

*Leave of Absence*

*Tuesday, March 23, 2004*

**SENATE**

*Tuesday, March 23, 2004*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence to Senators The Hon. Mustapha Abdul-Hamid and Christine Kangaloo and Sen. Roy Augustus from today's sitting of the Senate.

**SENATORS' 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., PhD, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Mustapha Abdul-Hamid 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 23<sup>rd</sup> March, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Mustapha Abdul-Hamid.

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 19<sup>th</sup> day of March, 2004.”

*Senators' Appointment*  
[MADAM PRESIDENT]

*Tuesday, March 23, 2004*

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: MR. GARY GRIFFITH

WHEREAS Senator Roy Augustus 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 Leader of the Opposition, 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, GARY GRIFFITH, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Roy Augustus.

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 23<sup>rd</sup> day of March, 2004.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Christine Kangaloo is incapable of performing her duties as a Senator by reason of illness:

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, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Christine Kangaloo.

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 23<sup>rd</sup> day of March, 2004."

#### OATH OF ALLEGIANCE

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

Joan Hackshaw-Marslin, Gary Griffith, Magna Williams-Smith.

#### PRESENTATION OF REPORTS FROM SELECT COMMITTEES

**Sen. Prof. Ramesh Deosaran:** Madam President, I seek your indulgence to raise a matter just for a minute under this heading. I think it is a helpful point and if you hear me out, you would realize how important it is.

I have had a report prepared in draft form to present, around this time, to the honourable Senate arising out of the establishment of the joint parliamentary select committee to enquire and report on service commissions and municipal corporations.

Madam President, when you were absent, Sen. Titus was in the Chair and the point was made about the perpetual absenteeism at these meetings, which of course, would make it impossible, as far as the three committees are concerned, to present any report under this item. So we will keep going on and on. I therefore raise it for your attention. Is there some way you could encourage Senators on these committees to attend? We have reached a stage of actual paralysis. I have a note here which tells me that a meeting had to be aborted due to the lack of a quorum. This has been happening repeatedly during the last few months.

I hope that the leaders of the Senate who are involved in this exercise, perhaps together with the other officers of Parliament, would take some steps to see what can be done either to reconstruct the membership or to allocate the days in a more harmonious manner, so that we can carry on with the business of Parliament.

**Madam President:** Senator, I hear you. It is not the right heading under which this should have been brought, but I understand your concern. We will see what can be done.

**ANSWERS TO QUESTIONS**

**Sen. Wade Mark:** Madam President, before I pose my question, I draw your attention to a written response to a question that was circulated last week.

I asked a number of questions and I did not get the answers to the questions asked. They dealt with, for instance, applications for land under the Ministry of Housing, applications for rental units for the period January 2002 to November 2003, applications for housing and applications for leases.

I have gotten applications for lands, applications for leases and applications for housing. However, there was a question that I raised:

Could the Minister further provide the Senate with the names and addresses of all applicants during the same period?

The Minister responded by saying:

“The hon. Minister wishes to advise the Senate that a detailed response with names and addresses of applicants would undermine the necessary privacy and confidentiality between the National Housing Authority (NHA) and its clients. This is not in keeping with proper business practices, which the organization upholds. Accordingly, the Minister seeks the indulgence of the Senate to withhold the details sought for the reasons given.”

Madam President, as you are aware, the National Housing Authority is funded by taxpayers of this country and it is obligatory of the Minister to provide the Parliament and the nation with this information. He is seeking the indulgence of our Senate not to supply the information. I would like you to look into the matter very carefully and to rule at the next sitting because I do not want to engage him in this particular matter. I think it is for you to rule. I can tell you that this has been done in the past and we would like the hon. Minister to continue the practice.

**ORAL ANSWERS TO QUESTIONS****Point Lisas Industrial Development Company  
(Tenders)**

**39. Sen. Wade Mark** asked the hon. Minister of Trade and Industry:

Would the Minister inform this Senate of:

- A. (i) the number of bids received by Point Lisas Industrial Development Company (PLIPDECO) in respect of tenders for the supply of the harbour mobile crane;

- (ii) the names and addresses of the companies that submitted tenders; and
  - (iii) the name and address of the successful tenderer?
- B. Whether the successful tenderer was recommended by the PLIPDECO management in their evaluation report on the bids?
- C. If the successful tenderer was not recommended by the PLIPDECO management in their evaluation report, could the Minister state on whose recommendation was the successful company selected?

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, despite my best efforts, the answer to this question is still not ready. I have been advised by the Minister that the answer is not ready and I am asking for a deferral of one week.

**Madam President:** So we give a deferral of one week.

**Sen. Mark:** Madam President, I do not like to create unnecessary activity in the Parliament, but you would recall that when the matter was last raised two weeks ago we protested vigorously the absence of the answers and you got a commitment from Sen. The Hon. Dr. Lenny Saith that he would do everything in his power to have the answer here today.

**Madam President:** Question time is not a time for debate or for any long speeches. I got your message. Sen. The Hon. Dr. Saith started by saying “despite all my efforts”. I do not know that I can question the fact he may have made every effort to get it. He has asked for one week and I propose to give him one week again.

**Sen. Mark:** Madam President, I object to that particular arrangement and with your leave I would like to indicate to the Parliament and to you that Minister Valley ought to be here today to answer this question.

**Madam President:** Senator, how do you expect me to do that?

**Sen. Mark:** Madam President, we object to any deferral.

**Madam President:** Could we move on to question No. 44.

**Sen. Mark:** Madam President, we object to the deferral. We call for a division.

**Madam President:** I did not put it to the vote. I made a ruling. Now, can we move on to question No. 44 please?

**Sen. Mark:** So, Madam President, we do not have a right again?  
[*Interruption*]

**Madam President:** Sit, please! Sen. R. Montano, are you telling me what to do?

**Sen. R. Montano:** No, Madam President, I am not telling you what to do. I am telling you what the rules are.

**Madam President:** There is no question. The Minister has asked for a one-week deferral.

**Sen. R. Montano:** [*Shouting*] And we are objecting to it.

**Madam President:** Your objection is noted.

**Sen. R. Montano:** We are saying put it to a vote. The Senate will rule.

**Sen. Mark:** Madam President, the practice has been that if the Government says it wants a week or two and you put it to the Senate and we object, we call for a division. Those are the rules that we have established here and that is the practice that has been taking place. To come today and simply close the issue is a dangerous precedent.

**Madam President:** Senator, are you quoting a Standing Order?

**Sen. R. Montano:** Madam President, you have done it before.

**Madam President:** I know that.

**Sen. R. Montano:** There is precedence for this.

**Sen. Mark:** Madam President, I am not quoting a standing order, but I am saying that the practice has been that when you pose a question, it is for the Senate to decide and the practice has been that you put it to a vote. [*Interruption*]

**Madam President:** I will not tolerate shouting across the floor at me please, Sen. R. Montano. Please keep your voice down!

**Sen. R. Montano:** May I request that you act in accordance with precedence?

**Madam President:** Other times we have put it to the vote because there was a question. On this occasion, Sen. Dr. Saith has said—

**Sen. R. Montano:** It is the same thing. You are being biased.

**Madam President:** All right. I am being biased. Senators, I have made a ruling. Could we move on to question No. 44, please?

**Sen. Mark:** Madam President, we are not happy with this development.

**Madam President:** So you do not want the answer to the question?

**Sen. R. Montano:** Defer everything. You want to be biased like this? Go ahead.

**Madam President:** Very well. Sen. Baksh, are you going to ask your question or do you want to defer it too?

**Sen. Baksh:** Yes.

**Madam President:** Thank you. Let us move on.

*The following questions stood on the Order Paper:*

**Resolution of Fishing Agreement  
(Trinidad and Tobago/Barbados)**

44. Could the hon. Minister of Foreign Affairs inform this Senate of the steps that are being taken by the Government of the Republic of Trinidad and Tobago to conclude the long outstanding fishing agreement with the Government of Barbados? [*Sen. W. Mark*]

**Uriah Butler/Churchill-Roosevelt Highways  
(New Interchange)**

45. Could the hon. Minister of Works and Transport inform this Senate of the following:
- (i) when would construction of the proposed new interchange at the intersection of the Uriah Butler and the Churchill-Roosevelt Highways commence?
  - (ii) the estimated cost of the proposed interchange; and
  - (iii) the estimated duration of the entire project? [*Sen. W. Mark*]

**Payments to Robert Lindquist  
(Details of)**

50. Would the hon. Attorney General provide this Senate with:
- (i) a detailed breakdown on a monthly basis of all payments made to Mr. Robert Lindquist or companies owned or affiliated to him from the date he was first engaged to December 31, 2003; and
  - (ii) the name of the country and date of the incorporation of the company owned by Mr. Lindquist. [*Sen. S. Baksh*]

*Questions 39, 44, 45 and 50 were not dealt with.*

**DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE**

**Sen. Robin Montano:** Madam President, I request leave to move the Adjournment of the Senate on a definite matter of urgent public importance.

**Madam President:** Sen. Montano, you cannot bring that here now. You know that very well. That has to be brought to me at a certain time. Please, let the Clerk continue.

**Sen. R. Montano:** I request leave to move the Adjournment of the Senate on a definite matter of urgent public importance, namely, what took place just now with regard to question time.

**Madam President:** Sen. Montano, I am on my feet.

Madam Clerk, will you continue, please?

**WRITTEN ANSWERS TO QUESTIONS**

*The following question was asked by Sen. Sadiq Baksh:*

**Alliance Capital Markets Limited  
(Retention of Services)**

- 13.** Could the Minister of Finance inform this Senate:
- (a) Of the dates on which the services of Alliance Capital Markets Limited was retained during the period January 01, 1996 to December 31, 2003?
  - (b) By whom and for what purpose was the company engaged on each occasion?
  - (c) What was the quantum of money paid to the company for each engagement and on what dates?
  - (d) Whether any reports and/or recommendations were made by Alliance Capital Markets Limited on any of the occasions that the company was engaged?
  - (e) If the answer to (d) is in the affirmative, would the Minister indicate:
    - (i) to whom and on what dates were these reports and/or recommendations made; and
    - (ii) provide details of any such reports and/or recommendations?



*The following question was asked by Sen. Parvatee Anmolsingh-Mahabir:*

**National Insurance Board  
(Debts Written off)**

- 25.** With respect to the debts owed to the National Insurance Board (NIB) that were written off, would the Minister of Finance please provide this Senate with:
- (i) a list of the names of the persons who benefited from this debt forgiveness;
  - (ii) the amount of the debt of each person that was written off; and
  - (iii) the security identified for the loan in each case.

*Vide end of sitting for written answers.*

**EQUAL OPPORTUNITY LEGISLATION  
(PROCLAMATION)**

**Sen. Wade Mark:** Madam President, I beg to move,

*Whereas* section 4 of the Constitution of the Republic of Trinidad and Tobago provides for all citizens the right to equality of treatment from any public authority in the exercise of any function and the right to equality before the law and the protection of the law;

*And whereas* both Houses of Parliament have already passed into law the Equal Opportunity Act;

*Be it resolved* that the Government takes immediate steps to have the Equal Opportunity legislation proclaimed and fully effected in the Republic of Trinidad and Tobago.

The former Prime Minister of this Republic and current Leader of the Opposition, the hon. Basdeo Panday, once remarked that:

“The greatest problem facing mankind today is its failure to manage diversity.”

Diversity is a major factor of force and wealth. Every culture has a dignity and a set of values that ought to be respected and protected. All peoples have the right and the duty to develop its culture.

There is an ethical imperative of stopping and reversing the tendency to marginalization of hundreds of thousands of citizens from enjoying the benefits

being generated in our society. All of our citizens should be equal. Everyone should enjoy the same rights and should have—

**Sen. Dr. Saith:** On a point of order, Madam President. We are having a little difficulty at this time. I understand that a request was made by Sen. Mark to have his Motion come first. Unfortunately, the Order Paper did not have that and our people have prepared for Motion No. 1 on the Order Paper. We could have difficulty contributing to the debate today if we continue in this vein. Beside this, the Attorney General has advised that the subject matter of this Motion is currently before the court. There is a motion before the court right now on the proclamation of this Act. I am not getting into that, I am just saying that we are not prepared to do Motion No. 2 at this stage. We can listen, but we would not be able to contribute.

**Madam President:** The secretariat was not notified it appears. I am only now hearing that myself, unfortunately. Maybe we can continue with it and whoever is prepared will have to speak on it. Sen. The Hon. Dr. Saith, you said something about it being before the court? I do not know where that leaves us.

**Sen. Dr. Saith:** I am told it is before the court.

**Madam President:** Under the circumstances, why was it not pointed out to us before? We would, most probably, have asked that it be removed from the Order Paper.

**Sen. Dr. Saith:** The idea was not to remove it. The idea was that at some time the court would deal with it. I am just saying that it is a combination of circumstances now. We will not be able to contribute today because we are not prepared for it. Our speakers are all prepared for Motion No. 1. They can go ahead and we will listen, but there is not going to be a debate today as far as I can see.

**Sen. Dr. McKenzie:** Madam President, I was notified by Sen. Mark last week that he had made a request of you to bring Motion No. 2 instead of Motion No. 1. He could not call us earlier, but he did call last week to say that he had gotten permission to debate Motion No. 2. Subsequent upon his information, I called all the Independent Senators—all eight of them—and gave them the information that they should prepare for Motion No. 2 and not Motion No. 1.

However, when I got my Order Paper, I realized Motion No. 2 was not in first position and when I checked with the secretariat—I was wondering whether I was getting my marbles mixed up—I was told that the secretariat had already prepared

the Order Paper and sent it out when the decision was taken. That was the reason I got one thing on the Order Paper and another thing from Sen. Mark. I did confirm that Motion No. 2 would have been done today. I am certain my Senators would bear me out. We came prepared for Motion No. 2. I cannot say what happened on the Government side. I am saying what happened on our side.

**Sen. W. Mark:** May I just clear the air on this matter?

Madam President, I do not know if you recall, but at the end of the last sitting, I visited your Chamber in the presence of Sen. The Hon. Joan Yuille-Williams and brought to your attention that Sen. Carolyn Seepersad-Bachan had indicated to me that she was not prepared at this time to pursue her motion. I requested, through you, that I had agreed to take my motion, Motion No. 1, and put hers as No. 2. You took a note. I got the impression you would have communicated with the Clerk.

Having had that kind of feedback from you, I proceeded to call Sen. Dr. McKenzie, but she was not at home at the time. I left a message. I called the Clerk and spoke with the Clerk herself and she told me she would get in contact—either herself or her secretary—with the various members to let them know. I thought that at least Sen. Dr. Saith would have been brought up to mark—no pun intended—on this particular matter and that all was well and in train.

On the matter being sub judice, I have a lot of readings because I anticipated this matter and we will deal with it.

**2.00 p.m.**

**Sen. Jeremie:** Madam President, I have been asked to prepare for Motion No. 1, as late as yesterday afternoon. I know that we on this side are not prepared to debate Motion No. 2. That is not to say that we would not listen to the debate and participate as the case might be.

**Madam President:** I was under the impression that you would convey that message to the Secretariat and then it would be conveyed to all Senators. *[Interruption]* Obviously, there has been a problem somewhere. The Government is not aware, but you and the Independents are, so we will continue. You wanted to say something Professor?

**Sen. Prof. Ramchand:** Just a bit of confusion.

**Sen. Dr. McKenzie:** Are you adding?

**Sen. Prof. Ramchand:** I am not adding. I am confused. The Leader of Government Business said the matter is sub judice. And he says that—

**Madam President:** No, he did not say that.

**Sen. Prof. Ramchand:** Has that been withdrawn?

**Madam President:** No.

**Sen. The Hon. Dr. Saith:** Madam President, there is a way of putting words in people's mouth. The next thing you know there is an editorial in one newspaper. I never said that. I am not a lawyer. All I said was—perhaps it is an unfortunate circumstance. I was not here last week, as you know, Madam President. I had no idea that there was a change in the order. I was not told, until we came in and the hon. Senator got up and began to speak, then I realized that we were talking on another issue. I checked with our people and they said that they were prepared for one. I do not think it is a major thing. If we do not respond today, I want it to be clear that it is not because we do not want to respond. We are not prepared for it. At the next sitting we will respond. It may be today that we would be good listeners to what has to be said.

**Sen. Prof. Ramchand:** Yes. [*Interruption*]

**Madam President:** Senator, could we please continue.

**Sen. Prof. Ramchand:** Madam President, I really feel that I have to apologize to the Leader of Government Business for misinterpreting his word. I really thought that when he said—

**Madam President:** No, he did not say that.

**Sen. Prof. Ramchand:**—that the matter was before the court, the implication was that we could not discuss it here.

**Madam President:** Please continue, Sen. Mark.

**Sen. W. Mark:** Madam President, would you allow this exercise of mine to commence at this time, 2.02 p.m.?

**Madam President:** Go ahead, I will give you that time.

**Sen. W. Mark:** It was the former Prime Minister of the Republic of Trinidad and Tobago, and the present leader of the Opposition, the alternative government, the hon. Basdeo Panday, who remarked, and I quote:

“The greatest problem facing mankind today is its failure to manage diversity.”

Diversity is a major factor of force and wealth. Every culture has a dignity and a set of values that ought to be respected and protected. All of the people have the right and duty to develop their culture.

There is an ethical imperative of stopping and reversing the tendency to marginalization of hundreds of thousands of citizens from enjoying the benefits being generated in this society. All of our citizens should be equal. All our citizens should enjoy the same rights and should have the same duties, without any discrimination based on gender, skin colour, religion, ethnicity, race or disability.

The Constitution of the Republic of Trinidad and Tobago recognizes equality, based on a system of meritocracy. If we look at the preamble to our Republican Constitution, I want to quote a relevant section of this preamble for this honourable Senate. On page 11 it says:

“Whereas the People of Trinidad and Tobago—

- (b) respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;”

Herein lies a recognition of equality, based on a system of merit, as outlined in our Constitution.

Madam President, this particular preamble to our Constitution is further reinforced in Chapter 1, Part I of our Constitution on page 16 under the heading:

“THE RECOGNITION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND  
FREEDOMS

It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without of rights and discrimination by reason of race, origin, colour, religion or sex, the freedoms following fundamental human rights and freedoms, namely—

- (a) the right of the individual to equality before the law and the protection of the law;
- (d) the right of the individual to equality of treatment from any public authority in the exercise of any functions;
- (h) freedom of conscience and religious belief and observance;
- (i) freedom of thought and expression;
- (j) freedom of association and assembly; and
- (k) freedom of the press.”

The struggle for a just, equal and democratic order, based on equal participation in decision-making by all the people, is real and ongoing. We should treat all our citizens equally, no matter their creed, race, colour or origin. To further reinforce these principles that are enshrined in our Constitution, Article 1 of the Universal Declaration on Human Rights states that all human beings are born free and equal in dignity and rights. The Universal Declaration on Human Rights goes on to state in Article 2 that everyone is entitled to all the rights and freedoms in declarations, without any distinction of any kind, such as race, colour, sex, language, religion, political or other opinion. This is the contract that binds the Government of the day with the people of the Republic of Trinidad and Tobago. There should be equality for all. We do not just speak about equality. We do not just speak about freedoms and rights. We must establish the appropriate institutions, in order to promote and protect equality and freedoms in this country.

The great Cuban national hero José Martí once remarked: “precious rights are not bought by tears, but by blood.” This surely is not the path we want our country to take. It is not the path, I believe, the PNM would like this nation to travel. This is why, in Trinidad and Tobago we, as a people, have committed ourselves internationally to the elimination of discrimination by acceding to the international covenant on civil and political rights and the economic, social and cultural rights. This was done in December 1978.

We have also ratified, as a people and a nation, the Convention on the Elimination of all Forms of Racial Discrimination. This was done in 1973. We have also ratified, as a nation and a civilization, a Convention on the Elimination of all Forms of Discrimination Against Women. This was done in 1990.

But, signing declarations is not enough. Our failure to translate these covenants and conventions, our failure to incorporate these principles into

domestic law, is where the real tragedy lies. The culture of inaction and non-implementation reveals, in stark reality, the utter and manifest failure of the regime that now occupies office, to translate words into deeds.

Even the Hyatali Commission of 1987 examined the question of establishing an equal opportunity commission and they proposed, in their report the establishment of such a commission outside the framework of the Constitution in 1987.

We in the UNC—in our manifesto, our contract with the people—in 1995, committed ourselves as a party to the establishment of an equal opportunity commission in this nation. Madam President, you would know, having arrived in political office in 1995/96, we embarked immediately upon a process in which we sought the widest possible participation and consultation, involving the people and their institutions. We brought together the various stakeholders to solicit their views on equal opportunity legislation for this nation. I was the chairman of a joint select committee that studied a paper that was prepared by the Law Reform Commission, on an equal opportunity proposal. We deliberated on many occasions. A report was submitted to the Parliament on this matter. The Bill was debated. Many interest groups were involved, even when the Bill was before the Parliament, and the Bill was eventually passed. But it was passed without the support of the PNM, sitting in opposition at the time. Maybe, out of monumental ignorance or innocence, the PNM did not grasp the essentials necessary to push this nation forward and, therefore, the crisis and paralysis that we are currently experiencing could be linked to this lack of vision on the part of the current administration.

The PNM did not support the equal opportunity legislation. I will identify, as I proceed, some of the reasons they advanced for not supporting the legislation. It is clear that the PNM continues to wallow in symptoms and has failed to properly locate the real roots of our challenge and the necessary policy options required to overcome same. It is against this background that we must analyze the failure, in spite of this Act being proclaimed. It was assented to and proclaimed, but the PNM administration never took the necessary steps to effect this legislation by establishing the appropriate mechanisms, commission, as well as the tribunal.

If this country is to go forward, we cannot continue to live in ignorance or to practise innocence. If this nation is to go forward and, indeed if the Caribbean is to move forward, we need to take fresh initiatives. That was what we began to do. We need fresh initiatives on the economic front, fresh initiatives on the political

*Equal Opportunity Legislation*  
[SEN. MARK]

*Tuesday, March 23, 2004*

and social fronts. In other words, we need a new form of governance in this nation and the region as a whole.

The Prime Minister of Barbados, hon. Owen Arthur, addressed a conference organized by the University of the West Indies in Mona, Jamaica some time in 1999. All these essays were reproduced in a text called *Contending with Destiny*. I want to quote, for the purposes of our Motion today, what the Barbadian Prime Minister, at the time, had to say. He may have his own problems with us now, for whatever reason, but he did in fact make some very profound statements when he presented this paper entitled *Economic Policy Options in the 21<sup>st</sup> Century*.

“...to realize its full potential, the Caribbean needs to move to a new form of governance.

No Caribbean society can succeed unless all of its resources are mobilised in support of national development. However, the unfortunate aspect of the Westminster model of governance we have inherited is that it has encouraged a ‘to the victors, the spoils’ mentality that has ensured that at any time almost half of the population...”

not only of Trinidad and Tobago,

“...of any Caribbean society, is marginalised and alienated from participation in the development of their society.

It has also reasonably been argued that, in our region, there has been too destructive a competition for political office; too heavy a concentration of power in the hands of the ruling elites, an unhealthy preservation of anti-developmental party and tribal divisions, a focus on short term partisan, political concerns rather than long term strategic objectives and a patronage and spoils systems which work against sound and progressive government. Alienation, cynicism and marginalisation have been the results, all leading to a perpetuation of underdevelopment. We have to change that.”

He goes on to say:

“It surely must be part of our mission to make consensus building the foundation of a new form of governance; to make popular and effective participation and inclusion the key facets of our political culture, and to fashion a society in which the people's business and the government's business are one and the same thing.”

That was in 1999, when leaders assembled. The great thinkers in the region assembled at Mona Campus, Jamaica to look at what was taking place in this



region and to plan for the new millennium. Barbados does not have the kind of rich diversity we have, in terms of people. But he was recognizing that there is a need for a new form of governance.

Whether it is Barbados, Jamaica, Guyana, Antigua and Barbuda or Dominica, whenever an election is held in those countries, half of the country—the party that loses, the people who support that party—is left out of the protocol process. They feel alienated, marginalized and isolated. They do not feel that they are wanted. They do not feel a sense of belonging. We need to develop a new form of consensus in this region. If we do not, we shall continue to wallow in underdevelopment and dependence. It is against this background that we found it very strange, as a party that preached, in its early days, about nationalism and “all ah we is one”, this same party, today, in its present incarnation, could be so vociferous and violent in its opposition to progressive legislation in this nation. I cannot understand it.

The PNM is mortally afraid of empowering and liberating our people. They want to keep our people in a state of perpetual dependence. What would explain the PNM's opposition and negative position against this piece of legislation that was assented to and proclaimed? The PNM subverted the will of the people by not establishing the appropriate administrative mechanisms to give effect to a law that was assented to and proclaimed by the people of this nation. The PNM is opposed to any piece of legislation that is in favour of the poor, oppressed, exploited and dispossessed. Not only did the PNM vote against the Equal Opportunity Act, you will recall the Freedom of Information Act, which was supposed to give citizens of this country, for the first time, an enforceable statutory right to access information at the state level. The PNM opposed that measure. Any measure to empower poor people and the citizens of this country, to liberate them and make them more independent, the PNM has been opposed to legislation to that effect.

They opposed the Equal Opportunity Act, which was supposed to outlaw discrimination and promote equal opportunity. The record would show that Sen. Yuille-Williams opposed that legislation when she was on this side. She came up with some very serious arguments, which I would share with you later.

When we established the Constitution (Amdt.) Bill to establish what Sen. Prof. Deosaran made reference to earlier: parliamentary committees to scrutinize the workings of the Executive and to investigate corruption in ministries and against ministers, that was opposed. Every piece of progressive legislation that is

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designed to promote justice, equality and provide people with power, the PNM opposed it. I am not surprised, Madam President, and you should not be surprised.

The PNM has traditionally and historically been a very discriminatory organization. That is how they function. Their philosophy remains backward. They have been in existence for over 48 years. Our country today is reeling under the jackboots of a regime that is manifestly incompetent and unable to manage the affairs of this nation. That is the reality.

**2.30 p.m.**

Madam President, even though this Equal Opportunity legislation was passed by both Houses of the Parliament based on an election promise of 1995 by the United National Congress, to date, that piece of legislation has not been effected in this nation. We are bombarded as an Opposition. People come to our offices to complain about the kind of inequality, the kind of difficulties that they are experiencing in our nation because of the absence of justice and their inability to access justice in this nation. One would have thought that the Government would have done everything in its power to ensure that a mechanism is established to facilitate persons who feel aggrieved, discriminated and who feel that they are not being properly treated in this nation.

We felt so strongly about this particular matter that when we were in the Opposition, an equal opportunities desk was established at the office of the Opposition to allow citizens with grievances and complaints to come forward and lodge their complaints and we would attempt to see how best we could assist in resolving those complaints.

Madam President, are you aware that in Trinidad and Tobago, while one can take the State via a constitutional motion or on judicial review, matters of treatment of inequality before the law, if you, as a citizen, experience that same kind of unequal treatment at the private sector level, there is no mechanism in law, there is no institution in existence that one can use to grieve and to bring about some degree of justice and some degree of fair play? That was the rationale, the *raison d'être* virtually, for this particular piece of legislation and in all progressive societies, whether in the United States of America, Britain, Australia, Sweden, Switzerland, you have equal opportunity legislation particularly to protect minorities; be they physically challenged persons; you have to protect them. We do not want "ol' talk", sympathy and charity; what people are demanding is justice and there can only be justice if the appropriate mechanisms and institutions are established so that people can access justice. That is what people are asking for.

When we make a promise we keep it. We made a promise to establish an equal opportunity commission and tribunal and we kept it, and in stark contrast to the PNM. They make promises and they put it on the back burner. They say the time is not right to implement their promise and that is why, today, the country is reeling under that particular kind of mamaguy. They promised a minimum sectoral wage for the workers in the south, particularly those who are involved and employed in the construction sector in the energy-related area. Today, that evil regime, that regime that is the enemy of the poor has refused to implement that particular sectoral wage but we would say more about that in a motion I have on the adjournment later. But the chickens are coming home to roost, as you know. It is not too long and it would not be too long before people strip the PNM completely naked for what they are and what they represent.

Imagine the Minister of National Security and Rehabilitation has the gumption to tell this society that he took orders from a multinational corporation to send troops and police to Point Fortin to brutalize the citizens of this Republic, and he has gone on public record as saying that he is a puppet of foreign forces and not a puppet of the people of this country. If this Minister of National Security and Rehabilitation had any pride he would have done the honourable thing like Larry Achong and resigned from his post. How can he use the people's forces, the security forces of this land? How can he do so, Madam President?

**Sen. Yuille-Williams:** On a point of order. I wonder if I heard the hon. Senator saying that the Minister of National Security and Rehabilitation sent troops to Point Fortin to brutalize. I am quite sure that had not been said. He is misleading the Senate. To brutalize, that is what he said. I am quoting his words.

**Sen. R. Montano:** That is not what he said.

**Madam President:** What is the point of order?

**Sen. Yuille-Williams:** I was just saying he was misleading the Senate because at no point did I hear the Minister of National Security and Rehabilitation say he sent troops to brutalize the people of Point Fortin.

**Madam President:** I assume then that the Minister is saying that you are imputing improper motives or putting wrong words to what was said by the Minister.

**Sen. Yuille-Williams:** Yes, it was incorrect.

**Madam President:** I am trying to understand—[*Interruption*] Sen. Montano!

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Let me just make a note to the Hansard recorders. When that kind of thing is being said—and I am on my feet—I do not even want it recorded. [*Interruption*] I am on my feet, Sen. R. Montano.

**Sen. R. Montano:** Stop protecting the Government!

**Madam President:** The next time you say that, Sen. Montano, the next time you accuse me of that, I am going to have to act on it.

**Sen. R. Montano:** Go ahead!

**Madam President:** You are telling me to go ahead.

**Sen. R. Montano:** If you feel that I am out of order then deal with me. You are protecting the Government.

**Madam President:** Hon. Senators, this Senate is suspended for 10 minutes. We will return in 10 minutes.

**2.37 p.m.:** *Sitting suspended.*

**2.55 p.m.:** *Sitting resumed.*

**Madam President:** Hon. Senators, under Standing Order 43(3)(a) and (b), I am now going to ask Sen. Robin Montano to leave the Chamber. I am suspending him for the rest of the sitting.

**Sen. Mark:** Madam President, I know that your ruling is final but we were just concerned as to the basis for your decision.

**Madam President:** Sen. Mark, you can read Standing Order 43(3)(a) and (b) and you would see the basis on which I am suspending Sen. Montano. There is no more discussion on this matter. Please, Sen. Montano.

**Sen. Mark:** Madam President, you would realize that if we were invoking this particular Standing Order you would appreciate that, for instance, provocation is not only coming from—there is a situation that occurred today, where, for instance, the Government side—

**Madam President:** Sen. Mark.

**Sen. Mark:** Yes, Ma'am.

**Madam President:** Sen. Montano has more than once and on more than one day been abusive to the Chair. He questions rulings of the Chair. I have ignored it in the past and now I have made a ruling. Shall we move on with the business of the Senate, please?

**Sen. Mark:** Madam President, we would not be able to facilitate that matter because we ourselves feel strongly on this matter and we would like to serve notice that given what is happening in this Parliament, we would be left with no choice but to take appropriate measures under the Standing Orders to file a motion of no-confidence in the President of the Senate. We will leave.

*[Opposition Senators walk out the Chamber]*

**Madam President:** We will give the Leader of Government Business a few minutes to decide whether we would go on with Government Business or what else.

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** I will like to have a discussion with Sen. Dr. McKenzie.

**EXTRADITION (COMMONWEALTH AND  
FOREIGN TERRITORIES) (AMDT.) (NO. 2) BILL**

*Order for second reading read.*

**The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift):** Madam President, I beg to move,

That a Bill to extend the Extradition (Commonwealth and Foreign Territories) Act), be now read a second time.

The Bill before this Honourable Senate is entitled the Extradition (Commonwealth and Foreign Territories) (Amdt.) (No. 2) Bill, 2003. The intent of the Bill is to amend the Extradition (Commonwealth and Foreign Territories) Act, 1985, Act No. 36 of 1985 hereinafter referred to as “the Act”.

The amendment aims to modernize and simplify the Act to provide against new forms of criminal activity and to cater for increasing international obligations being assumed by Trinidad and Tobago while preserving the fundamental rights of the alleged fugitive offenders. Specifically, the Bill is intended to:

- (a) Provide for extradition even in cases where the jurisdiction of the requesting State is extra-territorial;
- (b) Establish that an extraditable offence would be determined not by reference to a list of scheduled offences as in the 1985 Act, but by new criteria that refer to the severity of the penalty for the offence in question;
- (c) Make any conduct over which Trinidad and Tobago is obliged to establish jurisdiction for the purposes of an international convention an

extraditable offence, once this country has made the conduct an offence attracting the requisite penalty under its domestic legislation;

- (d) Make it clear that the discharge of a person under the Act would not preclude further proceedings, whether or not they are based on the same conduct, with a view to the extradition of the person unless the High Court is of the opinion that such proceedings would be an abuse of process;
- (e) Prevent an accused person's return to the requesting State if it is determined that the request for his return is based on his sex, gender or sexual preference; and
- (f) Ensure that persons accused or convicted of an offence against the life of a head of government or of a minister of government or of certain offences such as murder, manslaughter and kidnapping, would not be able to object to their extradition on the ground that the offence is of a political character.

The objective of this Bill is to improve the existing legislative framework set out in Act No. 36 of 1985 so as to allow Trinidad and Tobago to better discharge its international obligations and to cooperate with other States in criminal proceedings, investigations and prosecutions.

What is the intent of Act No. 36 of 1985?

The Extradition (Commonwealth and Foreign Territories) Act, 1985, establishes the legislative framework for the extradition to and from Trinidad and Tobago of accused persons. The Act outlines the legal rules governing the extradition and empowers the Attorney General to make an Order subject to negative resolution of Parliament declaring that a Commonwealth territory other than Trinidad and Tobago, or a foreign territory is a Commonwealth territory or of a foreign territory as the case may be to which the Act applies.

For example, in relation to extradition from Trinidad and Tobago, the Act makes provision for matters such as persons liable to be returned in section 5. Extraditable offences in declared Commonwealth and foreign territories, sections 6 and 7; general restrictions on return, section 8; request for return, section 9; arrest for purposes of committal, section 10; consent order for return, section 11; proceedings for committal or discharge, section 12; application for habeas corpus, section 13; review by the High Court, section 14; appeal to the Court of Appeal, section 15; order for return, section 16; discharge in case of delay in returning, section 17; custody, section 18; evidences, section 19; regulations, section 20.

In relation to extradition to Trinidad and Tobago, the Act makes provision for matters, restriction upon proceedings for other matters, section 21, and restoration of persons not tried or acquitted, section 22.

The case for international co-operation in combating cross-border crime:

As a Government, we are charged with ensuring that the laws of the Republic are enforced and, consequently, with preserving and protecting the security, safety and the health of ordinary men, women and children; and also the integrity of society at large. It is incumbent on us, therefore, to seek to cooperate with like-minded States to assist each other to combat crime in all its manifestations. Co-operation between countries in this area of extradition, in fact, reflects the collective responsibility and concrete interest of all international actors that have a stake in ensuring that the society we live in, the places we inhabit, the countries we call home, are as free as we can make them of crime. We all know that crime, if not arrested, has the potential to threaten socio-economic development, political stability and the personal security of individuals and in so doing, to reduce the quality of life. This Government is determined to utilize all the tools at its disposal to arrest, contain and reverse current criminal activities.

Cross-border criminal activity is evident in the traffic of illegal drugs, illegal trade in firearms and the laundering of money generated by these nefarious activities. To arrest, contain and reverse these trends in criminality would require, at the global, regional, sub-regional and national levels, awareness, commitment and action.

### **3.10 p.m.**

The elements of cooperation:

It is in this context that we view the potential of multilateral arrangements and bilateral treaties to facilitate cooperation between countries in matters pertaining to extradition of fugitive offenders. Through such arrangements, countries could now assist each other in a meaningful way in the prosecution of criminal matters by facilitating the extradition of accused persons. These initiatives could only redound to the strengthening of the criminal justice system and the development of the administration of justice in the affected countries.

Criminals do not recognize international borders, and they are in no way restrained by the existence of different legal jurisdictions. It is therefore incumbent on countries, which acknowledge the need for international cooperation in crime prevention, investigations and prosecutions to formulate instruments, standards and norms to facilitate the achievement of this objective.

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The challenge for us in Trinidad and Tobago is to fashion cooperative arrangements with like-minded regional and extra-regional states to combat crime, whether domestic or cross-border. The Bill, together with the amendments that we would be considering today, is intended to operationlize one element of our commitment to such cooperative action.

This Government is fully cognizant of the danger posed by the criminally inclined, and it has risen to the challenge. We are moving aggressively—with the assistance of friendly, like-minded states—to put in place the required institutional, legislative and regulatory framework, to source needed equipment and to provide the necessary training to deal with the problem.

In respect of Commonwealth countries, the Commonwealth Scheme for the Rendition of Fugitive Offenders governs the extradition of accused persons. In respect of non-Commonwealth countries, extradition treaties have been concluded with the United States of America on March 04, 2003 and with the Kingdom of the Netherlands on February 02, 2003. Negotiations are ongoing with Venezuela for the conclusion of an extradition treaty between the two countries. Increasingly, multilateral treaties such as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the Inter-American Convention against Terrorism of 2002 contain provisions for the extradition of persons accused of committing offences under these conventions.

Madam President, the Government of Trinidad and Tobago has always attached a high priority to cooperation at the bilateral, regional and international levels. At the regional and international levels, the Government's commitment to cooperative action has been in evidence in its participation in the Caribbean Financial Action Task Force, the Commonwealth Scheme for Mutual Assistance in Criminal Matters, the Commonwealth Scheme for the Rendition of Fugitive Offenders, the United Nations Drug Control Programme and its status as a contracting party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 as well as the Inter-American Convention against Terrorism of 2002.

Madam President, why is this Bill necessary? In the ongoing effort to improve the administration of the Act, the authorities have discovered that certain refinements are needed to correct particular problems that have been encountered in the implementation of the Act, and to enable Trinidad and Tobago to better discharge its international obligations to those states with which it wishes to cooperate to combat crime in all its manifestations. Today, the amended Bill before this honourable Senate seeks to provide for some matters that were not



adequately addressed in the original Act, to make adjustments that would take into account new developments in extradition law, for example, the increasing tendency to locate the basis of jurisdiction in multilateral instruments as opposed to bilateral treaties.

Madam President, the Bill that this honourable Senate is being asked to consider—in addition to the major elements referred to earlier—would also address the following:

- (a) the requirement that a record of the case be furnished with any request for extradition;
- (b) the authorization to the Attorney General to receive supplementary evidence, to re-issue authority to proceed at any time before the extradition hearing begins, to amend the authority to proceed during the hearing on the basis of new evidence and to withdraw the authority to proceed at any time if it was illegally issued;
- (c) the requirement that the magistrate must, before ordering the extradition of a person, be satisfied that the person is the person sought by the requesting state;
- (d) the right of a person committed to custody to await extradition to waive, in writing, his right not to be extradited before the expiration of 15 days from the day on which the order for his committal was made;
- (e) the requirement that the hearing of applications for judicial review or habeas corpus in extradition matters be held at an early date, whether or not the date is in or out of the sessions of the High Court, and similarly in respect of appeals to the Court of Appeal;
- (f) the authorization to the Attorney General to stipulate conditions for the eventual return to Trinidad and Tobago of persons who are being extradited but who were either serving a sentence of imprisonment or were charged with an offence in Trinidad and Tobago;
- (g) the definition of “document” to include photographs and copies of documents; and
- (h) the admission, in addition to evidence otherwise admissible under the laws of Trinidad and Tobago, of certain evidence which would not otherwise be admissible under the laws of Trinidad and Tobago. Such evidence would include the contents of documents contained in the

record of the case or in supplementary evidence, where a judicial, prosecuting or penal authority of the requesting state certifies that the evidence in the record of the case or in the supplementary evidence is available for trial, is sufficient to justify prosecution, was gathered according to the law of the requesting state and is accurate.

The main provisions of the Bill: I now turn to explain the Bill in greater detail, clause by clause.

Clauses 1 and 2 of the Bill would provide for preliminary matters, such as the short title and interpretation provisions.

Clause 3 would amend the definition of “extraditable offence” in section 2 of the Act by deleting the reference to section 2, which is to be repealed and substituted.

Clause 4 would amend section 5 of the Act by clarifying that persons could be extradited whether or not the conduct complained of occurred in territory over which the requesting state has jurisdiction.

Clause 5 would repeal and replace section 6 of the Act. The list of extraditable offences in the first schedule would be abolished and the new section 6 would provide new criteria to be applied in determining what is an extraditable offence. An offence would be an extraditable offence—

- (a) if it is an offence in the requesting state punishable by death or imprisonment for not less than twelve months; and
- (b) if the conduct constituting the offence would be under Trinidad and Tobago law, an offence punishable by death or imprisonment for not less than 12 months if committed in Trinidad and Tobago, or in the case of an extra-territorial offence, if committed in corresponding circumstances outside Trinidad and Tobago.

In the case of a declared foreign territory, the extradition treaty between Trinidad and Tobago and that territory must also provide for the extradition of persons for the offence in question.

The new section 6(4) would provide a modern framework for the implementation of this country’s multilateral obligations. It would make any conduct over which Trinidad and Tobago is obliged to establish jurisdiction for the purposes of an international convention an extraditable offence, once this country has made the conduct of an offence under its domestic legislation.

Clause 6 would repeal and replace section 7 of the Act to make it clear that the discharge of a person under the Act would not preclude further proceedings, whether or not they are based on the same conduct, with a view to the extradition of the person unless the High Court is of the opinion that such proceedings would be an abuse of process.

Clause 7 would amend section 8 of the Act to prevent an accused person's return to a declared Commonwealth territory, or declared foreign territory if it is determined that the request for his return is based on his sex, gender or sexual preference. This section would also be amended to provide that persons accused or convicted of an offence against the life of a person or a head of government or a minister of government or of certain offences such as murder, manslaughter and kidnapping, would not be able to object to their extradition on the ground that the offence is of a political character.

Additional amendments included in the list of amendments circulated to Senators would insert the words "rape or grievous" before the words "sexual assault" occurring in subsection (7)(iii)(e) of the proposed section 8. Also, the words "or extortion" occurring in subsection (7)(iii)(f) of the proposed section 8 would be deleted and substituted by the words "false imprisonment or extortion".

Clause 8 would amend section 9 of the Act to provide at subsection (2) for a record of the case to be furnished with any request for extradition. The record of the case should include evidence that under the laws of the requesting territory, a person who is returned, would only be dealt with for the offence in respect of which he was extradited or a lesser offence. Further, in the case of a request in favour of a person accused of an extraditable offence, a document should be provided summarizing the evidence available to the requesting territory for use in the prosecution of the case against the person.

Clause 8 would also amend section 9 of the Act to permit the Attorney General to receive supplementary evidence, to reissue an authority to proceed at any time before the extradition hearing begins, to amend the authority to proceed during the hearing on the basis of new evidence and to withdraw the authority to proceed at any time if it was illegally issued.

According to the additional amendments circulated to hon. Senators, in paragraph (b) we would delete the words "shall discharge" occurring in the proposed section 9(8) and substitute the words "may discharge".

Clause 9 would amend section 12 of the Act to provide that the magistrate must, before ordering the extradition of a person, be satisfied that the person is the

person sought by the requesting state. Also, where the person is alleged to be unlawfully at large after conviction of an offence, provision is made for the conviction to be in respect of conduct that corresponds to the offence set out in the authority to proceed.

Clause 10 would amend section 13(2)(a) of the Act to enable a person committed to custody, to await extradition to waive, in writing, his right not to be extradited before the expiration of 15 days from the day on which the order for his committal was made.

Clause 11 would amend section 14 of the Act by inserting a new subsection (7), which would require the hearing of applications for judicial review or habeas corpus in extradition matters to be held at an early date, whether or not the date is in or out of the sessions of the High Court.

Clause 12 would amend section 15 of the Act by inserting a new subsection (7), requiring the hearing of appeals to the Court of Appeal in extradition matters to be held at an early date, whether or not the date is in or out of the sessions of the Court of Appeal.

Clause 13 would amend section 16 of the Act by repealing and substituting subsection (2) with a provision which would allow the Attorney General to stipulate conditions for the eventual return to Trinidad and Tobago of persons who are being extradited, but who were either serving a sentence or imprisonment or were charged with an offence in Trinidad and Tobago.

Clause 14 would repeal section 19 of the Act and substitute new sections 19, 19A, 19B and 19C. The new section 19 would define “document” as used in the new sections 19A, 19B and 19C to include photographs and copies of documents.

The new section 19A would admit, in addition to evidence otherwise admissible under the laws of Trinidad and Tobago, certain evidence which would not otherwise be admissible under the laws of Trinidad and Tobago. Such evidence would include the contents of documents contained in the record of the case or in supplementary evidence, where a judicial, prosecuting or penal authority of the requesting territory certifies that the evidence in the record of the case or in the supplementary evidence is available for trial, is sufficient to justify prosecution, was gathered according to the law of the requesting territory and is accurate.

In addition to the certification, each document in the record of the case or in the supplementary evidence must also bear the signature of the certifying official.

Also, under the proposed section 19B, a translation of a document into English would be admitted only where it is certified by a judicial, prosecuting or penal authority, or a public officer of a declared Commonwealth or foreign territory and would be admitted without proof of the signature or official character of the person appearing to have signed it.

The proposed section 19C would provide criteria for proving that the person before the court is the person sought by the requesting state.

According to the list of amendments circulated to hon. Senators, in the proposed section 19, the words "19A, 19B, and 19C" would be deleted and the words "19A and 19B" would be substituted.

In the proposed section 19A, subsections (3) to (7) would be deleted and substituted by the three paragraphs indicated in the list of amendments.

According to the list of amendments, the proposed section 19B would be deleted.

According to the list of amendments, the proposed section 19C would be renumbered as section 19B.

Clause 15 would repeal the first schedule to the Act.

Madam President, the amendments circulated to hon. Senators are intended to reflect proposals made by the Opposition in the Lower House to clauses 7 and 8 of the Bill, and an effort to avoid duplication of provisions in clause 14 of the Bill.

I wish to inform this honourable Senate that the views and comments of the Office of the Director of Public Prosecutions have also been incorporated in the Bill.

Madam President, what is the rationale for the changes being proposed to the Act? The importance of effective mutual legal assistance as a mechanism to fight international crimes cannot be overstated.

When a case was made, the courts in Trinidad and Tobago did not hesitate to extradite fugitive offenders. The Extradition (Commonwealth and Foreign Territories) (Amdt.) (No. 2) Bill, 2003 improves and builds upon the existing legal framework.

Trinidad and Tobago has much to gain from enhanced international cooperation in extradition and in mutual legal assistance in criminal matters in general. This should suffice to commend the Bill to the favourable consideration of the hon. Senators present.

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The benefit to Trinidad and Tobago of improved legislation dealing with extradition:

Approval of this Bill would allow Trinidad and Tobago, as a faithful member of the family of nations, to fulfil obligations freely entered into by both the previous and current administrations in the matter of extradition of fugitive offenders.

Madam President, domestic legislation that strengthens the municipal legal framework for international cooperation in extradition would redound to the benefit of Trinidad and Tobago and other like-minded states in the international community.

In conclusion, Act No. 36 of 1985 represented a significant development in the capacity of this jurisdiction to cooperate with other jurisdictions in the prosecution of crimes.

The amendments contained in the Bill before this honourable Senate aim to modernize and simplify the Act to provide against new forms of criminal activity and to cater for increasing international obligations, while preserving the fundamental rights of the alleged fugitive offenders. Any measure that strengthens the capacity of the Government, both to request extradition and to respond to requests for extradition, whilst seeking to protect the fundamental rights of the individuals involved, would undoubtedly redound to the advantage of Trinidad and Tobago as a whole and is, therefore, worthy of the support of all Senators of this honourable Senate.

Madam President, I beg to move. [*Desk thumping*]

*Question proposed.*

#### ADJOURNMENT

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that the Senate do now adjourn to Wednesday, March 31, 2004—enjoy the holiday on Tuesday—at 1.30 p.m. at which time we would continue the debate on this Bill. We would also take Bill No. 3 on the Order Paper, which is a Bill to amend the Mutual Assistance in Criminal Matters Act, 1997.

**Sen. Seetahal:** Madam President, I want to ask a question.

**Madam President:** Certainly.

*Adjournment*

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**Sen. Seetahal:** With respect to the Motion that we were just debating, I just want to know—I think for the clarification of my colleagues and myself—whether, in fact, that Motion was finished with or was it adjourned. What is the status of the Motion on the Equal Opportunity Act?

**Madam President:** Well, we would have to look at the matter and then we would have to advise the hon. Senator accordingly.

**Sen. Dr. McKenzie:** Madam President, I would like to remind the hon. Senator that we should probably wind up the debate on the Trinidad and Tobago Postal Corporation (Amdt.) Bill before we continue with the other Bills. Are we doing the two Bills together?

**Sen. The Hon. Dr. L. Saith:** This would be for the time being until the Minister is ready to make her presentation on that Bill. So, we will continue with this Bill, and hopefully it would be passed early, and we would then move on to the next Bill. In the meantime, we would get the Minister to complete her work on the Bill.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 3.30 p.m.*

#### WRITTEN ANSWERS TO QUESTIONS

#### **Alliance Capital Markets Limited (Retention of Services)**

**13. Sen. Sadiq Baksh** asked the Minister of Finance:

Could the Minister inform this Senate:

- (a) Of the dates on which the services of Alliance Capital Markets Limited was retained during the period January 01, 1996 to December 31, 2003?
- (b) By whom and for what purpose was the company engaged on each occasion?
- (c) What was the quantum of money paid to the company for each engagement and on what dates?
- (d) Whether any reports and/or recommendations were made by Alliance Capital Markets Limited on any of the occasions that the company was engaged?

- (e) If the answer to (d) is in the affirmative, would the Minister indicate:
- (i) to whom and on what dates were these reports and/or recommendations made; and
  - (ii) provide details of any such reports and/or recommendations?

*The following reply was circulated to Members of the Senate:*

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):**

- (a) The services of Alliance Capital Markets Limited were not retained by the Ministry of Finance during the period January 01, 1996 to December 31, 2003.
- (b) Parts (b) to (e) of the question are therefore not relevant.

**National Insurance Board  
(Debts Written Off)**

**25. Sen. Parvatee Anmolsingh-Mahabir** asked the Minister of Finance:

With respect to the debts owed to the National Insurance Board (NIB) that were written off, would the Minister of Finance please provide this Senate with:

- (a) a list of the names of the persons who benefited from this debt forgiveness?
- (b) the amount of the debt of each person that was written off? And
- (c) the security identified for the loan in each case?

*The following reply was circulated to Members of the Senate:*

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Standing Order 15(1) provides that questions may be put to a Minister relating to any matter, subject or department in respect of which the Minister is charged with responsibility. With specific reference to the National Insurance Act, the Minister of Finance is charged with responsibility for certain functions under that Act, therefore he can only answer questions which relate to his specific responsibility under the Act.

Under section 22(1)(d) of the National Insurance Act, the National Insurance Board (and not the Minister) is responsible for identifying the debts to be written off. The Minister is thus not responsible for identifying the mortgagors who will benefit from debt forgiveness nor the amount of the debt to be written off. Further, the security for the loan is also not a matter that concerns the Minister and is purely an administrative matter outside the scope of the Minister's



responsibility under the National Insurance Act. The Minister's only responsibility under section 22 relates to his approval function and his rationale for approving a debt write off.

Section 22(1)(d) provides that the revenue of the National Insurance Board for any financial year shall be applied in defraying, among other things, "any...expenditure or losses or write offs identified by the Board and subject to the approval of the Minister of Finance which are properly chargeable to Revenue Accounts." Approval was sought and granted for the write off of the amount of \$46,506,653.17, which represented the principal shortfalls, after application of sale proceeds from 271 mortgaged properties over the period 1987 to 2002. In all instances, the outstanding sums could not be collected because the accounts were statute barred, that is, a period of 12 years had elapsed from the last payment or court judgment.