

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

IN THE SECOND SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON OCTOBER 17, 2003

SESSION 2003-2004

VOLUME 3

SENATE

Tuesday, April 06, 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 Sen. The Hon. Martin Joseph 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., PhD, President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Martin Joseph 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 him 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 6th April, 2004 and continuing during the absence from Trinidad and Tobago of the said Senator Martin Joseph.

Senator's Appointment
[MADAM PRESIDENT]

Tuesday, April 06, 2004

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 2nd day of April, 2004."

OATH OF ALLEGIANCE

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

ACCREDITATION COUNCIL OF TRINIDAD AND TOBAGO BILL

Bill to provide for the establishment of an Accreditation Council of Trinidad and Tobago and for related matters, brought from the House of Representatives [*The Minister of Science, Technology and Tertiary Education*]; read the first time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguanas Borough Corporation for the year ended December 31, 1994. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. The National Insurance (Benefits) (Amdt.) Regulations, 2004. [*Sen. The Hon. C. Enill*]
3. The National Insurance (Contribution) (Amdt.) Regulations, 2004. [*Sen. The Hon. C. Enill*]
4. The National Insurance (Medical Expenses) (Amdt.) Regulations, 2004. [*Sen. The Hon. C. Enill*]

Statutory Instruments Committee

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, may I also advise that the Statutory Instruments Committee considered the regulations and found that there was nothing to which Senators' attention should be drawn. The minutes of the committee was circulated to Senators.

5. Report of the Law Revision Commission in the exercise of its functions and powers for the year 2002 in accordance with section 3C of the Law Revision Act (Chap. 3:03). [*The Minister of Legal Affairs (Sen. The Hon. Danny Montano)*]
6. Annual report of the Integrity Commission of Trinidad and Tobago for the year ended 2003. [*Sen. Rawle Titus*]

ORAL ANSWERS TO QUESTIONS

Sen. Wade Mark: Madam President, before I pose my question, may I engage your indulgence?

Madam President: Go ahead.

Sen. Mark: In response to Written Answers to Questions Nos. 26 and 27 on the Order Paper, last week, I brought your attention to a particular question that I had raised and the response that I had received, and I asked you to rule on this matter. When there are questions for answers, as it relates to the provision of names and addresses, the Ministers keep saying that they seek the Senate understanding in this matter, because it would not be proper business practices. I did not know that government was a private enterprise. I thought government belongs to the people. I would like you to rule on these matters. Please, have a look at Written Answers to Questions Nos. 26 and 27. What the Ministers are saying is that they cannot supply the Parliament—

Madam President: At the moment, I do not have the answers with me.

Sen. Mark: Madam President, the answers are very short.

Madam President: Sen. Mark, well, I would definitely look at the questions and the answers and give you some kind of reply at the next sitting.

**Point Lisas Industrial Port Development Company
(Details of Gantry Crane)**

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

- A. Is the Minister aware that the Board of Point Lisas Industrial Port Development Company recently purchased a gantry crane from an Italian company?
- B. If the answer is in the affirmative, would the Minister indicate to this Senate:
 - (i) whether the gantry crane was brand new or foreign used; and
 - (ii) what is the capability of the gantry crane in respect of container moves per hour?

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Madam President, the Board of the Point Lisas Industrial Port Development Corporation Limited (PLIPDECO) did not purchase a gantry crane from an Italian company.

In light of the fact that the Board of PLIPDECO did not purchase a gantry crane from an Italian company, the next part of the question is not applicable. However, a mobile harbour crane was purchased from an Italian Company, Fantuzzi Reggiane. The board tendered for, ordered, and to the best of its knowledge, received a new crane.

PLIPDECO's management, whose responsibility it was to oversee the delivery, assembly and testing of the crane, has not advised the board of any concerns about the crane being foreign used.

The capability of the gantry crane is in excess of 30 container moves per hour. The capability of the mobile harbour crane is in the region of 20 container moves per hour.

Madam President, thank you.

Sen. Mark: Madam President, I just want to ask the hon. Minister, whether she could apprise the Senate as to the existing status of this particular mobile harbour crane, and as she is about to respond, to let the Senate know whether there has been any difficulty in its functioning.

Madam President: Sen. Mark, that is part of the next question. Could we wait for that answer?

Sen. Mark: Yes.

Sen. R. Montano: Madam President, in light of what has fallen from the Minister's lips; do I understand from what the Minister is saying—the crane that she is referring to—is that the crane is, in fact, brand new? The Minister's answer was not clear on this. Is the Minister saying that the crane is brand new?

Sen. The Hon. C. Sahadeo: Madam President, for the sake of good order, I would repeat that part of the question and it states, that the board tendered for, ordered, and to the best of its knowledge, received a new crane.

Madam President: Could we move on to question No. 47?

Sen. R. Montano: Madam President, just before the Minister goes, with the greatest of respect, I must confess that I did not understand the answer. To the best of the board's knowledge does not mean anything, because it is either it was a brand new crane or it was not. The question does not ask, to the best of the board's knowledge what did they buy? Do I understand from what the Minister is saying that the board does not know whether or not the crane was brand new?

Sen. The Hon. C. Sahadeo: Madam President, as you would appreciate, we had dialogue with the board, and the information given was that the crane was ordered. As a matter of fact, the information at hand is that it is a new crane. That is the information that I have at hand.

Madam President: Could we move on to question No. 47, please?

**Gantry Crane
(Malfunctioning of)**

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

Would the Minister indicate to this Senate:

- (i) the number of occasions that the newly purchased gantry crane has malfunctioned?
- (ii) the details surrounding each occasion it has malfunctioned?
- (iii) the name of the local mechanical engineering consultancy firm that was employed to investigate these defects?
- (iv) the amount of money paid to the local mechanical engineering consultancy firm for its services?
- (v) the total cost of these breakdowns to PLIPDECO?

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Madam President, the newly purchased gantry crane has not malfunctioned since its commissioning at the end of December 2003.

In the case of the new mobile harbour crane, this has malfunctioned twice since its commissioning at the end of August, 2003.

Again, in the case of the new mobile harbour crane, the cause of malfunction was a broken ground-steering rod.

In-Corr-Tech Limited was employed to investigate the defects in the case of the new mobile harbour crane.

The amount of money paid to In-Corr-Tech Limited for its services in the case of the new mobile harbour crane was \$48,810.

There was nothing in terms of repair costs since the new mobile harbour crane is under warranty. There was also nothing in terms of productivity since the failure did not affect the crane's cargo-handling capability and repairs were conducted during slack time.

Sen. Mark: Madam President, could the hon. Minister make available a copy of the report of the particular consultancy firm that conducted the repairs that the Minister referred to earlier?

Sen. The Hon. C. Sahadeo: Madam President, if I am not mistaken, in a Written Answer to Question it was indicated that these reports would be laid in Parliament.

Sen. Mark: Madam President, seeing that these reports are outstanding, may I ask whether these reports have been made available to the Parliament? I have a specific question for a written response, and I would just like to ask the Minister, through you, whether that particular response is ready. I have not yet received that response.

Madam President: It is coming.

Hon Senator: On the 14th.

Sen. Mark: Is it coming on the 14th?

Madam President: Today.

Sen. Mark: All right.

Gantry Crane (Purchase Company's Details)

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

Could the Minister provide this Senate with the name, address and status of the company which PLIPDECO contracted to purchase and install the new gantry crane?

The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo): Madam President, the new gantry crane was purchased by PLIPDECO. The name and address of the company that PLIPDECO contracted to supply and install the crane is: Liebherr Container Cranes Limited, Killarney, County Kerry, Republic of Ireland.

Madam President, thank you.

WRITTEN ANSWERS TO QUESTIONS

Priority Bus Route Pass (Names of Holders)

The following questions were asked by Sen. Sadiq Baksh:

3. Could the Minister of Works and Transport provide this House with the names of all citizens provided with Priority Bus Route Passes?

**Housing Applicants
(Details of)**

26. Could the Minister of Housing provide this House with a list of names and addresses of all the applicants to all the agencies responsible to the Ministry of Housing for houses, land and rental units as at March 02.

List of Squatters

27. Could the Minister of Housing provide this House with a list of the names and addresses of all squatters in Trinidad as at March 02, 2004?

Vide end of sitting for written answers.

**Virgo Consultants
(Details of)**

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

22. A. Could the Minister inform this Senate of:
- (i) the details of the arrangements with Virgo Consultants as it relates to the 2004 sugar crops;
 - (ii) the date when Virgo Consultants was incorporated;
 - (iii) the registered address of Virgo Consultants;
 - (iv) the names and addresses of its directors;
 - (v) the total value of the contract awarded to Virgo Consultants and its duration; and
 - (vi) whether the decision to employ Virgo Consultants to manage the 2004 crop was the subject of public tendering?
- B. If the answer to (vi) is in the affirmative, could the Minister provide details of:

- (i) the number of firms that submitted tenders;
- (ii) the names and addresses of the firms that submitted tenders;
and
- (iii) the names of the firms that placed first, second and third respectively?

Vide end of sitting for written answer.

**GOVERNMENT'S COMPREHENSIVE PROPOSAL
(EDUCATION AND TRAINING)**

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Madam President, thank you very much. Successive PNM administrations have consistently accorded the highest priority to education, and the development of this country's human resources in pursuit of our goal of building a modern, progressive and democratic Trinidad and Tobago. My party's and my Government's firm resolve to quicken the pace of change in order to achieve developed country status by the year 2020, our Vision 2020, underscores this commitment.

This administration is under no illusion as to the enormity of the challenge we are asking the country to take up, but, equally, we believe the country would rise to the challenge.

The alternative, living as we do in a dynamic world, in which accelerating change seems to be the only constant, would be to reduce ourselves to becoming veritable flotsam and jetsam. This is simply not an option. Development is an imperative.

The celebrated Caribbean Nobel Laureate in Economics, St. Lucian born Sir Arthur Lewis, once sagely observed: economic development is a time of troubles. We in Trinidad and Tobago know this only too well. For successful development produces winners and losers. My Government's objective is to enlarge the pool of winners, while keeping as small as possible, those adversely affected by it. This is why, as the national revenue base expands, as a consequence of the discovery and exploitation of additional oil and gas resources, my Government would utilize a significant portion of these new revenues to invest heavily in the development of our human resources. The nation's wealth must benefit all the nation's people, if we are to build one nation out of many people, a nation that is well educated, confident and free.

Madam President, we would rekindle hope in the dropout, motivate the low achievers and sustain the high achievers. Given that our focus is the

development of the nation's human resources, the Government would ensure that ambition and determination would not be frustrated because of lack of opportunity caused by financial or accommodation constraints.

Let me elaborate briefly on some of the significant decisions taken by this Cabinet, in furtherance of my Government's human resource development effort, as we strive to build a modern, progressive and democratic Trinidad and Tobago.

Let me repeat, Madam President, for the PNM, education has always been the key. Our inspiration, as so much else, has been provided by our nation's founding father, Dr Eric Williams, who, as you may recall, dedicated his book *Education in the British West Indies*, with these memorable words and I quote:

“To the great masses of the British West Indian people, whom all proposals for education must serve and whose development will serve education...”

The Government has adopted the Strategic Plan of the Ministry of Education 2002—2006. Its four main strategic objectives are:

- ❖ accessibility to educational opportunities for all;
- ❖ delivery of quality education to citizens at all levels of the education system including bilingualism (Spanish);
- ❖ sustainable policy development for the education sector; and
- ❖ continuous alignment of the strategic direction in the education system with objectives set for national development.

The main focus of the strategic thrust is in the schools, from the pre-school to the teacher training and development institutions. At the quantitative level this entails:

- ❖ continuation of the current school building repair and refurbishment programmes up to 2006, under the Secondary Education Modernization Programme (SEMP);
- ❖ expansion of secondary schools to accommodate the placement of students in accordance with the demands of universal secondary education;
- ❖ complete review of the primary school sector with particular emphasis on replacement of schools 50 to 100 years old; and
- ❖ completion of the technical upgrade of secondary schools under SEMP.

At the qualitative level, our focus will include:

- ❖ placing curriculum at the centre of our efforts towards providing quality education;
- ❖ continuation of the design and development of curriculum for the secondary level up to form five;
- ❖ reviewing the curriculum of the teachers' colleges and setting a new vision of teacher education and development;
- ❖ building capacity for continuous assessment, testing and evaluation to support the curriculum goals, particularly at the primary level;
- ❖ transforming the Early Childhood Care and Education (ECCE) system to provide access for all and the holistic development of children between the ages of 0—5 years to facilitate their transformation to the primary school system; and
- ❖ institutionalizing continuous assessment at the primary school level, smoothing the way for a seamless transition to the secondary level.

Additionally, we would undertake a strengthening of the Ministry's institutional support system. One example of this, is the Government's decision to establish a Student Support Services Division within the Ministry of Education, in support of students who:

- ❖ have significant learning disabilities;
- ❖ need guidance for academic, personal/social and career development;
- ❖ have emotional, behavioural and social difficulties;
- ❖ have learning, vision or mobility challenges;
- ❖ are gifted and talented; and
- ❖ are educationally disadvantaged.

We are proposing to develop a range of services on a phased basis to support the above. The first phase, 2003—2005, is designed to strengthen the support system in the primary schools because of the severe level of underachievement demonstrated by students from the schools who sat the 2003 Secondary Entrance Assessment Examination (SEA).

Madam President, developing and making more accessible the nation's tertiary education sector, as well as other training facilities, are indispensable

components of any viable policy of human resource development for Trinidad and Tobago. Recently, the Minister of Science, Technology and Tertiary Education addressed the honourable House of Representatives, on a wide range of this Government's skill training, re-training and development policy initiatives. Today, I propose to add to what he has said.

Let me therefore now turn to the community college system known as the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT). As hon. Senators are aware, COSTAATT, is an amalgamation of the following public tertiary education institutions into a single multi-campus college:

- ❖ San Fernando Technical Institute;
- ❖ John S. Donaldson Technical Institute;
- ❖ Government Vocational Centre, Point Fortin;
- ❖ Eastern Caribbean Institute of Agriculture and Forestry; and
- ❖ The National Institute of Higher Learning (Research, Science and Technology): School of Languages, College of Nursing, Information Technology College, College of Health Sciences, and Business Management and General Education Division.

The Government proposes to undertake two major areas of expenditure to improve the quantity and quality of its offerings. COSTAATT has to vacate its Mount Hope Campus, which is currently housed at the Mount Hope Medical Sciences Complex. This campus provides accommodation for over 1,400 students and 60 full-time staff and faculty members. There is also the need to undertake critical upgrades to physical facilities and equipment at two COSTAATT campuses, John S. Donaldson and San Fernando Technical Institutes. We also have to find adequate accommodation for the Central Services of COSTAATT and the Joint Services Staff College.

COSTAATT is also desirous of expanding its enrolment in keeping with its mandate to expand access to tertiary education and to provide a quality teaching/learning experience. It must do this even as it is awaiting the construction of its main campus, which is likely to begin in 2006. It has concluded negotiations for the use of the Trinity/Bishop East School, to commence in September 2004, which would enable it to accommodate an additional 2,400 students per year. COSTAATT would then be in a position to provide access to associate degree programmes in the performing arts such as music, arts, drama and natural sciences for which there has been great demand, but no appropriate facilities for delivering instruction.

Madam President, in consequence of the needs identified above, the Cabinet has approved the expenditure of \$12.7 million to relocate the Mount Hope Campus and four departments of the John S. Donaldson Technical Institute, the Joint Services Staff College and COSTAATT's Central Services; leasing Trinity/Bishop East School; and to undertake critical upgrades to physical facilities and equipment at the John S. Donaldson and San Fernando Technical Institutes.

Cabinet has also agreed to recommence, with free tuition, and as a matter of urgency, the National Examinations Council craft and technician programmes at the John S. Donaldson Technical Institute, which were gradually phased out, following the change in the tertiary education policy in 1998. They are as follows: craft course—plumbing, masonry, welding, electrical installation, construction, carpentry and joinery, cabinetmaking, auto and diesel, dressmaking and design, tailoring, food preparation and practical cafeteria operations and bookbinding. Technician course—engineering surveying, general draughtsmanship and junior builders.

These courses are to be conducted in two phases, Phase 1, with an intake of 406 students, would commence in April 2004, while phase 2, involving an additional intake of 220 students, would commence in September 2004. Phases 1 and 2 would be implemented at a cost of \$13.918 million. The provision for offering similar training in Tobago is being discussed with the Tobago House of Assembly.

The other major area of expenditure is the provision of \$23.4 million to fund financial aid programmes in support of COSTAATT students. Permit me, Madam President, to identify the components of these programmes and briefly amplify their objectives.

Transitional Studies Programme	\$4.2 million
Community Education Programme	\$2 million
Full Tuition Scholarships	\$10.5 million
Book Loan Facility	\$5.8 million
Book Grants	\$0.4 million
Work Study Scholarships	\$0.4 million
Peer Tutoring Scholarships	\$0.2 million

2.00 p.m.

Madam President, these components are consistent with COSTAATT's multifold mission which includes free education, pre-college remedial education, community education, occupational education and transfer education. The College of Science,

Technology and Applied Arts of Trinidad and Tobago is also committed to providing broad access to college level programmes for a wide variety of students, and the resources that would afford them a reasonable chance of success.

The College of Science, Technology and Applied Arts of Trinidad and Tobago will therefore provide free access to transitional studies—that is remedial education—at all campuses and all craft programmes offered by the technical institutes. Remedial education and all craft programmes at all campuses would now be free. The transitional studies programme, also to be considered through a community education programme, would provide school leavers and adult students with a second chance to attain secondary level competencies as a prerequisite for matriculation into college level programmes of study. The college will also provide full tuition scholarships, book grants, work study and peer tutoring scholarships to aid ambitious, low and at risk students overcome their financial difficulties. It is specially targeted to the bottom of the social ladder.

Let me recapitulate briefly what I have said so far: The Government has developed and began implementing a strategic plan for education 2002—2006. These initiatives are directed towards the preschool, primary and secondary sectors of the education system. At the tertiary level we are consolidating the existing infrastructure, that is to say, the community college system, even as we maintain our very strong commitment to the University of the West Indies, the regional university system.

What has become clear to my Government, Madam President, hon. Senators, is that the existing capacity, despite the steps being taken to strengthen it, will still not be adequate to the needs of Trinidad and Tobago, given our developmental perspectives. Let me elaborate: Based on the figures for the University of the West Indies 2002/2003 intake, a total of 2,400 students applied for entry into programmes for science, medical sciences, engineering and agriculture; 1,600 of these students received firm offers and, eventually, 1,226 registered. Clearly, a country short of human resources in the sciences, engineering and technology can ill afford to turn away over 30 per cent of the qualified students who are seeking university level education. Putting the university's total admission figures of all faculties in perspective: agriculture, science, humanities, education, engineering, law, medical sciences and social sciences, in 2002/2003, 2,675 students received offers and 1,837 registered.

There is an average of 19,000 students enrolled in Form V, a large number of whom will be seeking tertiary level education. Some 8,000 of these move on to Form VI with the hope of qualifying for university entrance. The University of the

West Indies can only accommodate about 30 per cent. The total enrolment of undergraduate students in agriculture, engineering, medical sciences, and natural science amounted to just under 3,000. The elimination of this bottleneck demands urgent attention.

The results of a limited needs analysis study heightened the sense of urgency; such a study was recently undertaken. It focused on processed industries, the manufacturing sector and the marine and offshore exploration and production sector. Its major conclusions were, one, the country is deficient in all these fields both in quality and quantity and, two, no well-formulated plan exists to meet the anticipated demands in several areas of engineering and technology. The study projected deficiencies in the order of 440 engineering professionals—this is chartered and incorporated engineers—1,140 engineering technicians, associate degree and diploma, and 530 skilled craftsmen and machine operators. These figures do not include the need for the construction and information technology sectors or the applied sciences, all just as important. Failure to address these deficiencies within a reasonable time horizon will have a negative impact on the country's development aspirations.

It was in these circumstances that the Cabinet took the decision to establish the University of Trinidad and Tobago, with its core campus in Wallerfield and satellite campuses throughout Trinidad and Tobago. The Cabinet issued the following guidelines for its establishment: The university be primarily a teaching and research institution dedicated to the application of science, engineering and technology, applied arts and the humanities; the university be an equal opportunity institution. While the academic will be focused on science, engineering, technology and the environment, compulsory courses in languages and physical education will be offered. That is why we deliberately did not name it the University of Trinidad and Tobago Science and Technology. The plan is eventually to go right across the board. Another guideline was that the fee structure and scholarship programme be such that any qualified student could obtain a place. I repeat that: the fee structure and scholarship programme be such that any qualified student could obtain a place. The faculty members must also be recruited on the basis of excellence. The university, through its colleges, centres or institutes develop alliances to complement its programmes.

Proposals for a Tobago university campus—a steering committee under the chairmanship of Prof. Kenneth Julien has been appointed by the Ministry of Science, Technology and Tertiary Education to develop proposals for the implementation of Cabinet's decision. The first phase of the establishment

involves the integration of the Trinidad and Tobago Institute of Technology (TTIT) into the University of Trinidad and Tobago (UTT). This involves the integration of all facilities of TTIT which support the range: bachelor of technology degree, diploma and certificate programmes. This location will be known as the Point Lisas Campus of the University of Trinidad and Tobago.

The University of Trinidad and Tobago is scheduled to become operational, with its first intake of students in September 2004. The next priority will be the establishment of maritime offshore technology, which includes a drilling school and an institute for maritime training.

Madam President, I conclude by addressing a vital aspect of tertiary education: students' funding needs. This is critical if we, Trinidad and Tobago, are to lift our tertiary education participation rate to, at least, 20 per cent by the year 2010, using the internationally accepted definition of tertiary education. We must, therefore, ensure that no qualified national be denied access to tertiary education simply on the grounds of inability to pay for such education. Such wastage would undermine our hopes of achieving our Vision 2020 and would certainly make more difficult the building of an educated democratic Trinidad and Tobago. This is why my Government has taken a number of decisions to open wide the doors of possibility to all our eligible nationals. We are willing to provide opportunity for those who are qualified, willing to become qualified and possess the desire and, perhaps more, the determination to pull themselves up by their own bootstraps.

The Cabinet has provided the gateway by establishing a new funding mechanism entitled Government Assistance for Tuition Expenses (GATE), under which half the tuition for any student enrolled in tertiary programmes at public as well as accredited private tertiary institutions, will be paid by the Government. The Government would utilize means testing as a basis for assisting those unable to pay the remaining tuition. Just for the record, that is up to 100 per cent of additional funding. It is possible, under this system, for your education to be completely funded by the State on the basis of need. Nobody would be denied access to education purely on the basis of an inability to pay.

The Government proposes to establish by legislation the Higher Education Loan Programme (HELP). The GATE programme will replace the dollar-for-dollar education plan, while HELP will replace the existing Students Revolving Loan Fund and the University Students Guarantee Loan Fund. The GATE and HELP programmes will be expanding on the coverage of the replaced programmes. Coverage under GATE and HELP will now extend to students in private tertiary education institutions as well as part time students; over the entire range.

The Cabinet has also agreed, subject to the approval of the Minister of Finance, that provision be made for a tax deduction for individuals up to \$18,000 in respect of tertiary education and value added tax exemption for tertiary institutions. The Cabinet also asked the Minister of Finance to consider the granting of tax incentives to companies which contribute to HELP. We will consider that for the next budget. The Minister of Science, Technology and Tertiary Education will be formally launching the GATE programme this afternoon.

Madam President, let me end as I began: These are PNM's comprehensive proposals on education. They are designed to serve the great masses of the Trinidad and Tobago people, and will, in no small measure, contribute to the forging of a society of free men and women in a modern Trinidad and Tobago.

Thank you.

MUTUAL ASSISTANCE IN CRIMINAL MATTERS (AMDT.) 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 amend the Mutual Assistance in Criminal Matters Act, 1997, be now read a second time.

The intent of this Bill is to amend further the Mutual Assistance in Criminal Matters Act, 1997, which was passed in this honourable Senate as Act No. 39 of 1997 and amended in 2001 by Act No. 7 in order to:

- (a) provide for the service in this country of any process or documents issued by a court in a Commonwealth or non-commonwealth country and for any process or document issued by a court in this country to be served in a Commonwealth or non-commonwealth country;
- (b) provide that evidence taken by a court in criminal proceedings in a Commonwealth or non-commonwealth country can be used in this country and for evidence taken in criminal proceedings in this country to be used in a Commonwealth or non-commonwealth country; and
- (c) insert a Third Schedule to the Act to specify the legal rules applicable to a court in this jurisdiction that pursuant to a request from a foreign central authority to our central authority is taking evidence from a witness located in this country for use overseas in criminal proceedings.

The objective of this measure is to improve the existing legislative framework set out in Act No. 39 as amended, so as to allow Trinidad and Tobago to better receive assistance from and to render assistance to Commonwealth and non-commonwealth countries in criminal proceedings and investigations.

What is the intent of Act No. 39 of 1997 as amended? The Mutual Assistance in Criminal Matters Act establishes the legislative framework for the rendering of assistance in criminal proceedings and investigations by providing for requests for assistance by Trinidad and Tobago to a Commonwealth country and vice versa. Part IV of the Act also makes provision for its application to non-commonwealth countries. This form of international cooperation is based on the scheme for mutual assistance in criminal matters within the Commonwealth, as agreed by Commonwealth Heads of Government at their 1987 meeting in Vancouver, Canada.

The drafting of this Act also benefited from the recommendations of the workshop on the scheme for mutual assistance in criminal matters between Commonwealth countries, which was held in Bermuda from December 12 to 16, 1988.

The Act outlines the procedures necessary for the implementation of mutual legal assistance treaties and empowers the Attorney General to make an order, subject to negative resolution of Parliament, declaring that a particular treaty will have the force of law in Trinidad and Tobago. For example, in relation to criminal proceedings in Trinidad and Tobago, the Act makes provision for matters such as requesting overseas assistance in obtaining evidence or information, section 7; locating or identifying a person to give evidence or assistance, section 8; obtaining articles or things by search or seizure, section 9; transferring a prisoner to or from this country to give evidence or assistance, sections 12 and 13; serving any document on a person or authority in a Commonwealth country, section 14; tracing property, section 18, and enforcing orders, sections 19 and 20.

We come now to the case for international cooperation in combatting crime with cross border effects. As a government, we are charged with preserving and protecting the security, safety and health of ordinary men, women and children and also the integrity of the 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. Cooperation between countries in the area of mutual legal assistance, in fact, reflects a collective responsibility and concrete interest of all international actors that have a stake in ensuring that the society we live in, the place we inhabit, and the countries we call home are as free of crime as we can make them.

Mutual Assistance (Amdt.) Bill
[SEN. THE HON. K. GIFT]

Tuesday, April 06, 2004

We all know that crime, if not arrested, has the potential to threaten socio-economic development, political stability and 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 activities evident, for example, 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 the global, regional, sub-regional and national levels' awareness, commitment and action.

Some elements of cooperation—it is in this context that we view the potential of mutual assistance schemes and treaties to facilitate cooperation between countries in matters pertaining to the detection and prevention of crime. Through such schemes, countries can now assist each other in a meaningful way in the investigation of criminal matters and even in court proceedings arising from such matters. These initiatives can only redound to the strengthening of the criminal justice system and the development of the administration of justice in the countries concerned.

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 and in combatting narco trafficking and money laundering to formulate instruments, standards and norms to facilitate the achievement of this objective. 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 wholly, domestic or cross border.

The Act is intended to operationalize our commitment to such cooperative action. This Government, fully cognizant of the danger posed by the criminally inclined, 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 this problem. The Mutual Legal Assistance Treaties (MLATS) have been concluded with the United States of America, Canada and the United Kingdom. Proposed treaties with Mexico, Columbia and Venezuela are in various stages of development.

The Government has always attached a high priority to cooperation at the bilateral, regional and international levels. At the regional and international levels, its commitment to cooperative action has been evident 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.

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 enable the Central Authority Department of the Office of the Attorney General to better implement the Act. It is to be noted that the Act was first amended by Act No. 7 of 2001 to incorporate certain changes that became necessary after its proclamation.

Today, the amendments before this honourable Senate seek to provide for matters that were not necessarily addressed in the parent legislation. One example of this is the mechanism for the services of court processes in and out of this jurisdiction. In this regard, Madam President, you would recall that section 14 of the Act makes provision for requesting any document issued or made in Trinidad and Tobago to be served on a person or authority in a Commonwealth country. In this section, document does not include a judicial record such as a summons, order or judgment, because the term “judicial records” is separately defined in the interpretation section of the Act.

In addition, “document” is not defined either in the interpretation section of the Act, section 2(1) or the Interpretation Act, Chap. 3:01; hence it will have to be given its ordinary meaning. The Concise Oxford Dictionary, the Ninth Edition, defines document to mean “a piece of written or printed matter that provides a record or evidence of events, an agreement, ownership, identification, et cetera”.

In the interpretation section of the Act, the term “judicial records” is defined to mean: judgments, orders and decisions of the court and other records held by judicial authorities. “Official records” is defined to mean documents held by government departments or agencies or prosecution authorities. Clearly the Act differentiates between the meaning of the term “judicial records” and “official records”. It appears that had the legislature intended that section 14 should deal with documents issued by a court, then the term “judicial records” and not the word “document” would have been used. The need exists, therefore, to make specific provision for the service of any process or document issued by a court in and out of this jurisdiction.

The Bill which this honourable Senate is being asked to consider addresses specifically:

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- (a) the definition of some new words and phrases such as “civil offence” as defined under the Defence Act 1962 and “dangerous drug” as defined under the Dangerous Drugs Act of 1991;
- (b) the substitution in section 25 of the Act of the phrase “police service” as used in sections 2 and 3 of the Police Service Act, Chap. 15:01 for the phrase “Police Force” which was employed in error;
- (c) the insertion of a new Part V of the Act to provide for the service of any process or document issued by a court in or out of our jurisdiction regarding criminal proceedings and investigations in Trinidad and Tobago or overseas;
- (d) an amendment to section 35(2) of the Act to add two other means by which a document may be authenticated in order to ensure admissibility in the relevant proceedings; and
- (e) the addition of a Third Schedule to the Act to provide the rules to govern the proceedings before a court in this country where evidence in being taken from a witness for use in a Commonwealth or non-commonwealth country.

Madam President, I now turn to explain the main provisions of this Bill in greater detail, clause by clause: Clauses 1, 2 and 3 of the Bill will provide for preliminary matters such as the short title and the commencements and interpretation provisions. Clause 4 seeks to amend section 2 of the Act by inserting the definition of some new words and phrases such as “civil offence”, as defined under the Defence Act 1962, and “dangerous drug”, as defined under the Dangerous Drugs Act of 1991.

Madam President, clause 5 seeks to correct a mere legislative oversight in section 25 of the Act by substituting the phrase “police service” as used in sections 2 and 3 of the Police Service Act, Chap. 15:01, for the phrase “Police Force” which was used in error. Clause 6 seeks to renumber Part V of the Act as Part VI and to insert a new Part V, which would provide for matters dealing with criminal proceedings and investigations in Trinidad and Tobago and overseas.

For example, it would provide for the service of overseas process in this country, as received by the central authority for a process issued in Trinidad and Tobago to be served overseas on a person, to require him to attend before a court in this country to give evidence in criminal proceedings et cetera. This new part will also provide for a request to be made by the Director of Public Prosecutions

to a local court for assistance in getting evidence from a Commonwealth or non-commonwealth country for use in criminal proceedings or investigations of an offence in this country.

Provision is also made for a request by the central authority of a Commonwealth country or a similar authority of a non-commonwealth country for the central authority of Trinidad and Tobago for assistance in getting evidence from Trinidad and Tobago for use in criminal proceedings or investigations of an offence in the requesting country.

Madam President, clause 7 seeks to amend section 35(2) of the Act to provide that a document is duly authenticated if it is in the form of an affidavit or a statutory declaration and therefore admissible in evidence. Section 35(2) already provides that a document is authenticated if it is certified by a judicial officer of the Commonwealth country making the request, by the oath of a witness or a public officer of such a country or sealed with an official or public seal of a minister, department or public office of the Government of such a country. Clause 7 thus seeks to add two other means by which a document may be authenticated in order to ensure its admissibility in the relevant proceedings.

Madam President, clause 8 seeks to insert a Third Schedule to the Act to provide the rules to govern the proceedings before a court in this country where evidence is being taken from a witness for use in a Commonwealth or non-commonwealth country. The Third Schedule, however, will only be applicable when the court nominated by the Chief Justice to take evidence to which requests relate under section 33(d)(1) is a Magistrates' Court, by virtue of the powers conferred on it by the Bill under section 33(g)(1). The Rules Committee of the Supreme Court will make rules of court to govern similar proceedings, when the nominated court is the High Court. I wish to inform this honourable Senate that the views and comments of the Office of the Director of Public Prosecutions on this Bill have been incorporated.

Hon. Senators may wish to note that this Bill is modelled on similar legislation from the Bahamas entitled the Criminal Justice International Cooperation Act of 2000. This Act provides for matters such as service of overseas process in the Bahamas and vice versa, overseas, for use in evidence in the Bahamas and vice versa, the transfer of overseas prisoners to give evidence in the Bahamas and vice versa, and offences at sea. The Bahamas Act is closely modelled on the English legislation which is also entitled the Criminal Justice International Cooperation Act of 1990.

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Hon. Senators should note that provisions dealing with the transfer of prisoners to give evidence overseas and offences at sea are not included in the Bill because these matters are already part of our law. The first issue is dealt with in the Transfer of Prisoners Act, No. 12 of 1993, and the second in Part VIII (a) of the Dangerous Drugs Act 1991, Act No. 38 of 1991. Part VIII (a) was inserted in the Dangerous Drugs Act by section 12 of the Dangerous Drugs (Amdt.) Act, No. 27 of 1994.

Madam President, in preparing this Bill the Government, apart from looking at the legislation from the Bahamas and the United Kingdom, also considered the Criminal Justice International Cooperation Law 2001 of Jersey and the UNDCP model Foreign Evidence Bill of 2000. 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. Whatever the applicable legal system, criminal investigations and proceedings are based on evidence, and today that evidence, in the criminal context, is increasingly located beyond national borders. As a result there is now a greater emphasis at the international level on the need to put in place effective legal and administrative structures for receiving and giving assistance with cross border evidence gathering.

Since 1997, Trinidad and Tobago has put in place the legislative and administrative measures for the rendering of formal mutual assistance in a direct and effective manner, in relation to both Commonwealth and non-commonwealth countries. The Mutual Assistance in Criminal Matters (Amdt.) Bill, 2003 improves and builds upon the existing legal framework. Trinidad and Tobago has much to gain from enhanced international cooperation in mutual legal assistance in criminal matters. This should suffice to commend this Bill to the favourable consideration of hon. Senators present.

Benefit to Trinidad and Tobago from mutual assistance in criminal matters: Approval of this Bill will 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 mutual legal assistance in criminal matters. Madam President, domestic legislation that strengthens the international legal framework for cooperation in mutual legal assistance would redound to the benefit of Trinidad and Tobago and other like-minded States in the international community.

As I conclude, Act No. 39 of 1997, as amended, represents a significant development in the capacity of this jurisdiction to cooperate with other

jurisdictions in the investigation and prosecution of crimes. Any measures that strengthen the capacity of the Government and the courts, both to receive and to render mutual legal assistance in criminal matters, would undoubtedly redound to the advantage of Trinidad and Tobago, as a whole, and is therefore worthy of support by all Members of this honourable Senate.

Madam President, I beg to move.

Question proposed.

Sen. Wade Mark: Madam President, in his closing remarks the hon. Minister of Foreign Affairs did make reference to the need and significance of such legislation to cooperation at an international level in our struggle to combat transnational organized crime. He stated further that such legislation is worthy of support by all Members of this Senate.

I vividly recall when this Bill was introduced in 1997, it did require a special majority, because at that time the UNC was taking on criminal activities and forces in a head on manner. Because of the lack of support by the then Opposition, the government had to water down the legislation. I am quite surprised that the hon. Minister of Foreign Affairs in his presentation remarked that matters of the nature that we are discussing are worthy of support from all sides of this honourable Senate. It is a pity that when this Bill was introduced in 1997 we did not obtain the support of the PNM then in Opposition. I guess that is how life is at times.

The PNM, today, has brought an amendment to the 1997 legislation. I would go through this legislation to show how in certain aspects enshrined here, some provisions are very weak. It amounts to Mickey Mouse changes that have no effect. There are other measures in this Bill that infringe on the liberties and freedoms of citizens of this Republic. We are not happy at all with the provision that seeks to make the Director of Public Prosecutions (DPP) into a mailbox for the Attorney General, who is the central authority under this particular Bill. I find it very sloppy, in terms of drafting, to amend the Supreme Court of Judicature Act as it relates to rules and have that amendment parachuted into this particular piece of legislation.

We understand from the Minister's presentation that the DPP has agreed to the changes. Well, if the DPP does not want to protect his office, then it is Parliament's duty to protect it as enshrined in the Constitution of our Republic. We think it is very offensive for the Government to amend it. They do not want to amend section 90 of the Constitution to give the DPP this kind of mailbox responsibility, postman responsibility in some instances, but they are seeking to change, in this legislation, the functions of the DPP.

It is clear to us, given the nature of the global order today and the deregulation of economic systems, developments that have taken place in the marketplace have resulted in organized transnational crime penetrating international borders; therefore, new methods are being designed and devised. No one can argue that as you seek to globalize, privatize and liberalize the world economy, which is a very dangerous consequence for small economies like ours, the criminal forces will always attempt to take advantage of the liberalization and globalization process. I think that the international community recognizes the importance of putting systems in place to, at least, address the kind of developments that will obviously arise in an effort to take advantage of loopholes in the system.

If we are to provide the kind of mutual cooperation and assistance in legal matters of a criminal nature, the Government has to put its house in order. In Trinidad and Tobago today, we do not have a proper witness protection programme. If we are talking about mutual cooperation, mutual assistance, and within your own jurisdiction the Government has failed to provide a proper programme of witness protection, we query the efficacy of this particular measure. We believe that the Government continues to play games with the citizenry of this country. Therefore, whilst in principle the concept cannot be debunked or not supported, the mechanisms that are necessary to make it work seem to be highly deficient.

I notice that we speak to the issue of drugs; we speak to the issue of firearms and money laundering, but not piracy. I do not know if the Minister of Foreign Affairs would view piracy as another aspect of international crime, because I want to repeat that today there is international crime taking place on our high seas. Therefore, the same way we treat with firearms, drugs and money laundering, the time has come for the Minister of Foreign Affairs and the Government of Trinidad and Tobago to view piracy as a very serious, organized international crime against the citizens of this country.

I appeal to the Minister: just as he said that the Government has entered into criminal mutual assistance treaties with the United Kingdom, Canada and the United States, and he is now dealing with Colombia and, I think he mentioned Mexico or some other countries. I hope that Venezuela is also part of this exercise.

This legislation seeks to introduce measures that require, as far as we are concerned, a special majority in some instances, because of the nature of the measures. If I may, Madam President, I would like to indulge you in examining Part V, clause 6 of the Bill before us:

“33A.(1) This section shall apply where the Central Authority receives from the central authority of a Commonwealth country or such similar authority of a non-commonwealth country—

- (a) a summons or other process requiring a person to appear as a defendant or attend as a witness in criminal proceedings in the Commonwealth or non-commonwealth country;”

So they are receiving from a central authority, let us say, Britain, a summons for someone to appear as a defendant or as a witness in criminal proceedings. It goes on to say:

“(b) a document issued by a court exercising criminal jurisdiction in the Commonwealth or non-commonwealth country and recording a decision...”

- (2) The Central Authority shall cause the process or document to be served by post...”

Madam President, we are talking about criminal matters involving drugs, firearms and money laundering, and hear what is the postbox arrangement; that has to do with the fact that the PNM, when this Bill was introduced in 1997 and we wanted a special majority to ensure that this “ting” was watertight, refused to give the Parliament that special majority to fight transnational organized criminal activities. Today, they come with an amendment, with the watered down version of Act No. 39 of 1997, and we see more water flowing under the bridge here. Look at what is happening here.

I want to repeat this for your understanding:

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

So we have a criminal matter and light gloves, kid gloves are being utilized. The Police Commissioner could cause it to be personally served or they could send it by post. This is a Mickey Mouse piece of legislation! The Government is not serious about criminal activity.

It goes on in clause 6, section 33A(3) to say:

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

Who is the Minister of Foreign Affairs trying to fool? So you have a situation where you serve a document on a defendant or potential witness in a criminal matter, and the Bill says here that this section, “shall not impose any obligation on any person under the law of Trinidad and Tobago to comply with it.”

In other words, you could serve me with some document, but I do not have to take it on. The reason I do not have to take it on is because the original parent Act was watered down, because the PNM failed to support the legislation, which required a special majority at the time. So they are now caught in a bind. They have to execute their international obligations to make this Bill work, but in doing so their hands are tied. I will show you later on, as I proceed, where they tried to “mamaguy” us, if you do not read this piece of legislation carefully, and they actually sought to infringe, in a very surreptitious way, sections 4 and 5 of our Constitution.

Could you tell me what is the purpose of clause 6 section 33A(3) of this Bill? It goes to say:

“A process of document served under this section shall be accompanied by a notice—

(a) stating the effect of subsection (3);”

Well, they are giving you a document, so it is served by a notice now. So it is telling you the effect of this section as a defendant or witness:

“(b) indicating that the person on whom it is to be served may seek legal advice as to the possible consequence if he fails to comply with the process under the law of the Commonwealth or non-commonwealth country where it was issued; and

(b) indicating that under that law he may not, as a witness, be accorded the same rights and privileges as would be accorded to him in criminal proceedings in Trinidad and Tobago.”

So what is the purpose of this section? This is a hanky-panky arrangement here! How can you be serious about dealing with criminal matters, as we heard from the hon. Foreign Affairs Minister when, in truth and in fact, section 33A(4) is telling you now that if you are served you may seek legal advice as to the possible consequence. So you are coming after X or Y, and you know that X or Y is involved, based on evidence coming from abroad and documents that you have in your possession, that X has been involved in firearm activity in London or money

laundering. But you know what? You cannot deal with X, because you do not have the necessary power in the parent Act to deal with X, so you now have to play along with X, and X can tell you, "Well, go to Y," because he does not have to comply under this subsection.

We want to know whether the Government, this PNM regime, is serious and committed about getting at the drug lords in this country? Are they protecting the drug lords, given this provision in the Bill? Are they protecting the money launderers? We want the Government to come clean. Do not come to Parliament and try to "mamaguy" the country saying that you are aggressively attacking crime, and you bring this piece of watery legislation riddled with contradictions, seeking to undermine the rights of the citizens on the one hand and on the other hand telling the people, "Listen, I am dealing with you with kid gloves," but in truth and in fact, you are coming with a heavy hand later on in this very legislation. I will demonstrate how they are doing it as I proceed.

Madam President, I want you to bear with me and accompany me as I proceed. We go to 33A(5) of the Bill:

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

What does that mean? The Commissioner of Police is serving a document or a process on a defendant or a potential witness, and he, "shall use his best endeavours to have it served..." So you are serving your best endeavours. You did not serve "best endeavours" when they murdered this young girl in Caledonia; it was a machine gun. It pains my heart; my heart bleeds for that young woman who could have been my sister, aunt or some relative, who was murdered by that police officer in a cold-blooded and brutal manner. I am convinced that that lady was murdered by that particular police officer. He should be arrested by the State and brought to trial, and not cover up this matter.

I visited that place. I saw where the blood was splattered. You killed a woman at point plank range with an automatic rifle; split the woman skull in two! The police are covering up this whole thing. What do you have here, an official police death squad? What is going on with the PNM? Too many people are being killed in this country by this squad that the police apparently has. And the Government is supporting it!

I am sorry that the Minister of National Security and Rehabilitation is not here, but he has a lot to answer. This brutality against ordinary citizens will not be permitted to continue in this country. They come here giving people the

impression that they want to fight drugs, money laundering and firearms. This lady did not have any firearm; she was defenceless. She was murdered last Friday at 5.30 p.m. in a cold-blooded, barbaric and brutal way. We condemn that act, not the entire police service but that particular individual. My heart goes out to the family of that sister.

3.00 p.m.

Madam President, I want you to follow me as I go back to section 33A(5) which says:

“Where, under this section, the Commissioner of Police is directed to cause any process or document to be served, he shall use his best endeavours to have it served and immediately transmit to the Central Authority if the process or document is—

- (a) served, an affidavit or other certificate of service, stating how and when it was served; or
- (b) not served, an affidavit or other certificate of service, stating that fact and the reason.”

Madam President, what do you understand by that section? The commissioner could serve, he “ain’t” bound to serve. If he serves, he says he serves. “If he ain’t serve, he say he ain’t serve”. What is going on here?

If you are seeking to deal with criminal matters, you get the police to serve. What are you telling me about the police serving and not serving, and when they want to deal with people they deal with people? I want this matter to be addressed by the hon. Minister.

We on this side are arguing that this is a jokey piece of legislation that is before this Parliament. Sections of this legislation are really tantamount to a joke and I can tell you why as I have told you already. It is weak because the legislative majority required is not in place.

Madam President, if one goes to section 33B, subsections (3) and (4), say:

“(3) Subsection (2) is without prejudice to the service of any process, with the normal legal consequences for non-compliance, on the person in question if subsequently effected in Trinidad and Tobago.”

However, where the Government and the provision was very weak, very slack and very loose, we come to section 33B, subsection (4) which says:

- “(4) For the purpose of this section, ‘process’ includes a summons, order, subpoena or other similar document issued by a court requiring a person to attend the court in relation to criminal proceedings.”

This is a court of law and as the Schedule shows, the Chief Justice will nominate a special court to hear these matters. So we are being told that a witness on the one hand does not have to appear, but on the other hand, we are being told that a process includes a summons, an order, and a subpoena.

Madam President, when one is subpoenaed by a court of law he/she has to appear, or be held in contempt. So one sees the games that are being played; on the one hand, it says you do not have to appear, but on the other hand, a couple of sections later we are told that a “‘process’ includes a summons, order, subpoena or other similar document issued by a court requiring a person to attend the court in relation to criminal proceedings.”

Madam President, if one goes to the Interpretation Section of this Bill, the amendment deals with three essential definitions: “civil offence”, “dangerous drug” and the “Rules Committee”. Nowhere in the Interpretation Section is there a definition of “process”, but it is supposed to be there so we could have understood from the outset when “process” is mentioned we would know what they are talking about. One has to go into this section to determine that a “‘process’” includes a summons, order, subpoena or other similar document”. So a witness or a defendant is now being subpoenaed.

If one has to subpoena anyone, or me, it has to be done under law, and any law that infringes my right to liberty, freedom and the enjoyment of my property, would need to have a special majority. How can you subpoena me in a legislation that calls for a simple majority? The original document which may have been passed in the colonial period may not have required that, but modern Trinidad and Tobago, the Republican Constitution requires that if you are depriving me of my liberty, freedom and rights, you ought to be guided by sections 4 and 5 and the other relevant sections.

Therefore, I would like the Minister of Foreign Affairs to tell us how this section values the individual’s freedom. Where earlier on, it was said that you do not have to comply, but a couple of sections later it says that you are bound to comply because a “process” includes a summons, et cetera. I am sure my colleague, Sen. Robin Montano, would be able to elaborate on that. I am not a lawyer; I should have studied law, Madam President. That is my layman interpretation of the section and I could be wrong, so I need clarification on this particular section.

Madam President, this Central Authority who is the Attorney General, I believe that this Attorney General is being given too much power under this Act and I will tell you why. I would develop on a point of contradiction because this power of the Central Authority ought to properly reside in the office of the Director of Public Prosecutions (DPP) because they recognize that the Attorney General cannot function in the way he ought to because he does not have the power.

The DPP has the power under section 90 of the Constitution and that is why the DPP is now being incorporated in a very surreptitious, high-handed, and underhand way and we heard from the Minister of Foreign Affairs that the DPP is in support of this. How could the DPP be in support of a messenger role, post box role, a letter box role? If he is in support of that, then we must save the DPP from himself. If he is prepared to compromise his office, then we in the Parliament are not prepared to allow section 90 of the Constitution that establishes the office of the DPP to be watered down. I think it is an insult to that office given the role outlined for him in this legislation.

Madam President, let us look at section 33C, it is not the Central Authority here, nor the Attorney General, it says:

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

I find this to be inelegant language. The drafters need to redraft this; “request requesting”. Minister of Foreign Affairs, you are a man of great language; there is richness in your language. I think you need to revisit this section.

“requesting assistance in obtaining such evidence as is specified in the letter of request for use in the investigation or prosecution of an offence.”

Madam President, how come the DPP is just parachuted into the Mutual Assistance in Criminal Matters Act just so? Why did they not go to section 90 of the Constitution? This office is an independent one, how can a politician play around with the DPP?

We call on the DPP today for an independent investigation into this Bajan fishermen issue because the police commissioner has given him a watered down report and they are covering up this matter. So we call on the DPP to have an independent enquiry into this matter. [*Desk thumping*]

Why are duties imposed on the DPP in this Act? Has the DPP become an agent of the Central Authority? The Central Authority is the Attorney General who is a

politician. He acts on behalf of the Executive and in criminal matters. It is convenient now because he cannot go to the court and make this application, so he calls in the DPP who is the one who goes to a judge or magistrate in order to have “a letter of request requesting assistance in obtaining such evidence as is specified in the letter of request”. So he is now doing that particular job.

We object to this provision, it should be deleted and if you want to give the DPP new functions, amend the Constitution. Why are we tampering with the office of the DPP? Why are we seeking to undermine the independence of the DPP? If the Government wants the DPP to perform a function, amend section 90 of the Constitution. Do not parachute a new role for the DPP into a Bill. That is not the role of the DPP, and if they want to amend the Constitution, come with a special majority.

It is the same thing that was done with the Supreme Court of Judicature Act; they brought rules of the Supreme Court into this Bill which is supposed to be determined by the Supreme Court Act. If they want to amend the Act, bring it here. Why are they making changes in this surreptitious way to undermine this independent institution? And you want us to support that? We object.

The DPP and Attorney General are two separate and distinct institutions under our Constitution and we do not think the Government should be playing hanky-panky with the office of the DPP. It goes on to say in section 33C:

“(2) Upon the grant of the letter of request under subsection (1)”...

Madam President, this is laughable, it is ludicrous, it is revolting. They have reduced the DPP to a letter box, to a postman. The DPP is not about posting letters, Madam President. The section says that the Director of Public Prosecutions goes to the judge and makes a request and the request is granted for assistance via a letter.

“Upon the grant of the letter of request under subsection (1), the Director of Public Prosecutions shall forward it to the Central Authority for transmission the Central Authority of the Commonwealth country or such similar authority of the non-commonwealth country as specified in the letter.”

Why do you want to reduce the DPP to this particular level? Why do you want to bring the DPP into a matter for which you have ultimate responsibility? The central authority is under the control of a politician called the Attorney General, and he is using illegitimate authority, an independent authority called the DPP in order to go to the High Court and the Magistrates’ Court to get things done for him.

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If we listen to the utterances—I am glad that my dear friend is back. [*The Attorney General goes to his seat*] The PNM would like to contaminate, undermine, and compromise all the independent institutions under our Constitution. [*Desk thumping*] We saw what the Prime Minister of this country did with the Commissioner of Police: He summoned him to Whitehall to issue his letter of appointment so he would know that it is the Prime Minister who appointed him, and he has to be loyal to him. That is the only reason he called Commissioner Snaggs to his office at Whitehall.

Madam President, everywhere it is seen; the Elections and Boundaries Commission, the Marlene Coudray matter with the SASC, these commissioners who have no integrity and who should all resign because they acted on the orders of the Prime Minister of the country. He could jump high, he could jump low, he cannot get away from it because it was at a press conference at Whitehall after a Cabinet meeting that the Prime Minister announced to the nation that Marlene Coudray will be transferred to Point Fortin even before she was aware of it. So it meant that the SASC acted in collusion with the local government's permanent secretary, who was acting on behalf of the Prime Minister of this country.

Madam President: The speaking time of the hon. Senator has expired.

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

Question put and agreed to.

Sen. W. Mark: Madam President, I simply wish to signal a warning that we must not allow this Senate to become a rubber stamp and be used to further undermine the fabric of our institutional arrangement in this country. I believe—from what I am seeing, unless I am convinced otherwise—that the office of the DPP is being compromised in this piece of legislation and the Government ought to delete this section, or we should bring the DPP before a parliamentary committee to let us know if he actually agreed to this matter.

I am not taking the word of any Minister on it. The DPP must come out publicly and tell the country that he is prepared to become a letter box, a postman, a mailman for the Government of Trinidad and Tobago because the central authority is the Attorney General of this country and you cannot go before a court for an application. That is why you have chosen the Director of Public Prosecutions instead. Why do you not withdraw this Bill?

Madam President, I go to section 33C, subsection (3) which says:

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

So you get the evidence and this section says it cannot be used without the consent of an authority—which is the central authority—for any purpose other than that specified.

It goes on further to say:

- “(4) When any evidence obtained pursuant to a letter of request is no longer required for that purpose, or for any other purpose for which such consent has been obtained, it shall be returned to an authority as is mentioned in subsection (2), unless that authority indicates that the evidence need not be returned.”

Madam President, what does this mean? It is saying that evidence obtained is no longer required for that purpose, yet it is saying where the authority shall return the said letter “unless that authority indicates that the evidence need not be returned.” Why? Is it an attempt now to manipulate and contaminate the process? Is it an attempt to sanitize it? What is the reason? We believe that the preservation of the integrity of the evidence is crucial, and given the fact that this section leaves it open—

Sen. Jeremie: Madam President, I thank the Senator for giving way. On a point of clarification, in relation to the functions of the DPP and the central authority—I know I might be late in making this point of clarification—the powers given to the DPP in relation to the Mutual Assistance in Criminal Matters (Amdt.) Bill which is before us, I wish to state that that contemplates a degree of cooperation between States.

As you know, the DPP has certain functions under the Constitution in respect of criminal proceedings in Trinidad and Tobago. When we are dealing with States, it is better to have an authority of the State, for example, the central authority which performs the function at present in the Attorney General’s Office which makes the request of the relevant authority in the United States which is established in the Office of the Attorney General as well.

So the Bill does not seek to deplete the powers of the DPP, it gives him powers which he does not have at present and all it does in relation to the central authority is to confirm its position which it now enjoys and has enjoyed from the time your regime was in office to—

Sen. W. Mark: You will get a chance to speak you know, so do not eat into my time.

Sen. Jeremie: Sorry, but it is on a point of clarification.

Sen. W. Mark: Yes, I understand your point.

Sen. Jeremie: So all that it does is to allow the central authority the power to liaise with its compatriots overseas.

Sen. W. Mark: You take a very long time to make your point I must admit, but I am happy with your clarification.

Madam President, all I am saying to my dear friend is that if power is to be amended or added to the office of the DPP, section 90 of the Constitution should be amended in order to embellish the powers of the DPP.

I would like to ask the hon. Minister of Foreign Affairs if he can explain to this Parliament what section 33E(8) means. It says:

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

Madam President, what kind of lawlessness is this Government seeking to promote in this country? Sen. Danny Montano is a legal man apart from accounting. I know he is good in law, although he has not reached the position of a qualified lawyer. I know he did the course. Tell me, Madam President, how can one entertain evidence in a court nominated by the Chief Justice in order to deal with a criminal matter on a mutual assistance basis, and that evidence is going to be entertained by the court, it is going to be admissible with no signature? So you are putting evidence in court and you are going to accept that evidence without any signature. It says without any “seal or due authorization”.

Mr. Attorney General, you spent 15 years at the Sir Hugh Wooding Institute at St. Augustine lecturing. I think you better withdraw—

Sen. Jeremie: It is not the Sir Hugh Wooding Institute; it is the Faculty of Law at the University of the West Indies.

3.30 p.m.

Sen. W. Mark: I think that I should do law and come to you. You would give me some good ideas. I would like the Minister of Foreign Affairs—if the Attorney

General fails to speak this afternoon apart from interrupting me—to explain this particular clause. How can you write that legislation for us to pass? We cannot pass that. You have to delete this or withdraw it.

The joke continues; the shoddy proceedings continue; the masquerade continues and the charade continues. This is either sloppy drafting or the Government of Trinidad and Tobago is prepared to promote lawlessness in the country and infringe the rights of citizens.

Clause 33F(1) says:

“Where evidence is received upon a request made under this Act and is certified by a Judge, Magistrate or court officer of the Commonwealth or non-commonwealth country, such evidence is admissible in any court in Trinidad and Tobago without proof of the due certification...”

A judge in England or America could certify a request but the evidence that he has certified is admissible without proof of the due certification. He certifies something in America, London or Canada and it comes to the court without due certification. You are telling me that you would admit that in a court to prosecute somebody. I am not a lawyer but that does not make sense to me. I think I will study law. Then Dana would be able to guide me. Madam President, do I have your indulgence?

Madam President: You have three more minutes.

Sen. W. Mark: I hope you took into account the five minutes that my colleague took from me.

I believe that the Rules Committee should be the agency responsible for dealing with these rules that are being considered. I do not think that we ought to have incorporated this particular clause in this legislation. The Rules Committee is under section 37 of the Supreme Court of Judicature Act and we believe that the Government of Trinidad and Tobago should have brought that particular piece of legislation to have it amended to reflect this new provision for them to do what they have to do.

If you look at 33H we move from criminal to civil. I do not understand what is going on here. It says:

“Section 33B applies also to a summons requiring a person charged with a civil offence to appear before a court-martial or to attend before such a court for the purpose of giving evidence in proceedings for such an offence.”

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I need some clarification. We are dealing with criminal proceedings and we go to civil offences. We need to get some clarification on why we go from criminal to civil. I would like to find out if the Law Association of this country was consulted on this measure. Was the Rules Committee consulted? The President appoints the members of the Rules Committee of the Supreme Court. Is the Chief Justice aware that this amendment is taking place today? Is the Bar Association aware of this particular measure? Is the DPP on record as supporting this measure? We do not know.

I have so much more to say. I think that we should amend the Standing Orders so that we can go for 90 minutes. I had to deal with the entire Third Schedule but I would not be allowed to do it. I thank you for allowing me to make these points. I would like the Minister of Foreign Affairs to clear the air on these matters. I serve notice that if you do not clear the air properly on these matters, do not count on the support of the Opposition on this Bill.

Thank you.

Sen. Dana Seetahal: Madam President, the Bill before us as has been explained by the hon. Minister of Foreign Affairs is to amend the Mutual Assistance in Criminal Matters Act, 1997. That Act was passed for the specific purpose of permitting states to assist each other by providing tracing service for searches and to share evidence from one country to another. It does not provide for the movement of a person which is what extradition is about.

If a person commits an offence in a country and comes to Trinidad and Tobago, that would have to be dealt with by extradition. We dealt with that last week. This is a supplemental to the extradition process. It moves evidence and permits assistance between states and that assistance is premised on bilateral treaties. In the case of the United States and Trinidad and Tobago there is such a treaty.

We have an extension of what that Act seeks to do. In section 28 of the original Act there was provision for the service of documents. There was no provision for the service of process and there appeared to be no provision for how evidence is to be taken. This Act is talking about if someone from Trinidad and Tobago can give evidence in the United States or the converse, instead of bringing that person to Trinidad and Tobago which costs money, time and effort, that person can give the evidence in the United States and it can be sent here through whatever authority there is. There is provision in the legislation for the evidence to be taken in conformity with the laws of both countries.

If a witness who has to give evidence in Trinidad and Tobago, he or she would go before a judicial authority in the United States, take the oath and give

that evidence. It would be recorded in more detail than here, in question and answer for the reason that we are not seeing that person. It may be formal evidence. That is not to say that in some cases we may not want to bring that person. If it is a murder case and the evidence is identification evidence, it would be critical and you need to cross-examine that person. If someone resides in Trinidad and Tobago he can give the evidence before a Magistrate's Court or a High Court judge under the Act, once the order is made for that and it can be sent across.

The first part of the Act that was criticized by the previous Senator dealt with the service of process. I propose to deal with that to a limited degree. Sections 33A and 33B talk about service of overseas process in Trinidad and Tobago. In the United States there must be someone whether defendant or witness who needs to know that he is required in the United States. Do you want an officer to come as it happens here, to get him? You send that information to the central authority and they would serve the person here.

In section 33B, if we in Trinidad and Tobago want someone here to give evidence, we would send that information and they would serve it for us. It is facilitation. The problem I have is to recognize that under sections 33A(3) and 33B(2), if the person who is served the summons does not obey it there is nothing you can do. We need to have an explanation for that. Is it that the Act is meant to provide information to persons that are wanted here? Is it meant as notification? If there is no enforcement of the process something is lacking.

With respect to the question of the DPP the second purpose of this Act is to allow mutual provision of evidence. Sen. Mark made many statements as to the DPP and whether he was a mailbox. If one were to read this Bill one would see that section 33C deals with the DPP wanting the evidence. If the DPP who is in charge of all criminal prosecution in this country wants evidence, it seems to me that it would be his duty to get up and go. It would be his duty to ask for that. How he does it is provided in the Act. He says to a judge or magistrate by way of letter that he wants to get his or her assistance in getting certain evidence. It is overseas evidence and I want you to give this request for assistance, so I can cause it to be sent by the central authority abroad and they can bring the evidence for me. It is nothing to do with a letter box. It is a recognition that the DPP is in charge of criminal prosecutions and he has to activate the process. There is nothing really wrong with this. I do not think that there is much in the contention of Sen. Mark that the DPP is losing any power. In fact, I agree with the Attorney General that it assists in his carrying out the functions.

I am not responding to Sen. Mark. It needs to be said since the Bill is innocuous. Much fuss was made about sections 33E and 33F. You would recall that Sen. Mark read provisions which stated that evidence taken or recorded, whether it was abroad or here shall be admissible without proof of signature, seal and authorization. He asked what kind of evidence was this? He referred to the admission of foreign evidence where you do not have to prove those things. This is a common provision in law. If we have to go through the trouble of asking the United States to get us that evidence and they have done it in compliance with the treaty and the Act, when it comes here we do not have to get somebody from there to come here to say this is his or her signature. That would be defeating the purpose of the Act.

What is the point of having a mutual assistance Act and a treaty which say you can stay in Trinidad and Tobago, have the evidence taken abroad and brought here and when it is here, you have to go through proof of signature and certification? You might as well pay tons of money to bring the witnesses here. That is nothing new. It is already in existence in the Indictable Offences (Preliminary Enquiry) Act, where when a magistrate certifies depositions you do not have to prove certification in the High Court. It is assumed that everything was done in the proper way. If a party to the proceedings says that it was not done, the onus would be on that party to prove that it was not done by showing something. That can happen. If we are going through the trouble of passing this law you do not have to defeat it by requiring further proof that everything was done right and tight.

The penultimate point is that the Rules Committee is included here. If you are going to a judge for him to agree with your request to take that evidence, there has to be some kind of process in place. Judges are not creatures of statutes like magistrates and rules for them are made by the Rules Committee. In the Third Schedule we can put how magistrates who are mere creatures of statutes should operate. I hope that clarifies the point.

For the benefit of Members there was a question of civil offence. Sen. Mark said that section 33H states:

“Section 33B applies also to summons requiring a person charged with a civil offence to appear before a court-martial or to attend before such a court for the purpose of giving evidence in proceedings for such an offence.”

In normal ordinary life there is nothing like a civil offence. That is a thought. The actual connotation of offence means criminal offence. When we talk about military speak, that is civil offences and military offences. Civil offence which is

defined in this amendment has the same meaning assigned to it under the Defence Act. Civil offences mean non military offences which would be criminal offences. There is no inconsistency there because it is clarified. I am sorry that I have to go through it like that. I feel as if I am doing a tutorial at law school. I think that this Bill is an extension of the Act and there is nothing much one can say. It is controversial. We need to get some explanation on why when someone is served a summons, he or she does not have to obey it. What is the impact of that?

Thank you.

Sen. Robin Montano: Madam President, I have often boasted with a great deal of pride that I am a democrat and a liberal. I believe fervently in the democratic process and liberalism. I believe in the freedom of the individual and I object strongly to any curtailment of individual freedoms from whatever source they might come. When I read this Bill I must confess that certain concerns arose in my mind.

When I began to read section 33A I was not happy with it until I came to subsection (3) which has been discussed by Sen. Mark and Sen. Seetahal. In the event that subsection (3) stays in, I do not have a problem with section 33A. I can see problems coming if that section is not there. If section 33B(2) were not in I would begin to have some problems. I have not had a chance to check on whether we are allowed to criticize foreign governments, so I would not criticize any directly. Generally speaking, I have made it plain that I object to dictatorships and thugs who rule certain countries as dictators, lock up people and throw away the key with absolutely no regard for law and order.

I now come to sections 33C and 33D. With the provision of 33B(2) and 33A(3) a person who is fleeing a dictator can continue to avoid any long reach of the dictator. Section 33C(1) states:

“On an application by the Director of Public Prosecutions, a Judge or Magistrate may issue a letter of request requesting assistance in obtaining such evidence as is specified in the letter of request for use in the investigation or prosecution of an offence.”

Let us take the situation where the particular dictatorship wants to lock up a journalist. The journalist's friend is in Trinidad and Tobago. If the offence is subversion where the journalist has reported on the dictatorial nature of the particular regime, the friend can find himself caught up because he or she knows about the journalist's activities. The friend can be brought before the court.

Section 33C(3) says:

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

Who is the authority? It is either the central authority who is the Attorney General of Trinidad and Tobago or the Commonwealth country or such similar authority. It could be without the consent of the similar authority in the dictatorship and used for any purpose other than that specified in the letter. Alarm bells should be ringing. Any evidence obtained here can ostensibly only be used for that. In a dictatorship they do not care too much. They are looking to do whatever they can. It would be propaganda time; lock-up time and throw away the key time. That is the name of the game in dictatorships. Here we can effectively assist a dictator in persecuting some poor soul in his country.

Section 33D(1) says:

“This section shall apply where the Central Authority receives... a request for assistance in obtaining evidence...”

(2) If the Central Authority is satisfied—

(a) that an offence under the law of the country in question has been committed...”

There is an offence under the law of the country because it says that it is subversion if I criticize a dictator. If I say that the particular dictator is a crook I can be brought before the firing squad in the morning. The central authority has to be satisfied because the poor chap has committed the offence. He has offended the dictator. He has called the dictator's wife a name. Proceedings in respect of that offence have been instituted in that country.

In the dictatorship proceedings have been commenced. Under this law that is being sought to be passed here, the central authority has no choice but to go head with the application from the dictatorship. It may make a request in writing to the Chief Justice who may nominate and direct a court in Trinidad and Tobago to take the evidence.

In the Third Schedule clause 1 states:

“The court shall have the same powers for securing the attendance of a witness for the purpose of the proceedings before it as it has for the purpose of other proceedings before it.”

Whereas before in the rather innocuous clauses—this is what Sen. Mark was referring to in his layman’s way. Section 33A, the protection which is given says

that it shall not impose any obligation on any person under the law of Trinidad and Tobago to comply with it, is out the window. The protection in section 33B goes out the window because now the court would have the same powers for securing the attendance of a witness for the purpose of the proceedings before it, as it has for the purpose of other proceedings before it. We heard what Sen. Seetahal said. All of a sudden you have a very good tool for a dictator to use the democratic courts of Trinidad and Tobago to lock up some poor soul.

In the Third Schedule clause 3(1) says:

“A person shall not be compelled to give, in the proceedings, any evidence which he could not be compelled to give—

(a) in criminal proceedings in Trinidad and Tobago;”

One protection a person has is against self-incrimination. A person can be locked up for contempt of court if he is summoned before a court and fails to give certain evidence.

I go back to the case of our mythical journalist who is being persecuted in the dictatorship. You have the ability of the friend in Trinidad and Tobago who has critical knowledge. I am using the journalist because it is a classic example because as we know there are many journalists in many countries in dictatorships around the world who have been locked up with the key thrown away. Their only offence has been to make the information available to the Internet. It is a crime in the dictatorship.

I am a friend of the particular journalist and I know that he or she has been doing this. I am hauled before a court in Trinidad and Tobago and faced with contempt proceedings if I do not effectively hang my friend. That cannot be right. I have no quarrel in this 21st century that is a dangerous place with terrorism. We have seen the Bali bombing; the proceedings on September 11 and what took place in Madrid, Spain. We know what is going on. All governments and freedom loving people need to be protected against terrorism. I have no quarrel with that, but at the same time we must not throw out the proverbial baby with the proverbial bath water. We must be sensitive.

I have a real concern. My worry is that if this Bill is passed it can be used to the detriment of democracy and freedom loving people.

Section 33G(2) talks about the Rules Committee. I understood well and I am tempted to agree with everything Sen. Seetahal said.

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“Rules made for the purpose of this Part may, in particular, make provision with respect to the persons entitled to appear or take part in the proceedings to which this Part applies for excluding the public from any such proceedings.”

The next thing that can happen with legislation such as this, the dictator has made a request to get evidence from a person that cannot be cross-examined. The poor soul in the dictatorship would not have the benefit of eliciting other evidence because he would not have the money for a lawyer to come to ensure that his interests are looked after. The dictator may make a request to exclude the public. We would not know what happened. The poor soul might give evidence and he may have a friend who can do something. The evidence does not come out here and goes to the dictatorship. We know that dictatorships play fast and loose with the evidence. They can do what they want with the evidence and next thing is that it would come out in a totally twisted way.

Why should there be a provision in this Bill for matters to be held in camera when there are laws in this country relating to in-camera proceedings? If the laws of this country are to apply, we can understand. There can be a situation where a person is wanted as a witness for the purpose of locking up a journalist. The person has the evidence but does not have money to get a high priced lawyer to defend him and Legal Aid would not defend him because he is not a citizen of Trinidad and Tobago. The person would go into court making all kinds of admissions which he ought not to make, damning his friend without understanding he is doing that for the benefit of the dictator. It cannot be right.

I am a democrat and a liberal. I have said often that I may not agree with the politics of a particular person, but I defend to the death his or her right to say it and hold a view. I may not agree with the religion of a particular person, but I will defend to the death his or her right to follow that religion all the way up the mountain. Nobody can turn around at the end of the day and say that I have a lock on the “Right”. We must respect one another and assume that people hold their views honestly until the contrary is proven. We must allow for such differences. We must not give tools to dictators.

Let me show again how this can be used without appearing to criticize a country that is not a dictatorship, that is to say the United States of America. We know that certain persons are being held prisoner without trial in Guantanamo Bay for about more or less than two years since say the Afghan war. There is serious concern among liberal minded people in the United States and outside concerning the civil and human rights of those people held there. What if a person

in Trinidad has certain knowledge of the activities of one of those souls held in Guantanamo Bay? I am moving from dictatorships to democracies and I am showing how dangerous it can be. The United States wants to cross-examine one person concerning the activities of one of those people there. The whole idea of our justice system is and has always been that of all democratic countries. The principle is that it is better for 10 guilty men to go free than one innocent man to hang.

What would happen if the United States wants “X” to give certain evidence because they want to bring charges against “Y” whom they are holding in Guantanamo Bay, but they have been unable to do it for the last two years and they need this person? “X” is now forced to come to court under the provisions of this Bill we are looking to pass. The chap in Guantanamo Bay probably has no knowledge of what is going on. He would be unable to get a lawyer and even if he knew about it, it is highly unlikely that he would get a lawyer to represent him. “X” has no ability to hire a lawyer and in any case he does not think that what he is going to say is important. It would be to his horror that he would learn six months later that he gave certain evidence which have not had the benefit of cross-examination. You now have the real possibility of evidence being given against somebody in Guantanamo Bay, when that somebody in Guantanamo Bay does not have the ability to defend himself or cross-examine. It cannot be right. It is not that one is trying to protect terrorists or that one is not trying to deal with criminals. Who can be against locking up drug lords. My cousin was killed by a drug lord and murdered by a policeman. The contract came from a drug lord; two of them as a matter of fact, a Trinidadian and an Englishman. Who can be against a drug lord? Not me! Definitely not me! As far as I am concerned they are filth and vermin. If I ever got a chance I would lock them up and throw away the key. Hang them high as far as I am concerned. At the end of the day, they must be given due process.

Regardless of how strongly we might feel about a particular subject, be it drug lords, money laundering or terrorism—subjects that I feel strongly about—we have to be careful. We must not infringe upon the liberties of the subject and do things that can create serious injustices to people. Citizens of the world must be given the right and benefit of being able to defend themselves. It cannot be right even though I happen to agree with the United States and its war against terror, let me make that clear, it cannot be right to lock up these people in Guantanamo Bay for two years without trial. I do not want to go further because I have not had time to check the rule on whether or not I can criticize foreign governments. I am assuming that the rule is enforced and it is a valid one. What I have said should

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not be taken as criticism of the United States, but a defence of the principle which has to be that we must not give the state—whether it is the State of Trinidad and Tobago or the Lower Slobovia—such weapons in its arsenal that can effectively trample upon the right of the individual to life, liberty and the pursuit of happiness.

In these circumstances, like my colleague, Sen. Mark, I find it very difficult to lend support to a Bill which I should be able to support. I find it difficult to give support to a Bill which I would like to support, but I am afraid because I see that the damage it can do is much greater than the good which it is being sought to defend. I cannot support this Bill in its present form.

Thank you.

Sen. Brother Noble Khan: Madam President, thank you for allowing me a few moments on the Bill before us. In my humble mind there are many questions which I look forward to having some form of elucidation in the areas of my disquietude. I am sure that we would agree that our able Minister of Foreign Affairs has presented this Bill in a very statesmanlike way. As I said before, some things arise in my mind because of my premise being a layman and they may not be correct. I hope to have some correction or answer to what I would be raising.

We remember that freedom has formed the basis for the founding of our nation. To this end we would say that freedom of religion, expression, the person and a host of other freedoms have been around with us for some time. We could think about rights. My mind goes back to Thomas Payne and the rights of man. One would realize that these have important implications for us as the nation develops. If we could recall what the founder of our nation said, that a people have been freed and a nation is to be found. This is my interpretation of what he said and these are very sacred words which should guide us.

In nation building and the dynamic times that we are in, the question of relating with other nations form a very important aspect of that. We have heard about the Caribbean Basin, NAFTA and other forms of alliances that although they may have implications for trade, they have implications for law and assistance. We can see some of these original rights are being eroded or corroded as we come together. The United Kingdom experience has shown us where desperate nations came together in one community; the individual law has taken away some of the rights of citizens and are now being superceded by the total group. To some extent we could expect this new phase of our development or growth.

Freedom has been held to be sacred. To this extent, I would like to know what would happen if someone from a big powerful country and even from our small

country claimed that a crime in the political area in dealing with injustices has been committed and they were to make up a case in that country and seek to have a person from our country or the other country brought before it. Sen. Robin Montano had spoken about some elements of what I am trying to say. To what extent would this Bill allow the extradition of that person from our land to the next country? The question of terrorism and security risk that is taking place in our country and worldwide can be nebulous, particularly when it comes to a foreign country perceiving it in another country, or assuming that this exists in another country by the utterances of people who may be in that country.

With the founding of the United States of America, we think of the rights of man and those great pioneers such as Thomas Payne and the impression that these rights have left on a great French nation. As we have discipline, tolerance and production, I think that they had a three-word expression, liberty, fraternity and equality. To some extent some may claim that these very noble ideals have been subverted even in the country that has used the terms to guide it, when one views what is taking place. Of course they are now dealing with value systems that impact. Questions of doubt could arise in our minds.

If we were to reverse the situation, what would be the situation in Trinidad and Tobago seeking to make a law to the extent that this might be used against people in our land? I am scary with respect to the rights of a person, arrests, warrants and legal things in relation to what may be perceived to be a transgression of the law. We have a history and I dare say that very often when people at the lower end are interfacing with the police or the forces of law and order, the rights of persons are always compromised.

Sen. Mark demonstrated that in the incident that took place a few days ago in Morvant. As a young person I had seen incidents not as gruesome as that, but where the rights of persons were held in question. That feeling is not completely eliminated from me. It may still have left some part in my seminal self that when you interact in the areas of the state machinery that the question of justice or fair play is very questionable. If you take this as a constant you would find that when powerful nations interact with smaller ones particularly with what is taking place on the international scene, the extent to which our law would allow some element of protection for persons in addressing charges that have political implications. Do we have protection in our law for that or does it open a door for the use of these types of mechanism to extradite people; put them in a negative position or leave them to the whims and fancies of bigger nations?

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This bothers me and I would like to have some comfort that this does not. I have no problem if the rights of people are being compromised or changed but go through the process that the law provides for. That is where percentages of voting would arise. This is my great concern with respect to these types of laws where they impact on people. One could understand the criminality of it such as murders, rapes, money laundering and drugs.

There are areas when you are dealing with the human mind where attempts are being made to capture and direct it in a way that some people would like. There are people in the world and one could think of the revered and hon. Nelson Mandela as one person who has transcended that and has been a great leader to us. We can go back to Toussaint L'Overture, Boliva, Washington and even our founding father and those who preceded him that forged our nation. We should cherish these things. We have been the inheritors of these and if we make laws that impact in a negative way we should be cautious. I would not be supportive of anything like that.

Thank you and may God bless us.

Sen. Walton James: Madam President, I rise in support of the Bill as it seeks to enhance the Mutual Assistance in Criminal Matters Act, 1997. My support is now conditional to some extent on the answers we get with regard to the various areas we have questioned. I am not a lawyer, so I do not intend to get into the drafting of the amendments. I have some concern about section 33(3) and I would like to get some explanation.

Outside of the Bill and looking at the Act there are two areas in which I believe there are some errors. I am not sure if this is the procedure to raise them at this time or how these things are done. There are two errors in the Act which are not raised in this Bill.

Madam President: I am not hearing you.

Sen. W. James: I am happy to see that we are moving ahead enacting laws and making amendments as necessary to keep up with the requirements of the day. Crime and criminal acts continue to become more sophisticated and as the world becomes more of a global village, the perpetrators, evidence and ill-gained profits transcend boundaries of countries. Witnesses may be difficult to locate to extract evidence from them.

The cooperation of the international community becomes absolutely necessary if many of these serious crimes committed today are to be solved. In this context,

I hope that the Minister of Foreign Affairs would wish to advise how well the system is functioning, not only in terms of our responses to request from the Commonwealth or non-commonwealth countries, but also their willingness and promptness in responding to our request.

The two items I had referred to were firstly, section 31 in the Act where it refers to the central authority of a Commonwealth country transmitting a certificate to the Trinidad and Tobago central authority but capital letters are used for both central authorities. I think that the first one should have been in common letters. The other item refers to section 37 where they refer to section 10, that any person who escapes from lawful custody while in Trinidad and Tobago pursuant to section 10—If you look at section 10 there is no reference to anyone being kept in custody. It appears that it should have read section 12.

These are two areas which I would like to point out. I reiterate my support for the Bill subject to the responses to the questions which have been raised.

Thank you.

Madam President: Before we take the tea break, let me take this opportunity to congratulate the Senator on his maiden contribution.

Hon. Members, we would now suspend for tea. We would return at 5.10 p.m.

4.25p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Madam President: Are there any other speakers?

[*Pause*]

Madam President: Minister, would you please?

The Minister of Foreign Affairs (Sen. The Hon. Knowlson Gift): Madam President, the Bill before us this afternoon is in response to our international obligations and to our own domestic requirements with respect, primarily, to the prosecution of criminal wrongs. It is in response to the fact that the world is, indeed, fast becoming a global village so that crimes must not be allowed to escape by a simple change of address.

The Harare Scheme on mutual assistance in criminal matters—up to 1986—imposes certain obligations on governments such as ours. In this regard, we must cooperate in respect of the gathering of evidence in criminal matters.

Our domestic concerns have been driven by experience over the past few years. We have discovered that the Act of 1997 contains certain discrepancies or

Mutual Assistance (Amdt.) Bill
[SEN. THE HON. K. GIFT]

Tuesday, April 06, 2004

deficiencies. In particular, we have discovered that after having obtained statements from banks and compliance offers and affidavits, those statements could only be made admissible under the existing law by *viva voce*. *Viva voce* evidence is oral evidence by the person involved. So admissibly, the foreign evidence and the rendering of such evidence according to 33F imposes on us that necessity to have *viva voce* evidence supplied as the case requires. So, this amendment no longer provides for having that requirement according to the submission.

Sen. Seetahal raised the question that when documents were served there was no obligation under 33A(3) and 33B(2), respectively, dealing with overseas; United Kingdom to Trinidad and Tobago; and local: Trinidad and Tobago to the United Kingdom. The legal obligation dictates that a document issued by a foreign jurisdiction cannot impose a legal obligation on the person in Trinidad and Tobago. So the provisions as identified earlier would take care of that situation.

Sen. R. Montano raised the question of the provisions falling short in the sense that he referred to so many instances of dictators and, more graphically, the Guantanamo Bay situation. Indeed, the situation as he describes it is taken care of in section 33B(2). In addition to that, Madam President, Sen. R. Montano also raised the question of 33E(5), but this section, in fact, does provide for cross-examination as far as the provisions in that particular clause go.

Sen. James raised two or three issues regarding what you might call editorial “rendering” of central authority and, again, the question of the particular section dealing with the central authority. What we need to ensure is that we correct the errata in the context of the central authority, which have been listed in capital letters, and where the opposite applies it would be written in common letters.

Sen. James also referred to section 37(5)(10); this is another erratum; it should be clause 12. Madam President, with these amendments and corrections, I believe we should see this Bill meeting the requirements of the questions raised.

I want to take some time, however, to address the question raised by Sen. Bro. Khan. He wondered—given the state of affairs, whether big powers could lean heavily, as it were, on smaller countries—whether we, as a government, would have the capacity to withstand those pressures. I must say that there is really no need to be fearful of that because as you know, Trinidad and Tobago, under this administration, is a practising democracy. We believe in the sovereign independence of states, the right of self-determination, et cetera.

In fact, in more recent times we have seen the actions taken by the Ministry of Foreign Affairs, in ensuring that two of our citizens, who were summarily detained at two airports in the United States—immediately the Ministry of Foreign Affairs got wind of the incidents, we got into the act and actually responded to the demands of the case. In fact, what was facing those two pilots, although they may not have realized it at the time, was Guantanamo. So, indeed, once you were suspected of terrorism that could be your likely destination. The way the Ministry of Foreign Affairs and the Government handled it leaves no doubt that we are ready, willing, able and equipped to do what we have to do in defence of our citizens. [*Desk thumping*]

Madam President, we, in the Ministry of Foreign Affairs, were quite troubled when we saw the “People meter question” which asked whether the Government of Trinidad and Tobago had taken this matter to its logical conclusion. We were surprised to see that as high as 13 per cent of the callers said we were wrong. I had to ask where is the national pride and dignity of the 13 percenters who objected to the way we were handling that situation? But, indeed, we had to defend the flag; we had to defend the dignity and sovereignty of the country, and I am sure we did that without fear.

Sen. Mark: Madam President, may I ask a question? Could the hon. Minister bring the Senate up to date on what has happened with the enquiries concerning the two fishermen who were murdered on the high seas? Is there any update on that as it relates to Venezuela, as we seek to maintain our dignity and sovereignty as a society?

Sen. The Hon. K. Gift: Madam President, that is an entirely different question that does not fit into the afternoon’s deliberations so I would prefer if it were left to the right Minister and to the right time.

Madam President, I beg to move that the Bill to amend the Mutual Assistance in Criminal Matters Act be now read a second time.

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 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Mark: Madam Chairman, may I seek a clarification? I raised the issue of “process” that it should be properly placed in clause 4. In the definition when you talked about “process”, I saw in 33B(4) that:

“...‘process’ includes a summons, order, subpoena or other similar document...”

Nowhere in the parent Act or in this particular amendment is there a clear definition of “process”. I wonder if we would not want to assign “process” in its correct place, that is the interpretation section.

Sen. Jeremie: Normally, there is no special meaning which requires a definition. Under 33A(4), process of the document would be those served in Trinidad and Tobago, so that it will be a process in Trinidad and Tobago relating to legal process in Trinidad and Tobago. There is no special meaning which requires a definition section.

Sen. Seetahal: Madam Chairman, to add to that, seeing that as is 33B(4), it is only in 33B it is referred to at all, that is why it is put there. If it had been referred to somewhere else in the Act then it would have made sense putting it in the interpretation section. But if you have a word used only in one place in an Act, then it is not unusual to put the definition in that section. It says:

“For the purposes of this section...”

Sen. Mark: Madam Chairman, but in the parent Act reference is also made to “process”, and I am saying that nowhere in the parent Act is there a definition of it. Now, we have it appearing in the amendment and yet there is no kind of interpretation.

Sen. Jeremie: Madam Chairman, we do not think it requires a definition.

Sen. Mark: You do not think so?

Sen. Jeremie: No.

Sen. Mark: I beg to disagree, but I would not argue at this time, I have some very solid points later.

Sen. Jeremie: Okay.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

New clause 5A.

Sen. Gift: Madam Chairman, I propose to add a new clause 5 which reads as follows:

The Act is amended in section 31 by deleting the words “Central Authority” in upper case and substituting the words “central authority” in lower case.

[Interruption]

Madam Chairman: Could you read the amendment again? Would Senators please listen?

Sen. Gift: The proposed amendment is as follows:

The Act is amended in section 31 by deleting the words “Central Authority” in upper case and substituting the words “central authority” in lower case.

Sen. Seetahal: Which “central authority”, Minister? *[Crosstalk]* There are two “central authority” so it has to be one of them and I think you mean the first one.

Madam Chairman: Can I have one person speaking, please? Minister, are you saying that you are putting that in under clause 5?

Sen. Gift: 5A, Madam Chairman.

Madam Chairman: I am a bit confused as to where it is going. *[Discussion]*

Sen. Seetahal: The “central authority” in the first line would be lower case. *[Discussion]*

Madam Chairman: I am not clear on where you want it to go because we have passed clause 5. Are we going back to clause 5?

Sen. Jeremie: This is clause 5A. It is a new clause.

Madam Chairman: Senators, the Minister is asking that we insert a clause 5A. Would you read it again, Minister?

Sen. Gift: New clause 5A reads as follows:

The Act is amended in section 31(1)(a) by deleting the words “Central Authority” in upper case in the first line and substituting the words “central authority” in the lower case.

New clause 5A read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 5A added to the Bill.

Clause 6.

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

Sen. R. Montano: Madam Chairman, clause 6 includes 33A, 33B, 33C—

Madam Chairman: All of that?

Sen. Seetahal: So we just need to check before we—

Madam Chairman: Sen. Seetahal, you have your light on, did you want to say something?

Sen. Seetahal: Madam Chairman, seeing that there are many sections we may just need to go—

Sen. R. Montano: Madam Chairman, I think we should go through it: 33A, 33B—

Madam Chairman: Okay, we can do that. Let us go through it section by section. Are there any amendments to 33A.(1)? 3A.(2)? 33A.(3)? 33A.(4)? 33A.(5)? 33B.(1)? 33B.(2)? 33B.(3)? 33B.(4)? 33C.(1)?

Sen. R. Montano: Madam Chairman, as far as I am concerned, I would like to have the deletion of the entire section 33C.(1), (2), (3), (4) and (5) for all of the reasons I have given in my substantive contribution.

Sen. Jeremie: Madam Chairman, we do not agree.

Madam Chairman: Are there any other suggestions? [*Interruption*] We would vote on the whole clause at the end; we are just going through it in parts so that Senators could make their suggestions.

Sen. Gift: 33C.(3) of the Act is amended by deleting the words “an authority as is mentioned in subsection (2),” and substituting the words “the central authority of the Commonwealth country or such similar authority of the non-commonwealth country.”

Sen. R. Montano: Madam Chairman, that is saying nothing, that is leaving it just as it is. The old intention of the clause remains identical to what it is. You have changed nothing! Why are you changing that?

Sen. Jeremie: To make it clear that it is the intent of the clause, because the central authority was referred to in 33C.(2) in two ways, in an upper case and in a lower case and there might have been confusion. So we thought that would make it clearer.

Madam Chairman: Can you read that sentence again, please?

Sen. Gift: Okay. We are deleting the words:

“An authority as is mentioned in subsection (2) and substituting the words ‘The central authority of the Commonwealth country or such similar authority of the non-commonwealth country.’”

Sen. R. Montano: So you are not dealing with the concerns I have raised at all? [*Discussion*]

Madam Chairman: Minister, Sen. Montano is asking a question.

Sen. Gift: Give me one second, Madam Chairman. This suggestion, Madam Chairman, places the decision in the foreign central authority and not in the domestic authority.

Madam Chairman: Okay.

Sen. R. Montano: That is the objection I had in the first place.

Sen. Seetahal: If I may say, it has to be like that, because when you look at 33C, it deals with overseas evidence for use in Trinidad and Tobago. I think there appears to be some confusion. Section 33B deals with Trinidad and Tobago evidence for use overseas, so if you are talking about somebody from abroad—overseas evidence, bring it here—it must be the foreign party’s decision that they are going to bring here because they are facilitating us.

Sen. Jeremie: Exactly.

Sen. Gift: That is what is intended.

Sen. Jeremie: It is mutual assistance.

Sen. Mark: Madam Chairman, I would like some clarification on the role of the DPP in this matter.

Madam Chairman: Let me just put this amendment. Is there anything else on the amendment?

Sen. Seetahal: Madam Chairman, should we put the question now or when we have finished the whole clause?

Madam Chairman: That is what we were just wondering.

Sen. Seetahal: It is not a separate clause.

Madam Chairman: Okay. I will have to come back to each amendment. [Discussion] We may end up leaving out an amendment or forgetting it so let me put the amendment now and we will move on with that clause and come back to it.

Sen. R. Montano: The point I was making was that—

Sen. Jeremie: We understood the point but we did not accept it.

Sen. R. Montano: Okay, fine. Well, then I am voting against it. The point here is that this is a serious infraction of an individual's right that is going down.

Madam Chairman: Hon. Senators, let me put the question on the amendment and then we would move on with that clause. The amendment is that we:

Remove the words “an authority as is mentioned in subsection (2),” and substitute “The central authority of the Commonwealth country or some similar authority of the non-commonwealth country”.

Do I have the words right?

Sen. Gift: Yes.

Sen. Seetahal: “such”

Madam Chairman: “...or such similar authority of the non-commonwealth country.”

Sen. Seetahal: That is lower case “central authority”, right?

Sen. Jeremie: Yes, it is lower case “central authority”.

Question, on amendment, put and agreed to.

Madam Chairman: Let us move on now to 33C.(4), 33C.(5). 33D—

Sen. R. Montano: Madam Chairman, as I said in my contribution, I am objecting to this clause for all the reasons that I said there.

Madam Chairman: To 33D?

Sen. R. Montano: 33D in its entirety.

Madam Chairman: Anybody else to 33D? 33D.(1), 33D.(2), 33D.(3), 33D.(4)?

5.40 p.m.

Sen. Seetahal: Coming back to the original point, if we are looking at 33D(3), I think there was an issue just now that you want to include the whole thing—“the Central Authority of the Commonwealth” or, “such other authority”. Do you see what I am talking about? “...a certificate issued by such authority...”. The last time the words “an authority” were replaced with the whole business, so for consistency do you want—it is just a question of consistency—to say the same central authority or do you—

Sen. Jeremie: It is our central authority.

Sen. Seetahal: I know. I am just making sure. Do you want to say “central authority”? So it will be “such authority will be such Central Authority”?

Sen. Jeremie: No. We use that in the case of foreign territories in which you might not have a central authority. It might be a central authority or such other authority, but in our case, and this would be 33D, Trinidad and Tobago evidence for use overseas.

Sen. Seetahal: I understand. I was just saying 33D(3) “For the purpose of satisfying...the Central Authority shall regard as conclusive a certificate issued by such authority in the country in question...”. All that I am saying is that “authority” includes both the authority in the Commonwealth and the non-commonwealth country and previously you had included both of them. Do you want to include both of them specifically just like you did in the previous one?

Sen. Jeremie: Thank you. That is a very good point. We will make the amendment.

Sen.. Gift: We will pick it up from “the Central Authority” or “such similar authority of a non-commonwealth country”.

Question, on amendment, put and agreed to.

Madam Chairman: Let us move on now to 33D(4), 33E, (1), (2), (3), (4), (5), (6), (7), (8).

Sen. Mark: I did, in fact, raise some strong objections to this section and I have not received any clarification from the hon. Minister whatsoever. There is no authentication on this.

Sen.. Gift: Madam Chairman, I think this response should satisfy the hon. Senator. Subsections (6) and (7) say:

- “(6) The evidence shall be endorsed with, or accompanied by, a certificate to the effect that it is an accurate record of the evidence given and it was taken in a manner specified by the laws of the Commonwealth or non-commonwealth country.
- (7) The certificate shall be signed or certified by a Judge, Magistrate or court officer of the Commonwealth or non-commonwealth country to which the request was made.”

Sen. Mark: Therefore, subsection (8) is redundant. We could delete it. If you are saying that subsections (6) and (7) are being certified, why is subsection (8) there?

Sen. Jeremie: Under the laws of evidence for admissibility purposes we need subsection (8).

Sen. Seetahal: If you did not have it, you would have to go through [*Inaudible*] but you do not want to go through that because it would defeat the whole purpose of the Act, which is to have the person give evidence abroad and then the documents be transmitted. How would you prove that if the person did not come here and say that is my signature? That is why it is needed.

Sen. Jeremie: The problem we have now is, after the evidence is given, we have to actually get these persons to come to Trinidad and Tobago and say: “Yes, these are the records of my bank”, and so forth. We are just trying to get away from that without abridging the rights of the individual.

Sen. Mark: Madam Chairman, I saw where the Government has asked us to delete sections 28 and 29 of the Evidence Act, which is not permissible. The very point the Attorney General was making—people having the right and so forth to examine documents—is prohibited.

Sen. Jeremie: I am saying the new procedures are meant to bring about a measure of efficiency without abridging people’s rights.

Sen. Mark: How can one bring about efficiency without abridging rights when you are saying—

Sen. Jeremie: It is now commonly accepted.

Sen. Mark: Madam Chairman, I will deal with that point later on.

Madam Chairman: Section 33F(1).

Sen. Mark: Is that the same explanation you are offering for clause 33F, too?

Madam Chairman: 33F(2), 33G.

Sen. Mark: Madam Chairman, the Rules Committee may make rules of court because it is necessary or expedient. If we are giving the power to the Supreme Court to make rules by this Act, I would like to suggest that all these rules made by the Rules Committee should be the subject of affirmative resolution of the Parliament. Here we are giving the Supreme Court the power to make rules consistent with this Act and the power to ensure that those rules are not arbitrary. I am not saying for a moment that the court would make any arbitrary rules, but I am saying that if we are giving them power, we should supervise the power at the same time. I am suggesting to the hon. Minister that there should be a provision consistent with the delegation of this authority to make rules to ensure that there is fairness; that these rules be taken back to the Parliament and be subject to affirmative resolution of the Parliament.

Madam Chairman: Mr. Attorney General?

Sen. Jeremie: This is a power that is given to the Rules Committee and, I think, to nine out of 10 pieces of legislation. It is not unusual and if you read the section it says that the Rules Committee may make rules of court that it considers necessary—so that rules may never be made. They have power to make rules if the rules are considered necessary or expedient to give effect to the purposes of the Act.

Sen. Mark: But these rules are not tabled in the Parliament when they make rules—the Supreme Court?

Sen. Jeremie: Never. Not that I can think of, off the top of my head.

Sen. Mark: Madam Chairman, if we are giving them the power to make rules—whether they make them or not—whenever they make them, seeing that they are getting the power from this piece of legislation, which we are asked to pass, we are simply saying that in the same way we are giving them the power to make rules, we should have the power as a Parliament to ensure that when they make rules, that those rules are fair.

Sen. Jeremie: Sen. Mark, do you know that the Rules Committee has power to make rules even in respect of the election of persons to the House of Representatives?

Sen. Mark: Yes.

Sen. Jeremie: So that is not a power that is subject to the sanction of the Parliament.

Sen. Mark: Even if that used to be like that, Attorney General, we are saying we are living in a modern era where we are talking about accountability and transparency and we are saying that the Supreme Court is not God. It is not above error. We are saying that we want to give them power to make rules and we are also saying that as a Parliament we should have the power to supervise those rules as well by bringing them here and having them confirmed. What is wrong with that?

Sen. Seetahal: What are the rules about? The Rules Committee is just making rules as to how the High Court functions in dealing with a request. The rules of court deal with how the High Court is going to function in agreeing to the request of the DPP under section 33(3) and all of that. That is what the Rules Committee is doing. If the Rules Committee cannot make rules about how the High Court functions, what else? It is not the High Court that is making these rules. It is a committee headed by the Chief Justice, comprising lawyers and so on, who would be making the rules in the normal course of things for the function of the court. Just like the board of the National Insurance Scheme makes rules for the benefits, et cetera. I really do not see the necessity for it to come back.

Sen. Mark: All I am arguing is if they make rules they should table those rules in the Parliament, so that Parliament—

Sen. Jeremie: With the procedural rules, we never do any work in Parliament.

Madam Chairman: Nothing else on 33G. We move on to 33H.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Sen. Seetahal: I thought we were going to have an amendment to clause 7 raised by my colleague.

Sen. Gift: Madam Chairman, we are saying that the Act is amended in section 37 by deleting the word “ten” and substituting the word “twelve”.

Madam Chairman: Hon. Senators, there is an addition of a 7A to the Bill. That would read:

The Act is amended in section 37 by deleting the word “ten” and substituting the word “twelve”.

This is a new clause.

Sen. Mark: Last week the Government parachuted an amendment last minute. On reflection, I should have opposed this retroactivity. Now we are seeing where they have failed to circulate us with any amendments and we are only speeding up without any explanations. I am not being trapped as I was last week. So just explain to us thoroughly what section 10 is.

Madam Chairman: Not section 10.

Sen. Mark: Yes, they are talking about it here.

Madam Chairman: Section 37.

Sen. Mark: No. "Any person who escapes from lawful custody while in Trinidad and Tobago pursuant to a request under section 10..."

Madam Chairman: Where are you reading? I do not know.

Sen. Mark: Is this not section 37 we are referring to? I have to look at section 10. [*Interruption*] I am not being hustled by anybody.

Madam Chairman: Take your time.

Sen. Gift: In other words, Madam Chairman, 12 deals with the escape of prisoners and not 10, so that we were simply harmonizing what is right and what should apply in section 12.

Sen. Seetahal: Sen. Mark may not know that Sen. James raised it in his contribution. He had gone through the whole parent Act and picked up those typos and pointed out that it must have been section 12 they meant because section 10 does not deal with anybody in custody.

Sen. Jeremie: If it helps to gain credibility, the amendment came from Sen. James, not from the Government.

Sen. Mark: It does not matter. I maintain objectivity.

Madam Chairman: Are you okay now, Sen. Mark?

Sen. Mark: I will allow the amendment of Sen. James at this time.

Question put and agreed to.

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

Clause 8.

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

Sen. Seetahal: The Third Schedule is part of clause 8 and there is an error there. There is no 33D. [*Interruption*] The Third Schedule is part of the stores. It is not a separate part. The amendment has to be made now. I am saying under the words “Third Schedule”, it should be 33D(4).

Sen. Mark: Are we now on the schedule, Ma’am?

Madam Chairman: We are on clause 8, which includes the Schedule.

Sen. Mark: May I ask under section 4 of this Schedule—again I raise objection on the role of the Director of Public Prosecutions (DPP) in this matter and you are seeing it very clearly now. Number 4(1) under the Third Schedule you will see, for instance, where there is a letter box role for the DPP in this matter. I just want to re-emphasize my objection to this role they have given to the DPP. I also want to draw to your attention No. 5 of the Schedule. I do not understand why the Government in trying to maintain justice would want to deny people justice. If somebody is charged or there is assistance needed as it relates to some criminal activity—money laundering as an example—they are saying that under the Evidence Act, for the avoidance of doubt, sections 29 and 30 shall not apply to these proceedings. Section 30 of the Evidence Act says:

“On the application of any party to a legal proceeding a court or judge may order that the party may be at liberty to inspect and take copies of any entries in a banker’s book for any of the purposes of the proceedings.”

In other words, if for instance, someone is charged for X or Y—the evidence is showing—the Government is saying that under this Act the individual who is accused would not have access to section 30 of the Evidence Act because they are excluding both sections 29 and 30. I am trying to understand why they have chosen to delete these two specific sections.

Sen. Gift: Madam Chairman, this is really the norm that applies in the traditional mutual assistance treaties and obligations between States so that I am a bit put off by the comment made by Sen. Mark.

Sen. Mark: So because it is a norm we just have to go along, even if it violates the rights of our citizens here?

Sen. Jeremie: It is not violating our rights.

Sen. Gift: We on this side do not see it as violating the rights.

Sen. Mark: No. You are the Government and you would never see that. We are the Opposition and we look after the rights of the people. You want to abrogate those rights. We are here to defend those rights.

Madam Chairman, I see no justification for this. All I am hearing is that that is the norm. Everything is the norm.

Sen. Jeremie: Madam Chairman, it is in keeping with the whole thrust in mutual assistance treaties. Under sections 29 and 30, we would actually have to bring the individual from the UK or from the Cayman and so forth. So it is in keeping with the Harare declaration and the Vancouver Commonwealth Heads declaration.

Sen. Mark: These are things that they agreed to at Harare, Vancouver and so on.

Sen. Jeremie: We do not see it as violation of the rights of the citizens. That is our position.

Sen. Mark: I disagree with it, but Madam Chairman, we will go along with it. May I also find out from Sen. Seetahal who also seems to be speaking much on this.

Sen. Dana Seetahal, would you tell us, if you are defending somebody in court, shall no order for cost be made in the proceedings. I want to get your views on this matter.

Sen. Seetahal: In general and criminal matters we do not get costs.

Sen. Mark: Only in civil matters?

Sen. Seetahal: Yes.

Sen. Mark: Oh, I see. I did not know that.

Question put and agreed to.

Clause 8, 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): I beg to move that the Senate do now adjourn to Tuesday, April 20, 2004 at 1.30 p.m.

Adjournment
[SEN. THE HON. DR. L. SAITH]

Tuesday, April 06, 2004

At this time, under the order of Government Business, we would do a motion on the Order Paper. The second item would be the continuation of the debate on the Trinidad and Tobago Postal Corporation (Amdt.) Bill, followed by the Regional Health Authorities (Amdt.) Bill and the Metrology Bill. That would be the order of proceedings.

Easter Greetings

Madam President: Senators, before I put the adjournment, let me take this opportunity to wish every one of you a very happy, holy and safe Easter. Please be very careful on the roads and on the beaches and come back here refreshed and rested and ready to pursue your duties.

Sen. Dr. Eastlyn McKenzie: Madam President, may I invite everyone to the goat race in Tobago and wish the national community all the best for the Easter vacation. Let us have it safe on the roads. I invite anybody who wants to, to come over and enjoy our goat race and our crab race. It is positive, clean and good. Come to Tobago! Thank you very much.

Sen. Wade Mark: Madam President, we would like to join with our dear friend Sen. Dr. McKenzie in Tobago, but we know that the Tobago House of Assembly would not extend facilities in terms of lower rates for us all to travel. Certainly, we wish the people of Tobago a very happy occasion next Tuesday, and like her, we extend to the national community and to all our colleagues here a very peaceful and holy Easter. We look forward to seeing them back here on April 20. As you have requested we are going to preserve our energy and come back with a lot of fire.

Sen. The Hon. Dr. L. Saith: Madam President, let me also join my colleagues in wishing everybody a pleasant and holy weekend. I thought for a moment Sen. Dr. McKenzie was inviting some of us, the way we behave, to be a part of the goat race. Those of us who could take advantage of the offer would surely visit Tobago. Thank you, Madam President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.10 p.m.

WRITTEN ANSWERS TO QUESTIONS

**Priority Bus Route Pass
(Names of Holders)**

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

3. Could the hon. Minister provide this House with the names of all citizens provided with Priority Bus Route Passes?

The following reply was circulated to Members of the Senate:

The Minister of Works and Transport (Hon. Franklyn Khan): The names of all citizens provided with Priority Bus Route passes are as follows:

Permanent Passes as at January 31, 2004:

Cabinet in October 2001 agreed to the issue of permanent passes to:

- (i) Former holders of the offices of President, Prime Minister and Chief Justice.
- (ii) Members of Parliament
- (iii) The Chief Justice
- (iv) Judges of the High Court and the Industrial Court
- (v) Magistrates
- (vi) Permanent Secretaries
- (vii) High Commissioners
- (viii) Religious Leaders
- (ix) Chairpersons of Commissions

Permanent passes were issued in the names of the above offices and to the following persons:

Dr. Cuthbert Joseph

Mr. John Donaldson

Justice Cecil Bernard

Mr. Hector Mc Clean

Mr. Andre Monteil

Temporary Passes:

The criterion used in the issuance of temporary passes included:

- Chairmen and Chief Executive Officers of State Corporations
- Directors of appropriate State Companies
- Captains of Industries
- National Icons
- Directors of Government Ministries and Departments and other senior public officers
- Trade Union Leaders
- Heads of Department - University of the West Indies
- Special needs cases
- Others

Temporary Passes were issued in the Names/Designation of:

UNIONS

Aldwyn Brewster	Claudius Gulston	Michael Annisette
Andrew Dardaine	Owen C. Hinds	Robert Guiseppi
Jennifer Baptiste-Primus	Rudranath Indarsingh	Trevor Oliver
Patrick Arnold	President Fire Services Assoc. of T&T	

RELIGIOUS LEADERS

Satnarayan Maharaj	Yacoob Ali	Pastor Michael and Mrs. Phillip
Moderator Synod of the Presbyterian Church in T&T		

Regional Health Authorities

Patrick Watson	Imtiaz Ahamad	John Eckstein
Glen Razack	Vade Mohammed	Esau Mohammed

MEDICAL PRACTITIONERS/INSTITUTIONS

Dr. Omar Khan	Dr. Azad Esack	Dr. Clyde Tilluckdharry
St. Augustine Private Hospital	Ebenzer Scipio (Dr.)	Esau Joseph
Professor George N Melville	Hemant K. Persad (Dr.)	Michael Baboolal (Dr.)
Paul E. Gibbs (Dr.)	Wheelchair Bus Service TBP7528 Int.Inst for Health Care & Human Dev.	World Eye Mission
MEDCORP	CAREC	Community Hospital Seventh Day Adventists
Diagnostic Nuclear Medicine Ltd	CAREC (2)	Community Hospital Seventh Day Adventists (2)
Consolidated Medical Management Ltd.	Agnes Winchester Hospital Administrator Port of Spain General Hospital	Medical Associates Hospital Ltd.
Consolidated Medical Management Ltd. (2)		

LOCAL GOVERNMENT/ALDERMAN ETC

Faris Al Rawi	Chairman Diego Martin Regional Corporation	Chairman Tunapuna/Piarco Reg. Corporation
Chairman Princes Town Regional Corporation	Chairman Sangre Grande Regional Corporation	Chairman San Juan/Laventille Reg. Corporation
Chairman Siparia Regional Corporation	Chairman Penal/Debe Regional Corporation	Chairman Mayaro/Rio Claro Reg. Corporation

Chairman Couva/Tabaquite/Talparo Reg. Corp	Mayor Chaguanas Borough	Mayor Arima Borough
Mayor Point Fortin Borough	Mayor City of Port of Spain	Mayor City of San Fernando

UWI PROFESSIONALS/EDUCATIONAL BODIES

Patricia Zephyrine	Elaine M. Davis (Dr.)	William Iton
Bhoendradatt Tewarie	Rolph Balgobin	Trevor Bhopsingh
Trevor Farrell (Dr.)	Prof. Bridget Brereton	David Abdulah
John Spence	Douglas Mendes	Kerwyn Anthony Garcia
Anthony Garcia	Jeremiah Seepersad	

SENIOR GOVERNMENT OFFICIALS/INSTITUTIONS

Office of the Minister Ministry of Works and Transport	Legal Consultant Ministry of the Attorney General	Joint Operation Command Centre Office of the Prime Minister
Office of the Minister Ministry of Works and Transport	Transport Commissioner Transport Division MOWT	Joint Operation Command Centre Office of the Prime Minister
Office of the Minister Ministry of Works and Transport	Private Secretary to His Excellency the President Office of the President	Joint Operation Command Centre Office of the Prime Minister
Chief Planning Officer Ministry of Works and Transport	Secretary to His Excellency the President Office of the President	Joint Operation Command Centre Office of the Prime Minister
Joan Hackshaw-Marslin Personal Assistant Minister of Works & Transport	Comptroller of Household President's House	Joint Operation Command Centre Office of the Prime Minister

Compt of Admin. Services Ministry of Works and Transport	Executive Assistant to the President Office of the President	Official Vehicle (NSCS) TBA 4095 Office of the Prime Minister
Auditor III	Communication Specialist Office of the President	Ministry of Health
Chief Traffic Engineer	Logistics Officer Office of the President	Ministry of Health
Director, Environmental Unit	Head Butler Office of the President	Ministry of Health
Director, Mechanical Services	Chief Mechanic Office of the President	Ministry of Health
Chief Technical Officer	Central Bank of T & T	Office of the Chief Personnel Officer
Director, Project Implementation Unit	Central Bank of T & T	Office of the Chief Personnel Officer
Director of Drainage	Office of the Director of Personnel Administration	Ministry of Foreign Affairs
Director of Highways	Office of the Director of Personnel Administration	Ministry of Foreign Affairs
Director of Construction	Min. of Labour & Small & Micro Enterprise Dev.	Ministry of Foreign Affairs
Director of Maintenance	Min. of Labour & Small & Micro Enterprise Dev.	Ministry of Foreign Affairs
Director, Maritime Services Division	Min. of Labour & Small & Micro Enterprise Dev.	Ministry of Agriculture, Land & Marine Resources
Ministry of Trade & Industry	Min. of Labour & Small & Micro Enterprise Dev.	Ministry of Agriculture, Land & Marine Resources

Ministry of Trade & Industry	Ministry of Planning & Development	Ministry of Agriculture, Land & Marine Resources
Ministry of Trade & Industry	Ministry of Planning & Development	Ministry of Agriculture, Land & Marine Resources
Ministry of Trade & Industry	Ministry of Planning & Development	Ministry of Public Utilities & the Environment
Ministry of Science, Technology & Tertiary Education	Ministry of Planning & Development	Ministry of Public Utilities & the Environment
Ministry of Science, Technology & Tertiary Education	Ministry of Energy & Energy Industries	Ministry of Public Utilities & the Environment
Ministry of Science, Technology & Tertiary Education	Ministry of Energy & Energy Industries	Ministry of Public Utilities & the Environment
Ministry of Science, Technology & Tertiary Education	Ministry of Energy & Energy Industries	Ministry of Education
Ministry of Housing	Ministry of Energy & Energy Industries	Ministry of Education
Ministry of Housing	Ministry of Community Development & Culture	Ministry of Education
Ministry of Housing	Ministry of Community Development & Culture	Ministry of Education
Ministry of Housing	Ministry of Community Development & Culture	Ministry of Tourism
Ministry of Local Government	Ministry of Community Development & Culture	Ministry of Tourism
Ministry of Local Government	Ministry of Legal Affairs	Ministry of Tourism

Ministry of Local Government	Ministry of Legal Affairs	Ministry of Tourism
Ministry of Local Government	Ministry of Legal Affairs	Francis Weekes
Ministry of Sport & Youth Affairs	Ministry of Legal Affairs	Gwendoline Williams Dr.
Ministry of Sport & Youth Affairs	Ministry of Public Administration & Information	Charles Branche
Ministry of Sport & Youth Affairs	Ministry of Public Administration & Information	Ministry of Social Development & Gender Affairs
Ministry of Sport & Youth Affairs	Ministry of Public Administration & Information	Ministry of Social Development & Gender Affairs
Ministry of Finance	Ministry of Public Administration & Information	Ministry of Social Development & Gender Affairs
Ministry of Finance	Central Tenders Board	Ministry of Social Development & Gender Affairs
Ministry of Finance	Alfred Aguiton	Board of Inland Revenue
Ministry of Finance	Nafeesa Mohammed	Board of Inland Revenue
Ministry of the Attorney General	Ministry of National Security	Board of Inland Revenue
Ministry of the Attorney General	Ministry of National Security	Board of Inland Revenue
Ministry of the Attorney General	Ministry of National Security	Tobago House of Assembly
Ministry of the Attorney General	Ministry of National Security	Tobago House of Assembly

Counter Drug Task Force	Ministry of National Security	Tobago House of Assembly
Counter Drug Task Force	Ministry of National Security	Dion Neil
Counter Drug Task Force	Ministry of National Security	Dane Murray-Marshall
Counter Drug Task Force	Ministry of National Security	Herbert Atwell
Counter Drug Task Force	Ministry of National Security	Barry Barnes
Counter Drug Task Force	Ministry of National Security	Trinidad and Tobago Prison Services
Trinidad and Tobago Fire Services	Ministry of National Security	Trinidad and Tobago Prison Services
Trinidad and Tobago Fire Services	Ministry of National Security	
	Ministry of National Security	

CAPTAINS OF INDUSTRIES

Garth Chatoor	Clarence Moe	Malcolm A. Jones
David Sheppard	Hugh Edwards	Ethelbert Paul
Gloria Rolingson	Dawn Seecharan-Scott	Errol Grimes
Denis Singh	Jerry Selby	Roland Baptiste
Devanand Ramlal	Roop Chan Chadeesingh	Harjinder Singh Atwal
Dennis Pantin	Robert Riley	Beverly John
Osborne Nurse	Winston Agard	Lawford Dupres
Monica Clement	Hollis Charles	David Chaney
Jeffrey Mc Farlane	Ramesh Lutchmedial	Noel Garcia
Christopher Mendez	Major General Ralph Brown	Rosalind Chinnia-Ramadeen

Chairman National Helicopter Services Ltd	Executive Director Unit Trust Corporation of T&T	Linus Rogers
Ali Khan	Jerry Hospedales	Ramsaran Bissessar
Sam Martin	Kenneth De Silva	Nicholas Nothnagal
Christian Mouttet	Keith Awong	Chairman Crime Stoppers
Israfill Ali	Frank Look Kin	General Manager Crime Stoppers
Ken Gordon	Ray Brathwaite	Chairman Environmental Commission
Larry Howai	Peter July	Chairman of the Board NIPDEC
Rose Janniere	Terrence O'Neil Lewis	General Manager NIPDEC
John Martin	Chairman NBN	Calder Hart
Christopher Dehring	Executive Director National Information Systems Centre	Earle Baccus
Jennifer Johnson	Anthony Radhay	Krishna Bahadoorsingh
Krishna Narinesingh	Kenny Arthur Bishop	Louis Lee Sing
Uthara Rao	Kayam Mohammed	Norman Sabga
Bernard Dulal-Whiteway	Aleem Mohammed	Anthony Sabga
Lawrence Duprey	Ian Welch	Victor Mouttet
Michael Anthony Fifi	Elias Charles	Robert T. Yorke
Issa Nicholas	Peter Ganteaume	Nazir Ahamad

Christian Maingot	Ian Gillette	Kazim Hosein
John Kuriyan	Azard Rahaman	Ronald Harford
Pierrepoint Scott	Hafeez Karamath	Junior Sammy
Helen Bhagwansingh	Tariq Razack	Horace Bhopalsingh
Suresh Dutta		

NATIONAL ICONS

Darrel Brown	Leroy Clarke	Brian Lara
Hasley Crawford		

ORGANIZATION

National Gas Company of T&T	Trinidad and Tobago Blind Welfare Association	CARIRI
National Gas Company of T&T (2)	Trinidad and Tobago Cancer Society	NIPDEC
National Broadcasting Network Ltd	Election and Boundaries Commission	NIPDEC (2)
National Broadcasting Network Ltd	Daily News Limited	Citadel Limited
National Broadcasting Network Ltd (3)	T&T News Centre Ltd.	Radio Vision Limited
Trinidad and Tobago Bureau of Standards	Trinidad Publishing Company Ltd.	Bomb Newspaper
Inter American Development Bank	Trinidad Broadcasting	Trinidad Express Newspapers
Inter American Development Bank (2)	Trinidad Broadcasting (2)	

OTHERS

Ivan Toolsie	Nicole Fernandes	Ena Piggott
Ken Julien	Rain/Dianne Newel Lewis	Michelle Ramatally

Israel Khan	Fritz Regis	Mr. Michael Tudor
Keesha Sahadeo	Ralph Maraj	Marilyn Gordon
John Commissiong	Magna William-Smith	Ashook Maharaj
Sintra Coosal	Deanna Francis	Alwyn Poon Tip
Machel Montano	Vishnu Dindial	Joe Azar
Devi Mooleedhar	Sharon Gopaul-Mc Nicol (Dr.)	Richard Azar
Rani Narace	Shazzard Mohammed	Terrence Bharat
Daryan Warner	Nalinee Seelal	Nyleung Hypolite
Jack Warner	Pamela Williams	Wayne Mc Pherson
Carol Mahipat	Roodal Lalman	Terence Hart
Maurice Jackman	Muhummad Shabazz	Jennifer Cruickshank
Annmarie Spooner	Indira Ramrekersingh	Cipriani Baptiste
Suresh Patel	Neville Blake	Siewdeo Maharaj
Pearl White	Keith Paul	Anthony Archer
Joseph Phillip	Shelley Johnson	Harold Chadee
Khary Bostock	Kenwyn Allen	Neil Lambert
Sui Man Yip	Andre Lashley	Malcolm Henry
Azad Ali	Walda Dottin-Matthew	Patricia Pierre-Joseph
Atteih Ramzi	Arnim Dexter Joseph	Emrice Henry
Debra Agong		

**Housing Applicants
(Details of)**

Sen. Sadiq Baksh asked the Minister of Housing:

- 26** Could the hon. Minister provide this House with a list of the names and addresses of all the applicants to all the agencies responsible to the Ministry of Housing for houses, land and rental units as at March 02.

The following reply was circulated to Members of the Senate:

The Minister of Housing (Hon. Dr. Keith Rowley): The provision of a list of names and addresses of all the applicants to all the agencies under the responsibility of the Ministry of Housing for houses, land and rental units would undermine the necessary privacy and confidentiality relationships between these agencies and their clients. This is not in keeping with proper business practices, which the organizations uphold. Accordingly, the Minister seeks the understanding of the Senate in this matter.

List of Squatters

Sen. Sadiq Baksh asked the Minister of Housing:

27. Could the hon. Minister provide this House with a list of the names and addresses of all squatters in Trinidad as at March 02, 2004?

The following reply was circulated to Members of the Senate:

The Minister of Housing (Hon. Dr. Keith Rowley): I wish to advise the Senate that the Ministry of Housing does not have information pertaining to the names and addresses of all the squatters in Trinidad. In keeping with the Ministry's policy of squatter regularization, information is available on the names and addresses of all squatters who applied for Certificates of Comfort in the first instance, under the Squatter Regularisation Programme. Accordingly, the Minister is unable to provide the requested information.

Virgo Consultants (Details of)

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

22. A. Could the Minister inform this Senate of:
- (i) the details of the arrangements with Virgo Consultants as it relates to the 2004 sugar crops;
 - (ii) the date when Virgo Consultants was incorporated;
 - (iii) the registered address of Virgo Consultants;
 - (iv) the names and addresses of its directors; and
 - (v) the total value of the contract awarded to Virgo Consultants and its duration?
 - (vi) whether the decision to employ Virgo Consultants to manage the 2004 crop was the subject of public tendering?

- B. If the answer to (vi) is in the affirmative, could the Minister provide details of:
- (i) the number of firms that submitted tenders;
 - (ii) the names and addresses of the firms that submitted tenders; and
 - (iii) the names of the firms that placed first, second and third respectively?

The following reply was circulated to Members of the Senate:

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): To date, no arrangements have been made with Virgo Consultants Limited in relation to the 2004 sugar crop or otherwise.

In view of the reply to part A(i) of the question, all other questions are not applicable.