those 15 or 20 persons are released from the Forensic Ward in the St. Ann's Hospital there would be space available. Also, we hope that when they come out—in order to prevent them from going the wrong way—the Minister in the Office of the Prime Minister (Social Services Delivery) could find jobs for them, so that they will not go back into the life of crime. So we are asking the Minister to deal with the issue of foreigners who are in jail for committing crimes here, and to make sure that we protect them when they come out; make sure that we protect society when they come out and those persons at the jail.

While we speak about the magistrates and judges having to adjudicate on a procedural matter, one must also look at the whole system of administration of justice and the terms and conditions of the magistrates. I heard the Member for Laventille East/Morvant, an excommunicant—*[Interruption]* No, he has never been in the Cabinet—say that Members have told him that they are looking at the

terms and conditions of magistrates. We endorse that view to ensure that the magistrates are adequately paid. If you want people to perform efficiently, Mr. Speaker, you must make sure persons are properly paid, and that the terms and conditions are good. So that, after a time, reputation would be developed as to how strict magistrates are; how firm they are; how well protected they are; how well paid they are, so that whatever corruption, ideas or notion of corruption there is in the system, that will come to an end.

We speak now about the judges. As I said, with respect to the appointment of judges, we need to know about it! I agree with the hon. Prime Minister when he said, “we are not interfering with how you appoint, but let us know about it.” [Interruption] He is calling for constitutional reform and he is the one who agreed with us! When he made those statements that we need to find out how the service commissions are operating, and there is need for constitutional change, he has come to our position. Therefore, having had that assurance from the Hon. Prime Minister, could I ask him now—and I will sit and ask him—as to when that exercise can be put in train? Tuesday? [Interruption]

**Mr. Manning:** Talk to your political leader. [Laughter]

**Mr. S. Panday:** Mr. Speaker, as I said, we need to ensure that our judges are well paid, so that we would have the right calibre of people there.

Recently, there was a case in which a junior counsel got five times the salary as a judge’s monthly salary. And we have these judges adjudicating under tension and stress with children to maintain. Mr. Speaker, to ensure that there is purity in the justice system—Mr. Speaker, I see you want to rise. [Interruption]

**Mr. Speaker:** Go ahead.

**4.30 p.m.**

**Mr. S. Panday:** Thank you, Mr. Speaker. That is the sign of a Speaker who is not biased at all, who is straightforward and is giving me my time. Thank you, Mr. Speaker. [Desk thumping] [Laughter]

The point I am making is there are judges who perform very difficult work. They live lonely lives. They, like we, have children to maintain. They have children to educate, and with those salaries, a judge must not be put in a position where—[Interruption] That is okay. What I am saying like just now, how much a

judge receives in terms of junior legal officers. We must make sure our judges are well taken care of in order for us to have purity in the justice system.

Somebody needs to speak to the Salaries Review Commission, to find out what yardsticks they are using to set the salaries and emoluments of judges. We need to find out that, Mr. Speaker.

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended and will be resumed at five minutes past five.

**4.32 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Mr. S. Panday:** Mr. Speaker, as we have indicated, this Bill really tries to deal with justice; a bill which tries to ensure that our systems work good, to ensure that every facet of Government works properly.

I think today is a red-letter day in the life of the Parliament. In those circumstances we have a situation where both the Government and the Opposition have taken a position on constitutional reform, and what we are doing here, we are changing the laws, but these are little snippets of the law. We hope that when everything is said and done, we could ensure that we would not have to face problems like these again.

I want to say again to the hon. Attorney General, Mr. Speaker, that he did listen to the contributions which were made by this side and, save clauses 1 and 2 of the Bill, it would appear when I look at the *Hansard* that the Government looked at our contributions and, indeed, they have paid cognizance to them and incorporated them into this piece of legislation.

We hope, Mr. Speaker, that in the future the relationship with the Attorney General will continue and we will make our contribution as best as we can in the interest of the nation.

Thank you.

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Speaker, this is indeed a red-letter day in the history of this Parliament. I have been here for a very short time, but this has been a very wonderful day for me. I wish to thank Members on the other side for the very useful contributions which have been made. We have in the past taken on board many of the suggestions, I would say 80 to 90 per cent of the suggestions which have come from the other side and which have come about as a consequence of the debate in the other place. The

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legislation which is before you is a consolidation of efforts on our part, on the part of the Independents in the other place and on the part of the Opposition.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 10 ordered to stand part of the Bill.*

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

*Motion made and question proposed, That the House do now adjourn to a date to be fixed. [Hon. K. Valley]*

*Question put and agreed to.*

#### MOTION ON ADJOURNMENT

**Mr. Speaker:** I must apologize. There is a matter on the adjournment. Although we did move the procedural motion to adjourn the House, by agreement.

**Members:** No! Traitor! [*Laughter*]

**Mr. Speaker:** No, it will be done. The honourable Member for Chaguanas, please.

#### **Assistance to Minor Leagues (Cricket and Football)**

**Mr. Manohar Ramsaran (Chaguanas):** Mr. Speaker, I want to thank the House, because I think this is an opportune time to talk about this matter. This matter refers to the participation of the youth in building Trinidad and Tobago. I think that the matter to be debated is granting assistance to minor cricket and football leagues as well as cricket clubs.

When one looks at what is happening in Trinidad and Tobago and the issues that negatively affect us, I think this is an opportune time to talk to the hon. Minister of Sport and Youth Affairs to deal in a more meaningful way with the youth of this country. When we examine the issues, we see the horrifying increase in murders, kidnappings and recently, rapes.

What is common is that amongst the perpetrators are the young males. I believe that we should look at our history in Trinidad and Tobago and understand that we had in the past a lot of cricket leagues and football leagues across the country that produced cricketers, especially young cricketers, and they would be feeders to the major leagues.

I have seen the death of most of these minor leagues in Trinidad and Tobago. I want to go back into history for a few minutes. Recently, with the debacle of West Indies collapsing at 54 in South Africa and we look at the state of Trinidad and Tobago cricket at this time and the entire cricket world, we would see that the West Indies cricket is now plunging to an all time low, as well as our football.

Just to note, two years ago, Trinidad and Tobago was rated 34 in the world and in two short years we have dropped to 70. This is not to blame anybody, but just for us to understand that we have to do something about this. We enter into carnival, and let me put it on the record; I have nothing against carnival, but when we look at the budget for carnival, \$40 million. When we look at what is taking place in the Best Village competition, I am not against these. What I am saying is that these things have not worked.

I think it is time we put emphasis on the youth and sport. I have nothing against these areas but they have not worked. I was coming to Port of Spain this evening and the advertisements, children, fetes, come to youth fetes and so forth. I have a problem with that in the sense that if the same emphasis was placed on youth development, I would have no problem at all. We have a time to play, a time to fete and we have a time to work.

What I am saying is that at this time there is heavy emphasis on the so-called fetes, jamming and so forth, and sometimes it pains me to see the young children being encouraged to do things. Even the hon. Minister of Education has blamed carnival for the increase in violence in schools. I am not against carnival. I want to underline that. Let us show some equity and seriousness as we develop Trinidad and Tobago.

I am calling on the Government and the Prime Minister to ensure that moneys are allocated to the Ministry of Sport and Youth Affairs so we could see the development of our cricket grounds of this country, barring a few. For clubs and minor leagues to really survive in today's environment, they have to pull out all the stops, because I am still not clear and I would like the Minister to clear it up, whether clubs and minor leagues and other such organizations are given the 150 per cent rebate. I want to put this question to the hon. Minister and I am sure he will answer me later on.

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As I promised, I want to examine some of the cricket leagues in Trinidad and Tobago. Growing up, we heard about the Paul Castillo League, the PYM, the St. Augustine Cricket League, Arima Cricket League, Green Acres in Chaguanas, Caroni Cricket Association, CCC, Jaggernaut in South, Rahamut Cricket Competition, Penal Cricket Competition. All these, bar a few, have died. Is it because of the expense in maintaining these leagues?

I want to also congratulate the football leagues. Let me put a few on the record. Again, PYM, Paul Castillo, and we have the Eddie Hart Football League. I am sure the Member for Tunapuna will attest to the problems faced in running such a league, because after a while, when prize giving functions come up, people like Mr. Eddie Hart would have to go cap in hand to the businessmen.

I heard a story from Mr. Jack Warner recently. He said when he came to Chaguanas to organize football in his early teens, he went to the stores and big businesses in Chaguanas contributed one dollar to run a football league. This is a serious matter. The Member for Diego Martin West, not knowing much about cricket himself, will shout across the floor to talk about we are wasting our time. I want to say that we need assistance; we need people to help us. We cannot continue like this.

I heard the Member for Laventille West shouting about what I have against Best Village. In the Best Village, there are the Village Olympics. Again, that was not given the priority in the whole scheme of things. It was there in name but not given the priority. When I was the Minister, I had a committee from the Ministry of Sport and Youth Affairs, and I gave that committee the power to deal with the Village Olympics, not to get it lost in the Best Village. I want to put on record that I am very proud of it. Trinidad and Tobago today now has turf pitches coming into play. Matting is out of the way and I think that with a little help from the Government we could have more turf pitches in the country.

I also ask the Minister of Sport and Youth Affairs to talk to his Cabinet. I feel every region in Trinidad and Tobago should have two or three cricket grounds or football grounds to a certain standard. That could help the young people to become better players.

Mr. Speaker, if there is a surface as a carpet to play cricket on and one was not accustomed to that, one cannot perform. For example, again, I refer to the Member for Tunapuna. I played cricket on the grounds named after him. That is a stony surface, and as a youngster going to field a ball, one had to keep looking to see when that ball was going to come to one's face. When one goes to the Queen's



Park Oval and it is rolling on the carpet, one finds the youngsters waiting knee high and the ball passes through their legs.

I am calling on the Minister to come seriously and let us deal with this problem. Again, the National Sports Policy talks about grounds coming under one body. This is a mixture of the Ministries of Sport and Youth Affairs and Local Government. If we do not move seriously and get these things to happen, we will continue to have murders, crimes and rapes in Trinidad and Tobago, because I firmly believe—I spent many years on the cricket and football fields—that once a youngster plays sports, he would be a person for natural lifestyles. He would not go to drugs as quickly as other people. There is a role for sport, a role for youth development in this country.

Recently, I went at length to talk in another debate about the problems facing the youth, but today I want to tell the Government through the Minister of Sport and Youth Affairs and the Member for Diego Martin West, I do not want more of our young people to leave Trinidad and Tobago to go and live as second class citizens abroad. They cannot live in this country because they are not safe.

We know we cannot solve the crime in one fell swoop, but we have to have an overall development. That is why I think in my mind, sport is very important. I am asking the Minister, please let the country know that there is this 150 per cent rebate to all sporting organizations as they try to develop facilities for our young people.

I have been in constant contact with the Minister and I know that he understands the problems and he would want to solve them. We in this country cannot talk about development of our young people and not give more money and facilities to our young people.

Mr. Speaker, I would also like to put on the record, as we talk about sport, when the UNC was in Government, we had the thought of the Ato Boldon College which would specialize in sports. I would like to see some work done on that to make sure that we do this. When we were talking about education for all, the development of sport was an important aspect. We have not yet reached that stage.

I know that this is again the carnival season and before this Motion, Members on both sides were thinking of leaving early and this is the problem of Trinidad and Tobago. We do not put serious issues on the table.

**Mrs. Robinson-Regis:** Carnival is a serious thing!

**Mr. M. Ramsaran:** Carnival is a serious thing, I am being told, Mr. Speaker, but again, I want to put on the record, that is another debate. Her friend and colleague, the Minister of Education, said carnival is a cause for school violence.

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Mr. Speaker, this Motion was raised because I have been around Trinidad and Tobago for the last month visiting different sports fields because of my involvement in cricket, and I believe there is a great need for this. I want to put on record that in my opinion, the performance of our cricketers in Trinidad and Tobago is because of the lack of support services.

If we examine the colleges' league, just this morning on Monroe Road grounds there was a match between ASJA Boys' College and Carapichaima Senior Secondary. You know why? Because none of these schools has a ground to play on, so they came quite into Cunupia, borrowed the grounds that I oversee, and they were allowed to play. This happens all throughout the country. We must pay serious attention to this. I am calling on the Government, through the Minister of Sport and Youth Affairs, to put carefully on the record that we must save sport in Trinidad and Tobago, especially cricket.

I am hearing so much grumbling on the other side. They talk about young people leaving this country. I want to put on the record that before we buy our jet, let us deal with our young people. [*Desk thumping*] Before we buy the jet for the hon. Prime Minister, I would like to see some cricket grounds being developed in Trinidad and Tobago.

There is bleating and barking from opposite. Why is it when people on this side are talking about the development of Trinidad and Tobago, the Member for Diego Martin West is angry? I want to put on the record that the truth cannot offend those who continue to perpetrate against youth development.

Mr. Speaker, I thank you very much.

**The Minister of Sport and Youth Affairs (Hon. Roger Boynes):** Mr. Speaker, we in the Government of Trinidad and Tobago have approached governance in a certain way. Recognizing that we want to achieve developed status long before 2020, we have approached every single Ministry in a structured, professional and organized manner.

As such, in the Ministry of Sport and Youth Affairs, we have looked at that Ministry and have said that the Ministry has been operating in a very ad hoc manner. We have decided to come into that Ministry and approach it in a very professional manner. That is why the first thing we did was ensure there was a policy in place. We made sure we passed a policy and, under the umbrella of that policy, there are several tenets that we abide by. We have a strategic development plan which speaks to establishing a sport commission so there will be the execution of sport with a sport fund to deal with every aspect of the execution of sport in the country. [*Desk thumping*]

We have also decided to put in place a 150 per cent tax rebate so that companies investing in sport would get a tax rebate up to a ceiling of \$1 million. We have dealt with total participation of sport under the umbrella of that sport policy. As such, we were able to embark upon a National Youth Games. We spent, with the assistance of corporate Trinidad and Tobago, close to \$3 million in everybody's area, like netball, basketball, cricket and football, playing all through the length and breadth of this country.

There are the Village Olympics. The Ministry of Sport and Youth Affairs prides itself with having the policy, working with our national sporting organizations, having them implement the sporting activities, but we have decided that as well, we would execute some sporting activities, and we did so and we did so well.

Let me also indicate that under this sport policy, we dealt with high performance sport. High performance sport deals with sports like cricket, football, the elite athletes, and today, just a few hours ago, we gave all the elite athletes the sum of \$150,000. So we will be in a position to contribute to their development as they go to perform at the Olympics later on this year. That is the type of governance that we have displayed to this nation, Trinidad and Tobago, and it is this Government on this side, Mr. Speaker.

Let me also indicate that the Member for Chaguanas will no doubt recall that the Ministry of Sport and Youth Affairs, in its execution of its mandate as it pertains to sport, addresses the concerns of sporting disciplines through the umbrella bodies or the national sporting organizations of the respective sport. These national sporting organizations are the ones through their regional bodies—

**Mr. Speaker:** I think the *Hansard* reporter is having great difficulty in getting all that the Member is saying.

**Hon. R. Boynes:** Mr. Speaker, I was mentioning that these national sporting organizations, through their regional bodies, are the ones that organized these minor leagues throughout Trinidad and Tobago. In the case of cricket and football, the two disciplines were the highest participation levels in Trinidad and Tobago, the umbrella bodies of these two sporting organizations are the Trinidad and Tobago Cricket Board of Control and the Trinidad and Tobago Football Federation, respectively.

The Ministry of Sport and Youth Affairs provides financial assistance or grants to the national sporting organizations based on the requests and under very clear guidelines in order to assist them in promoting their annual programmes of activities, preparation of teams and in the development of their respective sporting

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disciplines. Funds are disbursed based on the type of activities, timely provision of documentation and the availability of resources.

This support of national sporting organizations is not limited to financial assistance, but also includes the provision of equipment, trophies and medals and technical assistance such as assignment of the Ministry's coaches. For the fiscal year 2003 to 2004, the Trinidad and Tobago Cricket Board of Control has requested subvention which it proposes to use for community coaching. This subvention has been approved and will be paid upon receipt of the relevant documentation from the Trinidad and Tobago Cricket Board of Control.

Mr. Speaker, the Ministry of Sport and Youth Affairs and the Trinidad and Tobago Cricket Board of Control have agreed to meet in an emergency session following the recent South African series to develop a holistic cricket development plan similar to the Government's football development plan to assist in the development of cricket in communities. Might I say that we have to look at the various cricket leagues that used to obtain throughout the length and breadth of the country. So we, recognizing that there is a particular need for cricket in communities, are meeting in emergency sessions.

We are also meeting to encourage the revitalization of clubs and to assist with the preparation of the national team. I have also proposed to the board that a meeting be held with other regional boards and sport ministers to compare ideas and discuss a development plan for West Indian cricket and to determine collectively how best to support cricket in the region in view of the fact that World Cup Cricket will be held in this region in 2007.

In respect of football, the Government through the Ministry of Sport and Youth Affairs has agreed to implement a football development programme over a period of four years. This includes support to the Trinidad and Tobago Football Federation in the sum of \$2 million from 2004, as well as to the professional and semiprofessional football leagues in Trinidad and Tobago in the sum of \$3 million, for a period of four years commencing in 2004 and reducing thereafter at the rate of 25 per cent. This is designed to address teacher training, coaching, district football centres, club development, player incentive, and talent identification programmes at both the primary and secondary school and community levels.

Mr. Speaker, part of the requested subvention is also geared to filter down to the community coaches and community coaching programmes, inter-league competitions, coaching seminars, and financial and technical assistance for minor leagues.

Mr. Speaker, this Government and, by extension, the Ministry of Sport and Youth Affairs, is mindful of the fact that by providing much needed support to

national sporting organizations, the intention is in fact to ensure that a single unifying thread runs through each discipline of sport through the national sporting organizations. The Government also encourages community clubs and leagues to seek sponsorship for some of its activities. To this end, Government has provided a tax incentive, as I mentioned earlier, to all companies under the Corporation Tax Act and Petroleum Tax Act up to \$1 million for sponsoring sporting events and activities. It affects the clubs as well. Clubs could utilize this opportunity to get to use this tax rebate.

I want to use this opportunity, Mr. Speaker, to call upon corporate Trinidad and Tobago to assist all clubs, sportsmen and sportswomen by contributing financially to the growth and development and excellence of these sportsmen and sportswomen and, therefore, contributing to the development of this nation as a First World nation as we go forward to developing it as such.

Mr. Speaker, I wish to indicate that from where we sit, the Government of Trinidad and Tobago has been approaching sport and youth development in Trinidad and Tobago in such a professional manner that we certainly do believe that Trinidad and Tobago is going to benefit and is benefiting tremendously from the ground come up. Our approach is to ensure that the young people and sport in Trinidad and Tobago are managed and run in a very professional manner, and this is the manner in which this Government has decided to approach every single business of state.

Mr. Speaker, I thank you very much.

#### PROCEDURAL MOTION

**The Minister of Trade and Industry and the Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, in accordance with Standing Order 94, I beg to move—and because of agreements with the Opposition Chief Whip—that the correct procedure and also to return to item (f) on the Order Paper, take the two items mentioned on the Supplemental Order Paper, Papers No. 4 and 5.

*Question put and agreed to.*

#### PAPERS LAID

4. The Civil Aviation Regulations, 2004. [*The Minister of Works and Transport (Hon. Franklin Khan)*]
5. The agreement signed between the Government of the Republic of Trinidad and Tobago and Repsol YPF, S.A., December 11, 2003. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]

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*Motion made and question proposed, That this House be now adjourned to a date to be fixed by the Speaker. [Hon. K. Valley]*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.36 p.m.*

#### WRITTEN ANSWERS TO QUESTIONS

*The following question was asked by Mr. Ganga Singh:*

#### **Boards of Directors (State Enterprises and Statutory Authorities)**

2. Could the hon. Minister of Finance list the name and occupation of all the members of the Boards of directors of all State Enterprises and Statutory authorities?

*The following reply was circulated to Members of the House.*

**The Minister of Finance (Hon. Patrick Manning):** In response to the House of Representatives Question No. 2 of the 2003-2004 Session of Parliament, which was posed by the Member for Caroni East to the Honourable Minister of Finance with respect to the names and occupations of all members of the Boards of directors of all State Enterprises and Statutory Authorities, the honourable Minister of Finance advises that:

1. A list of the names and occupations of Members of the Boards of all State Enterprises as at January 9, 2004 is at Appendix 1.
  - i. A “Statutory Authority” as defined by the Statutory Authorities’ Service Commission Regulations Chap. 24:01 is a “local authority as defined in the Act and any Commission, Board, Committee, Council or body (whether corporated or incorporated) established by or under an Act other than the Companies Ordinance and declared by the President to be subject to the provisions of the Act”
  - ii. The Authorities listed in the Statutory Authorities’ (Declaration) Order are as follows:

Port of Spain Corporation

Point Fortin Corporation

San Fernando City Corporation

Arima Corporation  
 National Housing Authority  
 Cocoa and Coffee Industry Board  
 Sugar Industry Labour Welfare Committee  
 National Lotteries Control Board  
 Agricultural Society of Trinidad and Tobago  
 Zoological Society of Trinidad and Tobago  
 St. Michael's School for Boys  
 St. Dominic's Children's Home  
 St. Mary's Children's Home  
 St. Jude's School for Girls

- iii. The Port of Spain Corporation, Point Fortin Corporation, San Fernando City Corporation and Arima Corporation are Statutory Authorities within the Local Government system and the powers of the Corporation are exercised by Councils.

The Council, which consists of the Mayor, Aldermen and Councillors, is elected to office by the electors of an Electoral District in accordance with the provisions of the Representation of the People Act. In light of this no information is being provided for these local government corporations.

- iv. The Minister of Finance does not retrain information on the composition of the Board of Directors of the Zoological Society as the Society is a non-Government Organization whose executive is elected by its members. No information is being provided for this Board.
- v. A listing of the names and occupations of the directors of the remaining nine (9) Statutory Authorities is at Appendix 11

#### **APPENDIX 1**

##### **DIRECTORS OF STATE ENTERPRISES**

##### **Caroni (1975) Limited**

<u>NAME OF DIRECTOR</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Jerry Hospedales	Economist	Economist
Mr. Trevor Murray	Director	Agricultural Economist

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Mr. Jaggernauth Soom	Director	Consultant
Mr. Lloyd Walters	Director	Consultant/Engineer

**Community Improvement Services Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Asgar Ali	Chairman	Retired
Mr. Neal Baptiste	Director	Petroleum Engineer
Mr. Everard Bennett	Director	Engineering Technologist
Mr. Kenrick Burgess	Director	Consultant
Ms Pearl Charles	Director	Principal
Mr. Ibn De Leon	Director	Chief Executive Officer
Ms. Chinfu Haynes	Director	Business Consultant
Ms. Mary Racharitar	Director	Barrister/Attorney at Law
Mr. Dennis Sumadh	Director	Engineering/Part Time
Mr. Nigel Williams	Director	Manager Business

**Estate Management and Business Development Company**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
JmR. Uthara Rao	Chairman	Engineering
Com. Anthony Franklin	Chairman-Deputy	Retired Chief of Defence Staff
Miss Alicia Chankar	Director	Attorney
Mr. Francis Charles	Director	Land Surveyor
Mrs. Wilma Henry	Director	Accountant
Mr. Farad Khan	Director	Agriculturalist
Mr. Vernon Ramesar	Director	Radio Announcer

**Export Centres Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Ms. Patricia Butcher	Chairman	Business Management
Ms. Wendy Achim	Director	Sales Representative
Ms. Marcia Belgrove	Director	Business Management



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Mr. Hilary Bengochea	Director	Business Management
Mr. Sase N. Bisnauth	Director	Business Management
Mr. Jeffrey Chadler	Director	Refinery Operator
Ms. Angela Maynard	Director	Industrial Relations
Mrs. Lura Pascall	Director	Management
Ms. Kathleen Pilgrim-Thornhill	Director	Attorney-at-Law

**Export-Import Bank of Trinidad and Tobago Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Clarry Benn	Chairman	Executive Director – UTC
Mr. Reza Abasali	Director	Teacher-ASJA Boys College
Mr. Arnold Cata		Director Economist/Manager Corp Services-(UDECOTT)
Mr. Stuart Dagleish	Director	Businessman/Director - SGL
Mr. Abraham Hadeed Director-Seroussi	Director	Businessman/Managing
Dr. Andre Vincent Henry	Director	Director – ILO
Mr. Larry Lequay	Director	General Manager, FCTMB
Mr. Kamal Mohammed	Director	Businessman/Director – Woodtimes Ltd

**First Citizens Holding Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Kenneth Gordon	Chairman	Publisher
Mr. Kenneth Henry	Director	Accounting
Ms. Lucille Mair	Director	Attorney-at-Law
Ms. Sonia Noel	Director	Accountant
Mr. Michael Toney	Director	Accountant

**Lake Asphalt of Trinidad and Tobago (1978) Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Ian Rajack	Chairman-Deputy	Shipping Agent
Mr. Kennedy Flemming	Director	Managing Director
Ms. Radica Maharaj	Director	Attorney-at-Law
Mr. Gene Porther	Director	Retired Telephone Engineer/Business Contractor
Mr. Anthony Richardson	Director	Geologist
Mr. Raval Singh	Director	Marketing Manager
Mr. Owen Hinds	Director- NATUC Rep	Trade Unionist

**National Agricultural Marketing and Development Corporation**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Ms. Wendy Ann Lee Yuen	Chairman	Agriculturalist
Dr. Joseph Laquis	Chairman-Deputy	Medical Practitioner
Dr. John Pegus	Director	
Mr. Michael Amann	Member	Information Technologist
Mr. Sase N. Bisnauth	Member	Businessman
Ms. Natasha Mustapha-Scott	Member	Marketing Manager
Ms. Camille Samuel	Member	Managing Director
Ms. Rebecca Bain	Member-THA	Agriculturalist
Mr. Samaroo Dowlath	Member-Ex-officio	CEO- NAMDEVCO

**National Broadcasting Network Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Ulric Warner	Chairman	H.R. Management/Consultant
Ms. Joy Caesar	Chairman-Deputy	Arts Representative
Mr. Zainool ali	Director	Engineer
Ms. Joan Hackshaw-Marslin	Director	Executive Assistant

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Ms. Tara Rampersadsingh	Director	Human Resource Manager
Mr. George Singh Jr.	Director	Business Manager
Mr. Kelvin Charles	Rep (THA)	Business Manager
Mr. Ronnie Boodoosingh	Director	Attorney at Law

**National Commission for Self-Help Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Krishna Ramkumar	Chairman	Corporate Communication Coordinator
Mr. Learie Alleyne-Forte	Director	Attorney-at-Law
Ms. Sheila Boodoosingh	Director	Justice of Peace/Social Worker
Mr. Rodney Butler	Director	Personnel Manager/HSE Coordinator
Mr. Junior Gittens	Director	Projects Coordinator
Mr. Selby Leslie	Director	Insurance Executive
Mr. Esau Mohammed	Director	UWI Student/TSTT Trainee
Mrs. Ada Pollonais	Director	Housewife/Social Worker

**National Entrepreneurship Development Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Miss Elizabeth Raphael	Chairman	General Manager
Mr. Gerard Talbot-Paul	Chairman-Deputy	Businessman
Mr. Farzan Ali	Director	Human Resource Manager
Mr. Kenneth Ferguson	Director	Managing Director
Mr. Norris Jack	Director	Managing Director
Mr. Anthony Khan	Director	Consultant
Ms. Elizabeth Mannette	Director	Attorney-at-Law
Ms. Valarie Pilgrim	Director	Project Management Specialist
Mr. Leslie Ramcharitar	Director	Accountant
Mr. David Titus	Director	Safety Specialist

*Written Answers to Questions**Friday, February 06, 2004***National Maintenance Training and Security Company**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Ronal Nurse	Chairman	Engineering
Mr. Eric Thompson	Chairman-Deputy	Financial Consultant
Mr. Fiaz ali	Director	Director, High Tech Engineering Ltd
Ms. Gillian Andrews	Director	Educator
Mr. Knolly Beckles	Director	Agriculturalist
Mr. Lennox Koylass	Director	Banker
Mr. Randall Mohammed	Director	Management
Mrs. Doleres Moore	Director	Nurse

**National Quarries Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. David Sheppard	Chairman	Marketing Management/Business Administration
Mr. David Edwards	Chairman-Deputy	Accountant
Mr. Dayle Connelly	Director	Attorney-at-Law
Mr. Harry Hospedales	Director	Business Executive
Ms. Zilda Pariagh	Director	Business Executive
Mr. Rajkumar Sankar	Director	Retired Teacher
Ms. Debra Suepaul	Director	Business Management

**National Schools Dietary Services Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Ms. Joycelyn Boddin	Chairman	Banker
Mr. Sheraz Ali	Director	Lecturer
Mrs. Christine Bocage	Director	Nutritionist/Agriculturalist
Ms. Karen Dhunn	Director	Research Technician UWI
Mr. Carlos Dillon	Director	Hotelier

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Ms. Jean Elder	Director	Manager POS Relief Centre
Ms. Jacqueline Figaro	Director	Manager, BDC
Mr. Madan Singh	Director	Chief Public Health Officer
Ms. Kathleen Thomas	Director	Accountant
Ms. Kennetta Bobb	Director – THA Rep	Teacher

**Petroleum Company of Trinidad and Tobago Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Malcolm Jones	Chairman (Executive)	Chemical Engineer
Ms. Charmaine Baptiste	Director	Management Consultant
Mr. Anthony Chan Tack	Director	Chemical Engineer
Mr. Garvin Chimming	Director	Retail Marketing Representative
Mr. José Pérez Fernandez	Director	Petroleum Engineer
Ms. Angela Hamel-Smith	Director	Human Resource Manager
Dr. Eddie Koury	director	Chemical Engineer
Mr. Harry Pirtheesingh	Director	Consultant-Oil and Gas
Mr. Ramnarine Ramdass	Director	Chartered Accountant

**Property and Industrial Development Company of Trinidad and Tobago Ltd**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Prof. Kenneth Julien	Chairman	Electrical Engineer
Mr. Ulrick McNicol	Director	Attorney at Law
Dr. Rene Monteil	Director	Attorney at Law
Ms Sonia Noel	Director	Permanent Secretary in the Ministry of Finance
Mr. Prakash Saith	Director	Civil Engineer

**Rum Distillers of Trinidad and Tobago Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Anthony Phillip	Chairman	Business Executive
Mr. Jewan Singh	Chairman-Deputy	Industrial Relations Consultant
Mr. William Benjamin	Director	Agriculturalist
Ms. Dawn Callender	Director	Accountant
Mr. Deosaran Maharaj	Director	Accountant
Mr. Deosaran Maharaj	Director	Records Manager
Mr. Harry Ragoonanan	Director	Building Contractor

**Sugar Manufacturing Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Prem Nandlal	Chairman	Chemist
Mr. Govind Maharaj	Chairman-Deputy	Accounting/CEO
Mr. Kenneth Dalip	Director	Vice President Corporate Services
Ms Nicole De Coteau	Director	Sales Director
Mr. Vernon Douglas	Director	Agriculturalist
Mr. Michael Harrilal	Director	Financial Analyst
Mr. Owen Hinds	Director	Attorney-at-Law
Dr. Anthony Radhay	Director	Medical Practitioner
Dr. Omar Khan	Director	Medical Practitioner
Ms. Paula Rajkumarsingh	Director	Mechanical Supervisor
Mr. Clyde Scott	Director	Snr. Production Controller

**Taurus Services Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Stewart Sankar	Chairman	Finance Director
Mr. Rattanlal Bunsee	Director	Attorney-at-Law

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Mr. Marlon Holder	Director	Banker
Mr. Colin Lucas	Director	General Manager/CEO
Ms. Annette Mc Kenzie	Director	Accountant
Dr. Roinnie Sookhoo	Director	Medical Doctor

**The National Gas Company of Trinidad and Tobago Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Chiang Keith Awong	Chairman	Retired Chemical Engineer
Dr. Cheryl Bennett	Director	University Lecturer Physiology
Mr. Wilson Lalla	Director	Retired Geologist
Mr. Errol Mc Leod	Director	Trade Unionist
Mr. Clarence Mitchell	Director	Retired Electrical Engineer
Ms Carol Pilgrim Bristol	Director	Attorney-at-Law
Mr. Lisle Ramyad	Director	Petroleum Engineer/Operations Manager
Mr. David Small	Director	Planning Officer/Business Analyst

**The Trinidad and Tobago Solid Waste Management Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Ray Brathwaite	Executive Chairman	Organizational & Human Systems Expert
Mrs. Cheryl Bowles	Chairman-Deputy	Biochemist/Managing Director
Mr. Verne Britto	Director	Chairman/Accountant
Mr. Pramnath Diptee	Director	Businessman
Mr. Heathcliff Miller	Director	Manager
Ms. Sarita Rampersad	Director	Attorney-at-Law/Copywriter
Mr. Max Senhouse	Director	Businessman
Mr. Leroy Williams	Director	CEO/Consultant

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Mr. Waldorf Yearwood	Director	Management Consultant/Procurement Expert
Mr. Teddy Stapleton	Director-OWTU Rep	Trade Unionist
Mr. Rodill Clarke	Director – THA Rep	Management Consultant/Coach

**The Vehicle Maintenance Corporation of Trinidad and Tobago Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Ms. Dawn Seecharan-Scott	Chairman	Attorney-at-Law
Ms. Marlene Alfred	Director	Accounting
Mr. Michael Annisette	director	Industrial Relations
Ms Bonnie-Lou de Silva	Director	Administration
Mr. Jason Gordon	Director	Engineer
Mr. Orville Moore	Director	Engineer
Mr. Prem Nandlal	Director	Chemist
Ms. Sonia Noel	Director	Accounting
Mr. Joseph Ross	Director	Auditor
Mr. Ernest Williams	Director	Information Technology

**Tourism and Industrial Development Company of T&T**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Dr. Aleem Mohammed	Chairman	Businessman/Medical Doctor
Mr. Samuel Martin	Chairman-Deputy	CEO,TSTT/Economist
Ms. Fredericka Adams	Director	Businesswoman
Mr. David O'Brien	Director	Executive Vice President
Mr. Kirby Anthony Hosang	Director	Marketing
Mr. Roger Joseph	Director	Manager
Ms. Edwina Leacock	Director	Permanent Secretary
Mr. Renrick Nickie	Director	Economist



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Ms. Donna Cox	Director	Managing Director
Mr. Kenny De Silva	Director	Managing Director
Mrs. Karen Tesheira	Director	Consultant
Mr. Michael Small	Director-THA Rep	Hotelier

**Trinidad and Tobago Forest Products Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Vishnu Musai	Chairman	Accountant
Mr. Sheriff Faizool	Chairman-Deputy	Conservator of Forests
Mr. Boysie Boodram	Director	Businessman Import/Export
Ms. Suzette Liverpool-Bailey	Director	Attorney-at-Law
Mr. Ainsley Nichols	Director	Businessman
Ms. Sonia Noel	Director	Permanent Secretary in the Ministry of Finance
Mr. Balkrishna Rampersad	Director	Businessman-Construction
Ms. Jacqueline Jack	Director-NATUC Rep	Labour Representative

**Trinidad and Tobago Free Zones Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Dr. Wilbert Winchester	Chairman	Attorney-at-Law
Mr. Boxil Charles	Director	Insurance Executive
Ms. Carol Guide	Director	Manager
Mr. Randolph Haynes	Director	Manager
Dr. Samuel Howard	Director	Consultant
Mr. Christopher Jackson-Smith	Director	General Secretary, Bankers Union (Member of NATUC)
Mr. Cecil Mahabir	Director	Manager
Ms. Cheryl Ryan Mohammed	Director	Executive Director

*Written Answers to Questions**Friday, February 06, 2004***Trinidad and Tobago National Petroleum Marketing Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Lawford Dupres	Chairman	Chemical Engineering/Executive Director
Mr. Winston Andrews	Director	Human Resource Practitioner
Mr. Anthony Campbell	Director	Quantity Surveyor
Mr. Adrian Clarke	Director	Chartered Accountant
Mr. Steve De Las	Director	Maintenance Manager
Mr. Victor Mitchell	Director	Engineer/Mgr. Engineer Operation Services
Mr. Herman Persad	Director	Chartered Accountant
Mrs. Magna Williams-Smith	Director	Administrator/Health
Ms. Heidi Wong	Director	Senior Energy Analyst

**Urban Development Corporation of Trinidad and Tobago**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Calder Hart	Chairman	Banker
Dr. Krishna Bahadoorsingh	Chairman-Deputy	Property Developer
Dr. Brian Harry	Director	Business Executive
Mr. Robert Le Hunte	Director	Banker
Mr. John Mair	Director	Attorney-at-Law
Mr. Wayne Maughn	Director	Economist/Coordinator
Mr. Madan Ramnarine	Director	Accounting/Businessman

**Youth Training and Employment Partnership Programme (YTEPP) Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Ms. Jennifer Johnson	Chairman	Marketing
Ms. Gillian Andrews	Director	Educator
Ms. Sasha Braithwaite	Director	Attorney-at-Law
Ms. Cheryl Duncan	Director	Educator

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Mr. Trevor James	Director	HR Consultant
Mrs. Brenda Jones	Director	Insurance Services
Ms. Laurel Lezama	Director	Flight Attendant
Ms. Myrna Samuel	Director	Social & Community Officer
Ms. Hermian Smart-Findlay	Director	Training Specialist
Mr. Harold Suepaul	Director	Education Administrator
Mr. Ulrick Warner	Director	HR Consultant
Ms. Trixi Guy	Director-Tobago Rep	Manager, UTC, Tobago

**Agricultural Development Bank of Trinidad and Tobago**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Trevor Murray	Chairman-Deputy	Agricultural Economist
Dr. Ronald Barrow	Director	Entomologist
Mr. Keith Paul	Director	Financial Executive
Mr. Michael S. Persadsingh	Director	Attorney-at-Law
Ms. Indra Sinanan Ojah-Maharaj	Director	Proprietress
Mr. Rollin Edison Bacchus	Director-THA Rep	Clergyman

**Business Development Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Ganesh Sahadeo	Chairman	Accounting
Mr. Anthony Aboud	Director	Accounting/Managing Director
Mr. Michael Callender	Director	Banker
Mr. Gary Cross	Director	Consultant
Mrs. Gayle Daniel-Worrell	Director	Marketing Manager
Mr. Noel Gayle	Director	Agriculturalist
Mr. Hugo Mc Farlane	Director	Insurance Executive
Mrs. Vashti Phekoo	Director	Banker

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Mr. John Sellier	Director	Business Executive
Mr. Andre Phillips	Director-Tobago Rep	Business Consultant

**National Enterprises Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Jerry Hospedales	Chairman	Coordinator Divestment Sec.
Mr. Kenneth Henry	Director	Accounting
Mr. Raoul Hosein	Director	Banker
Mr. Ruthven Jaggassar	Director	Retired Banker
Mr. Frank Look Kin	Director	President-NGC
Mr. Jeffrey Maxime	Director	Financial Analyst
Mr. Leroy Mayers	Director	Permanent Secretary-Finance
Dr. Selwyn Ryan	Director	University Professor
Mr. Ross Alexander	NATUC Rep	Trade Unionist

**National Helicopter Services Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Ulric Mc Neil	Chairman	Aviation Mgmt. Consultant/Aircraft Engineer
Cmdr. Louis Baptiste	Director	Commander AI/Aircraft Pilot
Mr. Richard Eckel	Director	Commercial Airline Pilot
Dr. Cheryl Bennett	Director-NGC	Lecturer/Medical Research Practitioner
Mr. Clarence Mitchell	Director-NGC	Electrical Engineer
Capt. Nicholas Nothnagel	Member-Ex-officio	Helicopter Pilot/General Manager

**Point Lisas Industrial Port Development Corporation**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Cdr. Kayam Mohammed	Chairman	Former Commanding Officer-TTCG
Mr. Clarry Benn	Director	Business Executive

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Mr. Junior Joseph	Director	Managing Director
Mr. David Lewis	Director	Managing Director
Mr. Etienne Mendez	Director	Engineer
Mr. Raffique Shah	Director	Journalist/Trade Unionist
Mr. Lloyd Walters	Director	Consultant
Ms. Doris Wong	Director	Retired Banker

**Metal Industries Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Prof. Kenneth Julie	Chairman	Electrical Engineering
Mr. Lionel Albert	Director	Project Leader
Dr. Clifford Dyer	Director	Retired School Supervisor
Mr. Khalid Hassanali	Director	Vice President PIDCOTT
Dr. Clement Imbert	Director	Mechanical Engineer/Senior Lecturer
Mr. Ronald Nurse	Director	Consulting Engineer
Mr. Jai Ramkissoon	Director	Trade Unionist
Ms. Gloria Roloingson	Director	Economist/General Manager
Prof. Clement Sankat	Director	Professor-Mechanical Engineering
Ms. Carol Telemaque	Director	Geologist

**Trinidad and Tobago Mortgage Finance Company Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>
Mr. Calder Hart	Chairman	Economist
Mr. Michael Annisette	Director	Trade Unionist
Mr. Ruben Mc Sween	Director	Financial Analyst
Mr. Colin Kangaloo	Director (GORTT)	Attorney-at-Law
Mr. Louis Andre Monteil	Director (GORTT)	Financial Executive
Ms. Sonia Noel	Director (GORTT)	Accounting
Ms. Inez Sinanan	Director – NIB	Insurance Services

**APPENDIX II****MEMBERS OF STATUTORY BOARDS****Agricultural Society of Trinidad and Tobago**

<b>NAME</b>	<b>STATUS</b>	<b>OCCUPATION</b>
Mr. Lyle Donawa	President	Estate Owner/Farmer
Ms. Wendy Ann Lee Yuen	Vice President	Landscaper/Farmer
Mr. Floyd Neckles	Vice President	Project Director, Sugarcane Feed Centre
Ms. Shirley Cupid	Member	Farmer
Mr. Lennox Emmadie	Member	Farmer
Mr. Julius Grenock	Member	Estate Owner
Ms. Jennilyn Hamblyn-Raphael	Member	Human Resource Officer
Mr. Anthony Joseph	Member	Estate Owner
Mr. Norman Kistow	Member	Agriculturalist/Retired Public Officer
Mr. John Maingot	Member	Farmer
Mr. Krishendath Sooknanan	Member	Extension Officer
Mr. Glen Ramjag	Member	Farmer
Mr. Earl Herbert Sampson	Member	Farmer
Mr. Mohammed Hallim	Member	Entomologist

**National Housing Authority**

<b>NAMES</b>	<b>STATUS</b>	<b>OCCUPATION</b>
Mr. Louis Andre Monteil	Chairman	Financer
Mr. Francis Charles	Deputy Chairman	Land Surveyor
Mr. Rajnath Chankar	Member	Businessman
Mr. Geoffery Herrera	Member	Architect
Mr. Krishna Kantasingh	Member	Attorney-at-Law

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Mrs. Hazel Rogers Dick	Member	Accountant
Mr. Clifton Winchester	Member	Retired Principal

**National Housing Authority**

NAMES	STATUS	OCCUPATION
Mr. Louis Lee Singh	Chairman	Executive Chairman, Citadel Ltd.
Ms. Cherryl Guide	Member	Office Assistant
Mrs. Normal Lewis Philip	Member	Social Worker
Ms. Lyndsay Parmashwar	Member	Purser, BWIA West Indies Ltd
Mr. Carl Groome	Member	Agriculturalist

**St. Dominic's Children's Home**

Dr. Dorrell Phillip	Chairman	Psychologist
Sr. Mary Shirley Gay	Member	Retired Nurse
Ms. Eunice Gittens	Member	Social Worker
Justice Stanley John	Member	High Court Judge
Sr. Catherine Therese Mc Comie	Member	Retired Teacher
Mr. Darryl Nunes	Member	Bank Manager
Sr. Helen Scott	Member	Manager
Ms. Marilyn Yearwood	Member	Senior Public Servant
Ms. Ruth Polo	Member	Retired Senior Public Servant

**St Jude's School for Girls**

NAMES	BOARD STATUS	OCCUPATION
Sr. Antoninette Dickie	Chairman	Regional Superior
Sr. Joan Charlerie	Member	Manageress
Ms. Sharon Ahye Romeo	Member	Human Resource Officer
Mr. Mark Chang	Member	Retired Manager
Mrs. Grace Smith-King	Member	School Supervisor

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Ms. Shanta Maraj	Member	Probation Officer
Sr. Petronilla Joseph	Member	Regional Superior
Ms. Joanne Julien	Secretary	Attorney-at-Law

**St. Mary's Children's Home**

NAMES	BOARD STATUS	OCCUPATION
Rt. Rev. Calvin Bess	Chairman	Anglican Bishop of T&T
Ms. Patricia Martin	Member	(Ag) Manager
Rev. Fr. Kenley Bldeo	Member	Teacher 1
Mrs. Brenda Fraser	Member	Retired Clerk Typist
Ms. Merle Gay	Member	Retired School Principal
Rev. Fr. Jemmott Hazelwood	Member	Parish Priest
Mr. David Patrick	Member	Attorney-at-Law
Ms. Margaret Phillip	Member	Auditor
Ms. Karen Pierre	Member	Lecturer
Mr. Fitzroy Thomas	Member	Retired School Supervisor

**St. Michael's School for Boys**

NAMES	BOARD STATUS	OCCUPATION
Mr. Anthony Taitt	Chairman	Accountant
Mr. Vernon Clark	Member	Attorney-at-Law
Ms. Eulyn Dove	Member	Retired School Supervisor
Ms. Andrea West	Member	Nutritionist
Mr. Roland Maundy	Member	Asst. Director, MIC
Mr. Errol Pilgrim	Member	Retired
Mrs. Joanna Shaw-Lloyd	Member	Retired Social Worker
Mr. Robert Shurland	Member	Retired
Mrs. Doreen St. Hill	Member	Nutritionist
Mr. Fitzroy Thomas	Member	Education Administrator



**Sugar Industry Labour Welfare Committee**

NAMES	BOARD STATUS	OCCUPATION
Mr. Lennox Rattansingh	Chairman	Executive Manager
Mr. John Jaglal	Member	Industrial Relations Officer
Mr. Ashmead Mohammed	Member	Agricultural Assistant II
Mr. Lallan Rajaram	Member	Cane Farmer
Mr. Clarence Rambharat	Member	Attorney-at-Law
Mr. Winston Cummings	Member	Mechanical Engineer
Ms. Annmarie Seegoolam	Member	Marketing Sales Representative

**Cocoa and Coffee Board**

NAMES	BOARD STATUS	OCCUPATION
Mr. Francois Mouttet	Chairman	Businessman
Mr. Elbert Johnson	Member	Agricultural Officer 1
Mr. Kamaldeo Maharaj	Member	Agronomist
Mr. St. Clair Kenna	Member	Agricultural Extension Officer
Mr. Paul Manickchand	Member	Exporter & Farmer
Mr. Yograj Gurdath	Member	Vice Principal
Mrs. Jacqueline Rawlins	Member	Manager
Mr. Fitz-Charence Waldropt	Member	Manager

*The following question was asked by Mrs. Kamla Persad-Bissessar.*

**Compensation of State Acquisition  
(Private Lands)**

- 27.** With respect to cases against the State concerning compensation for state acquisition of private lands, would the Attorney General please state:
- (a) The number of cases pending and those settled as at January 01, 2002, the names(s) of the parties, the date each of these cases were filed and the quantum of compensation claimed/paid in each;

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- (b) Whether the Attorney General gave instructions to the Solicitor General to settle any of the aforesaid cases since January 01, 2002;
- (c) If the answer to (b) is in the affirmative, the names of the parties, the date(s) of such instructions, the instructions given by the Attorney General as to the terms and the actual quantum of settlement made and the criteria utilized by the Attorney General in each case for giving such instructions;
- (d) When would compensations be paid to those whose claims have been agreed to but not yet paid?

**The Attorney General (Sen. The Hon. John Jeremie):** The response is as follows:

- (a) As at 2002 January 01, there were four (4) cases pending and no cases settled. Details with respect to those cases pending are listed hereunder:

NO.	PARTIES	DATE OF FILING	AMOUNT CLAIMED	COMPENSATION PAID
1.	Winston Bissessar –vs- The Commissioner of State Lands	12/03/98	\$795,595.00 plus interest	---
2.	Crescent Motor Supplies – vs- The Attorney General	19/01/98	\$436,335.55 plus interest; costs.	\$820,197.53 in High Court Matter
3.	Knowlson Gift –vs- The Attorney General	12/11/99	Compensation to be assessed by the Court	---
4.	Boysie Soodasar –vs- The Attorney General & Anor.	17/04/98	Compensation to be assessed by the Court	

- (b) Matters are not settled on the instruction of the Attorney General to the Solicitor General but are settled by a process at the end of which the Attorney General's Office makes an appropriate offer, which is accepted by the party involved and / or the Court. This has not occurred.
- (c) Not applicable in light of the above.
- (d) There are no claims that have been agreed to and/or not yet paid, no date(s) for compensation can be given.

*The following question was asked by Dr. Roodal Moonilal (Oropouche):*

**National Social Development Programme**

- 30.** (a) Can the Minister of Public Utilities and the Environment State whether there exists a National Social Development Programme functioning under the aegis of his Ministry?
- (b) If the answer to (a) is in the affirmative, can the Minister state the objectives of the National Social Development Programme?
- (c) Can the Minister inform the House of the structure and functioning of this programme?
- (d) Can the Minister inform the House as to the question of expenditure incurred by this programme to date?
- (e) Would the Minister give a breakdown of the social and development work undertaken under this programme in terms of constituency, nature of work and cost of project?

**The Minister of Public Utilities and the Environment (Hon. Penelope Beckles):** The response is as follows:

- (a) For the period May 2002 to September 2003, the National Social Development Programme was implemented under the Ministry of Public Utilities and the Environment. Presently, the Programme is under review.
- (b) The Overall objective of the Programme is:  
To bring relief to deprived communities by providing or improving the supply of water, street lighting and electrification of residences and community services, and by complementing self-help initiatives through the improvement of community centres and other physical amenities, in order to raise the standard of living and quality of life of the people of Trinidad and Tobago.

The specific objectives are:

**Water** - To improve the water service in areas, which are without a water supply or where the level of service is less than 48 hours per week.

**Electrification/Street lighting** – To improve the social and economic welfare of the less fortunate sectors of the population, by the provision of a safe, reliable and economical supply of electricity.

**Self-Help Projects** – To provide and improve the physical infrastructure in low-income communities, through the refurbishment of community buildings, sporting facilities, places of worship, historical structures, roads and bridge, so as to facilitate the regeneration of community life by providing the environment where people can develop themselves and enrich their communities.

- (c) The National Social Development Programme is co-ordinated from the Ministry of Public Utilities and the Environment, through a Programme Co-ordinating Unit, headed by a Programme Co-ordinator. An integral part of the administration of the Programme is done by a National Steering Committee, which comprises representatives of:

- The Ministry of Public Utilities and the Environment
- The Ministry of Community Development and Culture
- Executive representatives of the Water and Sewerage Authority, the Trinidad and Tobago Electricity Commission, the National Commission for Self Help, and the Solid Waste Management Company.

The executing agencies for the Programme are WASA, T&TEC, and the National Commission for Self- Help (the implementing agency for the Solid Waste Management Company, (SWMCOL). Each executing agency has its in-house Implementing Committee, which is responsible for project implementation, utilizing established project management practices.

Project requests come from either individuals or as community requests. These are considered at the National Steering Committee level before being forwarded to the relevant executing agency for implementation.

The National Steering Committee has responsibility for:

- Approving targeted communities for the Programme.
- Establishing priorities for projects to be implemented
- Ensuring that funding is available for projects
- Approving project budgets
- Reporting to Cabinet on project implementation.

The Implementing Committees have responsibility for:

Developing criteria for project selection

Finalizing project design, plans and schemes where necessary

Developing project implementation schedules and work plans

Developing project budgets

Implementing projects approved by the National Steering Committee.

**The Programme Co-ordinator**

Develops appropriate logistics to ensure effective implementation of the Programme.

- Facilitates stakeholders' participation in the Programme through public awareness
- Guides and advises the Ministry, its agencies and stakeholders in the execution of the Programme
- Monitors, evaluates and reports to the Ministry on project implementation.

Expenditure on the National Social Development Programme from its inception in May 2002 to September 2003, the time of its review, was \$160.60 Mn. broken down as follows:

Water and Sewerage Authority	\$123.3 Mn.
Trinidad and Tobago Electricity Commission	\$ 25.2 Mn.
National Commission for Self Help	\$ 12.1 Mn.

- (e) The breakdown of the social and developmental work under the National Social Development Programme by location, nature of work, and cost of project is given in Appendices I, II and III.

**SUMMARY – WORK DONE BY WASA UNDER THE NATIONAL SOCIAL DEVELOPMENT PROGRAMME SEPTEMBER 2003**

Nature of Work	Cost \$	Total	Beneficiaries	(Persons)
	Sub-Total		Sub-Total	Total
Pipelines	44142981		27099	
	52011137		23465	
	4325000		1255	

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Nature of Work	Cost \$	Total	Beneficiaries	(Persons)
	Sub-Total		Sub-Total	Total
		100479118		51819
Boosters	7023780.6		15200	
	6250000		34778	
	1100000		0	
		14373780.6		49978
Water Quality Projects	1947769	1947769	3040	3040
Reservoirs and Tanks	100000	100000	0	0
Project Management	3596750			
	2771943.23			
		6368693.23	0	0
<b>TOTAL</b>		<b>123269360.8</b>		<b>104837</b>

**Appendix I****WORK DONE BY WASA UNDER THE NATIONAL SOCIAL DEVELOPMENT PROGRAMME****SEPTEMBER 2003.**

DISTRICT	PROJECT TYPE AND COST \$			
	PIPELINES	BOOSTER STATIONS	WATER QUALITY	RESERVOIRS AND TANKS
Arima	3452689	-	-	-
Arouca	3484703	640922	-	-
Barataria	1892912	-	-	-
Caroni	3515000	-	-	-
Chaguanas	2100000	-	-	-
Diego Martin	3223899	58885516	-	100000
Fyzabad	7895314	-	-	-
La Brea	7202295	-	-	-

DISTRICT	PROJECT TYPE AND COST \$			
	PIPELINES	BOOSTER STATIONS	WATER QUALITY	RESERVOIRS AND TANKS
Laventille	2777962	2400000	-	-
Naparima	693430	-	-	-
Nariva	3417686	-	-	-
Oropouche	211597	-	-	-
Ortoire	17013690	850000	-	-
Pointe a Pierre	530179	-	-	-
Point Fortin	4644021	-	-	-
Princes Town	1245638	-	-	-
San Fernando	222281	-	-	-
Siparia	1314362	-	-	-
St. Anns	4115006	1200000	1316962	-
St. Augustine	1052253	-	-	-
St. Joseph	748172	436638	-	-
Toco	15095742	-	630807	-
Tunapuna	5235475	600000	-	-
TOTAL	100,479,118	14373780	1947769	100000

**Appendix 11**

**SUMMARY – WORK DONE BY THE TRINIDAD AND TOBAGO ELECTRICITY  
COMMISSION UNDER THE NATIONAL SOCIAL DEVELOPMENT PROGRAMME  
SEPTEMBER 2003**

Nature of Work	Cost \$	Benefits	
		No. of Luminaries Installed	No. of Households
Electrification	9250878	274	1657
Street Lighting	11675200	6264	0
Recreation Grounds-	1020983	174	0

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Nature of Work	Cost \$	Benefits	
		No. of Luminaries Installed	No. of Households
(electricity supply to			
roadway leading to			
grounds)			
Project Management	3292059		
<b>TOTAL</b>	<b>25239120</b>	<b>6712</b>	<b>1657</b>

DISTRICT	NO. OF POLES INSTALLED	LUMINAIRES INSTALLED TO DATE (ELECT.)	ELECTRIFICATION PROJECTS COMPLETED	HOUSEHOLDS ESTIMATED TO BENEFIT FROM COMPLETED PROJECTS	NON REFUNDABLE CAPITAL CONTRIBUTION (\$)
Arima	43	0	5	62	191,366
Arouca	1	0	1	6	8,458
Barataria	3	0	1	5	6,775
Barrackpore	6	0	1	2	41,413
Belmont	2	0	1	8	12,259
Brasso Piedra	4	0	1	1	22,292
California	4	0	1	6	23,099
Carlsen Field	105	0	3	117	453,080
Caparo	18	7	6	5	41,590
Carenage	2	0	2	18	12,931
Cascade	8	14	1	0	31,772
Chaguanas	9	4	3	6	25,314
Claxton Bay	8	0	1	18	42,426
Couva	18	20	2	12	81,107
Cumuto	4	0	2	10	11,188
Cunupia	18	0	4	15	91,691
Diego Martin	49	11	10	60	243,452



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DISTRICT	NO. OF POLES INSTALLED	LUMINAIRES INSTALLED TO DATE (ELECT.)	ELECTRIFICATION PROJECTS COMPLETED	HOUSEHOLDS ESTIMATED TO BENEFIT FROM COMPLETED PROJECTS	NON REFUNDABLE CAPITAL CONTRIBUTION (\$)
Enterprise	21	21	10	0	26,244
Erin	19	0	2	4	72,917
Freeport	34	6	7	17	167,375
Fyzabad	39	0	2	7	216,878
Guaico	8	0	1	13	39,585
Guapo	5	0	1	9	113,795
Guayaguayare	6	0	1	0	26,835
La Brea	39	7	3	86	222,023
La Romain	2	0	1	1	7,635
Las Cuevas	0	0	1	0	96,814
Las Lomas #2	9	0	2	2	35,666
Las Lomas #3	12	0	2	9	61,447
Laventille	17	23	6	6	76,492
Longdenville	12	6	9	4	52,136
Los Iros	3	0	1	6	15,672
Malick	4	7	1	0	19,115
Maloney	3	0	1	1	9,720
Mamoral	2	0	1	3	7,295
Maracas Bay	21	25	1	4	202,884
Maraval	29	31	5	32	188,241
Matura	3	0	1	10	9,907
Mayaro	115	62	12	75	946,229
Moruga	102	3	7	90	735,700
Morvant	7	5	4	1	21,335
Mt. Hope	2	0	1	2	7,188

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DISTRICT	NO. OF POLES INSTALLED	LUMINAIRES INSTALLED TO DATE (ELECT.)	ELECTRIFICATION PROJECTS COMPLETED	HOUSEHOLDS ESTIMATED TO BENEFIT FROM COMPLETED PROJECTS	NON REFUNDABLE CAPITAL CONTRIBUTION (\$)
Mt. St. George	3	0	1	3	14,739
N/Manzanilla #4	3	0	1	4	16,307
Naparima	9	10	1	0	49,932
Palo Seco	82	0	9	79	891,960
Patience Hill	3	0	1	4	26,798
Penal	77	0	4	26	536,190
Pleasantville	4	0	1	5	20,745
Point Fortin	35	0	3	40	209,489
Rio Claro	155	8	8	92	993,601
San Fernando	73	0	3	308	362,902
San Juan	3	0	2	1	24,641
Sangre Grande	9	0	3	18	42,477
Santa Cruz	31	3	7	36	143,472
Santa Flora	7	0	2	2	29,299
Sennon Village	3	0	1	5	13,946
Siparia	49	0	3	49	279,579
St. John's Trace	2	0	1	1	7,176
St. Joseph	10	0	1	18	47,403
Ste Madelene	11	0	1	31	66,041
Studley Park	4	1	3	6	24,446
Tableland	33	0	1	11	134,013
Tacarigua	1	0	1	1	2,607
Toco	2	0	1	4	14,617

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DISTRICT	NO. OF POLES INSTALLED	LUMINAIRES INSTALLED TO DATE (ELECT.)	ELECTRIFICATION PROJECTS COMPLETED	HOUSEHOLDS ESTIMATED TO BENEFIT FROM COMPLETED PROJECTS	NON REFUNDABLE CAPITAL CONTRIBUTION (\$)
Tunapuna	3	0	1	9	15,638
Valencia	58	0	1	70	287,304
Valsayn	2	0	1	1	18,280
Wallerfield	73	0	7	100	257,932
<b>SUB TOTAL</b>	<b>1561</b>	<b>274</b>	<b>197</b>	<b>1657</b>	<b>9,250,878</b>
<b>ADMINISTRATIVE COST</b>					<b>1,387,632</b>
<b>TOTAL</b>					<b>10,638,509</b>

**Trinidad and Tobago Electricity Commission**  
**National Social Development Programme (NSPD)**  
**Street Lighting Projects**  
**September 2003**

DISTRICT	NO. OF LUMINAIRES INSTALLED	EXPENDITURE (\$)
Arena Village	4	7,200
Argyle	6	10,800
Arima	169	304,200
Aripero	19	34,200
Arouca	136	244,800
Avocat	5	9,000
Bamboo #1	6	10,800
Bamboo #2	5	9,000
Bangladesh	1	1,800
Barataria	13	23,400
Barrackpore	16	28,800

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<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
Beetham	4	7,200
Bel Air	5	9,000
Belmont	10	18,000
Ben Lomond	2	15,600
Bethany	5	9,000
Biche	66	118,800
Biche Village	1	1,800
Biche/Charuma	39	70,200
Black Rock	5	9,000
Blitz Village Ext	3	5,400
Bon Accord	1	1,800
Boys Town	2	3,600
Brazil	8	14,400
Bristol	27	48,600
Brothers Road	7	12,600
Buccoo	12	29,600
Buenos Ayres	19	34,200
Cap de Ville	5	9,000
Carapo	16	36,800
Carenage	21	37,800
Carnbee	5	9,000
Cascade	10	18,000
Caura	9	16,200
Cedros	5	9,000
Chaguanas	27	48,600
Champs Fleurs	14	25,200
Charlieville	17	30,600

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<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
Chatham	49	88,200
Claxton Bay	65	117,000
Cochrane Village	7	12,600
Cocorite	3	5,400
Corinth	6	10,800
Cross Crossing	2	3,600
Crown Point	4	11,200
Cumana	18	32,400
Cunapo	7	12,600
Cunjaj Village	1	1,800
Cunupia	33	59,400
Curepe	11	19,800
D'Abadie	33	107,400
Debe	161	289,800
Diamond	2	3,600
Diamond Vale	3	5,400
Diego Martin	106	258,800
Duncan Village	3	5,400
Ecclesville	60	108,000
Edinburgh	16	28,800
Egypt Village	26	46,800
Endeavour	1	1,800
Erin	28	50,400
Fishing Pond	16	28,800
Five Rivers	3	5,400
Flanagin Town	48	86,400
Freeport	2	3,600

*Written Answers to Questions**Friday, February 06, 2004*

<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
Friendship Village	2	3,600
Fyzabad	240	436,000
Gasparillo	55	99,000
Goodwood	5	29,000
Gran Riviere	2	3,600
Green Acres	3	5,400
Guaico	5	9,000
Guaico, Tamana	52	93,600
Guapo	18	32,400
Guapo Village	8	14,400
Guayaguayare	24	43,200
Gulf View	50	90,000
Guyama-Cumana	1	1,800
Hard Bargain	11	19,800
Harmony Hall	120	216,000
Hermitage Village	1	1,800
Hindustan	9	16,200
Idlewild	1	1,800
La Brea	73	131,400
La Brea Village	21	37,800
La Romain	29	52,200
Lange Park	35	63,000
Las Cuevas	44	79,200
Laventille	144	307,200
Libertville	9	16,200
Los Bajos	5	9,000
Los Iros	26	46,800

*Written Answers to Questions**Friday, February 06, 2004*

<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
Lower Santa Cruz	8	14,400
Lower St Croix	1	1,800
Mafekin Village	4	7,200
Maitagual	13	23,400
Malick	66	142,800
Manzanilla	46	90,800
Manzanilla #4	2	3,600
Marabella	6	10,800
Maracas Bay	29	52,200
Maracas Valley	10	18,000
Maraval	25	45,000
Mason Hall	7	24,600
Matelot	9	16,200
Mausica	9	16,200
Mayaro	108	194,400
Montrose	3	5,400
Morne Diablo	19	34,200
Moruga	258	472,400
Morvant	113	223,400
Mt Pleasant	6	10,800
Mt. D'Or	4	7,200
Mt. Hope	14	25,200
Mt. Lambert	1	1,800
Mt. St. George	11	19,800
Naparima Mayaro Road	5	9,000
Navet	9	16,200
Navet Village	2	3,600

*Written Answers to Questions**Friday, February 06, 2004*

<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
New Grant	72	129,600
Palmiste	13	23,400
Palmyra Village	1	1,800
Palo Seco	146	266,800
Patience Hill	1	1,800
Penal	216	388,800
Petit Bourg	9	16,200
Petit Valley	5	9,000
Phillipine	54	97,200
Plaisance Village	16	28,800
Pleasant Prospect	3	5,400
Point Fortin	51	91,800
Pointe-a-Pierre	2	3,600
Port-of-Spain	3	5,400
Princes Town	35	63,000
Quarry	12	21,600
Quinam/Morne Diablo	22	39,600
Rambert Village	1	1,800
Rampanalgas/Balandra	3	5,400
Rancho Quemado	16	28,800
Reform	21	37,800
Rio Claro	133	239,400
Rio Claro North	23	41,400
Rio Claro South	29	52,200
Rio Claro/Mayaro	14	25,200
Riseland Trace	1	1,800
Rousillac	2	3,600



*Written Answers to Questions**Friday, February 06, 2004*

<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
San Fernando	28	50,400
San Francique/ Siparia East	2	3,600
San Juan	160	288,000
San Souci	25	45,000
Sangre Grande	119	214,200
Santa Cruz	175	371,000
Santa Flora	76	136,800
Scarborough	26	46,800
Signal Hill	11	31,800
Siparia	81	145,800
Siparia West	77	138,600
Sobo Village	52	93,600
South Oropouche	35	63,000
Spring Garden	3	9,400
Srn. Cunapo Rd.	2	3,600
St. Ann's	25	45,000
St. Augustine	3	5,400
St. John's Village	5	9,000
St. Joseph	75	167,000
St. Julien Village	2	3,600
Tabaquite	12	21,600
Tableland	30	54,000
Tacarigua	33	59,400
Tobal	2	3,600
Toco	29	52,200
Trincity	121	217,800
Tunapuna	95	171,000
Union Hall	306	550,800

Written Answers to Questions

Friday, February 06, 2004

<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
Union Village	17	30,600
Upper Santa Cruz	116	208,800
Valencia	239	430,200
Vance River	18	32,400
Vessigny	36	64,800
Vistabella	20	36,000
Wallenvale	3	5,400
Wallerfield	52	93,600
Whim	2	3,600
Williamsville	27	48,600
<b>SUB TOTAL</b>	<b>6264</b>	<b>11,675,200</b>
<b>ADMINISTRATIVE COST</b>		<b>1,751,280</b>
<b>TOTAL</b>		<b>13,426,480</b>

**Trinidad and Tobago Electricity Commission  
National Social Development Programme (NSDP)  
Recreation Grounds Projects**

**SEPTEMBER 2003**

<b>DISTRICT</b>	<b>NO. OF LUMINAIRES INSTALLED</b>	<b>EXPENDITURE (\$)</b>
Arima	10	21,067
Barataria	1	4,964
Belmont	1	1,859
Carenage	1	12,375
Chaguanas	8	124,571
Couva	22	238,202
Cumana	10	21,745
Diego Martin	3	4,421
Laventille	2	2,849

DISTRICT	NO. OF LUMINAIRES INSTALLED	EXPENDITURE (\$)
Longdenville	9	77,108
Malabar	6	12,902
Maraval	1	5,139
Matura	4	28,512
Moruga	2	55,766
Morvant	2	9,971
Penal	20	85,961
Point Fortin	26	37,166
Port-of-Spain	4	12,159
Princes Town	3	58,856
Rio Claro	18	124,235
Roxborough	0	7,817
San Fernando	0	27,636
Sangre Grande	4	8,524
Santa Cruz	2	7,037
Toco	15	30,141
<b>SUB TOTAL</b>	<b>174</b>	<b>1,020,983</b>
<u>ADMINISTRATIVE COST</u>		<b>153,147</b>
<b>TOTAL</b>		<b>1,174,130</b>

**Appendix III****WORK DONE BY THE NATIONAL COMMISSION FOR SELF HELP UNDER THE  
NATIONAL SOCIAL DEVELOPMENT PROGRAMME****SEPTEMBER 2003**

DISTRICT	PROJECT TYPE	NO. OF PROJECTS	COST \$
Arima	Community centre, rehabilitation centre, repairs to homes of needy persons	5	154 062.59
Arouca	Community centre, church, school	8	1 199 697.50
Barataria	Repairs to homes of needy persons	3	16 478.04

DISTRICT	PROJECT TYPE	NO. OF PROJECTS	COST \$
Chaguanas	Community centre	1	390 718.01
Diego Martin	Community centre, church, temple, recreation ground, drainage, school	11	1 009 047.55
San Fernando	Church, pan theatre, school, road, drainage, community centre, recreation ground	22	2 834 016.65
Fyzabad	Water	1	66 177.27
La Brea	Community centre	2	190 430.12
Laventille	Community centre, church, repairs to homes of needy persons	6	476 872.95
Moruga	Rehabilitation centres	1	105 015.15
Marac	Rehabilitation centre	1	74 717.33
Guayaguayare	Community centre	1	18 654.15
Oropouche	Community centre	1	78 082.60
Port of Spain	Church, school, community centre, repairs to homes of needy persons	10	1 249 243.17
Pointe a Pierre	Community centre, road, pan theatre	5	646 769.30
Princes Town	Community centre, water	2	283 083.43
St. Augustine	Road	1	34 270.00
St Anns	Community centre, repairs to homes of needy persons	4	289 390.64
Sangre Grande	Repairs to homes of needy persons	16	335 842.57
San Juan	Community centre, church	3	264 741.35
St. Joseph	Community centre	3	490 009.54
Penal	Community centre	2	661 599.55
Tabaquite	Community centre, temple, water	3	457 474.43
Tobago	Cultural, heritage centre, church	5	141 701.72
Toco	Repairs to homes of needy persons	1	9 945.00
Tunapuna	Community centre, road, recreation ground	4	581 016.20
<b>TOTAL</b>		<b>122</b>	<b>12 059 056.81</b>

The following question was asked by Mr. Nizam Baksh (Naparima):

**Fertilizers/Chemicals Distribution  
(Sugar Cane Farmers)**

42. (a) Could the Minister of Agriculture, Land and Marine Resources state the quantum of fertilizers and chemicals distributed to each Organization/Association/Individual who has been authorized to maintain and produce sugar cane on lands owned by Caroni (1975) Limited?
- (b) Could he state what were the criteria used to distribute these chemicals?

**The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine)** The response is as follows:

- (a) The quantum of fertilizers distributed to organizations/associations/individuals who have been authorized to maintain and produce sugar cane on lands owned by Caroni (1975) Ltd. are as follows:

Organisations/ Associations/ Individuals	Quantity of Fertilizer Distributed in bags of 50 kilos	Quantity of Urea Distributed in bags of 50 kilos	Total distribution in kilos
Direct Delivery Farmers Association	2750 bags	-----	137,500 kilos
Trinidad Agro Supplies Ltd	6040 bags -----	----- 700 bags	302,000 kilos 35,000 kilos
Sookhai Diesel	1210 bags	-----	60,500 kilos

- (b) No chemicals were distributed to organizations/associations/ individuals.

The criteria used for the distribution of fertilizer are as follows: -

The under-mentioned Representative Organizations of Cane Farmers were invited to submit proposals for the maintenance and harvesting of selective sugarcane fields on lands owned by Caroni (1975) Limited, and also for the delivery of the sugarcane from those fields to the Sugar Manufacturing Company Limited: -

- ❖ Trinidad Islandwide Cane Farmers Association (TICFA)
- ❖ Cane Producers Association of Trinidad and Tobago (CPATT)

- ❖ Cane Farmers Association of Trinidad and Tobago (CFATT) and
- ❖ Direct Delivery Cane Farmers Co-operative Society Limited.

Prices were quoted from these Organizations, which ranged from \$140.00 per tonne to \$160.00 per tonne of cane. After negotiations it was agreed that a price of \$120.00 per tonne be paid on the understanding that fertilizers already on order by Caroni (1975) Limited will be provided at no cost to the organizations.

The same arrangement was entered into with the mechanical harvesting contractors – Trinidad Agro Supplies and Sookhai Diesel Services and other individually contracted sugarcane suppliers.

In the case of the mechanical harvesting contractors the agreed price per tonne is \$108.00, and for the individually contracted suppliers, \$120.00 per tonne.