

*Leave of Absence**Friday, April 23, 2004***HOUSE OF REPRESENTATIVES***Friday, April 23, 2004*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon. Members, I have received communication from the Member for St. Joseph (Mr. G. Yetming) requesting leave of absence from today's sitting of the House. The leave which the Member seeks is granted. I have also received communication from the hon. Member for Point Fortin (Mr. L. Achong) similarly requesting leave from today's sitting of the House. The leave which that Member seeks is also granted.

PAPERS LAID

1. Annual report and the annual audited financial statements of the National Insurance Board for the year ended June 30, 2003. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Annual report of the Central Bank of Trinidad and Tobago for the year ended September 30, 2003. [*Hon. K. Valley*]
3. The 2004 Budget and planned activities of the Regulated Industries Commission. [*Hon. K. Valley*]

Papers 1 to 3 to be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, the Government is able today to answer the following questions: 69, 71, 75 and 98 and we are requesting a—

Mr. Speaker: Questions 69?

Hon. K. Valley: Yes, 71, 75 and 98.

Mrs. Persad-Bissessar: That question has been on the Order Paper for months.

Hon. K. Valley: Mr. Speaker, the other questions are not on the Order Paper for months.

The following questions stood on the Order Paper in the name of Mrs. Kamla Persad-Bissessar (Siparia):

**Russel Latapy High School
(Information on)**

- 68.** (a) Would the hon. Minister of Education state:
- (i) the estimated and the actual costs for constructing, equipping and furnishing the Russel Latapy High School;
 - (ii) the start up and completion dates of constructing, furnishing and equipping of this school;
 - (iii) the number of students the school was built to accommodate and the actual number presently accommodated?
- B. Could the Minister state:
- (i) the name/s of the persons/companies and directors of each company awarded contract/s for constructing, equipping and furnishing of the school;
 - (ii) whether tenders were invited for the contracts awarded and if so, the bids made by each tenderer;
 - (iii) the procedure and criteria used to award each contract?

Schools Heads and Deans

- 72.** (A) Would the hon. Minister of Education list the steps and date/s of each step taken, since January 2002 to implement the system of Heads and Deans in the nation's schools and the reasons for the delay in implementing same;
- (B) Could the Minister state the date when the system of Heads and Deans would be fully implemented?

Continuous Assessment Programme (CAP)

- 73.** Would the hon. Minister of Education state:
- (i) the steps and dates of each step taken, since January 2002 to implement the Continuous Assessment Programme (CAP) in the nation's schools and explain the reasons for the delay in full implementation of same;
 - (ii) the date when same would be fully implemented?

Details of SEA Examination

- 76.** Would the hon. Minister of Education list:
- (i) the total number of students who wrote the SEA examinations in 2002 and 2003 and the number expected to write in 2004;
 - (ii) the number of students who scored less than 30 per cent and 50 per cent in the 2002 and 2003 SEA examinations according to education districts;
 - (iii) the steps and date/s of each step taken, since January 2002 to address the educational needs of children who scored less than 50 per cent in the SEA examinations and entered into secondary schools;
 - (iv) the steps and date/s of each step taken since January 2002 to reduce the number of children scoring less than 50 per cent in the SEA examinations?

Details of CXC

- 77.** Would the hon. Minister of Education state:
- (i) the number of students who wrote each of the subjects offered by CXC in 2002 and 2003 and the number expected to write in 2004;
 - (ii) the number of students who failed each subject at CXC in 2002 and 2003 according to education districts;
 - (iii) the steps taken, including the date/s of each step since January 2002 to reduce the number of CXC failures?

De-linking of Teaching Service from Public Service

- 78.** Would the hon. Minister of Education please state:
- (i) the steps and date/s of each step taken, since January 2002 to implement de-linking of the Teaching Service from the Public Service and the creation of a unified teaching service and the reasons for the delay in implementing same;
 - (ii) the date when the same would be implemented?

**Salaries and Pensions
(Disadvantages and Disparities)**

- 79.** Would the hon. Minister of Education state:
- (i) the steps and date/s of each step which has been taken since January 2002 to remove the disparity/disadvantage in salaries and pensions of school supervisors as compared to that of school principals and the reasons for the delay in removing same;
 - (ii) the date when the said disparity would be removed?

Shiva Boys and Parvati Girls Colleges

- 82.** Would the hon. Minister of Education state:
- (i) the steps and dates of each step taken since January 2002 to construct the Shiva Boys and Parvati Girls Colleges;
 - (ii) the reasons for the delay in construction of the Shiva Boys and Parvati Girls colleges;
 - (iii) the estimated cost for construction of each;
 - (iv) the start up date of construction and completion date of each?

Pre-Service Training Programme

- 83.** Would the hon. Minister of Education state:
- (i) the reasons for the termination of the pre-service training programme for teachers and the date when this was done;
 - (ii) the steps and dates of each step taken to put a system in place for pre-service training for teachers and what system is being put in place and when will it commence;
 - (iii) the procedure and criteria which will be utilized to select persons for the pre-service training;
 - (iv) the interim measures being taken between the termination of the pre-service programme and the start up of any new system?

The following question stood on the Order Paper in the name of Dr. Adesh Nanan (Tabaquite):

**Certificate of Environmental Clearance Issue
(Crown Point International Airport)**

- 99.** (a) Would the hon. Minister of Public Utilities and the Environment inform this House if a Certificate of Environmental Clearance was issued for the expansion of the Crown Point International Airport?

- (b) If the answer to part (a) is in the affirmative, would the Minister indicate the date the application was made and also the date the said Certificate was issued?
- (c) If the answer to part (a) is in the negative, would the Minister state the reason(s) why the said certificate was not issued?

Questions, by leave, deferred.

De-shifting of Schools

69. Mrs. Kamla Persad-Bissessar (Siparia) asked the hon. Minister of Education:

Would the Minister state:

- (i) which schools have been de-shifted since January 2003;
- (ii) which schools are still operating on a shift basis and the number of students attending each;
- (iii) the total number of teachers actually employed in each of these schools;
- (iv) the expected date each school will be de-shifted?

The Minister of Education (Sen. The Hon. Hazel Manning): Mr. Speaker, the matter requires details of Junior Secondary Schools which are to be de-shifted including the time schedule for completion of the exercise, the number of students attending the schools and the number of teachers who are assigned to these schools.

One, the de-shifting of one school, Marabella Junior Secondary School, took place in the period under reference. The effective date is January 20, 2003.

Two, there remain 18 schools that are still operating on a shift basis. The details of these schools, including enrolment data, and the number of teachers employed by school district are as follows and this is at March 2004:

District	School	No. of Students	No. of Teachers
St. George West	Diego Martin Junior Secondary School	1,282	67
	Mucurapo Junior Secondary School	1,245	74
	Belmont Junior Secondary	1,205	76
	Aranguez Junior Secondary School	1,040	78

District	School	No. of Students	No. of Teachers
	Barataria Junior Secondary School	1,303	72
	Mount Hope Junior Secondary School	1,137	65
St. George East	Curepe Junior Secondary School	1,659	62
	Five Rivers Junior Secondary School	1,343	80
St. Andrew/St. David	Sangre Grande Junior Secondary School	1,250	70
Caroni	Chaguanas Junior Secondary School	1,448	66
	Carapichaima Junior Secondary School	1,063	74
	Couva Junior Secondary School	1,484	71
Victoria	San Fernando East Union Secondary School	1,439	68
	Princes Town Junior Secondary School	1,673	70
	Williamsville Junior Secondary School	807	59
St. Patrick	Point Fortin Junior Secondary School	1,095	80
	Penal Junior Secondary School	1,120	69
	Siparia Junior Secondary School	1,616	73

The total number of students in these schools aggregated for both morning and afternoon shifts is 22,209 representing an average of 1,233 students per school.

In answer to part (iii), the number of teachers in these 18 schools is 1,279 for morning and afternoon shifts. The average number of teachers per school is therefore 71.

In answer to part (iv), the de-shifting strategic committee is at present working on the scheduling details for de-shifting these schools. There are considerations of a social nature that have to be addressed in addition to the physical and structural prerequisites. The de-shifting proposals are therefore currently being prepared with the assistance of multidisciplinary teams for the approval of the Cabinet.

The answer for part (v), thus far, schools have been prioritized into priority one and priority two phases. Priority one envisages no need for additional schools. For example, the existing enrolment at these schools can be accommodated in a

single shift in the said schools or in the schools nearby. All that would be required would be certain additional facilities at these schools. Priority one schools could be done over two years: 2004—2005, and priority two schools would require new schools to be constructed to achieve de-shifting. Priority two will be achieved over three years: 2005—2007.

Mrs. Persad-Bissessar: Would the hon. Minister be kind enough to indicate how the average was calculated? You mentioned the average student and average teacher for the total schools listed. Was this the mean, the median or the mode? What method was used to calculate the average?

Sen. The Hon. H. Manning: We used the mean to calculate the average.

Mrs. Persad-Bissessar: Hon. Minister, would you be so kind as to list the priority one schools and the priority two schools that you mentioned in your answer?

Sen. The Hon. H. Manning: As I said in my answer, Mr. Speaker, we are now about to take it to Cabinet and I would prefer to take the report to Cabinet in the first instance before I make it public, and it will happen in a short while.

Student Support Services Unit (Improvement of)

71. Mrs. Kamla Persad-Bissessar asked the hon. Minister of Education:

Would the Minister list:

- (i) the steps and date/s of each step taken since January 2002 to make operational and improve the Student Support Services Unit of the Ministry of Education and the reasons for the delay in doing so;
- (ii) the date when same would be fully operational?

The Minister of Education (Sen. The Hon. Hazel Manning): Mr. Speaker, in order to appreciate the steps taken since January 2002, to make operational and improve the Student Support Services Unit of the Ministry of Education, permit me to briefly state the evolution of this initiative.

The Education Policy Paper 1993—2003 recommended that the special education and guidance units be brought together to facilitate the multidisciplinary diagnostic prescriptive service as a part of the student support services in the Ministry of Education. In April of 1999, the Ministry of Education began recruitment of staff for the diagnostic prescriptive service, and by late 1999 this service was operational. This diagnostic prescriptive service was targeted

primarily to students with learning and behavioural difficulties. It was also intended to be a support for the Continuous Assessment Programme.

I would now like to outline the steps and the date of each step taken since January 2002. In January 2002, monitoring and evaluating the operations of the pilot project in order to, one, ascertain ways to strengthen and expand the service within the education system; and, two, to timetable the way forward.

Ongoing discussion with major stakeholders was an important activity to ensure that the service was meeting the needs of students. And it was during this period that the concept of a fully comprehensive student support services division was concretized as a result of monitoring feedback and the concerns expressed by the stakeholders.

The Ministry of Education agreed that all of the services needed to guarantee full support to enhance students' learning would be brought under a new division. The Student Support Services Division was therefore a natural outgrowth of the advancement and deepening of the decentralization and restructuring process of the Ministry of Education and its participatory approach to the provision of education services.

The student support services system agreed upon is an integrated one which will utilize a multidisciplinary team approach for the delivery of guidance and counselling services to students, a diagnostic and prescriptive service and schools social worker and special education services. And so, by December 2002, a report was completed and submitted. In January 2003, the first draft of a Cabinet Note for the establishment of a Student Support Services Division was produced. Consultations were held with teachers, guidance officers, school supervisors, the Division of Educational Research and Evaluation, Special Education Unit and the Ministry of Health for vision and hearing screening.

In April of 2003, a second draft of a Cabinet Note was done. In September of 2003, the final report was accepted by stakeholders, costing prepared and submitted to the Public Management Consulting Division (PMCD). In November of 2003, costing was reviewed by PMCD and recommendations were made and the final Cabinet Note was completed. On January 29, 2004, Cabinet approved this note.

Mr. Speaker, question 71 assumes that there was a delay, but it should be clear that the steps outlined show a process; a process in which all the major stakeholders were consulted on an ongoing basis, that there was careful planning and that serious consideration was given to the social factors and cost implications.

While these activities were being carried out to establish the Student Support Services Division, Cabinet agreed to extend the life of the Diagnostic Prescriptive Unit. In response to question 71(ii), which requests the date when the Students Support Services Unit would be fully operational, the Student Support Services Division will be phased in in September 2004 at the commencement of the new school year, and for the first time, primary schools will also receive support for personal, social and psychological development of students at this level.

As the service expands, the following activities will be undertaken: Recruitment of personnel; procurement of facilities and equipment; provision of training for personnel recruited; developing appropriate operational systems, and sensitization of all stakeholders.

Mr. Speaker, you will appreciate that these activities are ongoing. We envisage, therefore, that the service would be fully operational by the year 2007—fully, meaning that the service is strongly rooted in all our schools.

Final Curriculum for Schools

75. Mrs. Kamla Persad-Bissessar asked the hon. Minister of Education:

Would the Minister state the steps and date/s of each step taken since January 2002 to provide a final curriculum (as distinct from draft curriculum) for each subject area and level in our nation's schools and the reasons for the delay in providing same?

The Minister of Education (Sen. The Hon. Hazel Manning): The production of a draft curriculum, Mr. Speaker, is an important stage in the curriculum development cycle. It is in this phase that the curriculum is tested while it is being implemented in schools. This does allow for wider teacher and practitioner involvement. As it is introduced, Mr. Speaker, staff development opportunities, support and the necessary resources are offered. Another significant feature of the implementation phase is regular monitoring so that feedback can be obtained.

At the end of the determined period, the draft curriculum is evaluated and revisions are made incorporating the feedback. It is only at that stage that the term "draft" is removed from the document and the new revised curriculum is implemented until the start of the new cycle. And so, with this in mind, I am pleased to report that a draft modernized curriculum has been completed for Forms I and II of secondary schools in eight core subjects, namely English, Language Arts, Spanish, Mathematics, Social Studies, Integrated Science, Visual and Performing Arts, Physical Education and Technology Education.

Implementation of this curriculum began in September 2003. The following activities have taken place during this phase of the implementation:

1. In 2002, there were seven meetings with principals from January to May.
2. A two-day national consultation on the curriculum was held on June 25 to June 26 2002, at which time the curriculum was validated.
3. During the period June 29 2002 to September 15, 2002, the curriculum guides for Forms I and II in the eight core subjects were revised.
4. Workshops for new teachers who will be responsible for implementing the curriculum were held in August 2002 and in August 2003.
5. Mr. Speaker, workshop activities continued during 2003 with six workshops being held for principals, vice principals and heads of departments in January 2003.
6. Workshops for all teachers of the eight core subjects were held in the seven education districts in Trinidad during the period January to May 2003.
7. In May 2003, workshops were held in Tobago for principals, vice principals and heads of departments, as well as teachers of the eight core subjects.

Training in technology education for teachers was conducted over three cohorts, part of which is yet to be completed. July 2002 to August 2003; July 2003 to April 2004, this month, Mr. Speaker; and January 2004 to April 2005.

Mr. Speaker, another vital aspect of curriculum implementation is that of monitoring and obtaining feedback from teachers in schools by curriculum officers. This exercise was undertaken from October to December, 2003. Workshops continue for heads of department to ensure that they have the correct tools to prepare them for effective implementation.

By May 2004, 15 such interventions would have been held and another batch is scheduled to be carried out during August to September 2004. In addition, Mr. Speaker, the revised curriculum for Form III has also been completed. Editing has been recently completed and this curriculum has been distributed also to schools to begin testing and assessment. With effect from January 2004, writing teams have been hired and established for the writing of curricula for the Forms IV and V levels.

Mr. Speaker, Members of this honourable House would appreciate the necessity of having in place the necessary equipment to guarantee that the process of curriculum implementation is not hindered in any way. To this end, by January 2004, delivery of equipment for eight subject areas to phase one, seven schools, has been completed.

Last October, library books for 40 schools under the technical upgrade component of the SEMP were provided as well as audio-visual equipment comprising video cassette recorders, television sets, CD, cassette players with radios and overhead projectors. The Ministry of Education, Mr. Speaker, received the approval of Cabinet for the implementation of the draft revised secondary school curriculum in May of 2003. The revised draft curriculum having been implemented with the approval of Cabinet began to be tested in schools for a two-year period during which feedback would be obtained regularly from teachers as they adapt it for use in their classrooms.

In 2005, the curriculum will be evaluated and revised again based on feedback and, at that time, the last set of revisions will be incorporated before the curriculum could be considered finalized. As a result, Mr. Speaker, there is no delay in making the curriculum final.

Thank you.

Mrs. Persad-Bissessar: Through you Mr. Speaker, is it true to say that there is not a single final curriculum? Out of all the curricula you mentioned, not one is a final form.

Sen. The Hon. H. Manning: Mr. Speaker, the hon. Member of the Opposition was there, and not one draft document was produced when they were in office.

Mrs. Persad-Bissessar: That is totally untrue. The Minister cannot use the House to mislead the House. That is totally false.

Sen. The Hon. H. Manning: And, therefore, when I got there, Mr. Speaker, we had to finish what was being done and place it into the system in September of last year, 2003. We have two years of consultation, two years of making sure that it happens while the teachers assess what is in the system now, so therefore, we are going through that process at this point in time. And at the end of that, as I just said, it will then become a final document. There is a process, Mr. Speaker.

Mrs. Persad-Bissessar: Is it true to say that there is not a single final curriculum?

Sen. The Hon. H. Manning: Again I want to say, Mr. Speaker, that the documents were not completed when I got into office. I had to go through the process to

ensure that the document [*Interruption*]*—*the documents are now in the system and this is the normal process, Mr. Speaker. After two years of assessment, the document then becomes final.

**Certificate of Environmental Clearance
(Construction of houses by Government)**

98. Dr. Adesh Nanan (*Tabaquite*) asked the hon. Minister of Public Utilities and the Environment:

- (a) Would the Minister inform this House whether or not a Certificate of Environmental Clearance has been issued for the construction of houses by the Government at each of the following locations:
- (i) Farm Grove - Curepe
 - (ii) Sixth Avenue - Barataria
 - (iii) Green Street - Tunapuna
 - (iv) Madoo Hill, Upper El Dorado Road - Tunapuna
 - (v) Water Pipe Road, Cane Farm – Tacarigua
 - (vi) Caura Valley
 - (vii) Bates Trace - St. Augustine
 - (viii) Oleara Heights, Circular Road - San Fernando
 - (ix) Tarouba
 - (x) Plaisance - Mayaro
 - (xi) St. Joseph Estate - Ortoire
 - (xii) Guanapo Estate - Rio Claro
 - (xii) Edinburgh 500
 - (xiii) Edinburgh Road - Longdenville
 - (xv) Carlsen Field
 - (xvi) Gran Couva?
- (b) For those locations for which certificates have been issued, could the Minister indicate the date the application was made and the date the said certificate was issued?

- (c) For those locations without certificates, could the Minister identify the reason(s) why the Certificate of Environmental Clearance was not issued?

The Minister of Public utilities and the Environment (Hon. Penelope Beckles): Mr. Speaker, in relation to Farm Grove, Curepe, no, there has been no issuance of a certificate of environmental clearance. The application for the certificate of environmental clearance was submitted and is being processed by the Environmental Management Authority.

In relation to Sixth Avenue, Barataria, no certificate of environmental clearance is required because the site is less than five acres.

In relation to Green Street in Tunapuna, again no certificate is required because the site is less than five acres.

Madoo Hill, Upper El Dorado Road, Tunapuna, no certificate is required because the site is less than five acres.

Water Pipe Road, Cane Farm Road, that is not a government project, neither is Caura Valley.

At Bates Trace, St. Augustine, the application for the certificate of environmental clearance has been submitted and is being processed by the EMA, and therefore no certificate has been issued.

In relation to Oleara Heights, Circular Road, San Fernando, no certificate of environmental clearance is required, because the site is less than five acres.

Toruba North, no certificate of environmental clearance is required. The final planning permission was received prior to June 2001, and construction due to commence later this year will be done in accordance with the approved plans.

Toruba South, application for the certificate of environmental clearance was also submitted and is being processed, so therefore, no certificate has yet been granted. In relation to Plaisance, Mayaro, no certificate of environmental clearance is required as houses are being constructed on vacant lots within the existing approved housing development.

St. Joseph Estate, Ortoire, certificate of environmental clearance is not required. The final planning permission was granted on February 13, 2004. The final planning permission can only be granted after June 2001 if no certificate of environmental clearance is required for development.

Guanapo Estate, Rio Claro, no certificate of environmental clearance is required as houses are being constructed on vacant lots within an existing approved housing development.

Edinburgh 500, the application for certificate of environmental clearance has been processed by the Environmental Management Authority and therefore, no certificate has yet been issued. In relation to Edinburgh Road, Longdenville, the application for the certificate of environmental clearance has been submitted and is also being processed by the Environmental Management Authority and, therefore, no certificate has been issued.

Carlsen Field, the application for the certificate of environmental clearance has also been submitted and is being processed by the Environmental Management Authority, therefore no certificate has yet been issued.

In relation to Gran Couva, this site is not being developed at this time.

Dr. Nanan: Mr. Speaker, could the hon. Minister tell this honourable House if there can be construction of houses without environmental clearance?

Dr. Rowley: The answer is yes.

Hon. P. Beckles: You are asking me a legal question.

Dr. Nanan: Supplemental, Mr. Speaker. Would the hon. Minister tell this honourable House if houses can be constructed on lots where the certificate of environmental clearance has been applied for?

Hon. P. Beckles: Well, Mr. Speaker, I have answered that question already.

Hon. Members: No, no!

Mr. Speaker: Please, proceed.

WRITTEN ANSWERS TO QUESTIONS

Mr. Speaker: Before you do, hon. Members, there are questions for written responses on the Order Paper. These responses should be passed to the Clerk for circulation.

The following question was asked by Mrs. Kamla Persad-Bissessar (Siparia):

School Feeding Programme

- 19.** Would the hon. Minister of Education please provide a list of the persons and/or companies awarded contracts under the School Feeding Programme since January 01, 2002, indicating:
- (i) those for the supply of meals;
 - (ii) in the case of companies, a list of the names of the directors of each company;

- (iii) the amount of monies paid to each person or company and the number of meals provided by each per month;
- (iv) the procedure and criteria used to select each person and company for supplying meals for the school feeding programme?

The following questions were asked by Dr. Fuad Khan Barataria/San Juan):

**School Feeding Programme
(Method Used to Choose Suppliers)**

- 51.** Could the hon. Minister of Education kindly indicate:
- (i) the names of the companies and directors who were involved in school feeding programme from January 2002?
 - (ii) the method used to choose those suppliers?
 - (iii) the number of those contractors who had ongoing food businesses and/or experience in food preparation and handling?

Vacuum Distillers Unit Plant

- 90.** (a) Could the hon. Minister of Energy and Energy Industries indicate whether there is/was a delay in the reopening of the Vacuum Distillers Unit Plant at Petrotrin?
- (b) If so, was/is this due to the fault of the contractor CCISL that was chosen?
 - (c) Did Cudjoe Construction and Industrial Services Limited meet all the proper tendering requirements?

Vide end of sitting for written answers.

DEFINITE URGENT MATTER (LEAVE)

**Destruction of Homes
(Union Hall, Cross Crossing, San Fernando)**

Mr. Chandresh Sharma (Fyzabad): Mr. Speaker, in accordance with Standing Order 12 of this House, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance; namely, the destruction of homes and personal effects of persons living at Union Hall, Cross Crossing, San Fernando.

This matter is definite because it refers to the destruction of family dwelling homes at Union Hall, Cross Crossing, San Fernando by the Ministry of Housing

Destruction of Homes
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and/or the NHA, and/or by agents acting on their behalf. This matter is urgent because the affected now have no shelter and in some cases are without their medication. This matter is of public importance because the citizens concerned have been denied their constitutional rights to protection from the state and enjoyment of their property and family life.

Mr. Speaker: Hon. Members, the leave which the hon. Member for Fyzabad seeks is denied.

**Impending Visit of Nelson Mandela
(Failure of Government)**

Dr. Roodal Moonilal (*Oropouche*): Mr. Speaker, in accordance with Standing Order 12, I seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance; namely, the failure of the Government of Trinidad and Tobago to adequately facilitate and suitably welcome the visiting former President of South Africa and the 1993 Nobel Peace Prize winner, His Excellency, Nelson R. Mandela to our twin island Republic.

Mr. Speaker, the matter is definite since it refers to the ineptitude on the part of the Government to—

Mr. Speaker: I have approved the Motion for you.

Dr. R. Moonilal: Mr. Speaker, I beg your pardon. I was reading from my submission. Let me read it.

Mr. B. Panday: Let him read it. It is not yours.

Mr. Ramnath: That is an abusive authority. Authority my foot!

Mr. Speaker: Order, please. Hon. Members, the hon. Member for Oropouche is on his feet. Please give him some respect.

Dr. R. Moonilal: Mr. Speaker, let me read now from the Motion that you have submitted to me. In accordance with Standing Order 12 of the House of Representatives I hereby seek your leave to move the adjournment of the House for the purpose or discussing the following matter—“or”, this is from what I got.

Mr. B. Panday: So the English wrong as well!

Dr. R. Moonilal: For the purpose “or” discussing the following matter as a definite matter “or” urgent public importance, namely the failure of the Government of Trinidad and Tobago to adequately facilitate and suitably welcome the visiting former President of South Africa and 1993 Nobel Prize winner, Nelson R. Mandela.

The matter is definite since it refers to the visit of a former president, Nelson Mandela. The matter is urgent since Mr. Mandela's visit is but mere days away. The matter is of public importance since it has the potential to cause embarrassment to Trinidad and Tobago within the international community.

This ends your version.

Mr. Speaker: Hon. Members, the leave which the Member seeks is denied.
[*Desk thumping*]

Mr. Ramnath: What is the point of you editing it and then denying it?

Mr. Speaker: Order please.

Mr. Ramnath: You are making a joke in this House.

Mr. Speaker: Order please. May I refer Members to page 313 of *Erskine May's Parliamentary Practice* and permit me to read:

“Members raising matters in the House under Standing Order 24—”

That is the equivalent of our 12.

“—procedure are frequently called to order by the Chair, and the Speaker has reminded the House that applications must be directed solely to seeking to prove that an issue is sufficiently important, specific and urgent to change the business of the House so as to provide for an emergency debate and is not an occasion to debate the issue itself.”

This learning gives me the right to so edit a motion to comply with this rule.

Mr. Ramnath: Not at all.

Mr. B. Panday: Adjourn in your own case.

Mr. Ramnath: That does not give you the right.

IMPENDING VISIT OF NELSON MANDELA

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Thank you very much, Mr. Speaker. I would like to advise you and hon. Members, and through this honourable House, the national community—

Mr. Ramnath: Did you edit that?

Hon. P. Manning: That the issues of—

Mr. Speaker: Order please! The hon. Prime Minister has asked for protection. Please, could we hear the Prime Minister? Hon. Prime Minister, please continue.

[*Hon. Members interrupt*]

Mr. Ramnath: Prime Minister my foot!

Hon. P. Manning: I could deal with you myself you know.

Hon. Members: What? That is a threat?

Mr. Speaker: Order!

Hon. P. Manning: Mr. Speaker, I would like to advise you and hon. Members, and through this honourable House, the national community that the issues of difference that existed between the Government and CONCACAF in relation to—

Hon. Members: Shame, shame!

Hon. P. Manning: —in relation to the impending visit to Trinidad and Tobago of former President Nelson Mandela and Archbishop Desmond Tutu, both of South Africa, have now been satisfactorily and amicably resolved. [*Desk thumping*] The way is now clear for an anticipated successful visit by these two Nobel Prize winners. The visit will be an official visit as befitting the status of these two honourable and very revered gentlemen.

May I also say, Mr. Speaker, that the programme of activities which will be announced shortly, of necessity, takes into account former President Mandela's age and state of health. This fact notwithstanding, every effort is being made to expose these gentlemen to the largest number of citizens of Trinidad and Tobago. [*Desk thumping*]

Thank you, Mr. Speaker.

Mr. Speaker: Order please, the Clerk is proceeding with the Order Paper. Please, let us hear her.

MUTUAL ASSISTANCE IN CRIMINAL MATTERS (AMDT.) BILL

Order for second reading read.

The Acting Minister of Foreign Affairs and Minister of Legal Affairs (Sen. The Hon. Danny Montano): Mr. Speaker, I beg to move,

That a Bill to amend the Mutual Assistance in Criminal Matters Act, 1997, be now read a second time.

The main purpose of the Bill is to amend the Mutual Assistance in Criminal Matters Act, 1997. The Act has been enforced since April 02, 1999. This Bill in summary seeks to put in place some additional legislative framework to allow

Trinidad and Tobago to cooperate with Commonwealth and non-commonwealth countries in criminal proceedings and investigations.

Specifically, the Bill provides for the service in this country of any process or documents issued by a court in a Commonwealth or non-commonwealth country, and for any process or document issued by a court in this country to be served in a Commonwealth or non-commonwealth country.

The Bill also provides that evidence taken by a court in criminal proceedings in a Commonwealth or non-commonwealth country can be used in this country, and for the use of evidence taken in criminal proceedings in this country to be used in a Commonwealth or non-commonwealth country.

The Bill also seeks to insert a third schedule to the Act to provide the legal rules applicable to a court in this jurisdiction that on the request to our central authority is taking evidence from a witness who is located in this country for use overseas in criminal proceedings.

The Bill originally consisted of eight clauses, but two new clauses, 5A and 7A, were added in the other place. Two amendments were also made to clause 6 in the other place. The Bill requires a simple majority for its passage. This Bill owes its origin from the problems experienced by the Central Authority Department of the Office of the Attorney General in the enforcement of the Act.

Mr. Speaker, no Act is a perfect law, nor can the draftsmen or the legislature envisage all of the legal and administrative possibilities. Indeed, this Act itself was amended by No. 7 of 2001 to cater for certain consequential changes which arose after it was proclaimed. Today, the amendment before this honourable Chamber seeks to provide for matters that were not anticipated in the parent legislation; for example, the mechanism for service of court processes in and out of our jurisdiction.

The Mutual Assistance in Criminal Matters Act, 1997 provides for assistance to be given in criminal proceedings by providing for request for assistance to be made by Trinidad and Tobago to a Commonwealth country and vice versa. Part IV of the Act also makes provision for its application to non-commonwealth countries. This form of international cooperation is based on the scheme for mutual assistance in criminal matters within the Commonwealth as agreed by the Commonwealth Law Ministers at their 1986 meeting in Harare, and endorsed by the Commonwealth Heads of Government at their 1987 meeting in Vancouver.

For example, in relation to criminal proceedings in Trinidad and Tobago, the Act makes provision for matters such as requesting overseas assistance in obtaining

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evidence or information; locating or identifying a person to give evidence or assistance; obtaining articles or things by search or seizure; transferring a prisoner to or from this country to give evidence or assistance; and serving any document on a person or authority in a Commonwealth country and tracing property and enforcing orders.

Section 14 of the Act makes provision for requesting any document issued or made in Trinidad and Tobago to be served on a person or an authority in a Commonwealth country. In this section, document does not include a judicial record such as a summons, order or judgment. In the interpretation section of the Act, “document” is not defined, nor is it defined in our Interpretation Act. Hence it will have to be given its ordinary meaning. The Oxford Dictionary, ninth edition, defines document to mean a piece of written or printed matter that provides a record or evidence of events in agreement of ownership, identification, and so forth.

In the interpretation section of the Act, the term “judicial records” is defined to mean judgments, orders and decisions of the court and other records held by judicial authorities, and “official records” to mean documents held by government departments or agencies or prosecution authorities.

Clearly, the Act differentiates between the meaning of the terms “judicial records” and “official records”. It appears that had the legislation intended that section 14 should deal with documents issued by a court, then the term “judicial records”, not the word “document” would have been used. Hence the need to make specific provision for the service of any process or document issued by a court in and out of our jurisdiction.

Mr. Speaker, I now turn to explain the Bill in greater detail, clause by clause. Clauses 1, 2 and 3 of the Bill would provide for such matters as the short title and interpretation provisions. Clause 4 seeks to amend section 2 of the Act by inserting the definition of some new words and phrases such as “civil offence” as defined under the Defence Act and Dangerous Drugs as defined under the Dangerous Drugs Act, 1991. Clause 5 seeks to correct a mere legislative oversight in section 25 of the Act where the phrase “police force” is used in error instead of “police service” as properly used in sections 2 and 3 of the Police Service Act.

As indicated earlier, Mr. Speaker, two new clauses were inserted in the Bill in the other place. One of those clauses is the new clause 5A which seeks to amend section 31 of the Act by deleting the words “Central Authority” capital C, capital A, in the first line, and substituting the words, “central authority” common C,

common A, in the lower case. This was a proposal from one of the Independent Senators in the other place.

The use of the upper case when referring to the central authority in the parent Act is restricted to the Central Authority of Trinidad and Tobago. Hence, it is confusing when in referring to the central authority of another country that the reference to that central authority is also made in the upper case. And thus, the amendment merely seeks to clarify this uncertainty. Clause 6 seeks to renumber Part V of the Act and Part VI and to insert a new Part V.

The new Part V would provide for matters dealing with criminal proceedings and investigations in Trinidad and Tobago and overseas. For example, it would provide for the service of overseas process here as received by the central authority and for process issued here to be served overseas on a person to require him to attend before a court in Trinidad and Tobago to give evidence in criminal proceedings.

This new Part would also provide for a request to be made by the DPP to a local court for assistance in getting evidence from a foreign country for use in criminal proceedings or investigations of an offence in this country. Provision is also included to allow for a similar request to be made by a central authority of the foreign country to the Central Authority of Trinidad and Tobago for assistance in getting evidence from Trinidad and Tobago for use in criminal proceedings or investigations of an offence in the requesting country.

Mr. Speaker, before I go further, I would wish to indicate that two amendments were accepted to clause 6 in the other place. The first change was made to the proposed section 33C(iii). In section 33C(iii) the words “an authority as is mentioned in subsection (2)” were deleted and replaced by the words “the central authority of the Commonwealth country or such similar authority of the non-commonwealth country.”

It was pointed out in the other place that the words “an authority” in the proposed section 33C(iii) could have three meanings. That is the Central Authority of Trinidad and Tobago, the central authority of a Commonwealth country or the Central Authority of a non-commonwealth country and, therefore, it is confusing. However, the intent of the subsection was to allow only the central authority of a Commonwealth country, or the central authority of a non-commonwealth country to make the decision whether the evidence could be used for any other purpose. Hence, the amendment included specific reference to those central authorities to the exclusion of the Central Authority of Trinidad and Tobago.

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Mr. Speaker, the second change to clause 6 was made to the proposed section 33D(iii). Section 33D(iii) is amended by deleting the words “such authority” and substituting the words “the central authority of the Commonwealth country or such similar authority of the non-commonwealth country.” The reason for this second amendment is basically the same as I just indicated. That is that the words “such authority” are unclear and may be confusing.

The amendment thus seeks to make specific reference to the central authorities of other countries to the exclusion of the Central Authority of Trinidad and Tobago. This is the intention of section 33D(iii) and the amendment from the other place seeks to make that clear.

Clause 7 seeks to amend section 35(2) of the Act to provide that a document is duly authenticated if it is in the form of an affidavit or a statutory declaration, and therefore admissible in evidence. Section 35(2) already provides that a document is authenticated if it is certified by a judicial officer of the Commonwealth country making the request or by the oath of a witness or a public officer of such a country, or sealed with an official or public seal of a Minister or of a department or public office of the Government of such a country.

Clause 7 thus seeks to add two other means by which a document may be authenticated in order to ensure its admissibility in the relevant proceedings. Mr. Speaker, the new clause 7A was the second new clause inserted in the Bill in the other place. Clause 7A seeks to amend section 37 by deleting the word “10” and substituting the word “12”. It was pointed out that section 10 in the Act does not deal with the evidence of a prisoner in custody and, therefore, the reference in section 37 to section 10 was wrong and that the correct reference should be 12.

Clause 8 seeks to insert a third schedule to the Act to provide the rules to govern the proceedings before a court in this country where evidence is being taken from a witness for use in a Commonwealth or non-commonwealth country. The third schedule, however, would only be applicable when the court nominated by the Chief Justice to take the evidence to which the request relates under section 33D(i) is a Magistrates’ Court. By virtue of the powers conferred on it by the proposed section 33G(i), which is part of clause 6, the rules committee of the Supreme Court would make rules of court to govern similar proceedings when the nominated court is the High Court.

Mr. Speaker, I wish to inform this honourable House that the views and comments of the Office of the Director of Public Prosecutions on this Bill have been incorporated into it.

Miss Lucky: Where? Which clause?

Sen. The Hon. D. Montano: Hon. Members may wish to note that this Bill is modeled on similar legislation from the Bahamas entitled The Criminal Justice International Cooperation Act, 2000. That Act provides for matters such as service overseas processed in the Bahamas and vice versa, overseas evidence for use in the Bahamas. The Bahamas Act is closely modeled on the English legislation which is also entitled the Criminal Justice International Cooperation Act of 1990.

Mr. Speaker, in preparing this Bill, apart from looking at the legislation from the Bahamas and the UK, we also considered the Criminal Justice International Cooperation Law of 2001 of Jersey, and the UNDCP model Foreign Evidence Bill, 2000, hence the proposed legislation in seeking to align this country with the legislative position of other countries on the issue of international cooperation as it relates to the gathering of evidence from one state to be used in another in the fight against crime.

Among the objectives of this kind of mutual assistance in criminal matters is the intent to save time and cost. It also allows the evidence of a witness in this country to be gathered and used in a foreign court without the foreign state having to pay the cost of bringing the witness into its jurisdiction. The reverse is also true for this country under this Bill. Thus the Bill seeks to enhance the mechanism available to states in their mutual crusade against crime.

Mr. Speaker, I beg to move.

Question proposed.

Miss Gillian Lucky (Pointe-a-Pierre): Mr. Speaker, this Bill is entitled the Mutual Assistance in Criminal Matters (Amdt.) Bill, and by its very name, criminal matters, and by the very fact that the central authority is, in fact, deemed, or does in fact come within the auspices of the Attorney General, I would really have thought that one who knows the law would have made the presentation in piloting the Bill this afternoon.

While I can only say that I feel very sorry for the Acting Minister of Foreign Affairs, let me just indicate, Mr. Speaker, that in the other place, this Bill was described by an independent Senator as being innocuous.

The word innocuous, as you would know, Mr. Speaker, means harmless, but you see, the persons who are being asked to pilot these particular Bills in these honourable Houses are persons who may be deemed to be harmless and, therefore,

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what is happening is when, for example, a person who is not an attorney-at-law practising at the Bar, who knows little or nothing of the operation of criminal proceedings, comes into the House and presents this kind of technical legislation which calls for a very precise understanding of what this Government is seeking to do, it is very easy to say, yes, this Bill is harmless. Let us just agree, because you see, it is being brought under the auspices of the Foreign Affairs Ministry. So you see, the trick is to make us feel that what we are doing is really in the best interest of diplomatic relations.

But you see, Mr. Speaker, we do not fall for those tricks. If the Government is really concerned about the interest of diplomatic relations, let it reconsider its position with the scant regard it is having for Mr. Mandela's visit to this country. [*Desk thumping*] Let that be its concentration.

Let the Acting Minister of Foreign Affairs spend his time, instead of coming in this House not to mislead it, but to read an abridged version which he does not understand clearly, even by the manner in which it was read, coming straight from the Upper House, but I suppose the hon. Minister did not want to be guilty of any copyright or plagiarism, because that does come within his Ministry, the Ministry of Legal Affairs. So what the hon. Minister did this evening in his presentation is that he cut and pasted and edited what was already said in another place, and like the person who presented it in the other place, he, too, does not understand what he is saying.

2.30 p.m.

Mr. Speaker, how could we on this side understand? By the end of this evening the media and the nation will understand that what they are seeking to do with this legislation is to deny people their fundamental rights and freedoms. [*Desk thumping*]

Mr. Speaker: Order, order!

Miss G. Lucky: When an acting Minister of Foreign Affairs who, by his own admission, said that to the best of his knowledge there is no such thing as a joint sitting of the Parliament, it just goes to show that when you put a minister who is willing to accept what he does not know, it is very easy in this type of legislation for us to think that there is nothing dangerous. By the end of this presentation, even though the other side may pretend that they do not understand, we will see that this legislation is not only dangerous, but it requires a special majority. [*Desk thumping*]

I am so well aware of the rules of sub judice. Just about three weeks ago I stood in this honourable House and gave what I thought was some good advice.

Although the Member for Diego Martin Central often commends me for being the repository for all law, I do not consider myself to know all law. But I did indicate in this House that when it comes to matters of extradition and mutual legal assistance, the Government was bringing ad hoc legislation and literally trying to see how with piecemeal legislation it could do certain things; even if the certain things it was doing would be in breach of persons' constitutional rights.

I warned the Government of the day that it would be bombarded with constitutional action, may lose, and have to pay large sums of money, not only to its counsel—and the team seems to be expanding—but also to the persons who would be seeking redress. My warning fell on deaf ears. That matter is sub judice. I am just waiting for the decision with bated breath, because when what was said is proven right by the Opposition, believe me, it will be right here in this honourable House, the first opportunity given, that we would laud it in the face of the Government and ask them to personally pay the large sums of money they would have to pay as compensation.

Does the hon. Acting Minister of Foreign Affairs, who was able to tell this House that the legislation was patterned after that of the United Kingdom, know that the rules of evidence in the United Kingdom have changed fundamentally to that of Trinidad and Tobago, even though at one time we literally followed everything the English did? One of the sections in this particular piece of legislation actually deprives a person, who may be called or forced as a witness to give evidence, his right of silence.

In England the right of silence, which is sometimes called the right against self-incrimination, has basically been whittled away. So when they pass legislation with sections similar to this, they do not have that problem of the right to silence and the protection that one has to give to potential witnesses. In Trinidad and Tobago we still have that right to silence, and we still have that right against self-incrimination. So we have to be very careful when the Government is copying wholesale from other jurisdiction, whether what they are copying is not infringing persons' constitutional rights. I make the point again that this legislation calls for a special majority.

When the Central Authority was created in the year 1997, the UNC administration was then in power. Section 3(1) of the parent Act, which created the Central Authority, states that the Attorney General shall be the Central Authority. In 1997, those of us practising law, involved in criminal prosecutions and not yet in politics were very worried when we saw this particular section. The worry was that even though under the UNC there would have been no concern as

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to whether there would be wrongful political interference, we worried that the day would come when you would have a dictatorial regime that would try to use its Attorney General, a political appointee, to interfere with what is meant to be independent. The fears of those in 1997 have come to pass in the year 2004, as political interference is rampant in the independent institutions in this country.
[*Desk thumping*]

Mr. Speaker, that is why on this side we have to be very, very cautious and stop thinking about decent people holding high office, persons with high moral and spiritual views holding office, and make legislation expecting that those persons would really be the persons exercising the authority in this country. We have to be cautious that we do not make it based on personality, but based in such a way that even if a monster was to hold high office, citizens in this country would still be protected.

Mr. Speaker, I repeat for emphasis: In the first place, the correct person, the most educated on the Government side to present and pilot this piece of legislation is the Attorney General. The fact that the Attorney General did not pilot this legislation in the other place or in this House means that something is amiss; he cannot take the jamming and account for what they are trying to do in this particular piece of legislation. So what is done instead is to send persons not skilled in the field of law and not, it seems, even skilled in the field of economy or rising prices, because when flour prices go high we are told that we should eat cassava, sweet potatoes or eddoes.

So they send persons who, by their very nature, have already shown that they do not have much knowledge in certain areas. [*Interruption*] I did not say “dunce”; I just said that they did not have knowledge in certain areas. As a result, when they are meant to respond in the end, the hope is that they would not give way to us and, secondly, they would be able to say what the substantive Minister of Foreign Affairs does each time, “I am not a lawyer, but I have been so advised.” That is the Government’s way of getting around things now by saying, “Let people who do not know better present bills,” and when they are asked technical questions say, “I have been so advised; I do verily believe based on what I have been told.”

When years down the road the Government is exposed with this kind of legislation, the relevant ministers would say, “Well, I did not know any better.” Thankfully we do have an Opposition that knows much better and would not let these Bills just be passed. When the court cases arise, based on this particular piece of legislation, if it is not passed with a constitutional majority, let the *Hansard* record start going into courtrooms. Let ministers understand that when

they commit themselves to saying, as this hon. Acting Minister of Foreign Affairs did, that only a simple majority is needed, that what they say will be quoted in courtrooms. Hopefully the Acting Minister, himself, would not have to be subject to the kind of legislation where he is brought into a nominated court, which is also provided for in this piece of legislation. [*Crosstalk*]

Mr. Speaker, in talking about mutual assistance, without even this legislation, let me give the House—not necessarily those on the other side, but those interested in hearing—a practical example: many, many, many packages of cocaine washed up on the shores of Manzanilla, and to this date our authorities do not know what exactly occurred for that cocaine to be washed up there. Was it an internal drug transaction that went wrong? Was it a transshipment taking place and there was some battle on the high seas? We do not know. Let us look at how mutual assistance would have helped us.

We have a commissioner of police who said that they retrieved all the cocaine; all the cocaine was accounted for. To this day I do not know how one could account for everything if you do not know in the first place how much you were supposed to have, so that does not make sense. [*Desk thumping*] There is no operational police station in Manzanilla. In fact, just before coming to Parliament, I verified from residents in Manzanilla that there was no operational police station in Manzanilla. So imagine the government is “ramajaying” about how we are going to give mutual legal assistance and we do not even have an operational police station in Manzanilla. Not only is that bad, but worse than that in the budget statement of 2004 this Government said that new police stations would be constructed over the medium term; one of the places stated was Manzanilla. A big problem with cocaine washing ashore, and to this day the Government sees it fit to shut down the Manzanilla Police Station.

Anyway, Mr. Speaker, cocaine has come ashore and there are some exhibits. What should have been done or could still be done if we know, at least, where the cocaine is being kept—hopefully it has not been destroyed or gone into the wrong hands—every cocaine block has a particular mark on it like a tattoo or a brand; like when people have cattle and they put a brand on them. The reason for that is because cartels want to be able to trace where their shipment is, because if the cocaine gets into the wrong hands they could track it down. They would start asking where it went and the cartels would go after persons who might have intercepted it.

A sample of the exhibit should have been taken. [*Interruption*] Let them continue to “steups”; that is how they are running the country: “steupsing”, pointing finger and jumping up! [*Desk thumping*] Let Mr. Mandela see it and read about it

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when he comes. Mr. Speaker, photographs should have been taken of that marking, you then send it through Interpol and ask all over the region, not just locally but internationally, “Can you recognize this marking?” “Do you know which cartel operates this brand?” If the branding could be recognized you could start, what might be, the discovery of an international drug ring.

But, Mr. Speaker, what is done in this country? A roadblock, which, incidentally, I got caught in, in Manzanilla; a roadblock that everybody knows about, so even if some people had cocaine they could have turned around and put it somewhere; you have a commissioner of police saying, “Everything is A-okay; all the cocaine is found; do not worry about it, everything present and accounted for,” and then you have the Government not even concerned that there is no Manzanilla Police Station. Without even going to the law, this Government has to get serious about providing the infrastructure to be able to deliver on what it says.

This Government loves to make promises, but it makes promises that it cannot keep. It tells the nation that it is all about justice and protecting citizens, but when, perhaps, the longest living international freedom fighter is coming to the country, it does not care to send a proper message to him. Their actions always speak louder than their words. They present this kind of legislation in such a shoddy way. When you get it you will see that it is even clumsily drafted; you will see where words are repeated; you hear about “best endeavours”; you hear about “a letter of request requesting”, when the basic rules of legal drafting say—even when you are writing a letter, in the first place, English grammar dictates that you try your best not to repeat the same word in a sentence. This is the kind of legislation, but we ought not to be surprised.

We have a Kidnapping Act that talks about “word of mouth”. Word has it that in the Privy Council the law lords do not understand what word of mouth is, but now in this country anything goes under this Government, and it expects that nobody would call them to account. Mr. Speaker, let them always take heed: they could “steups”, they could laugh, they could call whoever they want stupid; on this side we are going to leave no stone unturned when it comes to exposing the impropriety in office. [*Desk thumping*]

Mr. Speaker, getting to the legislation, in terms of specifics, let us begin: Clause 6, Section 33A(2) provides for service of the process or document. It states:

“The Central Authority shall cause the process or document to be served by post or, if the request is for personal service, direct the Commissioner of Police to cause it to be personally served on the person concerned.”

What is being provided for is service by post or personally. I know it would fall on deaf ears and that the Minister who presented the Bill, perhaps, would not even understand what I am saying, but it is very important that the service of this type of document be done personally and not by post; there is reason for it.

If, for example, a person is incarcerated, is in the Remand Yard or may for some reason have moved, and it is expected that you need to get this document sent or the service effected, there may be a difficulty with respect to the use of the post. This is a particular document that has very draconian measures in it; I will be coming to that shortly. It is not a simple case where there is a summons telling you, "Well you know what, we want you to come to court in a jurisdiction abroad," it is not that simple. The Government must not fool us and make us believe, "Well listen, this legislation is simple. Let us just say that a matter is in the United States, and the witness the US wants is living in Trinidad and Tobago; what we are basically doing in this legislation is providing a means whereby the summons to go to court can be served on the witness or the person who is needed in the United States; it is not a problem; let us pass the legislation." It is not that simple.

In the first place, I do not know if we can this afternoon think of an example in which persons might have been living in one place and then within 24 hours they do not live there again. What comes to mind is the people of Union Hall in San Fernando East. Is that not a good example? They might have used where they were living up to yesterday as their postal address, so the summons would be going via post to them. But guess what? They mash them up and lick them away, and the people said that they do not even know where to go. So there you have a case in which the post would have been used.

The way this Government is mashing down people's houses, throwing them out and putting them on the street, people are literally moving almost on a daily basis. Coming to think of it, we are almost like nomads; we are becoming a nomadic state. You have to be careful; let us not use the post; let the service be personal. The reason is this: The more serious a document, the greater the effect of that document, the greater the need to effect personal service. What is even more alarming in this legislation is that even if the Commissioner of Police chooses, for whatever reason, not to effect service, maybe he got the summons and decided he was doing nothing about it, there is no sanction. Imagine there is no sanction against anybody involved in the service of the documents, if they do not do what they are supposed to do.

The first point is that the document or process ought not to be served by the post; it should only be by way of personal service. I can tell you, Mr. Speaker, as I

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conclude on that particular point, there have been numerous cases in which in the magisterial appeal, the summons must be served on the appellant, and when the post was used there have been several instances in which the appellants did not receive their notices. The law is so strict it says that if on the date of the appeal the appellant is not present in the court, the appeal is thrown out. There have been several cases in which appellants who were deemed to have been served by post did not receive their documents and had their appeals thrown out and had to take other action available to them if they could have proven that it was the negligence of the postal service or some other person that had gone wrong.

Subsection (3) says:

“Service of a process or document under this section shall not impose any obligation on any person under the law of Trinidad and Tobago to comply with it.”

I am sure the Acting Minister of Foreign Affairs would want to make us believe that there is no problem, because that subsection is saying that when you receive the document there is no imposition of any obligation. But there is now subsection (4) and this is where you start getting the draconian measures:

“(4) A process or document served under this section shall be accompanied by a notice—”

So you get a summons that you are needed in another jurisdiction to give evidence and that notice will state the effects of subsection (3).

Imagine that you get a document saying that you are to appear in a courtroom; you have been served with your document. The first thing it would say, based on this subsection, is that there is not going to be any obligation imposed on you. You begin to smile; most people getting the document may not even read on; they may think it is good, but it is the second provision that is worrying. Also contained in the document that you have been served is an indication that the person on whom it is to be served may seek legal advice as to the possible consequence if he fails to comply with the process under the law of the Commonwealth or non-commonwealth country where it was issued.

Mr. Speaker, when you get this document, you will be told, “Listen, you are under no obligation under the laws of Trinidad and Tobago to deal with this particular document you have been served, in terms of being summoned,” but it also tells you that does not mean that your failure to comply in Trinidad and Tobago means that there will be no legal obligation on you abroad. This Government makes legislation for rich people, for people like themselves and their friends, so

they could get away with things; but when the poor man who has been dispossessed from his house at Union Hall in San Fernando East is eventually found and served, he does not understand what that means.

More than that, you are telling him to get legal advice; so are you telling him to pay a lawyer who has to explain to him, "Listen, even though in Trinidad and Tobago nothing could happen to you if you fail to comply, something could happen to you based on the laws of the requesting jurisdiction." That is not only bad for the person who has been served. What about the lawyer? Does anybody in this honourable House know the laws of Texas? Does anybody in this honourable House know the laws of Australia when it comes to the service of documents and whether, even if you do not want to give evidence, you must still go to court?

Imagine lawyers now, not just having to go on the Internet and look for a country, but also other laws. In America, for example, there is the Federal law and there is the State law. Which law is it? In Australia where you have all the different districts and counties, which is it going to be? So you tell a man, "Do not worry about what will happen to you in Trinidad and Tobago, but you might have to worry about what happens to you abroad." Is this how the Government is treating its people? Is this how a government cares? The Acting Minister of Foreign Affairs has no explanation for this, and when he comes to explain it I predict that he would say that he has been so advised or he would come up with some bogus explanation that will not address the issue. That is why things like this call for a special majority.

You are telling people, "You are okay in Trinidad and Tobago in protection, but you are not necessarily okay abroad; the laws are different." Mutual assistance does not mean that we all have the same laws. It means that we are going to try to assist you as best as we can, bearing in mind the differences that may exist in our legal frameworks. Even if the Acting Minister of Foreign Affairs does not appreciate it, certainly, I am sure all the technical advisors are writing. I hope they would be able to give an explanation; I would really like one.

What is even worse is the Bill says that the notice, summons or process will also state that as a witness this person may not be accorded the same rights and privileges as he would be accorded in Trinidad and Tobago. So you are being told nothing could happen to you in Trinidad and Tobago if you do not comply, but understand that is not necessarily the case from the territory that is requesting. What is worse is you are also being told that if and when you become a witness, do not think that the rights and protections you have in criminal proceedings in Trinidad and Tobago you will give in that foreign jurisdiction. And this Government

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tells the people that you do not need a special majority for this kind of legislation; that you do not need to take your time and explain your clauses and understand your bills before you come to the House to present them?

If the hon. Attorney General feels so proud about this law, let him present it and explain as a lawyer how we are going to deal with these issues. Is it that the Government just wants to squander money away based on making large sums of payment when they lose in the constitutional appeals that will be coming? I really do not understand why this subsection (5) is worded in this way:

“Where, under this section, the Commissioner of Police is directed to cause any process or document to be served, he shall use his best endeavours to have it served...”

What do you mean by his best endeavours? I know that the word “endeavour” as a noun means, “attempt”, so he would use best endeavours? Is that the kind of wording we use now in legislation? Who determines what is the best endeavour? Is a best endeavour that as you receive the summons you ring up and say, “Any police officers down in Court and Process?” “Nobody there?” “All right.” I did my best endeavour? Some of that is happening; no joke. That is now in our legislation.

We coming to “de” Bajan fish; we are not letting that get away. The best endeavour was to send a file which, to date, we have been told was not a file, but a letter explaining circumstances. The Bajan fishermen may have gone free, but the issue is not yet freed. Somebody, some minister who has a foreign element or a national element in his ministry, that is where the instruction came from. As if it is so difficult to get that information. The magistrate must have recorded what the police prosecutor said.

The point is: When it comes to the Commissioner of Police having the responsibility to serve the documents, it should not be his best endeavours. That section, Acting Minister of Foreign Affairs, you are advised, respectfully, that you should break subsection (5) into two, to use layman language, and state:

“The Commissioner of Police is directed to cause any process or document to be served and he shall serve such document.”

In other words, the Commissioner of Police has the duty to serve the document. The next subsection would then say:

“If for reasonable cause the service of the process or document cannot be effected, then...”

And you will now say what would happen as a result, the affidavit saying all attempts were made and, unfortunately, the document could not have been served.

Free legal advice coming from the Opposition, giving the Commissioner of Police that mandate, "You go out and serve." That is the way it operates now.

When the police in Court and Process have to serve summons, they do not have to use their best endeavours; they go out to serve the document, and they cannot serve the document or even if the document is served, there is something called a return of service. They would either endorse, "We went to such and such an address, and the person was served," and that becomes a court record or they would say, "We went to the address as stated and the particular person was not there and service could not be effected." That is what should be done in this particular subsection, but once again you make suggestions and they fall on deaf ears. [*Crosstalk*]

I am being very cautious, Mr. Speaker; I am not talking about this Commissioner of Police. If one day, years down the road, you get a commissioner of police who is corrupt, who is really a puppet of the Government, then he could now decide and pick and choose which summons he would serve and which he would not. That is the potential of this section when you put that kind of escape route, best endeavours. So you must make the mandate, "The Commissioner of Police shall serve," but he is not going to be personally responsible. If he has done all within his power, all that is reasonable, and service could not be effected, then he would do as is done now: there will be a return of service or as provided for in the legislation, an affidavit stating the fact and reason for no service.

In any event, Mr. Speaker, I hope with all the additional responsibility being given to the police service, the courts, the Judiciary and the Central Authority and to all those involved in making this legislation work, that the resources will be given so that they will be able to function. I can tell you right now that there are many instances in which summons cannot be served because of a lack of resources, both in terms of personnel and physical resources, whether motor bikes or cars for the police.

Mr. Speaker, regarding the Central Authority, this is also very worrying. When you look at section 33B(1) it talks about the process requiring the witness to appear in court:

"Notwithstanding that a person in question is outside Trinidad and Tobago, a process requiring him to—"

And it talks about appearing in court or attending before a court in Trinidad and Tobago.

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“may be issued or made and served in a Commonwealth or non-commonwealth country in accordance with arrangements made by the Central Authority.”

“in accordance with arrangements”, again, a very nebulous phraseology. It is nebulous because it is giving the Attorney General, who is the Central Authority, an opportunity to manipulate the process, to have a level of political interference. What if one of the arrangements made is when the summons is served to handcuff the person and force him to come to the jurisdiction?

Mr. Speaker, what if that is one of the arrangements? I am sure that the advisors will quickly go to the section before and advise the Acting Minister of Foreign Affairs, “Well, do not worry, there is a subsection below which states:

‘(2) Service of any process in a Commonwealth or non-commonwealth country by virtue of this section shall not impose any obligation under the law of Trinidad and Tobago to comply with it and accordingly failure to comply shall not constitute contempt of any court nor is it a ground for issuing a warrant to secure the attendance of the person in question’.

In other words, in the very legislation, with the ad hoc approach and clumsy drafting, some sections are being taken from one place and then another piece of legislation, put together, but the subsections, themselves, are inconsistent and in conflict, and that is going to be a problem.

You tell somebody when you serve a document that there is no obligation, that nothing would happen to him. The person may only read that part, because that is the only part he understands, but there is something else below that says nothing could happen to you in Trinidad and Tobago, but something could happen in another jurisdiction, and not even the lawyers may know what the laws are in that jurisdiction. Is the Government opening the doors for foreign lawyers to come and set up practices in Trinidad and Tobago, and that is part of the plan? Is that part of some clandestine plan that we do not know? Let us know now!

Mr. Speaker, enter the Director of Public Prosecutions (DPP), section 33C, which provides for the mutual provision of evidence. Before I proceed, let me just point out a major problem I had with the use of the word “evidence” in this legislation. Evidence means that the material obtained has been tendered and marked and is part of a proceeding. When you have anything that is not tendered, marked and put in evidence, it is called an “exhibit”. In this legislation the word “evidence” has been used very loosely, and there is reference to evidence when it should really be “material gathered for the purpose of tendering as evidence”. That is very important, because it means that you can gather material, but not all

gathered material is evidence. Material only becomes evidence, and is only given that word, when it is tendered and marked in a proceeding. I do not expect the Acting Minister of Foreign Affairs to appreciate the point, but I will tell you how it becomes important.

Section 33C(1) states:

“On an application by the Director of Public Prosecutions, a Judge or Magistrate may issue a letter of request requesting assistance...”

This is where I have a major problem: “request requesting”, very clumsy. I suppose if we ask them to amend it to something a little more eloquent perhaps, “issue a letter of request seeking assistance in obtaining,” because the Member for Diego Martin East always boasts about eloquence and those who have it and those who do not. Perhaps he did not advise them on this legislation.

The subsection continues:

“requesting assistance in obtaining such evidence...”

It is not evidence. The words should be “such material”.

“as is specified in the letter of request for use in the investigation or prosecution of an offence.”

This is the danger when it comes to the Government: This Government is always undermining the operation of independent persons. The Director of Public Prosecutions is an independent officer; his office is independent and ought not to be undermined, manipulated or interfered with. Section 33C(1) is creating the DPP in a different form to that envisaged in section 90 of the Constitution.

When I say DPP, I do not mean this DPP necessarily. The DPPs have all said that their role is not as investigator; they do not perform an investigative role; they perform a role as prosecutor. Perhaps those on the other side watch too much television and they follow the United States approach where prosecutors go on criminal scenes and are part and parcel of the investigation and prosecution; not so in Trinidad and Tobago. So when in section 33C(1) you are enabling the DPP to request evidence for use in an investigation, you are giving the DPP an investigative role, which, by his own admission, he does not have.

The Government does not understand that. The other side feels that when two men are before a court in Tobago and they have a catch, they could just call up who they want and tell the prosecutor, “Offer no evidence; we are having a dispute right now with Barbados; send the men home.” They do not take the time

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to understand that once a person is charged in this country and is before a criminal court, if there is to be the offering of no evidence or a discontinuance it must come from the DPP. [*Desk thumping*] Do not let this country feel that police prosecutors do not know it.

In a Tunapuna court this morning when a submission was made by an attorney that his client wanted to plead on a lesser charge—it was a driving matter, so instead of death caused by careless driving, I suppose the lesser charge envisaged was careless or reckless driving—the police prosecutor said, “Your Worship, I am not able to entertain this request; I must check with my seniors who will pass the file to the DPP to tell us whether one can accept the lesser charge.” I am sure that police prosecutor knew better. But when you start mixing up, almost like a melting pot, as if you are cooking callaloo, all the duties of the persons who are independent and police investigating and the DPP prosecuting, you create such confusion that police prosecutors now may not really know better.

There is something that worries me about this particular matter: We talk so much about what this legislation would do in assisting foreign territories, I cannot understand why this Government feels that it can help foreign territories when it cannot even help itself. By taking itself down the road, it is taking the whole country down the road too. In that court in Tobago with the fishermen issue, I read the next day in a newspaper where an attorney at the Bar table was quoted as saying that the police prosecutor said that he got a call from a minister. I am not saying that is true or untrue; in other words I will use the Subramanium rule: I just tender it for the fact that it was said and not for the truth of its contents. I suppose the Acting Minister of Foreign Affairs would not understand the concept of hearsay, but I have no time to deal with that and teach him.

The magistrate has to endorse that. The police prosecutor would have stated it; lawyers heard it. What is the big deal in this investigation? If we cannot get a simple inquiry into a simple matter in which you have the police prosecutor who could give evidence, members of the public would have been present, the magistrate and the clerk, are we really surprised that this Government cannot solve the escalating crime in this country? [*Desk thumping*] They cannot even solve a simple problem, but there is a reason: “bobbol”, corruption and cover up; that is what it is about.

The DPP recently addressed the members of the Media Association of Trinidad and Tobago. I did not read the entire script, I depended on what the various newspaper carried, but there seemed to be some contention as to whether the DPP had gone too far in warning journalists. One school of thought said that it was

right, some said that it was wrong, but this afternoon, bearing in mind what the Government is continuing to do especially and specifically by virtue of section 33C(1), on behalf of the Opposition I make a call on the DPP that he should, without delay, issue a press release as to what occurred in that Bajan fishermen issue. [*Desk thumping*] It happened February 07; the issue would soon be celebrating its three-month birthday. [*Interruption*]

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Pointe-a-Pierre 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: Much obliged, Mr. Speaker.

Dealing with section 33C(1), what becomes very important is that there is an undermining of the role of the DPP. In subsection (3) of section 33C it states:

“Evidence obtained by virtue of a letter of request under this section shall not, without the consent of an authority as is mentioned in subsection (2), be used for any purpose other than that specified in the letter.”

Imagine the Director of Public Prosecutions in subsection (1) is given the power to request from a judge or magistrate assistance in getting evidence that may be in a foreign territory, but in subsection (3) the DPP, who is in charge of all criminal investigations, is being told, “Listen, Mr. DPP, when you get the evidence you are limited as to how you use it.” That is why, again, I advocate, every time bills dealing with extradition and mutual assistance and related bills are brought to this House, the Central Authority should not be directly within the control of the Attorney General, bearing in mind the two AGs that this PNM regime has given us.

When one thinks about the previous Attorney General, Sen. The Hon. Ambassador, Glenda Morean, and one sees now the performance of Sen. The Hon. Jeremie, it is really six of one, half a dozen of the other and they both do not understand the job they have to perform. The country is suffering. This Central Authority was independent. One could appreciate these kinds of clauses, because even if the DPP has to be limited in his use of the evidence obtained—and I prefer to say the material gathered by virtue of the investigation—one could appreciate that, you could accept it, but it is a central authority controlled by the Attorney General making these kinds of determinations, and that is what you do not want. [*Interruption*]

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Already the murmurs, “Is the UNC did it.” The UNC did it in 1997, because it never expected to have the kinds of Attorneys General that you have put onto this country, people who do not know what they are doing. [*Desk thumping*] [*Interruption*] Member for Diego Martin Central, that point was dealt with earlier, but I understand; you are probably now catching up.

There is another worrying issue, and I want to know how the hon. Acting Minister of Foreign Affairs is going to deal with this one. I would love to know what the advice is going to be. I suggest that those giving the advice should listen carefully: In section 33D(2), there is provision now for the Chief Justice to be written to by the Central Authority of Trinidad and Tobago. The Central Authority may make a request in writing to the Chief Justice who may nominate and direct a court in Trinidad and Tobago to take the evidence to which the request relates. To put it in layman’s language: If the Central Authority in Trinidad and Tobago is aware that a criminal proceeding is taking place in another jurisdiction and also that an offence has been committed, instead of having the witness go abroad to that particular jurisdiction or the evidence having to be sent to the jurisdiction hearing the matter, in other words, the matter is in process, it is part heard as we describe it, provision is being made to have a court in Trinidad and Tobago receive the evidence. That is bad. Sometimes the evidence or the material obtained, for some reason, may be difficult to ship abroad or a witness may be so infirmed that he or she cannot go abroad. This provision is saying let a court in Trinidad and Tobago have the ability to receive the evidence, and then that evidence would be sent to the particular jurisdiction.

Mr. Speaker, there is nothing wrong with that, but the problem is the drafters never said what is meant by a court in Trinidad and Tobago; so it could be a Magistrates’ Court or a High Court. What is worse is that it says in subsection (4) that the Third Schedule, which deals with rules of proceedings in the court:

“The Third Schedule shall have effect with respect to the proceedings before a nominated court...”

This court being created by the Chief Justice is a nominated court.

“in pursuance of a direction made under subsection (2), where that court is a Magistrates’ Court.”

So the Third Schedule, which provides for the proceedings of this court, would be if the evidence is being received in a Magistrates' Court. What if the evidence is being received in a High Court? The subsection that gives the Chief Justice the power to nominate the court never said that the court he nominates must be a

Magistrates' Court. So it could be a Magistrates' Court or a High Court, but the Third Schedule only applies to proceedings in a Magistrates' Court, and that is yet another problem that has gone undiscovered.

What is the Acting Minister of Foreign Affairs going to say about that? You cannot say that the High Court has its own rules, because what is provided here means that some rules would apply in the Magistrates' Court and those rules would not apply in the High Court. You cannot operate like that. To suggest that subsection (4) means that it was a magistrates' court would be very wrong.

Then we come to another very, very worrying subsection. It deals with the evidence taken in this nominated court:

“(8) Evidence taken or recorded in accordance with this section...”

That is in the court that is nominated.

“is admissible in any court in Trinidad and Tobago without proof of the signature, seal or due authorization and such evidence shall be effectual as if taken or recorded or done by or before any lawful authority in Trinidad and Tobago.”

Do you know what that means? It means that if evidence is taken in a nominated court, and in the nominated court the rules of evidence are a little more relaxed, the evidence may or may not be on oath. If you look at the Third Schedule you would see more relaxed rules than you have in a criminal proceeding. Imagine that evidence taken in the nominated court, months or years down the road in any matter in this country in any court, that evidence could be used.

So imagine you as a confused person might be confronted with evidence given from a person who you did not even know; who will not be called upon to ensure that he or she approved a signature, nothing; that cannot be right. If that is what the Government wants to do, if that is how they are going to contaminate a fair trial, which is a constitutional guarantee, this violates it. All citizens are guaranteed a fair trial and due process. [*Desk thumping*] The hon. Minister when he piloted the Bill said that all it needed was a simple majority. Just because this Government runs roughshod and does what it wants, that means you never would need a special majority? This legislation must have a special majority. [*Crosstalk*]

One quarrels and gets frustrated because we have tried every other method and it has failed. We will keep trying every method until you understand it Member for Diego Martin Central. [*Desk thumping*] You cannot keep doing this! Stop running to the Parliament and quickly trying to pass laws so that you can

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bully your way! The bullying has to stop! Maybe as you are bullies the only thing you understand is when somebody tries to meet you with equal reaction to you. [Crosstalk] Do not worry, when the Member for Diego Martin Central reads it you would not have to hear my voice, you will just see the words; maybe you will understand it better.

When one looks now at the rules that will be applying to this nominated court at subsection (3), there is clearly the importation of the principle in the United Kingdom, because in the UK, as I mentioned earlier, there has been the whittling away of the right of silence; so even these rules of court do not apply as they would in Trinidad and Tobago. I would like the hon. Acting Minister of Foreign Affairs to explain this rule to me, because I really do not understand it. It states:

“3.(5) Without prejudice to subparagraph (1),...”

This is dealing with compellability of witnesses.

“a person shall not be compelled under this Schedule to give any evidence in his capacity as a public officer or an officer of the State.”

In other words, are you saying that a police officer or a minister is not a compellable witness? What if that person has very important information or can give very important testimony? Why is a person who is a public officer or an officer of the State getting this kind of protection, in terms of not being a compellable witness?

Dr. Khan: That is for Cudjoe!

Miss G. Lucky: Thanks for the explanation, Member for Barataria/San Juan. I understand it; I do not agree with it. There is no need for you to explain it again, hon. Member. Mr. Speaker, if everything else has fallen on deaf ears, there is yet one final reason for this legislation attracting the special majority; there are others, but the ones I highlighted are the major reasons. In the supplementary provisions of the Third Schedule—they call it supplementary, which usually means not as important—what they have snuck—this is a sneaky government:

“5. For the avoidance of doubt, sections 29 and 30 of the Evidence Act shall not apply to these proceedings.”

So you quickly go to section 29 of the Evidence Act, which provides for bankers not being compellable to produce bankbooks and private records, and section 30 which provides for the court or judge ordering inspection. What this legislation seeks to do very sneakily is to expose all your private business that under the Evidence Act could not have been done.

It says in section 29, for example:

“The manager or accountant of a bank and, in the case of the Post Office Savings Bank, the Postmaster General and any person employed in connection with the Post Office Savings Bank are not, in any legal proceedings to which the bank is not a part, compellable to produce any banker’s book the content of which can be proved under this Act or to appear as a witness to prove the matters, transactions and accounts recorded in it unless by order of a judge made for special cause.”

So understand what this Government seeks to do: In section 29 of the Evidence Act it is not that this evidence could not have been put in, but you would have had to satisfy a judge that it was reasonable or fair to allow that evidence to be tendered. The Government is now saying no, do not let a judge have any control or interference; do not worry to let an independent person have, at least, a look at it. The Government is making it automatic, so all the protection you would have had, you do not have any more.

For example, a police officer could get a search warrant before. Under the proceeds of crime legislation, which the Government likes to think it knows so well, a police officer has to go before a judge. For a search warrant you go before a magistrate and you have to satisfy certain criteria. The Government is removing all that by virtue of this legislation. There is a rule of law that we follow which says that if you obtain evidence illegally, it is not automatically admissible. The Government wants to obtain evidence even if illegally, because they would say that even though the legislation is unconstitutional they would have already gotten the evidence. When they have the evidence they would go before a court of law and say, “Okay, so we got it by virtue of an unconstitutional act, but guess what, we got it anyway, so put it into the evidence.” That is the trick the hon. Minister of Foreign Affairs did not pick up. That is the trick of this legislation. [*Interruption*]

Member for Barataria/San Juan, is that how it is in Cuba? I have never been to Cuba, and I do not know if they are part of this treaty that we have.

Mr. Speaker, as I conclude, one has to be very careful about this kind of legislation. Just about an hour ago one Minister for whom, just before she gave her response, I had tremendous respect, was able to evade a very important legal issue and state in this House when asked about certificates of environmental clearance, “But that is a legal question.” This is a legal House; the highest court in the land. What is worse is that Member is a lawyer. [*Desk thumping*] That Member did not find it compellable—you see the word “compellable” that was

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used in this legislation—to stand and tell this House the truth, the fact that for houses being built in Tarouba South there is no environmental clearance. When the question was asked, “Can you build houses if you do not have it?” the Member tells this House, “That is not a supplemental question, you know, that is a legal question.” Violate the laws, that is the order of the day in Trinidad and Tobago. Do what you want; we will get away with it! [*Crosstalk*]

Mr. Speaker, we cannot force the Government to reconsider the issues I have raised, but at least the *Hansard* will bear out that the Opposition in debating on this particular issue, as it has done in the past, has stood in favour of the majority of citizens and acted in the nation's interest.

Thank you. [*Crosstalk*]

Mr. Speaker: Order please!

The Acting Minister of Foreign Affairs and the Minister of Science, Technology and Tertiary Education (Sen. The Hon. Danny Montano): Mr. Speaker, I listened intently to the hon. Member for Pointe-a-Pierre. Notwithstanding her repeated statement that I am not a practising attorney, I do not understand the law and so on and so forth, I was reading Canty when the hon. Member was in diapers. With the greatest of respect, I understand this legislation. I think that everybody else in this Chamber also understands the legislation. To suggest otherwise is to suggest that all the Members on the other side who are not attorneys do not understand what is taking place here.

Dr. Khan: She was only talking about you. [*Crosstalk*]

Sen. The Hon. D. Montano: I can say with some certainty that all Members on this side of the Chamber understand this legislation exactly for what it is, including myself. [*Desk thumping*] [*Crosstalk*]

Hon. Member: You know what is the agenda!

3.30 p.m.

Sen. The Hon. D. Montano: Mr. Speaker, one of the things the hon. Member fails to understand is that the presenter of any piece of legislation, and in fact, the Minister of any section of Government need not be an expert in the field in which he is acting. If that were so, it would require that Ministers of Education must be educators and we know in the past that has not been so. It would require that the Minister of Works and Transport be an engineer and we know in the past that has not been so.

So there are intellectual voids when statements of the kind are being made. It simply does not require that. It requires a level of intelligence and understanding, and a level head, which I think most of us in this Chamber do in fact enjoy.

The hon. Member very early in her contribution began by stating that the Bill requires a constitutional majority and I heard no cogent, much less lucid, argument why that should be so. At no point did she make a sensible argument as to why it should have a constitutional majority and it does not make any sense at all.

She talked about cocaine in Manzanilla and that has absolutely nothing to do with this Bill, and in fact, very little else made sense. There is just one other thing I would like to say and that is that the Member for Pointe-a-Pierre was sharply critical about the language being used, but the language in this Bill is not the only place it has been used, it is the same language that is being used in the other jurisdictions we went to and it must necessarily be so if there is to be an exchange of the types of information that we are envisaging. And, therefore, there is nothing peculiar about the language that was used.

When one hears the hon. Member for Pointe-a-Pierre speak, one would assume it is I who drafted this Bill. For the education of the Member, I say it does not work that way. Ministers do not draft the legislation. There are experts to do those things and that is how it works and all of us rely on the experts we have to advise us. There is a certain level of simplicity there that is quite astonishing.

Mr. Speaker, there really was nothing else to debate. 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 5 ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Miss Lucky: Mr. Chairman, I would like the Minister to consider again that point raised with respect to clause 6, section 33A(2) that allows service by post and also personally. I propose a very simple amendment to read as follows:

“The Central Authority shall direct the Commissioner of Police to cause the process or document to be personally served on the person concerned.”

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It is really a matter of taking out the post and there is no changing of the language, because if you allow service by the post, you are going to encounter those problems.

I know you are being advised not to do so, but at least I would like consideration to be given to it.

Sen. D. Montano: Mr. Chairman, there is no need to change it because the practical reality is that it does not operate in a vacuum, and if in fact the service is returned and the central authority, or the foreign jurisdiction is so advised, it would probably request some other form of service. So it is not a difficulty.

Miss Lucky: Mr. Chairman, I would want to once again tell the hon. Minister that it is not as simple as he is putting it across. In any event if you have to do that, why go through the long process knowing very well that the post is going to cause problems? Bearing in mind the argument is that there are draconian measures contained in that document and it is always the suggestion of the court that when you have documents that are very important the service should be personal.

Remember this is a document where you are telling somebody that he/she may be liable or under an obligation with respect to foreign law. It is a very important document and, therefore, it should be served personally. Even by the Minister's explanation when he said if the post does not work, the central authority can always ask for it to be served personally, shows there is a flaw.

Sen. D. Montano: Mr. Chairman, it would be either or; the central authority/or the foreign jurisdiction in the arrangements that are made—a word that was used during the debate—would ask for a particular form of service and this merely provides for that. So if they feel like you do, that there is some risk by sending it by post, they would ask for it to be served personally.

Miss Lucky: Mr. Chairman, I have nothing further to submit on the point. The Minister has made his mind up.

No, Mr. Chairman, I am sorry. Clause 6 apparently contains many other sections so if I might just draw the Minister's attention to subsection (5), and I am still in 33A. That is the section that talks about best endeavours and once again, Mr. Chairman, even if the argument is that that is the plagiarized form of word used for other legislation, let us try to get it right here. I have seen other pieces of legislation that do not use the words "best endeavours"; why can we not use the same wording but take out the offensive part which says:

“(5) Where, under this section, the Commissioner of Police is directed to cause any process or document to be served, he shall effect service in accordance with subsection (2).”

That is the subsection from which we had just stopped. Then you continue to say:

“and immediately transmit to the Central Authority if the process or document is—

- (a) served, an affidavit...
- (b) not served, an affidavit...”

In other words, you are taking out the words “best endeavours” because you are going to attract problems. You would be saying to the Commissioner of Police that you are directed to cause any process or document to be served and you shall effect service in accordance with the subsection.

For example, if the Commissioner of Police for some reason could not effect service, it is not a problem because if it is not served an affidavit or other certificate of service, stating that fact and the reason for non-service is already provided for.

It would be a tough one for your advisers to get out of, but I am just making the submission to you. The words “best endeavours” are attracting a subjective test, and I am sure that the hon. Minister would appreciate that that subjective test is something he ought to stay away from. I know it would be tough to get out of this one, but I look forward to at least, the explanation.

Sen. D. Montano: Mr. Chairman, in public law the test is always subjective and with the greatest of respect, what the Member for Pointe-a-Pierre is suggesting is not adding anything to the legislation and we are quite satisfied that it would work as it stands.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Miss Lucky: Mr. Chairman, through you please? Hon. Minister, the Third Schedule has made provision for the proceedings in the Magistrates’ Court, but in the body of the Act there is provision for the Chief Justice to nominate a court

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which could be a High Court or Court of Appeal. I am asking: Where is the provision in clause 8; or is there any provision for the proceedings in a High Court?

Sen. D. Montano: In the Rules of the Supreme Court, which are done by the Rules Committee.

Miss Lucky: Hon. Minister, this is the problem I felt you would have encountered, and probably be advised by someone who does not practise law in the criminal court.

You see, the Supreme Court of Judicature Act provides for the Court of Appeal, the High Court, the members and judges and so forth. The Evidence Act of Trinidad and Tobago and the Criminal Procedure Act provide for criminal procedures in both our High Court and Magistrates' Court. In this legislation procedures have been set out that would apply only to the Magistrates' Court. I am asking that you could at least furnish the reason for not making provision for the High Court.

Now, you have just been badly advised that the Supreme Court of Judicature provides for the High Court. Unless the Supreme Court of Judicature Act has been changed fundamentally since last night, or late this evening it does not give evidential rules, the Evidence Act of Trinidad and Tobago and the Criminal Procedure Act do.

Maybe there is no explanation, Mr. Chairman, but just understand hon. Minister, that you will encounter problems when the Chief Justice has to nominate this court because you have not defined what "court" is. Perhaps it would have been better to say: "May nominate a Magistrates' Court." Because your provision is used only with a Magistrates' Court.

Sen. D. Montano: It is clear enough as it is.

Miss Lucky: I understand by the Minister saying it is clear enough as it is, he recognizes that there is no explanation and I understand that.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment.

Question put, That the Bill be now read the third time.

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The House divided: Ayes 19 Noes 15

AYES

Valley, Hon. K.

Manning, Hon. P.

Khan, Hon. F.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Robinson-Regis, Hon. C.

Narine, Hon. J.

Williams, Hon. E.

Boynes, Hon. R.

Beckles, Hon. P.

Bereaux, H.

Rahael, Hon. J.

Roberts, Hon. A.

James, Hon. E.

Hart, Hon. E.

Callendar, Hon. S.

Seukeran, Hon. D.

Job-Davis, Hon. E.

Hinds, F.

NOES

Singh, G.

Panday, B.

Dookeran, W.

Persad-Bissessar, Mrs. K.

Ramnath, K.

Ramsaran, M.

Khan, Dr. F.

Rafeeq, Dr. H.

Sharma, C.

Partap, H.

Lucky, Miss G.

Nanan, Dr. A.

Panday, S.

Baksh, N.

Moonilal, Dr. R.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I want to assure you that my moving the adjournment at this time has nothing whatsoever to do with the contribution of the Member for Pointe-a-Pierre.

In moving the adjournment to May 07 we recognize that Mr. Mandela and Mr. Tutu would be here next week Friday and in recognition of that fact we are adjourning to May 07, 2004.

I have also agreed with the Opposition Chief Whip to have May 07, as Private Members' Day.

I beg to move that this House do now adjourn to Friday May 07, 2004 at 1.30 p.m.

Mr. Singh: Mr. Speaker, the Leader of Government Business has indicated agreement. However, I was not able to prevail upon him to have a Special Sitting of Parliament to honour—

Hon. K. Valley: It was not even discussed.

Mr. Speaker: Order! Order!

Mr. Singh: Mr. Speaker, next Friday is Private Members' Day and we on this side would be willing to give it up in order to honour Nelson Mandela. [Desk *thumping*]

Adjournment

Friday, April 23, 2004

Question put and agreed to.

House adjourned accordingly.

Adjourned at 3.50 p.m.

WRITTEN ANSWERS TO QUESTIONS

School Feeding Programme

- 19.** Would the hon. Minister of Education please provide a list of the persons and/or companies awarded contracts under the School Feeding Programme since January 01, 2002, indicating:
- (i) those for the supply of meals;
 - (ii) in the case of companies, a list of the names of the directors of each company;
 - (iii) the amount of monies paid to each person or company and the number of meals provided by each per month;
 - (iv) the procedure and criteria used to select each person and company for supplying meals for the school feeding programme?

The Minister of Education (Sen. The Hon. Hazel Manning): When the present government took office in December 2001, the School Feeding Programme had some seventy-six (76) caterers whose contracts had been issued prior to that time. It was also observed that there had not been any Board in place for several years. The government sought to regularize the operations of the School Nutrition Programme and appointed a Board of Directors (Control Committee) in keeping with the original directives/decision of the Cabinet since there had been a hiatus from 1999 when the then Control Committee of the School Nutrition Programme demitted office.

The functions of the Control Committee of the School Nutrition Programme were:

- (i) “providing guidelines in respect of the meals to be served to ensure that the meals cater for the nutritional needs and dietary preferences of the students who are being served
- (ii) formulating quality control mechanisms for enforcement to ensure that the highest standards are maintained
- (iii) providing guidelines for the establishment of a delivery and distribution system for meals to be served

Written Answers to Questions
[SEN. THE HON. H. MANNING]

Friday, April 23, 2004

- (iv) establishing the criteria for the selection of caterers for the Programme
- (v) vetting the list of pupils selected for meals by the Principal, his staff and the Food and Nutrition Officers on the basis of the criteria proposed by the Inter-Ministerial Committee.”

A new Board of Management was appointed in January 2002 under the chairmanship of Ms. Joycelyn Bodden and comprised the following persons:

From the Ministry of Education:

The Director of Finance and Accounts

Representative of the Director of School Supervision

The Director, School Nutrition Programme

From the Ministry of Health the following persons served as Board Members:

The Chief Nutritionist

The Chief Public Health Inspector

Other officers from the public service who were members of the Board came from:

The Ministry of Agriculture, Land and Marine Resources

The Ministry of Social Development

The government was of the view that a broad range of interests should be represented on the Board of the School Nutrition Programme. Consequently, additional members came from the following institutions/organizations:

The Small Business Development Company

The Trinidad and Tobago Hospitality Institute

The National Parent Teachers' Association of Trinidad and Tobago Inc.

The Trinidad and Tobago Unified Teachers' Association

The Board was also empowered to co-opt persons from other areas of expertise as it deemed necessary.

In keeping with Vision 2020 to make the nation of Trinidad and Tobago a developed country the following Terms of Reference were determined for the new Board of Management of the School Nutrition Programme of the Ministry of Education:

- develop a strategic direction for the School Nutrition Programme and oversee its implementation
- develop policy guidelines for the management and operation of the Programme in respect of the meals to be served to ensure that the meals cater for the nutritional needs and dietary preferences of the students
- establish the criteria for the selection of caterers for the Programme
- develop quality control mechanisms aimed at ensuring that the highest standards are maintained
- plan new initiatives
- report bi-annually to the Minister of Education on the management and operation of the Programme.

In September, 2002, the School Nutrition Programme was granted company status and the National Dietary Services Limited was thereby established. The current composition of the Board of Directors is as follows:

- Chairperson
- Director, School Nutrition Programme (ex-officio)
- Senior Dietitian, Ministry of Health
- Representative, National Parent Teachers' Association of Trinidad and Tobago Inc.
- Representative, Trinidad and Tobago Hospitality and Tourism Institute
- Director, Finance and Accounts (Ministry of Education)
- Representative, Division of School Supervision (Ministry of Education)
- Chief Public Health Inspector (Ministry of Health)
- Representative, Small Business Development Company
- Representative, Ministry of Social Development
- Representative, Ministry of Agriculture, Land and Marine Resources
- Representative, Trinidad and Tobago Unified Teachers' Association
- Representative, Tobago House of Assembly
- Nutritionist, Caribbean Food and Nutrition Institute
- The University of the West Indies

- (ii) The names of the caterers, names of the directors and the zones in which they serve the School Nutrition Programme and the payments by month are indicated in the attached Appendices A and B.

It is to be noted that many of these caterers have had their contracts renewed at the end of the respective contract periods.

- (iv) The present contractual framework requires the following:

When it is determined that there should be new contracts awarded, invitations for tender are advertised in the media in accordance with the regulations of the Central Tenders Board. Applications, when received, would be vetted according to the "Criteria for the Selection of Tenderers" and then a final selection is made.

The successful tenderer would then be informed of the award and the monitoring of the new caterer/renewed contract would go into effect by the Food Service Officers and other officials of the School Nutrition Company.

CRITERIA FOR SELECTION OF TENDERERS:

At present, these are the existing procedures for the selection of tenderers:

- (i) the design and layout of the applicant's premises
- (ii) the type and size of production equipment
- (iii) the technical capability of the prospective caterer to manage a food preparation centre
- (iv) the financial capability of the prospective caterer to finance the operation for at least sixty (60) days
- (v) past performance in the School Nutrition Programme

In consideration of all of the above, attention is paid specifically to matters addressed as follows:

The location of the establishment to the relevant schools to be served, should allow meal service to be achieved within a minimum time frame of forty-five (45) minutes.

The following questions were asked by Dr. Fuad Khan Baratara/San Juan):

**School Feeding Programme
(Method Used to Choose Suppliers)**

51. Could the hon. Minister of Education kindly indicate:

- (i) the names of the companies and directors who were involved in school feeding programme from January 2002?

- (ii) the method used to choose those suppliers?
- (iii) the number of those contractors who had ongoing food businesses and/or experience in food preparation and handling?

Listed below are the names of the companies and directors who have been involved in the school feeding programme from January 2002

No.	Zone	Caterer	Directors
1.	Central	Rose Catering	Janet Rose Stephen Rose
2.	Central	Hosein's Catering Services Limited	Les Malcolm Hosein Lenore Melissa Hosein
3.	Central	Gina's Catering Services Limited	Ursula Pierre Debbie Pierre Hislop Hilaire
4.	North	Food Express	Marilyn Francis-Morales Sacha Headley
5.	South	F & M Caterers Limited	Farzan Ali Margaret Ali Fazal Ali
6.	North	Food Etcetera Limited	Derek Johnson Leslie Jennings Dean Johnson
7.	Central	FAS Catering Services Limited	Fareed Hosein Shareda Hosein
8.	North	Eastside Food Centre Company Limited	Uranie Henry Emrice Henry James Marvin Henry
9.	Central	Devas Enterprises Limited	Deodath H. Singh
10.	North	Cascade Caterers	Carl Nunes Gloria Nunes

No.	Zone	Caterer	Directors
11.	North	Casa de Manna	Errol Jones Thomas Pierre
12.	North	Barton Assam	Barton Assam
13.	North	Coterie of Social Workers - Barataria	Arlene Hodge Pearl Gomez-James Neila Todd
14.	South	Coterie of Social Workers – San Fernando	Arlene Hodge Sylvia Joachim
15.	Central	KCK Katering Services Limited	Keith Lamy Kathleen Lamy-Jarvis
16.	North	Joan's Catering Company Limited	Kathleen Sealey-Pegus Sheila Sealey-Browne
17.	East	Fran's Food Works Limited	Kishore Sadal Krishna Sadal
18.	South	South Coast Services Limited	Ismaile Shah Outra Heeraman
19.	South	Dina's Caterers	Diann Narinesingh Vidish Narinesingh
20.	Central	Greater Love Caterers Limited	Judy Karim Rhonda Karim Ria Karim Rhion Karim
21.	North	Sirr Caterers	Avis George-Hospedales Robin Hospedales
22.	North	Rita's Catering	Ludrick Ramlochan Ritumatie Lallita

No.	Zone	Caterer	Directors
23.	North	Sea Breeze	Helen Charles Owen Charles
24.	North	San Juan SDA Church Welfare Luncheon	Leslie Moses Maudaene Gibbs John Mahadeo Gerda Jules Renrick Bobb
25.	North	Meristal's Catering Services Limited	Linda Balroop Rupa Siew Rajwantie Ramphal Nigel Ramphal Cindy Ramphal
26.	South	Jogie's Contracting Services Limited	Siew Jogie J. Jogie
27.	East	Yalk Catering and Company	Albert Charles
28.	East	JB & L Food Centre Limited	Lynette Onerhine Bernadine Samuel Patrick Onerhine
29.	East	J. De Freitas & Company	Karen De Fretias Ava De Freitas-Ramnath
30.	East	B & B Catering	Beverly Labastide Jody Cox Beryl Labastide
31.	East	S & A Catering	Sharon Hagley Allana Hagley

No.	Zone	Caterer	Directors
32.	East	Eastern Catering Services Limited	Phulbassie Harricharan Lak Harrney Jagarsar Jagdeo Harricharan
33.	East	Jodelle's Baking Services Limited	Joan Ross Sheldon Ross Winston Ross
34.	East	R. A. Foods Limited	Romaine Arther Kenneth Arther Kevin Arther
35.	East	The Avocado Restaurant Limited	Pearl Douglas-Spring Abiola Spring Cecil Spring
36.	East	M. K's Limited	Kevin Murray
37.	East	Marcelle's Lunch Centre Limited	Leslie Marcelle Bernice Marcelle Beverly Marcelle
38.	East	Carlos Kitchen Cuisine & Ice Cream Parlour Limited	Wallace Charles Hayden Daniel Marian Rochford
39.	East	Sintrica Trading	Sintra Jailal
40.	North	Bien Venido Caterers	Ann Nurse-William Cecil William Betty Nurse
41.	Central	Shelinda's Kitchen	Shelton Ramlochan Abeeda Ramlochan

No.	Zone	Caterer	Directors
42.	East	Stewart's Sea Breeze Company Limited	Edna Stewart Janice Stewart-parks Jospehone Nimblett
43.	East	Jade's Catering	Serena Hayde Michael Hayde Timothy Friday
44.	East	D'Bess Bakery Company Limited	Joslyn Mark Earline Mark
45.	East	D'Coal Pot	Daryan Warner Daryll Warner
46.	East	A. M. A. Enterprises Limited	Laurence A. Nurse L. Martin Nurse L. Oswald Nurse
47.	South	J. D.'s Catering Services	Jennifer Daniel Cecil Daniel Dawn Daniel
48.	South	Coterie of Social Workers – Siparia	Olga Nottingham
49.	East	Eastern Concessionaries	Malcolm Gonzales Gail Gonzales Marjorie Marshal
50.	South	Penal Lunch Centre	Yvonne Sutherland Lorna Ross Judith Sutherland Peter Sutherland
51.	South	Recon Limited	Eileen Allen Arthur Scott Ria Sankersingh

No.	Zone	Caterer	Directors
52.	Central	Family Food Caterers Limited	Waheed Yacoobali Hosein Yacoobali Mahira Yacoobali
53.	South	Colours for Lovers Company Limited	Francisca St. George Roland St. George Beverly Farmer
54.	North	Mariatt's Caterers Limited	John Jaggassar Rasheed Ali Gangadai Jaggassar
55.	Central	Seaview Foods Limited	Glen David Wayne David
56.	Central	Azad Karim	Azad Karim
57.	Central	I. S. H. Enterprises Limited	Sheik Shahadur Hamidan Shahadur Sheik Israfeel Shahadur
58.	North	Shoreboat Caterers Limited	Claudia Isaac Ivy Simon Keind Isaac
59.	Central	D. V.'s Marketing Company Limited	Doolchan Sirjoo Veresh Boodlal
60.	North	St. John's Lunch Centre	Zainab Maharaj Jairam Maharaj Jaramatee Maharaj Rajkumar Maharaj
61.	North	Maraval Lunch Centre	Grace Augustine Anderson Augustine

No.	Zone	Caterer	Directors
62.	Central	S & N Catering Service	Sumintra Pantin Soondar Pantin Nell Pantin
63.	Central	Ramoutar's Lunch Centre Limited	Boodram Ramoutar Umati Ramoutar Rayan Ramoutar
64.	South	Badai Catering Company	Shubina Badai Charmaine Badai
65.	South	Barrackpore Children Lunch Association	Franklyn Sabessar Marilyn Indarsingh John Bushe Jean Mitchell
66.	Central	Churkoo Village Catering	Harry Balkaran Dean Balkaran Indra Deonarine-Balkaran
67.	Central	Princes Town Catering Centre	Michael Lee Chee Sylvia Ursula Lee Chee Lavaugn Lee Chee
68.	South	Moruga Youth Training & School Feeding Programme	Vidla Frederick Helena Patrice Adelaide Boland Ann Marie Patrice
69.	South	Hibiscus Catering Services Limited	Mary Anthony Carlton Anthony
70.	South	Jimdar's Catering Limited	Annie Jimdar David Jimdar Kay Deonarine

No.	Zone	Caterer	Directors
71.	South	Lorna John Catering Services Limited	Lorna John Gezelle John
72.	South	Mignonette Point Fortin Breakfast Shed Company Limited	Ival Roberts Carlton Roberts Laurel Lymeli Allan James
73.	South	Southern Caterers Limited	Jhankie Ali Salisha Ali
74.	South	Z & J Catering	Zilicia Celestine
75.	Central	Perez Lunch Centre	Lucy Linda Perez
76.	North	Ramphal's Catering Limited	Rajwantie Ramphal
77.	North	Helen's Kitchen	Helen Mc Millian

The method used to choose those suppliers is presented below:

GENERAL PROCEDURES LEADING UP TO AWARD OF CONTRACTS
TO CATERERS OF THE SCHOOL NUTRITION PROGRAMME

The School Nutrition Programme utilizes the services of contracted caterers to fulfill its mandate of providing meals to the children of pre-school, primary and secondary schools throughout the country. These caterers are located no more than forty-five (45) minutes from the schools, which they are required to supply. The Caterer's facilities are designed and equipped to deal with the number of meals for which they are contracted.

Invitations leading up to the award of contracts are undertaken by the School Nutrition Programme which undertakes a review of the operations of the caterers. The entire contract process is executed through the Central Tenders Board. At the award of contract, the Caterer is required to sign a bond with the Central Tenders Board; this bond is renewed at the beginning of each contractual period.

The School Nutrition Programme, through its field officers determines the need for new contractors. This need is determined by the following:

- ❖ Requests for additional meals from existing schools
- ❖ New requests from new schools
- ❖ Location of existing caterers
- ❖ Capacity of existing caterers to deal with additional meals

The Central Tenders Board (CTB) administers the tendering process. Steps leading up to the tendering process for new caterers are:

1. The number and location of sites for new Caterers is established. Those sites are determined by requests from schools and by the location of existing caterers. Such requests for meals are verified initially by the Food Service Officers.
2. To ensure that there is money in the Budget to provide for increases
3. That the Central Tenders Board is advised by memorandum from the Permanent Secretary, Ministry of Education of the number, and locations of the Caterers needed. The Package to the Central Tenders Board to include the following information:
 - (i) Application form
 - (ii) Guidelines for kitchen layout and equipment
 - (iii) Inspection forms (sample)
 - (iv) Cost of the meals
4. A minimum period of eight (8) weeks to be allowed for the award of contract starting from the closing date of the tender
5. Confirmation of availability of funds by the Ministry of Finance

EXISTING CATERERS RENEWAL OF CONTRACTS

1. Caterers are assessed at the end of the contract term by the School Nutrition Programme Officers. The assessment to be conducted through the following:
 1. Food Service Officer's Continuous Assessment during the previous contractual period
 2. Interview with the School Nutrition Zonal Managers i.e. Nutrition Officers
 3. Inspection of premises by the School Nutrition Programme
 4. Public Health certification

2. Recommendations on the suitability of existing contractors for renewal of contracts are made to the Central Tenders Board. The SNP Board through the Permanent Secretary, Ministry of Education, advises the Central Tenders Board.

It is to be noted that more than fifty (50%) percent of these suppliers have been providing this service satisfactorily since 1986.

5. The number of contractors who had ongoing food business and/or experience in food preparation and handling is seventy seven (77).

Vacuum Distillers Unit Plant

90. (a) Could the hon. Minister of Energy and Energy Industries indicate whether there is/was a delay in the reopening of the Vacuum Distillers Unit Plant at Petrotrin?
- (b) If so, was/is this due to the fault of the contractor CCISL that was chosen?
- (c) Did Cudjoe Construction and Industrial Services Limited meet all the proper tendering requirements?

The Minister of Energy And Energy Industries (Hon. Eric Williams):
Yes, there was a delay in the re-opening of the No. 4 Vacuum Distillers Unit after the Test and Inspection works. Mechanical works scheduled to be completed by the end of November 2003 were completed on February 04, 2004. Emergent mechanical problems further delayed the start-up of the Unit to February 22, 2004.

- (a) The reasons for the delay are being investigated and a report of the investigation is expected to be completed in four (4) weeks
- (b) Cudjoe Construction and Industrial Services Limited was in compliance with the tender requirements, save and except for the signing of all the pages of the Technical Proposal together with its copies. This exception also applied to all other tenderers who also did not sign all the pages of the Technical Proposal together with its copies.