

Leave of Absence

Tuesday, January 20, 2004

SENATE

Tuesday, January 20, 2004

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: I have granted leave of absence to Sen. The Hon. Knowlson Gift from today's sitting of the Senate.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph. D, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Knowlson Gift is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 20th January, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Knowlson Gift.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 19th day of January, 2004.”

Oath of Allegiance

Tuesday, January 20, 2004

OATH OF ALLEGIANCE

Sen. Joan Hackshaw-Marslin took and subscribed the Oath of Allegiance as required by law.

PETITION

**Chief State Solicitor of Trinidad and Tobago
(Standing Order 13)**

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I wish to present a petition on behalf of the Chief State Solicitor.

I now ask that the Clerk be permitted to read that petition.

Petition read.

Question put and agreed to, That the petition be granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Caroni County Council for the year ended December 31, 1989. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Caroni County Council for the year ended December 31, 1990. [*Sen. The Hon. C. Enill*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Land Settlement Agency for the period June 01, 1999 to December 31, 2000. [*Sen. The Hon. C. Enill*]
4. Report of the Judicial and Legal Service Commission for the year 2002. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]
5. The National Policy on Broadcast and the Broadcasting Industry. [*Sen. The Hon. Dr. L. Saith*]

**National Policy on Broadcast and the
Broadcasting Industry**

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, with your indulgence I would make a brief statement with respect to the broadcast policy. This is the first ever

comprehensive policy produced for the development and regulation of the broadcasting industry in this country.

This document is the product of consultation with stakeholders in the industry. It aims to create a framework for creativity, entrepreneurial activity, responsibility, modernization and capacity to face the challenges of competition and change in the industry.

The Government is of the view that this policy is comprehensive enough to form an adequate basis for moving the industry forward. However, we recognize that quick and constant change is now a main characteristic of this sector. We therefore intend to continuously review the policy and make adjustments and modifications when needed to keep the industry in step with developments both at home and abroad. In other words, we intend to maintain a policy framework which is as dynamic as the sector which it intends to develop and regulate.

Thank you.

ORAL ANSWERS TO QUESTIONS

Programme for Upgrading Road Efficiency (Value of Works)

19. Sen. Wade Mark asked the hon. Minister of Works and Transport:

- (a) Could the Minister provide details concerning the authorized value of works to be undertaken by a programme entitled, Programme for Upgrading Road Efficiency (PURE)?
- (b) Could the Minister state:
 - (i) the total estimate for the programme;
 - (ii) the precise time when the estimate for the programme was done; and
 - (iii) when authorization for the programme was given and by whom?

The Acting Minister of Works and Transport and Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert): Madam President, the Ministry of Finance agreed to have the National Property Development Company Limited (Nipdec) procure a loan of \$295 million for the Programme for Upgrading Road Efficiency.

The total estimate for the programme is \$295 million.

The estimate for this programme was done during the months of May 2002 and March 2003.

Authorization for the programme was given by Cabinet on June 6, 2002 and April 10, 2003.

The following question stood on the Order Paper in the name of Sen. Wade Mark.

**Programme for Upgrading Road Efficiency
(Revision Details)**

- 20.** (a) Could the hon. Minister of Works and Transport state whether the Programme for Upgrading Road Efficiency (PURE) has undergone any revision?
- (b) If the answer to (a) is in the affirmative, could he provide the necessary details of the revision done as follows:
- (i) By whom was this new value authorized?
 - (ii) The total amount involved in revision
 - (iii) When was it authorized?

The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert): Madam President, I respectfully request a deferral of this question for one week. I am afraid I do not have the information at this time.

Sen. Mark: Madam President, this matter has been on the Order Paper for a considerable length of time, even up to when we took the break. I find it very strange that the answer is not ready. Could the Minister indicate to us if this answer would be ready next Tuesday?

Madam President: The Minister has assured us that we would get the answer next Tuesday, so we defer this question for one week.

Question, by leave, deferred.

**Programme for Upgrading Road Efficiency
(Actual Expenditure)**

- 21. Sen. Wade Mark** asked the hon. Minister of Works and Transport

Could the Minister state:

- (i) the actual expenditure to date on projects under the Programme for Upgrading Road Efficiency (PURE)?
- (ii) whether there are any outstanding payments?

- (iii) If the answer to (ii) is in the affirmative, could he state to whom and when are the payments likely to be made?

The Acting Minister of Works and Transport and The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert): Madam President, the actual expenditure to date on projects under the Programme for Upgrading Road Efficiency is \$241,790,736.93.

There are outstanding payments to the following: Planning Associates Limited, Trintoplan Consultants Limited, contractors Nipdec and Geotech Associates.

Payments are currently being processed and are expected to be paid within one month.

Madam President: Sen. Montano.

The following questions stood on the Order Paper in the name of Sen. Robin Montano:

**Credit Cards Issued to Primary Schools
(Number of)**

- 28.** Could the hon. Minister of Education inform the Senate of:
- (i) The total number of credit cards, which were issued to primary school children for the academic year 2003/2004?
 - (ii) The total number of credit cards, which are still to be issued for the same period?
 - (iii) The total cost of all the cards including consultancy costs and payments for any related contractual series?

**Primary School Credit Cards
(Production of)**

- 29.** A. Could the hon. Minister of Education state whether any private consultant, company, firm or business was retained by Government directly or indirectly in the design, production, manufacture and distribution and any other related services of the credit cards?
- B. If the answer is in the affirmative, could the Minister give:
- (i) the names of such consultants, companies, firms or business;
 - (ii) the particulars of the services for which they were retained;

- (iii) the amounts of monies agreed to be paid;
- (iv) the amount of monies paid to date;
- (v) the names of the directors and shareholders in the company partnership or business named; and the names of the owners of the partnership or business?

Sen. R. Montano: This question and the next one apply to credit cards for primary schoolchildren. I got the answer last week. The questions do not apply to primary schoolchildren, so I do not require an answer.

**Bridges
(Location, Cost and Date)**

35. Sen. Sadiq Baksh asked the hon. Minister of Works and Transport:

- (a) Could the Minister inform the Senate whether the Government has plans to build 65 bridges?
- (b) If the answer is in the affirmative, could the Minister state:
 - (i) the exact location of each of the 65 bridges;
 - (ii) the estimated cost of each of the 65 bridges; and
 - (iii) the starting date and expected completion date of each of the 65 bridges?

The Acting Minister of Works and Transport and The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert): Madam President, 58 bridges have been scheduled for reconstruction under the National Highways Programme.

In Year I the construction of eight bridges and their associated costs were as follows:

	Location	\$
B1/5	Cunapo Southern Road, Cheeyou	1,467,666.58
B2/5	Couva Main Road Preysal	1,569,093.19
C1/8	Western Main Road, Carenage	300,066.15
B2/9	Guaracara/Tabaquite Road	1,009,414.92
B1/61	Southern Main Road, Cap-de-Ville	1,397,295.41

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B2/64	Southern Main Road, Preysal	1,455,934.55
B1/71	Southern Main Road, Granville	1,024,317.45
C1/73	Southern Main Road, Bonasse	240,880.09

In Year II reconstruction of 10 bridges and their associated costs were as follows:

B1/33	Eastern Main Road, Sangre Grande	3,563,188.20
B1/39	Eastern Main Road, Manzanilla	2,127,880.70
B1/4	Cumuto Main Road, Cumuto	3,064,958.60
B1/5	Couva Main Road, Couva	2,253,482.00
B3/5	Couva Main Road, Couva	1,906,487.00
C1/2	Eastern Main Road, Five Rivers, Arouca	1,121,972.50
C1/6	North Coast Road, Maracas Bay	2,811,996.00
B1/20	Naparima/Mayaro Road	3,292,828.00
C1/3	La Fortune Pluck Road	2,345,178.00
B1/3	La Fortune Pluck Road	1,744,435.00

In Year III, 40 bridges will be constructed in two phases. In Phase I, 18 bridges will be designed and reconstructed. Designs have been completed and the contract documents are being prepared for the invitation of tenders for reconstruction of the following bridges:

B1/1	Cedar Hill Road
B1/2	Cipero Road
B4/6	SS Erin Road
B1/75	Southern Main Road
B1/80	Southern Main Road
B1/24	SS Erin Road
B1/22	SS Erin Road
B2/3	Morne Diablo Quarry Road
B3/24	Cunapo Southern Road

B1/7	Rio Claro Guayaguayare Road
B1/6	Moruga Road
B1/1	La Lune Road
B1/68	Paria Main Road
B1/1	Hololo Road
B2/6	Southern Main Road
B2/41	Paria Main Road
B2/35	Paria Main Road
B1/1	Plymouth Bridge
B1/8	Windward Road
B1/12	Goldsborough Bridge
B1/17	Argyle Bridge

In Phase II, 22 bridges will be designed and reconstructed. Designs will be completed in February, 2004.

In Year I, construction works commenced in May 1997 and were completed in July 1998, while in Year II, construction works commenced in July 2000 and were completed in July 2001.

However, regarding Year III, works/designs of 18 bridges which commenced in June 2002 have been completed and designs for the other 22 bridges will be completed in February 2004.

Highways/Roadways (Construction of)

- 36. Sen. Sadiq Baksh** asked the hon. Minister of Works and Transport:
- (a) Could the Minister inform the Senate whether the Government has plans to construct an additional 586 miles of highways and/or roadways?
 - (b) Could the Minister state:
 - (i) the exact location via mile/km marks of 586 miles of road;
 - (ii) the cost of this project; and
 - (iii) the starting and expected completion date of this project?

The Acting Minister of Works and Transport and The Minister of Science, Technology and Tertiary Education (Hon. Colm Imbert): Madam President, 269.05km of roads have been scheduled for rehabilitation under this element of the National Highways Programme.

In Year I, 69.9 km of roads were rehabilitated at a total cost of \$111,802,590.98 as follows: Western Main Road, Westmoorings to Macqueripe; North Coast Road, Maraval Road to Maracas Bay; Eastern Main Road, Valencia to Manzanilla Beach; SS Erin Road No. 1, Southern Main Road to Dumfries Road; SS Erin Road, Silver Bridge to Palo Seco R. C. Church.

In Year II, 79km of roads were rehabilitated at a total cost of \$211,504,182.56 as follows: Ciperó Road, M(2) Ring Road to St. Charles Junction; Naparima/Mayaro Road; Manahambre Road to Malgretoute Road; Cedar Hill Road, Solomon Hochoy Highway to Mayo Road; Couva Main Road, Solomon Hochoy Highway to 14.079km; Diego Martin Main Road, Acton Courts to Intersection St. Lucien Road; Guaracara/Tabaquite Road, 2.5km to Morichal Junction; Moruga Road, Intersection Naparima/Mayaro Road to Burton Trace; Mayaro/Guayaguayare Road, Intersection of Naparima/Mayaro Road to Galeota Point Road; Naparima/Mayaro Road, Allamby Street to St. Croix Junction; Southern Main Road No. 2, B1/61 to Bowen Trace (65¾mm)

In Year III, 120km of roads will be rehabilitated in two phases.

In Phase I, designs and reconstruction of 52km of roads have been completed and tenders will be invited by the end of January 2004, for the following roads in Trinidad: Caura Royal Road, El Dorado to Caura; Morne Coco Road, Majuba Cross Road to Saddle Road; North Coast Road, Maracas Bay to La Fillette; Naparima/Mayaro Road, William Smith Road to Poole; St. Croix Road, Intersection of Naparima/Mayaro Road to the intersection of Ciperó Road.

In Tobago the roads are as follows: Mason Hall Les Coteaux Road, North Side Road to Arnos Vale Road and Spring Garden Road, Claude Noel Highway to Plymouth Road.

In Phase III, designs and reconstruction of 68km of roads will be submitted by the consultants by the end of February and tenders will be invited by the end of April 2004.

Year I roads reconstruction commenced in 1997; Year II in 2000 and Year III in May 2003 for an additional 75km. This is ongoing. Designs for the next phase are expected to be completed by the end of February 2004.

Sen. Baksh: Is the Minister aware that all the roads completed so far had been completed long before this administration came to office?

Hon. C. Imbert: Madam President, as I just pointed out in one of the significant phases, construction began in April 2003.

**Mr. Robert Lindquist
(Engagements)**

37. Sen. Sadiq Baksh asked the hon. Attorney General:

Could the Attorney General state:

- (i) The dates on which Mr. Robert Lindquist or companies owned by or affiliated to him were engaged to carry out investigations in Trinidad and Tobago for the period January 01, 2000 to November 30, 2003;
- (ii) Who engaged Mr. Lindquist or the companies owned or affiliated to him to carry out the investigations;
- (iii) To whom did Mr. Lindquist report; and
- (iv) What were the full terms and conditions of each engagement?

The Attorney General (Sen. The Hon. John Jeremie): Madam President, the response to the dates on which Mr. Robert Lindquist or companies owned by or affiliated to him were engaged to carry out investigations in Trinidad and Tobago for the period January 01, 2000 to November 30, 2003 are as follows: September 29, 2000; August 02, 2001; August 03, 2002; April 10, 2003; May 22, 2003.

The following is a list of those individuals who engaged Mr. Lindquist or the companies owned or affiliated to him to carry out these investigations: Mr. Joseph Theodore, former Minister of National Security; Mr. Ramesh Lawrence Maharaj, former Attorney General and Minister of Legal Affairs and Mrs. Glenda Morean, former Attorney General.

Mr. Lindquist reported to the following persons in the relevant time periods:

September 2000—August 2001	Hon. Joseph Theodore and Hon. Ramesh Maharaj
October 2001—November 2001	Hon. Kamla Persad-Bissessar
January 2002—October 2003	Sen. The Hon. Glenda Morean
November 2003—To present	Sen. The Hon. John Jeremie

The full terms and conditions governing the engagement of Lindquist Forensic and Partners Incn. and Citygate Investigative and Forensic Accounting are contained in letters dated October 22, 2000, to the Hon. Joseph Theodore, then Minister of National Security; November 23, 2000, to the Hon. Ramesh Lawrence Maharaj, then Attorney General and February 03, 2003, to Sen. The Hon. Glenda Morean, former Attorney General.

The terms are fixed for all investigations and include the following conditions:

Work product:

These terms relate to the scope of the engagement, labelling and ownership of work papers and other material prepared during the engagement.

Fee billing and retainer arrangements:

This part of the retainer gives details as to whom invoices for professional services are to be addressed; the hourly fee and other retainer engagements of the arrangement.

In the letter of retention dated October 22, 2000 and November 23, 2000, the hourly billing rate for Mr. Lindquist was US \$325.55; a director, US \$250; a manager US \$200 and US \$50 for an associate of the firm.

In the letter of retention dated February 03, 2003, the hourly billing rates were US \$340 for a senior managing director; US \$240 for a director and US \$190 for a senior associate of the firm. A retainer of US \$20,000 had been stipulated in all three letters of retention. It is the firm's policy to obtain that retainer that would ultimately be applied to the final invoices of the firm with the balance to be returned if any to the respective ministries.

Other terms in the retainer letters include provisions relating to the duration of the engagement and limitation of liability.

Sen. Baksh: Madam President, could the Attorney General state the accumulative total of the amount of money paid to Mr. Lindquist to date?

Sen. The Hon. J. Jeremie: That is another question. It does not form a part of your question and it is not incorporated within your question as to the terms and conditions which I have provided. I would be happy to provide it but you must understand that it would take some time because Mr. Lindquist had reported to two separate administrations; five separate ministers; two separate ministries, the Ministry of National Security and Rehabilitation and the Office of the Attorney General.

Sen. Baksh: I would take the appropriate action.

Sen. Mark: Madam President, may I ask the Attorney General what explains the variations in terms of the hourly rate that Lindquist enjoyed in 2000? Could you repeat the rates per hour for the various bodies or personnel in 2000? I thought that I heard you say \$300 in 2000 and \$350 in 2001.

Sen. The Hon. J. Jeremie: I would repeat for the benefit of the hon. Senator.

In the letters of retention dated October 22, 2000 and November 23, 2000 from Sen. The Hon. Joseph Theodore and the Hon. Ramesh Lawrence Maharaj, the hourly billing rate for Mr. Lindquist was US \$325.55; a director US \$250; a manager US \$200 and US \$50 for an associate of the firm.

In the letter of retention dated February 03, 2003, the hourly billing rates were US \$340 for a senior managing director; US \$240 for a director and US \$190 for a senior associate of the firm. A 4.6 per cent increase was added in 2003 to account for inflation between the years 2000—2003.

Sen. Mark: Madam President, is the Attorney General saying that does not have an appreciation of the quantum of money paid to Mr. Lindquist in 2000, 2001 and 2002? I find it very strange that the Attorney General does not have those figures.

Madam President: I think that the mover of the question has agreed that he would bring it back as another question so that we can then get that information.

Sen. Prof. Ramchand: Madam President, to better understand how much those operations cost us, could the Attorney General say whether that money was taxable by the Government of Trinidad and Tobago?

Sen. The Hon. J. Jeremie: I do not have that information at my disposal.

Sen. R. Montano: Am I correct in asking the Attorney General if Mr. Lindquist and his companies are Canadian based companies? If the answer is yes, bearing in mind the answer related to inflation, could he tell us what was the rate of inflation in Canada? If it was American, what was the rate of inflation for the relevant period?

Sen. The Hon. J. Jeremie: I am afraid I do not have that information at my disposal. They are Canadian companies. I saw the rate 4.6. It was agreed to by my predecessor. It did not seem exorbitant in view of the considerable energies that Mr. Lindquist has expended. I cannot say whether that was indexed to Canadian or the level of inflation of Trinidad and Tobago.

Sen. Prof. Deosaran: Madam President, I wonder if the Attorney General could take the opportunity to tell us especially since Mr. Lindquist is a Canadian based consultant, whether there has been or is any other equivalent expertise locally based and if in the future there is such an exercise in forensic auditing or crime prevention, we would exhaust the local talent before we pursue international quarters.

Sen. The Hon. J. Jeremie: Madam President, I thank the Senator for the opportunity to answer this question. My understanding is that Mr. Lindquist has talent and expertise that are not available locally. The Office of the Attorney General has sought to have the transferral of his expertise to the office of the Director of Public Prosecutions and the Anti-Corruption Squad. That might be appropriate.

Sen. R. Montano: Is the Attorney General aware that there is a forensic accountant by the name of Mr. Seereram available? He is a Trinidadian and he has been written up in *Time Magazine*.

Sen. The Hon. J. Jeremie: Madam President, I am not aware.

Madam President: We have come to the end of oral answers.

WRITTEN ANSWER TO QUESTION

Madam President: The written answer to question No. 4 is available and I think that it has been circulated. If there are any other written answers that you may have, pass them to the Clerk please so that they would be circulated.

The following question was asked by Sen. Sadiq Baksh:

Houses (Allocation of)

4. Could the hon. Minister of Housing provide this Senate with a list of the names and addresses of all citizens to whom houses were allocated and delivered on a monthly basis from January 2002 to September 20, 2003?

Vide end of sitting for written answer.

MEDIATION (NO. 2) BILL

(House of Representatives Amendments)

The Attorney General (Sen. The Hon. John Jeremie): Madam President, there are some amendments in respect of the Mediation (No. 2) Bill which have come to us from the House of Representatives. However, they have only been

Mediation (No.2) Bill
[SEN. THE HON. J. JEREMIE]

Tuesday, January 20, 2004

circulated today and it is my understanding that Senators on the other side wish to have an opportunity to peruse them and ask questions relevant to them.

I would appreciate a one week deferral with respect to this matter.

Question put and agreed to.

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

Order for second reading read.

The Attorney General (Sen. The Hon. John Jeremie): Madam President, I beg to move,

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

Before I proceed to deal specifically with the key issues that the Bill before us seeks to address, I wish to give the history of the Bill. I would then look at the legal purpose of it, its moral objective and some of the specific questions we have sought to address in the legislation.

This Bill is a consolidation of two former Bills that were laid and lapsed during the last year. They are the Summary Courts (Amdt.) Bill 2003 which was passed with amendments by the Senate during March 2003. It was then laid but lapsed in the other place. That Bill was comprised of two clauses which are now revised. Clauses 7 and 10 are now before this honourable House.

The second Bill, the Summary Courts (Amdt.) (No. 2) Bill—I hope that my friend Sen. Mark is listening—was laid during June 2003 and lapsed in the other place. That Bill was comprised of four clauses which are now 4, 6, 8 and 9 and is now engaging the attention of hon. Members.

A couple of new clauses, 3 and 5 have been produced as a result of discussions held, I am told, by the Law Reform Commission with Sen. Seetahal, whose expertise in this area is without parallel in this jurisdiction. We have a consolidated version of the Bill which is on the Table.

When the second Bill lapsed as a result of the mid year parliamentary recess, the opportunity was taken to consolidate all the Bills. That is the genesis of the legislation which was introduced. That consolidation was introduced in October 2003.

The legal purpose of the Bill is to amend the Summary Courts Act, Chap. 4:20, to address a number of difficulties, both legislative and administrative which have

occurred in the Magistrates' Courts and have resulted in an uneven tilt in the scales of the balance of justice. In some instances grave injustices have been caused to persons who have been charged and convicted of summary offences. The Bill seeks to enable those injustices to be put right.

The Bill also seeks to enable the Director of Public Prosecutions to file a notice of appeal as a complainant against a decision of a magistrate. That is in response to a decision of our Court of Appeal to which I would turn in a short while. It also seeks to give a magistrate power to impose greater sentences in relation to consecutive sentences. That is spelt out in the Summary Courts Act as amplified by decisions of our local Court of Appeal.

The Bill also seeks to reform the right of appeal by proposing to modify the manner of appealing in the case when an oral appeal is made by proposing certain procedural mechanisms to ensure that that right is not lost and by extending the time within which the right might be exercised.

Finally, the Bill also seeks to inform the manner in which a term of sentence is computed when an appellant abandons his appeal or is unsuccessful with his appeal and the Court of Appeal imposes, varies or affirms a term of sentence. These problems have been highlighted by a series of decisions of the High Court and the Court of Appeal. That is the legal purpose of the Bill before us.

The moral objective is driven by two concerns. One is domestic and the other international in nature. The domestic concern is based on the constraints of our Constitution and the international concerns are based on our international treaty commitments. The Government accepts that access to justice is a fundamental and essential right in a democratic society that is designed to ensure that every citizen stands and is treated equally before the law. In this country the right of the individual to equality before the law, the protection of the law and the right to equality of treatment from a public authority are all constitutionally entrenched rights under section 4 of the Constitution.

These rights and freedoms are given special protection under section 5 of the Constitution which provides that such rights and freedoms granted by section 4 are not to be easily abrogated or infringed by any law. Section 5(2)(h) of the Constitution provides that Parliament should not deprive a person of the right to such procedural provisions which are necessary for the purpose of giving effect and protection to these rights and freedoms. The rights and freedoms which our citizens enjoy are not matters to be treated lightly by any branch of the State.

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

I now turn to the specific problems which are addressed in the legislation. The first problem which the Bill seeks to treat with is the complainant problem. This exists because the right of the State to challenge a decision of a magistrate in the case of a summary conviction was severely limited by our Court of Appeal in its decision in the case of *Bridgewater v Sanhai* which is reported in 2,060 *West Indian Reports* at 356. In that case the respondent was charged with a customs offence and the magistrate dismissed the charge and the State appealed. The notice of appeal was signed by a representative of the office of the Director of Public Prosecutions. It was held that the definition of the word "complainant" in the Summary Courts Act did not include the DPP or representatives of his office. The solution to that which we propose is in clause 3 of the Bill to seek to amend the definition in clause 2 of the substantive Act. That amendment would allow the DPP to file an appeal under section 128(1) as a complainant. I understand that what we are doing is difficult work because it deals with the jurisdiction of the courts. I would have to carry Senators through the particular sections. In some cases I would refer to cases which are elaborated on the interpretation of those sections. That is the first problem.

The second problem which the Bill seeks to treat with is that of consecutive sentence. That problem has arisen because of the present section 72 of the Act which has been interpreted and quite rightly so, to impose a restriction on a magistrate with respect to consecutive sentences to a term of three years. Where a magistrate imposes consecutive terms of imprisonment which amount to more than three years, that decision is void or illegal in the eyes of the law. That has been established by a series of cases including *Ricky Bernard v PC Brian Kennedy* which is Magisterial Appeal No. 293 of 2001.

The Court of Appeal has held that the magistrate has no power in law given the terms of section 72 of the Act to order sentences to run consecutively. This is a consolidation of the contribution of Senators on the other side as well and we felt that in light of the increased sentencing powers given to magistrates by

Parliament within recent years, it was imperative that that contradictory situation be remedied by amending the general law of the Summary Courts Act. Over the past 15 years Parliament has increased the sentencing power of a magistrate for terms of two or three years to terms of five to ten years. In the Sexual Offences Act, a magistrate can impose a term of seven to ten years in respect of certain offences and this is also true in respect of the Computer Misuse Act. It is most evident in relation to the legislation recently passed before the Christmas recess in relation to drug trafficking, money laundering and the Firearms Act.

The difficulty faced by magistrates is clearly seen in some decisions of the High Court. There is the decision of *Teeluck v the Commissioner of Prisons* where the applicant had pleaded guilty to three charges before a magistrate who imposed three terms of imprisonment which were as follows: 180 days in respect of one and three years each in respect of the other two. The magistrate made an order that the three sentences should run consecutively; that is one after the other. The applicant pleaded guilty to another charge before another magistrate who imposed a term of three years and ordered this sentence to run consecutively to the sentences the applicant was already serving. That would have been nine and a half years.

The High Court citing the decision of the Court of Appeal in *Bernard and Kennedy, Snaggs and Mohammed v Ramdeo* Magisterial Appeal No. 46 of 2000 ruled that in the light of section 72, the order of the second magistrate was a nullity and ordered the applicant to be released from prison, because on the order to change the sentence to a concurrent sentence he had already served his lawful term of imprisonment. The solution to that the Government proposes is in clause 4 of the Bill and that is to delete section 72 of the Act and to substitute a new section 72 which would have the effect of giving a magistrate the power to impose consecutive terms of imprisonment where the total granted is not in excess of ten years. As I stated earlier, the present section 72 restricts the power to three years. From the case law we have seen how discrepancies have resulted. We believe that change is a necessary compromise given the powers of the magistrates in respect of other jurisdictions.

The third issue that the Bill seeks to address is referred to as the consistency problem. That is the difficulty between summary offences and indictable offences. Generally speaking, summary offences are less serious than indictable offences, but there are indictable offences which would be tried summarily. In clause 5 we seek to amend section 105 of the Act which states that where a person is convicted of an indictable offence which he has consented to be tried summarily,

Summary Courts (Amdt.) Bill
[SEN. THE HON. J. JEREMIE]

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the magistrate's power to impose a penalty is restricted to a penalty of \$4,000 or imprisonment for two years. We felt that jurisdiction is inconsistent with the increased power given to magistrates in relation to summary offences. If the law is to remain unaltered persons might be punished more severely for a summary offence in certain instances than an indictable offence which is tried summarily.

To address that difficulty the Government proposes by clause 5 to increase the penalty mentioned in section 100(5), from \$4,000 or two years to \$20,000 and five years. There is a distinction between the old language "or" and "and" in this section. Section 68(3) of the Interpretation Act states that the use of the word "and" allows, as interpreted to the present circumstances, a magistrate to impose the penalty alternatively or accumulatively, rather than the use of the word "or" which would mean only alternatively. If we used that, it would deny the magistrate of a discretion. We must not forget that magistrates are creatures of statutes and can only exercise a discretion if it is given by law. By using the word "and" we have given that discretion to the magistrate.

The fourth problem which we seek to address in the Bill is what I referred to as my right to appeal problem one. There are several problems with the right to appeal. When a magistrate convicts a person of an offence, that person has a right to appeal his conviction and sentence as well. Section 128(2) of the Act states:

"where a Court makes a conviction or order, the party against whom the conviction or order is made may appeal to the Court of Appeal against such conviction or order."

2.30 p.m.

Madam President, the procedure governing appeals is what has proven to be problematic. The person convicted is entitled to file his appeal either orally or in writing. Section 130(1) of the Act states that where the appeal is made orally, the Clerk of the Peace must reduce it to writing immediately and have the appellant or his attorney-at-law sign the notice of appeal.

Our practice has demonstrated that this system has not operated satisfactorily because appellants are often denied their rights of appeal because of a State error. Frequently, the appellant's oral notice is not reduced to writing because the Clerk of the Peace might be absent at the relevant time—he is not in court when the sentence is imposed—and the appellant states that he wishes to appeal. If the appellant does that in open court he must then wait until he is in prison before he could exercise his right of appeal. What we have seen is that the slowness of the

prison authorities to deliver the signed notices of appeal has resulted in the appellant actually losing his right of appeal.

The appellant's right of appeal is also subject, at present, to a seven-day notice of appeal and I will treat with that later. The injustice of the present administrative arrangements is demonstrated in the case of Bernard and Kennedy, which I referred to earlier, where all the applicants were convicted and sentenced by a magistrate to terms of imprisonment. They signed their notices on the same day, but while they were in prison. The prison authorities failed to deliver the notices of appeal to the Clerk of the Peace within the prescribed period of seven days. On appeal to the Court of Appeal, it held that it was bound to interpret the law in a strict way because it said, it was clear, unambiguous and mandatory, and therefore non-compliance by the prison authorities did not absolve the appellants from strict compliance with the seven-day period. So that the court held in those appeals that the appeals were out of time and that they had no jurisdiction to entertain them.

To correct that problem, the Government proposes in clause 6 of the Bill to amend section 130(1) and (3) of the Act to provide revised methods on filing on notice of appeal.

Clause 6 provides that where an appellant makes an oral notice of appeal, the magistrate, and not the Clerk of the Peace, as presently obtains, shall immediately reduce it to writing. That written notice must be signed by the appellant and given to the Clerk of the Peace. In this way we hope that the appellant's right of appeal would be secured, but that is not the extent of our effort to reform the law in this area and I have treated with the other areas in which we have strengthened the appellant's right to appeal.

The fifth problem that the Bill seeks to address, which I refer to as "Right to appeal, problem No. 2", is the time within which the notice of appeal is to be filed. We seek to address that problem in clause 6 by removing the seven-day filing period with respect to the notice of appeal, and to extend that period to 14 days. That is in keeping with a judicial pronouncement made by Chief Justice de la Bastide, as he then was, in the case of Bernard against Kennedy.

We have also—and this is by way of an amendment which I have circulated today—sought to give the Court of Appeal a general power to extend the time for the filing of a notice of appeal to take care of difficulties within the prison system. That is consistent with the right, which the Court of Appeal now enjoys with respect to the High Court. But the Court of Appeal has to be expressly granted that power, and we have sought to do that by an amendment, which I have

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instructed to be circulated and that is dealt with in clause 7, which should be before Senators at this time.

As I have said before, what we are attempting to do in the legislation is to balance the scales of justice; to allow the Director of Public Prosecution (DPP) his right of appeal on the one hand, and to strengthen the rights available to accused persons in relation to appeals on the other hand. One problem, which has arisen and which I will refer to as the sixth problem, is the computation of time during the pendency of the appeal. The Bill seeks to deal with this problem, but this is the nature of the difficulty. The difficulty is the question of how a term of sentence is to be computed when an appellant who is in custody abandons his appeal. We have already said that an appellant has a right to appeal. He also has a right to abandon his appeal for whatever reason, but where he chooses to exercise that right, section 138(1) of the legislation, at present, provides that the existing section 150 shall apply.

The conjunct effect of that provides that where the appellant is not in custody—for example, he may have been out on bail pending the hearing of his appeal—his sentence would begin to run from the date he is in actual custody. In the case where he is in custody, his sentence begins to run from the date of the decision of the Court of Appeal, and not from the date he was in custody, although the Court of Appeal has been flexible in this area.

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

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

The seventh problem is related, that is the computation of a term of sentence where an appellant who is in custody loses his appeal. Section 150(2) of the Act provides, among other things, that an appellant who is in custody and whose sentence is affirmed by the Court of Appeal must begin to serve his sentence from the date the Court of Appeal affirms his sentence, and not from the date on which he was imprisoned. That is provided in section 150(2). In many instances that has led to grave injustice to an appellant who had already served most of the entire sentence imposed by the magistrate before his appeal is heard, and who must now begin serving the sentence, or an increased sentence from the date of the order of the Court of Appeal.

To correct this injustice the Government proposes by clause 9, to delete section 150(2) of the Act and to substitute a new section 150(2). This would provide how a term of imprisonment, whether imposed, varied, or affirmed by the Court of Appeal, may be computed and served by an unsuccessful appellant, whether or not he is in custody on the date the Court of Appeal makes the order on the hearing of his appeal.

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

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

I wish to indicate that the DPP is in agreement with the Bill. If I can just conclude, the Bill seeks to amend section 2 by expanding on the meaning of “Complainant”; section 72, to increase consecutive sentences; section 100, to increase the penalty for indictable offences, triable summarily; 130, to change the methods of appealing; 138 treats with the abandonment of appeals; and 150 with enforcing of judgments of the Summary Courts Act.

It also seeks to increase the power of a magistrate to impose consecutive terms of imprisonment from an aggregate of three to 10 years; to provide alternative

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methods to commencing an appeal, and to ensure that an oral notice of appeal is immediately reduced to writing by the Magistrate instead of by the Clerk of the Peace, signed and sent to the Clerk of the Peace. It also seeks, in the amendment, which I have produced today, to allow the Court of Appeal discretion to extend time in appropriate circumstances.

This Bill is important, Madam President, because it seeks to ensure that Trinidad and Tobago complies strictly to its domestic legal obligations to its citizens, and as well its international obligations, particularly in relation to the access to justice and the protection of the law, and to ensure that the State is not liable in damages, as we have been held to be, in constitutional right when an appellant in a summary matter is denied access to the appellate process, which is quite unconscionable.

With these words, Madam President, I beg to move.

Question proposed.

Sen. Robin Montano: Madam President, this afternoon I was heartened to hear the Attorney General discuss the question of access to justice, and access to justice being one of the fundamental cornerstones, if I could use those words, of this Bill. He quite rightly said—I am going to use my words for his; hopefully he would not say I am misquoting him—that access to justice is a fundamental and essential right of the citizen. Again, I am paraphrasing, if the citizen is denied access to justice then obviously this is a terrible thing and it is to be frowned upon that Trinidad and Tobago has a right and an obligation to all of its citizens; that all of its citizens have access to justice.

I raise this in the context of the fact that to date the Equal Opportunities Act has been proclaimed but the commission has not been appointed. I have heard it said by some that there are some problems with it. Some people are saying the reason it has not been brought back to Parliament is that the people are worried about whether or not we in the UNC will support it. I just want to say unequivocally this afternoon that the man who says we will not support anything that is required to bring the Equal Opportunities Act into full operation is a liar, a fool, or intellectually dishonest. We will do everything to bring that Equal Opportunities Act into—

Sen. Jeremie: Madam President, I believe the matter of which the hon. Senator speaks is being litigated before the court at the present time. In these circumstances, I wonder whether it may be prudent to continue to discuss—

Sen. R. Montano: Madam President, I was not debating what was before the court.

Madam President: One minute, hon. Senator. If what the Attorney General has said is so—I was not aware that it was before the court—then we should not bring that matter here at all. Sen. Montano, could we proceed with what is before us?

Sen. R. Montano: Madam President, I was not aware that there was any matter before the court, but in any event I was not dealing with anything that was sub judice. I was saying that we in the UNC would do anything and everything we can to ensure that the Act is brought into operation, and that is not before the court. [*Desk thumping*] I raise that in the context of access to justice because if the Equal Opportunities Act were operational now that poor excuse of a calypsonian “Cro Cro” could not have made his song because he would have been brought up—

[*Sen. Jeremie stands*]

[*Sen. R. Montano keeps standing*]

Madam President: Will both Senators please sit? Sen. Montano, I just asked you not to refer to that matter again. We are discussing this matter before us, which has nothing to do with the Equal Opportunities Act and nothing to do with whatever you just made reference to. If you will come back to this I shall be very happy.

Sen. R. Montano: Madam President, thank you, and of course I will follow you. But I was discussing access to justice in the broadest possible terms. I know you would not want to muzzle me or prevent me from discussing the question of access to justice or the fact that that poor excuse of a calypsonian, “Cro Cro”, could not possibly get away with what he has gotten away with if the Equal Opportunities Act was properly in place. That is my point, so I am saying: “Bring it on”!

If I might continue, Madam President. Here we are with the Summary Courts (Amdt.) (No. 3) Bill, again we are talking about access to justice, about Summary Courts and about Magistrates’ Courts. When we talk about these courts, we have to see the condition of the Magistrates’ Courts; the condition of the Magistracy, generally. We have to look at what is being given to these magistrates to do their work. We have read in the newspapers where everybody and his mother are complaining about the condition of the San Fernando Magistrates’ Court. Indeed, Madam President, if you went down there you would say “holy cow!” I cannot believe this is the year 2004, with an oil rich country like Trinidad and Tobago, we, the people of Trinidad and Tobago are putting up with that; that we are

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requiring justice to the poor man to be administered there. In Siparia it is the same thing and it goes on.

I do not practise in the Magistrates' Court but I do go down there from time to time to do a favour for this one or the other. Let me give you a personal example of the conditions. Right now I have a little matter before the Magistrates' Court in San Fernando involving an application to show why bail should not be revoked. I will not discuss the case but discuss the principles.

When bail is granted, and if for any reason the accused person does not show up then the person is arrested and there is an automatic summons issued to the person who gave the bail to show cause why his bail should not be revoked. Sometimes there is a good excuse and sometimes there is not. For example, a good excuse might be that the accused was in a motorcar accident on his way to court and was in fact in the hospital—this is not my case. At the time when he was supposed to be in court he was in hospital and therefore it is quite clear that bail should not be revoked in circumstances such as that. I could give you a thousand other reasons. My point is that an application to show cause why bail should not be revoked is a simple matter, which normally takes 15 to 20 minutes, maximum. My particular matter has been on the book, as it were, for approximately one year. Every time I have gone there the magistrate has had more than 150 cases and on most of the occasions I have gone there, he is involved in a part-heard murder; a preliminary inquiry—a PI as we lawyers call it. So there is no point. I am not going to get on. My matter is adjourned to a next available date. I come back two or three months later, ready to go again, no, I am sorry.

Now, do not get me wrong, I am not blaming the magistrate; I am not blaming the clerks. I understand perfectly well that, physically, it is just impossible and obviously a murder enquiry is much more important than an application to show cost. You have to have your priorities right in this world! So quite rightly I have got to give way but my matter is now a year old through no fault of anybody's, except the system. The system is like this because we are not pumping enough resources into the system to fix it. Instead we spend \$200 million—I am not sure whether it is TT or US but anyway that is irrelevant—on the Caribbean Court of Justice. Do you know what this is like, Madam President? It is like me having a nice car; a beautiful car, and I shine it and polish it, I put armorall on the tyres and everything is looking good, but the engine is not working, but anybody who wants to see my new car—

Sen. Jeremie: Senator, I know from the Chief Justice, and from my colleague who practises in the Magistrates' Court—I do not refer to it as down there—that

conditions are less than ideal and that is an understatement, but the responsibility for the upkeep and maintenance of the courts was transferred to the Judiciary as a consequence of the ongoing debate between the Executive and the Judiciary a few years ago. So it is not the Government's role to see what can be done in terms of addressing the bureaucratic problem which exists.

Sen. R. Montano: Madam President, my friend has forgotten that he has the right of reply at the end, but I do not have right of reply to his reply. I am aware of that, but my point of the matter is that we are going to take—I do not know how many millions of dollar—and spend it on the Caribbean Court of Justice and say: “Hey, everybody look at us, we can go—” to use Lloyd Best's term: “All the big afro Saxons could go drive in their nice cars and say: ‘Oh, look at how good we are.’” We have got a shiny car but we got an engine that does not work. That is the point. When you go to start the engine it goes “krickatackatackatack”—I mean real, real, real rubbish! Would it not be better—this is why I say, I come back to the Summary Courts Bill and the Summary Courts: “All journeys begin with the first step.” You take the moneys that you have and you fix—if you say it is the Judiciary’s responsibilities, great, give the Judiciary the money! Give them the money to fix the Magistracy! It is ridiculous that we should have this limited number of magistrates who have to hear 150 matters every day; which they cannot hear. The system is falling apart! Which is more important—I have not got the figures, I would have them for the debate when the Caribbean Court of Justice Bill comes up—but in my memory I think that last year there were only something like 23 appeals from the Caribbean to the Privy Council, eight or 10 of which came from Trinidad and Tobago—something like that—and yet you have every day, in every single Magistrates’ Court 150 cases that cannot get heard; hundreds on the left, eight or nine on the right. But, Madam President, here we are with a beautiful fancy car—the car does not work, it belches black smoke, and it cannot even be driven out the yard. It does not make sense! You have got to get your priorities right! If you have your priorities right in life then everything else works.

Madam President, I came across a quotation the other day which I would like to read for you.

“The people can always be brought to the bidding of the leaders, that is easy, all you have to do is tell them they are being attacked and denounce a pacifist for lack of patriotism in exposing the country to danger. It works the same in any country.”

Do you know who said that, Madam President? Hermann Goering, one of Hitler’s big Nazi pals. My point is that the people are constantly being misled with all

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these nice fancy words; nice fancy things, and underneath you have got the beautiful shell of the motorcar and the engine is not working; justice, Madam President, justice for all.

3.00 p.m.

The aims of this Bill are most laudable but at the end of the day, does it take the system very far? Regrettably the answer is no. Would it affect some of the people? Yes. Would it affect some people positively? Yes. Is it something that the country ought to desire to happen? Yes. But, and here is where the “but” unfortunately comes, it is really not enough. It is a drop in the bucket, and we need the bucket full. What good is access to justice if the ordinary man cannot access it properly, efficiently and easily? What good is access to justice if the magistrates are overworked and underpaid?—which they are. What good is access to justice if the staff of the Magistracy are overworked and underpaid, and they are being asked to work in conditions that are less than acceptable in this modern day and age? Why? Can anybody explain to me why? The question boggles my mind.

Instead, we get all sorts of soft history and persons talk about concepts and ideas that are beautiful; castles in the sky, but nothing solid on the ground that really connects and fixes the problem, as my friends are fond of saying, in a holistic manner. I have noticed they love this word, “holistic”. Holistic means, as I understand it, “in an all encompassing way”. Well, fix the problem for crying out loud! Do not come piecemeal, piecemeal.

My friend—and I cannot hit him for this because he was not here and, therefore, we all know the problems we had with his predecessor. But there has been no good reason given to us this afternoon as to why we are debating essentially the same Bill, with some welcome changes, that his predecessor passed in this honourable House during the last session. I do not understand why it was allowed to lapse in another place. There is no real good reason and I am not going to embarrass him this afternoon because—and one does not want to “attack the dead”. [*Interruption*] I was not attacking you.

Sen. Jeremie: I know you are talking about my predecessor but I thought that I had explained that the Bill was allowed to lapse because there was perceived to be difficulties in it, and that we took the opportunity to make it better to treat with the problem in a holistic manner.

Sen. R. Montano: I was hoping you would not go there because we are not really supposed to refer to the previous debates. But if I referred you to the

previous debates you would see that we referred your predecessor to these problems in the first place. This does not work, and the truth of the matter is if you had listened to us—not you, my friend. Madam President, through you, may I say to all who might be listening, not this Attorney General, not this one. But one will recall that we dealt with these problems the last time and that is my complaint this afternoon.

Madam President: Is it a point of order?

Sen. Jeremie: It is just a point of clarification.

Madam Speaker: Senator would you allow? Both of you cannot stand.

Sen. R. Montano: Of course, Madam President. We are the Senate. I am going to sit now.

Sen. Jeremie: Perhaps I am repeating myself. I know that you are not speaking to me but I am obligated to speak on my predecessor's behalf, on a matter of principle. I said that the Bills were passed with amendments in the honourable Senate, but they lapsed in the other place because of difficulties which were addressed to us by your very capable representatives in the other place.

Sen. R. Montano: Madam President, yes. I would like to give my friend the Trinity Cross this afternoon for loyalty and for defending his predecessor, when we all know that what he is talking about are the amendments and the difficulties that we, the Independents and the Opposition in the other place, brought to his predecessor's attention and if she had listened to us in the first place we would not be discussing this, this afternoon. I do not wish it to be understood in any way, that I am criticizing this Attorney General. He has shown himself from the start to be much more amenable and open to change and to suggestions that are made for the benefit of the country. Long may it continue! Because if it does not we are going to run into the same problems that we ran into last year.

I have been sidetracked. Let me get back on track. Access to justice is the name of the game. The Summary Courts are what affect the ordinary man. That is where one goes if one has a speeding ticket, for example, that one wishes to dispute and quite rightly, because a policeman cannot be judge, jury and executioner. If you dispute a speeding ticket you can go and dispute the fine that he has attempted to levy on you.

The Summary Courts deal with matters like domestic disputes, the domestic violence that comes up regrettably in some cases in some families. The Summary Courts deal with issues between neighbours, they deal with life in the raw, they

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are critical, vital and important but before we do anything else, we must make sure that the system works properly and in a holistic manner.

Now that I have used that word about five times, I say to the Government that we on this side would like to see the issues that I have addressed and the issues my other colleagues would address, addressed now; not promises to happen in five or ten years from now. We would like to see these problems addressed now. We would like to know when and how much money is going to be put into the Magistracy to fix the physical infrastructure. We would like to know when and how much money is going to be put to increase the contingent of magistrates because that is needed. We would like to know when and how much money is going to be put into the training of the staff of the Magistracy. We would like to know when and how much money is going to be put to increase the trained staff of the Magistracy. In other words, we want to know when are you going to upgrade the system? We wish to say to the Government and to the country as a whole, that we want to see before we go upstairs to any Privy Council or Caribbean Court of Appeal, the engine room working. We do not care if the car has scratches on it. We want the journey to be able to be made from A to B properly. We would paint the car after the engine is fixed.

Thank you very much, Madam President, and as I said I really hope that the Government will address these things now, today! Not next week, not next month, not next year.

Sen. Prof. Ramesh Deosaran: Madam President, the Attorney General did us justice when he introduced the Bill by putting the provision not only in its legal context but also in its moral context. Because admittedly, this is a Bill largely about the human rights of persons who have been convicted and who wish to use the Constitution and its various subsidiary provisions in a democratic society.

The Attorney General is correct again when he referred us especially to section 4(a) of the Constitution. This is fundamentally, at least in my view, the premise of this particular legislation and in terms of what could be called procedural justice. Section 4(a) speaks about:

“the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law.”

which again in my view, is what this Bill seeks to put into place; an aspect of the due process of law.

I am happy for strategic reasons to be speaking before some of my other colleagues in the honourable Senate, who might add some things to what I am about to say. But more particularly, section 5(2)(a) in the Constitution challenges the Parliament that it shall not authorize or effect the arbitrary detention or the imprisonment of any person. And even if we were not satisfied with that, section 5(2)(h) also challenges the Parliament that it shall not deprive a person of the right to such procedural provisions as are necessary for the purpose of giving effect and protection to the aforesaid rights and freedoms, mainly dealing with section 4. So the Bill, and in the spirit in which the hon. Attorney General introduced it, really raises an important question if not in practice, in principle, and it is good to remind our society time and time again about the efforts that we make to maintain our democratic way of life. It is in that context I am happy to make my contribution and to state my satisfaction with the sensitivity with which the Attorney General has approached this task.

I am hesitant, of course, to expand the debate into problems of the Magistracy because I do not think this is the time and the context. We all know the many other problems in the Magistracy, but this one is really an immediate human rights issue, which needs to be corrected as a self-respecting democracy. Because if we do not—and I simply do not need to remind the Government and the Attorney General, that there is always recourse to section 14 of the Constitution which enables persons to file constitutional motions in such circumstances as the one before us, where they believe that their rights have been infringed.

I make this point very seriously because more and more people are going to court on the basis of errors committed by the State, its different officers, agencies and the sums paid to them through exemplary charges and so forth are enormous. So not only are the numbers of such appeals and motions increasing, but the amount of money paid for such errors is also getting extremely exorbitant, so I think it is a step in the right direction. I am quite sure the Attorney General knows that this warning has been echoed by many a judgment in our own courts, and the time is coming if we do not heal these breaches such as what we are doing today, prisoners would be taking up the matter more and more frequently. It is in that ominous context, I think, we are moving in the right direction.

I wish to underline by pointing to the January 20, 2004 edition of the *Express* where it says police officers are challenging their Commissioner in court for what they call breach of due process, and I am quite sure when this matter is finalized, it is possible somebody might have to pay some money. The question is that the person against whom the allegation is made does not usually pay the money. It is

the taxpayers' money. So this takes us into a further arena as to who pays when there is a responsibility, a breach of other persons' rights. The individual public servant, more likely than not does not pay, it is eventually the taxpayer. There is, of course, another issue on page 3, and I am indicating these things to show that one has to be careful in healing the breaches especially where matters of constitutional rights are concerned.

The Maha Sabha is also alleging discrimination by the Government or its agency, and I do not need to go too much into detail but it is on the same page and it follows the same pattern. The Maha Sabha feels it has been discriminated against with respect to the application for a radio licence, and it further alleges that the Government has violated its fundamental rights to equal treatment, again under section 4, by giving a licence to another person who subsequently applied.

My issue is not so much who is involved, but I really want to reaffirm the principle that I am trying to emphasize; that we have to be very careful about the rights of persons even if they are prisoners. On page 5 again, a woman takes another commission to court. This time it is the Statutory Authorities Service Commission.

Madam President, this is a regular feature now, which I do not mind. People must have access to justice and also access to redress when aggrieved. I am not on that point. We are all taxpayers and we must recognize when these matters reach the courts and judgments are made against the State or its agency or agent, it is the taxpayers' money that is used to pay. I think the time has come, really, for there to be some amendment to this kind of blanket immunity. I remember a judge or two making that point that whilst the State can pay part of it, it is time if only to create a barrier for greater efficiency and care in the exercise of public duty, especially with doctors, nurses, and police officers, that they be allowed to pay some of that money to the aggrieved person. And that is a very serious point. We cannot continue as we are going, with all these mistakes, errors made by people in the name of the State. I know that there is immunity in the Constitution but I believe if we are going for constitution reform, which I am quite sure the Opposition would want to encourage, that is a point that one should really look at in terms of how taxpayers' money is being used.

We have all these guarantees, all these rights in the Constitution but what brings them alive is a Bill such as the one which is called an aspect of procedural justice.

I wish to refer very briefly to a book that I enjoy reading and I am quite sure Madam President, if ever you have the time I can lend it to you to read. You

would find it extremely exhilarating and enlightening. It is called *LAW—The Science of Inefficiency*. All the talk one hears about the law, the rhetoric is sometimes deafening when one examines the practice of the profession. Now, this is not an individual issue. I am speaking about the system. That is another story and, perhaps, one day we could get more deeply into the rules and the rituals, because it seems as if the profession wants to have its cake and eat it. They want efficiency but they are drowned in rituals, and one motion after another. You want an elaborate structure, and yet you want efficiency and many times even when a chief justice, through the rules of court or whatever, tries to make an attempt to reduce the bureaucracy within the Judiciary, and rightly so—I certainly mean no offence—but the profession rises up in defence of its right to practise and then we hear all the principles about the right to a fair trial and so on.

Sen. R. Montano: Madam President, I would just like my friend to know that there was a Privy Council case in the 1980s—actually it was a Trinidadian case, *Hannays and Baldeosingh*—in which the Law Lords laid down quite clearly that the rules of court are our servants, not our masters; for the benefit of my friend.

Sen. Prof. R. Deosaran: I do not know how that would benefit me. I really do not know. I am just talking as a layman on behalf of the persons I meet every day and who grumble eternally about the problems they have in the courts, and sometimes the problems with lawyers, but I certainly do not want to go in that terrain. I am speaking as a concerned citizen with a passion for justice and access to justice, briefly, and I certainly mean no offence. I think, in a debate like this, it is good to have a more energized form of intervention such as I am trying to make.

The book says:

“The basic classification of legal rules in every mature legal system divides them into ‘substantive’ law and ‘adjective’ law. The substantive law...”

Which is the constitutional right as enshrined.

“consists of the rights recognized by the legal system, and the adjective law is the procedure or course of action which must be followed by persons who assert these rights in order to secure recognition and enforcement by the courts... Ironically, however, procedure has remained the mainstay of legal inefficiency, and the basic mode of preventing the realization of substantive rights.”

Meaning that one can have a million rights in the book, but if the procedures were not properly laid out such as we are trying to do, and the systems made more

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efficient in its operation and delivery, then those rights remain glorious only in their expression on paper. And that, fundamentally, is the little point I wanted to make and I am quite sure those who are in the business of not only law, but jurisprudence, would perhaps understand the scope in which I mentioned that particular point. In fact, a Chinese proverb says, “If by chance the wind blows a piece of paper into the court it would take two oxen to pull it out.” And the metaphor should be understood. When you are dealing with law as the author says, *Science of Inefficiency*.

Again, on behalf of a very aggrieved public, and I say aggrieved from a statistical point of view as well, between the years 1997 and about 2001 and 2003, the university, through its psychological centre and its Centre for Criminology, conducted opinion polls across the country and among the several questions that were asked was this: How satisfied are you with the criminal justice system?

Madam President, in poll after poll, you got only about 40 per cent saying yes, they are satisfied. Some of them have said, very dissatisfied. Sixty per cent of them said they were not satisfied and that was repeated year after year. I think that is a signal for us who are in the Parliament to try to reconstruct that public confidence.

The public would like to know. Mr. Attorney General, through you—I do not know if the Attorney General could spend a minute when he is replying. I believe it is good to take these opportunities to let the public know a thing or two about the law that governs them. They would like to know, for example, when a man is sentenced for five years, is that really a year, 12 months or is there a standard formula so a year just suddenly becomes eight months? And if it does become eight or six months, under whose discretion or under what regulation? The public would like to know what is it you are sentencing people for. The victim would want to know if the gentleman who cuffed him down or raped his daughter is really getting 12 years. Public satisfaction with the criminal justice system necessarily must include the victim. It is an opportune time to make mention of that since we are speaking about the rights of prisoners.

On the other question of “and” and “or”, I remember there was a matter that faced us as to an 18/18 tie in the Parliament, and I suddenly heard from very brilliant lawyers that “shall” meant “may” and then “may” meant “shall”. Up to now I cannot understand. Then I was told in law, “shall” means “may” because Lord Salmon and Lord “salt fish” or whoever it is—somebody up there told us and magically it becomes “shall”. I know the grammar comes from the study of

the English language. I know parse, I know syntax. I do not know if the lawyers have their own language. Maybe that is a foreign language. So we need to clarify that because it is important. The Attorney General told us that in section 5 it is put there to mean “or” as well. He was certainly correct because I am speaking as an innocent layman but with a deep concern for such matters on behalf of the citizens that I would like the Parliament to represent. If you mean “and” and “or”, I see no problem in putting “and” or “or” to imprisonment for a fine unless there is a reason for some draftsman technique to be preserved at all costs even though it violates a common understanding of what proper English is.

These are matters and I really do not want to belabour the point, but I have a list of them—but I think if the Parliament is to serve the public’s interest, those are the kinds of questions they would want to know. Justice should not be a cloistered virtue, and I think my distinguished lawyers in this Parliament would appreciate that. Let us open the doors of knowledge. This is a knowledge economy. The knowledge must not only be about economics. We must open the doors of this sacred sanctum of legal practice as far as possible and follow what the American and British systems are doing in these respects, but I will come to that in my closing part.

Again, if you tell me the magistrate has power to sentence persons up to ten years, rightly so and I am not interfering with that, but I think the public would like to know. What if a person commits seven offences and each one carries, let us say two or three years, would you artificially suppress due punishment because there is an artificially constructed statutory limit? I would like to ask really, as far as the victim is concerned and the sufferers at the hands of that criminal who would rape, cut, steal in one swoop, whether he should be contained by this statutory limit of ten years especially when those several offences would naturally, not superficially, each of them, carry three, perhaps four years? These are questions of the day I think citizens under the jurisdiction of a self-respecting Government and Judiciary should answer.

3.30 p.m.

Madam President, I would just move on, very briefly, to clause 6. I am doing this just, perhaps, to get enlightenment for my own self because I am curiously searching for answers to these troublesome questions which may not rock the world but bothers many the bosom of our citizens.

Clause 6 amends section 130, it deletes that and adds a new section, and is correct. I think the Attorney General is right, one needs to correct these breaches,

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but when you go down to the end of clause 6(a), right down to the end, you see that critical phrase—

“and given to the Clerk.”

So, after you go through all of these, the appeal is commenced, oral or written, then you go on to clause 6(a) then (2) underneath—

“Where an appellant gives—

- (a) an oral notice of appeal it shall be immediately reduced to writing by the Court, signed by the appellant or his attorney-at-law; or
- (b) a written notice of appeal it shall be signed by the appellant or his attorney-at-law,

and given to the Clerk.”

That “fella” who mysteriously disappears from the court which, largely, is the reason for us coming here. You cannot find the gentleman or the lady when you want them. Where are they, to receive this document? Would this Bill heal that particular act of disappearance or absenteeism? It resides, in the final analysis on being “given to the Clerk”.

Perhaps, there is something in the Bill I am missing and I would concede, but I would want to make sure that we are not wasting our time in improving the efficiency of the process that is involved. If the Attorney General finds that this authority and responsibility is sufficient—because it is now signed by the magistrate rather than the clerk in the first instance, it is all right, but I ask: What makes the Attorney General feel that the magistrate would be more responsible than the clerk? Sometimes there is a case and all prisoners are brought up from Golden Grove and the magistrate is not there. I do not say this in any offensive way, but they have to be taken back, the matter is adjourned and the prisoner is left wanting to know what is going on.

There is a matter in today’s *Daily Express*, January 20, 2004—which I would like to bring to the attention of Parliament at the same time—where three men are charged for murder. Everybody is worried about murder and kidnapping, but the point I want to make is relevant to this particular clause. Three men have been appearing before the judge time and time again and the matter keeps being postponed. On page 7 it reads—

“The trial was called before Justice...”

so and so—I am not going to call names.

“yesterday morning, and the jury was told...”

Now, the jury came out again, 12 of them—if we are really to get into this, as Sen. R. Montano would do, we would spend weeks on this matter.

“the trial could not proceed since Justice...”

so and so—you will appreciate why I cannot and will not call the name.

“who is presiding over this trial, had an appointment to keep.”

I thought one of the judges had once rebuked attorney-at-law Martin George for not appearing at his case because Mr. George told the court he had another appointment, and in local parlance, the judge “boofed him up”. So, who will guard the guards in this particular matter?

So, when I am told the magistrate would be signing it, I am not too sure if that provides increased efficiency and justice, if that is the intention. So, I will wait, with patience, until the Attorney General responds. Perhaps, I am missing something and he has a greater assurance than I have with this provision. If the Attorney General and his adviser—a very diligent gentleman whom I have known for quite some time—could listen to what I am saying and perhaps activate it into legislation, perhaps we can put “given to the Clerk and an authorized copy sent to the prisoner or his attorney”. A copy that the thing is properly signed so the judge may not have the problem to extend the time and there will be no doubt about the presence or absence of the clerk and so on. If at this time part of the procedure could involve giving—let it be statutorily stated—a copy to the aggrieved party, the prisoner. Perhaps there is another way to do it.

In fact, the Attorney General took the wind out of my sail because the amendment he proposed was really my major point, that the judge should have some ultimate discretion in the interest of justice and from the viewpoint of this prisoner who is very vulnerable under the State bureaucracy. The amendment has arisen and I think that will take care of this last frontier in terms of access to justice by the prisoner. I still do not know if that will help given the way—because it deals with temporality, time, and I am trying to look at the very substantive issue of having that document properly signed, even if the time might be extended, and an authorized copy be available to the prisoner.

Madam President, I do not want to embellish Sen. R. Montano’s point about the pretty motorcar and the engine, but as I was coming to the Senate this

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afternoon I passed near the building which houses the Office of the Attorney General and Ministry of Legal Affairs. It is a beautiful building. There is another name for it? [*Interruption*] Cabildo Building, thank you. Decorative, impressive, majestic; it really gives a message of justice for all.

So, I used to think too about the Hall of Justice and so many beautiful constructions. At the formal openings of these buildings you would hear the promises of justice for all, that everybody would be properly served and the common man would now have a voice. They say that because they have to announce the cost and it is extremely expensive to put those things down.

As taxpayers, I am quite sure, citizens do not mind but when you support those structures and the kinds of problems we are having day after day with the Judiciary and the Magistrates' Court continue, I really think the gap is becoming too wide. We need to demand—this is getting into another serious aspect of the problem—that the Parliament, in the first instance, must devise, construct or reaffirm the means by which we can have improved performance from the Judiciary.

I do not think that by merely saying you are independent and under the separation of powers should leave your performance untouched by some system monitoring and accountability. I certainly do not want political interference in any Judiciary. That is not what I am speaking about. You cannot have taxpayers' money being used so exorbitantly—rightfully so—without having some mechanism for accountability.

Madam President, I am not alone in this. As I mentioned, we do not have to follow everything other countries do, but where it will serve us better, we should take up the example, especially since the judicial system we have come from England. The Lord Chancellor in England is implementing a set of criteria by which the performance of courts and magistrates are now being judged. In an article from *Times* dated Monday, June 30, 2003, page 6 says that poorly performing courts will be named and shamed by the new Lord Chancellor to cut trial delays and bring more offenders to justice. It goes on as to how exactly they will do it.

Madam President, I know the Attorney General is fully appreciative of the sensitivity as to where the line is drawn between the Executive and the Judiciary, but that line is merely to guard against political interference. If you are using taxpayers' money to support the Judiciary you are entitled, by some other mechanism and without political interference, to make the case for accountability,

such as happened in Britain and also in the United States of America. Last year, the attorney general of the United States of America sent out a memorandum to all judges across the country urging them to take care with their sentencing procedures and other matters thereto. So it is not interference.

We have had a sentencing commission established by law and I would certainly ask the Attorney General, at some other time, what is happening to that commission in terms of the establishment of the commission, but that is another matter. I make all these points to reaffirm, once again, as the Attorney General has sensibly argued, the rights of prisoners must be preserved especially since they are in such a helpless position.

Now I come to clause 7 of the Bill. Everything is all right, the procedure is outlined and designed to ensure that mistakes of the past do not occur. I am still uneasy, but I am not as uneasy as before I got the Attorney General's amendment. I think he has really brought some solace and comfort to a great extent. I am still uneasy to a point, especially with clause 7 which goes over to page 8, subclause (b)(5) states:

“In this section ‘Commissioner of Prisons’ or ‘Commissioner’ shall include any prison officer.”

[Interruption] Thank you very much, Sen. Seetahal. All right, I will leave that.

Madam President, when the Attorney General made the point, a vital point, that he is looking after the moral aspect of the prisoners' condition apart from the administrative problems involved, my mind went back to the genesis of this legislation, in a large sense, in addition to the others who might have contributed, the Law Reform Commission.

Some years ago, the then attorney general, Mr. Sobion, had discussed with me some matters relating to the Law Reform Commission and one matter he discussed with me was the composition of the Law Reform Commission. The question, relevant to this, was: Is a commission filled with 12 lawyers able to look after moral and social issues of the day given the need for legislation which speaks to such issues? Now, certainly there are 12, make some room for a priest or somebody who could bring some value to the judgments and legislation emanating from such a commission. Twelve people with the same lens?

Madam President, I wish to submit with great respect, that that matter be revisited. It is a vital point in terms of legislation. It is not to incriminate those who are now in the commission, certainly not. They are all distinguished people. I

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am speaking of the principle of a wider representation which I hope, in fact, I would submit to the Attorney General is a matter to be given some attention.

In fact, before the Attorney General's amendment I went to the parent Act, as you would say, section 149(2)(b) where it states:

“if any omission or mistake is made in drawing up any order or judgment, and it is shown to the satisfaction of the Court that sufficient grounds were in proof...”

and so on. It gives the presiding judge the power for the court to correct itself and to correct the procedure if it has any defect, reasonably so. I was hoping that we could have done the same thing and, indeed, the Attorney General has wisely brought an amendment to satisfy that kind, as you say, breach.

Madam President, I am hoping that in all this talk about independence of the Judiciary, we should keep things in perspective. I know there is a line, which we are all prepared to respect, particularly a government in power—the Executive—and we know the implications. I am saying, again, when it comes to some matters of public administration and judicial performance, the Judiciary, apart from its annual report, which I have here—this is not enough because I see nothing here about the problems of the Magistracy. I see nothing here dealing with a vital problem affecting the public interest, whereas, Sen. Mark is indicating to me, that 90 per cent of our complaints and appearances in court go through the Magistrates' Court. I see nothing. So, where will you get the accountability required, where taxpayers' money is being used?

On page 32 of the *Express* the Chief Justice says that the Magistrates' Court is a disaster waiting to happen. Speaking about the Judiciary in the *Sunday Newsday* dated January 11, 2004 on page 9 the word used is “disgraceful”. The irony of this situation is that people think the Government is not doing its job. It might be so, but we need to know more precisely where does the explanation for bad performance exist. On the Executive or in the Judiciary? For what reason? Judicial officers have a lot of power, they can make no mistake, almost, because the State pays the money and that should be so to some extent, but we ought now to have a fresh era of accountability without undue political interference.

Another disaster, of course, if you would spare me one minute, as I see it here, are the vacancies in the criminal law department as published in the report by the Judicial and Legal Service Commission 2002. In the criminal department there are provisions for 18 positions. There is provision for 18 positions and there are 15 vacancies. So there are three people doing the job of 18, so to speak. When you

appear on behalf of the public's interest, the taxpayers, the victims, or as you say, on behalf of the State, and there are five other lawyers on the other side, two of them are Senior Counsel—as happened last week in a particular case which was thrown out because of lack of proper evidence because only the confessions were put before the court—it shows the gross imbalance we are being faced with.

I think we need to take steps as we are taking today to heal the breach. The Chief Justice said the reason for this disaster about to happen is the sluggish bureaucracy. He says he has the money, but it is a sluggish bureaucracy. I pause to say that we need a more precise form of accountability. Is the sluggish bureaucracy that of the Executive or is it lodged in the Judiciary itself, a Judiciary which has so many new offices? When I see the number of offices being filled in the Judiciary now, I think the taxpayer is entitled to ask, with great respect, of what value are these new offices, apart from the new buildings, being constructed?

Madam President, I think, apart from all this the prisoner—because the prisoner is in a prison—might visit the court, but he is going back to a prison. The conditions in our prisons—as a humanitarian yourself, Madam President, you have arisen from the bowels of social work and community welfare and will be very sensitive to this—is becoming the worst in the Caribbean, the overcrowding. This has happened over the years, it is not a sudden development, but we need to restore fairness—punish them but be fair as well.

I do not think those conditions, which are disease prone, young prisoners, slender built, taken advantage of sexually as well as otherwise. We examined 4,500 prisoners—this is for the public benefit because we are speaking about prisoners and their welfare; I think the previous minister of national security would have had something to do with this kind of examination—who left about 10,000 children of school age behind and, as well, about 5,000 spouses. Eighty per cent of them said they were not married, but they had common law relationships. Some of them had common law relationships with two or three other women. The point I want to make is that those prisoners have left behind a number of people uncared for, children and a large number of women.

Now in terms of social policy, and in terms of crime prevention—because we are trying to prevent crime by having CEPEP, a number of social policies—is a matter that has to be considered now under public policy. To what extent should the State be responsible for the families left behind and uncared for when punishing the breadwinner? I pose that question for *Hansard* because I would wish us to revisit it. If you send somebody who is a breadwinner off to jail, whose

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responsibility is it in a welfare State, which we are entering into by the number of social programmes? Is that not an area of concern for a government?

It is also an area of concern for the judges. When you sentence somebody and put him in the arms of the Executive, to what extent is it your responsibility, as a judge, to see that the conditions that are presumed under the punishment are not exceeded in terms of being non humanitarian and so on? Are you punishing them much more than the statutory punishment expects? I think the line between the Executive and the Judiciary should be modified to ensure that not only the law is upheld, Mr. Attorney General, with due respect through you, Madam President, but that justice is served by building a bridge in such instances between the Executive and the Judiciary, that they should monitor the conditions under which these prisoners are sent to jail and not just send them for six months or five years and let them live among the ravages of imprisonment. We need some more judicial activism in this, Madam President.

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. E. McKenzie*]

Question put and agreed to.

Sen. Prof. R. Deosaran: I will not be long, just five minutes more.

Madam President, much of what I have said is designed to help the Attorney General and the Government, and his adviser, if not today, make some adjustments to the Bill, but for further thinking as we move into securing the rights of prisoners. As we move in that direction my final point is this: we in this country have to tackle head-on, and use this Parliament to do so. We have to tackle this culture of inefficiency that affects all government departments. All ministries are affected adversely by this culture of inefficiency, irresponsibility and lack of accountability. The dangerous implication is that in the final analysis it is the ministers who bear the responsibility for things done underneath their hands, way down in the bureaucracy, of which they know little or nothing, but as the system has it, and as the questions asked here would indicate, it is the ministers who are held accountable.

What I am saying, briefly, is that the ministers should, in their own respective agencies, organize systems of accountability from ground come up because it looks bad. We cannot keep changing ministers from one ministry to the next

because you want to obscure the problem; that will not do. The public still remains fed up with the Government as a whole, whichever government it might be.

I want us, in all earnestness, Madam President, and using this Bill as an occasion, to move away from this culture of inefficiency because when the Attorney General tells us that the clerk is absent or not available, I want to know who is responsible. Is he going to bring another piece of legislation if a similar calamity happens through absenteeism or unpunctuality? I would have liked the Attorney General to tell us what system of accountability for monitoring our performance he would expect within that area of administration so that the intention of this legislation would be fulfilled.

Thank you very much, Madam President.

Sen. Dana Seetahal: Madam President, may I say that my friends, the Opposition, have given way to allow me to speak ahead of them, because normally, they would have spoken now. I thank them.

The legislation before us deals clearly with simply procedural matters in respect of appeals from the Magistrates' Court vis-à-vis criminal matters, so we are dealing with appeals in criminal matters and sentencing in criminal matters in two aspects. So, it is a very short Bill but it deals with very important issues, about six issues as the Attorney General clearly identified.

May I say that at the outset we should all recognize, and other Senators have said it in different forms, but in assessing terms, we know that the Magistrates' Court, summary courts, have been the bastard children, as it were, in the criminal justice system, of the legal system. While some eight years ago great strides were made in terms of improvements in the High Court, in the Court of Appeal, very little was felt way down in the bowels of the summary courts where, as we have heard, some 95 per cent of all criminal matters are completed. All criminal matters begin in the Magistrates' Court, but 95 per cent are completed there. In other words, 95 per cent of all criminal matters are dealt with as summary matters and finished by magistrates. So, magistrates pronounce sentences or dismiss matters and finish them in respect of the kinds of matters that Sen. R. Montano mentioned, traffic matters, assaults and also drug matters, firearm matters, breaking and entering, robbery and matters of that nature.

When I was a magistrate some 18 years ago, for one year and one week, the conditions were worst and they have not improved much in the last 15 years.

4.00 p.m.

That is one of the reasons I left—the terrible conditions in the San Fernando Magistrates’ Court where I last sat. In the magistrate’s chambers, as they were then, there was nothing to speak of—no physical amenities, not even proper bathrooms. As Sen. R. Montano mentioned, there were some 150 cases listed a day. You did not deal with them—clearly you could not—but because you had to read them, you could only deal with three or four. Those are problems that have been perennial and we have really not dealt with them.

As the Attorney General has said, now the Magistrates’ Courts and the High Courts fall within the purview of the Judiciary, so it is the Judiciary really, through its Court Administration Department, which ought to deal with the problems. However, we know that political will can accomplish a lot and political will can assist by providing the funds to improve the courts we have and how they function.

Before I get to that part of it, I congratulate the Government—I am not going to be long—for bringing this piece of legislation and dealing with specific items which however do not—as Sen. R. Montano has said—impact on the physical conditions we know of in the Magistrates’ Court. This will have a long-term impact on the litigants who come before the court.

A good example of that is the provision, which allows the Court of Appeal to take into account time spent in custody awaiting sentence. That is at clause 9(b)—the second to last clause of this Bill. When we debated a similar piece of legislation in March last year, the then Attorney General had indicated that she would bring legislation to include this provision. She had indicated that she was going to bring other legislation, but I must say that what we have now is a much-improved piece of legislation because the last one only dealt with two matters.

I raised then the question of people in custody and I raise it now. In May of last year, the Court of Appeal of this country said in a judgment that it was not unusual for appellants to stay three years in custody awaiting an appeal. Although I do not think that was quite true in May of last year—maybe up to mid 2002, sufficient to say that in the matter of Sheldon Roberts, the Court of Appeal felt that a man who had been sentenced to 24 months in jail, who had spent 39 months in custody awaiting the hearing of an appeal and who had waited six months while he was outside on bail, should then serve the full term when he lost his appeal. Thirty-nine months in custody in Trinidad and Tobago is equivalent to 5 years. Under Rule 285 of the prison rules, a prison term of one year is eight

months unless you misbehave. That is how it is in our old rules and that is how it was with this guy. If he had not appealed, he would have been out in less than half the time.

He stayed there, he appealed; he was within his rights to due process; his rights were supposed to be assured, yet when his appeal came up, although there were valid grounds, the Court of Appeal did not hold in his favour. They said they were arguable, threw out his appeal and said he must serve his sentence. In other words, he would have had to serve five years plus two—seven years for daring to appeal a two-year sentence. May I say that the former Attorney General did see the unfairness of this and took the matter through the Ministry of National Security and Rehabilitation to the appropriate Head of State and that appellant was pardoned and his sentence remitted because of the gross inequity. That is why I went straight to clause 9—to say that it is time we had a provision like this.

The Court of Appeal, in more recent times has tried to be innovative by dealing with unfair matters in a different way. Amazingly enough last week, in the matter of another Sheldon Roberts, the Court of Appeal reduced a conviction of trafficking marijuana to one of possession and sentenced the appellant to 18 months. Having recognized that he had been in custody for over a year, they said that he would be sentenced on January 13 to 18 months, but that he would be released on February 28 of this year.

That is creative thinking and I like it, more especially as it was my client. I like it also because the Court of Appeal exercised its power to make any reasonable order that it could. We are talking about two different persons named Sheldon Roberts: one from Laventille, one from Tobago, who were dealt with entirely differently by different members of the Court of Appeal, who both were following the strict letter of the law. One set of judges decided that, without breaching the provision, they could deal with it more fairly and the others went by the book and what appeared to me to be inconceivable to any normal thinking person—I guess Sen. Prof. Deosaran would have had something to say about that in terms of not understanding how the courts think—the latter adhered to the literal interpretation. So, it is a very good piece of legislation—that provision in clause 9.

May I also say that in terms of the other provisions—and I do not propose to go into them in any great detail—the question was asked about consecutive sentences. All the provisions are useful; all of them are good. In consecutive sentences, we are talking about a person with a number of charges. Let us say that he has several charges of possession of marijuana on different days. You might

have a user—15 grammes one day, 20 grammes another day—and he has three matters. The maximum penalty for that in the Magistrates' Court is five years for simple possession. If he pleads guilty on one day and he is sentenced to three years; he is sentenced to five years; he is sentenced to four years; if you add that up, it is nine. However, under the current law, the magistrate can only sentence him to a total aggregate consecutive sentence of three years.

What is the purpose of a magistrate having power to sentence a person to five years maximum for one offence, but an aggregate, if many offences are being dealt with, cannot exceed three years? It does not make sense. The reason is that that law was passed when sentences by magistrates were not beyond six months. That was the basic power of the magistrate, except when dealing with certain offences that were normally tried by a judge and they got that power, then their power to sentence increased to two years.

Now what is being proposed is that magistrates, when they are sentencing people, if they make it consecutive, then the maximum would be ten years and that seems to be reasonable. So, in the example I gave you, the person, if he is sentenced to consecutive terms, would serve the nine years. If we take into account prison time, that would be six years. The point is that we have to take into account the current law that magistrates have greater sentencing powers.

My final point in commenting on the legislation, which I have already said I have no problem at all with—one or two “typo”, but nothing big—is the question of oral notice. The question came up when we discussed the old piece of legislation. I recall that a certain judge said in the Court of Appeal, when we had the legislation as it is now, with a person having to give notice to a Clerk of the Peace—if you give oral notice, you must see that the Clerk of the Peace reduces it in writing. Imagine you are a convicted person before the court and you have been sentenced to three years for possession and you say, “I appeal”. That is oral notice. The police then, as is their wont, take you down—down means down physically—to the cells and you would have no opportunity to tell anybody anything. As I put it to a judge, he could not scale the prison walls to come back and appeal. He said, “So, why didn't he tell the police to send for the Clerk of the Peace?” A Clerk of the Peace is in an air-conditioned office somewhere waiting for people to come and ask for bail. He is not going to go to a cell for an arbitrary prisoner to tell him to record his oral notice of appeal. That just does not happen. So, you find that there are some members of the Judiciary who do not understand what goes on. There are cells there and there are offices there and the two do not meet.

When someone gives notice of appeal as we have it right now, the court, in the normal course of things, if you appeal, would record it and that would go down with the normal appeals and it would automatically be recorded as an appeal. There is no need for the appellant to have a copy of anything. Once it is recorded right there, it automatically goes to the Court of Appeal in the normal course and it always happens. The magistrate is the one who records it and the regular clerk of the court, not the Clerk of the Peace. There are three books and they are all copied on the back of the information. It is in the hard book, so by the time it goes to the office at the end of the day, all those things are sent down. That is why it is better and it is put here for the court to record it and the notice, which is a form that is printed out in the Summary Courts, that it be signed by the attorney-at-law.

There is the question of extension of time. When this Bill in its previous incarnation was before us, there were many arguments about that. I remember being asked why we were entrenching inefficiency in the prison service. If you recall, Madam President, we were talking about if the prisoner signed the notice and the Commissioner of Prisons takes months or weeks to bring it down, as has happened, so much so that nine appeals were dismissed in one day.

There is a provision for the Commissioner of Prisons to do certain things and it is very clumsy. There was some resistance to the suggestion that the Attorney General has now put forward, which is the only reasonable and sensible kind of provision to give the court power to extend time as is done in respect of High Court appeals in other countries like the Bahamas, Grenada, Guyana and St. Lucia. So this is a sensible and simple provision and I do not think anyone can object to it. I do not think that there is any room for objection and it can only benefit the prisoners.

Sen. Prof. Deosaran: Madam President, I will defer to the knowledge of Sen. Seetahal in this matter, but I was still wondering, with respect to giving the prisoner a copy, I was saying so out of caution because we have known court documents to be missing. It is in that context—I do not know if with the Senator's knowledge that is impossible to happen—I merely wanted to ensure that the intention of the Bill is secure in the sense of still giving the prisoner a copy of that document in view of missing documents we have had over the years.

Sen. D. Seetahal: Madam President, we are talking about a notice of appeal and as a corollary for that, we are talking about the position, as it would be if this legislation were passed. It would be similar to what operates in respect of appeals in the High Court. We do not find documents going missing in respect of a litigant

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appealing; in terms of an ordinary person trying to exercise his right of appeal. You may find things missing the other way where people are being charged. You may find a host of other documents that somehow may be lost. When someone appeals, it is recorded in three places. All the records go to the Court of Appeal automatically and it forms part of the records of proceedings. So, there are three bites of the cherry as it were so that he would not lose his right of appeal in terms of how it is done. I do not propose to get into that too much, but we can talk about it in more detail.

There is one final point before I wrap up. As I said earlier, the Government must be congratulated for bringing these specific amendments, but as I also said, and my colleagues have already expressed their concerns about the normal function of the Summary Court. This legislation deals with sentencing and appeals. The everyday functioning of the court cannot be dealt with by legislation. We have penalty Acts; we have Acts creating offences. What about the normal everyday functioning? What about the case management system that does not exist? They are talking about all these things existing in the High Court. There are matters listed in the High Court. They will know that it is going on. You file an appeal.

If you are convicted of murder tomorrow, the chance of your getting your appeal heard within a year is 90 per cent likely. If you are convicted of an ordinary offence like an assault, you will not be listed for years. If you are charged with murder, you will get a trial within a year or two. If you are charged with possession of drugs in the Magistrates' Court or assault or some kind of offence, which is taken summarily, you may not get a hearing within five or six years and by that time the average witness is so fed up, as I was in relation to a matter in 1993 when my car was broken into and all my running clothes stolen, not to mention my bag and jewellery. But that is another story. The fact is that the matter never went on. One day it was actually going on and they stood it down and when we looked around the accused had disappeared. A warrant was issued; it was executed; he was given bail again and he is probably still wandering around the savannah stealing people's things.

The point is that after about eight years I got tired. If it had been a murder, he probably would have had a trial already and maybe even probably would also be out there liming, having been acquitted. The chances of getting an acquittal of a capital offence in this country these days is very high and probably has something to do with the inequity of counsel or a lot of other things in terms of witness, which is another whole story.

These are reasons the case where I was the victim was adjourned. One: the air-conditioning unit was not working twice, so the court did not sit. Two: the magistrates were on a sickout twice, protesting the conditions of the court. One time the particular magistrate did not come, so it had to go over to another magistrate to be adjourned. Another time the accused did not show up. I think he was told that it was likely to go on and he did not show up. They did not keep him in custody; he was given bail. So the next time when it was likely to go on, he did not show up. There were many reasons for delay in the Magistrates Courts. As a result of that there are tremendous backlogs. So it is time to hold the Magistrates' Courts by the scruff of its neck and force some efficiency into it. The way to do it is through case management.

A greater number of magistrates just may not work. There are 30 Magistrates' Courts in this country and about 32 magistrates. It is to have a proper division of labour and not call matters every two months and have 150. Spread it out widely and have 30 cases or so, or when you fix matters ensure that it is going on—simple things. Juvenile matters are heard very quickly. Why? Because you ensure that their matters go on because they are juveniles. You can do a lot of these things and I suggest to the Attorney General that in his dealings with the aspects other than legislation as the conduit for the Judiciary with the Executive, he may have some influence.

I thank you.

Sen. Roy Augustus: Thank you, Madam President. Like the last speaker, I am not going to be extremely long. I, too, happen to agree that this Bill is addressing some serious concerns about justice in the country. Having listened to all the presenters, I am extremely happy to understand that people believe that justice is important. Sometimes, because of where I happen to congregate, I wonder if there is justice for the poor man at all. Listening to speakers here, I believe that people do have the will to address the matter, even though it is not as much as I would like.

What is justice for the poor man? That is a question I always ask myself: I always ask my friends. Justice is a question of being dealt with quickly and speedily when you are accused. Unfortunately, as far as the poor man particularly is concerned, because most of his matters take place in the lower court—the Magistracy—they are long and drawn out.

All our speakers so far have spoken about the condition of the courts. I do not want to blame the Magistracy. I want to indicate that if we are serious, then we will take every step necessary to ensure that the courts are provided with the kind

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of environment—the kind of work conditions and the kind of training for staff—that will permit some smoothness of operations.

I was disturbed to hear the Attorney General attempt to get out of the responsibility, which devolves upon the Government to ensure that there is an adequate working environment for the Magistracy. I understand the separation of powers but I do not really understand the separation of responsibility.

Sen. Jeremie: Thank you for giving way. If anything I said could have been perceived to be getting out of a responsibility that is mine, I apologize. As I have said before, we have in this country a long running and at times acrimonious debate as to exactly where the separation of powers ought to lie.

At present, the Judiciary is given a vote with respect to the construction of buildings and the upgrade of its facilities. The Chief Justice has been quite careful to point out that the difficulties he is experiencing are bureaucratic in nature and relate for example, to the Valuations Division giving various things. I have spoken with him and I have expressed that I would do all that is in my power, within the constraints of the bureaucracy under which I have to function, to do what is necessary to ensure that he has the adequate facility which he requires.

Sen. R. Augustus: Thank you very much, hon. Attorney General for once again accepting that there is a responsibility, which devolves upon the Government to work assiduously with the Judiciary to ensure that these things are carried out properly and expeditiously.

As I was saying, the people who are faced with the difficulties in the Magistracy happen to be the poorer class people. I hate to use the word “class”, but it is the only way I can explain it at this time. Unfortunately, they are the ones who are faced with the repeated calls to appear in these courts. One may say that if they had not been intransigent then they may not have had to appear—although I know many instances where persons have been wrongfully accused, so we have quite a number of innocent people who are faced with that kind of thing. Be that as it may, I am saying that once we can provide better conditions, we will have better justice for the poor man. I go on.

I look at the question of bail because when people appeal they need to get bail. I sometimes wonder about the system of bail that operates in the country. The people who are able to get bail easily and even quite cheap are people who have land. The poor man, who does not have access to land, does not have access to bail easily. What are we going to do to correct that kind of situation? I am not

saying give everybody land. All I am saying is that we have to address a situation, which seems to be lopsided.

Historically, we know there is one—and I am not speaking race—large segment of our population, which is not “landed”—to use a colloquial expression. In a sense, injustice through the bail system as it obtains is meted out to that section.

We have talked about the prisons, which are overcrowded, and we are keeping people inside while they are appealing. I am glad we are addressing the situation where, after people have lost their appeal and have already spent their time, they will probably be let off. So we are not keeping the prisons overcrowded, again with the poor man.

One of the things we have to do in dealing with justice, Madam President, is to look at prevention. As a government and as a society, we have to create an environment which allows people to live in peace, to live comfortably and which does not allow agents to create situations that will encourage people to commit crime.

The calypso is a very, very powerful tool and I am hearing a calypso, which is demanding that illegal operations take place in this country. What worries me is that the calypso was sung to, and appeared to have been appreciated by frontline members of the present Government. I am talking about the calypso being sung by “Cro Cro”.

Madam President, the society—and even societies worldwide—is degenerating into a pit of violence. Any responsible government and members of any government must do things to prevent the commitment of further crime and must not do things that will give licence to influential people in society to encourage the poor man to get involved in crime. We have to do that. The calypso is a powerful tool and I am speaking from experience. I know of a very influential calypsonian who sang about losing a friend and he did lose that friend. That is the power of the calypso.

Madam President: Hon. Senator, I have to interrupt you at this point. We will now take the tea break. This sitting is now suspended until 5.10 p.m.

4.30 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Sen. R. Augustus: Thank you very much, Madam President. I was at the point where I was winding up on the issue of the encouragement of an artiste in

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what appears to me to be using calypso as a vehicle to incite. It is incumbent upon the leadership of any society or community to ensure that things are put in place to prevent activities like these from happening. In fact, calypso and calypsonians are dear to me. I am wondering if what we have been experiencing over the last few years is not a corruption—I see my good friend smiling—of the beautiful art form and creativity. Our society cannot afford that. It is too precious an art form for us to encourage its demise.

There is another aspect. Sometimes I wonder—I was told during the break that “Cro Cro” can defend himself on stage, I know that always is the case; that people are afraid to make statements about calypsonians, particularly certain calypsonians, because they are afraid of the voice of the calypsonian. One must not make decisions on the basis of fear.

That takes me to the final point. It all has to do with our communities, the society and the sharing of the apple; the justice that is so absolutely necessary if our society must maintain its pristine values. I have no objection to the State allowing religious groupings to have land for the purpose of building their religious places, neither do I have any objection to the State allowing communities to have places of recreation using State lands. Just as this Bill sets out to put in place procedures by which the right things are done and by which justice is served properly, there must be certain procedures to be followed, if we are to remain as a civilized society.

Recently, given the trend of events that I witnessed, I wonder whether a decision was made on the basis of fear. Just as we are afraid of calypsonians and afraid to say things about them, I wonder whether the decision, in terms of the mosque in Beverly Hills remaining where it is, was based on a decision of fear. Justice in a society can never be served if decisions are made on the basis of fear. When I hear the leader of my country, I would go so far as to say my Prime Minister, indicating how people must be treated with a form of appeasement, I wonder where we are heading. Do you know why I am saying this? Because when the fallout comes, as it must, if we continue to make decisions in our communities based on fear, the people who will suffer are the poor and the lesser privileged; the people for whom justice always appears not to be equitable. Madam President, when you are told to kidnap it will be the poor ones who will kidnap. When you have to continue intimidating to get what you think is your right, then it is the poor people who will do it.

I am appealing to those on the other side that we have to put things in place to ensure that our society continues to adopt certain values and fear must not be one

of them. We must put things in place to ensure that the lesser man and his community are provided for properly by using correct procedures and not by encouraging our people to do illegal acts and also encouraging them to be criminals.

Madam President, I hope that the procedures in this Bill are implemented speedily, which will make things so much better as far as justice is concerned for the poor man. Thank you very much.

Sen. Brother Noble S. A. Khan: Thank you, Madam President. May I extend to you best wishes for the new year. May God Almighty continue to shower his blessings on you and your family and grant you guidance as you lead us in this honourable House. The new year may rekindle many old desires. May they be fulfilled in the year.

The matter before us deals with justice and its operations. In any dynamic or organic situation one can expect changes to be made, albeit to the betterment of all concerned and more so that which will lead to a better Trinidad and Tobago.

One may say that one of the major primary goals of our society is the attainment of peace. We may recall “peace on earth and goodwill to all”. It has been proclaimed from earliest times by many in this august Chamber and we are often reminded of this desirable goal. This Bill that is before us brings evidence of the element of the goal that we seek. Peace itself is an edifice that rests on other pillars. Very often we think in terms of when something is before us, we look at it in its totality to see how it affects us.

Some of those pillars are truth, justice, love and freedom. These are necessary if there are to be good and harmonious relationships, not only between ourselves, but also if we were to extend it between other nations.

Truth, as we know, is a pillar which includes recognition that human beings are not their own masters. We are not our own masters. From my tradition we have encapsulated that in that we are vicegerents to the creator of all. He is the absolute truth. Truth implies sincerity, which is essential to mutual confidence and fruitful dialogue leading to peace. Truth brings each of us in our own rights, but it also recognizes one’s own duty towards others. Again, peace cannot rest without justice and respect for the dignity and rights of every human being.

Very often, it has been echoed here in different ways, it is the lack of justice in individual and social relations that causes so much unrest; not only today but in the past, which brings about so much violence. One wonders to what extent, what

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is before us would be sufficient, given the cries of the state in which our nation is now. I would not recap what our hon. colleagues have said. Justice is not alone; it must be tempered with love.

Love would imply the ability to recognize that we all belong to one human family. We must see each other as brothers and sisters. This capacity for love would lead us to empathize, to share in joys and sorrows and to feel for others what we should feel for ourselves. This should obviously lead to genuine sharing, not only of gifts or material matter, but also of the values of mind and of the spirit. Love makes allowances for weakness and therefore includes the ability to forgive. This forgiveness is essential to the restoration of peace when conflict breaks out.

It may appear what I am saying here might not be relevant to what is before us but we are dealing with the concept of justice and law, the very fabric upon which our society lies. I have recounted these areas because forgiveness allows for the possibility of beginning again on a new basis in a restored relationship. These are important concepts. When one goes before a court—even as we are trying to streamline the court system—it affords this opportunity. Even this presupposes freedom. This is an important concept which is essential. The concept of freedom is an essential capacity or characteristic of the human person. Freedom properly directed allows people to act according to reason within a framework of a value system to assume responsibility for our own actions. Obviously, we can go on about the question of semantics, even dialectics or even duplicity. Very often we find ourselves in this bind particularly, when the question of justice arises and where men in positions of dispensing justice find themselves.

Each of us is responsible for ourself. There is a relationship before God Almighty, the spirit path. Our Constitution recognizes this. The founding fathers had established that in our Constitution, even in the preamble. There is a place for it before us in the elements of law, which we are dealing with, if we are to think in terms of the Constitution being the primary law of our land.

It is important therefore, to bring our Creator into all of this. You can call Him by any name. He is the Supreme, even when we may consider what may be ascribed. For us poor beings, we know we are weak. We find it hard to live up to ideals. We need help and this must be achieved. I must strongly reinforce this point. We do it every time before we start a meeting here. It is prayer. What is before us is law which seeks to bring justice to our country. This subset of the edifice, which I have alluded to and which has a goal of peace and the other

pillars of truth, love and freedom, can be thought of welded together by our appeal to the Creator in prayer.

This is an element of building a society of order and commitment to openness and listening, of dialogue and finally union with our Creator should all come from a well-being that springs from true love, where the outpouring of our souls in our prayer would give meaning to our being here. I say that against a background of what has been alluded to by many of our colleagues. I, too, feel that the majority of our people question whether they receive justice in our land. As to the quality of justice, we do have a control over that, to some extent, when we think in terms of the facilities that could be provided to those who have to dispense. I strongly urge those who have that power and authority, which is the Executive, to consider this.

I would not like to go into the question of how what has been noted for quite some centuries now—when we think in terms of the separation of powers and the masquerade that we make of it. We have had some elements of the ‘mas’ in the House which was given by the previous speaker. I would not go into that part of it, but there is definitely a need to review the concepts of law and order which have guided us for some time, which we have inherited and which seemed to act on us like a wet blanket when it comes to the delivery of what is fair and just.

Perhaps, we may revisit what I have said in relation to justice and those pillars which form an integral part. There is the concept of a balance, of *nisaab* in a next language. I do see the symbol of it over your goodly head, my lady. It is the scale. I always feel confident when a person such as you—even when you are not there—and the person who occupies your seat that would give that fairness we so long to share in when you give your decisions.

In closing, I would like to see what I have said is considered, if not within the Bill itself but within our inner selves; our conscience as we go through our different duties in service to our people. Thank you and may God bless us all.

Sen. Dr. Jennifer Kernahan: Madam President, allow me to make a very brief intervention with respect to the Bill before us today, the Summary Courts (Amdt.) (No. 3) Bill. The justice system plays a very fundamental role in maintaining civilized society as we know it. Throughout the debate here today and in the public domain, enlightened thoughts now demand that we take a step beyond where we are today with respect to the revolution, as one may say, in the criminal justice system and in the whole question of how we approach the penal system.

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There is a lot of talk about restorative justice rather than retributive. No less important is the whole question of ensuring that all men must be seen to be equal before the law. There is the fundamental concept that justice is blind and that all men are equal before the law. That seems to be observed more in the breach than in the observance in the society. I think this is what is fundamental to a lot of the mischief that certain people can make with impunity in the society at this point in time. I will come back to that a little later on.

All of us are affected by the high levels of crime and criminal activity in the society: all classes and sectors. What happens, given the statistics, is that the poorest people in our society: the most socially, culturally and educationally disadvantaged in the society, are the ones who are most directly and fundamentally affected. The statistics show, in this document entitled *Prison Recidivism Towards Reduction, Rehabilitation and Reform—a Research Policy Report* by Prof. Ramesh Deosaran that over 97 per cent of the inmates in our nation's prison today can be categorized as belonging to the lower social class or category. Two per cent is the middle class and 1 per cent is the upper class. This shows that the poorest sectors of our society, the least advantaged and culturally most challenged in our society are the ones who have to face the criminal justice system. Although—all evidence to the contrary—we know for sure that middle class and upper class people are involved in white-collar crime. This type of crime is not on the front burner of our society. Persons are not severely punished and it is not seen as a problem.

In fact, in the world today it seems to me that white-collar crime is almost accepted and is being pushed as something admirable. We see in certain movies the cultural trend where stealing and bank fraud is seen as something laudable, where people often get away scotch free and they are not brought to the book. They are seen as being very bright and brilliant people who can do these things and get away scotch free. It would seem to me that as these statistics indicate only 2 per cent of the middle class and 1 per cent of upper class people are brought to the book for different types of crime in our society. For the majority of the disadvantaged, poor and dispossessed people in our society who feel that justice is really blind and all are equal before the law, these statistics have to tell a different story.

Madam President, the provisions of this Bill before us today really affect the life of—the statistics were previously quoted by Sen. Seetahal. Ninety-five per cent of the cases that come to the lower courts are dealt with summarily. Therefore, as we said before, 97 per cent of the population are the ones who are

imprisoned. Ninety-five per cent of the cases are dealt with summarily. This Bill has a huge impact on that particular section of the population. It is with this group in mind that we have to—when we look at this Bill—recognize that over 78 per cent, given the statistics by Prof. Deosaran, are 41 years and younger. We have the situation where we have this huge group of people who face the criminal justice summarily. Out of that 95 per cent, over 78 per cent are 41 years and younger. There are 23 per cent who are older than 42 years. There are 11 per cent between 17 and 21; 16 per cent between 22 and 26; 14 per cent between 27 and 31; 18 per cent between 32 and 36 and 18 per cent between 37 and 41. If we look at these figures, over 60 per cent of the people in prison who are sentenced by the Magistrates' Court are between the ages of 17 and 36. The delivery of justice or the lack thereof affects very primarily young people. It affects the young disadvantaged, and the socially and culturally disadvantaged people.

This is a serious issue. When you have a system with these sort of features and you have young people confronting the justice system, many times you have a situation whereby people are innocently railroaded through prison. We have that problem. I know for a fact in my community, once you establish yourself as an offender—someone who is involved with larceny, robbery or any other criminal acts—anything that happens in the community or nearby communities, you are the first person the police targets whether or not you are guilty of the crime. These socially and culturally disadvantaged people do not have family support or access to lawyers or any legal aid. They do not have the knowledge of how to access these systems. They are just railroaded through the courts. They spend a long time in prison whether it was for the crimes they actually committed or the crimes they were railroaded for and unjustly accused. These young people become hardened repeat offenders in our prison system. The statistics show that over 35—45 per cent of the prison population are repeat offenders. These are the statistics from the document by Prof. Deosaran. We have a problem that young people are placed in the courts and are being made repeat offenders because of the unenlightened criminal justice system and prison system we have in this country at this time.

This is very relevant to clause 4 of this Bill, where we have a situation where the magistrates are now empowered to give sentences which run consecutively but should not exceed 10 years. We have magistrates in the summary courts who are able to impose longer prison sentences. This has a serious impact on what is happening in the prison system.

It is already documented that the prison systems in all the prisons in this country are seriously overcrowded. These prisons are Carrera, the Royal Gaol and

Golden Grove Women's Prison. All these prison systems are seriously overcrowded. In fact, there have been a number of prison riots over the years in Carrera. The latest riot was in 1977, in the Royal Gaol on Frederick Street. Serious prison riots resulted from the overcrowding and the type of antiquated treatment and systems in the prison. The prison on Frederick Street, for example, was built to hold 250 prisoners. The prison population there fluctuates between 800 and 900 prisoners. It is terribly overcrowded with all the implications of health and the sanitation of the prison. This not only affects prisoners, but also the prison officers who have to work under these conditions. As the saying goes, they also "make," time because they spend 8—12 hours a day having to endure these conditions. Therefore, it affects not only the prisoners and the rights of prisoners, it also affects people who are supposed to be caring for prisoners and are supposed to ensure that rehabilitation work is taking place in these environments. Under these conditions we are sure that the very last item on their agenda in these prisons is rehabilitation, study, recreation and health because basic sanitary conditions are so horrible. It affects all concerned.

When we approach the whole question of the criminal justice system piecemeal, what is going to happen is that we will have an imbalance in the system, there you have certain problems. We have acknowledged in all the reports so far—this report: *The Republic of Trinidad and Tobago Final Report of the Cabinet-appointed Task Force on Prison Reform and Transformation*—all indicated that they have documented very extensively the conditions in all the prisons in the country. They have had focus groups, seminars and conferences with all the major stakeholders in the system. It is a well documented fact that there is need for extensive reform.

5.40 p.m

Madam President, at the moment, this report is before Cabinet. This report was commissioned by the hon. Basdeo Panday, and the present Government continued the work of this committee. When there is an important reform process sitting in the wings and it is not being implemented—there is no dialogue; there is no debate and nobody knows exactly what the Government intends to do with respect to this very important report; and there is legislation coming to this House which further exacerbate the problems in the prisons—then it is time for the Government to stop and take a look and see where it is heading. With respect to these matters, we need to have balanced progress. If the Government recognizes that the whole system needs to be brought in sync, then it will have to deal with the whole question of what is happening in the Magistrates' Courts; what is

happening in the Summary Courts; what is happening in the prisons; and what is happening socially in the society—in the schools and so forth—which this report recognizes.

This report recognizes that the whole question of prison reform has to be linked very closely to the community. Restorative justice is based on the whole question of linking the victim and the community in order to reduce the incidence of crime and reduce the incidence of offences and so forth. In the event that they do occur the offender is made to—where it is relevant—do community service and to have some sort of connection with the victim, and that would restore and heal that breach that was created by the offender.

Madam President, at this point in time, this is a call for a balanced approach to our society. Because of the sort of disintegration of the social fabric of our society, a lot of demagogues are going to come forward and make a lot of mischief. I am referring to an issue raised by two of my colleagues where a particular calypsonain is calling for a certain course of action—like kidnapping and so forth—as a solution to the problem that we are facing in this society.

It has struck me that this sort of heinous call to action could be made in this society, and actually find echo by some members of the society. This is so because a lot of people have lost faith in the criminal justice system. People feel that justice is no longer blind; people feel that there is one law for the rich and there is one law for the poor and many people who should face the criminal justice system get away scot-free and, therefore, they feel that they have to go the other way.

Instead of calling on the legislators and the criminal justice system to bring all to justice by implementing the laws of this country that are already on the books and to ensure that everyone—regardless of class, money and status—face the justice system when it is appropriate, people are going the other way and turning in on themselves and they are actually finding some sort of echo in this society. This is extremely frightening. At this point in time in Trinidad and Tobago, our responsibility as legislators has become triply important to give people the feeling, support and assurance that all are equal before the law—really in the observance and not just in the talk of this concept.

This society has reached the point where there is need for direction from the leadership and the political directorate, which is in power. We are not going to get that sort of leadership and direction that we are looking for from a Prime Minister who has admitted that the Jamaat al Muslimeen is a threat to national security—

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the Prime Minister has admitted that openly—and he has to deal with them strategically. On the other hand, you have the same political directorate bulldozing arable agricultural lands; decimating a sugar industry and putting thousands of persons out of work. They do not seem to feel any need to deal strategically with the economic realities of thousands of persons in our society. So, on one hand, there is strategic justice for the Jamaat al Muslimeen, and on the other hand there is non-strategic injustice for the sugar workers, cane farmers and food crop farmers of this country. Then there is a problem. When people perceive these problems they know that this country is on the wrong road.

Madam President, after two years of the imposition of the People's National Movement in this country, we are seeing strategic justice and non-strategic injustice. We want to know what is happening. This is why people like "Cro Cro" could come out and say things, and people could actually support them. The leadership of this country is leading the charge in meting out a lot of injustice—dispensing injustice in this country—and people feel that there is no recourse. I want to say to the people of this country that there is recourse. The people have the power to influence this Government. I believe that the people of this country do not know the power they have to influence this Government and to make the Government aware that they are totally dissatisfied with what is happening in this country.

These are the basic issues I wanted to raise today. I feel that fundamentally there is a lot of thought and ideas out there. People went out there and canvassed—all the major stakeholders—and collectively we know what needs to be done. This document has a lot of excellent ideas and proposals for prison reform. There are also proposals for the reform of the whole criminal justice system. So, collectively, we know what has to be done, but what is lacking is the political will to do it.

Madam President, I am saying to this present Government and this political directorate that because of its focus on maintaining itself in power; and because of its focus on maintaining a small elite clique of people in this country in perpetual power; they are not prepared to put the country before self, and implement the necessary strategies that are needed so that the people of this country could go forward; the people of this country could feel that they are equal before the law; that strategic justice is administered to everyone and not just to a favoured few in this society; and the 95 per cent of the people who face the criminal justice system could feel that there are systems and processes by which they could access justice.

Let us face the fact that the poorest people in this society do not access justice, and that is simply because they do not have any money. That should not be a criterion in any civilized society to deny, or to ensure that justice is served. The fact that a person is too poor to hire a lawyer to defend him in court should not be an issue in this society. We feel that the whole question of putting new institutions in place would solve many of these problems.

Madam President, this document quoted that mediation centres are standard-bearers for restorative justice in this country. Where are these mediation centres? There should be mediation centres and other institutions whereby other processes could have taken place in order to keep a lot of young people and a lot of so-called offenders away from the criminal justice system, which makes them 95 per cent of the time more hardened criminals. The community is a stronger place whereby these people would be able to be reintegrated, reformed, rehabilitated and so forth. These are the sorts of institutions that we need, and presently we do not have them. The reason we do not have these institutions is because there is a lack of political will.

Madam President, this is basically my contribution. I call on the Government to do what is necessary to save this country because all the ideas are there. The intellectuals in this country have all come together and everyone knows what needs to be done. It is a question of having the political will, morality and the courage to do what needs to be done.

Madam President, I thank you. [*Desk thumping*]

Sen. Wade Mark: Madam President, I rise to make a limited intervention on a matter that is quite significant and important for ordinary people in our Republic. It has been said that injustice anywhere is a threat to peace and stability everywhere. A system that breeds injustice is doomed to ultimately fracture, disintegrate and collapse. We must recognize that the justice system mirrors the larger society. It tells us how the economic system operates—the exploitation and oppression that are meted out to large sections of the population.

A country with a gross domestic product (GDP) of over \$60 billion has a crushing poverty rate where over 300,000 citizens in this land are living on less than US \$2.00 per day. It is no surprise that the systematic problems that we see every day are related to what we are speaking about in the Summary Courts (Amdt.) (No. 3) Bill. Unless we correct the injustices that are taking place in this society, and unless we move towards developing a just order, we are going to continue to have ordinary people in this land being battered, brutalized and incarcerated.

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As we seek to correct a number of problems in the Magistrates' Court in relation to summary trials as explained in the Explanatory Note, I ask the question: How does this Bill seek to address the rights of innocent citizens? I am talking about those citizens who may have broken the law, and who are in a stage of pre-sentencing, pre-conviction and pre-trial. How does this Bill assist these citizens?

Sen. Dana Seetahal indicated that there are some matters that would be expeditiously dealt with, but there are other matters that would take five, six, seven, 12 or 15 years to be heard. That is why in the Chief Justice's inaugural address he stated that the system of justice at the Magistracy is prehistoric in nature; it is archaic; it is subhuman and it is a blot on this civilization.

We see in this piece of legislation an effort—and this is the third attempt to address some of the limitations and constraints—to fill some of the lacunae that we have certainly discovered. We are sure that some of those persons who are going to benefit from this piece of legislation—particularly those prisoners who are going to be appealing their matters and those who are not going to appeal their matters even though they are in custody—would not have to languish any longer in getting double sentencing in this land.

Madam President, it took us almost 40 years to discover this particular weakness in the system. I am not blaming the magistrates; I am not blaming the system at the level of the court. I believe that if the Government wants to improve the administration of justice, and to ensure that ordinary people have access to justice, it is incumbent upon the Government to finance the administration of justice in this land. The Government must allocate much more money to the justice system than what it is currently allocating. As my colleague said earlier, whilst we are seeking to grease the egos of some Caribbean politicians who seem bent on establishing this so-called Caribbean Court of Justice, and where only a small number of appeals would be heard, I have before me a statement coming from the Public Relations Affairs Department of the British High Commission which says in part that there are no plans to withdraw the facility of the judicial committee of the Privy Council as the supreme appellate authority for Commonwealth States that wish to avail themselves of it. We are told that the Privy Council is fed up of us in the Caribbean and, therefore, they are going to slam the door on the Caribbean.

I believe that we need to spend much more money on financing the administration of justice in this country. I also agree that the management system within the court apparatus—particularly at the level of the Magistracy—also

needs to be addressed. I think reference was made to a case management unit. I think that is in order, because that was implemented at the level of the High Court and the Court of Appeal. That system should also be introduced at the level of the Magistracy.

The Government needs to pay these officers better. The report that is before us indicates clearly that judicial officers are totally underpaid and, therefore, these judicial officers need to be properly remunerated at that level. The infrastructure also needs to be addressed at the level of the Magistracy.

What we need in this country is speeder justice. That is what we need. For instance, people who are in breach of the law should have their matters heard speedily. It means to say then that we would have to build more courts; we would need to have more magistrates; and we would need to have better infrastructure in order to speed up the system of justice. Nobody knows the kind of costs that ordinary people have to incur on a daily basis when they go to court. Every time a person goes to court that person's name is shouted—the policeman announces the name and it goes down in an echoing kind of way down the corridor, one after the other—and only when that person appears before the magistrate that person is told that his case has been adjourned. This goes on repeatedly. People have to find money to go to court. Sometimes people reside very far—a person may be living in Cedros and has to go to court in San Fernando. Where are these ordinary people getting passage from every day? These are matters I believe that the Attorney General ought to address. In other words, the Government should think about the ordinary people—the working man and the working woman—and see how they are managing with this exploitative system that we have in this society, and to see what can be done to ease the tension and pressure of these ordinary people.

One of the matters that has disturbed me somewhat is the prison management system. We are talking here about prisoners, the prison system and the prison officers. I would like to appeal to the Attorney General and the Minister of National Security and Rehabilitation to publish the rules that govern prisoners in the newspapers so that their families would know what are their rights.

Madam President, do you know that this society is so primitive and backward that a man, who is a human being and has committed a breach of the law and is put away in prison—it seems to me that this man is being cut off from the society. The prison system is breeding criminals. A prisoner cannot see his wife and prisoners do not have conjugal rights in the prisons. I am saying that in a modern society—and the Government is heading towards 2020—like the United States of

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America that is a practice that is developing. Prisoners should have the right to see their children. Why must a prisoner be denied his rights to see his daughter? Is it because that person is in jail? That person is still a father and is being denied that right. There are no rules published by the Minister of National Security and Rehabilitation. The Minister must publish these rules in the newspapers. The time has come for parents, spouses and persons who have relatives in jail to know what are their rights. I do not see anything wrong with that.

Madam President, human beings should not be treated as subhuman beings, and that is what is being done in the prisons. Prisoners are being treated less than human in the prison, and we expect these prisoners to be reintegrated in the society. How are we going to have rehabilitation when proper conditions are not being implemented whilst those persons are in the system? The time has come for us to look at that matter. Do you know the extent of sexually transmitted diseases in the prisons? Do you know the conditions of these prisons? We seem to have a geopolitical anchor in the north; everything happens in the north of the country. All the prisons are in the north. If someone has a family member or a friend from Cedros who is jailed then that person will have to visit that family member or friend in the north. There are also no prisons in Tobago.

I would have thought that the time has come for us to look at the whole question of prison reform, and if it becomes necessary, to begin to decentralize the prison facilities in the country—if the Government wants to have one in south, central and so forth—everything is anchored in the north. My good friend, the Minister of Local Government would be aware of this matter. He has to go to Port-of-Spain to see his colleague at the Royal Gaol when there should be a correctional facility in Tobago.

I want to ask the hon. Minister of National Security and Rehabilitation—it is the Minister's first introduction to national security matters and I think it would be important for him to leave his mark at the end of the process—to look at the issue of decentralizing prisons in the country. I think that is an area that we need to look at in a very serious way. I believe that these are issues that we need to address.

Madam President, the Minister of National Security and Rehabilitation needs to tell us whether or not prisoners have the right to vote. We understand that prisoners have the right to vote. We also understand that over 600 prisoners voted in the last general election in this country—600 prisoners out of a total of 4,500 that are incarcerated voted in the last general election, and most of the votes went

to two places: San Fernando West and Tunapuna, and most of these prisoners had no place of abode. [*Laughter*] The Government discriminated because this matter was not transparent.

Madam President, you do not know and I do not know how these prisoners were allowed to vote in the jail. I understand from a reliable source that these prisoners were actually placed and directed in a particular way by certain officials. Most of the votes were cast against Sen. Sadiq Baksh in San Fernando West and against Carlos John in Tunapuna. [*Laughter*] That is what I understand. So there are a lot of voter irregularities taking place in the prisons.

6.10 p.m.

I raised these points so that we can understand that there is need for transparency in this issue. We cannot have prisoners having the right to vote and we do not know, as citizens of the country, what are the procedures involved. Madam President, we did not even have scrutineers there. The prison authority never invited us as a party contesting the elections to make sure that we looked at this whole thing. It is a fact! Over 500 to 600 prisoners voted for the PNM in the last general election. [*Laughter*] That is what I have been told. And they were forced to vote in that direction. It is a very serious matter. The point I am making is a simple one. We need to have transparent procedures in these matters. We need the Minister of National Security and Rehabilitation to look at the issue of publishing in the newspapers, the rights of prisoners in the context of their families and that sort of thing.

I would also like to indicate that there is need for us to ensure that this matter of reform of the system which is before us—and I do appreciate the amendment that the Attorney General has advanced. I think he has taken into account some of the views that we and the Independent Senators have expressed, to give the Court of Appeal judges some kind of discretion in determining whether there is need for an extension of time, as it relates to Notice of Appeal that should be granted to the “appellant”, and it would do a lot to reduce the level of injustice that currently exists in the system.

The matter of the Director of Public Prosecutions (DPP)—based on what the Attorney General has said, we need to have this insertion in clause 3, to ensure that the DPP is also introduced as a complainant if there is need for an appeal at the level of the Magistracy or the Magistrates’ Courts. We believe that the Government of Trinidad and Tobago has a responsibility to ensure that all the courts of our country function efficiently and effectively. We need to recognize

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that in the Magistrates' Courts in Siparia and Rio Claro. I understand that there were some recent changes in Arima. If you go to the Chaguanas Magistrates' Court, it is primitive and the time has come for us to invest the necessary resources to bring our courts up to a certain level of acceptability; and we have to start now.

So this is an issue in which, as I said earlier, we believe the hon. Attorney General has attempted to address some matters as they relate to persons in custody who are appealing and those who are not appealing. I ask the Attorney General to tell us what are his plans to deal with these persons who are not in custody; to deal with those persons who have cases outstanding for a long period of time. What kind of time frame can the Attorney General give to this Parliament and to this country where he can tell us, within a period of two to three years or four years, that a matter at the level of the Magistracy can be heard within six months to one year? We are talking about speeding up justice. It has to be a framework; it has to be a timetable that has to be established by the Attorney General of this country, because working with, in conjunction with, you do interact.

I saw in the newspapers, to my astonishment, a former magistrate, who has been politically appointed to the Industrial Court, making some startling revelations. The goodly lady indicated to the country in the *Sunday Express* that there is interference in the Judiciary from outside and inside. For a judicial officer sitting on the Bench at the level of the Industrial Court, I found it quite strange that a past magistrate could be making such inflammatory and irresponsible statements. Well, I should not say irresponsible because certainly she is in the system and she knows what goes on. I think it is also a matter of grave concern for a Deputy Chief Magistrate, who just left the Bench, to be making such statements. She calls for the removal of the Chief Justice as the Head of the Judicial and Legal Service Commission and I said, "Well, what is going on here?" I am saying, Madam President, that we are dealing with justice here, and I raise this issue because we want to maintain the independence of the Judiciary. I know that the Attorney General has his interactions with the Chief Justice or maybe the Head of the Judiciary from time to time. That is why I was making the point that we need to provide them with more resources, and try to get some kind of timetable where we can speed up the system of justice. *[Interruption]* You will get a chance to reply. I am going to wind down now.

Madam President, I raise these points because I believe it is important. The backlog in the system, at the level of the Magistracy, is leading to some injustices to many individuals. We have a Minister of State in the Ministry of Community

Development and Culture, the hon. Edward Hart, who is on a criminal charge, and his matter cannot be heard. I think it is unfair to him as a Minister. *[Laughter]* We have to ensure that this case is speeded up, so that Eddie Hart would know if he is guilty or innocent. I think it is unfortunate.

There is a mayor by the name of Ian Atherley, who has committed a criminal act by tampering with the ballot boxes. We want this system of justice to apply to him. *[Interruption]*

Madam President: Senator, you know that you are treading on dangerous grounds. Those are matters before the court. Just pass them. Go on.

Sen. W. Mark: Madam President, I am just trying to come to their defence.

Madam President: You are not.

Sen. W. Mark: It is to their defence I am coming, to ensure that there is a spate of public justice; but I take your point. I would not be too long again. I just want to raise these few important points so that my hon. colleague, Sen. The Hon. John Jeremie can recognize the importance of speeding up the justice system in whatever way he can. We do that through the system here. We bring laws to assist the Magistracy; we bring laws to assist the judges in the High Court, and we would like to encourage him to bring more legislation. We would like him to appoint and give more resources to the various arms of the Judiciary, to ensure that more magistrates are employed; more courts are built; more judges are appointed; better infrastructure is provided, so that the ordinary man and woman, the working people of our nation can get justice when they go to the courts. They need justice; not handouts and charity. They want quality justice; not half justice.

Madam President, I call on my hon. friend to continue the work. I do not know how successful it would be at the end of the day because he is in a very dangerous organization. I do not know how long he would last in that particular seat that he now occupies. Madam President, you must remember that the people who occupy that seat do not last too long, as you would have known in the past. We want to indicate to the hon. Attorney General that this Bill before us is a good start. We believe that he is operating at one end of the system at this time, and those people who have been wronged would get some justice now.

So, we call on the Attorney General to look at the other end of the system. There are innocent people who go before the courts languishing and waiting for years to have their matters heard. We need to speed up the system where instead of a case taking 10, 15 and 20 years to be heard in this country, it must take at least six months or a minimum of eight months for it to be heard. That is the way

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we have to go. There are enough systems to ensure that, Madam President. We hope that the Attorney General would, in fact, pursue that particular line. If he cannot do that, we are always here waiting in the wings to take control of the Republic of Trinidad and Tobago.

I thank you very much, Madam President.

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate continue its sitting until the completion of the debate on this Bill and the matters on the adjournment.

Question put and agreed to.

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

The Attorney General (Sen. The Hon. John Jeremie): Madam President, if I could begin with the contribution of the last Senator, Sen. Wade Mark. For as long as I am here I shall do my best. [*Laughter*] That is as much as I can promise the Senator. With respect to the specific matters raised by all the Senators, I wish to thank all of them who have contributed to the debate this afternoon. Sen. Prof. Deosaran raised some specific questions which, unfortunately, I was taking copious notes of, but they were all answered by Sen. Seetahal, in the course of her contribution, where she took us through the Bill clause by clause. [*Interruption*] She is not my fellow lecturer; she is at the Hugh Wooding Law School, and she likes to remind us of that. There are just three questions which she dealt with, in brief, and I would like to refer specifically to the Bill before I refer generally to some of the comments raised.

With respect to the difficulty raised by Sen. Prof. Deosaran which spoke to the problems that exist at present, and which we have discovered with respect to the operations of the Clerk of the Peace, that question is dealt with, I think, by the sweep-up power in the Court of Appeal. It is also dealt with by the various measures which we have put into the legislation.

On the second matter—that is the terms of sentences—he asked me a direct question. That is to say, “What does eight years mean?” Sen. Seetahal responded to that, but I thought that since it was a direct question I ought to respond as well. The prison rules, as I understand it, provide that with good behaviour one-third of the sentence can be taken off. So eight years really does not mean eight years; it means eight years less one-third, provided there is good behaviour.

With respect to the third question which was raised, that is, the “and or” problem—I am not too sure who raised that, but that is a difficulty which the lawyers have sorted out in relation to the Interpretation Act. Section 68 speaks to what is meant by “and” as opposed to what is meant by “or”. “And” gives the magistrate a discretion to use it conjunctively or disjunctively in the Interpretation Act. That is what section 68(2) does in the Interpretation Act.

If I can just move from that to the general questions. I think that all Senators have asked this question which I have sought to deal with at various points by interrupting Senators, and that deals with the state of justice at present in the Magistrates' Courts. The Chief Justice is very concerned about this matter. He raised it in his opening of the law term address and pointed quite properly to the fact that 95 per cent of justice is dispensed in the Magistrates' Courts.

I wish to draw Senators, again, to the point that we have worked out a distinction and clear lines of communication between the Executive and the Judiciary. The Judiciary is voted funds with respect to the maintenance and refurbishment of courts. There are bureaucratic difficulties which exist. I repeat; the Office of the Attorney General is here to provide assistance in whatever way possible to redress the bureaucratic difficulties which exist.

I go further because of the direct question which Sen. Mark posed of me—which ought not to have been posed on me, given what I have said in terms of the distinction between the Executive and the Judiciary—that is to say: How soon can we expect changes in the rate of progress with respect to matters in the lower court? I say I speak here with a sense of trepidation because this is really the province of the Judiciary. What I can tell him, Madam President, is that the Chief Justice has appointed a committee, under the Chairmanship of Justice Mohammed, to prepare some case management rules for the Magistrates' Courts. It is based on a model, which obtains in Canada, and is supposed to assist in the case flow through the Magistrates' Courts. As I say, I speak with a sense of trepidation.

Now, the Law Reform Commission, which is in the Office of the Attorney General, is presently undertaking a reform project to modernize the legislation. We have looked at a comprehensive review of the Summary Courts Act and the Summary Offences Act for assistance. I am told by the Chief Justice that the Court Executive Administrator will soon begin a pilot project, which is designed to help, again, remove delays and backlogs in the Magistrates' Courts, by allowing for the electronic recording of certain proceedings under the Recording of Court Proceedings Act of 1991. Madam President, that is as much as I am

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prepared to say to my colleague about the Judiciary. That is not, as I say, my business.

There are two other matters—and the Senator is reminding me of them as I speak—one of which he raised and said that it was an inflammatory matter dealing with a comment of a former Deputy Chief Magistrate. All I have to say is that it is no business of the Attorney General to make any pronouncement or statement on the conduct of any member of the Judiciary. That has been done in the past; it was wrong and I shall not repeat it. [*Desk thumping*] That is all I have to say on that.

Now, with respect to restorative justice, the Minister of National Security and Rehabilitation is here, and I do not think that he has too much to say, in addition to what was said on the last occasion when we dealt with the Mediation (Amdt.) Bill, but it is a matter of great priority for the Government. As a matter of fact, there was a Bill for debate in the House of Representatives on Friday last, which was pulled in an effort to make it consistent with the comprehensive package which is proposed with respect to restorative justice. [*Interruption*] I cannot say at the present time. [*Interruption*]

Madam President: Hon. Attorney General, Sen. Mark would like to interrupt you.

Sen. The Hon. J. Jeremie: Sure.

Sen. Mark: Madam President, through you, I just want to let the hon. Attorney General know that under section 4(h) of the Constitution of the Republic of Trinidad and Tobago, there is something called “freedom of conscience and religion”, and I would just like the hon. Attorney General to indicate to me as to why a prisoner by the name of Lennard Findley, who was wearing a “rasta” hairstyle which took him 30 years to grow, in 24 hours became like the hon. Martin Joseph and myself. I want to find out from the Attorney General and/or the Minister of National Security and Rehabilitation whether a person who is practising a religion, if he is a prisoner—would the prison authorities in this country have a right to simply shave a man’s hair in 24 hours that took him years to grow? Is that not a violation of the prisoners’ constitutional rights under section 4(h) of the Constitution? I raised this issue because it has been brought to my attention.

Sen. The Hon. J. Jeremie: Madam President, I cannot comment without knowing all the facts. I have never heard this name. I do not know if the prisoner of which he speaks was ill and had a difficulty with his hair. I do not know if it is

a question of a straight redress of a constitutional right. A number of things occurred to me. I cannot comment on this matter.

Sen. Mark: Madam President, through you, just one point. Is it possible that the Minister of National Security and Rehabilitation could investigate this matter and whether the Attorney General could look into that issue? It does not only affect the “Rastafarians”, but Muslims, Hindus and Christians. So I want to find out if that is not a violation of their constitutional rights.

Sen. The Hon. J. Jeremie: As I have indicated, I cannot pronounce on whether it was or was not a violation of the constitutional rights, but if you would write to me, I would see that the appropriate authorities look into it.

Madam President, with these few words, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in Committee.

Clauses 1 to 6 ordered to stand part of the Bill.

Clause 7.

Madam Chairman: There is an amendment to clause 7(b) which has been circulated. It reads as follows:

7(b) Delete and substitute the following new sub-clause- “(b) inserting after section 130 the following new section as section 130A:

Extension of time to
appeal

130A. (1) Upon an application by an appellant for an extension of time to give notice of appeal under this Act, the Court of Appeal may extend the time prescribed to give the notice of appeal, on any terms and conditions as it considers just.

(2) The power granted under subsection (1) may be exercised by a single Judge of the Court of Appeal.”.

Sen. Seetahal: Madam Chairman, in the third line, I consider it a typographical error. It reads as follows:

“Upon an application by an appellant for an extension of time to give...”

rather than “a notice”; it is just “notice.” To be consistent with the rest you do not say “a notice.” So “a” should be deleted.

Sen. Jeremie: Madam Chairman, one more change. Immediately after (b) replace the word “inserting” with the word “insert”; therefore “insert after section 130.”

Madam Chairman: Anything else?

Sen. Jeremie: That is it.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

6.40 p.m.

Sen. Jeremie: I will read 10:

“Every notice of appeal given by an appellant in custody under section 130 of the Summary Courts Act prior to the commencement of this Act and which was given outside of the time prescribed in the said section 130 and is pending is declared to be as valid as if it had been given in accordance with the said section 130.”

Sen. Seetahal: “...had been given”?

Sen. Jeremie: Yes.

Madam Chairman: It is not that it had been in accordance.

Sen. Seetahal: Had been given in accordance?

Sen. Jeremie: Yes, been given in accordance with.

Sen. Seetahal: The word “given” to be inserted?

Sen. Jeremie: So we have just inserted the word “given”.

Sen. Seetahal: All right. Can I just ask a question of the Attorney General? After “pending” should we not say, “pending at the date of the passage of this Act” or something like that, or do you just want to leave it open? I know it is customary to put, “and it is pending on the commencement of this”—something like that they usually say in drafting. It is up to you.

Sen. Jeremie: Would it not be tied in with the commencement of the Act? It says, “prior to commencement of this Act”.

Sen. Seetahal: This is on line 5 I am talking about.

Madam Chairman: Yes, but as the Attorney General is saying it is all tied in.

Sen. Seetahal: Okay. The notice was given prior but it is pending at the commencement, so you are saying, if you have “commencement” there, it should take care of it? Okay.

Madam Chairman: Okay, that is it?

Sen. Jeremie: Yes. So hon. Senators, clause 10 has a word inserted.

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate be now adjourned to 1.30 p.m. on Tuesday, January 27, 2004.

Madam President, may I take this opportunity to say that I know it is Private Members’ Day and I shall be seeking the concurrence of the Senators opposite to deal with Government Business on that day and make other arrangements for

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Private Members' Day because there are some pieces of legislation which have been dealt with in the Lower House and there is a deadline of January 30 for passage. We will next week, Madam President, debate the Finance (Supplementation and Variation of Appropriation) Bill and the Finance Bill next Tuesday. There may be other pieces of legislation and, if necessary, we will meet on Wednesday to do them, but I assure Senators that Private Members' Day will occur on the next regular sitting of the Senate. [*Crosstalk*]

Madam President: Hon. Senators, there are matters to be raised on the Motion for the Adjournment of the Senate and the first one we have is by Sen. Dr. Kernahan. [*Interruption*] Oh, sorry.

Sen. Prof. Deosaran: I am reluctant but I want to make sure, because I am getting the impression that this matter of Private Members' Day has a certain inordinate amount of uncertainty about it, and you will appreciate why I am saying so. What I would like to hear again, if he has not said it clearly, is, when would you like to schedule the next Private Members' Day for? I heard you say something about the next regular sitting.

Sen. The Hon. Dr. L. Saith: We are meeting on the 27th which would have been Private Members' Day and the next regular sitting would be either February 4th —

Madam President: The 3rd.

Sen. The Hon. Dr. L. Saith: The 3rd of February; so it would be on the 3rd of February. If we need to continue the debate on Tuesday next week, we will probably meet on Wednesday but we will clear up all this before we go into the month of February.

2004 Cane Crop (Organizational Methods Employed)

Sen. Dr. Jennifer Kernahan: [*Desk thumping*] Madam President, allow me to raise the matter on the Motion for the Adjournment of the Senate and I quote: "The specifics with regard to the organization and organizational methods to be employed to ensure the non-discriminatory, efficient, timely handling, transport and purchasing of farmers' canes during the harvesting of the 2004 crop.

Madam President, the Patrick Manning administration continues in its arrogance to practise the politics of brute force, of selected strategic intervention on behalf of its friends, disrespect for the rule of law and total disregard for the constitutional rights of the citizens of this country. The chaos, fear and uncertainty

that prevails now in the sugar industry is a naked and shameless attempt to intimidate and terrorize a group of people, thousands of citizens of this country who are perceived as not being supporters of this administration, and it is calculated to erode the political support base of the United National Congress.

Madam President, people of this country are crying out—east, west, north and south—for sustainable jobs, they are crying out for land to promote agriculture, they are crying out for better health services, for better infrastructural services in their communities, the people are crying out for justice, and equality of treatment before the law and for freedom to associate, whether it is in trade unions or political parties, without fear of political victimization by this Government. Their cries are falling on deaf ears, notwithstanding the walkabouts and the promises that had been taking place over the last 35 years by this administration.

Cane farmers have produced cane and have sold to the now defunct Caroni (1975) Limited under statute. The relationship between the canefarmers and the former Caroni (1975) Limited was governed by the Sugar Production Act, Chap. 66:01. Today the Patrick Manning administration has thrown this Act unilaterally and unlawfully through the window, and cane farmers are now left to produce canes without the protection of the law and to face the ad hoc and the chaotic management methods of the Sugar Manufacturing Company of Trinidad and Tobago.

For example, Madam President, farmers were recently given a contract—some farmers were provided with new contracts—although under the defunct Caroni (1975) Limited cane farmers have had a valid contract, some reaching into 2007. Although they were assured by the Sugar Manufacturing Company Limited that these contracts are valid, yet they are giving new contracts and are asking farmers to sign new contracts which are substantially different from the old contracts and, at the same time, they are saying if you do not sign the contracts you are still protected. So, Madam President, it is totally unbelievable. What is the value of a contract if you can sign it or not sign it and there are no repercussions if you do not sign the contract? What is the situation with respect to the new contracts and the old contracts? So farmers are totally, totally puzzled by this turn of events and they are not sure where they stand with respect to the Sugar Manufacturing Company of Trinidad and Tobago. Some of them have old contracts, some of them have signed new contracts and some of them have no contracts at all.

Madam President, in this situation, we, the UNC, raised our voices in protest weeks ago with respect to the impending chaos, mismanagement and corruption

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in the harvesting of the 2004 sugarcane crop and we were assured by the Minister here that all was well with the crop, and the crop would start mid-January and that the organization was well in place to ensure that there was a smooth crop. However, the newspaper reports since then have been extremely alarming and it gives a different side of the story to what the Minister has indicated in this Senate.

For example, in the *Newsday* of Thursday, January 01, 2004 there is a headline, "2004 sugar crop in trouble as TICFA abandons cane weighing scales". This article went on to say:

"TICFA controls more than 80 per cent of the scales, but in a shocking move yesterday, the association informed the Sugar Manufacturing Company of Trinidad and Tobago (SMCTT) that its 20-year-long control of the weighing scales would cease.

Yesterday, in a last ditch effort to save possible chaos in the crop, SMCTT offered the scales to another cane farming organization, the newly-formed Cane Farmers' Association of Trinidad (CFAT)."

The President of the Canefarmers Association of Trinidad and Tobago himself said, which is a Mr. Dave Persad, and I quote:

"Persad said that he would recommend that SMCTT re-introduce the Cane Farming Department of the former Caroni (1975) Ltd. to take charge of the scales."

Madam President, with all the toing and froing with respect to who is going to control the scales and so on, what has eventually come out, apparently, in my discussions with the sugar leaders, is that we have a situation where TICFA supposedly now has control of 13 scales and CFATT, the sugar farmers association, has control of 16 scales. This would constitute about 29 or 30 scales and therefore there are a number of scales unaccounted for. Under the contract with the defunct Caroni (1975) Limited, farmers were contracted to supply canes through the nearest scale to their point of production, from where it will be transported to the factory. Under the situation, what is happening now is that many farmers do not know if the nearest scale to their point of production is, in fact, functioning, who has control of the scale and what is their position with respect to getting their canes weighed and sold at that point.

Madam President, another problem with the divestment of these scales to private organizations is that we have the situation of individuals now in these sugar organizations controlling these scales and the farmers are very upset

because they feel that there is much ground for discrimination and for unfair preference given to members of that particular association which controls a certain scale, to their friends and families and, Madam President, there is the problem of conflict of interest with farmers who have canes to get to the factory and who themselves control scales. So therefore there is a conflict of interest, discrimination and all kinds of other issues that are raised with respect to individuals controlling scales.

In fact, with two scales in Rock Road and in Valley Line scale No. 3, farmers have protested against delivering their canes to these particular scales. Madam President, when normally, even before Christmas the farmers have advised me they would have known what the schedule is for delivery of canes to the scales, how much tonnage per day, what the schedule is—everything they would have known by this time—at this point in time—today is the 20th and the Minister had assured us that the harvesting would start on the 15th—farmers are totally at a loss with respect to who is going to start, where and how and this is a serious situation because it will impact very, very heavily on the livelihood of over 7,000 cane farmers, in addition to over 10,000 cane cutters whose livelihood for the next six months is dependent on the sugarcane crop.

So when the Minister, in meetings with the different stakeholders and so on, has not been able to address the myriad problems facing the cane crop because of the non-involvement of a central coordinating body, Madam President—and I think this is what the farmers want to see. They want to see an independent central coordinating body similar to the cane-farming department of the defunct Caroni (1975) Limited that would have overseen the crop in its totality, that would have been able to judge where to send canes, how to keep the factory going, where canes are going to come from to keep the factory going and to make sure that the sugar production is optimal and so on—there is no central coordinating body and therefore there is a lot of room for mismanagement and faux pas and farmers' cane being left in the field unnecessarily because of this mismanagement.

Madam President, I have been told that the Minister accepts the fact that the Government has made a tremendous mistake with respect to dismantling all the infrastructure and the organizational institutions that have been in place to oversee the cane crop, but it is too late now. It is practically too late to go back, but what we need now is a salvaging operation. In order for the Minister to salvage the 2004 crop, he has to listen to the pleas of the farmers, to reinstitute an independent body which would manage the canes and which would ensure that there is minimum discrimination and maximum fair play and justice, that all

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farmers are able to get their crops to the factory with maximum sucrose content and so on without the sort of confusion that threatens the crop at this time.

Madam President: Senator, you have two minutes.

Sen. Dr. J. Kernahan: Madam President, the farmers are very much aware that this is a political issue. In fact, Mr. Dave Persad has said that it is necessary for the farmers to fight to the bitter end to protect their livelihood and to protect themselves against the political victimization of this Government. He has also commented on the fact that Virgo Consultants Limited became millionaires overnight by its being given the so-called role of controlling the 2004 sugar crop, which is in total disarray.

So, Madam President, this is a serious matter. This involves the livelihood of thousands of people who have no other means of earning a living and the Minister has to explain to this Senate exactly how the organization and the transport of the farmers' canes are going to be managed within the next few weeks. Thank you.
[Desk thumping]

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): [Desk thumping] Thank you very much, Madam President. Madam President, I would first declare that this Minister never said that this Government made an error in dealing with the sugarcane industry. The sugarcane industry died in 1975 when the PNM saved the industry and made Caroni (1975) Limited; [Desk thumping] so let us clear that.

The other matter that was raised was something about Virgo. Virgo is a transition company that was set up by the transition team to move from Caroni (1975) Limited to the Sugar Manufacturing Industry Company. There is no longer any Virgo. We now have a sugarcane industry team with persons from the Sugar Manufacturing Company and the Ministry that formed that team to have the day-to-day operations monitored and well secured. So I would put that also to rest.

[Interruption] As far as—you want to ask a question? [Interruption] You can put it and I will come and answer.

The criteria used for the assignment of various scales to the various farmers' organizations, I would explain that situation first. When the sugarcane industry team took control of the crop, which was a bit late because I became a Minister about two months ago, we found that there were 6,867 registered cane farmers who were contracted to supply sugarcane to the sugar company. There are 1,612 cane farmers in the north supplying approximately 90,000 tonnes of sugarcane and 5,255 farmers in the

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south supplying approximately 520,000 tonnes of cane. In the south, only 2,970 farmers paid dues to the former Caroni (1975) Limited.

Now, the Senator will understand that the only way we would know how many farmers are registered to these groups are those farmers who were paying dues by deduction from the company to the various organizations, and I will come to that. The farmers who were paying dues in the north were 720 who paid to one of the following organizations:

1. Trinidad Islandwide Cane Farmers Association, better known as TICFA
2. Cane Farmers Association of Trinidad and Tobago—CFATT
3. Cane Producers Association of Trinidad and Tobago, known as CPATT.

Following on the Government of Trinidad and Tobago's decision to restructure the sugar industry, farmers were being called upon to operate the area scales. Now, by next year, you would not have the CPATT and the CFATT and the TICFA operating scales. What we have done is form cooperatives in those areas where there are scales so that the farmers will take charge of the operation. If there are any profits to be made from the handling charges at the scales, the farmers must be allowed to make the profits. That is what we are using at the present time. However, later down I will indicate to you, Madam President, how many scales we were able to get like that this year plus the various organizations running the scales and the direct farmers. We must not forget the direct farmers.

You see, there seems to be only one cane-farming organization in Trinidad, but there are four, and there are those who do not belong to any and when we looked for certification and recognition—I will show you the figures just now. So that they were asked and only TICFA—by writing, the organizations were asked to take charge of this weighing operations, the scale operations—responded. CPATT and CFATT wrote us saying that they were not interested and that it was too late for them to organize and so on. However, when they heard that TICFA was getting the larger number of scales because they had the larger membership in those areas, CFATT entered the race again asking to have scales. That is the problem. They are not telling you the right thing.

So that I will indicate to you now that the main criteria used in allocating the scale was based on paid membership; that membership in the north and south were dues paid to CPATT. They had no members in the north and at present they have 586 members in the south, which meant that they are the smallest organization among the three. [*Interruption*] No, that is CPATT. That is Tambi. In the north—Dave Persad or CFATT—18 members in the north, 541 in the south. Would

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you like to hear that number again? TICFA in the north had 702 farmers registered with it and in the south 1,843—and those are dues-paying members. That gives a total of 720 farmers registered in the north to an organization and 2,970 in the south. Now, come on, we have 6,000 and more farmers in Trinidad but the confusion is being made by a minority group and I will come to that.

Now, when we allocated scales, obviously if CFATT did not want any scale we did not provide any scales to them. Then CPATT asked for two scales—*[Interruption]*—CPATT, I am talking about CPATT, not CFATT—two scales they asked for, they got the two scales. TICFA was given most of the scales but when CFATT came in we decided, look, as a good negotiator, a trade-unionist, I will sit and talk with them, and, at the end of it, I said, “When I speak to you on the third occasion, if I need to make a decision based on the crop for 2004, I certainly will do that and I will not meet any unions again. It is time that we do that because the crop has started.”

The situation is that at the present time CFATT had been allocated nine out of the 36 scales when they said that they wanted scales; TICFA had 20, Direct Delivery seven, CPATT two, private farmers had five of the scales which they still have and that is a total of 43. Those were the old numbers that we used. Now, the system is that if you had 10,000 tonnes of cane in St. James, 10,000 tonnes in Belmont and 10,000 tonnes in Maraval, it was beneficial to pull those scales together and make one centralized scale so that you would have the same operation going with the same cost and that you would have 30,000 tonnes of cane to weigh here and you would be getting an average of \$8.00 per tonne. So it is economic sense. That is why some of the scales have been merged so that we only have 36 scales.

When I met with CFATT, they had controversy on eight scales that TICFA had, so you understand, Madam President, what was happening. There were three small organizations which do not represent any majority bargaining with the Ministry. We treated them like human beings; we treated them like persons who were involved in the industry, the sugarcane industry. So what has happened is, we now have controversy. Out of those eight scales that had controversy, we have now regularized three. So we have some problems with five scales.

Of those five scales, what we have done is taken the past Caroni workers who worked in the industry at those scales, they have formed little company organizations and they are going to handle those scales that have controversy. We made that decision yesterday and we are going to stand by it. So TICFA has their scales, CFATT has their scales, CPATT has their scales, the Direct Delivery farmers

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have their scales and the private farmers also have their scales and we also have that minority of scales with which we have difficulties where nobody wants to say who should run the scales. The Ministry has taken a decision to get people to run the scales on behalf of the farmers.

Sen. R. Montano: On a point of clarification.

Hon. J. Narine: I am replying to the—I do not think the Standing Orders give provision for that.

Sen. R. Montano: No, they do not.

Hon. J. Narine: No, they do not because I have only 15 minutes.

Madam President: You have four minutes left.

Hon. J. Narine: Yes, Madam President. So that, I will tell this Senate this evening that cane grinding operations started on the 15th as we had promised. We opened the operation with prayers. I mean, “I din’ go with no tall boots to cut cane because I am not that style” and I am not that type of person. We started with prayers and an ecumenical service. There was some demonstration which we dealt with at that time.

Direct Delivery started yesterday and they produced 200 tonnes of cane and today they have provided 400. Now, Madam President, The weather is giving some problems this week so that you will see an increase in the delivery of cane. They have started delivery from Forres Park, Oropouche No. 3, Cedar Hill No. 2, El Huerto, Norman Girwar scale, Oropouche No. 3, Oropouche No. 4, Cedar Hill No. 2 and Forres Park. Those started at the beginning of the crop; that was on the 15th. Tomorrow there will be eight additional scales coming on stream. Canes have been harvested from Caroni (1975) Limited where the harvesters got contracts to reap the canes that Caroni (1975) Limited has and also contract farmers.

All cane delivered up to yesterday was about 1,600 tonnes. At this time I am saying the weather is a problem this week. Remember we only started approximately five days ago yesterday and the amount of cane that we have harvested is, from company canes, 6,514 tonnes and farmers cane, 547 tonnes, a total of 7,061 tonnes within the last four days and weather conditions have been very difficult. They could not burn the cane because of the rain. I am assured that the operations are growing daily and that we are well on our way to have the amount of sugarcane that we are supposed to produce this year produced. If I have to go down there and grind it with my teeth I am going to do that [*Desk thumping*]

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but I am not going to give the satisfaction to people who do not know anything about the sugarcane industry coming and saying things that they read in the newspaper today that TICFA does not want a scale and tomorrow morning I meet with Mr. Raffique Shah and he says, “Jarrette, doh worry with dat; I taking all the scales you giving me.” So that nothing in the newspaper was read the following day. Conveniently you would read a newspaper with a bad article and do not look for the follow-up.

I am sorry but the cane industry is on stream, we have started to grind sugarcane, we have started to produce sugar and we are well on the way to having a bumper crop for the year 2004. Thank you. [*Desk thumping*]

Housing Construction (Lack of Adequate Approvals)

Sen. Sadiq Baksh: Thank you, Madam President. Madam President, the lack of approval for the construction of housing units by the Government is becoming more and more prevalent on a daily basis. We recognize that the current Minister of Housing is not the one responsible for that exercise in the past. We would have loved for the Minister of National Security and Rehabilitation to be the one responsible for answering for those misdeeds and that lawlessness that took place. [*Laughter*]

Madam President, we live in a democratic country and the rule of law is one of the structural pillars of our society. If any of these pillars is weakened, the society will determine. Other structural pillars are already weakened and we are deteriorating, but the rule of law is one that we must preserve and we cannot allow lawlessness to continue, especially [*Interruption*] [*Crosstalk*] lawlessness by the Government of Trinidad and Tobago.

Sen. Mark: “Dey talking about you, yuh know”—chief architect—

Sen. S. Baksh: Madam President, the rule of law implies—

Sen. Mark: Voter padding.

Sen. S. Baksh:—that every one of us, the governed and those who govern— [*Interruption*] the governed and those who govern, every agency, every institution, every organization, must obey the laws or stand the consequences. Above all— [*Interruption*]—above all, the Government must— [*Interruption*] the Government must set the example. [*Interruption*] Madam President, if the Government or its agencies fail to act in accordance with our law, or fail to follow any binding principle, they must be condemned and they should be held accountable for their actions. Madam President, I condemn the PNM and I ask them to account for their actions. [*Desk thumping*] We cannot condone a situation

where Parliament passes laws to preserve and enhance our environment—we cannot allow that to happen and then allow the Government to break those very laws. We must—when the Parliament passes laws, we do so for the orderly use of our land resources; we pass laws to enhance and preserve our environment; to ensure the adequacy and the integrity of public utilities. We establish standards and regulations so that we will promote good governance.

The Government in its haste, in the so-called marginal constituencies, to change the demographics of Trinidad and Tobago, used the National Housing Authority and the Urban Development Company of Trinidad and Tobago as social engineering. They did not go to the relevant authorities responsible for ensuring that the approvals are sought and given. To make matters worse, the lawlessness continued in that the main areas where this attempt was made and are currently being made are Circular Road in San Fernando, Pleasantville Extension in San Fernando, Ortoire and Mafeking Village in Ortoire/Mayaro, Green Street in Tunapuna, Ramgoolie Trace in St. Joseph and in Barataria in Barataria/San Juan.

Madam President, it is unbelievable that ordinary citizens are made to face the consequences when they do not follow the law in terms of seeking approval for the construction of buildings but I want, for the benefit of Parliament, to draw to your attention the process a citizen needs to follow when wishing to construct a home. After a citizen considers building a home, he gets somebody to draw a plan, to start to seek approval. When these plans are drawn up they are submitted to the Town and Country Planning Division of the Ministry, four copies, to satisfy the Town and Country Planning Act, Chap. 35:01.

These plans are approved or refused by the Town and Country Planning Division, and, if approved, they are then forwarded to the local health authorities—the cities, boroughs or regional corporations—to satisfy the Local Health Authority Act. They are then passed on to the local health authority which goes there and inspects to ensure that it conforms to the planning in terms of the planning zone for housing, et cetera, and under the Public Health Ordinance, Ch. 12, No. 4, section 26. In addition to that, it then goes back to the local authorities to satisfy the requirements under Act No. 21 of 1990, sections 158 to 164 and, if it is approved, then the applicant collects the approved plans to then commence construction. Madam President, it would take an ordinary citizen about three to six months for this approval.

In the case of commercial buildings or multifamily units, the same process applies except—the Town and Country Planning Act, Chap. 35:01, also the Public

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Health Authority Planning Ordinance, Ch. 12, No. 4, section 46 and the Regional Corporations Act, No. 21 of 1990 are in force. In addition to that, for the multifamily units and for commercial buildings the chief design engineer of the Ministry of Works and Transport must also get involved. The chief fire officer plays an integral part in the planning process and thus gives his approval before any construction could be done. In addition to that, you would recall the establishment of the Environmental Management Authority and that authority now has a role in terms of giving permission or not. In addition to that, Madam President, the Drainage Division of the Ministry of Works and Transport, WASA, the Factory Inspectorate and other agencies, especially the local authorities, whether they are the city corporations, borough or local government authorities are also involved.

Madam President, I draw these matters to your attention so that you would realize that regulations are in place to ensure the orderly construction and also to satisfy the public safety and the requirements for development. In some cases, [*Interruption*] especially on the foothills of the San Fernando Hill, a landmark in southern Trinidad, the ornament of San Fernando, is, in fact, one of the sites for the location of some of these buildings. If approvals were sought, approvals could not have been given based on the siting of that land and the environmental needs of the area—the fragile nature of the environment there.

In addition to that, the citizens of San Fernando drew to the attention of the local authorities—and I have here a petition that is currently in circulation by the citizens of San Fernando and I am sure in other parts of the country there would be the same thing, especially in the areas that I just mentioned. This is an official petition to save and preserve the city of San Fernando. What it is saying here is that:

We the undersigned of the City of San Fernando draw to the attention of the Government the following:

That planned housing in the City does not take into consideration the needs for additional infrastructure, additional roads, water supply, sewerage, garbage disposal, schools, recreational facilities, employment opportunities and other basic needs;

Madam President:

That the social engineering as planned housing will change the life and spirit of the City as we know it and will cause further decay of our City;

That the construction of planned housing did not take into consideration existing residents and their reasons for choosing San Fernando as a place to live, work, invest and enjoy.

Therefore your petitioners call upon the PNM to stop the construction of all planned housing in San Fernando until we are consulted and we are assured of adequate roads, water, garbage disposal, schools, employment, safety, security and other basic needs.

Basically what they are saying is that if they went through the approval process, all those things would have been taken into consideration.

Madam President, for your consideration and to show the lawlessness of this administration I quote from Act No. 21 of 1990, section 159:

“A new building shall not be constructed within a Municipality otherwise than in accordance with the provisions of the Town and Country Planning Act and the building regulations.”

That is from Act No. 21 of 1990; and from the Public Health Act, Ch. 12, Part IV, section 46:

“It shall not be lawful in any prescribed area to make an addition or alteration to any building...or to erect a new building otherwise than in accordance with the provision of this Ordinance and any regulation or by-laws made thereunder.”

Madam President, I draw this to your attention in terms of the legal approval process for the construction of buildings, private and public, in Trinidad and Tobago. I call upon the Government to desist from breaking the law and to seek and get the approval from all the agencies before the construction of housing in Trinidad and Tobago.

I thank you very much. [*Desk thumping*]

The Minister of Housing (Hon. Dr. Keith Rowley): Thank you very much, Madam President. I thank you for the opportunity to respond to the Senator.

Madam President, I am very happy to have come here this evening because I was beginning to lose hope for some people in Trinidad and Tobago, but, based on the short, sharp presentation of the Senator, I now am confident that there is hope for even the worst among us in Trinidad and Tobago. I support entirely what the Senator has said with respect to the need to have the rule of law recognized as

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a pillar of our community and a pillar of our existence and that you must preserve it with everything at our disposal. I agree with him entirely that those who fail to follow any binding principle must be condemned and I also agree with him entirely that maybe consultation is probably the best thing.

However, Madam President, with respect to the specific statements made by the Senator, let me say from the outset that not every housing project has got final approval but it is quite wrong and misleading for any Member of the Parliament or any other person to say that we are building houses without approval. In fact, the Senator made a case implying that the Government is willy-nilly going about the place and no approval process has been followed and, Madam President, that is not so at all. In fact, with respect to outline planning permission, as a former Minister of Planning and Development who sought to enforce exactly what he said, let me just say what the outline planning arrangement is.

This outline planning permission is granted with conditions for a proposed development. However, under the provisions of the Town and Country Planning Act, this outline planning permission is subject to subsequent approval by the Minister responsible for town and country planning. Once the reserve matters conform to the standards and requirements stipulated in conditions for outline planning, a developer is assured that full planning permission would be granted for a proposed development.

As a consequence, Madam President, a practice had developed, with the confidence that the full planning permission would be granted for a proposed development and this practice has seen a number of instances where developers in all categories—and I want to emphasize that, contrary to what the Senator has just said about some nefarious action of the Government in social engineering, the term that appears in the said petition from his party headquarters—all categories of developers, housing, major office complexes, industrial plants, hotel development, and the receipt of outline planning permission, if the developer is satisfied that they can meet the reserve requirements, they proceed to construct, not in the full letter of the law but, in a sense, with the spirit because outline approval is granted that the area can be used for that purpose.

It is wrong, then, to say that no attempt had been made to get planning permission. All the sites upon which we are building have been adjudicated upon by the relevant planning agencies and those agencies have indicated that those sites are suitable for the housing programme as—[Inaudible] [Desk thumping] Specifically, I do not know to whom they speak but when the Senator comes to the Parliament and makes specific references to specific areas, he is either

misinformed sadly or mischievous. He speaks specifically about Green Street in Tunapuna because that fits into some political marginal constituency. I want to advise the Senator that, for those on this side who are conducting Government business, there is no marginal constituency. There are 36 constituencies in Trinidad and Tobago. Madam President, he mentioned Tunapuna, Green Street.

I have a table here in front of me with all of our housing projects; and, incidentally, Tunapuna, Green Street, outline approval—approved, final approval—approved and the reference number is reference T2D1580/2002. So they come here to mislead the public because the intention, Madam President, is to blur the differentiation between those of us on this side and those on the other side where we are separated on the housing matter by a specific policy difference. The Senator and his group on the other side support a housing policy which is quite different to that which we are pursuing. Their housing policy is one of provision of housing lots and, laissez-faire—and some magic would happen that houses will appear resulting in over 6,000 lots being prepared in the period of their tenure with only a few of those lots being built upon. We have thousands of lots prepared, no houses.

The policy of the PNM is to use the Government's initiative and some State and private sector resources to build houses. We are builders of houses, [*Desk thumping*] and, if you have listened to them, Madam President, they have a problem with the house building because they believe that if we build houses it will satisfy the needs of the population. We are committed to satisfying the needs, Madam President. So when the Senator says that Green Street is not approved, that is not true. When the Senator says that—he made reference to Ramgoolie Trace as a specific instance—granted—and the reference number is T2D1024/2001. What is happening with Ramgoolie Trace and the agencies for granting is that, while outline permission has been granted for housing in the area, we are discussing the density in that particular arrangement. That is not unusual, Madam President.

He also mentioned Pleasantville. Outline approval has been granted and the subdivision is approved. He mentioned Circular Road—Olera Heights in Circular Road. Madam President, outline planning permission—contrary to what he just told the Senate and the nation that we have gone and built there with no reference to the planning agencies, and, had the agencies been consulted, all the evils he listed would not have been allowed and so on. The truth of the matter is that outline planning permission was granted on October 16, 2002 in respect of application 121213/02. That outline permission was granted for the development

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of the site at a density of 100 dwelling units per gross hectare to include recreational open space, public utilities and services such as a nursery school, convenience shops, community use facility and car parking facilities.

A second application submitted on May 22, 2003 sought outline planning permission for the development of a combined site comprising of a 1.58-hectare parcel which had previously been granted planning permission and an adjoining 0.8 hectare of land for multifamily residential development. This application is not yet determined but discussions continue with UDeCOTT to resolve outstanding issues. So it is quite wrong and misleading for any Member of the House to come here and say that the Government is building willy-nilly without reference to agencies and give the impression—naming projects and sites and saying that we are proceeding to build without approvals.

Madam President, what I find absolutely shocking is that the Senator who sought to mislead the Senate and the nation in this way is the Senator who conformed to what I said earlier. A practice had developed over the years, and it still continues, where, on outline approval, persons being told what is required and what will be approved may proceed and, in fact, do proceed to construct. In fact, the state building, the Industrial Court, was virtually completed before the final documents were approved and the Minister should know that because this Senator was the minister responsible for the Piarco Airport project, the single largest project in terms of dollars ever entered into by a government of Trinidad and Tobago.

Madam President, may I tell you that the Piarco Airport project commenced construction in early 1997 thereabouts, prior to even the grant of outline approval? So, even before they had applied for outline approval, the Piarco Airport construction programme had started and the first full application for the Piarco Airport development, application T2H305099, [Interruption] was submitted in March 1999 [Interruption] and the approval was granted—[Interruption]—the approval was granted—[Interruption] do not—Madam President, I understand this. When you cannot stand the argument you shout me down. [Interruption]

Madam President: Senators please.

Hon. Dr. K. Rowley: The approval for the Piarco Airport project was granted two years after the construction had commenced. [Interruption] I am making the point, Madam President, that, having done that and to come here and give me a lecture about the pillars of law and the rule of law [Interruption] [Laughter] and

those who fail to follow any binding principle must be condemned, then let him stand condemned by his own words [*Desk thumping*] because it may very well be that, had he not stood condemned, the \$2,000-million airport scandal may never have taken place. When he advises me that my colleagues and I should observe the rule of law and the spirit and letter of the law, I would advise him that there is a law called the Commission of Enquiry Act, and, when they call you, you must come. [*Desk thumping*] [*Laughter*] This is a Senator who refused to go— [*Interruption*] [*Crosstalk*]

Madam President: Minister, you have four minutes. [*Crosstalk*]

Hon. Dr. K. Rowley: [*Interruption*] This is a Senator who refused to appear before a commission of enquiry. [*Interruption*] [*Crosstalk*]

Madam President: Hon. Members, could we have some silence, please?

Hon. Dr. K. Rowley: Madam President, apparently if you build a certain amount of houses you are house padding but if you build one or two or three as the Senator who brought this Motion did: Carlsen Field—8; Debe—one; Harmony Hall—one; La Paille—one; Wallerfield—6; Tunapuna—6; Mount Hope—8; Morvant—7; Mount Hope—3; River Estate—7; for a total of 44 houses, built by the Senator without a single approval from anybody in this country. In fact, those units were built at a cost of \$2.668 million, and, as a result of nobody having any say in the matter, they were so horribly built that we have had to spend \$500,000 rectifying and renovating for human condition the ones that are built in Morvant. So he knows exactly what he is talking about except that, Madam President, he was talking about his tenure.

Thank you, Madam President. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.37 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Sadiq Baksh:

Houses (Allocation of)

4. Could the hon. Minister of Housing provide this Senate with a list of the names and addresses of all citizens to whom houses were allocated and delivered on a monthly basis from January 2002 to September 20, 2003?

Written Answer to Question

Tuesday, January 20, 2004

The following reply was circulated to Members of the Senate:

The Minister of Housing (Hon. Dr. Keith Rowley):

ROYSTONIA ALLOCATION PHASE 4

No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
1	1/2/2002	#148 - Option (Basic)	John Gioannetti
2	1/14/2002	#237 - Type II	Hyacinth Henry & Louise Henry
3	1/22/2002	#236 - Type III	Christopher Marshall & Marsha Sagrainsingh
4	1/22/2002	#246 - Type II	Natasha Lamy
5	1/28/2002	#257 - Type III	Sunil Ramroop & Doolarie Sirju-Ramroop
6	2/2/2002	#158 - Type III	Matthew George & Akida George
7	2/4/2002	#239 - Option A (Basic)	Lal Ramkissoon
8	2/5/2002	#245 - Type I	Ravi Pancham & Ann Marie Kalloo
9	2/27/2002	#248 - Type I	Christopher Holder Jr. & Indiar Holder
10	3/18/2002	#235 - Type I	Sharma Ramkissoon & Cindy Bally Ramkissoon
11	4/4/2002	#26 - Type I	Maria Springer
12	5/3/2002	#167 - Type II	Deryck Downie & Annie Blaize
13	5/3/2002	#200 - Option A (Basic)	Nigel Ramphal
14	5/3/2002	#255 - Type II	Oral Nagessar & Simone Ramrattan
15	5/17/2002	#133 - Type II	Peter Carlos Mark
16	7/22/2002	#228 - Option B (Att I)	Zamina Subhan, Hamid Subhan & Zalina Subhan
17	7/27/2002	#233 - Option A (Basic)	Gary Williams & Gail Nicholson
18	8/22/2002	#156 - Option B (Att I)	Piarle Gosine
19	10/12/2002	#161 - Type II	Carlton Harry
20	10/22/2002	#238 - Type II	Andrea Mc Clean & Wayne Mc Clean

Written Answer to Question

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
1	1/8/2002	#037 - Option B (Att I)	Anjini Singh
2	1/8/2002	#010 - Option A (Basic)	Balraj Ramlal & Ria Ramlal
3	1/10/2002	#013 - Option B (Att I)	Deopersad Ramadhar & Sunsatee Ramadhar
4	1/15/2002	#033 - Type II	Bend De Viugt
5	1/15/2002	#038 - Option B (Att I)	Steve Lalman & Kamini Gosine
6	1/15/2002	#015 - Option B (Att I)	Azaz Mohammed & Marlene Gosine
7	1/18/2002	#014 - Option B (Att I)	Barbara Yvonne Sin Clair
8	2/2/2002	#040 - Type II	Sashi Troy Nagessar & Kalawati Beepath
9	2/4/2002	#002 - Option A (Basic)	Ivan Ramdeen
10	2/4/2002	#032 - Option B (Att I)	Ellison Daren Ramlogan
11	2/5/2002	#016 - Type II	Seepersad Babooram & Asha Babooram
12	2/5/2002	#034 - Type II	Winston Maharaj & Maltee Kurjah
13	2/8/2002	#017 - Option A (Basic)	Allan Davis Sahadeo & Wendy Narinesingh
14	2/13/2002	#020 - Type II	Ari Aziz
15	2/18/2002	#003 - Type III	Colvin Chris Peters & Avanelle Millete
16	2/20/2002	#019 - Option A (Basic)	Perene Mohammed
17	2/22/2002	#001 - Option A (Basic)	Clive Villafana
18	2/22/2002	#006 - Type II	Roslyn Homer
19	2/28/2002	#008 - Type II	Michelle Kwailan Williams & Anderson La Barrie
20	3/1/2002	#005 - Type II	Selwyn Sealey & Nathalie Nelson-Sealey
21	3/2/2002	#028 - Type III	Derek Ashby-Williams & Nathalie Ashby-Williams
22	3/2/2002	#029 - Type II	Nawaz Mohammed
23	3/2/2002	#030 - Type II	John Hernandez & Tricia Estrada
24	3/4/2002	#039 - Type II	Khala Mohayodeen & Asha Ajodha Mohoyodeen
25	3/12/2002	#041 - Option B (Att I)	Kevin Mungroo & Ratroni Lall
26	3/15/2002	#022 - Type III	Kamal Kani Sharam

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
27	3/15/2002	#038 - Type III	Sherwin Alexander
28	3/19/2002	#025 - Type II	Harold Anthony Sammy
29	3/18/2002	#007 - Option A (Basic)	Paula Deoraj
30	3/28/2002	#026 - Type I	Antonnette Charles
31	4/16/2002	#018 - Option B (Att I)	Sue-Anne Marchan & Andre Watson
32	5/9/2002	#009 - Type II	Alan C. Donana
33	5/16/2002	#031 - Type II	Anil Rampersad
34	5/8/2002	#012 - Type II	Sareeda Chaboo-Duncan & Michael Duncan
35	5/18/2002	#024 - Type II	Eslina Sabastien-Geelan
36	5/18/2002	#027 - Type II	Neralla Elvis Sookhoo
37	5/20/2002	#023 - Type II	Harris Anthony Young Wing
38	5/20/2002	#035 - Type III	Suzanne Dippoosingh
39	6/14/2001	#060 - Option A (Basic)	Jessie Joseph, Faye David & Trichia Mauge
40	7/8/2002	#059 - Type I	Chandra Bissondatt
41	7/8/2002	#051 - Type III	Alick Gittens
42	7/8/2002	#053 - Type I	Bisham Persad
43	7/10/2002	#044 - Type II	Ricardo Sampson
44	7/10/2002	#049 - Option B (Att I)	Marcia Gibbons
45	7/11/2002	#052 - Type IV	Bianca Bharath
46	7/12/2002	#042 - Option B (Att I)	Wayne Aromour & Mallini Samsoundar
47	7/12/2002	#048 - Type III	Farouk Phillip Baccus
48	7/17/2002	#045 - Type IV	Azis Abidh & Bella Rampersad-Abidh
49	7/19/2002	#054 - Type IV	Malcolm De Silva & Betsy Patricia De Silva
50	8/2/2002	#057 - Type IV	Stanley Mervyn & Maria Mervyn
51	8/7/2002	#004 - Type 2	Edwin Motilal & Lakshmi Motilal
52	8/9/2002	#062 - Type 2	Alvin Auguste & Carla Parris
53	8/10/2002	#099 - Type III	Natasha Pettler & Gerhard Pettler

Written Answer to Question

Tuesday, January 20, 2004

No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
54	8/10/2002	#065 - Type III	Harold Sitahai & Isabel Seetahal
55	8/10/2002	#094 - Type III	Peter Balleram & Nejah Kerr
56	8/12/2002	#074 - Type II	Lisa Barnard & Nejah Kerr
57	8/12/2002	#067 - Type III	Tracy Sargeant & Donnie K. Sargeant
58	8/13/2002	#063 - Type IV	Kirk Skair & Kamini Sankar
59	8/14/2002	#100 - Type II	Andrea Moore Clevia Bedeau
60	8/16/2002	#101 - Type IV	Lester Grandison
61	8/16/2002	#055 - Type III	Michael Ramsook & Rita Ramssook
62	8/19/2002	#043 - Type III	Lincoln Dookhran & Sherry Mahangoo-Dookhran
63	8/22/2003	#096 - Type III	Kevin K. Ramoutar
64		#089 - Type II	Haydn De Four & Allison Toussaint-De Four
65	8/29/2002	#072 - Type IV	Philbert Ryce
66	8/30/2002	#070 - Type III	Amos Victor Henry & Cynthia Davis-Henry
67	8/30/2002	#068 - Type III	Sunil Dial & Nardayah Dial
68	9/2/2002	#056 - Type IV	Alicai Villaruel
69	9/12/2002	#048 - Type II	Rondell Joseph
70	9/21/2002	#093 - Type II	Keith Khan & Marsha Serrattan
71	9/23/2002	#066 - Type II	Anthony Stephen & Indranee Charmain Pargarsingh
72	9/28/2002	#097 - Type I	Brian Leslie Blades & Seeta Blades
73	10/7/2002	#091 - Type I	Rishi Dwarika & AnnMarie Dwarika
74	10/11/2002	#092 - Type II	Ita Lewis & Winston Roberts
75	10/19/2002	#064 - Type III	Taran Gayah
76	10/22/2002	#050 - Type III	Hema Ramdass
77	10/24/2002	#103 - Type II	Suzanne Soodeen & Roger Soodeen
78	10/28/2002	#090 - Type II	Chadwickie Kiek Lalla & Florrie Lalla
79	10/30/2002	#124 - Type IV	Samlal Ramcharran & Rayan Ramcharan

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
80	10/31/2002	#123 – Option A (Basic)	Tamara Eva Seepersad & Curtis Dindial
81	10/31/2002	#108 – Type II	Permanand Nansingh
82	11/1/2002	#105 – Type II	Victoria Nepaulsingh
83	11/6/2002	#119 – Type II	Revery Asha James & Winston Robert
84	11/7/2002	#118 – Type II	Arfan Khan
85	11/8/2002	#120 – Type IV	Balchan Mangroo & Vidia Mangroo
86	11/8/2002	#114 – Type III	Kevin Mitchell
87	11/9/2002	#058 – Type III	Nigel Williams
88	11/9/2002	#112 – Option B (Att I)	Jennifer Ali and Rasheed Ali
89	11/13/2002	#113 – Option A (Basic)	Ravindra Ramsawak & Farisha Ramsawak
90	11/14/2002	#110 – Type III	Gerard Simonette
91	11/22/2002	#089 – Type IV	Glenn Eustace Samuel
92	11/22/2002	#129 – Option A (Basic)	Rickie Goberdhan
93	11/25/2002	#143 – Type II	Susan Kalloo & Azis Bahadur
94	11/25/2002	#148 – Option A	Kevin Hackett
95	11/29/2002	#127 – Type I	Trevor Kenuille Spencer & Maria Spencer
96	11/30/2002	#135 – Option A	Prahalad Sooknanan & Valarie Sooknanan
97	12/4/2002	#138 – Type II	Dondald Piper & Megan Piper
98	12/5/2002	#147 – Type II	Dale Suresh Ramkissoon & Ferida Ramkissoon
99	12/9/2002	#117b – Option B	Richard Kisson & Neela Moonilal
100	12/11/2002	#128 – Type II	Clive Ramharrack & Jankee Bisnath
101	12/11/2002	#139 – Type IV	Harridath Bajnath
102	12/19/2002	#106 – Type III	Rita Camille
103	12/21/2002	#011 – Type II	Jagdeo Bachan & Kamlawatie Bachan
104	1/3/2003	#140 – Type IV	Wahid Mohammed & Feroza Mohammed
105	1/9/2003	#132 – Type I	Susan Seales & Gerald Raphael Seales

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
106	1/10/2003	#121 - Type III	Andy Richard Singh & Tricia Asha Singh
107	1/10/2003	#104 - Type III	Judy Ramnarase & Vishnu Ramnarase
108	1/15/2003	#128 - Type II	Diallo Balbosa and Marsha Mc Neil-Balbosa
109	1/18/2003	#073 - Type IV	Navind Ronald Soogrim
110	1/18/2003	#125 - Type III	Ottis Richardson & Cealest David-Richardson
111	1/24/2003	#130 - Type I	Nisa Ramjit-Ramdass & Ravi Ramdass
112	1/27/2003	#098 - Type I	Veronica Agatha Henry-Grant
113	1/28/2003	#136 - Type III	Winston Cummings
114	1/29/2003	#131 - Type II	Salisha Hosein & Joseph Daniel John
115	1/29/2003	#142 - Type I	Loraine Tricia Mohammed & Ravinath Soogrim
116	1/30/2003	#137 - Type II	Christine Patricia Belgrave
117	1/30/2003	#148 - Type II	Joel Nigel Bishop & Elizabeth Rachel Bishop
118	1/30/2003	#133 - Type II	Craig Edward Carreira & Naomi Rackel
119	1/31/2003	#088 - Type I	Rudy Ragbir
120	1/31/2003	#177a - Type III	Adrian Manick
121	2/4/2003	#134 - Type II	Sieukeran Ramkissoon
122	2/8/2003	#141 - Type III	Rennie Surujbally & Diana Logan Surujbally
123	2/8/2003	#107 - Type IV	Liselle Ayana George
124	2/12/2003	#144 - Type IV	Wahid Hosein & Jennifer Razack-Hosein
125	2/15/2003	#111 - Type IV	Laura Ragbir
126	2/17/2003	#109 - Type IV	Kathy Kim Kerr
127	2/19/2003	#084 - Type I	Wanda Babb
128	2/21/2003	#115 - Type IV	Erica Jessica Seales
129	2/21/2003	#145 - Type III	Clinton Manick & Annette Manick
130	3/24/2003	#021 - Option A (Basic)	Nalini Manadeo

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
131	4/2/2003	#166 - Type II	Myodeen Ali & Allyson Ali
132	4/2/2003	#158 - Type IV	Indar Sahadeo & Tara Sahadeo
133	4/2/2003	#173 - Option B (Att I)	Ajeid Hosein
134	4/3/2003	#171 - Type II	Dexter Dick & Helen Villafana-Dick
135	4/9/2003	#167 - Option A (Basic)	Andrew Bissessar
136	4/11/2003	#174 - Type I	Balraj Sohen & Shaheeda Sohan
137	4/11/2003	#170 - Option A (Basic)	Carlton Joseph & Cindy Alana Joseph
138	4/14/2003	#155 - Type II	Vida Gopaul Singh
139	4/29/2003	#168 - Type I	Janet Chankumarie Beharry
140	5/8/2003	#159 - Type II	AnnMarie Notingham-Young
141	5/9/2003	#150 - Type IV	Shide Khan & Sherene Khan
142	5/10/2003	#172 - Option A (Basic)	Sharon Massoom
143	5/14/2003	#156 - Type IV	Sigmond Oswald & Annmarie Najdaye Rampersad
144	5/21/2003	#154 - Type IV	Kirwin Lalla & Kathy-Ann Mahabir-Lalla
145	5/23/2003	#180 - Option A (Basic)	Allan Sieunarine & Dawn Sieunarine
146	5/24/2003	#181 - Type II	Kikomo Burke & Natasha Joseph
147	5/26/2003	#169 - Type III	Keith Birjue & Basdal Birjue
148	5/26/2003	#231 - Type III	Haron Ali & Lesley Ann Nurse-Ali
149	5/26/2003	#184 - Type IV	Anion Reyes
150	5/26/2003	#182 - Type IV	Anil Rajkumar & Devika Rajkumar
151	5/26/2003	#228 - Type IV	Earl Thomas & Lanne Anthony-Thomas
152	5/27/2003	#234 - Type I	Billy-Paul Furlonge
153	5/28/2003	#175 - Type II	Garfield Yeates and Benesa Garraway
154	5/28/2003	#184 - Type II	Karen-Lee Bethelmy
155	5/28/2003	#223 - Type III	Gregory Shane Aping
156	5/28/2003	#198 - Type II	Curtis Moore
157	5/28/2003	#179 - Type II	Camille Grant

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
158	5/28/2003	#186 - Type II	Dion White
159	5/28/2003	#178 - Type II	Richard Jerome & Alicia Jerome
160	8/3/2003	#226 - Type IV	Veronica Woodruffe
161	6/5/2003	#232 - Type I	Patrick King
162	6/5/2003	#221 - Type II	Sharon Maharaj & Lisa Paul Singh
163	6/6/2003	#162 - Option A (Basic)	Dillon Abdool
164	6/6/2003	#225 - Option B (Att I)	Marlon Whiskey
165	6/7/2003	#229 - Type IV	Anthony Martin Thomas
166	6/16/2003	#151 - Type III	Roland Mahabirsingh & Nalini Beepath
167	6/16/2003	#224 - Type IV	Allison Dial
168	6/18/2003	#152 - Option B (Att I)	Cindy Ramsook
169	6/18/2003	#157 - Type III	Andell George
170	6/25/2003	#183 - Type I	Anthony Warrick & Vanessa Warrick
171	6/27/2003	#227 - Option B (Att 1)	Chad Legere
172	7/1/2003	#197 - Type II	Shafford Islam & Anjie Toocana-Islam
173	7/1/2003	#216 - Type II	Clifford Amzard Abraham & Thera Evette Seepersad
174	7/1/2003	#191 - Type II	Khiran Ramesar & Shelda Pancham
175	7/1/2003	#189 - Type I	Sheiza Reyan Mohammed-Ali & Shereez Ali
176	7/1/2003	#238 - Type II	Zaid Mohammed & Natalie Mohammed
177	7/1/2003	#196 - Type II	Julianna Madhosingh
178	7/1/2003	#188 - Type III	Mario Bradshaw
179	7/1/2003	#226a - Option A (Basic)	Indra Sahadeo-Persaud
180	7/4/2003	#235 - Type III	Oneil Phillip & Ann Patricia Ricomas Phillip
181	7/5/2003	#218 - Type II	Nerisa Aman-Baccus
182	7/7/2003	#240 - Type II	Sherwin Francis & Martina Alleyne
183	7/9/2003	#242 - Option A (Basic)	Naresh Lakshman
184	7/10/2003	#223 - Type IV	Nandrani Khan & Imtiaz Khan

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
185	7/10/2003	#193 – Type IV	Baldeo Sahadeo
186	7/15/2003	#190 – Type II	Lesley Rondon & Jason Aqui
187	7/22/2003	#185 – Type III	Allison Mary Carreira-John & Gregory John
188	7/24/2003	#212 – Option B (Att 1)	Dhanash Ramdath & Marcelle Arianna Massiah Ramdath
189	7/25/2003	#214 – Type I	Kendal Walter
190	7/25/2003	#220 – Option A (Basic)	Natalie Mahraj
191	7/26/2003	#217 – Type IV	Corey Jamie Huggins & Vanessa Lauren Huggins
192	7/29/2003	#177 – Type III	Antoinette Eunice James & Barry Sebros
193	8/4/03	#200 – Type I	Vasis Dabideen & Johanna Sookoo
194	8/4/2003	#205 – Type IV	Jillian Nicole Correia
195	8/5/2003	#215 – Type II	Ingrid Seedial
196	8/5/2003	#195 – Type IV	Albion Bill Gopaul & Stacy Ann Dixon Gopaul
197	8/8/2003	#199 – Type IV	Harry Kudhu gopaul Sundardai Gopaul
198	8/6/2003	#247 – Type II	Russell Phillmore Joseph & Georgelle Marcelle-Joseph
199	8/6/2003	#209 – Type IV	Joanne Corneilla
200	8/6/2003	#153 – Type III	Visanty D Dindial
201	8/8/2003	#160 – Type III	Vinush K Dindial
202	8/8/2003	#248 – Type III	Natalie Ramtahal
203	8/8/2003	#211 – Type II	Ronald Genghis Khan & Lydia Anita Khan
204	8/8/2003	#213 – Type IV	Randon Gopaul & Ria Romsita Gopaul
205	8/9/2003	#210 – Type II	Ana-Regina Soochit
206	8/9/2003	#219 – Type II	Mc. Carty Alphonsus Husbands & Shaheda Denyse Mohammed
207	8/11/2003	#243 – Type III	Marvin Joseph & Nera Narine
208	8/11/2003	#204 – Type I	Roger Garth Hyland & Nicole Natalie Yolande Hyland
209	8/11/2003	#204 – Type I	Roger Garth Hyland & Nicole Natalie Yolande Hyland

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No.	DATE OF DEPOSIT	LOT NO. & TYPE	CLIENT NAME
210	8/11/2003	#202 - Type III	Shurla Sampson-Francis & Lyod Francis
211	8/15/2003	#208 - Optional B (Att 1)	Roger Ramkissoon
212	8/16/2003	#230 - Type III	Simone Megan Titus
213	8/20/2003	#236 - Type II	Sybil Graham Nichols
214	8/20/2003	#241 - Type III	Keith Colin Salcedo & Gale Roodal
215	8/23/2003	#237 - Type III	Rajendra Mayrhoo & Pamela Mahabie
216	8/27/2003	#192 - Type II	Nicole Colleen Indar
217	8/27/2003	#239 - Type III	Leanne Henry- Griffith & Colin Griffith
218	8/30/2003	#165 - Type III	Robert Baldeosingh
219	9/2/2003	#194 - Type I	Helen Emelda Thomas
220	9/2/2003	#203 - Type III	Roosevelt Rock & Karen Arlette Rock
221	9/3/2003	#206 - Optional A (Basic)	Brandon Bissoon
222	9/13/2003	#222 - Type III	Joan Abraham
223	9/16/2003	249 - Optional A (Basic)	Richard Fraser & Bernadette Wells-Fraser

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
EL DORADO HEIGHTS	Arnold Dwarika	1/2/2000
	Courtney Braihwaite	20/03/2000
	Lydia Baker	20/03/2000
	Joanne Bovell	20/03/2000
	Rasheeda J. Charles	20/03/2000
	Junior Edwards	20/03/2000
	Salima Guerra	20/03/2000
	Ingrid Granger Matthew	20/03/2000
	Candice G & Gloria Holder	20/03/2000
	Kingsley Herreira	20/0320/00

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Tazmool Hosein	20/03/2000
	Rawatee Narine	20/03/2000
	Andria Harrison	20/03/2000
	Cecil & Kurlan Hackett	20/03/2000
	Pamella & David King	20/03/2000
	Melissa Lynch	20/03/2000
	Rafer Richardson	20/03/2000
	Roger Laidlow & Shauna Bazie	20/03/2000
	Joanne Cheryl Pennie	20/03/2000
	Andrew Sambrano	20/03/2000
	Richard & Patsy Miller	20/03/2000
	Petra D. Phillip	20/03/2000
	Wayne O'Brien	20/03/2000
	Claire C. Guy	23/03/2000
	Zephyrinus Nicholas	23/03/2000
	Michelle R. Dellmore & Collin Cupid	23/03/2000
	Gail Antoine	5/4/2000
	Tricia Magdeline Mitchell	10/4/2000
	Maria Sellier & Keith Clarke	13/04/2000
	Brent & Kim Cyrillo	13/04/2000
	Keith Sealey	13/04/2000
	Deryck Roy Baptiste	13/04/2000
	Kelly Anne Tull & Roger Pompey	17/04/2000
	Earl Charles	26/04/2000
	Ingrid Charles & Roger Russell	26/04/2000
	Sharon de la Rosa	2/5/2000
	Natalie Ann Dhanoolal	17/05/2000
	Caryl Pierre & Wendell Chase	17/05/2000
	Anisa Baksh	6/6/2000

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Illene Dennis Perry	6/6/2000
	Joan Watson	6/6/2000
	Alison Dawn Wyke	14/06/2000
	Visia Sukha	4/7/2000
	Shairsingh Tulsie-Chan	13/09/2000
	Darryl Grandison	2/11/2000
	Alison Woods	2/11/2000
	Ronnie & Shantie Singh	7/11/2000
	Beverly Ann Cruickshank	9/11/2000
	Troy Hosford & Denise Dennis	13/11/2000
	Renette Frection	4/12/2000
	Rose Cambridge	13/12/2000
	Sylma Franklyn	20/12/2000
	Patricia Burgess	21/02/2001
	Dane Augustine Mayers	28/02/2001
	Alva Shockness	19/03/2001
	Wayne Charles & Jillian Silman	20/06/2001
	Aletha Jones	2/8/2001
	Dennis Hall	8/8/2001
	Junior Williams & Sharon Phillips	4/9/2001
	Alicia Charles	25/09/2001
	Shain Wippenbeck & Anthony Maynard	29/10/2001
	Shelly Lewis & Sean Marfan	30/10/2001
	Charlene Cort	30/10/2001
	Gail Cooper	30/10/2001
	Sean Douglas	30/10/2001
	Marlon Joseph	30/10/2001
	Lorraine Persad	28/12/01
	Juliet Deonarine	3/1/2002

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Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Edwin Reid	7/1/2002
	Anthony Ferguson	8/1/2002
	Karen Sobion-Paul	14/01/02
	Eyon & Pauline Modeste	7/2/2002
	Ann Shephard & Gabriel Shephard	18/02/2002
	Allan Howard	18/03/2002
	Beulah Matthew	27/03/2002
	Lisa Scantlebury-Phillips	4/4/2002
	Pascal Pierre	14/05/2002
	Rufita David & Gregory David	29/05/2002
	Leisha Alvarez	29/05/2002
	Kirk & Candice Fakira	17/06/2002
	Jason Curtis Lugo	17/06/2002
	Marion Guy	20/06/2002
	Peter & Liselle Dedier	20/06/2002
	Wendell Nurse	17/07/2002
	Russel Reyes & Nadine White	17/07/2002
	Owendie Phillips	20/08/2002
	Roger Bishop & Patrice Lewis	29/08/2002
	Julia Roach	10/9/2002
	Keino Cox	10/9/2002
	Anthony Maynard	29/10/2002
	Jesse Williams	18/11/2002
PLEASANTVILLE	Ann & Cheryl Scantlebury	24/02/2003
SAN FERNANDO	Robert Parris	24/02/2003
	Margaret Thompson	24/02/2003
	Victor & Arlene Cooper	24/02/2003
	Rhonda Henry	24/02/2003
	Larry Eligon	24/02/2003

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Record of Allocations for Period 1999-2003

Area	Name	Date of letter of Offer
	Renee R. Nysus	24/02/2003
	Paula Alexander & Sean Mitchell	24/02/2003
	Anthony G. Moses	24/02/2003
	Sherry Mae Baptiste	24/02/2003
	Bernadine & Tricia Maynard	24/02/2003
	Deann Dyer	24/02/2003
	Anthony & Paula Bartholomew	25/02/2003
	Rachael Blackburn	19/03/2003
	Nadine Smith Sandy	16/05/2003
	Irma Mike	4/7/2003
	Michael Stephen	7/8/2003
	Nigel Williams & Alice Baptiste	18/02/2003
	Gemma Skerrit	18/02/2003
	Charmine Baptiste & Brian Jordan	22/10/2003
	Maria Figaro	11/11/2003
MEDINE STREET	Michelle Corbie	30/10/2001
SAN FERNANDO	Stacy Ann Stoute	10/6/2002
	Gloria de Leon	8/7/2002
	Aynsley Matthews & Makeba Matthews	20/09/2002
	Marva & Keisha Bostic	20/09/2002
	Linda Wankin	25/02/2003
	Nicholas & Janet Gabriel	25/02/2003
	Jovanne Paula Edmund	25/02/2003
	Lucy Margaret Regis	25/02/2003
	Carlton & Nicole Cummings	25/02/2003
	Verna Elliot-Lewis	1/4/2003
	Marvin & Ann Jacob	4/6/2003
	Mangeleine Patricia Clarke	3/7/2003
	Geeta Mills	6/3/2003

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Area	Name	Date of letter of Offer
RAMDIAL MAHABIR PHASE II	Jennifer Abel	14/03/2003
	Lisa Goddard	3/10/2003
	Joanne Hutchinson	20/03/00
	Llyod Daniel	22/03/2000
	Darlene Delissa De Gannes	22/03/2000
	Gail Emman Clarke	22/03/2000
	Alton Feliz	22/03/2000
	Martin Hillaire & Anette Browne	22/03/2000
	Keithlyn King & Keisha King	22/03/2000
	Frank Mc David	22/03/2000
	Marilyn Nikkie	22/03/2000
	Scholastica Phillip	22/03/2000
	Dennison Charles & Tressa Belgrave	22/03/2000
	Caroline Williams	22/03/2000
	Andy Warner	22/03/2000
	David Penco	27/03/2003
	Ivan Louison	27/03/2003
	Susan Emrith	27/03/2003
	Kemba Leah Clasp	18/04/2000
	Doff Drayton	18/04/2000
Terrence Edwards & Camille Andrews	18/04/2000	
Margaret Du Bois	18/04/2000	
Marsha Lewis	18/04/2000	
Kim S. Smith	18/04/2000	
Marian Williams & George Emily	18/04/2000	
Darryl La Pierre	18/04/2000	
Keith Andrews	19/04/2000	

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Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Hazel Alicia St.Louis	6/6/2000
	Clive Bradley	4/7/2000
	Curtis Shade	6/7/2000
	Eric Sealey	16/08/2000
	Elvin Heathcliffe	17/08/2000
	Belinda & Jason Bishop	29/08/2000
	Michelle Wyke	23/10/2000
	Felix & Althea Baptiste	12/10/2000
	Estella Richardson	14/11/2000
	Brent Stafford	22/11/2000
	Gail de Gannes	27/11/2000
	Kathleen Weekes	6/12/2000
	Stacy Dania Rose	14/12/2000
	Lucy Stephanie Douglas	22/11/2001
	Andre Williams & Michelle Wellington	22/11/2001
	Sheldon Mitchell	18/04/2002
	Claudette Paul	29/04/2002
	Anthony Lovelace	5/8/2002
	Terrence Regis	12/12/2002
	Francis Emmanuel	8/5/2003
	Antoinette Murray	
ALMOND COURT MORVANT	Michelle Butcher & Luther Borrow	10/8/2000
	Robert Joseph	10/8/2000
	Patrica Belfon	10/8/2000
	Camille Gooding & Melanie Lawrence	10/8/2000
	Ria Lewis	10/8/2000
	Marilyn Munroe-Pereira	10/8/2000
	Marilyn Jack Washington	10/8/2000
	Victor & Angela Yatali	10/8/2000

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Area	Name	Date of letter of Offer
	Maureen Mc Lean	11/8/2000
	Louise Gormandy	11/8/2000
	Waldron Bishop & Debra Gopie	14/08/2000
	Ann Marie Noel	14/08/2000
	Leroy Grant & Elsa Callender	14/08/2000
	Narda Susan Quamina	14/08/2000
	Janice Mc Intyre	16/08/2000
	Joanne Chambers Sookram	7/12/2000
	Ann Marie Phillip	26/04/2001
	Sherryine Goolcharan	13/11/2001
	Angela Ghany	3/12/2001
	Denisea Kennedy	4/12/2001
	La Toya Sobion	4/1/2002
	Lystra Antoine	7/2/2003
	Lisa Nicole Best	7/2/2003
	Sterlyn Figaro & Keisha Greenidge	7/2/2003
	Martha Byran	7/2/2003
	James Mason	7/2/2003
	Cynthia Mc Intosh	7/2/2003
	Murchinson Jules	7/2/2003
	Sonia John	7/2/2003
	Joanne Matthew	7/2/2003
	Collie Innis	7/2/2003
	Stacy Quashie	7/2/2003
	Roger Quow	7/2/2003
	Fredrica & Jamal Qettelle	7/2/2003
	Caren Simmons	7/2/2003
	Maria E. Matthews-Scott & Carmen Matthew	7/2/2003
	Errol & Janell Vasquez	7/2/2003

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Stephanie Mitchell	7/2/2003
	Lystra Bartolo	10/2/2003
	Wendy Borel	10/2/2003
	John Victory	10/2/2003
	Troy Wills	10/2/2003
	Sharon Johnson	12/2/2003
	Cindy Ann Taitt & Kerry Ann Taitt	17/02/03
	Sean J. Extavour	17/02/03
	Deborah Maida	17/02/03
	Ian Mc. Gline Seaton	18/02/2003
	Avalon Romany	19/02/2003
	Stephan R. Hernandez	21/02/2003
	Una Benjamin	21/02/2003
	Michelle Tracey Perez	21/02/2003
	Saufiyah S. Benjamin	24/02/2003
	Margaret Andrew	25/02/2003
	Felix Downes	26/02/2003
	Heather Johnson Townie & Rhona Collins	26/02/2003
	Ashford Dacon	5/3/2003
	Wendy Shallow	7/3/2003
	Sabita Codjoe	7/3/2003
	Theresa Marshall	18/03/2003
	Anthony & Joanne Williams	24/03/2003
	Ian Anderson	3/4/2003
	James Walters	7/4/2003
	Alana B. Baptiste	11/4/2003
	Vema Clement	17/04/2003
	Merlyn & Christine Jones	23/04/2003
	Phyllis Ward & Annalise Ward	23/04/2003
	Gloria & Gillian Williams	24/04/2003

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Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
COOK STREET "JOHN JOHN TOWERS"	Cynthia Flemmings	27/04/2003
	Edna Arnold	2/5/2003
	Parbati Bridgelal	5/5/2003
	Lynette Holder	7/5/2003
	Keith Archer	6/6/2003
	Gladestone Gordon	6/6/2003
	Junior Orr	9/6/2003
	Candes Dacon-Du Barry	16/06/2003
	Neil Anthony Pyle	16/06/2003
	Joy Christopher	10/7/2003
	Patsy Janis Nicholas	10/7/2003
	Marlon J. Bobb	12/9/2003
	Diane Bleasdel	12/9/2003
	Lester & Virginia Telesford	12/9/2003
	Alban Mc Kenzie	15/12/1999
	Susan Douglas	15/12/1999
	Carol Bartholomew	15/12/1999
	Lyndon Blake	15/12/1999
	Gordon & Geneviev Barrett	15/12/1999
	Lionel Morris	15/12/1999
	Jemma Shears & Garvin John	15/12/1999
	Robert Andrews & Lou-Ann St. Louis	19/01/1999
	Maureen Gibson & James Gordon	19/01/1999
	Allison Simpson	17/03/2000
	Jemma & Andie Regault	17/03/2000
	Sharon Alleyne	4/4/2000
	Felix Ferguson	1/5/2000
	Fitzgerald & Sharon Jobe	2/5/2000
	Lennox Felix Ramsey	2/5/2000

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Karl George	2/5/2000
	Garvin Audain	2/5/2000
	Curt Fields	2/5/2000
	Angela & Henry Patrick	26/05/2000
	Paul Moses	4/7/2000
	Wayne V. Wallace	17/07/2000
	Fitzgerald Flechter	20/07/2000
	Michael Harridan	25/07/2000
	Anthony Charles	26/07/2001
THE OASIS"	Wayne Moore	26/07/2000
Diego Martin	Richard Mano	27/07/2000
	Anastasius Creed	31/07/2000
	Damien & Hedy Theresa Lee Young	3/8/2000
	Brenda Quamina	3/8/2000
	Denise Baptiste	7/8/2000
	Samdaye Jaikeran & Pang Law	7/8/2000
	Michelle Phillips	7/8/2000
	Sally Manickchand	8/8/2000
	Carolyn Gloudan	8/8/2000
	Earlyne St. Louis	8/8/2000
	Roger Mosca	8/8/2000
	Ryan Chang Kit	9/8/2000
	David A Chang Kit	9/8/2000
	Lily Brooms	9/8/2000
	Yoko Powder	9/8/2000
	Kevin & Narissa Alexander Lewis	9/8/2000
	Jerome & Jenelle Phillips	9/8/2000
	Donna-Maria de Roche	9/8/2000
	Sharon Cumberbatch	11/8/2000

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Area	Name	Date of letter of Offer
	Nichole Greaves	11/8/2000
	Sayeed Moruf	11/8/2000
	Heather Dedier	11/8/2000
	Noel & Heather Goddard	11/8/2000
	Jeevan & Kathleen Bahadur	14/08/2000
	Gerard Niles	14/08/2000
	Joyce Dowlath	14/08/2000
	Subina Manzano	15/08/2000
	Carmen Aquan	15/08/2000
	Kim Ngui	15/08/2000
	Carl & Joyce Simmons	15/08/2000
	Irma Telesford	16/08/2000
	Admerie Ann Marie Telesford	16/08/2000
	Carol & Ralph Yearwood	16/08/2000
	Darrin Rogers & Sharon Talma	17/08/2000
	Waheeda Joseph	17/08/2000
	Cheryl Phillips & Julio Mc Vorrان	18/08/2000
	Ian & Debra Banfield Roach	18/08/2000
	Susan Rogers	18/08/2000
	Kishore & Isabelle Ramdhanie	18/08/2000
	David Wears & Cheryl Ann Edwards	18/08/2000
	Colin Sarias	18/08/2000
	Kert & Lynn Joseph	18/08/2000
	Ahamand Moruf & Pamela Dookie	21/08/2000
	Nigel Mahabir & Gisele Telfer	22/08/2000
	Colin Bishop	23/08/2000
	Brian & Angela Forbes	25/08/2000
	Raymond Lewis	8/9/2000
	Shirley Hosten-Smith	18/09/2000

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Patrick Jagessar	19/09/2000
	Hannah Benjamin	10/10/2000
	Natasha Long	11/10/2000
	Earl Frederick & Camille Dolton	24/11/2000
	Yvette Maynard	29/01/2001
	Nichola Browne	5/2/2001
	Jennifer Hobson Simpson	5/2/2001
	Crystal Wolfe	11/7/2001
	Claudia Trim	11/7/2001
	Neil & Gillian Sutton	20/03/2002
	Christopher Romany	18/04/2002
	Cynthia Braithwaite Phillip	5/3/2003
	Wendy Mc Adam	5/3/2003
	Karen Raphael	5/3/2003
	Dexter Constantine & Alicia Knights	5/3/2003
	Reynold John	8/5/2003
	Judith Davis	9/5/2003
	Jean Mahipat	12/5/2003
	Eddison Carr	15/05/2003
	Janet & Terrence Joseph	19/05/2003
	Jennifer Creese	20/05/2003
	Germaine Singh	20/05/2003
	Sandra Jingool	20/05/2003
	Kenny John & Arienne Loricka	20/05/2003
	Alicia Daniel	20/05/2003
	Prior & Junette Gowrie	21/05/2003
	Bernadette Dookeran	21/05/2003
	Sharon Affan & Marion Escandon	21/05/2003
	Adella Commissiong	21/05/2003

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Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Lois Adams	21/05/2003
	Laureen Thomas Henry & Ancil Henry	21/05/2003
	Adrian Robinson & Sharon Tang	
	Naim	21/05/2003
	Mervyn St. Martin	21/05/2003
	Enez Moore	21/05/2003
	Mary Potts	21/05/2003
	Troy de Freitas & Franka de Freitas	22/05/20003
	Michelle Downes	22/05/20003
	Winston Augustine	22/05/20003
	Sharon Williams	23/05/2003
	Neil Sinanan	23/05/2003
	Michelle Anderson	24/05/2003
	Loma & Earrol Thomas	26/05/2003
	Ayanna Belgrave	26/05/2003
	Nicha Cardinez	28/05/2003
	Dexter John	2/6/2003
	Winnifred Maynard	18/06/2003
	Mitra & Karen Sinanan	1/7/2003
	Micheal Eastman	4/7/2003
	Debra Archibald	7/8/2003
SAVANNAH VILLAS	Savitri Dookran	29/07/1998
Aranguez	Christopher Ramkissoon	18/08/1999
	Lisa Mc Donald	23/08/1999
	Ravinath & Natasha Ramkissoon	12/10/1999
	Dennis & Sanmatti Harripersad	12/10/1999
	Monty & Greer Gill	21/10/1999
	Prakash Ramadhar	22/10/1999
	Sanjay Rajnauth	22/10/1999
	Genevieve Karmody	22/10/1999

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Ann Marie Dookie	22/10/1999
	Christopher Danglede	22/10/1999
	Patrica Warren	27/10/1999
	Nadiyah Ali	27/10/1999
	Joyce Bain	27/10/1999
	Annette Borel	29/10/1999
	Reiaz Hosein	Nov. 1999
	Melissa Aqui Roberts	1/11/1999
	Maureen Ameerah	1/10/1999
	Ruth Chan Soo	2/11/1999
	Mary Ramadhar	4/11/1999
	Patrick Tam	5/11/1999
	Yvonne Silochan	9/11/1999
	Suzanne Roach	9/11/1999
	Joan A Dwarika	9/11/1999
	Rajesh Ganesh & Della Harripersad-Ganesh	11/11/1999
	Renee Mohammed	18/11/1999
	Davicar Ramjattan	19/11/1999
	Sagar Sagan Maraj	19/11/1999
	Imtiaz & Hafeeza Ali	Dec. 1999
	Nicola Alexander	1/12/1999
	Nerry & Ricardo Eugene	1/12/1999
	David & Ryan Toby	3/12/1999
	Fanzillah Khan	6/12/1999
	Ferose Daniel	9/12/1999
	David Toby	16/12/1999
	Gerard Mahadeo	17/12/1999
	Terrance Alexander	20/12/1999
	Gail Steele	21/12/1999

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Area	Name	Date of letter of Order
	Joanna James	21/2/1999
	Sheriffa Ramsingh	29/12/1999
	Patricia Henry & Michael Elcock	3/1/2000
	Adesh & Ranu Katwaroo	4/1/2000
	Ambika Lutchmesingh	4/3/2000
	Sterling Seukeran	5/1/2000
	Zaria Boodoo	6/1/2000
	Jennifer Libert	10/1/2000
	Suzette Hosein	10/1/2000
	Marlon Roberts	13/01/2000
	Elicia Peters	14/012/200
	Gillian C. Hunte	17/01/2000
	Dawn & Phillip Edinborough	17/01/2000
	Vidia Ramphal & Deonarine Narine	18/01/2000
	Navin Sankersingh	18/01/2000
	Derrick Yearwood	18/01/2000
	Nicky Maharaj	26/01/2000
	Melissa Sylvester	31/01/2000
	Robert C. Thompson	1/2/2000
	Annette Hospedales	1/2/2000
	Peter Matthews & Denise Madhosingh	2/2/2000
	Ellise Hackshaw	3/2/2000
	Indira Maharaj	7/2/2000
	Arnold & Maureen Baptiste	7/2/2000
	Vishnu & Savitri Rampersad	8/2/2000
	Vahman Jurai	8/2/2000
	Michael Guerra	10/2/2000
	Andrea Lucas & Anthony Marcano	10/2/2000
	Hassina Rahaman	14/02/2000

Record of Allocations for Period 1999-2003

Area	Name	Date of letter of Order
	Daniel & Veda Roopnarine	16/02/2000
	Rischarad Samlal & Akleema Ali	18//02/2000
	Sais Narayan Tiwary	18/02/2000
	Amrika Tiwary-Reddy	18/02/2000
	Effie Sadaphal	3/3/2000
	Anthony Caesar	9/3/2003
	Simmone Davis	9/3/2000
	Jacqueline Frederick-George	14/02/2000
	Oswald Warwick	15/02/2000
	Michael Byng & Kimberly Sheppard	15/02/2000
	Neil & Indira Bissoon	21/03/2000
	Samson & Roma Samaroo	27/03/2000
	Salma Hosein & Herman Constance	4/4/2000
	Ken Philmore	14/04/2000
	Helen Kennedy	17/04/2000
	Anjani Dookie	25//04/2000
	Robert Jones	8/5/2000
	Cashan Toussaint	10/5/2000
	Yvonne Sinnette	5-Dec
	Judy Du Barry Stewart	22/05/2000
	Maylene Leu	25/05/2000
	Stephen Look Tong	June-00
	Sherwin Haynes	7/6/2000
	Roger & Ann Marie Corbie	7/6/2000
	Naseena Ali	8/6/2000
	Kevin Layne	9/6/2000
	Deborah Robert	9/6/2000
	Gerard Johnston	9/6/2000
	Mushtaq Ali	13/06/2000

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Area	Name	Date of letter of Offer
	Gemma Jordan	13/06/2000
	Janet Sirjusingh	15/06/2000
	Indra Koch	20/06/2000
	Ronald Celestine	23/06/2000
	Jamael Ali	27/06/2000
	Kurt Lopez	28/06/2000
	Chevannes Harrison	Jul-00
	Terrance Martins	3/7/2000
	Hilton Potts	3/7/2000
	Wendy Ramsook	4/7/2000
	Kevin & Stacy Rodriguez	5/7/2000
	Sherlan Cabralis	6/7/2000
	Darryl Harripersad	7/7/2000
	Phillip Chin Ching	11/7/2000
	Tana De Freitas	12/7/2000
	Condelle Murphy-Ali	13/07/2000
	Indera Sagawan	14/07/2000
	Hadyn Poon	20/07/2000
	Karen Leong-Sem	26/07/2000
	Cheryl Ann & Kishore Ramadhar	27/07/2000
	Geevan Sankersingh	27/07/2000
	Carol, Shiraz & Khaleed Mohammed	28/07/2000
	Amrith Maharaj	31/07/2000
	Desmond Sydney	10/8/2000
	Ray Melville	11/8/2000
	Enid Donawa	11/8/2000
	Patricia Miller	16/08/2000
	Karen Hannays	17/08/2000
	Tara Merritt	18/08/2000

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Dawna Milton	23/08/2000
	Wendy Hinkson	24/08/2000
	Roger & Marika Lee	30/08/2000
	Laureen Pierre-Francis	5/9/2000
	Jemma Mayers	7/9/2000
	Avril Peterkin Forgenie	7/9/2000
	Judith Farrell	7/9/2000
	Ronald Selman	12/9/2000
	Andrea Roxborough	12/9/2000
	Alva, Justin and Renee Preau	19/09/2000
	Sita Rampersad	21/09/2000
	Cutis Mundaroy & Cheryl Ann Sylvester	27/09/2000
	Lawrence Adams	2/10/2000
	Vishnu & Michelle Galbaransingh	4/10/2000
	Michael Austin	4/10/2000
	Bronock Reid	4/10/2000
	Vashti Rajpatty	24/10/2000
	Particia Gomez	24/10/2000
	Catherine Lucas	24/10/2000
	Joan Ramsingh	1/11/2000
	Pamilla Williams	1/11/2000
	Charlene Awai	7/11/2000
	Sonelle Mark	10/11/2000
	Anessa Mohammed-Ali	15/11/2000
	Constance Cornwall	15/11/2000
	Fareeza Hosein	15/11/2000
	Jennifer Hudson-Phillips	17/11/2000
	Marlene Attzs	21/11/2000
	Camille Baggan	24/11/2000

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Area	Name	Date of letter of Offer
	Cheryl Ann Baggan	24/11/2000
	Sheldon & Tricia Ramdath	28/11/2000
	Charmine Pierre	11/12/2000
	Robert Mahabir & Rachel Chin Ching	19/12/2000
	Gillian Leggard	19/12/2000
	Patrick Ransome	21/12/2000
	Earl Wilson	4/1/2001
	Damien Libert	4/1/2001
	Nadine King	10/1/2001
	Darren Ali	10/1/2001
	Dianne Williams	11/1/2001
	Melchoir Roberts	22/01/2001
	Mervyn & Sandra Assam	23/01/2001
	Andrian De Souza	24/01/2001
	Cherrian Hypolite	30/01/2001
	Jo-Ann Leung Chee	30/01/2001
	Anisa Ramano Muzaffar	30/01/2001
	Clyde & Cyntra Persad	31/01/2001
	Rasheeda Ali	31/01/2001
	Miriam Jacobs	2/2/2001
	Sahadaye Gopie	6/2/2001
	Bilquis & Saeeda Ali	15/02/2001
	Quincy Ross	15/02/2001
	Bilquis & Saeed Ali	15/02/2001
	Aneal Galbaransingh	21/02/2001
	Petal Sankar-Khan	1/3/2001
	Wendy & Winston James	1/3/2001
	Darren Gosine	13/03/2002
	Kafi Jones	28/03/2001

Record of Allocations for Period 1999 - 2003

Area	Name	Date of letter of Offer
	Timmy Chin	2/4/2001
	Heidi Hosien	3/4/2001
	Jeffrey Chung	4/4/2001
	Vishnu Ramoutar	9/4/2001
	Mohammed Brown	18/04/2001
	Minowtie Balkaran	18/04/2001
	Charmion T Lee Wing	25/04/2001
	Cathy Ann Remy	2/5/2001
	Francis O'Neal	8/5/2001
	Gwendoline Mc Laren	8/5/2001
	Christopher Ali-Shaw	21/05/2001
	Chris Toussaint	28/05/2001
	Alexander Benjamin	9/7/2001
	Elicia Seurattan	11/7/2001
	Susilla Ramkissoon	11/7/2001
	Cathleen Susan Jones	24/07/2001
	Daisy Rampersad & Tara Ramrpoop	25/07/2001
	Rahaman Mohammed	1/8/2001
	Roxanne Peschier	20/08/2001
	Sharon Gosine	9/8/2001
	Fareanna Karamath	9/8/2001
	Sherlene Khan-Kisto	16/08/2001
	Jessie May Ventour	16/08/2001
	Rhonda Nanan & Sonja Nanan	16/08/2001
	Vaughn Gosine	16/08/2001
	Azard & Rafia Ali	20/08/2001
	Aileen Clarke	20/08/2001
	Sasha Samuel	23/08/2001
	Michelle Arjune Lee	24/08/2001

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Area	Name	Date of letter of Offer
	Trevor Benjamin	24/08/2001
	Paul R. Hosein	24/08/2001
	Mark R. Hosein	28/08/2001
	Yashmid Karamath	29/08/2001
	John V. Jennings	3/9/2001
	Faoud H. Ali	4/9/2001
	Camilla Gayadeen	14/09/2001
	Kerry Wilson	30/10/2001
	Neil George	1/11/2001
	Kendall Chai	15/11/2001
	Faikah Carmuddeen	21/11/2001
	Indra & Nadya Castillo	21/11/2001
	Cheryl Ann Lezama	28/01/2002
	Kieron Blackman	31/01/2002
	Damian Khan	10/2/2002
	Damian Stewart	15/02/2002
	Chandradath & Sharon Singh	6/3/2002
	Claudette Wilkerson	7/3/2002
	Natalie Wong	12/3/2002
	Jai Badi Maharaj	4/4/2002
	Nadia Hallim	5/4/2002
	Naadira Hallim	5/4/2002
	Supersad Galbaransingh	5/4/2002
	Dianne Newel Lewis	8/4/2002
	Hameeda Ali	8/5/2002
	Bernadette Marcus	15/05/2002
	Winston & Virginia Grant	17/05/2002
	Wendy John	24/05/2002
	Michael Legerton	24/05/2002
	Richard & Debra Burgess	20/08/2002

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Area	Name	Date of letter of Offer
	Annestine Sealey & Anthony & Elizebeth Felix	28/08/2002
	Rochelle Warner & Randal Cezair	24/01/2003
	Uthara Rao	3/2/2003
	Cherisse Aqui	18/06/2003