

SENATE

Tuesday, October 07, 1997

The Senate met at 1.40 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

CONDOLENCES

(Olive Sawyer and

Dr. Patrick Solomon)

Mr. Vice-President: Hon. Senators, I have been informed of the passing of former Independent Senator, Olive Sawyer, and a former Member of Parliament, Dr. Patrick Solomon. On behalf of myself and all Members of the Senate, I extend our deepest sympathy to the respective families of Miss Sawyer and Dr. Patrick Solomon. At this point I invite Senators to pay tribute.

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, Sen. Olive Sawyer was born on July 29, 1914 in Scarborough, Tobago. She was educated at the Scarborough Anglican School and later became a social welfare worker. She played her part in politics as an Independent Senator between the period 1981—1986. She was one of the early players in bringing to fruition the Happy Haven School for handicapped children. She translated her love for God through service to humanity, for her people mattered, and, like so many of the saints of old, she had a bias for the poor, referring to the familiar song, “If I could help somebody as I pass along, then living would not be in vain”. Miss Olive Sawyer died at the age of 83 on September 28, 1997. She leaves to mourn an adopted daughter, Eldica Bobb, Principal of the Lambeau Anglican School, and three grandchildren: Nigel, Jillian and Gerard. She was the recipient of the Medal of Merit, Gold, in 1974. Hon. Senators, it is fitting that we pay tribute to her. May her soul reside with the Creator.

As it relates to the former Member of Parliament in the House of Representatives, Dr. Patrick Solomon was born on April 12, 1910 in Newtown, Port of Spain. He was educated at the Tranquillity Boys Intermediate School where he won an exhibition to St. Mary’s College. It was at St. Mary’s College that Dr. Patrick Solomon won the Island Science Scholarship in 1928. Dr. Solomon attended the University College, London and Queen’s University,

Condolences
[HON. W. MARK]

Tuesday, October 7, 1997

Belfast, Ireland where he studied medicine and graduated in 1934. He practised medicine in Ireland, Scotland and Wales until 1939. During 1939—1943, Dr. Solomon practised medicine in the Leeward Islands. He returned to Trinidad and Tobago in 1943, to continue his practice. After working at the Port of Spain General Hospital for one year, Dr. Solomon entered politics with the West Indian National Party. In 1946, he contested and won the Port of Spain South seat in the Legislative Council. During the 1950s elections he was defeated.

Dr. Solomon was one of the founding members of the People's National Movement in 1956 and became the deputy political leader of the PNM party which won power in the 1956 general elections. He sat on the legislative council for Port of Spain West from 1956—1961. Dr. Solomon served as Minister of Education and Culture from 1956—1959 and from 1959—1964 he served as Minister of Home Affairs. During the period 1962—1966 he served as deputy Prime Minister and as Minister of External Affairs. Dr. Solomon also acted as Prime Minister on several occasions during the Eric Williams administration.

In 1966, he left the political front and embarked on a diplomatic career. He served as permanent representative of Trinidad and Tobago to the United Nations in New York from 1966—1971. In 1966, he served as Vice-President of the United Nations General Assembly. Dr. Solomon also represented Trinidad and Tobago on the special committee on apartheid from 1966—1971. In 1971, he became the High Commissioner for Trinidad and Tobago to the United Kingdom in London, England until 1976 when he returned to Trinidad and Tobago. In 1978, he was awarded the Trinity Cross, the nation's highest medal. He was a founding Member of the Trinidad and Tobago Association in Aid of the Deaf and served on the board of the school for the deaf. Dr. Solomon was also instrumental in spearheading the establishment of the Trinidad and Tobago Association in Aid of the Deaf Complex on Wrightson Road, Port of Spain. Even in retirement, Dr. Solomon continued to serve the people of Trinidad and Tobago, sharing his long experience and knowledge.

He died at the age of 87 on August 26, 1997. He leaves to mourn his wife, Leslie; two sons: Dr. Dennis Solomon, University Lecturer and Frank Solomon, Attorney-at-law; seven grandchildren and two great granddaughters. As a former hon. Member of the House of Representatives, it is fitting that we pay tribute to him. May his soul rest in peace.

Sen. Nafeesa Mohammed: Mr. Vice-President, we, too, on this side would like to join with other Senators in expressing our condolences upon the death of former Senator Olive Sawyer, and Dr. Patrick Solomon. The former Senator, Olive Sawyer, who was otherwise known as Miss Sawyer, Nen Olive, or Auntie Olive, served as an Independent Senator in the Parliament of Trinidad and Tobago between 1981 and 1986. She was born in Tobago and began her career as a teacher at the Scarborough Anglican School. Later she became a social welfare assistant.

Just a few minutes ago I spoke to our parliamentary colleague, Sen. Eastlyn Mc Kenzie, and she described Miss Sawyer as a true social worker. Miss Sawyer spent much of her time assisting the old age pensioners, the poor, the handicapped children, widows and orphans. Her motto in life was “service to community.” She fought vigorously to empower her community to be self-reliant. She touched the lives of many people.

Mr. Vice-President, with respect to the passing of Dr. Patrick Solomon we are aware that he died at the age of 87 and that he sacrificed his career in medicine to enter politics in the 1940s with the West Indian National Party. Dr. Solomon went on to become a foundation member of the People’s National Movement in 1956. In fact, he was one of the first Cabinet members to be appointed by the late Dr. Eric Williams when the PNM came into office in 1956. He served in several different capacities including deputy Prime Minister, ambassador to the United Kingdom and several European countries as well as permanent representative to the United Nations.

Dr. Solomon was a great fighter for the independence of Trinidad and Tobago and made a significant contribution to the Constitution of our twin island.

1.50 p.m.

As has been mentioned by Sen. Wade Mark, Dr. Solomon is survived by his sons, Frank Solomon and Dennis Solomon; his wife Leslie; seven grandchildren and two great granddaughters. We pay tribute to this statesman.

We pray that the souls of Miss Sawyer and Dr. Solomon may rest in peace. As it is often said, it is from God we came and to God is our eventual return.

Thank you.

Sen. Prof. John Spence: Mr. Vice-President, in reading the condolences of Sen. Mc Kenzie for Miss Sawyer, I was reminded of the recent film I had seen on Mother Teresa and the work she had done. Clearly, this is an outstanding individual who devoted her life to help the disadvantaged. It struck me that in these days when we are looking for role models that we should take such a person and ensure that the youths are aware of what persons like that would do in Trinidad and Tobago. We speak of making more local films for television. Surely, we should take persons of that ilk and immortalize them so that our young people would have proper role models.

On behalf of the Independent Senators I express our condolences to the family of former Sen. Sawyer.

Mr. Vice-President, my first meeting with Dr. Solomon was when I was a teenager. For a short while he was our family doctor when he was still in medicine. I still remember my early education by listening to Dr. Solomon and my father discuss politics when I was taken by my father for some minor ailment. This is an outstanding West Indian of the old ilk. He was a gentleman and a person who had ideals. These days I am afraid ideology is almost a dirty word and ideals seem to be few and far between. In his time it was in order for one to have ideals. He did a great deal to further the cause of West Indian freedom and development and to establish democracy in our part of the world.

To the family of Dr. Solomon, we extend our condolences. We pray that he may find the peace that he richly deserves.

Thank you.

[One minute's silence is observed.]

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave to Sen. Brig. The Hon. Joseph Theodore and Sen. The Hon. Brian Kuei Tung to be absent from today's sitting of the Senate.

I have also granted leave to Sen. Selwyn John to be absent from the sitting of the Senate with effect from October 7, 1997 and continuing until further notice.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received advice from His Excellency the President that he has appointed John Bharath a temporary Senator with effect from October 7, 1997 and continuing during the absence of Sen. Brig. The Hon. Joseph Theodore from Trinidad and Tobago.

He has also appointed Mr. Vincent Cabrera to be temporarily a Member of the Senate with effect from October 7, 1997 during the continued illness of Sen. Selwyn John.

I have also been advised of the appointment of Miss Indera Sagewan to be temporarily a Member of the Senate with effect from October 7, 1997 and continuing during the absence of the said Sen. The Hon. Brian Kuei Tung from Trinidad and Tobago.

I have a communication from His Excellency, Arthur N. R. Robinson. It states:

“I Arthur N. R. Robinson, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution, do hereby declare the seat of you, Sen. Hugh Donaldson, to be vacant.”

I have another communication of a similar date, October 6, 1997. It states:

“In exercise of the power vested in me by paragraph (a) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, Arthur N. R. Robinson, President as aforesaid, acting in accordance with the advice of the Prime Minister, do hereby appoint you, Agnes Williams, a Senator.”

Hon. Members, I now ask you to stand while we administer the oath to the three temporary Senators and the new permanent Senator.

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Vincent Cabrera, John Bharath, Indera Sagewan and Agnes Williams.

2.00 p.m.

PAPERS LAID

1. Report of the Auditor General on the accounts and financial statements of the Restructuring Support Unit (RSU), Ministry of Planning and Development (The Executive Agency) in respect of the Business Expansion and Industrial Restructuring Project for the year ended December 31, 1996 as required by Loan Agreement No. 3432 TR between the Government of the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development. [*The Minister of Public Administration and Information (Sen. The Hon. Wade Mark)*]

2. Report of the Auditor General on the accounts and financial statements of the Technical Assistance Project for the year ended December 31, 1996 as required by Loan Agreement No. 3153 TR between the Government of the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development. [*Hon. W. Mark*]
3. Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended December 31, 1996. [*Hon. W. Mark*]
4. Audited accounts of the Small Business Development Company Limited for the year ended December 31, 1996. [*Hon. W. Mark*]
5. Audited accounts of the National Quarries Company Limited for the year ended July 31, 1996. [*Hon. W. Mark*]
6. Financial Statement as at December 31, 1996—Urban Development Corporation of Trinidad and Tobago Limited. [*Hon. W. Mark*]
7. Trade Policy for Trinidad and Tobago for the period 1997—2001. [*Hon. W. Mark*]
8. Audited accounts of the National Gas Company of Trinidad and Tobago Limited (NGC) for the year ended December 31, 1996. [*Hon. W. Mark*]
9. Audited accounts of the National Helicopter Services Limited for the year ended September 30, 1996. [*Hon. W. Mark*]
10. Report of the Auditor General on a Special Audit of the Information Division of the Ministry of Public Administration and Information. [*Hon. W. Mark*]
11. Report of the Auditor General on the accounts of the Public Utilities Commission for the year ended December 31, 1996. [*Hon. W. Mark*]
12. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts and financial statement of the Basic Education Project for the period June 1, 1995 to December 31, 1996 as required by Loan Contract No. 3956-TR between the Government of the Republic of Trinidad and Tobago and the International Bank for Reconstruction and Development. [*Hon. W. Mark*]
13. Erratum to the Report of the Auditor General on the public accounts of the Republic of Trinidad and Tobago for the year ended December 31, 1996 and on other Selected Audit Activities. [*Hon. W. Mark*]

**JOINT SELECT COMMITTEE
OCCUPATIONAL SAFETY AND HEALTH BILL
(ESTABLISHMENT OF)**

Mr. Vice-President: Hon. Senators, I seek your leave to revert to “Announcements by the President”. There are two further announcements which should have been made, the first of which is a communication from the Speaker, dated August 20, 1997. It reads as follows:

“President of Senate,
Parliament,
Red House,
Port of Spain.
Honourable President,

I wish to inform you that at a Sitting of the House of Representatives held on Friday, August 15, 1997, the House agreed to the following resolution which was moved by the Honourable Minister of Labour and Co-operatives in the House:

‘Be it Resolved:

That a Bill entitled ‘an Act respecting the safety, health and welfare of persons at work be referred to a Joint Select Committee of Parliament, whose mandate would be to consider this Bill and to report to the Parliament at the earliest opportunity, and that this Joint Select Committee be empowered to discuss the general merits and principles of this Bill, as well as its details.’

The foregoing Resolution is accordingly forwarded for the attention of the Senate.

Yours faithfully,

Hector McClean

Speaker of the House of Representatives”

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, at an appropriate stage, I shall be seeking leave of the honourable Senate to move a motion in connection with the letter you have just read.

SENATOR’S APPOINTMENT

Mr. Vice-President: Hon. Senators, the other announcement is that there is another temporary Senator to take an oath and I seek your leave for the matter to be taken at a later stage of the proceedings.

Leave granted.

ORAL ANSWERS TO QUESTIONS**Advisers/Consultants
(Government Ministries/Departments)**

18. Sen. Penelope Beckles asked the Minister of Public Administration and Information:

Would the Minister please state:

- (a) the names of the advisers and/or consultants who were appointed during the period November, 1995 to June 27, 1997 at the various Ministries and/or Government Departments;
- (b) the qualifications and salaries of the advisers and/or consultants who were appointed.

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, in response to the hon. Senator's request, I have compiled a list which can be made available to Senators on request.

It is to be noted that this information was provided by individual ministries and is by no means exhaustive as data are yet to be collated from the undermentioned ministries:

Ministry of Tourism
Ministry of Sport and Youth Affairs
Ministry of Labour and Co-operatives, and
Ministry of Education.

However, please permit me a few minutes to provide a backdrop to the issue of the use of consultants and advisers in ministries and departments. The presence of consultants and advisers in the public service arises out of a need to have projects which require a dedicated and sustained effort executed within specific time-frames. The public service does not have all the specialized and technical personnel to execute the function required by the various ministries.

With regard to the public utilities, we are committed to facilitating greater efficiency, using state-of-the-art technology and the delivery of a reliable and high quality service. We have identified that the postal service should be positioned to make an improved financial and economic contribution to the national economy

It is in this light that advisers were sought. Similarly, with respect to WASA, it is the Government's objective to strengthen the organization's capacity to deliver potable water to its customers in a most efficient and cost-effective way.

2.10 p.m.

The energy sector continues to be the largest and most important contributor to the national economy. To ensure the future profitability in this sector, certain strategic measures have been adopted with a view to improving overall management of resources and operational efficiency. A programme has been initiated to use more environmentally friendly fuels. Additionally, with respect to exploration and production, several international petroleum companies will continue operations in Trinidad and Tobago independently or in joint venture partnerships.

Sen. Beckles: Can I just ask the hon. Minister—how is this relevant to the question? He is not answering the question.

Hon. W. Mark: I am giving you a background of the rationale for advisers and consultants. I have the information; if you wish I can pass it on to you immediately. I do not want to spend too much time giving you all—

Sen. Mohammed: But you are not answering the question.

Hon. W. Mark: You cannot tell me how to answer a question. What is wrong with you?

Sen. Prof. Spence: If the hon. Minister could extend on why none of the ministries that he mentioned in his background, have replied to the request for information.

Hon. W. Mark: I have not completed my presentation in response to the question.

Sen. Prof. Spence: At the beginning when he first started answering the question, he read that certain ministries had responded, but he subsequently said, "employed important consultants".

Mr. Vice-President: I ask Sen. Mark to continue with his response.

Hon. W. Mark: Mr. Vice-President, with regard to the agricultural sector, the Government will place emphasis on ensuring that this sector is organized to maximize efficiency, competitiveness and sustainable development. Strategies for

the sustainable management of resources and environmental protection will focus on the initiation of a process for upgrading legislation to protect natural resources and the environment; and the development of a mechanism for working with other agencies to strengthen regulatory services.

These are but a few examples which demonstrate the necessity for such consultants/advisers in ensuring that projects are carried out in a timely manner, consistent with the Government's Medium Term Policy Framework.

The approach of this Government is to promote as far as practically possible, indigenous expertise as opposed to the larger scale neo-colonial adventure of previous PNM regimes, for example, the infamous government to government contracts.

Mr. Vice-President, the Government's overall objective is, and must be the promotion of the social well-being of the citizens of the Republic of Trinidad and Tobago.

I have an exhaustive list with which I cannot really burden the Senate, therefore, I have made copies available to be circulated to all Senators

Sen. N. Mohammed rises.

The two of us cannot be standing. I am on my feet and I am not giving way.

Sen. Mohammed: Mr. Vice-President, by way of a supplemental question. From that document which the hon. Minister has, can he indicate who are the advisers/consultants appointed in the Ministry of Agriculture, Land and Marine Resources?

Hon. W. Mark: Mr. Vice-President, the information—just for the record—there are two persons, Mr. Robert Fraser, a Captain, Hydrographic Survey Launch who is a consultant in the ministry and Mr. Ram Dass Gautam who is a consultant and they are attached to the Ministry of Agriculture, Land and Marine Resources.

As I have indicated, I would make available copies of the document to be circulated now to all Senators.

Vide end of sitting for written part of the answer.

**Proposed Remand Facility
(Aripo)**

20. Sen. Penelope Beckles asked the Minister of National Security:

Would the Minister please state:

- (a) Whether the Government intends to open a remand facility at Aripo?
- (b) If the answer is in the affirmative, would the Minister indicate—
 - (i) The expected date of the opening of the said facility;
 - (ii) The estimated cost of running the facility;
 - (iii) The number of persons to be employed at the facility and the different categories of persons to be employed;
 - (iv) The maximum number of persons to be placed on remand at that facility;
 - (v) The ages of persons who would be held at that facility;
 - (vi) The reason for selection of Aripo as a remand facility?

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, I did indicate to the hon. Senator that the Minister is not in the country and he has asked me to reply and the Senator has indicated that she has no objections to that.

This honourable Senate is advised that the Government intends to refurbish the old administrative complex of the Ministry of Agriculture, Land and Marine Resources in Aripo to facilitate the establishment of a remand facility.

The project is spearheaded by the Ministry of Social Development and the proposed Remand Home is designed to address the problem of the absence of adequate accommodation in the penal system for young males and convicted offenders. The existing situation is that young remandees are housed at the YTC during intervals in court proceedings, or while awaiting admission to an approved industrial school.

During the period of remand, these young men are not allowed to take part in the centre's activities since they have not been committed to the institution, therefore, they are denied opportunities for counselling to deal with their problems and, eventually, rehabilitation. The proposed facilities are intended to expose these remandees to remedial classes in literacy skills, and agricultural activities such as

Oral Answers to Questions
[HON. W. MARK]

Tuesday, October 7, 1997

environmental and short-term crop cultivation and poultry rearing. Counselling sessions, both individual and group, will also be a part of the curriculum. The remandees would also have the chance to learn a wide range of skills through their involvement in daily chores.

NIPDEC has been contracted to oversee the refurbishment of the existing building and is soon to award a contract for commencement of works on the site. An expected date for the opening up of the facility would be established when the contractor submits an implementation schedule of the time period for construction of the facility.

In terms of the cost of running the facility, and the amount and categories of persons to be employed, it should be noted that the project implementation committee is still working out the security, staffing and other details pertaining to the operations of the proposed building. It is intended that the maximum number of persons to be placed on remand at this facility is 50 remandees under the age of 16. The Aripo site was selected for the Remand Home because of its availability, tremendous size and its accessible location.

Advisers/Consultants
(Government Ministries/Departments)

Mr. Vice-President: The answer to the previous question having been circulated, I am prepared to entertain supplemental questions on the first question. I trust that everyone has the voluminous response in print and in the interest of time, I will call on Sen. Diana Mahabir-Wyatt for the next question.

Sen. Diana Mahabir-Wyatt: Mr. Vice-President, I wonder if I could just ask some supplemental questions and then go on to mine?

I wonder if the hon. Minister would circulate to us the projects on which the consultants are working? In many places it is mentioned, but in other places it just says consultant or adviser.

2.20 p.m.

Special Reserve Police
(Conditions of Employment)

21. Sen. Diana Mahabir-Wyatt asked the Minister of National Security:

Could the Minister state:-

- (a) When are the Special Reserve Police assigned to the Community Policing Unit going to be made permanent members of the Police Service?

- (b) What are the terms and conditions of employment for the Special Reserve Police assigned to the Motor Cycle Section of the Community Policing Unit?

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, again, I have consulted with Sen. Diana Mahabir-Wyatt on this issue and she has no objection, at this time, for me to respond on behalf of the Minister of National Security to question No. 21.

Mr. Vice-President, this honourable Senate is advised that community policing is a crime-management strategy introduced in the Trinidad and Tobago Police Service to help solve the social ills of the society, through a collaborative effort between the police service and the respective communities throughout Trinidad and Tobago.

A Community Policing Unit was established on November 06, 1996 to ensure effective implementation of the functions of the unit. The unit is headed by an Assistant Commissioner of Police who has overall responsibility for its functioning and who reports directly to the Commissioner of Police. Community Policing Units are represented throughout the nine police divisions of the police service and at the Police Administration Building. For operational purposes, these divisions are further subdivided into three areas:

- (a) Northern—comprising of Port of Spain, Western and North-Eastern;
- (b) Eastern—comprising of Northern, Eastern and Tobago;
- (c) Southern—comprising of Central, Southern and South-Western.

The respective units are staffed by regular police officers and Special Reserve Police. Currently, there are 100 Special Reserve Police, 49 of whom are employed on a full-time basis and 51, on a part-time basis. Sixty-seven of these SRPs, 27 full-time and 40 part-time, perform patrol duties as motor cyclists in the respective divisions.

The activities of the unit include counselling persons in traumatized situations; conducting of lectures to school children, villagers and members of sporting, cultural, non-governmental organizations; and patrols by foot, motor-bikes and motor vehicles. There is no intention to make Special Reserve Police Officers permanent members of the police service. However, since this was done in 1992, subject to identification of vacancies in the regular police service, the possibility of recruiting Special Reserve Police Officers who satisfy the criteria for entry into the regular police service is, again, being considered.

Concerning (b) of the Senator's question, this honourable Senate is asked to note that although 67 of the 100 Special Reserve Police Officers assigned to the Community Policing Unit may perform patrol duties on motor cycles, there is no established motor cycle section in the Community Policing Unit. The terms and conditions of employment of these officers are as those stated in the Special Reserve Police Act, Chap.15:03 of the laws of Trinidad and Tobago.

Sen. Daly: Mr. Vice-President, could you guide me? Is the list still open to supplemental questions now that we have had a chance to read it?

Mr. Vice-President: I prefer to do it at the end of the list of questions and then we would revert.

**Teak Logs
(Exportation)**

22. *The following question stood on the Order Paper in the name of Sen. Prof. Julian Kenny:*

- (a) Could the hon. Minister of Agriculture, Land and Marine Resources inform the Senate whether teak logs produced on state-owned teak plantations are being exported from Trinidad and Tobago by Tanteak or any other exporter?
- (b) If the answer is in the affirmative could the hon. Minister inform the Senate of:
 - (i) the quantities and F.O.B. values of logs being exported;
 - (ii) the destination of the logs and;
 - (iii) the nature of the contractual arrangements with purchasers of teak logs?
- (c) Could the hon. Minister also inform the Senate of any plans or proposals to utilize locally produced teak to maximize value of the resource?

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, with the leave of the Senate, we would like to ask that this question be deferred for a period of two weeks.

Question, by leave, deferred.

**Road Repairs
(Arima)**

23. Sen. Penelope Beckles asked the Minister of Works and Transport:

- (a) Could the hon. Minister state when his ministry will undertake resurfacing and repair work on the Bye Pass Road, Arima, and the Road between the lower end of Quarry and Blanchisseuse Main Roads, Arima?
- (b) Could the Minister also indicate:
 - (i) the type of repairs planned;
 - (ii) the estimated cost of repairs;
 - (iii) the anticipated date of completion?

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. Vice-President, the bad conditions of the road are mainly as a result of years of neglect and lack of basic maintenance. There is also poor drainage in the area which results in heavy overflow of water on the roads during heavy rainfall. This also contributes to the degradation of work.

The Member of Parliament for Arima, Dr. The Hon. Rupert T. Griffith, visited the site with me and a team of technical officers of the Ministry of Works and Transport on Wednesday, April 16, 1997, where, among other things, a formal request was made for repairs of the said road. Dr. Rupert T. Griffith, representative for Arima and Minister in the Office of the Prime Minister, was in agreement with the proposed action for repairs and refurbishing to take place at the said roads.

The repairs and resurfacing of the Arima Bye Pass Road is scheduled to be undertaken during late 1997 and early 1998. The repairs proposed are as follows:

- (i) Excavation of depression to a depth of 30 centimetres and replacement with crushed limestone to a compacted thickness of 20 centimetres and 10 centimetres of hot mix bituminous concrete;
- (ii) repaving the roadway of 2.7 kilometres in length, with 5 centimetres of hot mix bituminous concrete.

The estimated cost of the repairs and repaving is \$650,000. The anticipated completion date is January 14, 1998.

Sen. Beckles: Mr. Vice-President, before the hon. Minister sits, in relation to the Blanchisseuse Main Road, he did not answer that.

Hon. S. Baksh: Mr. Vice-President, I did. The road, in question, is a Bye Pass Road between Blanchisseuse Main Road and the lower end of Quarry and Blanchisseuse Main Road, Arima.

Mr. Vice-President: Hon. Senators, the time allocated to questions is about to expire. We have one more question on the Order Paper, notwithstanding, my invitation for supplemental questions to the first question.

Sen. Mahabir-Wyatt: Mr. Vice-President, I request under Standing Order No. 18 that my question No. 25 be deferred to the next sitting to allow time for any supplementary questions on the last one.

**National Petroleum Marketing Company
(Foreign Competition)**

25. *The following question stood on the Order Paper in the name of Sen. Diana Mahabir-Wyatt.*

Could the Minister of Energy and Energy Industries state under what conditions are foreign companies being allowed to come in to Trinidad and Tobago in competition with the National Petroleum Marketing Company?

Question, by leave, deferred.

**Consultants/Advisers
(Government Ministries and Departments)**

Mr. Vice-President: So far as the supplementary questions to the first question is concerned, I do not think it would be in order to defer that to the next sitting. What I would seek your leave to do is to enlarge the time for the answers for five minutes so that we can get on with the rest of the Order Paper. Could you limit your questions and keep them as brief as possible? This is in connection with the first supplemental question which was dealt with on the Order Paper today.

Sen. Daly: Mr. Vice-President, I refer the Minister to page 16 of the list, in connection with the employment of Gilman Thomas-Hussein in the Ministry of Housing and Settlements. By way of supplemental question, what was he doing as a management consultant? Did he have any qualifications? Because the qualification space is blank.

2.30 p.m.

Hon. W. Mark: Mr. Vice-President, I would like to ask the hon. Senator if he could probably submit an appropriate question so I can provide him with an appropriate answer.

Sen. Daly: Point of order, Mr. Vice-President. This is the second time for the day that the Leader of Government Business has ruled before you have been given the opportunity to carry out your constitutional function. It is for you to rule, and I ask that he withdraw his ruling that it is not a proper supplemental question. That is for you to say. Impertinence!

Mr. Vice-President: I am looking at page 16 of the distributed document and I am going to ask that the Minister of Public Administration and Information complete the section of the questionnaire dealing with Mr. Gilman Thomas-Hussein as it relates specifically to qualifications, and you will have a supplemental answer to that particular issue. The answer will be circulated to everyone.

Sen. Rev. Teelucksingh: Mr. Vice-President, I draw your attention to pages 1 and 2. The first item on page 1 concerns the Postal Services Network—US \$30,825. On page 2, Booz, Allen and Hamilton, concerning the same postal service of Trinidad and Tobago—US \$789,290. That is approximately TT \$5 million. Could you tell me, hon. Minister: Who pays this money? Is it from a loan from the World Bank? What is the nature of that technical assistance? Who determined that it was necessary to have this kind of consultancy? He should also let Price Waterhouse and Booz, Allen and Hamilton tell us the cost, the value of the postal services. I am very interested in answers to these questions. What about other consultancy individuals and firms that might have been considered?

Hon. W. Mark: Mr. Vice-President, in response to the hon. Senator, I would not want to mislead the House on this particular matter. I ask the hon. Senator to kindly put that particular concern in writing so that I can do the necessary research and really submit a proper response to the hon. Senator, as well as the Senate.

Mr. Vice-President: Regrettably, I have to bring this supplemental question period to a close.

LIVESTOCK AND LIVESTOCK PRODUCTS BOARD BILL

Bill to establish the Livestock and Livestock Products Board and for matters incidental thereto [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate.
 [*Hon. W. Mark*]

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, I ask your leave to dispense with notice with respect to a motion which I proposed to move and to which I referred earlier in the proceedings.

Agreed to.

JOINT SELECT COMMITTEE OCCUPATIONAL SAFETY AND HEALTH BILL (APPOINTMENT OF)

The Minister of Public Administration and information (Sen. The Hon. Wade Mark): Mr. Vice-President, I beg to move that the Senate concur with the resolution passed in the House of Representatives and conveyed in the letter to the hon. Vice-President of the Senate which was read at an earlier stage of the proceedings.

Question put and agreed to.

Hon. W. Mark: Mr. President, I now beg to move that the following Members of the Senate be nominated to serve on the Joint Select Committee to consider and report on the Bill:

Sen. Joseph Theodore	Sen. Prof. Julian Kenny
Sen. Finbar Gangar	Sen. Diana Mahabir-Wyatt
Sen. Andrew Gabriel	Sen. Mahadeo Jagmohan

Question put and agreed to.

MUTUAL ASSISTANCE IN CRIMINAL MATTERS BILL [SECOND DAY]

Order read for resuming adjourned debate on question [August 12, 1997]:

That the Bill be now read a second time.

Question again proposed.

The Attorney General (Hon. Ramesh Lawrence-Maharaj): Mr. Vice-President, when the Senate was adjourned on the last occasion, on August 12,

1997, I was in the process of making my contribution in respect of Bill to make provision with respect to the Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth and to facilitate its operation in Trinidad and Tobago and to make provision concerning mutual assistance in criminal matters between Trinidad and Tobago and countries other than Commonwealth countries.

Hon. Senators would recall that in moving this Bill, I indicated that the provisions of this Bill were an attempt to deal with new methods which have been devised by the international community to attack international crime and crime committed by persons in different jurisdictions. As the world has become a global village, and having regard to the development of organized crime, having regard also to the deregulation of systems and the development of global markets, the international community had to respond in ways and means of dealing with international organized crime.

The provisions of this Bill really reflect the contents of models which have been drafted in relation to these matters, and the Commonwealth Scheme for Mutual Legal Assistance In Criminal Matters in 1986; the Vienna Convention on Drugs; the Commonwealth Law Ministers in Mauritius in 1993; the Oxford Conference on Mutual Legal Assistance in 1994; and subsequent several other conventions, including the Inter-American Commission Convention on Mutual Legal Assistance in Criminal Matters.

2.40 p.m.

Mr. Vice-President, I had gone through the clauses of the Bill and I had shown where this Bill, if passed into law, will be the principal statutory source in Trinidad and Tobago for mutual legal assistance powers in respect of criminal matters. The Bill introduces a range of new powers to assist Trinidad and Tobago and also to assist other states in the investigation and prosecution of offences. Notably, by empowering the state to carry out the service of process on behalf of another jurisdiction; in permitting the state to direct a court to take evidence at the investigations, as well as the prosecution stage of proceedings in another jurisdiction. When I said to direct, I meant to request, and for the matter to be done in an adversarial manner; enabling the state to permit persons in detention to appear as witnesses or otherwise to assist in proceedings abroad; permitting search and seizure on behalf of another jurisdiction and making provision for the certification of evidence where necessary.

Criminal Matters Bill
[HON. R. L. MAHARAJ]

Tuesday, October 7, 1997

Mr. Vice-President, the history of mutual legal assistance in criminal matters really can be traced back to 1977, where the Australian Government suggested that having regard to the trends in the world that the Commonwealth should consider having a more formal and legal structure in order to provide assistance in criminal matters. We do know that there is informal co-operation among countries and that has a lot to do with Interpol network, but this is a Bill which will create measures within a legal framework for countries in the Commonwealth—for Trinidad and Tobago to participate in that legal framework—to get legal assistance in criminal matters, to provide legal assistance in criminal matters and, it also would enable, in respect of assistance on a mutual basis, countries which are outside of the Commonwealth, and for Trinidad and Tobago to get assistance from those countries also.

In effect, what this Bill is going to do is assist in fighting international crime and that involves drug trafficking and money laundering. We now know that it is impossible for any one country to fight these matters alone. They can only be fought with the co-operation of each other and it is in that context that international co-operation is essential in order to deal with these matters.

Mr. Vice-President, since I made my contribution in August, there have been other developments. As a matter of fact, in the month of September, there was an international conference in Ottawa at which most countries were represented. Ministers of justice, prosecutors, governmental and non-governmental organizations got together in Ottawa to discuss the need for mutual legal assistance in criminal matters. What came out of that conference is that one has all the machinery there, but the states are not taking steps in order to implement the law in their respective countries to facilitate this co-operation.

Although this model has been in existence, several countries in the world have not taken steps to introduce in their Parliament, domestic laws to give effect to this international framework. Trinidad and Tobago is taking that step today and I think all of us in this honourable Chamber must feel very privileged to be part of this history, that they would be involved in bringing about new measures in order to deal with international crime.

Mr. Vice-President, before I take my seat, may I inform hon. Senators that if they see me leave the Chamber for a while, it is not because I want to display any discourtesy to any submissions which are being made, but there has been an urgent matter of state to which I have to attend and I have to be out of the Chamber, but I do give the undertaking that I will return. In the meantime, I wish to give the

assurance to hon. Senators that whatever they say will be read and considered and there are people on our side who will be taking note of those matters and will brief me on them. I do apologize for having to leave, but I wish to give the hon. Senators the assurance that consideration will be given to whatever comments and an adequate response would be attempted. Thank you very much.

Mr. Vice-President, I beg to move.

Question proposed.

Sen. Nafeesa Mohammed: Mr. Vice-President, it is rather ironic that just a few moments ago the hon. Attorney General announced that he may have to leave the Senate Chamber in a short while. I use the word ironic because the Bill we are actually dealing with today is such a significant piece of legislation in terms of the national security of Trinidad and Tobago and, earlier today I was informed that in fact, the hon. Attorney General is indeed acting as the Minister of National Security and I can now understand why he has such a gleeful look on his face.

Mr. Vice-President, the hon. Attorney General just took some time, a few minutes, to remind us of some aspects of this piece of legislation. What he did not do a while ago was to make mention of the fact that this particular Bill seeks to confer extensive powers unto no less a person than the Attorney General himself.

I would like to say at the outset, that we on this side have very little difficulty in terms of supporting the intent and purpose of this particular piece of legislation. However, we do have some very grave concerns with respect to certain provisions in this Bill and, as a result, it makes it very difficult for us on this side to lend our support to this very important piece of legislation at this stage.

Mr. Vice-President, I distinctly remember when, for days we were hearing about this Government being a government of consultation. During the course of the last sitting when we met in this Chamber, the hon. Attorney General himself, in his presentation of this Bill to this Chamber, I think it was on August 12, indicated that this is not an ordinary piece of legislation.

2.50 p.m.

When we look at the preamble to this Bill, it specifically states that this Bill requires a special majority of votes from the Parliament. In particular, Mr. Vice-President, I would just like to read that part of the preamble which states:

“And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each

Criminal Matters Bill
[SEN. MOHAMMED]

Tuesday, October 7, 1997

House has been supported by the votes of not less than three-fifths of all the members of that House.”

Mr. Vice-President, it is against this background that we have very, very serious concerns. Here you have a Government seeking to pass a piece of legislation that requires such a significant majority of votes to support it, yet, I am not aware that at any time prior to the introduction of this Bill in Parliament, there had been any kind of consultation insofar as this Bill is concerned. This Government, since August of this year, sought to just slip in the legislation as though it will be easy sailing. At first blush, the Bill seems to be a welcome piece of legislation and as I indicated before, we have very little difficulties in terms of the purpose and intent of this Bill.

Mr. Vice-President, in looking at this Bill, it is quite clear that some of our worst fears are coming to pass now in Trinidad and Tobago. One just has to look at clause 3 of the Bill to realize what I am talking about. I would get on to that point at a later stage. This present Government and, indeed, the present Attorney General likes to portray himself to the national public as a person who is the crimebuster in the country; he is the main plugger of loopholes and is the only person who has been attempting; this Government is the only government that has been attempting to deal with the drug trade. They are very quick to paint the People’s National Movement as a party that has very little concerns in this regard. It is very important for me to reiterate and reaffirm in this Chamber here this afternoon, the PNM's commitment to dealing with the increasing challenges of international drug trafficking, money laundering, organized crime, terrorism and so forth.

Like the Attorney General, we too are committed to pursuing the societal goals of investigating, prosecuting and suppressing crime for the protection of citizens and the maintenance of peace and public order. Those were the very same words used by the hon. Attorney General when he presented this Bill in Parliament in August of this year. We, too, on this side recognize that we have to deal with crime, not only within national boundaries but on a global basis. We recognize how important it is for the international community to come together and to provide for mutual assistance between states in criminal matters. The PNM has a track record of honouring its obligations under treaties and other international agreements.

Mr. Vice-President, in his presentation, the Attorney General referred to the mutual assistance in criminal matters scheme that was adopted by the

Commonwealth Law Ministers at the 1986 meeting in Harare, Zimbabwe which is commonly referred to as the Harare Scheme. The Minister went on in his contribution to summarize the Harare Scheme and pointed out that the Commonwealth agreed that there should be a concept of mutual legal assistance in criminal matters and that there should be domestic legislation to give effect to the particular agreement.

The Attorney General just a while ago, referred to the United Nations Vienna Convention of 1988, which Trinidad and Tobago has since ratified. The Minister also referred to the 1993 Law Ministers' meeting in Mauritius and the 1994 Christ Church Oxford Conference; we have no quarrel with these references. In fact, it is precisely against this kind of international and Commonwealth movement towards having a jurisprudence in which there must be mutual legal assistance in criminal matters in order to facilitate the investigation, detection and prosecution of crimes which are committed in any part of the world, that the former PNM administration had accomplished so much, especially in terms of providing the appropriate legal framework to deal with these kinds of matters.

Mr. Vice-President, it is well-known that for many years the United Nations has been emphasizing the need for co-ordination at both national and international levels in order to combat the problem of drug trafficking. Way back in 1971 and, indeed, in 1988 there have been conventions emanating from the United Nations urging member states to establish an intelligence gathering and a national co-ordinating agency in the area of drug trafficking. In fact, Mr. Vice-President, it was in 1992 that a draft model piece of legislation was put forward by the United Nations and, indeed, several countries have since established agencies along the lines of this United Nations draft model in order to co-ordinate the interdiction activities in relation to drug trafficking.

Mr. Vice-President, in Trinidad and Tobago such an agency was established since 1992 under the name of the Organization of Strategic Services. For those Members of the Senate who would have been in this Chamber at that time between the period 1991 to 1995, I am sure some Members would recall that in 1995 a Strategic Services Agency Bill had been passed by both Houses of Parliament in Trinidad and Tobago.

When the Organization of Strategic Services was operational, a great deal of work had been done in terms of formulating a strategic approach and, in fact, implementing measures to deal with the legal framework, the kinds of service units to deal with problems associated with money laundering, marijuana eradication,

Criminal Matters Bill
[SEN. MOHAMMED]

Tuesday, October 7, 1997

intelligence co-ordination, technical assistance, international and regional co-operation, *et cetera*, in respect of the drug interdiction problem. I am sure some Members would recall that in 1994, amendments were, in fact, made to the Dangerous Drugs Act of 1991 in order to accord with the Vienna Convention.

Of great significance is the fact that in those years when the Organization of Strategic Services was operational, it was, indeed, engaged in this very important area of mutual legal assistance. I think it is important for us to have an idea of what mutual legal assistance is all about.

3.00 p.m.

Mutual legal assistance implies assistance between countries in the investigation and the prosecution of criminal cases and, indeed, the enforcement of court orders arising out of convictions. Article 7 of the Vienna Convention puts an obligation on member states to provide mutual legal assistance to each other. In fact, states are encouraged to enter into mutual legal assistance treaties. Every state is required under the convention to designate a central authority within the country for the channelling and processing of mutual legal assistance.

Under the former PNM administration, the then Cabinet had taken a decision that the Organization of Strategic Services would be the central authority for Trinidad and Tobago. I mentioned a while ago that in 1995, the Strategic Services Agency Act was enacted. This Act was passed, I think, just months before the PNM had demitted office in November 1995. If you were to look at the Strategic Services Agency Act, No. 24 of 1995, which consists of a director appointed by the President, section 6 of this Act outlines the main functions of this Strategic Services Agency. Some of the functions include the agency acting:

“...as an office for centralizing information that could facilitate the detection and prevention of illicit traffic in narcotic drugs, psychotropic substances...”

It goes on to outline about 12 functions, and in addition, in section 6(2)(c) of this Strategic Services Agency Act, it specifically states that in addition, this agency shall:

“facilitate and monitor the enforcement of requests for assistance relating to the proceeds of drugs and other serious crimes, made under bilateral and multilateral confiscation agreements;”

I have zoomed in on this particular section in this Act because our major concern is in respect of the central authority that is being designated under the present Bill before this House. I have to ask the question: What has been

happening with the Strategic Services Agency? A few minutes ago the hon. Attorney General referred to the Ottawa conference where it was highlighted that while states are enacting the appropriate legislation, there is little taking place with respect to implementation. We, in Trinidad and Tobago, have already put in place an institution that could be designated the central authority for purposes of a mutual legal assistance Bill, and yet we have this Government, which came into power—I see the date the Strategic Services Agency Act was assented to is November 4, 1995. Since November 1995 they are in Government. What have they done with respect to the Strategic Services Agency?

Instead, by virtue of the Bill that we have before us, we are seeing a glaring attempt by the Attorney General of this country to usurp the functions of another agency in this country and to confer extensive powers unto himself. We have serious concerns and serious reservations about these kinds of powers being given to this hon. Attorney General.

When you look at clause 3 of the Bill, it specifically states:

- “(1) Subject to subsection (2) the Attorney General shall be the Central Authority.
- (2) The Attorney General may designate any person or authority as the Central Authority.”

There seems to be something lurking behind the scenes with respect to this particular measure. We would like to know what really is the Attorney General's intention insofar as seeking to take away powers that already exist in a particular agency and to confer these powers unto himself. We are very suspicious about the motives behind this particular clause.

I remember hearing a lot of talk about the dismissal a few months ago, of a very experienced man in terms of national security in this country and that was the dismissal of Major General Ralph Brown. I am sure the whole country remembers that. What has been happening? I remember he was made the Director of the Strategic Services Agency. What did they do? Why is the Attorney General so eager to confer all of these powers unto himself? Why the Attorney General? Why not the Minister of National Security? Or indeed, why not the Director of Public Prosecutions?

You see, this Bill that is before us requires a special majority. It is a Bill that the entire nation should be looking closely at and should be discussing. Let us

Criminal Matters Bill
[SEN. MOHAMMED]

Tuesday, October 7, 1997

explore and look at the alternatives or the options that are available to us. We know that in Trinidad and Tobago we have a written Constitution and under section 90 of the Constitution of Trinidad and Tobago it specifically caters for the Director of Public Prosecutions who is in charge of criminal matters. We have grave concerns about the Attorney General trying to usurp the authority and the functions of other institutions and agencies.

When the Attorney General presented this Bill in August, he did refer to the requirements under the model legislation. We recognize that the Attorney General in some countries has, in fact, been appointed the central authority, but the fact remains that there is no compulsion and there is no hard and fast rule under the treaty obligations to which we have agreed, that the Attorney General must be that central authority.

In the Harare Scheme and, indeed, in the model draft legislation that has been made available throughout the world by the United Nations, the option is given for individual states to designate either a law enforcement agency, such as the police service, the customs, a public prosecutor or even a judicial authority to be designated as the central authority.

3.10 p.m.

In Trinidad and Tobago we should have the option to choose which agency we would want to designate as an appropriate central authority. Our argument is that already there is in place, legislation that sets up a Strategic Services Agency as a co-ordinated agency, and which had been given powers to deal with matters of this type. Could we not designate this agency as the central authority? My simple suggestion is: Can we explore the possibility of having the Director of Public Prosecutions who is in charge of criminal matters, designated as the central authority in the country? Why the Attorney General? It really boils down to a case of the Attorney General usurping the functions of other authorities.

When one looks at the Bill, much of the provisions are certainly in accord with the model piece of legislation which has been circulated throughout the world. Some of the safeguards are there. There are some general provisions. I believe one of the requirements in enacting this type of legislation is that there should be some measure of confidentiality when requests are made, whether it is a witness, or information. To what extent, in this Bill, do provisions for safeguards exist with

respect to maintaining confidentiality? When one goes on to look at clause 12(5), it raises another concern which we have with this Bill. Clause 12(5) states:

“Nothing in this section shall preclude the release in Trinidad and Tobago without return to the Commonwealth country of any person transferred where the two countries and the person concerned agree.”

This raises the question whether a prisoner who has been brought into a country to assist in any legal proceedings can probably bargain in order to give evidence in return for his freedom. It raises another issue, and that is the problem which the Caricom countries have been confronted with in recent times, the problem with deportees being taken from prisons in the United States of America and dumped into our little islands. This brings into focus the debate that took place earlier this year when the infamous Shiprider Agreement was being discussed regionally.

One would remember earlier this year that there was a Caricom/US summit which took place in Bridgetown, Barbados. During this time, Trinidad and Tobago was, indeed, the laughing stock of the Caribbean region because of the wholesale sell-out that took place when the present Attorney General and this Government signed that infamous Shiprider Agreement. The argument has been that we rushed into signing such an agreement without any regard to reciprocity and, indeed, very little or no regard to principles of sovereignty. In fact, under Articles 4 and 17 of the Treaty of Chaguaramas which sets up Caricom as a regional body, it specifically provides that within the Caribbean there shall be co-ordination of foreign policy.

We have absolutely no problem in co-operating with the United States of America or indeed with any other country in terms of fighting the drug trafficking problem that the world is facing. When one looks at some of the commentaries which had arisen when this shiprider debate was going on, one would see that US/Trinidad and Tobago Shiprider Agreement is, in fact, inconsistent and, indeed, the experts have come out and said so. It is in fact inconsistent with some very basic principles of international law.

When one compares the manner in which we hastily and readily signed that agreement—it was three or four months after this Government came into power—with the approach of our Government and the very cautious approach taken by the governments of Barbados and even Jamaica, one would see a very big difference. In fact, in those two countries some measure of re-negotiations have taken place. Indeed the Barbadian government had asked for a package with the

Criminal Matters Bill
[SEN. MOHAMMED]

Tuesday, October 7, 1997

United States of America that included measures to deal with the indiscriminate deportation of criminals from the United States of America. Mr. Vice-President, we went ahead lock, stock and barrel and sold out. I wonder why. Is it that some Members of the Government have been expecting favours from the government of the United States of America? Whatever the reasons, at the time of this debate I distinctly remember the hon. Attorney General condemning sovereignty, referring to it as “outmoded notions of sovereignty”. Then, the Attorney General was condemning principles of sovereignty, yet a few months ago the Minister of Foreign Affairs was harping on sovereignty concerns in order to save face.

Mr. Vice-President, with all due respect, one would recall just a few months ago the Minister of Foreign Affairs went to the OAS meeting and discussed at length the fishing dispute and the problem between Venezuela and Trinidad and Tobago, and as soon as he returned to this country the Venezuelan ambassador was recalled to Venezuela. Subsequently, the Minister of Foreign Affairs was expressing concern about sovereignty and notions of sovereignty. On the one hand the hon. Minister of Foreign Affairs is talking about sovereignty and, on the other, the hon. Attorney General condemned notions of sovereignty. I raise this because we have to wonder what is really going on.

I would like to think that because Mr. Ralph Maraj had some training and grounding in the PNM, he appreciates and understands the significance of these sovereignty principles. In fact, there is a school of thought that goes so far to indicate that the problems we have been having with Venezuela in recent times may even be linked to this Shiprider Agreement. The fact of the matter is, the Attorney General seems hell-bent on usurping the authority of others. This piece of legislation emphasizes this point.

This morning, I was rather amused to see on television a group of people in the Attorney General’s constituency squatting on Caroni lands. I wonder what would be his position now. Whom is he going to fight?

Mr. Vice-President, when one goes into this Bill and looks at clause 41, one would see a provision that the written law referred to in the first column of the Second Schedule is amended as correspondingly set out in the second column of that schedule. In that Second Schedule what is being deleted is, in fact, section 6(2)(c) of the Strategic Services Agency Act. The Attorney General presented this Bill and he made absolutely no mention of this fact. We view this usurpation of the authority and functions of other institutions as a very serious matter.

3.20 p.m.

We have tremendous difficulty in supporting this Bill in its present form, insofar as clause 3 is concerned, where it seeks to give the Attorney General extensive powers in dealing with these criminal matters at an international level. We have grave concerns because we believe institutions are in place in this country that can adequately handle matters of this type. We feel strongly that the hidden motive behind this is really to set up a parallel institution of which the Attorney General would be in control. I have to wonder if this has anything to do with the Caribbean Research Unit. I understand it is already operational. Where is the transparency? What is this Government doing? What is the position with the Strategic Services Agency?

This Bill is dangerous in its present form because it is a reflection of some of our worst fears in the country, coming to pass under this present administration. We are not prepared to support it in this form. We feel there should be national consultation on this important piece of legislation.

Earlier today I was amused while reading *Hansard* dated March 29, 1995, when the Strategic Services Agency Bill was being debated in this Senate. I had to laugh when I read comments made by the hon. Minister of Public Administration and Information when he was on this side. Hear the hon. Senator when he was Leader of the Opposition:

“What we are witnessing in Trinidad and Tobago is what I refer to as 'accumulated madness', as this Government—backward and controlled by evil forces—seeks to establish in our country, metre by metre, a repressive state apparatus; a virtual fascist arrangement;”

I would use his words because we are witnessing that today. Earlier today he tried to muzzle the Opposition from making comments in this Chamber.

He went on further to say:

“If we analyze the behaviour of this Government even towards the press, we realize that the new czars of Trinidad and Tobago want to control the media as they have attempted to do and are doing to some extent.”

He is talking about new czars, when they are now seeking to brainwash the minds of the young children by giving free copy books with their party symbol on them. We are living through a very dangerous time in the history of Trinidad and Tobago under this fascist regime, the United National Congress. I do not know

Criminal Matters Bill
[SEN. MOHAMMED]

Tuesday, October 7, 1997

what other political parties or elements are associated with them at present. It is a very frightening situation. We call upon the Government to allow further discussions and let the public have a say with respect to this piece of legislation.

I reiterate that we are committed to honour our international obligations. We appreciate the importance of having mutual legal assistance legislation in place, but we have a serious problem with allowing the Attorney General to be the central authority as is being put forward under this particular piece of legislation.

Thank you.

Sen. Diana Mahabir-Wyatt: Mr. Vice-President, I have one short comment to make on this Bill. Before I do, I crave your indulgence to welcome and congratulate the new Senators who have come into this honourable Senate. I was just doing some mathematics and I now realize that the gender representation in this Senate almost matches the population as a whole. I think except for Iceland, no other country in the world has this. We must be getting right up there breaking records.

I have one question with respect to the Bill before us and I hope the hon. Attorney General will answer it. I want to know if this Bill will cover acts of domestic violence. There have been instances where domestic crimes were committed and it was found out that the abuser has a long record in another country, but it could not be used here in litigation. Following this legislation, is it possible that a system could be devised whereby criminal records of persons who are extradited or returned to this country because of illegal immigration reasons, would be sent back with them?

I want to be reassured of that matter because in some previous legislation I have noticed “serious offences” being referred to, as on page 9, where “serious offences” have not included domestic violence offences. I congratulate the Attorney General on seeing that the legislation which we passed last year is now enabling the Government to appeal sentences which are considered to be too lenient. This has finally been used in the instance where a judge, for some extraordinary reason, accepted an argument that a security guard who killed his baby daughter was not a violent man. He hit her so hard in her stomach that it ruptured her internal organs. That particular sentence is being appealed. I must say how very happy I am that the legislation is being used.

Thank you.

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, this Bill making provision for mutual assistance in criminal matters within Commonwealth and non-Commonwealth countries becomes significant when we seek answers to such a question as the one I would now ask. What was a Venezuelan national doing in Port of Spain on Thursday last with 700 grammes of cocaine, an AK-47 rifle, a .45 Astra hand gun, 98 rounds of ammunition and local and foreign currency? It makes this kind of debate and legislation very relevant.

I support the legislation because I believe that aspects of our crime problems and situations are influenced by international forces whose presence in Trinidad and Tobago is no secret. The world order which is global rather than isolationist makes mutual assistance compulsory in the battle against crime. For too long we have been a conduit for the drug trade; now the worst has befallen us. We are not only a conduit, but there is a local market which is creating enough social disaster and headache for us. From the reference I made earlier to the seizures of firearms in Port of Spain, we may also be the destination for firearms. Are there more illegal AK-47 rifles, .45 Astra and Uzi guns among us?

3.30 p.m.

Mr. Vice-President, we are a frightful second in the Caricom region when it comes to brutal, senseless, cold-blooded murders that are gun related. In the grip of crime we are hurting, but this Bill is reminding us that the head and the heart, the life force of crime, may not be located in Trinidad and Tobago but in other countries and, therefore, we cannot fight it alone. Crime is no longer a national problem and mutual assistance of any kind, certainly, reminds us that international co-operation is inevitable.

I know a previous speaker referred to the controversial Shiprider Agreement. That is possibly the most controversial, mutual assistance agreement among Caribbean peoples for this decade. I want to take a different position on that.

I think that if we did not adhere to the Shiprider Agreement with the United States, then the way things are going it would have been with Colombia or the Andean Group. Globalization makes such agreements sensible and I congratulate the Government. Furthermore, our own insufficiency in finance and technology makes the Shiprider Agreement tolerable, given the international reaches of crime. Such agreements and schemes of assistance are vital means of survival for small nations as ours, and sovereignty, as I see it in this context, pales in the presence of criminal and terrorist activities which can destroy both a people and a government.

On specific clauses of the Bill, I would like to make a few observations. The first is: On such an important scheme which promotes international co-operation in criminal matters, why is an agreement made way back in 1986 in Harare, and endorsed in Vancouver in 1987, now being considered?

The next concern I have is about clauses 3 and 4 on the very important question elaborated on by Sen. Mohammed concerning the central authority—the authority for transmitting and receiving requests under the scheme. I think we need greater clarification on the central authority. Sometimes the central authority could be the Attorney General or a person or an authority that he may or will designate.

In clause 4 there is reference to the Minister. There is something that is a little too fluid, woolly and nebulous about the central authority, and there is need to be a little more specific. I hope that those who are versed in amendments will see that this is tidied up. There is a flow among the Attorney General, some person or authority that he may designate to be the central authority and the presence of the Minister. Which Minister? We need clarification on that. It is very important.

I spent some time last evening reading clauses 11 and 12, which are about the safe conduct of overseas prisoners under this scheme, while they are in Trinidad and Tobago. This begs the question: Can we really guarantee safe conduct? How reliable is our witness protection programme? What developments have we made within recent times for the implementation of issues raised in clauses 11 and 12?

On the question of our competence to participate in such a sensitive scheme, I am concerned with our own preparedness, or our credibility will not stand international scrutiny and tests. I would like to draw the attention of hon. Senators to one of the most distressing crime stories of last week, and maybe one of the most distressing crime stories of the last few months. I read certain sections from *The Independent* dated October 4, 1997: “Drug Dealers take over Govt records”. Mr. Vice-President, I am not saying that I believe this. I am just reading what other people read on October 4. I am talking about right downstairs in the Red House.

“Drug dealers and other criminal elements with the help of dozens of public servants, have been running a ring of fraud and deceit involving the use of fabricated birth and marriage certificates, and the unauthorised transfer of land and property deeds...

Drug dealers known for their numerous aliases, according to sources close to an investigation, have been paying corrupt public servants to falsify, fabricate and duplicate their birth and marriage documents and have falsified land and property deeds.”

Of course, there is an investigation on this. I wonder what will happen to this. How long has this been going on, Mr. Vice-President?

“The *Weekend Independent* learnt that Government has received several complaints from the Canadian High Commission and the US Embassy about the prevalence of forged documents being tendered by TT nationals.”

By the way, Canada is part of this mutual assistance scheme and they are very well-aware of our competence.

Mr. Vice-President, the article speaks, not only about downstairs, but about the Registrar General’s Office at pro-Queen Street, Arima.

“The investigating team was set up to deal with the stealing of pages from county books and the unauthorised selling of Crown lands and deeds. It was also discovered that a number of unauthorised searchers were stealing and destroying judgements and complete journals of transfers.”

I describe this as one of the most distressing crime stories of the last few months. Here I am, raising the question that Sen. Mohammed raised and that is the question of implementation. We need to set our house in order first before a scheme like this can really get off the ground so that we can be a meaningful participant in an international arrangement such as this.

All in all, Mr. Vice-President, if at all there is some serious amendment to correct the deficiencies of clauses 3 and 4, I would have no hesitation in supporting this legislation. I thank you.

3.40 p.m.

Sen. Martin Daly: Mr. Vice-President, I would not repeat much of what has been said by my colleague Sen. Rev. Teelucksingh because I agree with nearly all of it. He may have been a little more fulsome in his praise on Shiprider than I would have been, but I will certainly say that since we have lost all sovereignty in economics and investment, I really do not know what is the problem in losing some sovereignty in pursuit of crime prevention.

Indeed, looking at this disgracefulness that has been presented to us today, I do not know what all the fuss is about the loss of sovereignty in the pursuit of crime when we have lost our sovereignty in economics and investment. I am sure there is a great deal of sovereignty when we have to pay someone TT \$5 million because the World Bank says so. *[Interruption]*

Criminal Matters Bill
[SEN. DALY]

Tuesday, October 7, 1997

It is relevant—although, unlike the Leader of Government Business, I believe, Mr. Vice-President, that you are the person to rule on relevance—to mention sovereignty in the context of this Bill because it seeks to address the globalization of crime and as we know, there has been globalization of the economy and investment.

I had guidance from another very wise colleague, Sen. Dr. St. Cyr a long time ago, who advised that in the context of privatization, we take things on a case by case basis and we have tried to do that. I have some misgivings about this Bill and they do centre on clauses 3 and 4 as Sen. Rev. Teelucksingh has pointed out. I think it is very commendable that the Government should seek to have this type of exchange in relation to crime and criminal proceedings. I considered it very carefully, particularly because Sen. Mohammed gave me forewarning about the interrelationship with the Strategic Services Agency. There is some overlap but that really has to do with the gathering of intelligence in relation to the drug trade.

As I see it, what this Bill tries to do is to smoothen co-operation between countries in relation to criminal proceedings for serious crimes and I think that is very commendable. My difficulty is always with accountability, as with many of my colleagues, and while I was approaching this Bill in a somewhat *laissez faire* frame of mind, when I got this list, it reminded me that on a Tuesday I cannot be *laissez faire* because of the sins of Government in a capital "G". I always make the point on the Independent Benches that we address the sins of Government with a capital "G" without regard to party. When one gets a list like this one sees: "Man buss finance company and gets job with the Government" then one realizes the sins of all Governments are the same and, therefore, one has to address the sins of Government with a capital "G" without regard to party. They all commit the same sins. Whether it is in relation to debt, investment, or fixing up the boys, Government creates its original sin and all governments suffer from original sin. All governments always want too much power and the purpose of the democratic system is to give the government just enough executive power to run the country efficiently, but not too much executive power that it can make puppets of all of us. That is why we fight so hard to protect the rights of the media and other persons who are all part of this dynamic process.

I see a great violation done here in clause 3 to our political and democratic process as I understand it. I am not going to enter the debate as to whether the Attorney General or the Minister of National Security should be the central authority. Sitting in the back here, I rather think that debate has been blown out of

all proportions, because as we commonly do in Trinidad and Tobago, we are focussing on personalities and not office, so I am not too concerned whether it is the Attorney General or the Minister of National Security. What I am concerned about is that it should be somebody who is accountable and I share Sen. Rev. Teelucksingh's confusion that one could possibly have three persons working the Act.

I am going to try to respond to his suggestion that we make sense of it by an amendment. It seems logical that if the Attorney General is going to be the central authority, then at the bottom of page 7 in clause 2, the Bill should assign the subject of mutual and legal assistance to the Attorney General one time and be done so that we cannot ever have a situation where there is more than one person operating the Act. In order to deal with Sen. Rev. Teelucksingh's point, the amendment must either be to amend the definition of "Minister" to make the Attorney General the person, the subject to whom mutual assistance is assigned, or alternatively, to say that the Minister, that is the Minister to whom the subject of mutual legal assistance is assigned, shall be the central authority, but we really should not have both in my respectful view. That would clear up the misgivings of Sen. Rev. Teelucksingh, which I share.

What I will not accept, Mr. Vice-President, is that whoever is the central authority, whether it is the Minister of National Security or the Attorney General, can, as provided for in clause 3(2), "designate any person or authority as the central authority." I simply will not accept that. I am afraid I will have to reserve my position on that subclause alone, and I know that one's vote is important in this matter. I think the rest of the Bill is very commendable, but on that subclause alone I have very serious reservations, which I would try to explain.

Just as your authority in the Chair should be respected and not usurped by anyone in deciding relevance, equally, the functions of a minister of Government cannot be usurped by someone, or handed out—because it is designate—willingly to some other person who is not accountable. That is the fight I have had with more than one government. What is objectionable about this clause is that it makes inputs in the gift of a minister of Government—let us forget the personalities, the Attorney General is a minister of Government—this very important function of co-ordinating criminal proceedings which, as one speaker has pointed out, will of necessity mean that a great deal of confidential information may be involved.

Criminal Matters Bill
[SEN. DALY]

Tuesday, October 7, 1997

A Minister of Government as we know only too well—because these are the sins of Government—may pick, or already has picked some “pardner” to be the central authority and whether it is a “pardner” or a worthwhile pick, or whether it is the Caribbean Research Unit, which we will have to explore in a while, that person, in my view, will not be accountable to Parliament or anyone else for the implementation and operation of this Act.

I would like to see clause 3(2) removed altogether because I think we should make a decision as to who should be the central authority because, after all, if it is a minister or the Attorney General, it does not mean that he has to do everything himself; he will have the use of his department in operating the Act. So that we do not need clause 3(2) at all. In the event that the Government, for whatever reason, would have to disclose it to me—and I tried to ask the Attorney General about this before he sat down but I was not able to catch his eye—we do not need clause 3(2) at all. It is dangerous because it places no qualification. Indeed, if you appoint someone under clause 3(2) arguably, that person becomes autonomous. It does not even say that the Minister or the Attorney General may designate any person or authority as a central authority to act on his behalf, making it clear that he is merely an agent of the Attorney General.

3.50 p.m.

I, certainly, would not like to think that we are going to pass legislation which would leave any room for suggestion that this central authority is completely autonomous. Mr. Vice-President, as you would readily appreciate, in this country where we do have authorities that are autonomous, they are set up pursuant to a statute and their powers and functions are specifically defined, and the limits of what they can and cannot do are specifically defined. Indeed, the qualifications to be the authority are specifically defined.

Here we have a blank cheque for the Attorney General. I think, clause 3(2) should be deleted. At the very minimum, it should be amended to make it clear that the authority would be acting on behalf of the Attorney General. I think it is completely objectionable that it can be done this way. We need to be careful. Mr. Vice-President, the list makes the point.

There is an organization called the Caribbean Research Unit. I have been given what I am told is the address and telephone number of the Caribbean Research Unit, and I know of no legislation that permits the Government to operate any such unit. Let me put it this way; town say that the alter ego of the Caribbean

Research Unit is someone whose name appears on page 4 of this list. You see how the disclosure of parliamentary information is so important, even if you try to convert question time into statement time. I certainly would not like to think that someone has been bespoken to be the central authority, ahead of time, without it being disclosed to us who that person is. So that the purpose of this clause is to sanctify or ratify some private arrangement that has already been made. I simply cannot see what is the purpose of this clause, otherwise. Therefore, I become somewhat alarmed and suspicious that the purpose of this clause is, as I say, to sanctify or ratify the activities of some body, that is, some authority that has already been set up and funded in some unspecified part of the budget.

Even though in the cut and thrust of parliamentary debate we try to bend the rules, and it is important that we continue to recognize that we are bound by rules, I notice that the boundaries of parliamentary privilege are being extended once more. I emphasize once more. The calling of names and the attributing of things to person's names did not start last week. I certainly would not like to try to extend the boundaries of parliamentary privilege by saying anything more about the Caribbean Research Unit.

I certainly want two things from the Government: I want some very, very strong justification of the need for clause 3(2). In any event, I am not likely to accept it in its present form, where it does not make it clear that the designate is the agent of the Attorney General or the minister. I certainly want the Attorney General or the Government's absolute assurance that no individual, no authority or no unit has already been bespoken to be the central authority under this Act. I want the clearest assurance; not some statement—let us look at the list again, Mr. Vice-President. I want an assurance. I do not want what is described on page 13 as a "Corporate Image Enhancement Strategy". When the Government responds to my question about whether someone has already been bespoken, I do not want to get a corporate image enhancement strategy. I do not want it at \$90,000 and I do not want it free. I want a clear assurance that there has not been some arrangement already made. I do not want to be churlish.

Therefore, I would like to repeat that I support the Bill, but I cannot support it with clause 3(2) for the reasons which I have explained. It is very important to me, constitutionally, with respect to clause 3(2). I sincerely hope and I urge my colleagues immediately in front, that if they are telling us that this is a very important piece of legislation, it has to do with fundamental rights and if they are supporting this Bill, but not in its present form, then I would certainly ask that they

Criminal Matters Bill
[SEN. DALY]

Tuesday, October 7, 1997

produce some amendments so we can see in what form they are saying this Bill would be accepted. If the debate is disclosing that everyone, in principle, agrees with the Bill, then if we are to do justice with the country's business, we must come up with a form with which we can all live. I urge those in front of me to stop saying that they cannot support it in its present form and disclose to me, in what form they would accept it.

Finally, Mr. Vice-President, I really have an absolute paranoia about this "Trini" thing of mixing up personality and office. So we are going to get into a "big thing" about whether it should be the Attorney General or the Minister of National Security. It is not really going to matter if they pick a partner to do it, anyway. We have got to concentrate on the issue. It is about six or eight weeks since this Bill was presented and I think, in fairness, one should remind Members that the Attorney General did give several examples of countries in which the Attorney General is the central authority. That, certainly, went a long way because I had given certain advice about how the Minister of National Security should deal with his door when he sees certain people approaching his office. It certainly went a very long way to soothe my misgivings which I initially had about the office of the Attorney General as opposed to the office of the Minister of National Security. I think it is right to remind Senators, because he gave examples of several countries in which this central authority resides with the Attorney General.

I am repeating myself a bit. This is because I want us to focus on the real issues. What are the powers of the central authority? How is it going to be implemented fairly? What are the safeguards to our appropriate constitutional rights? I do not think the issue lies in the personalities involved here. To me, the much bigger danger is, whoever is the central authority, should not have the blank cheque that resides in clause 3(2).

Thank you very much, Mr. Vice-President.

Sen. Pennelope Beckles: Mr. Vice-President, I rise to make a very brief contribution on this Bill to make provision with respect of the Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth and to facilitate its operation in Trinidad and Tobago and to make provision concerning mutual assistance in criminal matters between Trinidad and Tobago and countries other than Commonwealth countries. I just want to focus on a few areas and to also voice my concern in relation to the issue raised by Sen. Rev. Teelucksingh with respect to clause 13, dealing, specifically, with custody of persons who may be in Trinidad and Tobago in relation to this mutual assistance that we are discussing.

4.00 p.m.

We know that over the last few years we have had serious difficulty in ensuring the safety of certain witnesses who are in custody of either the police or any other authority that has been given that responsibility. As a matter of fact, Mr. Vice-President, we would have recognized that over the last few years, because of the fear of several persons in relation to their lives, they have preferred actually not to give evidence rather than run the risk of being killed. We do know the extent to which this piece of legislation is important.

We can even go further to say that legislation had to come before this Parliament to deal with situations where a witness was killed. We had to then deal with legislation to ensure that evidence given in the Magistrate's Court could have still been used in the High Court. We do recognize that this is an extremely important piece of legislation. As a matter of fact, it is becoming quite a norm, particularly in the Magistrate's Court in Trinidad and Tobago, for bomb threats to be had almost every week. In Chaguanas, on two particular days either last week or the week before, there was no court because of bomb threats. Mr. Vice-President, when we are heading in the direction of courts not being able to be held because of bomb threats, we know how critical this Bill is.

I mentioned before that in some instances in some of the courts it is not even being taken seriously. While the members of the public are sent outside, the activities are carried on as though no one is taking this seriously. I deal with that in the context of this whole issue of mutual assistance of evidence because it is not just persons; it is the question of actual evidence. Very soon, people will realize that it is a question of documents and other pieces of exhibits being moved to and fro. This whole issue of security of our documents, and security of the staff who work—and by extension, security of the members of both the lower and higher judiciary—come very much into play. We may pass the legislation and find that the criminals become sometimes much more advanced than some of the technology we ourselves put into place. They sometimes are just a step ahead of us.

Mr. Vice-President, clause 7 refers to the several pieces of evidence or information, judicial records and samples of any matter being taken. We do know there are several matters in which documents from the Hall of Justice and other places have been known to disappear and, up to today, those very important pieces of evidence were never found. In some instances, this resulted in persons having never been tried at all and those matters having to come to an end because of the non-existence of those documents.

Recognizing how critical that is, it then brings me back to the critical clause that seems to be causing some concern. That is the whole question of designating any person or authority as a central authority. If we accept that all the issues being dealt with here are critical, it will be extremely strange that as a Parliament, we would want to pass legislation and not be aware of the person who would be designated as the central authority. Therefore, clearly, I suggest that clause 3(2) should be withdrawn, except of course if the Attorney General could give us some serious assurances that the person not only would be acting on his behalf, but that the person would be directly responsible to him. Even then, with us not knowing exactly who that person is, I think it would be extremely irresponsible to accept that sort of thing. I think what it necessitates then, is clearly for that particular clause to be removed.

Over the last two years that this Government has been in power, we have seen on several occasions, instances where, I would want to suggest, it has abused its authority. I can cite, for example, the Minister of Local Government who has been sending letters to various regional corporations giving them directions as to what roads to repair and what they should and should not do. When I look at the list that has just been passed here, I see that an incredible amount of money has been paid for a consultant in the field of local government to assist the Minister of Local Government in the implementation of the Municipal Corporations Act. It is a concern when authority is vested and there is not only at some times, misunderstanding as to what one's authority is, clearly even when it is specified in the Act, but in some instances that authority is obviously abused.

Mr. Vice-President, we would be requesting that clause 3(2) be deleted. I think it would be extremely irresponsible of us having regard to the fact that this is a Bill of international proportions. It is a Bill that deals with mutual assistance of material evidence from all over the world. I know there was a case that was completed sometime last year where the United States would have been extremely happy to obtain certain exhibits and evidence in relation to a particular case that was dealt with both in Trinidad and Tobago and, at some time, in the United States. Because of the fact that a similar piece of legislation like this did not exist, they were not able to obtain that evidence. So, we suggest that clause 3(2) be deleted.

My colleague, Sen. Mohammed, mentioned that in the debate of the Strategic Services Agency Bill on September 11, 1995, the then hon. Minister Eckstein, who was then the Minister of National Security, indicated that the Cabinet had directed

that the Organization of Strategic Services (OSS) be the central authority for Trinidad and Tobago. Bearing in mind what our suggestion is in relation to 3(1), I would like to make it clear that our contention has nothing to do with that of personalities. We are bearing in mind that a debate had already existed dealing with similar issues.

In fact, if I might just suggest—what the Minister had said, he discussed the whole issue of the Vienna Convention. He discussed the fact that the states were encouraged to enter into mutual legal treaties, and they were all required under that said convention to deal with designating a central authority within the country for channelling and processing of mutual legal assistance. Cabinet at that time had directed the OSS to be the central authority. What we are saying is that this issue was raised and that was already suggested and we are not dealing with the issue of personality. We are saying that since that was debated and, clearly, from what we have heard, that authority seemed to have been properly vested with personnel and persons who are properly equipped to deal with exactly what is here before us today.

4.10 p.m.

So, Mr. Vice-President, the last issue is that of "minister". What is the definition of "minister"? So that one can be absolutely clear. We do know that very often when pieces of legislation are passed and several clauses are left open-ended to interpretation, then it means that it is a recipe for, literally, chaos. Subsequently, if one takes clauses 3(1) and (2) together, one can find that, tomorrow morning any person or authority can be vested with that power and persons can find that their possessions—extremely serious critical documents and critical evidence—which subsequently those persons may not be able to account for, either how they came by those documents, or if those documents have disappeared, where those documents have gone.

Mr. Vice-President, Sen. Rev. Teelucksingh dealt with the whole issue of controversy in the Registrar General's Department and the Red House. That of course, is linked with the whole issue of the alleged corruption and so forth, in terms of Justices of the Peace and their appointments, and the subsequent deeds and several documents that either do or do not exist. The point is that those are the same pieces of evidence to which we are referring today and it tells us that if our Registrar General's Department, our Red House, our agency which is responsible for registering our deeds and all our critical documents, if it has come to our knowledge that the department is clearly not in order—that is one of the

departments from which a lot of the documents will obviously have to come with respect to this Bill, because it is the accepted and legal department to register our deeds and several documents. As was said in *The Independent* newspaper, people are able to create birth and death certificates, false deeds and these are the critical pieces of evidence that I think we are talking about in terms of mutual assistance.

Mr. Vice-President, this Bill, therefore, also leads us to take a look at ourselves in terms of the existing machinery that we have for securing our documents and, by extension, securing the persons who are responsible for the handling of our documents. So that, as my colleagues said, our position is that in relation to clause 3(1) we would like the Organization of Strategic Services to be the central authority and we are requesting that clause 3(2) be deleted.

Thank you, Mr. Vice-President.

The Parliamentary Secretary in the Ministry of Housing and Settlements (Sen. Carol Cuffy-Dowlat): Mr. Vice-President, I must begin my contribution in a very unorthodox manner. First, by thanking Sen. Daly for expressing so clearly, a sentiment that I share and that is, when we are discussing matters of such importance as the one before us today, we must spend less time discussing the personalities and more time getting involved in the meat, the relevance, or the purpose and intent of the matter before us and to make relevant recommendations.

I must express my disappointment in my hon. colleague and friend, Sen. Mohammed, who spent more than half of her contribution discussing her fears and suspicions of the hon. Attorney General, unfounded as they are. Mr. Vice-President, why would the Senator want to spend so much time discussing the hon. Attorney General and not, herself, making some recommendations on the matter before hand?

Sen. Mohammed: Just on a point of clarification. In my contribution I did indicate that we already had under legislation, the Strategic Services Agency as an established agency that, specifically, was given the function to deal with requests for assistance related to criminal matters and so forth. So that, it is erroneous, it is wrong, for the hon. Senator to get up and make those remarks.

Sen. C. Cuffy-Dowlat: Mr. Vice-President, again, relevance is important and maybe the hon. Senator did not appreciate the relevance of that Bill at the time and the one that is before us today. Because this Bill was laid before this Senate about six or eight weeks ago, maybe we ought to spend some time in understanding what this Bill is all about.

The Mutual Assistance in Criminal Matters Bill, 1997 is to make provision with respect to the Scheme relating to mutual assistance in criminal matters within the Commonwealth and to facilitate the operation in Trinidad and Tobago and to make provision concerning mutual assistance in criminal matters between Trinidad and Tobago and countries other than Commonwealth countries.

Mr. Vice-President, we will all agree that central to human existence is the concern for human security. Given the interdependent world system in which we now live, criminal activity is no longer an isolated event confined within national boundaries; their consequences travel the globe. This is a fact of life, it is not going to go away. I think we must always appreciate that. This is, in fact, what led the Commonwealth law ministers to adopt the Commonwealth scheme for mutual assistance in criminal matters when they met in Zimbabwe from July 28—August 1, 1986.

Mr. Vice-President, this scheme is premised on a very simple basis, namely the Commonwealth governments within certain respects extending to other Commonwealth governments the facilities which, within their own legal framework, are available to their own agencies. It is important to note that the scheme is not asking for uniformity of legislation. What it looks forward to, however, is the progressive development of appropriate provisions to enable the desired degree of co-operation to be extended.

The lack of legislation of this urgent nature by the PNM Government is reflective once more of their insensitivity, lackadaisical complacency and apparent incompetence in governing and, their inability to want to really deal with crime in this country, and I think the hon. Sen. Mohammed must admit this.

Mr. Vice-President, the urgent need for co-operation in criminal activities has arisen out of the contemporary general characteristics of these crimes and criminals. Criminals and crimes have now transcended national territorial borders and criminal jurisdictions. Criminals do their misdeeds in one county, the proceeds of the crimes are removed to another country and the witnesses are yet to be found in another country. The prevention of such crimes constitutes but one aspect of a consequential problem, the answer to which lies mainly in the adoption and execution of effective practical measures.

The other aspect concerns the bringing of guilty parties before the bar of the criminal justice system. This in itself will require a fundamental reappraisal of our traditional approach to criminal law. This is a fact with which we have to deal, and

Criminal Matters Bill
[SEN. CUFFY-DOWLAT]

Tuesday, October 7, 1997

it is that common crimes transcend national borders and conventional criminal jurisdictions are greatly facilitated today by the technological advances, communication and transportation. Criminals use national boundaries as shields against detection and investigation. They are able to act and react more quickly than any one country's law enforcement capabilities, which are handicapped by traditional notions of territorial jurisdiction. This is what the Commonwealth governments fully appreciated, hence the need for this type of legislation.

Mr. Vice-President, the traditional approach to law enforcement is no longer adequate. A country cannot concentrate solely on catching criminals within its own boundaries and ignoring criminals who have relocated outside the country or who have left the evidence of their crimes elsewhere. With criminals taking advantage of electronic money transfer systems, telecommunications and jet travel, we have to find ways to detect and investigate these transnational crimes. When transnational crimes go undetected or unpunished, everyone in the world pays the price. Criminals who know that they can use national borders as shields to protect them from getting caught can increase their criminal activities without fear of the consequences.

4.20 p.m.

Mr. Vice-President, these realities lead irresistibly to the conclusion that the traditional limits of criminal jurisdiction need to be extended beyond territorial boundaries so that the powers of criminal law to arrest, search and seize property are becoming relevant and equal to the challenges now posed by international economic criminals. The fact is that crime has ceased to be largely local in origin and in effect. Crime is now established on an international scale and the common law must face this new reality.

Mr. Vice-President, I think it is important that we cite or remember some states that have recognized the importance of mutual assistance in criminal matters and have, in fact, taken the initiative in implementing their own measures. To refresh our memories, may I point out that Antigua and Bermuda, Mutual Assistance in Criminal Matters Act, 1993 was passed; Bahamas, 1993; Barbados, Mutual Assistance in Criminal Matters Act, 1992. It is important to point out that in the Barbados Act, under section III, the powers are, in fact, vested in the Attorney General. Britain, Criminal Justice International Co-operation Act, 1990. Canada, Nigeria, Turks and Caicos, Zimbabwe, Australia, New Zealand, and the United States have all seen the importance of legislation of this nature. Australia, New Zealand and the United States of America have also vested powers of this nature in their Attorneys General.

Mr. Vice-President, the purpose of this legislation is to help level the criminal playing field by disallowing the boundaries of sovereignty to hamper the apprehension of criminals. In terms of enhancing our legal framework to deal with drug trafficking and other serious crimes, mutual assistance is an essential way forward. This is why I am pleased to hear that all Members support the purpose and intent of the Bill. If my friend and colleague, Sen. Nafeesa Mohammed has difficulties with certain sections she should point those out and make the relevant recommendations. I am certain that if these recommendations are well-founded, the hon. Attorney General will be more than happy to discuss them.

Clauses 18 to 20 of the Bill deal with assistance in tracing property derived from an offence and the assistance in obtaining restraining orders in respect of such properties. Co-operation between and among countries in tracing, seizing and confiscating the proceeds and instrumentalities of crime is necessary in recognition of the effective use of the power of seizing and confiscating the criminal profits. We must find the properties, trace and seize them so that criminals would, in fact, get the message. Mr. Vice-President, this is especially so in light of drug trafficking, money laundering and fraud and the ease with which proceeds can be transmitted across national boundaries.

Article 5 of the 1988 United Nations Vienna Convention has detailed the obligations of the parties to seek the forfeiture of drug trafficking and money laundering proceeds. It mandates each signatory country to enact laws with domestic and international forfeiture application. The Convention has also imposed significant obligations in relation to the provision of international co-operation in the sphere of mutual legal assistance. Additionally, the 1988 United Nations Convention in Article 7, has outlined guidelines against illicit trafficking in narcotic drugs and psychotropic substances. Countries adopting that convention afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to criminal offences. By the introduction of this Bill, apart from tackling the crime problem, we are also fulfilling our international obligations which the PNM government has failed to fulfill.

Another essential and important element of mutual assistance as identified in the Bill is the negotiation of treaties and bilateral agreements. This Government has made considerable strides in this regard. The Extradition United States of America Order between the Government of Trinidad and Tobago and the government of the United States on mutual legal assistance in criminal matters were both signed on March 4, 1996. Mr. Vice-President, as I continue you would

Criminal Matters Bill
[SEN. CUFFY-DOWLAT]

Tuesday, October 7, 1997

see this Government's thrust in wanting to deal with the problem at hand; not just talk or "coulda, woulda, shoulda" but it is a concrete effort at dealing with the problems at hand.

The draft text of the Mutual Legal Assistance in Criminal Matters Treaty between the governments of Canada and Trinidad and Tobago and the Sharing of Equivalent Funds Agreement of Trinidad and Tobago and Canada were initialled on March 27, 1997. The draft text of the Mutual Legal Assistance Treaty between the governments of Trinidad and Tobago and the United Kingdom of Great Britain and Northern Ireland were initialled on May 14, 1997.

Mutual legal assistance treaties are intended to enhance the degree of co-operation between the judicial and the law enforcement agencies of different jurisdictions with a shorter time-frame than other avenues of co-operation. The fact is that criminals have been able to use to their advantage, the bureaucratic and judicial barriers that exist between nations to keep them steps ahead of captivity and prosecution. We must now be able to deal with them.

Mr. Vice-President, it is only because of these unfortunate realities, realities that we must face, that we must act and act expeditiously to reduce the havens available to these criminals. We must enhance our legal framework to deal with drug trafficking and other serious crimes by the concrete and tangible efforts that are being adopted by this Government to deal with these matters.

Mr. Vice-President, it is in light of the above that I must, in fact, unhesitatingly support this Bill.

Mr. Vice-President, I thank you.

Mr. Vice-President: Hon. Members, I think this is a convenient time to break for tea. We will take the tea-break at this point and resume at 5.00 p.m.

4.29 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Sen. Prof. Kenneth Ramchand: Mr. Vice-President, I would like to join my colleagues on the Independent Benches in expressing general support for the Bill, and particular and strong misgiving about clause 3.

There is no doubt at all that this is an important Bill and I see its importance in three main areas. The first has been mentioned by everybody. We are well aware of the existence of multinational corporations for crime, in addition to the ones that are involved in international monetary and other business and investment matters. It is only natural, therefore, that there should evolve systems to ensure mutual co-operation between governments for dealing with these international crime corporations.

As has been mentioned by several speakers, this touches on a very important question, that of sovereignty. I would just like to say one or two things on the question of sovereignty. After saying that, I would like to suggest a guideline for the making of the kinds of agreements that we are about to make.

I do not think that it is a waste of time to think of preserving or maintaining sovereignty, although I agree with some of my colleagues that we have surrendered our sovereignty in many ways, including the most important one as regards the economy. We have surrendered the economy to foreign investors, experts, banks, and so forth, but I still think that we can talk about national sovereignty. I still think that we can avoid indignities like boasting about extracting our pound of flesh from the foreign investor, for instance. It is not a waste of time to think of sovereignty, but we have to find a way of re-defining sovereignty. I cannot subscribe to the desperate counsel that we have to sacrifice sovereignty in the face of certain crisis situations. I think one of the imperatives for countries like ours is that we have to look at this question of sovereignty and redefine it to take into account the conditions in the modern world that oblige us to give up bits of it, but at the same time we need to find ways of saying, “but there is a thing called sovereignty and we are going to preserve it.”

That is a very large question and I think there should be national debate about it in the press or on television, even in this place. But for the time being, I would just like to suggest that when we make agreements, the rule of reciprocity should be strictly observed. The agreements should not be structured in ways that reflect the balance of wealth and power, or notions of large and small, or notions of superior and inferior. Mutual assistance treaties like this and the Shiprider Agreement, should be structured on the principle that the need is mutual. If the needs are mutual, the terms should be mutual and terms and conditions should be reversible. “What you can do in my territorial waters, I can do in yours.”

I think this is one of those agreements where the terms of the agreement have been worked out in a way that suggests reciprocity is at work. I congratulate the various Commonwealth government ministers who have got together and worked out this arrangement. I think this is a model of how these kinds of arrangements should be made, a way of recognizing mutual need, but a way of insisting upon sovereignty.

A second application of the Bill—and I hope very much that this would be one of the applications—has to do with the flight of natives to avoid prosecution or embarrassment. For instance—this is pure speculation—supposing there was a

textbook publisher, publishing textbooks in this country and this publisher was operating under four different labels and had several fictitious addresses and had contracted non-existent authors; and supposing he had perpetrated upon the population, textbooks riddled with errors; publishers' errors, authors' errors and conceptual errors because the writers of the textbooks do not know how to write a textbook; just supposing such a person existed and he realized that the jig was up and that certainly a report would come out that would point to him and point to the need for an investigation in his case; and this report would not allow itself to be treated like the Deyalsingh Report—supposing that, too—and this man decided, as they say, “I got to buss it”; he has his green card or his landed immigration status. Because of the kinds of financial arrangements we have made, most of his money is already overseas in foreign currency, so he joins his foreign currency. Two years later he sets up a business in Canada or Miami, because he likes to be in a warm place, I would like to feel that this present Bill would allow us to request of the foreign country that he be brought back here to have a conversation with us. We are not saying he is a criminal; we are just requesting that he come back and chat.

A third importance seems to me to have to do with some of the money laundering, or assets laundering, taking place; people stashing away dubiously earned assets in foreign countries. This leads me to a problem with one of the clauses in relation to one of the exceptions, clause 22(2)(a) and (b). One of the exceptions is, a request may be refused if there is a suspicion or an appearance that the offence committed is an offence of a political character. I would certainly like to be assured by the Attorney General about the case I am just about to invent; it cannot be said that this person's assets cannot be touched because the crime he committed was of a political character.

Supposing a former politician, not living in the islands—

SENATOR'S APPOINTMENT

Mr. Vice-President: My apologies for breaking the Senator in full flight. Earlier in today's sittings I had indicated that there was likely to be the need to break the proceedings to have another Senator take the Oath of Allegiance. I have just had communication from the office of the President, which makes this necessary. I would like to read the communication.

“WHEREAS the President of the Senate has temporarily vacated his Office of Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting President of the Senate:

NOW, THEREFORE, I, GANACE RAMDIAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DENNIS NANCOO, to be temporarily a member of the Senate with immediate effect and continuing during the period that Senator Ganace Ramdial has temporarily vacated his Office as Senator.”

OATH OF ALLEGIANCE

Sen. Dennis Nancoo took and subscribed the Oath of Allegiance as required by law.

5.15 p.m.

MUTUAL ASSISTANCE IN CRIMINAL MATTERS BILL

Mr. Vice-President: My apologies to Sen. Prof. Ramchand, you may continue with your contribution.

Sen. Prof. K. Ramchand: Mr. Vice-President, I was on to my third possible application, the first being, that everyone recognizes the internationalization of crime. The second is, I am asking whether the present Bill can be applied to natives who take flight to avoid interrogation, prosecution or embarrassment.

I am now on to natives who have stashed dubiously earned assets in foreign countries. I want to know whether the Bill will apply to them, but specifically in the instance of a former politician, whether the exception could be used to grant him a kind of exemption.

Mr. Vice-President, I am giving a kind of test case which will raise a number of questions about the application of the Bill. Supposing there was a former politician now living in the island, or living abroad, or lolling in his hammock in the great beyond; and supposing he has gas stations, hotels or blocks of apartments in a foreign country, and that these assets were earned, gained or obtained while he held political power, could the central authority—who has such complete power—decide that this is really a political offence and, therefore, this man 's case is an exemption to the Bill?

This raises another question. If there is a central authority who decides we want to get the assistance of this person or we want a restraining order on such property? Does the body that decides that make application to the central authority? Is it the central authority who decides or somebody else who has some sort of intended action to take, who must ask the central authority? Does the

central authority have the power to refuse to transmit the request to the foreign country because the central authority is of the opinion that this was a political offence?

Those are the three main possible uses that I have seen in the Bill, and I hope very much that these two or three points will be explained to me, since I am a layman in these matters.

I have a problem with clause 13(2) which states:

“The Central Authority shall refuse to comply with a request for the transfer of a person in custody if he does not consent in writing to the transfer, but consent once given shall not be capable of being withdrawn.”

I would really like to understand the rationale for that. Supposing I consented, and then two weeks later I felt that I had been “brambled,” I had been misled or threatened but I am no longer going to be threatened; I was going to be blackmailed but I realized that my partners in Trinidad have already gone to the Registrar General’s Office and fixed up my papers so I do not have to give consent again. Supposing circumstances have changed and I want to withdraw my consent surely, I should have the right to say I made a mistake, I do not give my consent. I would like an explanation why it is necessary to say that consent once given shall not be withdrawn. I believe it is a question that is worth asking.

Finally, I come to what I think is the most serious question that people are asking about this Bill. It has to do with clause 3. On my reading of clause 3 if we can do a bit of algebra: The “AG” equal to the “CA”. The “AG” may make somebody else “CA”. The Minister who is “X” because, we do not know who the Minister is, may waive or refuse to apply the specifications in the Bill and I quote clause 4:

“The Minister may, by Order, direct that the application of this Act in relation to a particular Commonwealth country shall be subject to such conditions, exceptions or qualifications as are specified in the Order...”

He is not defined. He is the Minister who has this responsibility. Supposing the Minister is the Attorney General, there could be a situation where, “AG” equal “CA”, “CA” equal Minister, Minister could tell “CA” you cannot do that, and so forth. So, there is a lot of confusion over clause 3.

Most of my colleagues would like to see a clarification of clause 3 and most of us—I for sure, and I am sure Senators Daly and Teelucksingh would like to see the deletion of clause 3(2):

“The Attorney General may designate any person or authority as the Central Authority.”

Mr. Vice-President, this would have very serious repercussions if the Attorney General should suddenly decide one night to appoint a retired justice or a chief justice or judge to be the central authority or a retired principal of a university. I think we need this central authority to be somebody who would be responsible to Parliament and to the nation and that we can call him to account.

Mr. Vice-President, I welcome the Bill. I believe it would help mutual co-operation against international crime. I hope it can help us in dealing with people who flee the country in order to avoid justice or embarrassment. I hope it may be able to help us to deal with people who have laundered dubiously earned assets into foreign countries. I would like to get an explanation of 13(2) and above all, I am utterly opposed to clause 3. I do not think that I can support the Bill if clause 3(2) is left standing. Thank you.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Vice-President, I know that I cannot complete this afternoon, but having regard to what I have been briefed on, I would certainly look into those matters.

May I say that in respect of clause 3(2), in my opening contribution I did make mention of the importance of the office of the Attorney General being the central authority. What has happened, is if the Attorney General wants to designate any person or authority as the central authority, one would be able to have, under the Minister an authority which will be answerable to the Minister and, in effect, the Minister being answerable to the Parliament.

I would, however, on the next occasion try to compare the other pieces of legislation which are in other jurisdictions on similar matters to show how it works with the Attorney General and also with a central authority so that I will be able to give assistance to hon. Senators.

I do crave Senators' indulgence to give me another occasion to respond. Mr. Vice-President, I would continue my contribution on another occasion.

Motion made and question proposed, that the Senate do now adjourn to Tuesday, October 14, 1997 at 1.30 p.m. [Hon. W. Mark]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.27 p.m.

Written Answer to Oral Question

Tuesday, October 7, 1997

INFORMATION ON ADVISERS AND COUNSULTANTS APPOINTED
AT THE VARIOUS MINISTRIES AND/OR GOVERNMENTAL
DEPARTMENTS DURING THE PERIOD
NOVEMBER, 1995 TO JUNE 27, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
Public Utilities	Price Waterhouse (Firm)	Contracted to value the Postal Services Network and construct a balance sheet for the Post Office and Postal Savings Bank	US \$30,825	Shortlisted on the basis of World Bank guidelines and in accordance with Cabinet's decision
	Mr. Horace Clarence Gaskin	Member of the Secretariat to the Consultative Committee under the Interim Operating Agreement (IOA)	\$10,260 per month	Certificate—CUNA Residential Montage Lending (Columbus, Ohio)—1989; Certificate in Management/Performance Auditing (Management Development Centre) —1987; Certificate in Economic Analysis of Projects (Central Training Unit) —1979; Bachelor of Science (Economics) (Hons.) London School of Economics and Political Science— 1972.
	Winston Rennie	Member of the Secretariat to the Consultative Committee, under the Interim Operating Agreement (IOA)	\$11,000 per month	Columbia University, New York Graduate School of Economics; M.A. (Thesis: Mortgage Activities of Banking Institutions in the Bronx market (1960—70, 1971—72) Lakehead University, Ontario Canada—B.A. Economics (First Class Standing) 1968—1971; Teachers Training College, Trinidad Teachers' Diploma—1964-1966; St. George's College, Trinidad—Cambridge School Certificate Grade II 1954-1959.

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
	Winston Rennie			M.A. (Thesis: Mortgage Activities of Banking Institutions in the Bronx market (1960-70-1971-1972); Lakehead University, Ontario Canada - B.A. Economics (first Class Standing) 1968-1971; Teachers Training College, Trinidad Teachers' Diploma 0 1964-1966; St. George's College, Trinidad - Cambridge School Certificate Grade II 1945-1959.
	Khansham Kanhai	Technical Advisor to the Minister of Public Utilities	\$15,000 per month Housing Allowance \$1,000 per month Car Allowance \$1,000 per month	Bachelor of Science Degree— Civil Engineering; Master of Science— Structural Engineering; Diploma of the Imperial College Structural Engineering; Registered Engineer of Trinidad and Tobago.
	Selby Wilson E.C.C.A., A.T.I.I	Financial Analyst— Member of the Advisory Committee for the evaluation of the Water and Sewerage Authority (WASA)	\$600 per hour	South West London College of Commerce, England—Professional Accountant; Fellow of the Chartered Association of Certified Accountants (19) and Associate of the Institute of Taxation (1967)

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
	Nazir Nabbie	Engineer—Member of the Advisory Committee for the evaluation of the value of WASA	\$500 per hour	Post graduate Diploma in Sanitary Engineering, International Institute of Hydraulic and Environmental Engineering, Delft, Netherland 1966
	Dr. Surujattan Rambachan	Organizational Development and Management Consultant	\$30,000 (flat fee)	MBA—University of Western Ontario, Canada—1973; DBA—Pacific Southern University, U.S.A— 1988; B.Sc. (First Class Honours) U.W.I., Trinidad—1971 (Management Studies); Certificate in Corporate Planning—Institute of Management, General—1975; Certificate in Export Marketing-UNCTAD/GATT-1974
	Booz Allen & Hamilton	Contracted to provide for Technical Assistance in the preparation and implementation of the public and private partnership in the Postal Sector of Trinidad and Tobago	US \$789,290.84	Shortlisted on the basis of world Bank guidelines and in accordance with Cabinet's decision.

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
Local Government	Francis Antoine	Technical Adviser	\$6,500.00 per month	B.Sc. (Civil Engineering) University of Liverpool, 1976—79;
Trade and Industry	Maxwell Stamp PLC (Firm)	Contracted to assist the Ministry in finalising and implementing a Competition Policy Framework	Fees and other allowances payable, relative to the exercise was met by the Commonwealth Fund for Technical Co-operation. The Ministry met the cost of local transportation of \$1,532.00	Mr. Tony Lane- M.A. Politics, Philosophy, Economics, Caterham School and Balliol College, Oxford. Mr. John Cody- D Phil (not submitted) Development Economics, University of Sussex; M.A. Development Economics, University of Sussex; B.A. Economics, University of Connecticut; Diploma, General University Entry, Cheshire Academy CT
Energy and Energy Industries	Trintoplan Consultants Limited	Consultant	\$200,000—December 1996 to June 27, 1997	A Caribbean Engineering Company whose main fields of activities and specialization are Civil and Transport Engineering, Geotechnical Engineering, Project Management, Urban Planning, Architecture, Environmental Engineering, Industrial and Chemical Engineering and Processing Engineering. The company provides also, integrated project support network

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
Energy and Energy Industries	Robert W. Pleasant and Associates	Consultant	\$35,450.50 (services are used as and when required)	International Lawyers specializing in petroleum exploration and production matters, natural gas projects and pipeline projects, bid evaluation and contract negotiations
	Joyce Lynch	Adviser	\$107,354.84—October 1996 to June 27, 1997	Masters of Law, Glasgow University; Bachelor of Law, University of the West Indies; Legal Education Certificate, Hugh Wooding Law School; Diploma Petroleum Law, Dundee University.
	Indira Ramrekersingh	Adviser	\$45,790.32—January 1997 to June 27, 1997	Bachelor of Arts, University of the West Indies; Bachelor of Law, University of the West Indies; Legal Education Certificate, Hugh Wooding Law School.
Attorney General	Deo Bhagowtee	Adviser to Law Revision Commission	\$10,500 per month (November 1, 1995 to February 15, 1997) \$11,000 per month (from February 16, 1997)	Attorney at Law
	Justice Lennox Deyalsingh	Consultant/Adviser to the Attorney General	\$10,000 per month	Attorney at Law

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
Legal Affairs	Sadie Robarts	Legal Research Adviser to the Minister of Legal Affairs	\$9,500 per month \$900 Travelling	Attorney at Law
Office of the Prime Minister	Michael Amann	Management Information Systems Consultant	\$6,500 per month March 19, 1997 to June 27, 1997	B.Sc. Electrical and Computer Engineering (Computer Studies Major).
	Justice Richard Crane	Legislative Drafting Consultant/Adviser	\$13,000 per month	LL.B. LL.M.
	Andrew Morgan	Technical Adviser to Dr. The Honourable Rupert Griffith, Minister in the Office of the Prime Minister	\$10,500 per month	Bachelor of Education Degree - (Pedagogy); Bachelor of Arts and Science Degree (Biology and Mathematics).
	Elias Soogrim	Technical Adviser to Dr The Honourable Vincent Lasse, Minister in the Office of the Prime Minister	\$10,500 per month	B.A. Upper Second Class Honours (Economics and Government); M.Sc. (Economics).
Public Administration and Information	Ross Advertising Ltd (Ernie Ross)	Communications Consultant	1996—137,225 1997—\$27,600	Advertising Public Relations and Communications Expertise
Planning and Development	Richardson Andrews	Lead Economist/Planner—Preparation of the National Strategic Development Framework	\$25,000 per month \$1,000 Transport Allowance (Paid under Consulting & other Contracted Services, MPL&D until June 1997; Paid under IADB-Multi Sectoral Pre-Investment Programme with effect from July 1997.)	B.A. (Hon.) U.W.I. (Econ & Spanish); M.A. in Econ. With emphasis on Public Enterprise Econ., Developed Econ, Inter'l Trade (University of Manchester); Ph.D—Incomplete (Manchester University); Fellow of the Econ. Develop. Institute of the World Bank National Econ. Mang't; Fellow of the Institute of Development Studies, University of Sussex.

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
	Hayden Toney	Development Economist— Preparation of the National Strategic Development Framework	\$18,000 per month \$1,000 Transport Allowance (paid under Consulting & other Contracted Services, Min of PL&D until June 1997; Paid under IADB -Multi Sectoral Pre-Investment Programme with effect from July 1997)	M.Sc.-Econ. (Pennsylvania State Univ.); B.Sc - Econ.. - Analytical & Descriptive (UWI)
	Dr. Karl Theodore	Programme Co-ordinator— Preparation of the National Strategic Development Framework	\$30,000.00 per month (Paid by UNDP)	Ph.D.-Econ. (Univ. of Boston); M.Sc - Econ. (London School of Econ); B.A. - Econ. (London School of Econ).
	Daniel Deen	Survey Manager for the Survey of Living Conditions	\$7,000 per month (Paid by Contracting Consulting Services until June 1997; Paid by OAS w.e.f. July 1997)	Nine GCE 'O' Levels; Two GCE 'A' Levels; Higher National Diploma in Maths. Stats., Numerical Analysis & Computing, Operational Research; Three months In-Service Tr. Course in Forecast Tehniques.
	Elias Soogrim	Head of Tech. C'ttee re - Implementation of the Municipal Corporations Act 1990, on the proclamation of those Sections of the Act which are still to be proclaimed	\$10,500 per month \$1,200 Travelling Allowance per month (Paid by the Ministry of Local Government)	B.A. (General) —UWI; M.Sc (Econ.) —UWI; Diploma in Financial Analysis & Policy—IMF Institute, Washington, USA

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
Planning and Development	Jagdeesh Siewrattan	Senior Adviser to the Minister of Planning & Development	US\$3,500 per month TT\$1,000 Travelling Allowance per month (Paid under Development Programme Min. of PL&D by loan from World Bank Tech. Asst'ce)	B.Sc. - Economics (London University); Professional Fellow of the Canadian Institute of Bankers
	Carl De Four	Programme Co-ordinate - National Co-ordinating Unit for the Multi-Sectoral Pre-Investment Programme	\$9,000 per month; Allowance for undertaking additional responsibility of the P.E.U. per month \$1,500 Transport Allowance \$525 (Paid under Development, Programme Min of PL&D - I.A.D.B., Multi-Sectoral Pre-Investment Programme)	M.Sc - Civil Engineering—Univ., of Oklahoma, USA; B.Sc. - Civil Engineering - Howard Univ., Washington, D.C. USA
	Peter Soloman	Senior Technical Adviser - National Co-ordinating Unit for the Multi-Sectoral Pre-Investment Programme	\$8,500. per month; Allowance for undertaking additional responsibility of the P.E.U. \$1,500 per month; Transp. Allowance \$525 per month. (Paid under Development Programme, Min of PL&D - I.A.D. B., Multi-Sectoral Pre-Investment Programme)	M.Sc. Civil Engineering (H/way & Traffic) Birmingham Univ. Enagland; B.Sc (Hons.) - Civil Engineering - UWI; B.Sc Maths, Physics - Univ., of London, U.C.W.I.

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
Planning and Development	Dr Patricia Ellis	Consultant - Institutional Strengthening of NGO's & CBO - CDF (Community Development Fund)	US\$31,369 (Total Fee) (Paid under Development Programme, Min. of PL&D-Implementation of Community-Based Projects)	PH.D.-Adult Education—University of Southampton, England; B.A. (Hons) —UWI
	Dorothy Sookdeo	Programme Director, Community Development Fund Secretariat	\$12,000 per month Transp. Allowance \$825 per month (Paid under Development Programme, Min. of PL&D, - Implementation of Community-Based Projects)	M.A. (Hons) -French & English Literature, Univ of Edinburg, UK; B.Sc. (Hons) - Economics - UWI
	Alban Scott	Consultant Project Co-ordinator - Project Implementation Unit - Water Resources Management Strategy and Action Plan for T&T	\$15,837.46 per month (paid by the Min. of Public Utilities under Water Sector Institutional Project (funded by the World Bank))	Master of Environmental Studies Degree (Environmental Planning) —York University of Toronto, Canada; Bachelor's of Environmental Studies - Degree (Geography major) University of Waterloo, Ontario, Canada.
Agriculture, Land and Marine Resources	Robert Fraser	Captain, Hydrographic Survey Launch (Consultant)	\$4,000 per month \$1,500.for excess hours required to be on watch duty	Educated at Caribbean Union College Trinidad; Petty Officer School - HMs Royal Arthur, England.

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
Agriculture, Land and Marine Resources	Ram Dass Gautam	Consultant	US\$3,300 Per month US\$30.00 per diem allowance	M.Sc. Agriculture (Agriculture Zoology Entomology); Ph.D. (Entomology)
National Security	Roy Mitchell	Corporate Communications and Relationship Consultant— To prepare a Corporate Image Enhancement Strategy for Trinidad and Tobago Police Service	1996—\$44,000 1997—\$90,000	Twenty three years in the position of Head of the Public Relations Department of the Trinidad and Tobago Electricity Commission backed up by an extensive combination of related professional activities both locally and internationally which testify to a wealth of experience which is now available to support administrations in the industrial, commercial and state sectors of the National economy.
	Gerald Popplewell	Consultant— To prepare manuals on Forensic Quality Assurance for the Trinidad and Tobago Forensic Science Centre	\$21,000.00 (Total Fee)	B.Sc. Degree (UCWI-Lond) in Chemistry, Botany, Zoology, University College of the West Indies, Mona, Jamaica; M.Sc. Degree in Forensic Science, University of Strathclyde, Glasgow, Scotland;

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
National Security (Cont'd)	Gerald Popplewell (cont'd)	Consultant -		18-month attachment to Royal Canadian Mounted Police Crime Detection Laboratory, Ottawa, Canada for Training in Examination of Questioned Documents; 7-week Management Service Training course—O&M Division.
Finance (Investments)	Price Waterhouse	Financial Services in Divestment of GORTT's 69% shareholding in Trinidad and Tobago Methanol Company Limited	\$49,216.08 (Fees as at July, 1997).	Auditors of Trinidad and Tobago Methanol Company Limited.
	Bank of Nova Scotia Trust Company Limited	Registrar to GORTT's Divestment of 15% of shareholding in National Flour Mills Limited	\$121,703.40 (Fees as at July, 1997)	Bankers of National Flour Mills Limited (NFM).
	Bank of Nova Scotia Trust Company Limited	Underwriter to NFM share issue	\$220,304.06 (Fees as at July, 1997)	Competitive Tender.
	Ashmead Ali & Company	Legal Services - NFM share issue	\$46,508.50 (Fees as at July, 1997)	Established Legal Firm - NFM Attorneys.
	West Indies Stockbrokers Limited	Stockbrokers-NFM share issue	\$347,685.15 (Fees as at July, 1997)	Competitive Tender.
	Pannell Kerr Forster	Accounting Services-NFM share issue	\$68,971 (Fees as at July, 1997)	NFM's Auditors.

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
	Lonsdale and Saatchi	Marketing - NFM share issue	\$581,447.02 (Fees as at July, 1997)	Competitive Tender.
	Fitzwilliam Stone Furness-Smith & Morgan	Legal services—Amendment to shareholder agreement of Bella Forma Resorts Limited	\$21,850 (Fees as at July, 1997)	Established Legal Firm—Sole Selective Tender.
	Fitzwilliam Stone Furness-Smith & Morgan	Legal services—Divestment of GORTT's 69% shareholding in Trinidad and Tobago Methanol Company Limited (TTMC)	\$291,520.00 (Fees as at July, 1997)	Established Legal Firm—Sole Selective Tender.
	First Washington Associates of Virginia U.S.A.	Feasibility Study on the conversion of Export Credit Insurance Company Limited into an Export-Import Bank	\$578,025.54 (Fees as at July, 1997)	Competitive Tender.
	Price Waterhouse	Evaluation of financial position of Caroni (1975) Limited	\$88,550 (Fees as at July, 1997)	Established Legal firm—Sole Selective Tender.
	All Media Projects Limited	Marketing -NFM share issue	\$389,413.45 (Fees as at July, 1997)	Competitive Tender
	Money Managers Limited	Stockbrokers-NFM share issue	\$294,354.00 (Fees as at July, 1997)	Competitive Tender
	Ashmead Ali & Company	Legal Services-NFM share issue	\$80,787.50 (Fees as at July, 1997)	NFM's Attorneys.
	Bank of Nova Scotia Trust Company Limited	Registrar - NFM share issue	\$460,734.60 (Fees as at July, 1997)	NFM's Bankers

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
	Citicorp Merchant Bank Limited	Underwriter to NFM share issue	\$188,473 (Fees as at July, 1997)	Competitive Tender
Housing and Settlement	Ferdinand Burris	Waste Water Engineer	\$6,000 per month \$700 Travelling Allowance	B.Sc. Water and Waste Water Engineering
	Jude Alibey	Quality Control/Assurance Consultant	\$8,000 per month \$1,000 Travelling Allowance	EMBA; M.Sc. Civil Engineering
	Kirshore Ramcharitar	Institutional Strengthening and Human Settlements Consultant	\$10,000 per month \$1,000.00 Travelling Allowance	M.Sc. Econ; Post graduate Diploma in Transporting and Development; MCIT-Interacting Body dealing with Transport.
	Osbourne Nurse	Consultant Implementation of Institutional Strengthening Final Report	\$15,000 per month	Management Consultant, M.Sc. Economics, B.Sc. Economics (First Class); Sloan Fellowship in Management.
	Dr. Allen Sammy	Human Settlements Consultant	\$8,000 per month \$1,000 Travelling Allowance	Ph.D. Regional Planning
	Bertram Bernard	Financial Consultant	\$7,000 per month	F.C.C.A.
	Majid Ibrahim	Adviser	\$10,500 per month \$2,700 Allowances	B.Sc. Civil Engineering, University of Alberta (1953); Post graduate engineering refresher courses and seminars University of Alberta.

Written Answer to Oral Question

Tuesday, October 7, 1997

MINISTRY	NAME	POSITION	SALARY	QUALIFICATION
	Shen Hong	Highway Designer Consultant	\$7,200 per month \$200 Allowances	Education Degree- University Degree- Bachelor
	Liu Shixiang	Translator/Interpreter Consultant	\$7,200 per month \$200 Allowances	Education Degree- University Degree- Bachelor
	Zhou Chuangen	Geographic Information System Expert	\$7,200 per month \$200 Allowances	Education Degree- University Degree- Bachelor
	Feng Quinghua	Designer of Dams	\$7,200 per month \$200 Allowances	Education Degree- University Degree- Bachelor
	Liu Songqing	Supervisor for Road Construction	\$7,200 per month \$200 Allowances	University Graduate - Bachelor
	Zhao Yi	Architect/Town Planner	\$7,200.00 per month \$200.00 Allowances	Education Degree—Post Graduate—Masters
	Pannell Kerr Forster	Accounting Services to GORTT's Divestment of 14% of shareholding in National Flour Mills Limited	\$38,088 (Fees as at July, 1977)	NFM's Auditors.
	Gilman Thomas Hussein	Management Consultant	\$8,000	