

SENATE*Tuesday, July 12, 2005*

The Senate met at 1.30 p.m.

PRAYERS[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Senators the Hon. Martin Joseph and Satish Ramroop.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from Her Excellency the Acting President, Dr. Linda Savitri Baboolal:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency Dr. LINDA SAVITRI
BABOOLAL, Acting President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO MS. BONNIE-LOU DE SILVA

WHEREAS Senator Martin Joseph is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BONNIE-LOU DE SILVA, to be temporarily a member of the Senate with immediate effect and continuing during the period of illness of the said Senator Martin Joseph.

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 12th day of
July, 2005.”

Senators' Appointment
[MR VICE-PRESIDENT]

Tuesday, July 12, 2005

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency Dr. LINDA SAVITRI
BABOOLAL, Acting President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO MRS. JOAN HACKSHAW-MARSLIN

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

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Satish Ramroop.

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 12th day of
July, 2005.”

OATH OF ALLEGIANCE

Senators Bonnie-Lou De Silva and Joan Hackshaw-Marshlin took and subscribed the Oath of Allegiance as required by law.

INDICTABLE OFFENCES (PRELIMINARY ENQUIRY) (AMDT.) BILL

Bill to amend the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01 brought from the House of Representatives [*The Attorney General*]; read the first time.

PAPERS LAID

1. Financial statements of the Port Authority of Trinidad and Tobago for the year ended September, 30, 2004. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Arima Corporation for the period January 01, 1998 to September 30, 1998. [*Sen. The Hon. C. Enill*]
3. Annual audited financial statements of First Citizens Bank Limited and First Citizens Trust and Asset Management Limited for the financial year ended September 30, 2004. [*Sen. The Hon. C. Enill*]

ORAL ANSWERS TO QUESTIONS

**Official Government Rented Buildings
(Details of)**

83. Sen. Wade Mark asked the hon. Minister of Public Administration and Information:

- (a) Could the hon. Minister state:
 - (i) How many buildings or parts of buildings in Trinidad and Tobago are being rented by Government for official purposes in respect of the period January, 2002 to April, 2005?
 - (ii) What are the addresses of these premises and the square-footage of each rental space?
- (b) Could the Minister also state:
 - (i) What is the rent being paid for each of the rented spaces?
 - (ii) Who is the owner of each of the rental spaces, and to whom is the rent being paid?
 - (iii) For each building or part of a building, when did the lease or rental begin and when does the lease end?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, for the period January 2002—April 2005 the Government entered into arrangements for the rental of 194 premises for official purposes. This amounts to 2,675,557 square feet at a monthly rental of \$8,864,040.52, plus VAT of \$1,776,706.14.

The question requires information regarding:

- The addresses of these premises;
- the square footage of each rental space;
- the rent being paid for each rented space;
- the owner of each rented space;
- the person or organization to whom the rent is being paid; and
- the duration of each lease.

I may also state, that number includes new leases and renewal of leases during this period. The response is as follows, and we have broken it down by Ministry.

Mr. Vice-President, I do not know whether the hon. Senator wishes me to read. It is an oral question and I am prepared to if he wishes. I would read across with the following headings: The address of the property; owner; occupier; payee; rented space; current monthly rental; VAT; date current lease began; date lease expires; actual commencement date of the original lease where it is applicable, and remarks:

BUILDINGS RENTED BY GOVERNMENT FOR OFFICIAL PURPOSES**January 2002 to April 2005****Office of the Prime Minister (OPM)**

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Expires	Actual Commencement Date of Lease	Remarks
Telly Paul Building Cor. New and St. Vincent Streets, Port-of-Spain	Telly Paul & Company Limited	OPM	Owner	2,408	8,688.00	1,320.00	1.1.99	31.12.02	1.8.80	Renewal being processed
		MPU & E Environmental Comm	Owner	4,285	18,000.00	2,700.00	1.1.99	31.12.02		
78 Independence Square, Port-of-Spain (Beacon Building)	Caribbean Insurance Company Limited	OPM – Accounting Unit	Owner	2,694	13,000.00	1,950.00	1.3.01	28.2.04	21.6.89	vacated
		MP& D – Audit Sec.	Owner	2,693	13,000.00	1,950.00	1.3.01	28.2.04	21.6.89	vacated
		MF – District Revenue Services	Owner	5,006	24,000.00	3,600.00	1.3.01	28.2.04	21.6.89	to be vacated
Albion Plaza, Corner Victoria Avenue and Albion Street, P.O.S	RGM Limited	OPM	Owner	9,378	126,603.00	18,990.00	1.12.02	30.11.05	1.12.02	New Lease

Oral Answers to Questions
[SEN. THE HON. DR. L. SAITH]

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Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Expires	Actual Commencement Date of Lease	Remarks
62 Abercromby Street Port of Spain	Ricky Ramnarine	OPM – NADAPP	Owner	6,035	22,000.00	3,300.00	15.10.98	14.10.01	15.10.98	Renewal being processed
Autorama Building El Socorro Road, San Juan	Autorama Limited	OPM – Social Services Delivery	Owner	44,486	120,000.00	18,000.00	19.11.01	18.11.08	19.11.01	vacated
125 Eastern Main Road, Barataria	Dr. Harold Nunes	OPM – Social Services Delivery	Owner	2,429	6,500.00	-	19.12.91	month-to-month	19.12.91	Vacated
233 Eastern Main Road, Tunapuna	M. Chai	Social Services Delivery	Owner	3,040	8,360.00	-	30.09.00	30.9.03	1.10.97	to be relocated

Office of the Prime Minister (OPM)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Central Bank Building St. Vincent Street Port of Spain Level 18	Central Bank of Trinidad and Tobago	Central Bank of Trinidad and Tobago	Owner	6,000	42,672.50	6,400.80	1.11.99	31.10.02	1.11.99	Vacated
*Nos. 51-55 Frederick Street Port of Spain	G.V. Holdings Limited	Accounting Unit	Owner	6,300	51,400.00	7,710.00	1.3.04	28.2.07	1.3.04	New Lease
ANSA McAL Cor. St. Vincent Street and Independence Square, Port of Spain	ANSA Mc Promenade Development	Commission of Enquiry into the Health Services	Owner	5,573.68	31,000.00	4,650.00	1.2.05	3.11.08	1.2.05	New Lease
Nos. 14-17 Victoria Square, Port of Spain	Amar Properties Limited	National Aids Coordinating Committee	Owner	4,327	22,500.00	3,375.00	18.11.03	17.11.06	18.11.03	Renewal

Ministry of Agriculture, Land and Marine Resources (MAL&MR)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
118 Frederick Street, Port of Spain	Sa Gomes Limited	Surveys Division	Owner	17,065	102,000.00	15,300.00	1.7.04	30.6.07	1.7.98	Renewal
110-112 Frederick Street, Port of Spain	Anthony Aboud	Land Survey Board of Trinidad and Tobago	Owner	1,378	5,512.00	826.80	1.10.99	30.9.01	1.12.99	Renewal being processed
No. 35 Cipriani Boulevard	Lynette Winston and Ian Welch	Fisheries Division	Owner	5,608.7	28,000.00	-	11.11.02	10.11.05	11.11.02	Renewal

Ministry of the Attorney General (MAG)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commence- ment Date of Lease	Remarks
78 Independence Avenue, San Fernando	Shaffick Hosein	Office of the Director of Public Prosecutions	Owner	5,543	18,900.00	2,855.00	1.1.03	31.12.05	1.1.03	New Lease
112 Henry Street, Port of Spain	Matouk Holdings Limited	Criminal Law Department – Office of the Director of Public Prosecutions	Owner	22,000	95,000.00	14,250.00	8.10.03	7.10.06	1.10.97	Renewal
No. 6 Irving Street, San Fernando	Perseverance Industrial Court	Industrial Court	Owner	14,647.59	98,871.23	14,830.68	16.4.03	15.4.06	16.4.03	New Lease
No. 33 Independence Square, Port of Spain	Mesdames Usha Rani, Maharaj and Angela Pragay	Anti-Corruption	Owner	14,246.24	65,000.00	9,750.00	1.8.04	31.07.07	1.8.04	New Lease
No. 134 Henry Street, Port of Spain	A.E. Hadeed Holdings Limited	Caribbean Court of Justice	Owner	40,780	365,000.00	54,750.00	1.12.04	30.11.07	1.12 .04	New Lease
No. 123 Henry Street, Port of Spain	Claude Arthur	Anti-corruption	Owner	8,423.25	45,000.00	-	22.9.04	21.9.07	22.9 .04	New Lease

Auditor General (AG)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*11 Independence Avenue, San Fernando (Second Floor)	Gulf Insurance Company Limited	Auditor General (South Office)	Owner	3,300	9,200.00	Not Vatable	1.1.04	31.12.07	16.9.99	Renewal

Ministry of Community Development, Culture and Gender Affairs (MCD&GA)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
2A Nelson Street, Port-of-Spain	Agostini Brothers Limited	Consumer Affairs	Owner	14,043.12	63,600.00	9,540.00	1.1.03	31.12.05	1.2.99	Renewal

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
146-148 Coffee Street, San Fernando (First Floor) (Ground Floor)	Hoyte's Electrical Service	Community Development Victoria West Office and Sport Affairs	Owner	4,712.88	4,771.07	715.66	1.4.03	31.3.06	18.9.80	Renewal
				1,312.72	2,657.86	398.68	1.4.03	31.3.06	14.5.92	
7 Lothians Road, Princes Town	Dr K Ramdath	Community Development – St. Patrick District Office	Owner	4,803	7,060.00	-	1.7.98	30.6.01	24.4.91	Vacated on 8.12.04
24 Ramsaran Street, Chaguanas	K Samsundar	Community Development Office (Chaguanas)	Owner	2,806	4,209.00	631.35	18.6.96	17.6.99	17.6.99	Month- to-month Renewal being processed
358 Brierley Street, Sangre Grande (Ground Floor)	Bharat Roopchand and Bhagmati Sooklal	St, Andrew/St David District Office	Owner	1406	3,318.16	-	1.2.02	31.1.05	8.1.99	Renewal being processed

Oral Answers to Questions
[SEN. THE HON. DR. L. SAITH]

Tuesday, July 12, 2005

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Nos. 51-55 Frederick Street, Port of Spain	G.V. Holdings Limited	Divisions of Community Development, Culture and Gender Affairs	Owner	5,478	31,250.00	4,687.50	1.8.03	31.7.06	1.5.98	New Lease
N0. 17 Queen's Park West, Port of Spain	Broadway Properties Limited	National Steel Orchestra	Owner	5,035.68	27,696.00	4,154.40	1.1.04	31.12.06	1.1.04	New Lease
Nos. 11-13 Frederick Street, Port of Spain	Capital Plaza Limited	Community Development Fund Secretariat	Owner	4,669.54	28,000.00	4,200.00	1.4.05	31.3.08	1.4.05	New Lease
No. 75 Abercromby Street, Port of Spain	Star Investments Limited	National Commission for Self Help	Owner	5,455.32	43,642.56	6,546.38	15.4.05	14.4.08	15.4.05	New Lease

Ministry of Education (ME)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*Savi Street, and Boodooville Circular Road, Sangre Grande	Prakash Persad	North Eastern Education Division	Owner	4,390	10,799.55	1,619.31	1.1.03	31.12.05	15.5.98	Renewal
86 Frederick Street, Port- of-Spain	Broadway Properties Limited	Education Project Co- ordinating Unit	Owner	6,084	32,000.00	4,800.00	1.7.03	30.6.06	1.2.95	Renewal
17-19 Pembroke Street, Port- of-Spain	Polanc Holdings Limited	Bonds/ Accounting Unit	Owner	5,504.	27,515.00	14,127.29	1.6.02	31.5.05	1.7.92	Renewal
#15 Wainwright Street, St. Clair	Sharma and Jennifer Basdeo	UNESCO/ OAS	Owner	8,202.	48,000.00	7,200.00	1.9.03	31.8.06	1.9.99	Renewal
#64 Pembroke Street, Port- of-Spain	Dr Ian Millar	Central Education Unit	Owner	2,706	12,475.00	1,871.25	1.11.03	31.10.06	1.11.81	Renewal

Oral Answers to Questions
[SEN. THE HON. DR. L. SAITH]

Tuesday, July 12, 2005

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
#50 Jerningham Ave., Belmont	Teachers' Credit Union	POS and Environs School Supervision Office	Owner	3,945	12,000.00	1,800.00	1.04.00	31.3.03	1.9.96	Month-to-month
33 Pembroke Street, Port-of-Spain	SMACK Limited	Accounting Unit	Owner	10,174	45,000.00	6,750.00	1.1.03	31.12.05	31.7.92	Renewal
Cor. High Street and St. Croix Road, Princes Town	Kenneth Hosein	Divisional Office	Owner	3639	10,000.00	1,500.00	1.1.02	31.12.04	9.9.96	Renewal being processed
Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
235 Iere Village, Princes Town	Ramlal and James Jaggernauth	Iere School	Owner	1226	5,000.00		1.7.02	31.6.05	1.7.02	Renewal being processed
No. 18 Abercromby Street, Port of Spain	Steve Sinanan	Divisions of the Ministry	Owner	14,775.2	92,345.00	13,351.75	1.6.03	31.5.06	1.5.03	New Lease

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Cor. Gomez and Rushworth Streets, San Fernando	Seventh Day Adventist Church	School	Owner	6,984	15,000.00	-	1.6.01	31.5.04	1.6.01	Renewal being processed
Nos. 51-55 Frederick Street, Port of Spain	G.V. Holdings Limited	The Secretariat for the National Council for Early Childhood Care and Education	Owner	5,478	31,250.00	4,687.50	1.8.03	31.7.06	1.5.98	Renewal

Mr. Vice-President, I believe I am coming to the end of question time. I had hoped that the hon. Senator would have accepted this to be circulated, and I have brought copies so they would be circulated at the end of question time. I just want to make two comments. I think Senators were kind of concerned as to why it was taking so long to answer the questions. I think they would realize that some of these questions, while short on the Order Paper, are long on information and really take time. Just as a general comment; as you read this document, you would see that the Government is spending close to \$10 million a month on rent, which is approximately \$120 million a year and I think people would begin to understand why there is a desire to create and build government offices, not just to build high-rise buildings. It is a pressing need.

Vide end of sitting for written part of the answer.

The following questions stood on the Order Paper:

**International Steel Group
(Status of Investigations)**

- 87.** (a) Could the hon. Minister of Labour and Small and Micro-Enterprise Development advise whether an official investigation has been initiated into the incident on or about May 19, 2005 at the Point Lisas Plant of International Steel Group which resulted in the death of Dale Paul and injury to other workers;
- (b) If yes, when was the investigation started; who are the members of the investigating team, their respective positions and affiliations; what are its terms of reference; what are the preliminary findings of the incident itself and what is the expected date of completion of the investigation; and
- (c) If not, what are the reasons for the non-appointment of an investigation team? [*Sen. B. Ali*]

**Chancery and High Commissioner's Residence
(Detailed Cost of Refurbishment)**

- 88.** (a) Could the hon. Minister of Foreign Affairs provide to the Senate a detailed estimate of both the original estimate, revised estimate, and final cost in respect of the refurbishment of the Chancery and the High Commissioner's residence in London; and

- (b) Could the Minister further provide the rationale for the variation of costs between the original estimates and the final cost? [*Sen. W. Mark*]

**Overseas Trinidad and Tobago Embassies
(Repairs and/or Alterations to)**

- 89.** Could the hon. Minister of Foreign Affairs inform this Senate whether any repairs and/or alterations were done or proposed to be executed to any other Trinidad and Tobago Missions/Embassies overseas and the accompanying costs involved during the period January 01, 2002 to the present time? [*Sen. W. Mark*]

Question time having expired, questions 87, 88 and 89 were not dealt with.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked by Sen. Prof. Ramesh Deosaran.

**Service Commissions
(Status of Court Proceedings)**

- 9.** (a) With respect to the Teaching, Public, Police and Statutory Authorities' Service Commissions, could the hon. Minister of Public Administration and Information provide the Senate with the following information:
- (i) The number of times each of these entities have had court proceedings instituted against them; with effect from 1976;
 - (ii) the date on which the court action was initially filed;
 - (iii) the nature/reason(s)/ground(s) for each of these court actions; and
 - (iv) the date and result of the court action in the first instance?
- (b) If the decision in any of the court actions referred to at (iv) above was determined by a court of superior jurisdiction, could the Minister inform the Senate:
- (i) What was the final decision in the matter;
 - (ii) Whether the matter was finally determined in the local Court of Appeal or by the Judicial Committee of the Privy Council; and

- (iii) What was the total amount of cost and/or compensation finally awarded and to which party?

Answer lodged in Parliament Library.

The following question was asked by Sen. Wade Mark.

**Free Trade Area of the Americas
(Details of Recent Trips)**

16. (a) Will the hon. Prime Minister provide details of his recent visits to Chile, Peru and Venezuela in respect of lobbying support for the promotion of Port of Spain as the preferred location for the headquarters of the Free Trade Area of the Americas; and
- (b) Could the Prime Minister also provide a detailed breakdown of the costs associated with this overseas three-nation visit, including a detailed itinerary giving flight information and cost of hotel accommodation as well as other associated costs?

Vide end of sitting for written reply.

**TOURISM DEVELOPMENT (AMDT.) BILL
(Senate Amendments)**

The Minister of Tourism (Sen. The Hon. Howard Chin Lee): Mr. Vice-President, I beg to move the following Motion standing in my name:

Be it resolved that this Senate concur with the House in the rejection of the Amendments made in the Senate to the Tourism Development (Amdt.) Bill, 2004 listed in Appendix III.

Sen. Mark: Mr. Vice-President, I am trying to enquire—

Hon. Senator: It is on the Supplemental Order Paper.

Sen. Mark. Well, I only saw the supplemental when I came here, as you know, at 1.15 p.m., I got no prior notice of this decision to move through that process, and I would like to respectfully suggest to the hon. Minister of Public Administration and Information and Leader of Government Business, that in light of the fact that I only received this matter about 15 minutes before I attended this sitting, with your leave and the leave of the hon. Minister, that this matter be deferred either for the next sitting—I have not studied the matter; I have not seen the matter. It is in my book in a parcel here.

Sen. Dr. Saith: Mr. Vice-President, I have been advised—and I may be wrong, because it is probably the first time that I have seen this—that this Motion does not attract a debate. The House has done something to our Bill and the Minister would explain what happened. I think there was a mistake in the comma or something. He would explain, but it does not attract another debate, as far as I am told. I may be wrong.

Sen. Mark: All I am saying, Sen. Dr. Saith, is that even though I understand what you have said—and you are correct—the reality is that I have not studied—none of us have studied—the matter and all we are suggesting is that it be deferred to next week so that we can look at it properly. Because I only saw it this afternoon and we need some more time to study it.

Sen. Dr. Saith: To help him study it, could he at least allow the Minister to explain what happened, and then we could take it next time? But I do not see what is there to study, as it is. Perhaps if the Minister explained what happened, then we would defer it.

Sen. Chin Lee: Mr. Vice-President, the matter is a very simple one and I would just like to be given the opportunity to explain one of the errors which had taken place in the Senate and one of the reasons it was rejected in the Lower House. The reason was that when we brought the Bill to Parliament in the Upper House, it was suggested that in clause 6(1) the words “Hotel Development” be placed in front of the word “Act”, only to find out afterwards that it really referred to the Tourism Development Act and not the Hotel Development Act. So we are just asking that that be ratified but all the other amendments proceed.

Sen. Mark: Mr. Vice-President, I understand what the Minister has said but I think that I owe a duty to the Senate to look at this thing carefully before I can make a statement or support the particular measure. I am simply saying, you cannot bring an amendment, put it on the desk of the Parliament—

Sen. Dr. Saith: I have said that I recognize that you need time to study that very complex change and that we will now have it deferred for the next sitting so you could study it. There is no need to carry on.

Question put.

Sen. Dr. McKenzie: Mr. Vice-President, while I do not disagree with it, I think the wording of the Motion about rejection—when I read it I really wanted to know what is it we did that the Lower House rejected so terribly. I am suggesting that when the Motion is brought back that it be phrased in lighter language. It is as if we did something that was so terrible that they had to reject it and it is

something new. I think when we read it without the explanation of the hon. Minister, I really got a, sort of, frightening awakening. Having heard the Minister, I realize that we are building a mountain out of a mole hill and I am suggesting that we change the language.

Mr. Vice-President: The Motion would therefore be deferred to the next sitting.

**ADMINISTRATION OF JUSTICE
(MISCELLANEOUS PROVISIONS) BILL**

Order for second reading read.

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

That a Bill to amend the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11.12; the Bail Act, 1994; the Negotiable Instruments (Dishonoured Cheques) Act, 1998; the Forgery Act, Chap 11:13; and the Electronic Transfer of Funds Crime Act, 2000, be now read a second time.

In reading the Bill a second time, I ask leave of the Senate to discuss the next item on the agenda, which is a Bill to amend the Corporal Punishment (Offenders Over Eighteen) Act, Chap. 13:04.

Sen. Mark: Mr. Vice-President, the hon. Attorney General did raise that matter with me and I told him that already we have six Bills contained in one piece of legislation. It is very heavy, as you are aware, and we do not see the complete linkage between the second Bill and the first Bill. Therefore, we have respectfully suggested to the Attorney General that we would not like to proceed conjointly with these two matters. We would like to take them separately. That is what I have advanced to the hon. Attorney General.

Sen. The Hon. J. Jeremie: Mr. Vice-President, if I might just add that on the last occasion I was approached by Sen. R. Montano, who is not here, and I was under the impression that he spoke for the Opposition Bench, and I did raise the matter with Sen. Dr. McKenzie before the sitting. It was Sen. R. Montano, as a matter of fact, who gave me his permission to state that he had agreed that the Bills should be taken together and that he would speak first on the other side. If, however, it is the wish of the Senate that I do the Bills—

Sen. D. Montano: No, no. Put it to the vote.

Question put and agreed to.

Sen. The Hon. J. Jeremie: [*Desk thumping*] Mr. Vice-President, when I spoke in the other place three weeks ago to introduce a package of measures designed to treat with the problems of crime, deterrence and punishment in Trinidad and Tobago, I was driven by a sense of urgency to say that we see this not only as a moment of great peril but also one of great opportunity. I said then that no one is immune from the effects of crime. I also said that all of us have been affected and that all of us have been held in terror. I also said that history and our people will not judge us by the nature of the problems which we face, but rather on how we respond to them.

In the intervening weeks, the Government has enacted amendments to the Summary Courts Act and the Criminal Procedure Act, both consistent with recommendations of the Mohammed Committee established by the Honourable Chief Justice in 2002. Yesterday in the other place, even as we suffered yet another attack, the House passed the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill to allow for the enactment of further recommendations of the Mohammed Committee and to provide for a new—some say draconian; I say innovative power to the Director of Public Prosecutions to prefer voluntary bills of indictment. Although that Bill is not yet before us, it is the hope of those involved in the administration of criminal justice on a daily basis, that the Bill would provide innovative and ready relief to treat with the immediate problem of rampant, carefree, repeat offenders, some of whom manage to procure bail on 14 or more occasions in respect of serious crime, such as drug trafficking and kidnapping.

By far the greatest impediment to criminal prosecutions in the courts is the fact that most cases take years to conclude, with a majority of charges being eventually dismissed for want of prosecution. In a typical day in Port of Spain, an average of 89 per cent of cases scheduled to be heard in the Magistrates' Courts are adjourned to another day. In Tobago, the figures are higher. Some say 92 per cent, but those figures, I am told, are closer to 98 per cent today. There are a number of reasons for this. One is that magistrates traditionally require complainants to attend each status hearing. Since nothing usually happens at these hearings, matters are adjourned and eventually prosecuting officers simply stop showing up, for one reason or the other. When the prosecuting officer is truly needed, he has attended so many inconsequential hearings that he fails to show and the matter is eventually dismissed.

Another reason lies in the difficulties which are being experienced at the Forensic Science Centre. There are also difficulties with respect to bail, which result in the allowance of habitual and potentially dangerous criminals remaining on the streets while their cases are still pending, eventually to have their cases

dismissed for want of prosecution. Each of these matters is a cause for serious concern, but together they serve to produce a dysfunctional system of criminal case prosecutions that is nothing short of disastrous.

2.30 p.m.

Mr. Vice-President, the Honourable Chief Justice is but one man. Recognizing the difficulties in the system, he convened a committee chaired by Mr. Justice Mark Mohammed to improve case management in the Magistrates' Court. The report of that committee has greatly contributed to the Government's work in this area and this afternoon I wish to place on record my gratitude to the Honourable Chief Justice, Mr. Justice Mark Mohammed and members of his team for dealing courageously and in a forthright fashion with a problem which faces us all as a country.

Mr. Vice-President, although it might put the Senator in some trouble, I also wish to place on record my gratitude to Sen. Seetahal who, as a prosecutor, practitioner in criminal law for years and educator, has given yeoman service to training the very young staff which we have in the Office of the Director of Public Prosecutions (DPP). [*Desk thumping*]

Mr. Vice-President, I go further on the question of problems. Like many of my colleagues in this Senate and in the other place, I am a lawyer by profession. Lawyers benefit from a system which allows for a duplication of work and multiple visits to courts. In other words, you pay ultimately for the fees of my colleagues and I. The time has come for all of us to stop and to consider what is best for our country.

In the other place, a Member who is actively involved in a preliminary enquiry joined vigorous debate as to why the DPP ought not to have a power to prefer a voluntary bill of indictment. Mr. Vice-President, we must stop this sort of behaviour. That Member raised concerns about the necktie of certain Members on this side, not once in her contribution, but repeatedly.

Sen. Mark. Mr. Vice-President, on a point of order. I think the Attorney General does not understand the Standing Orders. We do not bring into these debates matters that were discussed in the other place. A time must have passed for that to take place. He is introducing matters that were discussed in the other place, involving another Member, when he is aware that the Standing Orders do not provide for such, so let him desist from that arrangement and approach.

Mr. Vice-President. Attorney General, please concur.

Sen. The Hon. J. Jeremie. Mr. Vice-President, the remarks are withdrawn. The point I was trying to make is that this is a serious country with serious problems and we must find a way to rise above red herrings and to focus on the issues and to find together innovative ways to solve our problems.

We have started a journey with the Summary Courts (Amdt.) Act and the Criminal Procedure (Amdt.) Act. In the other place we passed a piece of legislation, the Offences Against the Person (Indictable Offences) (Amdt.) Act, which is almost identical to an Act piloted by my friends on the other side, except that it contains a novel power to the DPP, in the context of Trinidad and Tobago and certain provisions which allow for technological improvements in the recording of evidence to replace the taking of longhand notes.

Mr. Vice-President, what pains me is that even as our people bleed, we can find nothing better to do than to insult each other in this Senate and to use the Constitution, not as the document of emancipation, which it should be, but as an instrument of social destruction and inertia, which it can be.

Mr. Vice-President, it is my hope that this afternoon we look at the reforms which are intended by the legislation. Yes, we have a Constitution and that Constitution is our supreme law, but we should not begin by ceding its rights to criminals. The Constitution is a compact and instead of waving it as an excuse, what we need to do is to find innovative ways to enjoy our lives, our rights to liberty, our rights to life and to curtail the abuse of rights of the criminal elements among us.

I now turn to the Administration of Justice (Miscellaneous Provisions) Bill. The main purpose of this Bill, as the short title indicates, is to amend certain pieces of legislation which deal with criminal matters. These are the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11:12; the Bail Act, 1994 (Act No. 18 of 1994); the Negotiable Instruments (Dishonoured Cheques) Act, 1998; the Forgery Act, Chap. 11:13; and the Electronic Transfer of Funds Crime Act, 2000 (Act No. 87 of 2000).

The Bill before this Senate, the House of Representatives Bill, comprises 26 clauses. It is divided into six parts. It requires a simple majority for passage and it is motivated by an intention to plug the various loopholes in the criminal justice system, all of which require urgent attention.

After further consultation with the police service, the Government proposes certain amendments to the Bill which have been circulated.

Sen. Mark. Where? We have not seen them. Where are those?

Sen. The Hon. J. Jeremie. I am sorry, the Clerk apparently has not circulated the amendments. The Bill will now have seven parts. The original House of Representatives Bill had six parts. We propose to include one additional part. The original House of Representatives Bill had 26 clauses. We propose to include a 27th clause. In summary, the proposed amendments will remove the use of sample evidence instead of bulk evidence, make the housebreaking offences, which are to be found in sections 28, 29 and 30 of the Larceny Act, offences triable either way, with a consequential amendment being made to the Summary Courts Act, Chap. 4:20. The amendment shall also clarify that bail applications before the High Court, under the Bail Act of 1994, would be done by the prosecution and not by a police officer. They are uncontroversial and I hope by now that they have been circulated. We are all rapid readers.

I turn now to a clause-by-clause analysis of the Bill. Part I of the Bill as laid, that is to say clauses 2—5 proposes to reform certain aspects of evidence in criminal matters, by seeking to amend the Evidence Act. The Bill originally proposed three procedural changes to the Evidence Act, but by the proposed amendments being circulated, only two amendments to section 19 would be dealt with. We have taken out the bulk evidence and the sample evidence provision.

The original clauses 3 and 4 would be deleted and clause 5 will be renumbered as clause 3. Part I of the Bill will now contain clauses 2 and 3. The reason for the changes in the substantive law, in the reform of the Evidence Act, are firstly that Government experts at present, such as scientific officers are being underutilized by the Trinidad and Tobago Forensic Science Centre by having to accept samples of things or exhibits submitted to the centre by the police for scientific analysis. This really is a waste of professional services in what is really a purely administrative matter. The Director of the Forensic Science Centre has requested and after consultation with the police service we have agreed that an amendment be made to the Evidence Act to allow her to use her non-scientific staff members to be able to receive exhibits from the police without compromising the chain of custody and prosecution in relation to the relevant offences. So that clause 5(a) of the Bill, which would now be clause 3(a), would allow the Director of the Forensic Science Centre to authorize any of the other employees to accept an exhibit submitted to the centre for examination analysis or report, thus allowing the scientific officers more time to do their jobs. It is expressly provided in the proposed section 19(2D) that this administrative reform would not in any manner render the certificate or report of a Government expert inadmissible in evidence.

The director's concern is that an inordinate and indeed quite unnecessary amount of time is spent by scientific officers in physically receiving exhibits from police officers, thereby greatly diminishing the available time to perform pressing and in many cases overdue analytical work. That contributes to delay and it is a matter that we intend to fix. The amendment will help to reduce delays, therefore, in the administration of justice by having expert evidence readily available to the courts. In other words, the amendment will solve a specific problem at the Forensic Science Centre and would consequently promote efficiency in the justice system, by providing for more timely prosecutions.

The change in relation to the Evidence Act is seen in the proposed clause 5(b), which will now be clause 3(b). That proposal seeks to extend the category of "Government expert" as stated in section 19(4) of the Evidence Act to include a fingerprint technician from the Criminal Records Office of the police service. Officers from the fingerprint department are often in court giving expert witness testimony, which may be discredited by defence counsel when their training and certification is challenged. This situation arises because these officers are forced to testify as expert witnesses under section 22 of the Evidence Act and not section 19. Section 19(2) allows for the admissibility of certain documents under the hand of a Government expert, but section 19(4), which defines a Government expert, does not include fingerprint officers. When the court therefore, admits a certificate or report of a Government expert under section 19(2), it is admitted without proof of the signature or appointment of the Government expert and without the presence of the expert. No such protection is available under section 22.

Section 22 provides that every document issued by, or under the authority of any department of government, or which is a record of such department, may be received in evidence in legal proceedings by the production of a copy or extract certified by an authority as specified in the Second Schedule to the Act. In this case, the certifying authority is the Commissioner of Police. I should like to emphasize that this does not prevent any party to the proceedings from requiring the expert to testify, so that there is no prejudice done to any party, that is to say to give oral evidence and to be cross-examined. It is also to be noted that the court has given the discretion to prevent the attendance of the expert witness, where the request for his attendance is frivolous or intended to delay the trial. These principles are seen in section 19(2) of the Evidence Act, which I shall not read.

The amendments to the Larceny Act are contained in Part II of the Bill as laid. Clauses 6 to 8 sought to amend the Larceny Act, to change the limitation period during which a complaint may be laid in relation to housebreaking offences from

six months to one year. However, upon reflection and after some consultation, we have decided by the proposed amendments, that clause 6 should be renumbered as clause 4, which is the interpretation clause to Part II. It is then proposed to delete clauses 7 and 8 and insert new clauses 5, 6 and 7. The joint effect of the proposed new clauses 5, 6, and 7 is to make housebreaking offences, offences triable either way, instead of keeping them as they have been since 1996, strictly summary offences.

Section 19 of the Administration of Justice (Miscellaneous Provisions) Act, 1996, amended section 28, that is to say the offence in relation to housebreaking and committing an arrestable offence. Section 29 amended housebreaking with intent to commit an arrestable offence and section 30, being found by night, armed or in possession of housebreaking implements. Those were amendments to the Larceny Act, Chap. 11:12. The amendments sought by the Administration of Justice Act were to make these formerly indictable summary offences therefore triable in the Magistrates' Court. The offences were also offences triable either way under the Second Schedule of the Summary Courts Act but the Schedule to the Administration of Justice (Miscellaneous Provisions) Act, 1996 also deleted these offences from the Second Schedule of the Summary Courts Act. That was unfortunate.

Under section 33(2) of the Summary Courts Act, Chap. 4:20, a complaint for a Summary Offence in general must be laid within six months from the date of the commission of the offence. On the other hand, there is no time limit for laying a charge or making a complaint for an indictable offence. By reason of the amendment in 1996, offences under sections 28, 29 and 30, which are now, strictly speaking, summary offences, are also subject to that limitation period of six months. One of the major concerns of the police in 1996 and continuing to the present date is that in relation to these offences, the investigations often take longer than the six-month period. In addition, by the effluxion of time, the Summary Courts Act has been amended to give the magistrate greater power, in relation to those offences.

The Government's solution to the problem is to make these offences triable either way that is summarily or indictably. To a large extent, this is because the magistrates, as I have said, can now have a greater jurisdiction and can now impose a maximum penalty of \$20,000 and five years, instead of the old \$5,000 and two years, as provided for under section 100(5) of the initial Summary Courts Act. By the new change, the prosecution of housebreaking offences will allow for offenders to be adequately punished if tried summarily. But if the police cannot complete the investigation within the statutory six months, they still have the

option to proceed indictably. This change as well closes yet another loophole and is intended to facilitate the administration of criminal justice in the country.

The new clause 5 seeks to amend section 28 of the Larceny Act by changing the offence of housebreaking and committing an arrestable offence from a summary to an indictable offence, but keeping the penalty of 10 years. The new clause 6 seeks to amend section 29 of the Larceny Act, by changing the offence of housebreaking with the intent to commit an arrestable offence from a summary to an indictable offence, but keeping the penalty of seven years.

The new clause 7 seeks to amend section 30 of the Larceny Act, by changing the offence of being found by night, armed or in possession of housebreaking implements from a summary to an indictable offence and specifying a penalty of 10 years. The amendment does not deal with the issue of repeat offenders, as was dealt with in the original section, that is to say, prior to the 1996 amendment, because that issue is adequately addressed by section 50 of the Criminal Procedure Act, Chap. 12:02. Section 50 of that Act states that where a person is convicted for a second indictable offence, in other words a repeat offender, the penalty is life imprisonment or a term of years. This is yet another way in which we seek to bring the law into line with what is required to keep the offenders from wreaking havoc on the criminal justice system.

In relation to the new clause 8, which is contained in Part II(A), that seeks to amend the Second Schedule to the Summary Court Act, which lists the types of offences which are triable either way, to insert sections 28, 29 and 30 of the Larceny Act. This would make the offences under these sections, offences triable either way. As I indicated earlier, the proposed amendments as seen in Part II, new clauses 5, 6 and 7 and Part II(A), new clause 8, are necessary in the interest of justice because it will allow the police service to ensure that housebreaking offenders will not have any loopholes to escape liability.

I now turn to the Bail (Amdt.) Act, which I treat with in Part III of the Bill and the relevant clauses are clauses 9 to 12. Those clauses seek to amend the Bail Act, 1994. Clause 10 seeks to amend section 6(2) of the Act, by removing the application of this section to a convicted person. Section 6(3) is also amended to give a judge or magistrate the discretion to consider certain specified matters, when deciding whether or not to grant bail to an accused person. Section 6 in general provides the circumstances in which the court may deny bail. Clause 11 seeks to insert new section 6A, which would create a right of appeal to a person convicted of an offence by a magistrate and who has filed an appeal but is denied bail by a judge of the High Court. That corresponding right is given to the

prosecution against a decision by a judge of the High Court to grant such a person bail.

Hon. Senators may wish to note that the original word in this clause was “police” but by the circulated amendment, we propose to change it to “prosecution”. This is because it is the prosecution which really means the Director of Public Prosecutions and not the police for this purpose, which makes the actual application to the Court of Appeal. When a convicted person appeals, the Court of Appeal can either grant or not grant him bail. When the prosecution appeals, the Court of Appeal can dismiss the appeal, so allowing the appellant to remain on bail or to allow the appeal and revoke the bail and order the appellant to be arrested or to vary the conditions of bail. Hence this new right of appeal in relation to bail, pending an appeal is being conferred equally to the defence and to the prosecution. Under the law, as it exists today, that is under sections 133A and 134 of the Summary Courts Act and section 11 of the Bail Act, 1994, when a person is convicted by a magistrate and that person files an appeal to the High Court, he may apply for bail pending his appeal to a judge who may or may not grant him bail. If he is not granted bail by that judge, he may apply to any other judge for bail, but the law does not provide a right of appeal to the police or to the convicted person against the decision of any such judge. The Bill, which is before us, therefore, seeks to confer such a right equally to the convicted person and to the prosecution, as the case may be. There is a practice which is not legislated and which we considered when we looked at this Bill at the sub-committee of the Cabinet, by which persons who are denied bail apply to the Court of Appeal on affidavit for bail. This Bill would give a statutory basis for that practice and to make the procedure clear.

Clause 12 would provide a new section 11A to grant a right of appeal to an accused person who is denied bail by a judge of the High Court or to the prosecution. The decision of the Court of Appeal is deemed to be final in respect of these matters.

Mr. Vice-President, within recent times, the need for this right of appeal has become critical. The exercise of the discretion under section 11(1) by the High Court, has raised great cause for concern by the police and by the Director of Public Prosecutions and indeed by members of the general public. When, for example, much time and resources are expended by the State and the police to bring an accused person before the court, and upon refusal of bail by a magistrate, that person is then granted bail by the High Court, this seriously affects the morale of the police, the prosecutors and contributes to the fear which citizens feel on an everyday basis in relation to habitual criminals.

The exercise of the discretion under section 11(1) sometimes seems unreasonable and threatens to undermine the administration of criminal justice and ultimately respect for the rule of law. For example, notwithstanding the magistrate's refusal to grant bail and strong objections by State prosecutors to the granting of bail, the High Court has granted bail to persons charged for kidnapping in several cases, to persons who have been charged for possession of arms and ammunition and have even granted own bail to all the accused persons in a \$¼ billion drug trafficking matter in this country a few years ago. There is also another matter, an attorney at law, notwithstanding the fact that he had previously absconded whilst on bail, was granted bail in the exercise of a judge's discretion.

The Government recognizes that fundamental change in relation to the Bail Act is not possible at this time without a special majority. If we had our wish, we would amend the Bail Act to provide specifically for the offences of kidnapping, offences in relation to violent crimes involving the use of drugs, guns and ammunition and offences involving drug trafficking. But, this is not an ideal world and the Government does not possess the requisite majority to effect that sort of fundamental change to the Bail Act. What we have sought to do in this piece of legislation, as I indicated in my opening remarks, is to be innovative, bearing in mind the Constitutional constraints, in terms of how we can achieve the improvements which are sought and which are critical to allow the citizens of this country to have confidence in the administration of justice system.

Criminals are too often allowed to abuse the bail system to commit crimes, while taking advantage of the delays which are pointed out in the court system and to eliminate witnesses; if not to eliminate witnesses, to threaten them. This is really a matter which we need to address urgently and which we have sought to do in an innovative fashion.

Under section 5(2)(f)(iii) of the Constitution, a person who is charged with a criminal offence has a right to reasonable bail without just cause, but that is not an absolute right; it is a right which is subject to due process. What we have done is to empower the courts, by written law; not the Executive or the Legislature—because we understand that if the Legislature seeks to intervene it has to act by way of a special majority—and specifically the Court of Appeal, to have a ready review jurisdiction in respect of the matters which affront the sensibilities of the citizens of the country. This reform in no way takes away or interferes with a person's fundamental constitutional right to bail.

I now turn to the Negotiable Instruments (Dishonoured Cheques) Act. That is Part IV of the Bill which is before us. The clauses are clauses 13 to 17. Those clauses seek to amend the Act to introduce certain measures which have been recommended by the police to strengthen the operation of the Act. The Bankers' Association has also pointed to some deficiencies in the original Act. We propose that the Act be amended again to close loopholes which have been causing severe losses to banks and financial institutions, but more than that, which have been causing the system of criminal justice to fall into disrepute.

In clause 14, we seek to amend section 2 of the parent Act, that is the Interpretation Act to provide where a cheque is issued to replace a dishonoured cheque that was lost, destroyed or cannot be found, the replacement cheque, if it is also dishonoured is deemed to be the dishonoured cheque for the purpose of the Act.

Section 3 of the Act creates the offence of obtaining property or services by use of a dishonoured cheque. Section 3 contemplated the use of a specific cheque and not any other cheque to obtain property or services. In circumstances where that specific cheque is dishonoured, when a cheque is lost or destroyed, the person who issued it may be willing to reissue it and if it is again dishonoured, the person who issued it cannot be charged under section 3 because that reissued cheque was not the cheque used to obtain the property or services and since it is a cardinal rule of statutory interpretation, that any doubt in criminal legislation is interpreted in favour of the accused, this too has proved to be a loophole and the Government seeks, this afternoon, to close that loophole.

In clause 15, we seek to amend section 3 of the Act to provide that the consent of the payee under section 3(2)(c) of the Act, to stop the payment of a cheque should be in writing evidentiary purposes. Under section 3(2)(c) an offence is committed on a drawer, that is to say the person who issued the cheque without the consent of the payee, stops the payment of the cheque and when the payee presents it for payment to the drawee, that is the bank, payment is refused. As presently drafted, section 3(2)(c) does not allow for any proof that the drawer had the consent of the payee to stop payment. That too is a loophole in the law and the Government seeks to cure that in the amendment which is before us this afternoon.

A new subsection (3) is also added to section 3 to clearly spell out the date when an offence is committed under this Act; that is the time when it is presented for payment and dishonoured.

The Fraud Squad has pointed out that the Act is not clear whether an offence is committed on the date the cheque is issued, the date when it is presented for payment, or the date of the notice of dishonour sent by the bank to the drawer; that too is a loophole. To avoid this ambiguity, the date of the commission of an offence under the Act is set out in clause 15d. That is another loophole which we seek to cure this afternoon.

In clause 16, we seek to make certain amendments to section 4 of the Act. Firstly, subclause (a) addresses the situation where a person issues a cheque and has sufficient money with the drawee but before the cheque is presented for payment he removes the money. The presumption is created under section 14(1)(b) which applies only to a cheque being dishonoured because there are insufficient funds with the drawee at the time the cheque is issued. That presumption would be extended to cover a situation where there are insufficient funds at any other time before the cheque is presented for payment. That too is a loophole which we seek to cure this afternoon.

Secondly, subclause (b) would remove the discretion of the banks to issue the notice of protest, informing the drawer of the dishonour. It was pointed out that sometimes the bank does not issue the notice. They have no obligation to assist in the prosecution. They have a business to run and very often, they run their business without regard to the fact that the prosecution has a case to conduct.

If the banks do not issue that notice, there is little evidence that the cheque has been bounced. Therefore, the prosecution cannot proceed under section 7(1). A prosecution cannot be commenced until after 10 days of the receipt of the notice.

Thirdly, subclause (c) seeks to strengthen the case for the prosecution, by allowing proof of dishonour by use of a certified copy of the notice of the dishonoured cheque and not just a copy of the notice. This will strengthen the evidence of the prosecution and ensure that prosecutions proceed to the just result, which is consistent with the ends of the criminal justice system.

Fourthly, in subclause (d), we propose new subsections (5), (6) and (7) to section 4, which would require the banks to keep a certified copy of the notice of protest, together with a copy of the cheque for one year. This would address the situation where a dishonoured cheque with the notice is lost by the bank or is sometimes destroyed. We also seek to allow the payee to write to the drawer informing him of the dishonour. This written notice can be used in evidence. We also seek to ensure that if the drawer makes a written confession, the requirement to issue the notice of protest is not required.

Clause 17 seeks to amend the Act by proposing a new section 8, to provide that the limitation period to prosecute a summary offence under the Act, would be one year instead of six months, to allow the police sufficient time to liaise with the banks and to undertake and complete the investigation, again, in a way which is consistent with the aims of the proper administration of justice. This too is a loophole which we seek to cure this afternoon.

In Part V of the Bill we seek to amend the Forgery Act to deal with the issue of identity theft, which we perceive to be a serious national problem and one which is continuously growing.

In Part VI of the Bill, we seek to amend the Electronic Transfer of Funds Crime Act. These amendments arose from a particular case.

Clause 20 seeks to amend section 2 of the Act to apply to a person who is a cardholder, but his name does not appear on the face of a card. Some of these electronic cards, for security purposes, do not have names placed on them. In May, 2000, I will not call names, a person was charged on two counts, under sections 5 and 11 of the Act before the Magistrates' Court for fraudulent use of a bank card belonging to Mr. Y but the DPP had to abandon the charges because the prosecution was unable to prove two essential elements of the offence. Under section 2 of the Act, cardholder is defined to mean the person named on the face of the card. At present, some of these cards do not contain either picture or name of the "cardholder". Through that, the prosecution failed. The proposed amendment to section 2 seeks to close and amend that as well.

Mr. Vice-President, the Administration of Justice (Miscellaneous Provisions) Bill seeks to make a number of reforms to the criminal justice system, which we consider to be necessary to prosecute crime effectively. It is a necessary piece of legislation if we are to continue to reform our system of criminal justice and to modernize our system of governance. The Bill demonstrates the Government's commitment to the rule of law and to the principle that the rule of law must apply equally to all persons and that persons who commit crimes must not escape the law by technicalities and loopholes. As I have said before, it is merely part of a legislative package which is aimed at tackling the crime problem.

If I can turn briefly to the provisions of the Corporal Punishment Act—the amendment is a short amendment. The purpose of that Bill, which is before us, is to ensure that the sentence of corporal punishment can be carried out without some of the misunderstandings which have plagued the interpretation of the sentence at the present time. The proposed amendment seeks to ensure that when the court imposes a sentence of corporal punishment on an offender and the

offender appeals and loses the appeal, that sentence can be carried out in spite of the time which has elapsed between the original sentence of the court and the date of the decision by the appellate court.

The difficulties in interpretation stem from the history, which led to the promulgation of the Corporal Punishment (Offenders Over Eighteen) Act. That Act replaced in part the Act which spoke to offenders under the age of 16. In that Act there was contained a six-month limitation period. To solve this problem, it is proposed to remove section 6 of the Act and insert instead a new section 6, which is as circulated in the Bill, which is before us. The proposed amendment seeks to amend the Act by removing the time limit for carrying out the punishment of flogging. A sentence of corporal punishment of the court can be carried out at any time after the court has imposed the sentence.

The Government also proposes to amend the Schedule to the Act to include the offence of incest in the list of offences for which the court can order a sentence of corporal punishment. At present, the Schedule only refers to four types of offences for which a court may order an offender to be flogged. Those offences include robbery with violence, rape and offences involving violence by use of a weapon likely to cause grievous bodily harm to a person. The Government feels that the offence of incest should be added to that list.

Mr. Vice-President, with those several words, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Wade Mark: Thank you very much, Mr. Vice-President. The Bill before us addresses the issue of the Administration of Justice (Miscellaneous Provisions) Bill, 2004 and at the same time the Corporal Punishment (Offenders Over Eighteen) (Amdt.) Bill. May I say—before I get into the meat of my contribution today—on behalf of the United National Congress, we would like to record and to extend our deepest sympathies and solidarity with the 14 to 15 citizens whose lives were rudely and unexpectedly interrupted by way of an explosion in downtown Port of Spain after 2.00 p.m. yesterday. We condemn this action and we expect the criminals, whoever they may be, would be brought to justice. We, however, serve notice on this Government that it will be called upon to account. It will be called upon to explain the huge security lapses which resulted in an almost massacre of innocent and defenceless citizens. We shall have more to say on this particular matter at a later date.

Mr. Vice-President, the Administration of Justice (Miscellaneous Provisions) Bill, 2004 is a hodgepodge, paste and cut piece of legislation supposedly designed

to address delays in the administration of justice system; part of the Government's crime package.

I want to indicate from the very outset that legal fiat is no substitute for basic deficiencies in human resource management and public administration. In other words, what we see in this particular Bill before us today is an attempt by the Government to use law as a substitute for proper and sound human resource management practices.

There is a common thread that runs through most of these amendments before us and it deals with an extension of the periods involved in matters, either before the police or before the courts as the case may be. There are some sinister clauses in this piece of legislation, when stripped bare naked, that infringe on the constitutional rights and freedoms of the citizens of this republic. Indeed, I would show where this Government, even though it has not brought legislation to this Parliament, or it attempted to bring legislation to this Parliament to abolish the Privy Council, we have seen in this piece of legislation where the clever and skilful Attorney General attempts to do precisely that in this legislation. He is seeking to abolish appeals to the Privy Council which are enshrined in our Constitution and which require a special majority if you decide to take that particular path. I will demonstrate as I go along, this particular sinister ploy.

I find it very strange as well that the Attorney General will use this forum to engage in a frontal assault on the judges of the High Court of this country. I find it very, very distasteful. The record is here to show where the Attorney General attacked the High Court judges for what he has described as an unreasonable exercise of their discretion in granting bail. He talked about criminals; people who are on charges of arms and ammunition, drugs as the case may be and other matters. He even spoke about an attorney-at-law who absconded from justice, but we will deal with these matters as we proceed.

Mr. Vice-President, that is not the way for us to proceed. I want to warn the Attorney General that the Opposition United National Congress will not be used in an environment of emotions and fear, to impose on this nation draconian legislation which, at the end of the day, will fundamentally compromise the rights and freedoms of the people of this republic.

If we look at the Evidence Act, which is the first amendment before us, we observe where the Attorney General is proposing, based on maybe a directive—everything is coming as a directive, either from the Director of the Forensic Science Centre or the Chief Justice of Trinidad and Tobago. Nothing comes from

the Attorney General. He comes as a postman to deliver mail on behalf of others in this Parliament.

If we look at the legislation that is before us, we recognize that the Attorney General is trying to use what he has described as administrative staff members and not scientific staff members to receive substances or things for examination or analysis.

The Attorney General is well aware, I am sorry about my colleague and friend, I do not know if he got bombed out, but he is not here today, the hon. Minister of National Security. I understand that he is not well. I wish him a speedy recovery. [*Interruption*] I do not know what is wrong with him today, but I wish him a speedy recovery. I raise the matter of this particular attempt on the part of the Attorney General and this administration to use personnel from the Forensic Science Centre of Trinidad and Tobago who are not qualified and who are not trained to receive substances or things for examination or analysis. Here is a classic case of the Government being fully aware that there is a shortage of professional personnel at the level of the Trinidad and Tobago Forensic Science Centre. In an effort, rather than deal with the lacuna, or the shortfall in trained professional personnel, the Government, in a desperate attempt, brings to this Parliament an amendment to the Evidence Act that would give that authority to staff at the level of the Forensic Science Centre, who apparently do not have the training or the expertise to deal with these matters that are now before the Parliament.

I want to bring to your attention the fact that sometime ago, the Minister of National Security, in response to a question posed by Sen. Dana Seetahal, indicated that there were over 3,154 cases as at January 05, 2005, awaiting processing at the Forensic Science Centre.

3.30 p.m.

Mr. Vice-President, there are over 3,154 cases waiting to be processed. May I give you a breakdown of those cases? At that time, there were over 65 homicide cases. In the area of toxicology, there were over 127; firearms and ammunition, 1,343; in the area of documents, over 25; narcotics, 741; arson, some 84; and pathology, there are some five cases outstanding.

Mr. Vice-President, we are being asked to provide the Government, through the Forensic Science Centre, the authority to receive very crucial evidence with no appropriate training, skills and the necessary wherewithal to do the job that is required. This is one of the ways that this Government is seeking to fool, hoodwink and mamaguy the population that they are dealing with crime. They are

seeking to speed up the criminal justice system, but you do not speed up the criminal justice system by patchwork. You have to take a serious view of what you have to do.

If there is a shortfall in personnel, you get them from abroad; train them; and get them into scholarship programmes over a period of time, but to put into legislation something that requires a human resource management approach is really trying to fool the people and fool the population. This is a plaster that they are trying to put over a gaping wound that they know will not cure it. Again, they want to hoodwink the population. It is a hoax; a Government hoax that they know will not deliver the goods and provide the confidence in this society.

Mr. Vice-President, when we go to section 4 of the said legislation, we see on one hand where the Government—in fact, in clause 3 of this Bill, in subsection (6), we are seeing where a certificate of sample of a seized substance is being attached. I also see where the name of the Justice of the Peace is to be inserted and the name of the police officer, but I do not see any provision for the attorney who would want to witness this particular matter. So I am wondering if the Attorney General could clear the air for the honourable Parliament: Why do the Schedule and the certificate of sample of seized substance not carry the signature of the attorney at law in this instance?

Mr. Vice-President, the Bill goes on to extend the list of government experts to include a fingerprint technician from the Fingerprint Office of the police service. Could the Attorney General provide a list of the so-called government experts to this Parliament? Is there a schedule that defines “government experts,” this fingerprint technician who the Attorney General is claiming would have to face, at the level of the court, serious challenges from the accused or defence lawyers as the case may be?

I do not know—and he would need to explain to us—how this new fingerprint expert or technician, who would now become an overnight expert, is going to use the law to transform this fingerprint technician into an expert. Is this fingerprint expert qualified and certified and properly trained? All we know is that the Attorney General, through this Bill, is attempting to extend the list of “government experts” to include a fingerprint technician from the Criminal Records Office of Trinidad and Tobago. I raised this point to let you know that we are passing laws in this Parliament to deal with human resource management problems.

I want to refer to an article in the *Trinidad Guardian* dated June 26, 2005 on page 8 entitled: “14 cops to probe murders from Chag to Toco”. This is what is

taking place in our country of plenty. The Government has allocated more than \$850 million to build a sport stadium or a complex in Tarouba; they have allocated more than \$140 million for the Unemployment Relief Programme (URP) for the rest of this year; and they have just allocated hundreds of million of dollars to the National Social Development Programme to run lights, water and to fix roads to try and see if they could win a by-election in Siparia East/San Francique.

Mr. Vice-President, I want you to follow this particular article dated June 26, 2005 on page 8 and it says:

“There are only 14 homicide detectives in the Police Service to investigate and solve the staggering 165 murders for the year so far.”

As we speak, this number has gone to 190. So you have 14 detectives in the whole of the East-West Corridor—from Chaguaramas to Toco—to deal with murders that are taking place there. The bulk of them are in the East-West Corridor. In this article, they went on to say that because of the inadequate number of police officers with that kind of expertise—detectives and fingerprint experts—it is hampering investigation into murders in Trinidad and Tobago.

Mr. Vice-President, would you believe that from Chaguaramas to Toco there are four police divisions? They are Port of Spain, Western, North Eastern and Northern Divisions. Nine of the 45 homicide detectives cover the Port of Spain and Western Divisions; two of them cover the North Eastern Division; and three of them cover the Northern Division. They give you the names of the officers who are involved. As usual, Tobago is very limited. They have one detective for the whole of Tobago.

This article goes on to say that the police are very worried about the shortage because it has resulted in junior detectives having to handle major investigations. Mr. Vice-President, junior detectives are assigned the responsibility of handling major investigations. It goes on to say that in 2004 some 30 policemen were trained by one Mr. Mohammed for a month in homicide investigation but, do you know what? They were never inducted into the Homicide Bureau. So there are persons who were trained by the police, but they are not being given the opportunity to serve in the areas where their skills are needed.

Mr. Vice-President, I raised these points to bring to the attention of the Parliament that these measures that this Attorney General of ours has introduced here, are all part of a parade; all part of a masquerade; and all part of a charade. That is what it is. They know that these measures are not going to achieve anything, because they do not have the personnel to deal with these matters. What

they intend to do, is to tamper with the legislation and to put inexperienced persons to deal with matters that are very important when determining criminal outcomes in the courts of Trinidad and Tobago. That is what this Government is doing, and the poor and hapless Attorney General brings these matters here, conscious of the fact that it is only “pappy show” that is on here. This is how he “pappy shows” the population! He is going to hang—every man to hang—and up to this day not a man hang and not a man will hang in this country under this Attorney General. He is mamaguying the population and fooling the people.

Sen. Jeremie. Due process.

Sen. W. Mark: Due process! You almost want to hang somebody without due process. You are just mamaguying the people and fooling the country that you are doing something, when your incompetence is manifested in everything in this country. Mr. Vice-President, this matter about putting a fingerprint technician as an expert is tomfoolery. You are fooling the people!

Mr. Vice-President, if you go to Part II of the Bill which is the extension of time to prosecute certain summary offences; that is staffing. The problem there is a human resource management problem and the Attorney General is attempting to address it. I do not understand, because the Minister of National Security is a person who has done a lot of work and training in human resource management. He has expertise in that area. One would have thought that those matters would have been addressed, but that is not to be.

If you look at clause 8 in Part II of the Bill, you will see where the Attorney General is seeking to take away the rights of citizens in this country. Unless this is amended, we are ambushed today. Whilst we are here, he is reading amendments that we are yet to see. He got them whilst he was reading and we must read quickly to make the connection. He could correct me if I am wrong.

Mr. Vice-President, clause 8 new sub-section (1) says:

“A person who receives any property knowing the same to have been stolen or otherwise unlawfully come by or obtained commits an offence and is liable on summary conviction to imprisonment for five years.”

I thought that as an accused, if I were to purchase some property and I was not aware that this property was stolen—what the Attorney General is proposing here is that I have committed an offence and I am liable on summary conviction to imprisonment for five years.

Mr. Vice-President, when we talk about summary conviction in this country,

it is the police versus the accused in the Magistrates' Court. Where is the right of this particular person who has received property knowing it to be stolen? Where is that person's right to choose whether he or she wants a summary trial or wants to be tried by his or her peers in the courts of Trinidad and Tobago by a judge and jury? Where is that right? Is the Attorney General seeking to take away that right? To my mind, this does not make sense, and the hon. Attorney General needs to clear the air on this matter.

I go now to the amendment to the Bail Act. I want to tell the Attorney General, if he is not aware, that Act No. 18 of 1994 was passed with a specified majority in this Parliament, and do not come and parachute into legislation an amendment to the Bail Act which was passed with a specified majority. He comes here today to make amendments to the Act and to tell us that this Bill requires a simple majority when he knows that the Bail Act was passed with a special majority in 1994.

Mr. Vice-President, I want to let you know that bail is a serious matter. That is a question of your liberty and your freedom. [*Desk thumping*] You do not tamper with peoples' rights, as loosely as this Attorney General seems to be engaged in. He wants to tell us, and almost scold us, into believing that we must not use our Constitution to defend people and we must stop waving the Constitution, because as far as he is concerned, what is more important is these hodgepodge pieces of legislation—cut and paste pieces of legislation—to give him the privilege to look well but, at the same time, undermining the fundamental rights and freedoms of the people of Trinidad and Tobago. That cannot be fair. It cannot!

You cannot in any way reduce or remove the bail provisions. We are saying it is unconstitutional, because it interferes with the rights of the people. We are saying that when you make a provision like the one in clause 12 which says:

“No appeal shall lie from an order of the Court of Appeal made under subsection (2).”

What do you mean by that?

Sen. Jeremie. Mr. Vice-President, on a point of order. The Senator is misleading the House. The right which I talked about was a right; it was not a deprivation of anyone's ability to get bail. It was an additional right granted to both the accused and prosecution to carry a matter before a court. It has absolutely nothing to do with the Legislature and the Executive, as I made clear.

Sen. W. Mark. Mr. Vice-President, there is a clause in this Bill which says:

“No appeal shall lie from an order of the Court of Appeal made under subsection (2).”

Clause 12 new subsection (2) says:

“Where the Court of Appeal hears an appeal under subsection (1), the Court of Appeal may make any order as it thinks just.”

So, when you say that “no appeal shall lie from an order of the Court of Appeal...” what do you mean by this?

Mr. Vice-President, the next level in appealing, as I know it, is the Privy Council. I am saying the next logical extension of the court is the Privy Council. That is what I am saying. I am saying that.

Mr. Vice-President, as I said, I found it a bit strange when the Attorney General attacked the judges of the High Court. He used the Parliament to accuse the High Court judges of this country, and he wants to use this Parliament in order to stifle and stymie the discretionary power that hitherto exists, in terms of the judges of the High Court. How can you say that?

Sen. Jeremie. Mr. Vice-President, again, on a point of order. At no point in my presentation did I attack the Judiciary.

Sen. Dr. Saith. It is against the Standing Orders.

Sen. Jeremie. As the Leader of Government Business reminds me, that in itself would be against the Standing Orders of the House. All that I sought to do was to illustrate certain cases in which bail had been granted to persons without a right of appeal, and the public confidence in the administration of criminal justice might have been eroded.

Sen. W. Mark: Mr. Vice-President, the Attorney General, in his presentation today, said that it is an unreasonable exercise of discretion under section 11(1). He said that threatens to undermine the administration of the criminal justice system and, ultimately, the rule of law. He went on to give us an example of the kinds of indiscretion that he referred to. He talked about the High Court—

Sen. Dr. Saith: What are you reading from?

Sen. W. Mark. I am reading from his presentation. He said that the High Court of this country—

Sen. Jeremie. He wrote it.

Sen. W. Mark. Mr. Vice-President, the *Hansard* would show that the Attorney General—

Sen. Jeremie. Which *Hansard*?

Sen. W. Mark:—said this afternoon that the High Court granted bail to persons who were involved in drug trafficking; who were involved in arms and ammunition; and an attorney at law, who he said had absconded justice, he, too, was also granted bail. What are you trying to tell us now! You did not mean what you said! When you said the High Court, who are you referring to? Who are the persons who preside in the High Courts of Trinidad and Tobago? They are judges! So I am accusing him of a frontal assault on the Judiciary and the judges of this country. [*Desk thumping*] That is what he has done here this afternoon.

Sen. Jeremie: Mr. Vice-President, on a point of order. I repeat that the Standing Orders prohibit me from doing any such thing. All I did was to state the facts. Those were facts which I stated. I gave illustrations of instances in which— I drew no conclusions except to say that perhaps a right of appeal to a Court of Appeal, which is manned by judges themselves—

Sen. W. Mark: All right “nah”. You would get a chance to talk. He is taking my time.

Sen. D. Montano. He must withdraw that. Mark must withdraw that.

Sen. W. Mark. What? Withdraw what?

Mr. Vice-President: Sen. Mark, you already gave way to the point of order.

Sen. W. Mark. Okay, let him go ahead. He is wasting my time right now.

Sen. Jeremie: Mr. Vice-President, I cannot be accused of a frontal attack on the Judiciary if I have put a mechanism in place for the Judiciary—

Sen. W. Mark: Oh, that is an underwater attack.

Sen. Jeremie:—to review the decisions. That is what you have a Court of Appeal for and that is what you have the courts for. They are courts of error.

Sen. W. Mark: Mr. Vice-President, he is making a speech. Let him take his seat.

Mr. Vice-President: Sen. Mark, I do agree with the Attorney General and, definitely, if he had done such a thing, at the time, you would have interrupted because you, for one, would not stand for imputing improper motives. Now, I would not like you to continue in the line you are going, because you are bordering on imputing improper motives about the Attorney General.

Sen. D. Montano. You must withdraw that.

Sen. W. Mark. Well, Mr. Vice-President, I just put on the record exactly what he said to you this afternoon and to this Parliament.

Sen. Dr. Saith. But you wrote it.

Sen. D. Montano. Mr. Vice-President, on a point of order.

Sen. W. Mark: Mr. Vice-President—

Sen. D. Montano: He is repeating the insult to the Attorney General.

Sen. W. Mark. Did I repeat any insult?

Sen. D. Montano: Standing Order 35.

Sen. W. Mark. Could I repeat?

Mr. Vice-President: Sen. Mark, could you desist from the reference you have been making?

Sen. W. Mark. I did.

Mr. Vice-President: Well, do not repeat what you have said.

Sen. W. Mark. I did not.

Sen. D. Montano. You should withdraw it.

Sen. W. Mark: You cannot tell me to withdraw anything. Anyway, Mr. Vice-President, I am being directed by you. Mr. Vice-President, may I proceed?

Sen. D. Montano: Mr. Vice-President, on a point of order, Standing Order 35. Mr. Vice-President, the Senator opposite has maligned in a most vicious way, the Attorney General. He must withdraw that. It is highly improper. This is going to be reported in the media and it is most irregular and most improper. He must withdraw it. That is not what the Attorney General said.

Mr. Vice-President. Sen. Mark, I have listened to the Attorney General and I, myself, heard what he said. I would like to support the request to withdraw the statement.

Sen. W. Mark. On what basis? You just ruled and you told me to proceed. You are taking basket from across there.

Mr. Vice-President: Sen. Mark, I told you to desist from the line that you were going.

Sen. W. Mark. But I have followed your direction.

Mr. Vice-President: Sen. Mark, you went on to say what you were saying.

Sen. W. Mark. No, you directed me and I followed you.

Mr. Vice-President: Sen. Mark, please, I told you what you were doing was bordering on imputing improper motives.

Sen. W. Mark. And I continued along the line that you directed me.

Mr. Vice-President. I would like you to withdraw that statement because such a thing should not remain on the records.

Sen. W. Mark. He may not have made a frontal attack but, maybe, an underwater attack. Is that okay?

Mr. Vice-President. Sen. Mark, could you withdraw the statement?

Sen. W. Mark. I withdraw “frontal attack”; maybe it was an underwater attack.

Sen. D. Montano: Mr. Vice-President—

Sen. W. Mark. Maybe it was an underwater attack.

Mr. Vice-President: Sen. Mark, it is a little sinister of you to be twisting around the words like that. Whether you call it this thing or the next thing, if you accused him of an attack, it remains an attack. I ask you to withdraw the statement and desist from doing this, please.

Sen. W. Mark. Mr. Vice-President, the Attorney General indicated that it was an unreasonable exercise of discretion under clause 11. He said that threatens to undermine the administration of the criminal justice system—

Mr. Vice-President. Sen. Mark—

Sen. W. Mark: If you wish me to withdraw it, I withdraw it. You want me to withdraw it; I withdraw it. Okay. I would just put on the record here what he said, and I would tell them on the platform what he said otherwise.

Mr. Vice-President. Feel free to do that.

Sen. W. Mark: Mr. Vice-President, you know sometimes just to maintain peace—the Attorney General knew what he said. Mr. Vice-President, the Bill that is before us, as far as I am concerned, will not bring about the kind of efficacy that the Attorney General would like, and he would not use the Opposition in his masquerade, to gain that kind of legitimacy. These matters before us require human resources; it requires warm bodies, and unless you are able to train

persons; have them certified properly; and place them properly, you are going to have problems.

I do not see these measures that have been brought here this afternoon having any significant dent on the crime wave that is currently gripping this nation. I do not see any kind of significant impact. I see them as cosmetics, on the part of this Attorney General. He is famous for cosmetics. That is what he is famous for. I do not know if he uses Sacha products—[*Laughter*]—but he is guilty of cosmetics. This Bill here is about cosmetics and nothing more or nothing less.

Mr. Vice-President, I want to advise this Attorney General that it is 15 years since 1990. Mr. Vice-President, I have been in this Parliament since then.

Sen. Dr. Saith. Too long!

Sen. W. Mark. And do you know what? I have not seen any security changes in this Parliament in those years. Mr. Vice-President, this Parliament sits on a time bomb. Do you know that the eternal flame burns on the basis of a tank that is just opposite the eternal flame hidden behind some galvanize—

Sen. D. Montano. Which clause are we talking about now?

Sen. W. Mark. Mr. Vice-President, I am bringing this to your attention, because I am a Member of this Parliament and I am concerned about my safety. Something happened in this Parliament yesterday where, for instance, we had to adjourn our sitting. I am saying to you, the hon. Members here and the Attorney General that we are sitting on a virtual time bomb.

Mr. Vice-President, this tank contains over 500 gallons of natural gas. I just bring this to your attention because any lunatic or any mad man could just flick a match or throw some explosive device and all of us would go up in flames. I just want the Attorney General of this country and the hon. Minister of National Security to take national security seriously, because in our backyard we have an open tank that contains 500 gallons of natural gas to keep the eternal flame burning, and all it takes is a match or some device to blow up the place. I want the Attorney General to take action on this matter. Mr. Vice-President, I bring it to your attention for whatever it is worth.

Mr. Vice-President, I thought, given what took place in Port of Spain yesterday, we would have had a beef-up of security around this Parliament today, inside and outside, but I see business as usual in this Parliament. I would like to indicate that not only—I raise this point because members of staff of this Parliament do not have a voice. I believe that I can tell you and this honourable

House that the staff of Parliament is uncomfortable. They almost relived 1990 yesterday.

It was reported that a policeman with his SLR went into one of the rooms here in the Parliament and told the workers: “Get out! Evacuate!” Nobody knew what was going on. Do you understand! A lady who suffers from high blood pressure could have gotten a heart attack. There is no sensitivity in terms of what has happened here. I bring it to your attention and to the hon. Members of this House that we have to be a little more sensitive to our own security and the security of our members who serve us day and night and night and day in this Parliament. [*Desk thumping*] I bring it to your attention because what happened on Frederick Street could have happened to you; it could have happened to me; and it could have happened to any one of us or our daughters, our fathers and our mothers. Any one of us could have been walking on Frederick Street at that time of the day and gotten one of our legs blown away. We cannot afford that again. Mr. Vice-President, so we have to take serious measures in order to avoid this.

I also want to bring to your attention and the hon. Leader of Government Business that I have gotten information that a decision has been taken to divide our library, limited as it is, between the public and Parliament. In other words, anybody could come off the street and get into the Parliament library—you do not know them and I do not know them—and they would have access. So, imagine Sen. Dr. Lenny Saith is in the Library or the Attorney General is in the Library, and somebody comes up to him and says. “Look the Attorney General, look the man who we are looking for long time, he is inside there.” There is nobody to protect you! How can we have this!

Sen. Dr. Saith. Who have done that?

Sen. W. Mark. I do not know. I understand a decision has been taken and I would like you to investigate that.

Mr. Vice-President. Hon. Senators, the speaking time of the hon. Senator has expired.

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

Question put and agreed to.

Sen. W. Mark. Mr. Vice-President, I bring these matters to the attention of this honourable House to ensure that we do not become victims of aggressors in our Parliament. The court library is for the magistrates, the judges and the lawyers

and our library must be for parliamentarians. [*Desk thumping*] If anybody wants to use our library, Sen. the Hon. Dr. Lenny Saith, it must be on the basis of discretion and permission, but to have persons side by side in the library with us, we have a little difficulty with that. I would like the hon. Minister to look into that matter.

Sen. Dr. Saith: Mr. Vice-President, I am glad the hon. Senator raised the matter. I am a little surprised though that he always seems to have part of the information. It would have helped if, in reporting, he said who gave this instruction, but if he is not able to do so. I would still try and find out for him.

Sen. W. Mark. Well, I thought it was you and that is why I raised it but, apparently, it is not you. I want him to investigate it. Is Sen. the Hon. Dr. Lenny Saith the Chairman of the House Committee? Is it you, Sir? [*Crosstalk*] All I ask is for consideration by the Leader of Government Business.

I brought this matter to the attention of the Vice-President. I would like that matter to be addressed, particularly with what has happened in Port of Spain yesterday. I just would like you to address that matter and deal with the security of our people who are Members of Parliament, and also the staff of this Parliament, in a very serious way. Do not take our security, not only us here, but the citizenry at large, for granted.

Mr. Vice-President, when our colleague and friend, Sen. the Hon. Danny Montano wore another cap—he has had so many that I forgot those caps that he wore. I understand that his latest one, as you know, is the Minister of Labour and Small and Micro Enterprises Development. I do not know where he is going to go after that kind of pain that he is sure to get from the labour movement. Bound to get!

Mr. Vice-President, may I indicate to you that some time ago, when he wore the hat of the Minister of Legal Affairs, he did make a commitment to this honourable House, and now that Sen. the Hon. Christine Kangaloo has replaced him, I would like her to execute and follow up.

Mr. Vice-President, in looking at the Corporal Punishment (Amdt.) Bill, I had a lot of difficulties in extracting the amendments. They are not consolidated. The amendments are not consolidated. I had to be looking hither and thither all over. Even the Librarians were under pressure in helping me to get the information. The reason for this is that our laws are not consolidated.

Sen. Jeremie: Mr. Vice-President, the Minister is new and I have been in collaboration with the former Minister of Legal Affairs. The office which is in

charge of that matter falls under his portfolio; that is the Law Revision Commission. It used to fall under his portfolio. I had given this House, on his undertaking, a two-year period during which—we have already retained consultants to consolidate the laws. I pointed out to—I believe it was you—

Sen. W. Mark. You are tying me up with Dana. [*Laughter*] You did not point that out to me. You like Wade Mark! You point out things to me! He did not point out anything to me.

Sen. Jeremie. I am sorry.

Mr. Vice-President: Sen. Mark, do you mean Sen. Seetahal?

Sen. W. Mark. Of course I do. You do not expect me to say anything else, Sir.

Sen. Jeremie: We had two consolidations: one was done in 1956 or thereabout and the other was done in 1980. It is high time for us to do a consolidation and it is being done. It is not the sort of thing that can happen overnight.

Sen. W. Mark: Mr. Vice-President, as I said, we were told almost a year and a half ago that this was to be done and now the hon. Minister is saying that it is a two-year project. We would expect that by the end of this year we would have a consolidation of our laws. Mr. Vice-President, I just bring this to your attention because I had exceedingly difficult moments trying to get the different pieces together to make a contribution. That is why I asked the Attorney General to have the matters separated but, of course, democracy. I am a democrat and if the majority says they want to deal with them altogether, I may not be able to contribute as much as I would have liked to on this particular matter.

I would like the Attorney General to deal with the consolidation question and ensure that in the not-too-distant future—you and your colleagues. You are all part of the same boat called the PNM, floating down a road in which you are going nowhere. Mr. Vice-President, we are hoping that Sen. the Hon. Christine Kangaloo and the Attorney General would combine their forces and resources to bring about that much needed consolidation of our laws. I must say that it must be done electronically as well. We need to have that electronically.

Mr. Vice-President, do you know what is interesting about this measure, which is the Corporal Punishment (Offenders Over Eighteen) Bill? Do you remember when the hon. Prime Minister made his famous statement at a meeting where 200 geriatrics attended? I should not say “geriatric”, but “senior citizens”

rather—

Sen. Jeremie. What is wrong with “geriatric”?

Sen. W. Mark. I withdraw “geriatric” and say “senior citizens”. He had a public meeting somewhere in Tunapuna and he had 200 senior citizens listening to him attentively, and because of the crime situation which he did not have and still does not have any control over, he proceeded to tell the country that it is going to be “licks and licks and licks”. As if, for instance, the hon. Prime Minister, who travels quite frequently—I do not know if he suffers from jetlag, so when he was talking that night, he may have been suffering from jetlag. He does not understand or so he would want us to believe, that on our statute books, we already have the provisions to deal with flogging. So, what is new in this piece of legislation? It is just to dot an “i” and cross a “t” and to say. “Well, look, PNM did it.” PNM did not do anything. The law is already there on the statute books. It was pointed out to the hon. Prime Minister and the Attorney General that this law that they are talking about which is the Corporal Punishment (Offenders Over Eighteen) (Amdt.) Bill is a duplication. What they have brought here today is already on the statute books.

On reflection, you would recall sometime in 2000, the UNC brought legislation to amend certain laws affecting children. Under this legislation of 2000, there was a particular provision, under Part V of the Miscellaneous Provisions Children (Amdt.) Act of 2000 in which we brought something called the Corporal Punishment (Offenders Over Sixteen) Act, Chap. 13:04. It is us, in the UNC that brought this measure to the Parliament. We amended the word “sixteen” and substituted the word “eighteen”. The law at that time was talking about 16 years and it was not possible to do so, so we went with the over 18 arrangement.

4.15 p.m.

So, what the hon. Attorney General is attempting to do this afternoon, in terms of this Corporal Punishment (Amdt.) Bill, is not new; it is not innovative and it is not anything that is in any way earth shattering. It is a replication; a duplication of the laws that already exist on our statute books in this country.

I would like to advise the hon. Attorney General that there are several provisions in this Administration of Justice (Miscellaneous Provisions) Bill, 2004 that he would need to clarify for us. And unless those matters are clarified and some areas deleted, we are not going to be party to or supporting any legislation that is seeking, first of all, to undermine the Constitution of the country; to undermine the rights and freedoms of the citizens; and to take away the

discretionary powers of the High Court judges. We await the Attorney General's intervention to clarify some of our concerns before we can take any further steps forward in deciding what our position will finally be on this piece of legislation. Whilst we are all in favour of speeding up the administration of criminal justice system in the country, we must do it in a way in which whatever we advance can be lasting.

In closing, I want to advise the Attorney General, that from my assessment of this piece of legislation, there are a number of provisions that could have been addressed, not in terms of law; not in terms of an amendment, but simply putting in place systems of management and administration in an effort to address what is called the woefully inadequate human resource base that exists in most of these organizations. So whether it is the Homicide Bureau; the Forensic Lab; the Magistrates' Court, where they are talking about summary trials, you need more judges, you need better conditions for these judges to work under, they must be better paid, there must be better accommodation for these judges; the DPP department. Instead of bringing this Bill, that is supposed to come here shortly, to give him the power to send matters straight to trial, you need to bring more people into the DPP's department. What the Attorney General is doing, is trying to—once again—fool the population of Trinidad and Tobago that he is doing something; that the PNM is doing something about this particular crime situation that we currently have in Trinidad and Tobago. But at the end of the day we will not get the necessary results that are so desperately needed to bring about that degree of safety; security, harmony and peace in the minds, hearts and souls of our citizens in the Republic of Trinidad and Tobago.

So, I call on the Attorney General to rethink this piece of legislation and we would like him, in his winding up, to provide some clarity to a number of the areas that I have mentioned.

I want to thank you very much, Mr. Vice-President.

Mr. Vice-President. Prof. Deosaran, I would like to recognize you at this time, but I am looking at the time. It is 4.20 p.m. and I suggest that we take the tea break now, and allow you to continue when we come back. Let us come back so that we can start at 5.00 p.m. We shall take the tea break now.

4.21 p.m. *Sitting suspended.*

5.00 p.m. *Sitting resumed.*

Sen. Prof. Ramesh Deosaran. Mr. Vice-President, I have a few comments to make, not on everything in the Bill, but mainly on the issue of bail and in relation

to what the Constitution expects in the granting of bail. But before I do so, I feel obliged to refer to some of the things that Sen. Mark said. As we all know, the citizens in this country are really under extreme duress, psychological stress; it is a period of uncertainty, and I think we as leaders in this Parliament should try our best to build public confidence and to give direction rather than wittingly, or unwittingly, aggravating the tensions of the country.

I thought myself that the Bill presented by the hon. Attorney General would help, not only allay the fears of the national community, but provide some confidence in the Government and especially in the administration of justice, that things are being done to alleviate a grievous situation with respect to crime and justice. But in the context of the anxieties that the national community feels—and I do share some of Sen. Mark's sentiments about the need for safety and the protection of the staff in Parliament, but I believe he went a bit over the line, and with respect, I believe that the matter of the gas tank should never have been mentioned with the precision—[*Desk thumping*—and the implications with which he did. I am not saying he did so maliciously, but sometimes we hurt the one that we love, and in trying to secure protection, I think he has exposed the Parliament and the people inside the Parliament to a hazard which hitherto, would have been unknown.

I deeply regret that because it puts me at risk; it puts you at risk; it does point a finger for the so-called terrorists to explore it, and frankly speaking, I think it is an unfortunate error, on my dear friend, Sen. Mark's part. I say so with great respect because a lot of what he says I had agreed with, but I think in the enthusiasm to protect, he has exposed us to a likely danger.

The other point I wish to make—and I am trying to be brief so I can give the other Senators a chance to speak before the evening gets more heavily upon us—is this issue of a special majority. In my humble view, the framers of the Constitution put “special majority” so as to have reasoned safeguards against the introduction of laws which would violate our fundamental freedoms and guarantees. The words I used are “reasoned safeguards”. That is after the Bill is presented the particular clause or law, and there is a reasoned debate, arising from that debate, the issue of special majority, or the practice or the application of a special majority would be used. In other words, I do not think the practice of a special majority should be abused, in the sense that it should block legislation arbitrarily. It should result after a reasoned debate. I do not see that the special majority requirement is designed to be a political weapon. I rather see it as a reasoned safeguard, wherever the need does arise. And I do believe that this

reliance on a special majority, so arbitrarily exercised sometimes, worries me as to why do we not have a debate and then decide.

The other issue is about the Attorney General's alleged frontal attack on the High Court judges. I want to clear this first, because I myself have some reference to make on the question of sentencing and bail, and I do not believe that it could be seen as a frontal attack on the judges, because Parliament must have a role in building public policy to make reference to procedures and patterns of conduct, in order to shape public policy. Public policy affecting the Judiciary cannot be made in a vacuum, and I do not think the reference that the Attorney General made was really anything close to a frontal attack on the Judiciary or the judges.

You must remember in all this, an old statement: Justice is not a cloistered virtue. That arose out of a very important case and matter that the Privy Council itself made the pronouncement, reminding the Parliament and citizens in a democratic country, that there is an opportunity for you to criticize the Judiciary with good taste, and with the required restraint, which I think the Attorney General exercised. I am saying so, because there was a time—a few years ago, even when the UNC regime was in office—that they wanted to put the Judicial and Legal Service Commission under one of the joint parliamentary select committees, and it is something with which I agree, but of course, as you know, there were different appeals, and that was withdrawn and it became one of the conditions which are accepted from parliamentary oversight. But that would have been within the realms of protocol and the exercise of parliamentary powers to have oversight, so that the matters that worry the Government, and in particular the Attorney General, could have been dealt with to some extent in these oversight committees, which have a majority of Government members.

I am saying so because, I am worried about what is happening in the Judiciary and I think the question of bail is one such example. I think privileges or duties of an Independent Senator—of course I speak for myself in this case—is to tell the Government where it is wrong when we feel so, but to tell the Government where it is right, when we do feel so. That is in my instance, and the others, of course, I believe would likely share that view. In this case I want to commend the Attorney General for bringing forth, in more precise terms, the legislative agenda that he did set out some months ago. [*Desk thumping*] Because without such initiatives, we have to be realistic, and it did touch my heart when he later said that as the people bleed we prefer to insult one another in this House.

In my respectful view, there is a time and a place for such things. We have the election campaign, but we have people in distress, and when I sit here and listen

to the Attorney General struggling to bring forth legislation, which really most of them are seeking to strike a balance, as we well know, between the individual rights and the public interest, in the face of circumstances which warrant the Government's intervention, I want to commend him and encourage him to continue in that path. Mind you, when I believe in my own respectful view, that he is going wrong I would perhaps tell him or his colleagues so—as I have done on occasions—and when on occasions they are doing something right, I believe I have the senatorial responsibility—according to my oath—to say so, as well.

When we look at section 5—I think that is where the issue of bail strikes—in the Constitution. Section 5 gives a lot of rights to citizens, that is against arbitrary detention; the right to be informed properly, but subsection (f)(iii) guarantees a person reasonable bail. That is when you look at the circumstances, you have to give reasonable bail, or put in another way, you must have the right to reasonable bail, unless there is cause for not doing so. So we are interfering with the Constitution and I think the Attorney General, on the basis of what he considers evidence, has moved to improve things in the public interest.

The issue of bail is not only a matter of strict law and trying to tidy up the legislation. The issue of bail deals with the human condition, as well, because when you put people on bail, from my information, and I think my colleague Sen. Seetahal has pointed this out to us several times, the conditions in the remand yard are sometimes worse than if somebody is really in prison for a crime. So, it is not only of not giving bail or giving bail, it is where you put them when you give them bail, and those inhumane conditions command our attention when we think about denying people bail.

The Attorney General said that he is a lawyer, and as I said on the last occasion, he is a good lawyer; he is a scholar at the university. In my case I can tell you I am not a lawyer, and I do not know if I should be happy in saying so or not, but it does give me the opportunity to see things from a different perspective. It does give some of us who are not steeped into the letter of the law, into the training of the mind that goes into interpretation and the exercise of legal provision, to have a certain view—I would dare say on behalf of the wider public—as to what these pieces of legislation mean; how did they arise, which reminds me of two things.

Legislation of this kind, bail, human rights, they emanate from certain social and certain political conditions, but too often have I seen these laws dropping from on top, out of intuition or out of some legal brilliant lawyers. We should always hold back and look at the social and political conditions that should give

rise or should not give rise to certain laws, and that is why as an outsider, I think I want to make this brief intervention.

The other reason is the way the courts worked. I know of no better way to summarize that. The Attorney General himself mentioned this phenomenon, but there is a Chinese saying which goes this way. "If by chance the wind blows a piece of paper in the Court, it would take ten oxen to pull it out", and metaphorically, we know what that means; adjournments; witnesses cannot be found and the case remains there almost for ever and ever. Whilst lawyers would debate the niceties of this provision and that provision, the client sits there wondering what is going on; the victims similarly.

In my view, and there is strong evidence to suggest this, by different opinion polls, and I am not speaking only about the movies like, *Death Wish* and Clint Eastwood and his series of "make my day" movies. But there are a lot of movies; *Star Chamber* is another one. These movies dramatize public disenchantment with the administration of justice, and we have to be very careful that this disenchantment does not grow to the point where people begin to take the law into their own hands. I have made that point before, and I will continue to make it.

The Attorney General mentioned that the Mark Mohammed committee did sit and produced—what is in his view—a commendable set of recommendations, which he is now following as part of his legislative agenda. I would wish to ask, and I do not know if he would have an answer when he is concluding: Did the Director of Public Prosecutions have any role in these recommendations? He is a frontline officer in the prosecution realm and he and his staff would have a clear understanding about the bail giving, where it is not given and what consequences flow in particular instances. In other words, I think the Director of Public Prosecutions, who has an independent office, free from the Executive, should have a direct role in coming up with such recommendations.

I am therefore looking at this section on bail, particularly in terms of public policy, and when the Attorney General did mention—and that is why I commend him, not only for the legislation but his manner of delivery and the sentiments which accompanied his delivery. He has illustrated that he does have the public interest at heart. Any time you have an Attorney General, a member of the legal fraternity, prepared and courageous enough to take on the legal fraternity and to bring legislation in the public interest, that Attorney General needs to be commended. Too often we have lawyers who feel that they belong forever and ever to the legal fraternity, in spite of the public office that they hold, and I think that distinction has to be made to let them know where their obligation rests, in a

superior fashion, as against their professional working obligation. I have seen that today and I commend the Attorney General for taking the public interest route, in spite of, I am quite sure, a little torment by his colleagues in the legal profession. He is now a Minister of justice for all people, not just a lawyer in practice.

When he speaks about lawyers benefiting from the duplication of work, we know what he means. A matter goes to the preliminary enquiry; length of time, weeks, months; it goes to the High Court, weeks, months, same matter; it goes to the Appeal Court; it goes to the Privy Council. That regeneration of work makes a lot of people happy financially, and I am happy that he is making brief reference even so, to such things, because that is a worrisome issue, too. Justice is too expensive for the ordinary person in this country, and the time is coming, perhaps in another context, when I would call more intensely for some kind of modest regulation of lawyer fees or having some legal ombudsman, as they have in other countries, to help the public determine what is a fair price for a certain trial or a certain case.

These are unpopular statements, I do not mind making them; I have made them before. Just as the Attorney General himself, is going to be unpopular with his colleagues, I would not be spared a similar fate. But some of us in positions like the ones we hold, have to take certain leadership routes in order to get the public interest back on track. We have steered too far away from selfishness, sectarianism, and this interest group fighting and lobbying for this and that, at the expense of what is called the ordinary person. I was hoping that Sen. Mark would have relished this point much more because he could express it much better than I do, as a man from the ranks of labour. Justice is too expensive, and whatever the Government can do as the Attorney General is doing now, I think should be properly welcomed.

He spoke about the multiple layers and layers and layers; you feel they are hatching eggs, one after the other, in the administration of justice. But I believe, given what the Constitution says—which I have referred—and knowing the seriousness of the matter, I thought I would do the Parliament, the Judiciary, the Government and the public a service, by asking a question, the answer for which was due June 02, 2005, over a month now. If we had that answer, the debate taking place would have been filled with less emotion, less ambiguity and instead filled with a precision and an empirical basis, as all the lawyers should realize, upon which to base this new trend in public policy, with respect to amending the bail legislation.

My question I asked briefly, through the hon. Attorney General, and I am sure he would have sent a request to the Judiciary, who I believe has not sent it back to him, which tells me something about how the Judiciary works. I thought the Judiciary itself would be happy to have this kind of information. The answer I am getting—not from the Attorney General but from other quarters—is that they cannot find the information. What is the information? How relevant is it to bail? How important is it to build public policy on the issue of bail? I asked, for example: Of those people charged for certain offences: burglary, larceny, abduction, kidnapping, robbery, house break-ins, possession of drugs and drug trafficking—serious offences. These are the offences that bother the national community. These are the offences which the public expects the Government to do something about reducing and controlling.

So, I asked: Of those people charged for such offences, how many have been granted bail or refused bail in the Magistrates' Courts for the last ten years? If you cannot give me for 10 years, say well, five years. I then asked: Of those refused bail in the Magistrates' Court, how many on appeal have had such bail subsequently granted in the High Court? That is the precise premise upon which the Attorney General's presentation is based. Therefore we will not have him saying here—not blaming him, he needs the information too—"in several cases" or "in many trials". He would have been more precise and I believe his presentation would have been more persuasive, even to the Opposition, and in particular, Sen. Mark. He would have left less room for Sen. Mark to meander and wander about, in terms of interpreting the legislation. He would have pinned down our voices, and he would have joined with our convictions that, yes, something is wrong or not wrong.

I then asked him, of those granted bail in the Magistrates' Court, how many have had this decision on appeal reversed in the High Court? That is relevant to the legislation, but we have no information from the Judiciary. Does it tell us something about how the administration of justice functions? This is not a frontal attack on the Judiciary; this is getting into the information and the evidence that the Judiciary should provide the Government and the Parliament on which to base reasoned decisions.

I asked them: Of those granted bail in the Magistrates' Court or in the High Court, how many have subsequently been charged for one or more crimes afterwards? Which is what the hon. Attorney General was referring to. Those repeat offenders, whether for kidnapping, murder, drug trafficking, are out on bail and committing serious offences. The Judiciary should have this information, especially, with what I understand from the budget speeches and following the

appeals by the Judiciary, how many computers, statisticians, research analysts; all these technologies have been given to the Judiciary over the last couple of years.

Were these technologies not designed to satisfy such data, and provide the country and itself, as judges, the data on which to guide their sentencing policy; on which to determine whether bail should be given to such and such person, because the pattern through the evidence and the data that they have compiled in the Judiciary, would suggest so and so decision? Or, is it that the Judiciary is behaving willy-nilly; shooting in the dark with respect to sentencing and granting of bail? That is the conclusion I can come to, if they have not been able to produce such data that is required for intelligent decision making. I think it is a matter that is serious to consider, and I believe when the Attorney General or any representative of Cabinet meets with the Judiciary, this is a serious matter. We want to be enlightened. I cannot have my Attorney General coming here and telling me; “in some cases” and “in some trials”.

5.25 p.m.

I want to know whether 50 per cent of the cases, bail has been granted and these offenders went out and committed similar offences, 10 times, or five times, or no time. In the latter case, it will suggest that it is not a serious problem then, that it is just a perception we have, and the media reporting. Because in a state of fear, as we are in now, we will move with vigilance and aggression in making harsher and harsher laws; without having a reasonable basis upon which to do so.

We cannot build public policy or amend the provisions in the Administration of Justice Act, out of fear, out of panic, anxiety, paranoia and media hype. We are legislators and that is why I think we need the data to guide us into the proper direction. Let me repeat, I am worried about this and I might take it up in another quarter: If the Judiciary cannot supply the Parliament, and as well, itself—and that is the more troublesome issue here, in dealing with bail and sentencing which are related events. If they cannot do so for themselves, what are they doing with the money? On what basis are they making sentencing decisions then?

They have an institute of education with training in the Judiciary. What are they to do? Bring people from abroad at great expense to just talk to them! This talking which we call training, it is passé. We have to get more businesslike, and get measurable outcomes for our money. If this is an outcome and if you measure the work of the Judiciary, I wish to submit with respect, that they are lacking. I think they are creating a frontal attack on our parliamentary integrity, because we need the data to make enlightened judgment here. And in the same breath, I must remind us that the Government of seven or eight years ago, passed what is called

a Sentencing Commission Act, through which this data could have been collected, and from which guidance to the judges in a discreet way, could have been given to help them make their sentencing and their bail decisions.

I therefore ask the Attorney General, if he can revisit this issue, because the Act is there. It has been properly proclaimed and everything else, but there is no set of commissioners to work at it, which in respect to this bail legislation, could have been very useful by its report. If it had been presented to Parliament as of now, we would have had such information that would have helped us deliberate upon this piece of legislation. It is a worrisome thing, the Judiciary should have this information, and I want to make an appeal to the Attorney General to convey the concern of the Senate, over which you preside, over this apparent neglect, of what I call administrative duty.

Mr. Vice-President, we have to be worried, because if you are dealing with terrorists too, you would have to know what kind of people have committed what kind of acts over the years. There are certain acts which are first cousin to terrorism. If you have these things on a database, through the Judiciary or even through the police, you could have mapped out a trend to know who the likely suspects are. You would not run all over town with helicopters and 10 guns over you and the guns are bigger than you. All of this “gran’ charge”. You would have an intelligent form of surveillance that would be more precise, and you could have found out more likely what you are looking for.

I am worried about even the data capability of fighting terrorism, and I think we have to buck up. You want to tell me after 1990 we are still training people in Tobago in anti-terrorism? These things should have been done already; we should have a ready force, a ready agency at the tip of our finger to do the work properly and precisely. I hope it is being done and I wish I could be wrong, but we cannot make legislation through letters to the editor, through lobby groups, these business groups telling us what to do, and how to do it overnight. Just make a list—as if it is a shopping list that they have—put everything in the list and tell the Government to do it within 80 days. I think all those things really, should not be done so. We should have data analysis, such as the one I am asking for.

Further than that, and, in respect of bail giving, or not giving bail is concerned, I believe the time has come for judges and magistrates to give written reasons as to why bail was refused or bail was granted. Not only to test their judicial integrity, but that, over a time, we can see, we can have a review as to how the reasoning went, and again, if there is a basis for changing the laws on the

question of bail. Or why the High Court judge disagreed with the magistrate in the first instance, or vice versa.

Now that we are moving into the Appeal Court, as an additional level of refereeing, for bail or not bail, if we had this information in the lower court as to the reasoning, there would be greater wisdom at the Appeal Court. I do not know how else to put this, I hope I have persuaded you and my colleagues enough to know the importance of the question I have asked and the related information which I believe, the Judiciary ought to provide the Government. You see, this issue about the separation of powers, it has to be interpreted and practised, but not to the detriment of the public interests. I think that is where the Attorney General's role came in and he was discreet enough, to hint that something has to be done in the administration of justice. It is not a frontal attack on the Judiciary.

We have to be careful again on the question of bail. On the other side of the coin, while the public would want to see bail deprived for certain offences, kidnapping and other serious offences, we are in a situation where the police really needs to improve its investigations, and I say so, not public opinion-polls or not man in the street talking. When I look at one index, the number of complaints brought against the police for malicious prosecution—now malicious prosecution is a very serious issue, because it means the police have abused the authority and they have a lot of constitutional power, therefore that power must be exercised very lightly. It frightens us to know that the police could lay a false charge against you or embark on malicious prosecution, and that is why we have to be guarded on the question of bail. That is where the line that seeks to find the balance between the citizen's rights and the public's interest must be guarded. We need proper investigations; we need police with integrity, so that you make the bail legislation applicable and appropriate.

Mr. Vice-President, I thought I would make this brief intervention. Again, I want to commend the Attorney General for his own delivery, and I want him to keep up the spirit of bringing legislation of this kind to help the country to be a more peaceful and more progressive place.

Thank you very much. [*Desk thumping*]

Sen. Roy Augustus: Thank you very much, Mr. Vice-President. I just want to spend a few minutes, particularly after the erudite Prof. Ramesh Deosaran, to deal with the Corporal Punishment (Offenders Over Eighteen) (Amdt) Bill, 2005. I make the intervention, not because I think I can change or even speak against the amendment itself, but just to argue a position that I have maintained for such a long time. That in the year 2005, in what is supposed to be an advanced society,

in a society that is supposed to be a civilized society, we are talking about flogging.

Now, I understand to advance this position in these times, when the criminal acts are becoming more and more heinous, and when there are conversations taking place at all levels about terrorism and terrorist acts; when sometimes we hear stories about incest that can curl our hair, I understand that it is extremely difficult to advance this position. There is the belief, because of all these things, that the punishment must suit the crime and since these people have descended into those depths of barbarism, then they should be treated as such. I really beg to disagree and that is the only reason I stand here this afternoon, to talk in this aspect of the Bills that we are dealing with.

How many of us have experienced conversations or discussions about people who have been flogged in prison, or how many of us think that we can be the ones to administer the flogging? You are told that the person is brought out, laid along a long bench and whipped in the presence of a doctor. The fact that there is need for a doctor, tells you how cruel the punishment. In 2005, we are saying, “to beat them anytime”, notwithstanding the appeal. We are anxious to beat! Well, I just put that in, the question of “may be carried out at anytime”, I am not disputing whether this is going to be carried out during the appeal or not, I am just looking at that phrase, “at anytime”. And when the doctor says, “okay”—even though the number of strokes have not been administered as yet—“that is enough for today”, the person is then bathed in salt water, there is a trough of salt water and I understand that is when the bawling and shouting takes place even more. Have you ever seen a hog killed? There are people who will say, “they deserve that because of their crimes”, but how does it affect—while we say they deserve that how does the administration of that kind of punishment affect the prison officers who are doing it, psychologically and otherwise? How does it affect them, or do we care? We must care, because if it is going to affect them negatively, psychologically, then their treatment of other prisoners, during the course of their employ as prison officers will be determined by their performance there. [*Desk thumping*] I sometimes wonder, if I extend it into the question of capital punishment, to ask the question: What is the difference between the hangman and the hit man?

Sen. Seetahal: There is a big difference.

Sen. R. Augustus: Well, I am hearing from the lawyer, and I expect that, that there is a big difference, because the hangman is doing it legally—

Sen. Seetahal: Exactly.

Sen. R. Augustus:—according to these laws that we have here; these laws which we are not bringing in line with how civilized societies are supposed to operate.

Hon. Senator: He has committed a crime.

Sen. R. Augustus: I am hearing behind me “he has committed a crime”. A heinous crime! I sometimes posit in some of my discussions with friends, that it is not too much of a stretch of the imagination to consider a criminal as a victim—

Sen. Seepersad-Bachan: Exactly, a criminal could be a victim too.

Sen. R. Augustus:—of the society that has produced him. Some of us—*[Interruption]* I will respond to that—have to understand that the community has, or should have certain agencies, if performing their job well, which will ensure to a large extent, that deviant behaviour is in the minority. When we begin to see the expansion of these criminal elements, do we ask ourselves whether we are producing them? And therefore, if we are producing them, do we have the right to punish them? I am hearing the parent, and I want to deal with that, because, a clergyman recently said, when he hears some of these crimes how he is affected. At no time during that statement did I experience an acknowledgement from the clergyman that he has something to do with, or the religion, or the church in general—I am not talking about his religion or church only—has something to do with that citizen who was brought up in that particular way. In fact, I remember reading that very clergyman, a few months ago, blaming the Government, the police, the schools and the media for the kind of violence in the society, never for once blaming the church. If I remember correctly, there was a McAl research poll, there was some question where—

Hon. Senator: Ansa McAl.

Sen. R. Augustus: Ansa McAl, right. I left out the Ansa, Sir. Sorry—51 per cent of the people polled, considered the church as the institution towards which they were looking. Not the Government, not even the schools, so much, the church! And here we have this top clergyman refusing to acknowledge publicly, I am not saying deliberately. Is he in a state of denial? Until we accept our individual roles and our collective roles in the agencies—including the Parliament here and including our various political parties—that we have to play, each time a crime is committed, we must ask ourselves, what could I have done along the way to prevent it? And not blame others all the time.

That is why I particularly liked the statement of the Deputy Commissioner of Police, Glen Roach who indicated that when he walks the streets in the night, he

also is afraid and my good friend, former teaching colleague, in a sense, castigated him for that statement. But what I was hearing from Deputy Commissioner Roach is that he understood the gravity of the situation, and therefore he had to be afraid also. *[Interruption]* Any man who is not afraid is not a brave man, he is a stupid man!

Sen. Seepersad-Bachan: Exactly.

Sen. R. Augustus: He said it and it made me aware that here is the person who has to protect me, understanding the seriousness of the situation that exists out there, and therefore I expect that he will apply his skills—

Hon. Senator: Take the necessary measures.

Sen. R. Augustus:—and take the necessary measures, thank you very much senior counsel. So that, I would prefer to hear, Deputy Commissioner Roach any day than the clergyman.

Mr. Vice-President, I said that I am not going to be long, because I am appreciative of the fact that people would want to get home very early this evening. *[Laughter]*

Sen. Seetahal: Why this evening?

Sen. R. Augustus: They ask why this evening and I am appreciative of that fact. I just want to say and I indicated—I talked about the community, the psychology of community and so on. I say that sometimes even as politicians we have to be careful of what we say. When I heard the Leader of Government Business and I saw it reported in the press, “that 1990 had to happen, because of the behaviour of the Government of the day.” *[Interruption]*

Sen. Seetahal: The Leader of Government Business, he is not here.

Sen. Mark: Not you, Lenny—*[Crosstalk]*

Sen. R. Augustus. Oh, no, no. Sorry! The Leader of Government Business in the Lower House. *[Senators make loud noises]* I am very sorry, Minister Saith.

Sen. Dr. Saith: Thank you, apology accepted.

Sen. R. Augustus: I wondered whether he was articulating the position that the government behaved badly and therefore needed to be punished. I got a little more worried when I saw this particular party-backed station, having one of its senior party activists carrying on, on prime time, on Friday afternoon with one of the admitted leaders of that coup, who was the leader in this Parliament, and leading that person into admitting that they punished the then government because

of their behaviour. To me, it coincided with what the Leader of Government Business in the Lower House said. I am wondering whether this is part of a plan, because I know there are some organizations in this country that do not talk by guess. They say things as part of a deliberate plan going down the road.

Sen. Dumas: [*Inaudible*]

Sen. R. Augustus: I would like to hear you, I did not hear you. Sorry, Mr. Vice-President. I am saying that we have to be careful of what we say. When my political leader spoke yesterday he indicated, “if it were a terrorist act the country must come together, all of us!” And we are saying this, “if it is a terrorist act, we will all come together”. [*Desk thumping*] We will join with you to deal with terrorist acts. But then again, the media always spoils things, because this morning—I normally do not listen, I try to get soothing music on mornings, but somehow the radio in my car was on that particular station again—I heard, the programme they usually have, there is an objective short fellow and a PNM “hackqui”, the two of them always dubbing. They were castigating my political leader for vilifying the Government for—completely forgetting the main point that was made, “that we will come together”. These are the things which lead—as simple as they may sound—people into acts.

I even want to go further. I want to offer a bit of advice, Mr. Attorney General. I may be wrong. When I sit in this Parliament and I hear that, “the longest rope has an end and the days of a particular group or terrorist, or whatever it is, are numbered,” at that point I got scared. I will tell you why, it is because of where I grew up. Where I grew up you were able to identify “bad john” by the fact that they did not talk. The real “bad john” walked up to you and beat you! The “gran’charge bad john” telegraphs what he is going to do, and the minute he telegraphs what he is going to do, the real “bad john” will come and beat him. So maybe, yesterday was as a result of the threat that was laid. [*Laughter*] Maybe, I do not know. Just a bit of advice! [*Desk thumping*]

Mr. Vice-President, remember I say, “we must be in this thing together”. I am just advising from my own limited experience. [*Interruption*]

Mr. Vice-President, I am talking too long already. I just want to advance that we have to go—that corporal punishment in prison is worrying me. I have heard the Minister of National Security already talking of restorative justice, but we have to quicken the pace. We have to move away from the punishment aspect of it as the major portion, we even have to, not look too much at rehabilitation, because rehabilitation is only therapeutic, it is not really curative. You have somebody who you rehabilitate, you say you gave him something that he could

do, and you send him outside and the society still rejects him. It has to be transformation, you have to try to transform the values of the prisoner—his value system; you have to get him while he is in there to appreciate that he committed a crime against society. Some of them believe what they did was right, as stupid as that might sound. These are their values, they have their own—I would not say morals.

Mr. Vice-President, we have to get them to change their value systems and to accept that they are guilty and to have some measure of remorse. We also have to get the society refashioned in a particular kind of a way, in order to accept the person, who has already paid the penalty for his crime, back into the society.

Mr. Vice-President, I thought that I would just make these few remarks, so strongly I feel about flogging. Thank you very much, Mr. Vice-President. [*Desk thumping*]

Sen. Dana Seetahal: Thank you very much, Mr. Vice-President. Let me say at the outset that I support, in essence, the measures in these two Bills that have been laid before us. I just want to start off by saying, like the previous speaker, Sen. Augustus, I too, am worried, to a substantial degree about what is happening in the country. I do think however, that his hope that we can look towards the persons who are criminals and try to get them to accept what they have done and that they are guilty and have remorse and then we move on to this kind of curative thing, is a bit of hoping for Utopia, really.

So until we can reach that stage, I feel that one of the ways to move forward is to clarify the present laws that we have—

Hon. Senator: Beat them, yes. Beat them.

Sen. D. Seetahal:—to seek to speed up the system and to enable the prosecution of certain types of actions that we could not have done before. Underlying that, of course, is what we are talking about prison reform; all of these things that I am sure Sen. Augustus would like to have—and I too, share that vision. As it stands now, that would be a vision that we would need to have. We need to, however, look at what is happening now and seek to put measures to deal with some of them.

Going through the Administration of Justice (Miscellaneous Provisions) Bill, 2004, which in some degree is like the previous one brought under another Attorney General in 1996, where he amended various pieces of legislation, it is not a bad idea, contrary—I think one speaker was making the point that it was a

hodgepodge. But this is one way to efficiently amend various laws and do it quickly.

First, I want to say that I am grateful that the Attorney General has withdrawn the proposal to use samples—that is of drugs—and to seek to use that kind of evidence for possession offences. My view having read the proposal was that it would not satisfy the possession offences, because there was nothing in there which enabled the sample to equate to possession of, say two kilos of cocaine. I think that would have been a self-defeating proposal.

Moving quickly on to the next issue, and that deals with a provision to enable persons at the Forensic Science Centre, specific designated persons to receive the exhibits. I think that is a good measure, because from my experience, what you have is, you need to have the same scientific officer who is going to test the actual drug, receive that item and hand it over to the police officer now. This could create constraints in the system and delays. You need to have a chain of custody, it is said in court to account for the drugs or the guns or whatever it is. If you have people who are designated to do this by the Director of the Forensic Science Centre, I think the same kind of efficient system can be accomplished.

Moving on to one thing that I saw here in the legislation, the provision for fingerprint experts to be so designated under the law. At present the Attorney General has said and it is so, “when you need to prove that a fingerprint on a crime scene belongs to an accused person, you need to call various officers”. You need to call a photographer to tender a photograph, you need to call the first officer on the scene to compare the print on the scene to the print on the photo and then you need to call another officer to say that it is the same. So, to prove one fingerprint is the fingerprint of an accused person, you will need something like four officers just to give that evidence.

5.55 p.m.

The inclusion of fingerprint technicians as experts whose reports can be tendered is a good thing. However, just as an aside, I do not know if they should be called “fingerprint technicians”. You have dental technicians, lab technicians; I am not too sure that is the right term, but that is something that could be worked out.

What I think is more important is that we are talking about fingerprint usage, but what we have at present is self-defeating. We have a registry where almost physically you have the officers having to compare the prints. We have heard talk, year after year it has been raised, that we are going to computerize the system. I

know from my experience in the United States that up to last year in Houston an officer in his vehicle could take a fingerprint, put it in there and right then and there know that it was the fingerprint of John Brown who had two pending charges for rape. Why can we not, at least, get somewhere there? [*Desk thumping*] We are talking so much about computerization that people actually think we have that kind of registry existing in the police service, and we do not. That is cause for a lot of delay.

I want to comment on something that my colleague, Sen. Prof. Deosaran said when he talked about the Judiciary. It connects with computerization and the failure of the Judiciary to supply the information as to the persons who were refused or granted bail for the last 10 years and the reasons, when they got it in the High Court. Sen. R. Montano talked about it last week; that there were some 400,000 matters called every year. There are not 400,000 separate cases, but you might find one case called 20 times; so matters are listed something like 400,000 times. So if you have to go through these matters and the back of each document to find out when bail was given and taken and the reasons, that could take forever and you are talking about 10 years.

I spoke to a magistrate who had some information to get for the Attorney General, about this same issue, and she told me that they have to go through those things manually, because there is no system in place. There is nothing like in other countries. I have seen it work in New York; you are right there, the screen is in front of you and you have a clerk. A matter is called and they just type up the name and they can connect right away to all the courts and can tell you everything about that person. We do not have that computerization. You might wonder what the Judiciary is doing with the money. I expect that they are maintaining the buildings; hiring other people; hiring research assistants and not research analysts, because to computerize the Judiciary and the Magistrates' Courts is not going to cost the \$10 million they have now; it is going to cost a lot more than 10 times that much and they have not been given that kind of money.

They need to first enable the computerization. I think Sen. Dr. Saith had been talking about it, the actual giving of the evidence. Right now a lot of courts still take that manually; that is the thing that needs priority. The money has been going there; more and more courts are actually now having evidence taken electronically and that is speeding up the system. You need to put it in there and also, eventually, deal with things like bail. I hardly think that the Judiciary is wasting away money which they do not have, by just not doing anything with it.

When we say the Judiciary is lacking and there is a neglect of administrative duties, one has to put it in context, that a lot of the money that has to be used is being used to actually modernize the system of court reporting that has existed over the years. It has only been in the last 10 years that there have been changes made.

Coming down to bail, there is a lot of talk about the bail amendments. There are actually only two amendments that I see here and these do not relate to the granting of bail. So all of the arguments which deal with denying people bail and unconstitutionality, with respect, it appears to me, would not apply. These sections provide for something that did not exist before. I will tell you what it is. If a person is convicted of an offence in the Magistrates' Court; let us say he gets two years imprisonment—like somebody I know—and he asks for bail; the magistrate says no, then he goes to the High Court and is refused bail. Unless his circumstances change materially, he can never get bail while he is waiting on that appeal. So the current proposal at clause 11 is to enable such a person to go to the Court of Appeal. It is a right given to a person who is convicted from the Magistrates' Court, to go to the Court of Appeal, if a High Court judge refuses him bail.

There was one person—I think Sen. Dr. Mc Kenzie knows about it—a guy from Tobago who was convicted and sentenced to two years imprisonment. He was in custody for 39 months; he never got bail. So he served more than the two years and that would be effectively something like five years in real jail time; so I know about that.

The second provision in section 12 also gives a right. The first provision deals with persons who have been convicted, have appealed and want bail. The second provision deals with somebody who has been refused bail; he has not been convicted yet; he is charged. What does he do? He goes to the High Court. The High Court refuses bail. What can he do? He can come back to the different judges, if his circumstances change. We have people who try three or four times. In one matter I had to go four times—I was appearing for the prosecution—because the accused repeatedly went judge shopping, because there was no right of appeal.

The converse of that is if a judge gives the bail, the prosecution has no right of appeal and you may find that certain people come before the court and they not only hide information from the judge, but they misinform him. Recently there was an accused who told a judge that he was bleeding through a certain part and he had hemorrhoids and he needed to have an operation. He got a doctor to submit a

medical saying that he was in this state of dire need and then they found out that the doctor had not seen him. The doctor had seen him a year before and gave him a medical as if he had just seen him. In circumstances like these, judges are giving bail because they think it is a serious medical condition. If that happens, there is no appeal; bail is given already and cannot be withdrawn. Therefore, this provision which enables either side to appeal to the Court of Appeal is a good provision.

Forgery—the amendment to the Forgery Act comes at a very good time. We are finding that a number of people are found with false identification cards or false documents of that nature. Not passports only, because passports are taken care of under the current law. Under the existing law, if you are found with a false ID card, there is no specific provision for prosecution for forgery. If you are found with a false driving permit or ID card, there is no specific provision for forgery. If you are found with a false passport, you may be prosecuted for forgery.

So you have a person found with five false ID cards; what can you charge him with? You can try to charge him with forgery and say that is circumstantial evidence of forgery, but it would be a very difficult case to bring home. So the provision we have now will, as I see it, once you have in your possession those false ID cards or driving permits—to my mind, if you have a number of them, it means that you are in the business of producing false documents. Some people are producing false documents for certain organizations in this country. Nothing can be really done, unless you stretch it and try to prove a case based on circumstantial evidence.

That is why the provision which says that once you have it, the onus is on you to account for how you came into that possession; otherwise you are deemed to be liable for forgery. That is a good provision. It is like drugs, if you are found with it in your possession, more than a certain amount, you are deemed to have it for trafficking, unless you can show otherwise. I think this is an excellent provision.

Electronic transfers—we are in a technologically advanced stage of our existence; of course, less so than some countries. We have people who operate with bank cards. In fact, the banking industry is way ahead of the law and some people say the law is always 200 years behind what is happening; that may be so, because we have a lot of crimes that are actually committed right now which we cannot prosecute. When I say “we”, I mean the country, the State, because of the way it is done.

Literally, if you go back to the definition of larceny, it must be something taken from the person; it is a taking and carrying away without the consent of the

owner. So if I give you my bank card and I forget it and you take that bank card and use it, you go all over the place and order all kinds of things, it cannot be a simple offence like larceny. You have to look for different fraud offences; you have to look at the constituents of the offences and you might not be able to prove any particular offence, which is why a straightforward offence as a person to whom a card is given, who uses it, you create that offence now under this new legislation; it is easy.

There is a case I remember where an accused person had demanded a bank card number. He found the bank card somewhere and he demanded the bank card number from the victim. He went away and over a number of nights used that card to get various sums of money. The prosecution will be in difficulty to know what offence to charge. The simple offence is to charge for robbery of the card, but really is that what you want? Is it the physical card or the money? Is it not for instilling fear, as we now have, for that person to give up his number? This happens many times.

We have a lot of offences, especially in the East, I do not know about other places, where people come to you when you are standing by the ATM machine and either take your card and demand the number or make you use it. Sometimes they make you use it; they take the card and use it again. All of these offences are useful.

For the last point in relation to this Bill, I need to say this one thing. With the limitation of time, what we really need is a limitation when a person is charged summarily, rather than punishable summarily, which means that you are restricting the offence, triable or either way, to 12 months. When a person is charged summarily, it would normally be six months; so if that provision is to make sense and convey anything, I think you really mean charged.

Finally, I share and empathize with Sen. Augustus' point of view in relation to the Corporal Punishment (Offenders Over Eighteen) (Amdt.) Bill. I, too, believe that if you administer corporal punishment to persons, they might very well become more violent; this is what I believe in my heart of hearts. However, since there appears to be no immediate intention to amend this legislation, which was raised to 18 years, I believe that if we are talking about offences like rape, for which persons can already be sentenced to flogging, that incest must be included. [*Desk thumping*]

Earlier on this year, a person with the initials "MT" was sentenced to various offences. One of those offences was incest. Because of the fact that he had been sentenced to that offence first—let us say incest, the judge said 20 strokes. He

said, “Because you were sentenced to those strokes, I will not sentence you for the rape for any strokes, because the maximum number of strokes you can get at a time is 20,” so he did not. On appeal it turned out that the first offence for incest was not included in the legislation. So the strokes sentence was void. Therefore, the person who had three convictions—he was, effectively, a serial rapist—got no strokes. Whereas I have a client who got 15 strokes the other day for chopping up somebody in Point Fortin; not even as serious as incest, and the Court of Appeal dismissed the appeal and said, “Okay, he must get the strokes.” I repeat that because of the point I am making, that some politicians seem not to appreciate—not the Attorney General—that the legislation is still alive and kicking.

What has been happening with this court and the Privy Council is that when they say flogging, they are reducing it to whipping. For those of us who may not be as clear, flogging is with the cat-o-nine tails. I am told it actually has nine little tails and at the end of each of them—Sen. Augustus may not want to hear this—is some kind of metal that becomes embedded in your skin. Another client was actually flogged wrongly they say, because the court had reduced his sentence to whipping, which is the birch or the tamarind. Actually, I do not know why we say the birch, because we do not really have birch here, we have tamarind, but that is another point. In any case, we need to possibly decide if we are going with the birch or the cat and, possibly, we recognize that the courts are not going to enforce the cat.

I think that the cat-o-nine tails is totally inhumane. I do not think that it can create any kind of hope for anybody to become rehabilitated. If you are looking, however, for mere punishment, you say, “I am giving up on this person; he is so totally evil,” well, you might as well execute him, but going to the cat is an extreme position.

So I do support the inclusion of incest in the offences; let me just summarize. I do think that abolishing the six months makes for clarity, but I am concerned about the fact that we still have in the laws the cat-o-nine tails. Sen. Augustus made the point that if we have prison officers administering these strokes, as we do now, what kind of persons will they become. One has to remember that prisons are virtually secluded organizations; we do not know what goes on there. It is not like the police service that is in the open, where at any time somebody can shout outside, make reports or go to the Police Complaints Authority.

You make a complaint to the prison service, you hope that with a modern-thinking commissioner you will get some response, but a lot of things are swept under the carpet, they are hidden. We have had three prisoners in recent time die

in prison custody and for some of them we are still waiting on the inquest. We do not know what will happen; they are dying for no good reason—not that I am saying there is a good reason to die; let me qualify that statement—with no explanation. People go in there for maintenance, all kinds of things and come out dead. As we all know, there is now a case before the courts where two prison officers are charged. How are these deaths supposed to have occurred? By beating people when they are locked up for minor offences. We must weigh these things in the long-term when we are talking about crime: the changes we want and the kind of people we want in the society when they come out of prison.

My final point is that we have heard a lot of people talking about what happened yesterday. As I said at the outset, we are all concerned about that and we want to ensure that we put things in place, which will mean not only measures. Things in place would be systems and the resources that we have. But one has to be careful that if we have a bomb threat on Frederick Street, not every single resource goes to Frederick Street; that every single customs dog does not go there and every helicopter, damaging the evidence—but that is another point—whereas with the coastline and so on, we do not know what guns or drugs may be coming in while everybody is just diverted to the Mall on Frederick Street. Trincity Mall had a bomb scare yesterday and you had all the resources there; one does not know if those kinds of things are diversions. They could be messages, as Sen. Augustus said; we do not know.

At this point, we cannot designate that as a terrorist act, because a terrorist act includes acts that contribute to loss of life or serious bodily injury, when its intention is to intimidate members of the public or a group. All of us, some more than others, were intimidated, more or less. It was, obviously, an act involving serious bodily harm, but we do not know whether it was for the purpose of advancing a political, ideological or religious cause. It might very well be for advancing an ideological one, which is, “I want to send you a message; stay away from me.” We do not know, but until such time we cannot call it a terrorist act.

The reason I mentioned this is just as a general part and parcel of an expression of all our concern for what happened yesterday. I think that our Ministry of National Security has to do more than have a press conference with four heads of departments staged behind the Minister and just have a statement of some kind of intent, without any kind of real assurance or analysis. They could have been better employed being out there, probably being in charge of their forces, rather than folding their arms behind the Minister. A Trinidad and Tobago flag would have been better placed behind him.

Thank you very much.

Sen. Brother Noble S. A. Khan. Mr. Vice-President, I thank you for allowing me this time to make mention of the Bills before us. They are far reaching pieces of legislation that bear upon the very fabric of our society, when we think in terms of law and order. I will deal firstly with the Corporal Punishment (Offenders Over Eighteen) (Amdt.) Bill, the reinforcement of an element of brutality. Has it worked? Has it delivered? What is its purpose and how does it apply in modern day society? It seems to my mind, that after six months there is need to go beyond that, as far as the law is concerned, so that whenever a person is convicted and this form of punishment is imposed, it will be given; there is no escape. As the Attorney General said, it is obviously a part of the attempts to—*[Interruption]*

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith). Mr. Vice-President, I beg to move that the Senate continue sitting until the completion of debate on these two Bills.

Question put and agreed to.

ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) BILL

Sen. Bro N. Khan. Mr. Vice-President, it forms part of the package before us to deal with certain loopholes, but immediately it comes to my mind, in true Trinidad fashion, whatever other holes: crab holes, if “all zandolie find their holes”, but particularly within the framework of the legal system that is before us, this law and order legislation, is the concept of the black hole. I bring this analogy to what obtains in the sky, what takes place when you get swept into a black hole.

Immediately, it seems that not sufficient has been put into these pieces of legislation, because we are dealing with a highly complex situation, as far as human behaviour is concerned, and we know this is not static. Just to bring these two pieces of legislation, to my mind, cries out that not sufficient has been done towards addressing the questions before us. I think past speakers have touched widely on this.

On the question of corporal punishment, has it worked? I would say no. Has it delivered? I would say no. What is its purpose? As it says here, punishment and, obviously, a piece of punitive legislation, but one would think in modern day terms that the emphasis would be on redemption and reformation. I think

someone mentioned before, transformation. I take it this all means that you have a person who has transgressed the law and the State or society wants that person, but they do not want his action. It is toward this end that a system will be put in place to redeem that person and bring him back into society.

An important input in this whole matrix is this question of the judicial system. With due respect, I am not unaware that very often I, myself, have been part of that, where judges themselves had reached out into society and sought to get a sounding board, I assume, of how they will go about administering justice and, particularly, when it comes to meting it out; particularly when someone is found guilty, how they would deal with the person and from what the law says, how they would apply it. Of course, we know that when decisions come, there is a high input of what the law requires and, obviously, what the judge brings in his values to bear on what is before him.

This is a very important aspect; because we have heard it here, not only today but before, of the apparent “inhumane conditions” under which people, particularly when incarcerated, spend their time. We just heard that someone spent 39 months, when he was sentenced for 24 months, if we take it as one year being 12 months. Here you have a system being, obviously, highly dysfunctional, if it was meant to bring justice into place. So there seems to be a crying need for an overview, an overlook, on what is before us. One would think in terms of the fact that the world is not static; we have to go on; it is a road, we travel on it. One must take into consideration the question of justice, fairness and equity. These are high inputs, as far as morals and ethics are concerned, and they, obviously, should influence what we are about when we bring legislation here.

It seems to me that what is before us, particularly with this question of corporal punishment, is a bit archaic and not relevant now and, obviously, I will not be supporting it if it reaches to that position. There is need to address what is before us, some have said, in a more human way, but I would also think in a way that we would take the action to see that the society we want really does come about. These are my views on the corporal punishment legislation.

With respect to the other Bill, which seems to be—forgive me for using the term—a hodgepodge of things being pulled together, because the Attorney General has said there are many loopholes. We are trying to clog these loopholes or stop what is taking place. Then the question of bail has arisen. Particularly with the question of bail, I think it is something very sacred. There is an element of sanctity about it, because when someone is charged, there is the question that the system of justice has to play. One gets the impression that when matters reach

before the magistrates to grant bail—I may be wrong and I would like to think that I am—they know that they have another place, so they just kick it up, “No bail, go to the higher authority.” One gets the impression that the magistrates are not really applying what is before them and bringing to bear what they could possibly do in the situation. I would not like to think it is so, but it seems to be.

The judges in this country, as I would expect for judges in any country, are supposed to carry out a very sacred duty, because the whole basis of law and governance rests on the Judiciary. Some have said here that they are just using different ways, but not restraining what is before the powers of the judge, that is, a door is now being opened for appeal; a door is now opened for questions to be raised by the person who is charged and also the Director of Public Prosecutions, if we are going about this in the correct way.

I, myself, feel that this is a question very sensitive to me and also that not sufficient consultation has been made with respect to this, in the wider society. Very often, particularly when you come to certain institutions in our land, the Judiciary is one of them, other institutions within the State and even the service given by Government ministries and other departments, you do not get a feeling that justice or fairness is being exercised to the ordinary man when they approach those agencies. Unless we make a very concerted attempt to reach out, it may be more than what is taking place now.

I would not like to say it, but it would seem that even our information system, how we go about it, leaves much to be addressed in this area; despite what we may feel, despite what we may put in our newspapers, the press, the radio, television and what have you, there is a definite need. More should have been put into this piece of legislation to spread it throughout the country and get a feedback as to how it feels; what is the temper of the nation and the emergence from the soul of the people; that should come to bear when we come here. I do not feel that we have had that. We have much of what has been said here with respect to legalism, but that area is a world within itself. When we think in terms of the living of it, we should watch a little more, insofar as the humanistic part of it is concerned. There seems to be a gap that gets wider and wider in this form of governance as we go about.

Thank you, Mr. Vice-President, for allowing me these few minutes.

The Attorney General (Sen. The Hon. John Jeremie). Mr. Vice-President, I should like to thank all Senators for—*[Interruption]* Mr. Vice-President, please protect me from my leader. *[Laughter]* I thank all Senators who contributed on

these Bills which are before us this afternoon. I should also like to thank the Senate for the leave which it granted for us to take the measures together.

Many of the points raised were interrelated. The remarks which Sen. Mark made, in substance I should say—I am not treating with the remarks which were not substantial—were that the provisions as they related to bail were unconstitutional. That, of course, is not so. There is no concretized right of appeal, right now, on the issue of bail. Only statute can create such a right; that is why we seek to amend the Bail Act to give the right. We give the right, not simply to the prosecution, but also to the accused.

He made the point that the Bail Act was passed by a special majority and it could only be amended by a special majority; this is not an amendment to the Bail Act, so that no special majority is required. The Bill actually grants a right of appeal; it does not take away a right to bail. It grants a right of appeal and right of access to the courts; so it grants an additional right.

In relation to the points made by Sen. Mark with respect to the administrative staff at the Forensic Science Centre, a point which Sen. Seetahal spoke to, the hard facts on the ground are that scientific officers, at the present time, are tied to filling out forms, to doing things which are not scientific in nature. If he speaks to the proper use of administrative systems and administrative staff, then he should have no real difficulty with the amendment which is proposed, which seeks to allocate the resources we have, the scientific personnel, to doing scientific matters.

With respect to Sen. Prof. Deosaran, there were some points raised in his contribution which I will have difficulty, obviously, in responding to. I say that for this reason. A question was posed to the Attorney General by Sen. Prof. Deosaran which requires information that is not available in the Ministry of the Attorney General or in the bosom of the Executive. I need to get the information from the Judiciary. The relationship between the Executive and the Judiciary is such that I would simply suggest that the answer to his question is not available and is not likely to be available for some considerable time. This is as much as I can say on that.

Sen. Prof. Deosaran. Just for the benefit of the Senate, would you be able to tell us the reasons it will not be available? Is it a lack of assistance technology, as Sen. Seetahal was making reference to? If there is a deficiency, could it be corrected, because it is a vital piece of information as you would recognize?

Sen. The Hon. J. Jeremie. The information is critical. I have been told that at the level of the High Court there is a software system called Gems which is in place, which can provide some of the information you have sought, but in the Magistrates' Courts—there are 16 magisterial districts—and you have to go to notebooks to extract the information. As a matter of fact, I have been asked to provide support, in terms of resource staff, to do a special project, which would take months, to provide the information that you seek.

That information in today's world ought to be available at the touch of a button, because as I said in my presentation, there is a case right now where one of the country's most notorious criminals has been bailed no fewer than 14 occasions in relation to matters such as kidnapping, drug pushing and violent crime. Some of the difficulty lies in the fact that there is no interlink between what happens in one district and what happens in another and what happens at one point in time, as opposed to what happens at, say, two or three years later. I would be candid and tell you that every system like that, where you have manual records being kept and different layers of staff, are prone to manipulation.

Having said all of that, let me say that the hon. Chief Justice has paid considerable attention to what is going on in the Magistrates' Courts and in his maiden address at the opening of the 2002 law term, he said that his focus would be on the Magistrates' Court where 90 per cent of justice is dispensed in this country. So that he has tried, but he has met a bureaucracy in place, which is difficult to change.

In relation to Sen. Augustus and the corporal punishment point echoed by Sen. Seetahal, what I have to say on it is what I have to say with respect to capital punishment. These things are the law of the land; corporal punishment is the law of the land. Capital punishment is the law of the land. The Government's policy is not to abolish or disturb the provisions with respect to capital punishment and corporal punishment. What is before you is to ensure that the law which we have on the statute books is implemented.

The danger in not implementing law, which you have on your books, is that you breed a culture of disrespect for the law. So if you have a law on the books, the solution is to change the law; form a political party; canvass on the basis that you wish to change the law with respect to capital punishment and corporal punishment—[*Crosstalk*] no, no; I am just giving advice—and then you have a mandate from the people and you do exactly that. Once the law is on the books, it is the job of the Government, as it is the job of human rights lawyers, who seek every possible avenue to frustrate the implementation of the law, notwithstanding

the fact that the law is on the books, to ensure that those provisions are carried out.

If you lose respect for the law as it is, then the rule of law as a whole breaks down. [*Interruption*]

Sen. R. Montano. Would you take a question on corporal punishment?

Sen. The Hon. J. Jeremie. I will take it at the end, I promise.

With respect to the point made by Sen. Bro. Khan and I think it was echoed by Sen. Mark, about the hodgepodge nature of the legislation, we have amended several pieces of legislation in one omnibus Bill; that is accepted practice. It was done in 1996, when my friends on the other side introduced the Administration of Justice Act and it is being done now. It saves time and allows for us to deal with related problems in a holistic manner.

As to the point made by Sen. Seetahal, with respect to the 400,000 matters, I agree that link is directly related to the urgent need to upgrade our—I cannot say “our”—for the Judiciary to upgrade its information technology capacity and for the State to provide the resources which are necessary for the Judiciary to do precisely that.

Before I close I will take the question from Sen. R. Montano.

Sen. R. Montano. I am grateful to the Attorney General. Mr. Attorney General, I hear what you say about your policy and I do not wish to interfere with it at this stage. I am a little concerned about the drafting of the corporal punishment amendment. My concern is that an appeal always acts as an automatic stay. I do not believe that it is your intention to say that notwithstanding the fact that a person may have an appeal pending, he can suffer corporal punishment.

Sen. Dr. Saith. Have all the appeals.

Sen. R. Montano. Have all the appeals, but at the end of the appeals, with respect, I am concerned about the wording of your proposed amendment. If you would make that point clear, that is, the corporal punishment comes at the end of the appeals, then I am certain we can find an appropriate rule.

Sen. The Hon. J. Jeremie. That is the intention of the Government, that corporal punishment would be inflicted at the end of the appeals process.

Sen. R. Montano. Do you take my point?

Sen. The Hon. J. Jeremie. We will deal with it in committee stage, because I am not certain that I buy the point that the draft is ambiguous.

Sen. R. Montano. I just wanted your assurance on that.

Sen. The Hon. J. Jeremie. Even with respect to your primary point, can I just say, that you prefaced your remarks by saying that an appeal always acts as a stay.

Sen. R. Montano. That is my understanding, but not in civil matters.

Sen. The Hon. J. Jeremie. From the time you are sentenced, if you are found guilty, you go to jail; so that I, personally, would have no problem with somebody who is sentenced, goes to jail and gets his corporal punishment up front. *[Laughter]* *[Crosstalk]* That is not our position; that is not the position of the Government.

I hasten to add that as you have interpreted it, that is my mandate. Reluctantly, I shall follow that mandate and deal with it at committee stage.

Sen. R. Montano. Whether it is reluctance or not, I could not care less. It is my view that once I have an appeal—because people have been known to be sentenced and win their appeals; therefore, I should not have to suffer the corporal punishment if I win my appeal.

Sen. The Hon. J. Jeremie. Mr. Vice-President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in Committee.

Sen. R. Montano. Are we doing the Corporal Punishment (Offenders Over Eighteen) (Amdt.) Bill first?

Sen. The Hon. Jeremie. I was told we have to proceed in the order in which it was presented, but I will take your concerns on board.

Sen. R. Montano. I have spoken with Sen. Seetahal and she and I have agreed, subject to you, on a form of words which, hopefully, you would find acceptable.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Sen. Jeremie. Mr. Chairman, I beg to move that clause 3 be deleted.

Sen. Seetahal. Is that new clause 3 or clause 5 you are speaking about?
[Crosstalk]

Question put and agreed to.

Clause 3 deleted.

Clause 4.

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

Sen. Jeremie. Mr. Chairman, I beg to move that clause 4 be deleted.

Question put and agreed to.

Clause 4 deleted.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Sen. Jeremie. Mr. Chairman, I beg to move that clause 5 be renumbered as clause 3.

Question put and agreed to.

Clause 5, renumbered clause 3, ordered to stand part of the Bill.

Clause 6.

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

Mr. Chairman. Hon. Members, in the heading to Part II, the question is that the words:

“Extension of Time to Prosecute Certain Summary Offences” be deleted and substituted by the words “House Breaking Offences”.

Sen. Jeremie. Mr. Chairman, I beg to move that clause 6 be renumbered as clause 4.

Question put and agreed to.

Clause 6, renumbered clause 4, as amended, ordered to stand part of the Bill.

Mr. Chairman. The new clauses will be dealt with afterwards.

Clause 7.

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

Sen. Jeremie. Mr. Chairman, I beg to move that clause 7 be deleted.

Question put and agreed to.

Clause 7 deleted.

6.55 p.m.

Clause 8.

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

Sen. Jeremie: Mr. Chairman, I beg to move that clause 8 be deleted.

Question put and agreed to.

Clause 8 deleted.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Sen. Seetahal: Should we go through the original 9 and then renumber it at the end. Is it so?

Sen. Jeremie: We are not amending clause 9.

Sen. Seetahal. But the other clauses would have been renumbered clause, 3, clause 4 and clause 5, so clause 9 would now be clause 7.

Sen. Jeremie: It would be clause 9.

Sen. Seetahal: At the end will you say that we renumber everything in sequence?

Sen. Jeremie. We will insert new clauses at the end. Let us go with the programme.

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Sen. Jeremie: Mr. Chairman, I beg to move that clause 11 be amended as follows:

In the proposed section 6A—

- (a) in subsection (1), delete the words “he or the police” and substitute the words “that person or the prosecution”; and
- (b) in subsection (3), delete the word “police” and substitute the word “prosecution”.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12.

Question proposed, That clause 12 stand part of the Bill.

Sen. Jeremie: Mr. Chairman, I beg to move that clause 12 be amended as circulated.

In the proposed section 11A(1) delete the word “police” and substitute the word “prosecution”.

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clauses 13 to 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Sen. Seetahal. Mr. Chairman, for the word “punishable” I think it should be “charged”. It should read as follows:

“Notwithstanding any law to the contrary, an offence committed under this Act charged summarily may be prosecuted...”

Because it is triable anyway. It would have to be “charged” because if it was charged indictably there would be no limitation period. So since either way they are triable, they could be charged summarily or indictably.

Sen. Jeremie. Mr. Chairman, we agree with that. So it should read:

“Notwithstanding any law to the contrary, an offence committed under this Act and charged summarily may be prosecuted at any time within one year after the commission of the offence.”

Sen. Seetahal: Just to clarify it, the actual procedure is that they are usually charged indictably and then take it summarily. When that is done, no limitation

ever applies, but the way the legislation is drafted you could technically take it either way.

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18.

Question proposed, That clause 18 stand part of the Bill.

Sen. Jeremie: Mr. Chairman, I beg to move that clause 18 be deleted and the amendment be inserted as circulated.

Delete and substitute the following new clause:

- | | |
|---|---|
| <p>“Section 5
amended
Chap. 11:13</p> | <p>18. Section 5 of the Forgery Act is amended—
(a) in subsection (3) —
(i) by deleting the full stop at the end of paragraph (m) and substituting a semi colon;
(ii) by inserting after paragraph (m) the following new paragraphs:
“(n) a driving permit, provisional permit or learner’s permit issued under the Motor Vehicles and Road Traffic Act;”
(o) a national identification card issued under the Representation of the People Act;</p> |
| <p>Chap. 48:50</p> | |
| <p>Chap. 2:01</p> | |
- (b) by inserting after subsection (3), the following new subsection:
(4) A person who has in his custody or possession a forged document mentioned in—
(a) subsection (2) commits forgery of that document and is liable to imprisonment for fourteen years;
(b) subsection (3) commits forgery of that document and is liable to imprisonment for seven years.”

Question put and agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 and 20 ordered to stand part of the Bill.

Clause 21.

Question proposed, That clause 21 stand part of the Bill.

Sen. Jeremie: Mr. Chairman, I beg to move that clause 21 be amended as circulated.

After the words "Section 4" insert the word "(1)".

Question put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 25 ordered to stand part of the Bill.

Clause 26.

Question proposed, That clause 26 stand part of the Bill.

Sen. Augustus: Mr. Chairman, I keep wondering: an offence charged summarily?

Sen. Seetahal: Yes, it could be charged indictably or summarily.

Sen. Jeremie: It is either way.

Sen. Augustus: Mr. Chairman, "...an offence committed under this Act and charged summarily"?

Sen. Jeremie: Yes.

Sen. Augustus. The offence charged?

Sen. Jeremie: You can charge the offence summarily or indictably.

Sen. Augustus: Charge the offence? Okay.

Sen. Jeremie: It is charged summarily. Clause 26 is amended to read as follows:

"Notwithstanding any law to the contrary, an offence committed under this Act and charged summarily may be prosecuted at any time within one year after the commission of the offence".

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

New clause 5.

Sen. Jeremie: Mr. Chairman, I propose a new clause 5 which reads as follows:

Insert after the renumbered clause 4 the following new clause, numbered as clause 5:

Section 28 amended	5. Section 28 of the Act is amended by deleting the word “is liable upon summary conviction to imprisonment for ten years” and substituting the words “is liable to imprisonment for ten years”.
-----------------------	--

New clause 5 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 5 added to the Bill.

New clause 6.

Sen. Jeremie: Mr. Chairman, I propose a new clause 6 which reads as follows:

Insert after the renumbered clause 5 the following new clause, numbered as clause 6:

Section 29 amended	6. Section 29 of the Act is amended by deleting the amended words “upon summary conviction”.
-----------------------	--

New clause 6 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 6 added to the Bill.

New clause 7.

Sen. Jeremie: Mr. Chairman, I propose a new clause 7 which reads as follows:

Delete

Insert after the renumbered clause 6 the following new clause, numbered as clause 7:

Section 30 amended	7.	Section 30 of the Act is amended by deleting paragraph (d) and substituting the following new paragraph (d) in any building with intent to commit any arrestable offence therein, is liable to imprisonment for ten years.
-----------------------	----	--

New clause 7 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 7 added to the Bill.

New Part.

Sen. Jeremie: Mr. Chairman, I beg to move that the new Part as circulated be added to the Bill.

Insert after PART II, the following new Part numbered and headed as follows:

PART II A—OFFENCES TRIABLE EITHER WAY

New Part read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New Part added to the Bill.

New Clause 8.

Sen. Jeremie: Mr. Chairman, I propose a new clause 8 which reads as follows:

Insert after the new PART II A, the following new clause, numbered as clause 8:

Second Schedule amended Chap. 4:20	8. The Second Schedule to the Summary Courts Act is amended by inserting in item 6 after the word “27”, the words “28, 29, and 30”.
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New clause 8 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 8 added to the Bill.

New clause 11A.

Sen. Jeremie. Mr. Chairman, I beg to move a new clause 11A which reads as follows:

Insert after clause 11, the following new clause:

Section 11 amended	11A Section 11(1) of the Act is amended by deleting the word “police” and substituting the word “prosecution”.
-----------------------	--

New clause 11A 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 11A added to the Bill.

Long Title.

Question proposed, That the Long Title stand part of the Bill.

Sen. Jeremie: Mr. Chairman, I propose the following amendment to the long title as follows:

After the words “Chap. 11:12;” insert the words “the Summary Courts Act, Chap. 4:20;”

Question put and agreed.

Long Title, as amended, ordered to stand part of the Bill.

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

Senate resumed.

Bill reported, with amendment.

Mr. Vice-President: The question is that a bill entitled an Act to amend the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11:12; the Bail Act, 1994; the Negotiable Instruments (Dishonoured Cheques) Act, 1998; the Forgery Act, Chap. 11:13; and the Electronic Transfer of Funds Crime Act, 2000, be now read a third time and passed.

Question put and agreed to.

Clerk: Bill entitled an Act to amend the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11:12; the Bail Act, 1994; the Negotiable Instruments (Dishonoured Cheques) Act, 1998; the Forgery Act, Chap. 11:13; and the Electronic Transfer of Funds Crime Act, 2000.

Sen. Seetahal: May I ask, Mr. Vice-President? I know we amended that Long Title to include Summary Courts Act but I did not hear it read out. In the inclusion of the Long Title, a bill to amend the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11:12; we amended after Larceny Act to say the Summary Courts Act but when it was being read out just now, you did not say the words “Summary Courts Act”.

Sen. Jeremie: By the Vice-President?

Sen. Seetahal: By both the Vice-President and the Clerk. I just want to make sure it is done.

Clerk: An Act to amend the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11:12; the Summary Courts Act, Chap. 4:20; the Bail Act, 1994; the Negotiable Instruments (Dishonoured Cheques) Act, 1998; the Forgery Act, Chap. 11:13; and the Electronic Transfer of Funds Crime Act, 2000.

Bill accordingly read the third time and passed.

**CORPORAL PUNISHMENT
(OFFENDERS OVER EIGHTEEN) (AMDT.) BILL**

Order for second reading read.

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

That a Bill to amend the Corporal Punishment (Offenders Over Eighteen) Act, Chap. 13:04, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

7.25 p.m.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Sen. Jeremie: Mr. Chairman, the amendment to clause 2 is as follows:

Delete and substitute the following clause:

“Interpretation 2. In this Act, ‘the Act’ means the Corporal Punishment Chap.13:04 (Offenders Over Eighteen) Act.”

Sen. Seetahal: Mr. Chairman, I am not sure how it is drafted here. There is a clause 2: “Delete and substitute the following clauses:”—2 and 3? So when you say clause 2, do we mean the original clause 2 or do we mean the now clause 2?

Sen. Jeremie: What is now clause 2.

Sen. Seetahal: Which would just mean: “In this Act, ‘the Act’ means the Corporal Punishment (Offenders Over Eighteen)”. Right?

Sen. Jeremie: Yes. “In this Act, ‘the Act’ means the Corporal Punishment (Offenders Over Eighteen) Act.”

Sen. Seetahal: So this is what we are talking about now?

Sen. Jeremie: Yes.

Sen. Seetahal: Therefore, what it means is that the next clause is a new clause 3. It is not really a substitution, is it? I am saying, what it means is the next clauses are really new clause 3 and new clause 4, because there were no clauses 3 or 4 before.

Sen. Jeremie: Yes.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

New clause 3.

Sen. Jeremie: Mr. Chairman, there is an amendment which reads as follows:

- | | |
|---|---|
| <p>“Section 6 amended</p> <p>Sentence of flogging</p> | <p>3. The Act is amended by deleting section 6 and substituting the following section:</p> <p>6. Where a person who has been sentenced to be flogged or whipped appeals the decision of the Court, the sentence of flogging or whipping, notwithstanding the appeal, may be carried out at any time.”</p> |
|---|---|

New clause 3 read the first time.

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

Sen. Seetahal: I had discussed it with Sen. Montano before he left and what we had suggested was after the last word, “time”, we include these words:

“after the sentence is affirmed.”

So it would read:

“Where a person who has been sentenced to be flogged or whipped appeals the decision of the Court, the sentence of flogging or whipping, notwithstanding the appeal, may be carried out at any time after the sentence is affirmed.”

Otherwise it would mean that it could be carried out while the appeal is going on in the Court of Appeal or something. I know the Attorney General might say he does not, but really and truly—

Before the question is put, do we need the words “notwithstanding the appeal”? I think you would have to delete that. It would make no sense. So we

would delete: “notwithstanding the appeal” and include “after the sentence is affirmed.”

Sen. Jeremie: The amendment should read:

“Where a person who has been sentenced to be flogged or whipped appeals the decision of the Court, the sentence of flogging or whipping may be carried out at any time after the sentence is affirmed.”

Sen. Kangaloo: By whom?

Sen. Seetahal: Well it could only be affirmed by one person.

Sen. Jeremie: The court.

Question put and agreed to.

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

Question put and agreed to.

New clause 3, as amended, added to the Bill.

New clause 4.

Sen. Jeremie: Mr. Chairman, I propose a new clause 4 to read as follows:

“Schedule amended paragraph:	4. The Act is amended in the Schedule by inserting after paragraph 5, the following ‘6. Incest.’”
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New clause 4 read the first time.

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

Mr. Chairman: Sen. Seetahal, is that okay?

Sen. Seetahal: Yes, definitely. Once we are having corporal punishment I think we might as well include incest. That is my point.

Question put and agreed to.

Question proposed, That the new clause 4 be added to the Bill.

Question put and agreed to.

New clause 4 added to 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): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, July 19, 2005 at 10.30 a.m. We are doing the Finance Bill which has been circulated and in order to give enough time for people to make their contribution, we would start at 10.30 a.m.

Mr. Vice-President: Hon. Senators, leave has been granted for a matter to be raised on the Motion of the Adjournment.

Sen. Mark: Mr. Vice-President, I understand that your island, Tobago, is now under hurricane alert and I would not want to detain my colleagues this evening, so I have agreed with Sen. The Hon. Dr. Lenny Saith to have this matter debated at the next sitting.

Mr. Vice-President: I thank Sen. Mark for his very considerate view.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.35 p.m.

WRITTEN ANSWERS TO QUESTIONS

**Official Government Rented Buildings
(Details of)**

The following question was asked by Sen. Wade Mark:

- 83.** (a) Could the hon. Minister state:
- (i) How many buildings or parts of buildings in Trinidad and Tobago are being rented by Government for official purposes in respect of the period January, 2002 to April, 2005?
 - (ii) What are the addresses of these premises and the square-footage of each rental space?
- (b) Could the Minister also state:
- (i) What is the rent being paid for each of the rented spaces?
 - (ii) Who is the owner of each of the rental spaces, and to whom is the rent being paid?

- (iii) For each building or part of a building, when did the lease or rental begin and when does the lease end?

Pursuant to his reply to question 83 earlier in the proceedings, the Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith) caused to be circulated to Members of the Senate the following:

Ministry of Education (Cont'd)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
45 Pembroke Street, Port-of-Spain	KRG Investment Holding Limited	Human Resource Division Technical & Vocational Education and Training Division	Owner	12,739	60,000.00	9,000.00	1.7.04	30.6.07	1.7.01	Renewal
TIWU Hall 114 Eastern Main Road	Transport and Industrial Workers Union	Ibis High School	Owner		11,000.00	-	15.2.02	-	15.2.02	Vacated
145-147 Henry Street, Port of Spain	National Union of Government and Federated Workers	Tranquility Government School	Owner	5,111	13,000.00	1,950.00	7.2.04	6.2.07	7.2.04	New Lease
154 Henry Street, Port of Spain	Oilfield Workers Trade Union	School	Owner	5,993	15,000.00	2,250.00	1.2.04	31.1.07	1.2.04	New Lease

*Government Rented Buildings**Tuesday, July 12, 2005*

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
1 Hindustan Junction, New Grant	Ramdeo Ramkelawan	New Grant Government Primary School	Owner	1,248	2,550.00	-	15.8.03	14.8.06	15.8.03	New Lease
50 Jerningham Avenue, Belmont	Teachers' Credit Union	Port of Spain and Environs School Supervisor Office	Owner	3,940	12,475.00	1,871.23	1.11.03	31.10.06	1.11.03	New Lease
*MTS Plaza, Aranguez, San Juan	MTS	Secondary Education Modernisation Programme	Owner	5,000	15,000.00	2,250.00	1.10.99	30.9.02	1.10.99	Renewal being processed

Elections and Boundaries Commission (EBC)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*134-138 Frederick Street, Port-of-Spain	Winfield H. Scott Trust Co. Limited	Head Office/ Registration Offices	Owner	24,600	160,000.00	24,000	1.3.99	28.2.05	1.3.99	Renewal being processed.
134-138 Frederick Street, Port of Spain	Winfield H. Scott Trust Co. Limited	Food and Agriculture Organisation	Owner	4710	30,165.00	4,592.25	16.1.00	15.1.03	14.2.92	Awaiting relocation of FAO
54 Fifth Street, Barataria (Ground Floor)	Andriede Phillip	San Juan/Barataria Registration Office	Owner	1,173	3,000.00	-	1.1.02	31.12.04	1.3.85	Renewal
Cor. Robinson Circular and Pro Queen Street, Arima	Ann Redman	Arima/Piarco Registration	Owner	4,069	9,500.00	1,425.00	1.9.01	30.8.04	15.7.91	Renewal being processed.

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Hosein's Building, High Street, Princes Town	Kenneth Hosein	Princes Town Registration Office	Owner	4,000	10,000.00	1,500.00	1.1.02	31.12.05	1.1.98	Renewal
Ojoe Road, Sangre Grande	Leela & Ramkaran Rambocas	Sangre Grande Registration Office	Owner	1,265	4,250.00	-	1.7.04	30.6.07	1.10.95	Renewal
Lot 33c O'meara Road, Arima	Big '3' Limited	Stores	Owner	12,632	17,684.80	2,652.72	1.9.01	30.8.04	1.9.95	Renewal being processed.
Double R Building #1326 SS Erin Road, Penal	Ranji and Chandra Ramlochan	Registration Area, Sub-Office – Penal Debe	Owner	1,159.5	5,000.00	-	1.06.01	31.5.04	1.6.01	Renewal being processed
11 Hamilton Street, Scarborough, Tobago	Caroline Investment Company Limited	Tobago Registration Area Office	Owner	1,560	8,900.00	1,335.00	1.09.01	30.8.04	1.9.01	Renewal
52A Bonne Aventure, Gasparillo	Arthur George and Beulal George	San Fernando Registration Office	Owner	1,199.74	6,900.00	-	3.8.04	2.8.07	3.8.04	New Lease

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
TECU Building, Southern Main Road, Couva	TECU Credit Union Cooperative Society	Couva Registration Office	Owner	2,566	11,850.00	1,777.50	1.4.05	31.3.08	1.4.05	Renewal

Ministry of Energy and Energy Industries

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Cor. Eastern Main Road & Cochrane Street, Tunapuna	Kanraj Maharaj	Electrical Inspectorate	Owner	2,890	8,670.00	1,300.50	1.2.04	31.1.07	1.2.98	Renewal
70-76 Pointe-a-Pierre Road, San Fernando	Jap's Auto Services (William Austin)	South Office	Owner	8,929	31,000.00	4,650.00	1.1.04	31.12.07	1.7.97	Renewal

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*116 Frederick Street, Port of Spain	Moonan Enterprise (Trinidad) Limited	Central Tenders Board	Owner	12,400	66,700.00	10,005.00	1.12.01	30.11.04	1.12.01	Renewal being processed
		Ministry of Energy and Energy Industries	Owner	14,000	75,300.00	11,295.00	1/12/01	30.11.04	1.12.01	
*11 Independence Avenue San Fernando (First Floor)	Gulf Insurance Company limited	Electrical Inspectorate (South Office)	Owner	1,200	3,625.00	-	-	-	-	

Ministry of Finance (MF)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Warehouse #4 Fernandes Industrial Compound, Laventille	Fernandes Industrial Centre Limited	Customs & Excise	Owner	7,560	13,680	2,041.00	1.6.03	31.5.06	1.6.00	Renewal

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Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Warehouse #6 Fernandes Industrial Compound, Laventille	Fernandes Industrial Centre Limited	Customs & Excise Division	Owner	16,000	28,800.00	4,320.00	1.2.04	31.1.07	1.2.01	Renewal
80 Independence Avenue San Fernando	Shaffick Hosein	Inland Revenue Division	Owner	5,847	17,500.00	2,625.00	1.7.04	30.6.07	1.7.98	Renewal
20 St. Vincent Street, Port-of-Spain	Anthony N. Sabga Limited	VAT Administration Head Office	Owner	22,270	74,137.50	11,120.63	1.8.95	31.7.98	1.8.89	Renewal being processed
TECU Building Southern Main Road, Marabella	Texeco Credit Union Co-operative Society Limited	VAT Office	Owner	6,232	17,000	2,550.00	1.8.01	31.7.04	1.8.90	Relocated

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
6 Prince Street, Arima (Ground Floor)	Mahadeo & Judy Mathura	District Revenue Services (St. George East)	Owner	2,724.4	10,500	1,575.00	1.1.03	31.12.06	1.3.92	Renewal
(First Floor)	- do -	VAT Office	Owner	2,724.4	7,250	1,087.50	1.3.04	28.2.07	30.4.98	
Cor. Ind Square (South) and St. Vincent Street, Port of Spain (First Floor)	Promenade Development Limited of ANSA McAL	Inland Revenue Division Tax Surveillance Unit	Owner	6,939.8	29,000	4,350.00	1.6.03	31.5.06	1.6.03	New Lease
(Second Floor)	Promenade Development Limited of ANSA McAL	National Insurance Appeals Tribunal	Owner	1,750	9,625	1,443.75	1.6.03	31.5.06	1.6.03	
26½ mm Naparima Mayaro Road, Rio Claro	Roodal and Annemarie Ramnasibsingh	District Revenue Office (Rio Claro)	Owner	5,287.5	15,700	-	1.3.05	28.2.08	1.3.99	Renewal
4 Market Street Extension, Chaguanas	Mulchan and Indra Sawh	Valuation Division	Owner	3,463	10,500	1,575.00	18.1.01	17.1.04	19.1.98	Renewal being processed

82-84 Queen Street, Port-of-Spain	Victoria Court Limited	Inland Revenue Division	Owner	29,005	179,830	26,974.50	1.10.04	31.9.07	1.10.01	Renewal
Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Brierley and Henderson Streets, Sangre Grande	Mrs Phyllis Maharaj	Valuation Division	Owner	931	2,000	-	1.7.98	30.6.01	6.4.81	Renewal being processed
109 Henry Street, Port-of-Spain	Caribbean Insurance Company Limited	Valuation Division	Owner	13,019.6	50,000	7,500.00	1.12.99	1.09.77	1.9.77	Month – to-month
6-8 San Fernando Street, San Fernando	Leroy Lee Chong	Customs & Excise Division	Owner	4,024	11,000	1,650.00	1.1.00	31.12.03	1.8.80	Renewal being processed
400 Eastern Main Road, Sangre Grande	Percy Thomas	Inland Revenue Division	Owner	6040	12,080	-	1.5.02	30.4.05	10.4.99	Renewal

Chaguaramas Defence Force Headquarters	Chaguaramas Development Authority	Customs and Excise Regional Training School Caribbean Fisheries Training Institute Government Training Centre	Owner	8,940	15,590	2,338.50	1.01.94	9.10.74		Month-to-month
Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
78 Independence Square, Port of Spain	Caribbean Insurance Company Limited	District Revenue Office (St. George West)	Owner	5,000	24,000	3,600.00	1.3.01	28.2.04	1.3.98	Renewal being processed
High Street, Princes Town	Jennifer & Jury Mohammed	District Revenue Office	Owner	5,358	10,000	-	1.6.01	31.5.04	1.1.89	Renewal being processed
63 Ramsaran Street, Chaguana	Seeraj Gopaulchan	District Revenue Office	Owner	5,112	16,000	-	1.6.03	31.5.06	1.9.86	

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70, Independence Square, Port-of- Spain	Nicholas Development Limited	Customs & Excise Division - Head Office	Owner	49,838	246,600	36,990.0 0	1.06.01	1.9.86	1.9.86	
92 Wrightson Road Port of Spain	Mr. Robin Debideen	Inland Revenue Division (Training Section)	Owner	9,898	54,439	8,165.85	1.2.03	31.1.06	1.2.03	
Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commence- ment Date of Lease	Remarks
Central Bank Building, St. Vincent Street, Port of Spain (Level 13)	Central Bank of Trinidad and Tobago	Divestment Secretariat	Owner	3,250	21,125	3,168.75	1.05.00	30.4.03	1.5.00	Vacated
Tradezone Complex El Socorro Road (Warehouse)	Anthony & Annette Rahael	Ministry of Finance Personnel Department and Service Commission	Owner Owner	26,200 2,310	54,374 4,158	8,156.00 623.70	1.4.02 17.5.01	31.3.05 17.5.04	31.3.99 17.5.01	

35 Henry Street, Port of Spain	Texalina Limited	Pensions Branch	Owners	10,389	68,000	10,200	1.6.03	31.5.05	1.6.03	
OWTU Building,, Palm Club, Pointe-a- Pierre Road, San Fernando	OWTU	Valuation Division	Owner	4,008.1	9,200	-	11.1.02	31.12.04	1.11.83	Renewal
No. 52 Cipero Street, San Fernando	Hosein's Home Improvement Centre	Inland Revenue Division	Owner	10,779.31	39,000	5,500	1.9.03	31.8.03	1.9.06	New Lease

Ministry of Foreign Affairs

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Leases	Remarks
6A Queens Park West, Port-of- Spain	Royal Bank of Trinidad and Tobago and Guardian Life of the Caribbean	Caricom Single Market and the Economy (C.S.M.E.) and the Secretariat of the Free Trade Area of the Americas	Owner	8,537.1	107,000	16,050				New Lease

Ministry of Health (MH)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
10-12 Independence Square, Port-of-Spain	PIDCOTT – TIDCO	Head Office	Owner	25,695	100,000	15,000	1.1.01	31.12.03	27.1.95	Vacated on 15.4.04
Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Building #4, Eric Williams Medical Sciences Complex, Mt. Hope	North West Regional Health Authority	Transport Division and Health Sector Reform Programme	Owner	12,906	18,250.00	2,737.50	14.8.97	-	14.8.97	Month-to-month tenancy
#27 Frederick Street, Port-of-Spain	A.A. Laquis	Health Education Division	Owner	5,827	18,063.70	2,709.56	1.7.99	30/6/02	1.9.76	Building destroyed by fire

#42 Independence Square, Port- of-Spain	City Drugs Investments Limited	Project Administrat ion Unit	Owner	12,322	45,000.00	6,750.00	13.6.03	13.6.06	13.6.97	Renewal
43-45 Frederick Street, Port- of-Spain	Solomon Ali	National Aids Programme	Owner	4,861	18,500.00	2,775.00	1.1.03	31.12.05	1.12.99	Renewal
3 Queen Street, St. Joseph	Comsure Real Estate Co., Limited	Insect Vector Control Division	Owner	9,060	25,150.00	3,772.50	1.1.04	31.12.06	16.9.82	Renewal
Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*102-104 Coffee Street, (Howard Lane) San Fernando	Mrs Dianne Ramdhin	Insect Vector Control Division (South)	Owner	2,186	5,000.00	-	1.7.00	30.6.03	1.7.97	Renewal being processed
Corner Edward and Park Streets, Port of Spain	Nealco Properties Limited	Head Office	Owner	42,629.62	295,000.00	44,250	1.8.03	31.5.06	1.8.03	New Lease
92 Frederick Street, Port- of-Spain	Turok Limited	Chemistry, Food and Drugs Division	Owner	16,122	50,000	7,500	1.9.02	31.8.05	1.2.90	Renewal

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*77-81 Independence Avenue, San Fernando	BIRjah Development Company	Rapport Unit	Owner	882.32	2,500	375.00	1.4.03	31.3.06	1.4.03	
40-42 Henry Street, Port of Spain	Basic Space Limited	Divisions of the Ministry	Owner	21,810.52	131,000	22,500	1.2.05	31.1.08	1.2.05	

Ministry of Housing (MH)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Leases	Remarks
Second Floor NHA Building South Quay, Port-of-Spain	NHA	Head Office NHA	Owner	60,800	136,800.00	20,520	31.11.99	1.11.02	31.11.99	Month to Month Renewal
110-112 Frederick Street, Port- of-Spain	Anthony Aboud (Deceased)	Land Survey Board	Owner	1,378	5,512.00	826.80	1.12.99 (2yrs)	30.11.01	1.12.99	Month to Month
*77-81 Independence Avenue, San Fernando	BIRJAH Development Company	Sugar Industry Welfare Committee	Owner	1,994	3,300.00 plus \$420.00 Electricity	495.00	1.04.02	31.03.05	1.04.02	Renewal to vacate.

Integrity Commission

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Unit Trust Corporation Headquarters No.82 Independence Square, Port of Spain	Trinidad and Tobago Unit Trust Corporation	Integrity Commission	Owner	6,989	83,868	12,580.20	1.6.04	31.5.07	1.6.01	Renewal

Judiciary/Magistracy (J/M)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
4 Toco Road, Sangre Grande	Bhim Ramdhan	Sangre Grande Magistrates Court	Owner	4,761	18,000.00	2,700.00	1.7.04	30.6.07	1.6.97	Renewal

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Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
5 Hollis Ave, Arima	Govind Lilawatti & Romila Maharaj	Arima Magistrates Court	Owner	4,260	6,200.00	1,755.00	9.1.97	8.1.00	9.1.90	Vacated
a. (Ground Floor)										
b. (Top Floor)	- do -	- do -	- do -	4,860	5,500.00	825.00	2.6.97	1.6.00	2.6.97	Vacated
7 Court Street San Fernando	Madinah Investment Limited	Judiciary/ Magistracy	Owner	11,355	34,000.00	5,100.00	1.4.02	31.3.05	-	Renewal
*Tradezone Complex El Socorro Road, San Juan	Broadway Properties Limited	Office and Archival Records	Owner	27,452.07	110,639.83	16,595.97	1.1.03	31.12.05	1.1.03	New Lease
1-3 Court Street, San Fernando	Eastern Credit Union	San Fernando Magistrates' Court	Owners	9,498	44,146.00	6,621.90	1.5.03	31.4.06	1.5.03	New Lease
8 Prince Street, Arima	Pizza Boys Group of Companies	Arima Magistrates' Court	Owners	10,223	39,052.00	5,857.80	2.2.04	1.2.07	2.2.04	New Lease

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
29 Cipriani Boulevard	National Insurance Board	Family Court	Owner	33,625	218,000.00	-	1.1.04	31.12.06	1.1.04	New Lease

Ministry of Labour & Small and Micro Enterprise Development (ML&S&MED)

Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Began	Actual Commencement Date of Lease	Remarks
147A Coffee Street, San Fernando	M.R. Supermarket Limited	Labour and Cooperatives Sub-Offices	Owner	12,301	26,500.00	3,975.00	1.4.02	31.3.05	1.4.99	Renewal being processed
No.358 Brierley Street, Sangre Grande (First Floor)	Bharat Sooklal	Cooperatives Division	Owner	1,345	3,174.20	-			1.2.99	Renewal being processed
Colsort Mall 11-13 Frederick Street, Port-of-Spain	Colsort Properties Limited	Cooperatives Division (Head Office)	Owner	6,400	27,800.00	4,170.00	1.4.02	31.3.05	1.4.02	Renewal being processed

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Address of Property	Owner	Occupier	Payee	Rented Space sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Began	Actual Commencement Date of Lease	Remarks
84 Dundonald Street, Port-of-Spain	Dr S Lee Young	Manpower Unit	Owner	2,333	6,000.00	900.00	1.1.02	31.12.04	1.7.78	To be relocated
3 rd Floor, NIB Mall, Scarborough, Tobago	National Insurance Board	Manpower Unit	Owner	960	2,160.00	324.00	1.12.02	30.11.04	1.12.02	Renewal being processed
Nos. 11-13 Frederick Street, Port of Spain	Capital Plaza Limited.	Enterprise Development Division	Owner	3,809	20,203.50	3,030.53	1.7.04	30.6.07	1.7.04	New Lease
Cor. Elie and Mota Streets, Rio Claro (1 st Floor)	Rann's Agencies Limited	Cooperative Division	Owner	1,710.37	4,000.00	600.00	12.1.04	11.1.07	12.1.04	New Lease
Ground Floor	Rann's Agencies Limited	Sport and Youth Affairs	Owner	1,710.35	4,000.00	600.00	12.1.04	11.1.07	12.1.04	

Ministry of Legal and Consumer Affairs (ML&CA)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
32 E Pro Queen Street, Arima	Faizul Baksh	Rent Assessment Board	Owner	1,496	4,500	-	1.01.01	31.12.03	1.07.83	Renewal being processed
112 Edward Street, Port-of-Spain	Ronald and Raymond Hadeed	Legal Aid Advisory Authority	Owner	5,369	20,000	3,000	1.01.03	31.12.05	1.07.83	Renewal
77-81 Independence Ave., San Fernando	Birjah Development Company Limited	Civil Registry	Owner	6,904	21,600	3,240	5.02.98		1.06.94	Month to Month To relocate
72-74 South Quay, Port-of-Spain	National Insurance Board	Head Office	Owner	40,022	130,072	19,511	1.07.04	30.06.07	1.11.97	Renewal
110 Henry Street, Port-of-Spain	A.A. Laquis Limited	Rent Assessment Board/ Registrar General Department	Owner	5,041	22,000	3,300	01.08.04	31.07.07	19.04.99	Renewal
34 Frederick Street, Port-of-Spain	Texalina Limited	Administration	Owner	9,182.9	45,000	6,750	1.10.03	10.9.06	1.10.03	New Lease

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Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Park Plaza, St. Vincent Street, Port-of-Spain	Anthony P. Scott	Law Revision Commission	Owner	5,593	39,151	5,872.65	15.08.04	14.08.07	15.08.04	New Lease
2A Nelson Street, Port-of-Spain	Agostini's Limited	Consumer Affairs Division	Owner	14,043.09	63,600	9,540.00	1.01.03	31.12.06.	1.02.96	Renewal
*102-104 Coffee Street, San Fernando Ground Floor	Dianne Ramdin	Legal Aid and Advisory Authority	Owner	1,829.2	7,150	-	15.07.04	14.07.07	15.07.04	New Lease
3 Leotaud Street, San Fernando	Kenneth Hosein	Registrar General Department, South Office	Owner	5,933.06	16,000	2,400.00	1.02.04	31.01.07	1.02.04	New Lease
*11 Independence Avenue, San Fernando	Gulf Insurance Company Limited.	Rent Assessment Board	Owner	1,334.00	4,400	-	1.01.04	31.12.06	1.02.01	Renewal

Ministry of Local Government (MLG)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Corner. Woodford Street and Hollis Avenue Arima	National Commercial Bank of Trinidad & Tobago Limited.	Arima Borough Corporation	Owner	10,695	14,973	2,245.95	1.05.88		1.4.84	Month to Month
*MTS Plaza, Aranguez Main Road, San Juan	MTS	San Juan/ Laventille Regional Corp	Owner	13,900	34,750	5,212.50	1.06.99	30.05.02	1.6.97	Renewal being processed
		Secondary Education Modernization Programme (SEMP)		5,000	15,000	2,250.00	20.12.99	21.12.02	20.12.99	
		Social Development – Mediation Centre		1,480	5,300	795.00	1.10.00	30.09.02	1.10.00	
#3 Dookie Street, Penal	Hindu Credit Union	Penal/Debe Regional Corporation	Owner	4,996	9,542	1,431.30	1.01.99	31.12.02	12.12.95	Renewal being processed. To relocate

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Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Elie & High Streets, Rio Claro	Rann's Agencies Limited	Rio Claro/Mayaro Regional Corporation	Owner	10,369.25	28,350	4,256.00	1.01.05	31.12.07	1.12.94	New Lease
*Hosein's Building, High Street, Princes Town	Kenneth Hosein	Princes Town Regional Corporation	Owner	16,000	40,000	6,000.00	1.01.62	31.12.04	1.1.89	Renewal being processed
Corner Eastern Main Road and Ramdass Street, Sangre Grande	R, Bissram	St. Andrew/St. David Regional Corporation	Owner	6,329	13,000	1,950.00	1.09.01	1.09.04	18.04.83	Renewal being processed
7-9 Shine Street, Port-of-Spain	Lynda De La Bastide Fletcher	U.R.P.	Owner	5,530.64	26,700	4,005.00	1.12.04	31.11.07	1.12.04	New Lease
De Gannes Village, Siparia	Unan Pustam	Municipal Police	Owner	3,180	12,000	-	13.08.04	12.08.07	13.08.04	New Lease

Ministry of National Security (MNS)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Terminal Building, Port of Scarborough, Tobago	Port Authority of Trinidad and Tobago	Immigration Division (Tobago)	Owner	1850	10,082	1,512.30	25.11.99		25.11.99	Month to Month
8 New Street, Port-of-Spain	Dr. Joseph Hussain	Prisons Division	Owner	1,540	4,500	-	1.19.99	31.08.02	1.02.80	Renewal being processed
131 Coffee Street, San Fernando	Gulf View Optical Limited	Immigration Division (South)	Owner	7,294.30	21,000	3,150.00	1.07.02	31.06.05	16.02.81	To relocate
67 Frederick Street, Port- of-Spain	Empire Court Limited	Head Office	Owner	18,214.00	121,420	18,213	1.01.04	31.12.07	1.02.91	Renewal
Corner Sackville & Richmond Streets, Port- of-Spain	Richmond Holdings Limited	Special Branch	Owner	14,021.71	77,000	11,550	1.02.05	31.01.08	1.11.90	Renewal

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Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Multi-Producer Unit, Building #2, Piccadilly Street, Port-of-Spain	Property and Industrial Development Company Limited (PIDCOTT)	Police Station, Besson Street	Owner	23,768	30,000	4,500.00	1.06.99	31.05.02	1.06.99	Renewal being processed
26A South Quay, Port-of-Spain	A.A. Laquis Ltd.	Traffic Branch	Owner	16,069	52,000	7,800.00	1.08.98	31.07.01	1.08.98	Month to Month
27 Pembroke Street, Port-of-Spain	Cheryl Charles Duval	Port Security	Owner	4,900	23,500	-	13.11.04	12.11.07	13.11.04	New Lease
136 Talparo Main Road, Brazil Village, Arima	Mark and Vashtee Hansraj	San Raphael Police Station	Owner	4,020	5,000	-	1.12.02	31.11.05	1.12.02	
10 ½ mm Toco Main Road, Matura	Edris Bascombe	Matura Police Station	Owner	1,661	2,300	-	1.09.00	31.08.03	1.09.00	Month to Month
Tumpuna Road, Cumuto	Joslyn Mark	Cumuto Police Station	Owner	1,178	1,750	-	3.07.00	2.07.03	3.07.00	Month to Month

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
6 Belmont Circular Road, Belmont	Mr. Earl Lewis	Belmont Police Station	Owner	3,124	10,000	-	10.04.01	9.04.04	10.04.01	Deceased. No Letters of Administration
LP No7/5/ Craig Estate Cedros	Omar Ali	Immigration Division	Owner	-	3,500	-	10.08.02	9.08.05	10.08.02	Renewal being processed
135 Henry Street, Port of Spain	Anthony P. Scott & Company Limited	Immigration Division	Owner	19,015	95,074.80	14,261.22	19.12.02	18.12.05	19.12.02	New Lease
10-12 Borde Street Port of Spain	Bilmor Limited	Joint Services Staff College	Owner	10,668	43,000.00	6,450.00	16.09.00	15.09.03	16.09.00	Vacated
4 Orange Grove Road, Trincity	OCC Investments	N.E.M.A.	Owner	11,600	38,000.00	5,700.00	1.08.03	31.07.06	1.08.03	New Lease
55 Edward Street, Port-of-Spain	Isidore Anthony and Wayne Smart	Civilian Conservation Corps	Owner	2,780	15,000.00	2,250.00	1.09.04	30.09.05	1.09.04	New Lease

Office of the Ombudsman

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
132 Henry Street, Port-of-Spain	A. E. Hadeed Holdings Limited	Office of the Ombudsman	Owner	9,931	55,000.00	8,250.00	1.01.04	31.12.07	1.09.00	New Lease
TATECO Building, Scarborough, Tobago (Ground Floor)	TATECO Credit Union	Office of the Ombudsman	Owner	629	3,616.75	542.51	1.06.00	31.05.03	1.06.00	Renewal Being Processed

Parliament

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Chloe Building 11 Charles Street Port of Spain	Messrs. Chloe Limited	Leader of the Opposition	Owner	5,703	40,500	6,075	4.02.03	3.02.06	4.02.03	New Lease

Written Answers To Questions

Tuesday, July 12, 2005

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
103D St. Vincent Street Port of Spain	Messrs. H & Z Limited	Leader of the Opposition (Temporary)	Owner	2,170	12,000		-	14.10.02		Month to Month

Personnel Department

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*Park Plaza Corner Park and St. Vincent Street, Port of Spain	Park Plaza Limited	Personnel Department (Job Evaluation Project Office)	Owner	4,450	38,976	5,846.40	1.09.04	31.08.07	1.08.01	Renewal

*Written Answers To Questions**Tuesday, July 12, 2005*

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*ABMA Building 55-57 St. Vincent Street, Port of Spain	ABMA Investments Limited	Personnel Department	Owner	15,152.77	93,860	14,079.00	1.10.03	30.09.06	1.01.00	Renewal
Second and Third Floors Fourth Floor	ABMA Investments Limited	Social Services Delivery	Owner	7,624	46,940	7,041.00	1.11.03	31.10.06	1.11.03	New Lease
76-78 St. Vincent, Street, Port-of-Spain	Colonial Life Insurance Company Ltd.	Head Office	Owner	17,085	38,652	-	1.06.99	31.05.01	30.11.87	Month to Month. Landlord to respond to offer

Ministry of Planning and Development (MP&D)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*Palms Club, Pointe-a- Pierre Road, San Fernando	Oilfield Workers Trade Union	Town & Country Planning Division	Owner	8,322.4	19,100	-	1.01.02	31.12.04	1.11.83	Renewal being processed
Corner Park and Pembroke Streets, Port of Spain	W.H. Scott Lands and Investments Limited	Central Statistical Office Census Planning Unit	Owner	11,013	54,000	8,100	7.12.02	6.12.05	7.12.99	Renewal
76 Henry Street, Port- of-Spain	Reginald Charran	Accounts of other Division	Owner	10,149.69	49,500	7,425	1.09.04	31.08.07	1.09.04	New Lease
78 Independence Square Port- of-Spain (Beacon Building) Ground Floor	Caribbean Insurance Company Limited	Accounts	Owner	2,694	9,000	1,350	1.03.01	28.02.04	1.03.01	Vacated

Ministry of Public Administration and Information (MPA&I)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
2 nd Avenue, Chaguaramas Warehouse	NIPDEC	National Archives Records Centre	Owner	30,000	20,400	3,060.00	15.04.91		15.04.91	Month to Month
95-97 Frederick Street, Port-of-Spain	Accounts Limited	NISC	Owner	10,712	67,674	10,157.10	1.01.03	31.12.05	1.11.98	Renewal
Lot #29 Trincity Industrial Estate, Trincity	Go Brave Investments Limited	Government Printery	Owner	27,040	54,080	8,112.00	1.09.04	31.08.07	1.10.84	Renewal
20 Abercromby Street, Port-of-Spain	BETA Realty Investment Limited	Public Management Consulting Division	Owner	8,531	44,000	6,600.00	18.06.03	17.06.06	18.06.97	Renewal
*First Floor, Park Plaza, St. Vincent Street, Port-of-Spain	Anthony P. Scott	T&T Legion of the British Empire Ex-Services League	Owner	300.00	2,200	330.00	17.03.04	16.03.07	17.03.04	New Lease

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*Third Floor, Park Plaza, St. Vincent Street, Port of Spain	Anthony P. Scott	Government Information Service	Owner	7,759	54,313.	8,146.00	24.06.04	23.06.07	24.06.04	New Lease
52 Pembroke Street, Port-of-Spain	G V Holdings Limited.	Divisions of the Ministry	Owner	22,404.26	169,640.	25,446.00	1.08.04	31.07.07	1.08.04	New Lease
76 Boundary Road, San Juan	Joseph Narine	Telecommunication	Owner	7,047	44,000.	6,600.00	1.07.04	30.06.07	1.07.04	New Lease
*14-17 Victoria Square, Port-of-Spain	Amar Properties Limited.	Caribbean Telecommunications Union	Owner	4,327	22,500.	3,375.00	18.11.03	17.11.06	18.11.03	New Lease

Ministry of Public Utilities and the Environment

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease	Date Lease Expires	Actual Commencement Date of Lease	Remarks
16-18 Sackville Street, Port of Spain (Sacred Heart Building)	The Roman Catholic Archbishop of Port of Spain	Head Office	Owner	24,608	75,000	11,250.00	1.09.02	31.08.05	1.03.81	Renewal
69 Edward Street, Port-of-Spain	Investment Managers Limited.	Caribbean Meteorological Organization	Owner	5,380	50,764	7,614.60	1.11.04	31.10.07	1.11.04	New Lease
*Corner St. Vincent and New Streets, Telly Paul Building	Telly Paul	Environmental Commission	Owner	1,500	8,250	1,237.50	15.01.01	14.01.04	15.01.01	Renewal being processed

Ministry of Science, Technology and Tertiary Education (MSTTE)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Corner Agra and Patna Streets, St. James	N.J., Nahous Investments	1. Head Office 2. Information Division	Owner	40,934	350,000	52,500	1.01.01	31.12.05	1.01.01	New Lease
*T.T.M.A Building, 42 Tenth Avenue, Barataria, Ground Floor	T.T.M.A	Planning Secretariat for U.D.T.T	Owner	4,000	32,000	4,800	1.09.04	31.08.07	1.09.04	New Lease

Service Commissions Department

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Cyril Duprey Building, St. Vincent Street, Port of Spain	Colonial Life Insurance Company Limited	Statutory Authority Service Commissions	Owner	42,218	87,022	13,053.30	1.12.91		1.10.04	Vacated

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
81-83 Abercromby Street, Port of Spain	General Building and Loan Association	Service Commissions	Owner	6,590.5	32,000	4,800.00	1.10.02	30.09.05	1.10.99	Renewal
Cipriani Plaza. Cipriani Boulevard, Port-of-Spain	Steve Sinanan and Janet Neepaul	Public Service Commission and the Teaching Service Commission	Owner	45,039	75,000	500,000.00	1.08.03	31.07.06	1.08.03	New Lease

Ministry of Social Development and Social Services Delivery

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Ansa McAl Mall Scarborough, Tobago, (2 nd Floor)	Ansa McAl	Mediation Centre	Owner	2,000	7,500	1125	1.10.00	30.09.03	1.10.00	Vacated

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Lot 19, Southern Main Road, Cunupia	Mrs. Elaine Motilal	Mediation Centre	Owner	1,856	5,000	-	1.01.04	31.12.07	1.08.00	Renewal
ANSA McAl Building, Corner Abercromby Street, and Independence Square, Port- of-Spain, Mezzanine Floor	Tatil Life Assurance Ltd. and Alston Limited Tatil Life Assurance Limited, and Alston	Head Office Other Divisions	Owner Owner	20,904.85 2,797.60	114,000 14,000	17,100 2,100	1.12.03 15.12.04	31.11.06 14.12.07	1.12.03 15.12.04	New Lease
45A-45C St. Vincent Street, Port- of-Spain	N.J Nahous	Head Office (Social Services Delivery)	Owner	16,719	106,000	15,900	1.08.04	30.07.07	1.07.00	New Lease
*10-12 Neverson Street, Point Fortin	Road Transport Engineerin g Ltd	Social Services Delivery	Owner	979.16	2,500.00	375.00	8.09.03	7.09.06	8.09.03	New Lease

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
LP. No. 860 High Street, Port-of-Spain	Jodhan Ramsumair	Social Services Delivery	Owner	6,203	13,000.00	-	1.10.03	30.09.06	7.10.03	New Lease
*Corner Savi Street and Boodooville Circular, Sangre Grande	Prakash Persad	Social Services Delivery	Owner	3,745	9,212.65	1,500.90	1.01.03	31.12.05	15.05.98	Renewal
46 Richmond Street, Port- of-Spain	Land Securities Limited.	Social Services Delivery	Owner	4,645.09	22,000.00	3,300.00	1.08.04	31.07.07	1.08.04	New Lease
*Trade zone Complex, El Socorro Extension San Juan	Broadway Properties Limited	Social Services Delivery	Owner	6,600	19,500.00	2,925.00	1.01.01	31.12.06	1.01.04	New Lease
97 High Street, Princess Town	Vidira Gosine	Social Delivery Services	Owner	7,299	23,200.00	-	1.04.04	31.03.07	1.04.04	New Lease

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
*63 & 63 A Main Road, Point, First Floor	Patrick Gordon	Sub-Office, Ministry of Social Development and Social Services Delivery	Owner	2,603.92	11,000.00	-	11.02.05	10.02.08	11.02.05	New Lease

Ministry of Sport and Youth Affairs (MS&YA)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
7 Main Road, Chaguanas	L. Bartholomew	Chaguanas Office	Owner	1,411.2	11,000	1,650.00	1.01.04	31.12.06	1.12.99	Renewal
*10-12 Neverson Street, Point Fortin	Road Transport Engineering Limited	Point Fortin Office	Owner	2,802	4,550	682.50	15.02.01	14.02.04	15.02.01	Renewal
12 Abercromby Street, Port- of-Spain	12 Abercromby Street, Limited	Head Office	Owner	30,448.11	180,000	27,000.00	1.10.04	30.09.07	1.10.04	New Lease

*Written Answers To Questions**Tuesday, July 12, 2005*

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Ojoe Road, Sangre Grande, First Floor	Ramkaran, Rambocas and Leela Rambocas Ramcharan	Sub-Office	Owner	1,264	4,250.00	-	1.07.04	30.09.07	1.04.98	Renewal
7 Lothians Road, Princess Town	Dr. K Ramdath	Princess Town District Office	Owner	1,273	7,060.00	-	1.04.98	31.13.01	1.04.98	Renewal Being Processed
*146-148 Coffee Street, San Fernando	Hoytes Electrical Services Limited.	Victoria West Regional Office	Owner	1,312.72	2,657.86	398.68	1.06.03	31.03.06	18.09.80	Renewal
39 Frederick Street, Port-of-Spain	Nicholas Development Limited	Ministry Sports and Youth Affairs	Owner	18,624	74,496	11,174.40	1.06.01	31.05.04	1.12.94	Expired Lease Relocated

Statutory Authorities

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
39 Frederick Street, Port of Spain	Nicholas Development Co. Limited	Public Service Appeal Board	Owner	1,612	6,418.00	967.00	1.06.01	31.05.04	11.12.94	Renewal being processed

Ministry of Tourism

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Church Street, Mayaro	Benny Bridgelal	Life Guard	Owner	1,610.99	7,000.00	-	13.01.05	12.01.08	13.01.05	New Lease

Ministry of Trade and Industry

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Leases	Remarks
*TTMA Building, 42 Tenth Avenue, Barataria, First Floor	TTMA	Events Management	Owner	4,000	32,000.00	4,800.00	1.09.04	31.08.07	1.09.04	New Lease

Ministry of Works and Transport (MW&T)

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
#45 Eleanor Street, Chaguanas	Leela Kowlessar	Drainage Division Central	Owner	4,439	11,500	-	1.12.01	30.11.04	1.12.97	Renewal being processed
#50 El Socorro Road, San Juan	G V Holdings Limited (Victor Joseph)	St. George West Office, Highways Division	Owner	7,485	26,500	3,975	1.01.03	31.12.05	1.01.00	Renewal

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Lease	Remarks
Cor. Golden Grove Road, and Church Roosevelt Highway, Piarco (Grell Taurel Warehouse)	Moonan Warehouse Limited	Building materials for construction of North Stand	Owner	48,400	60,500	9,075	17.05.02	16.05.05	10.03.00	Renewal
41-43 Sackville Street, Port-of-Spain	VEMCO Limited	Drainage Division and others	Owner	15,587.26	118,000	17,700	1.08.03	31.07.06	1.08.03	New Lease
36 Henry Street, Port-of-Spain	G V Holdings Limited	Project Implementation Unit Highways	Owner	8,000.00	50,000	7,500	1.10.04	30.09.07	1.10.04	Renewal
*63 & 63A Main Road, Point Fortin, Ground Floor	Patrick Gordon	Transport Division	Owner	2,603.92	11,000	-	11.02.05	10.02.08	11.02.05	New Lease

*Written Answers To Questions**Tuesday, July 12, 2005*

Address of Property	Owner	Occupier	Payee	Rented Space Sq. ft.	Current Monthly Rental \$	VAT \$	Date Current Lease Began	Date Lease Expires	Actual Commencement Date of Leases	Remarks
*ANSA building Queen & Henry Street, Port-of-Spain	ANSA Mc Al Limited	Maritime Services Division	Owner	8,732.5	39,800.00	5,970.00	16.11.03	15.11.06	16.11.00	
89 Abercromby Street, Port- of-Spain	Public Services Association	Civil Aviation Department	Owner	4,270	8,000.00	1,200.00	1.07.87	30.06.90	10.09.82	Lease
Plaza Espermaria 36 Henry St., POS	G.H.V. Holdings Limited	Project Implementation Unit, Highways Division	Owner	8,000	50,000.00	7,500.00	1.10.04	30.09.07	1.10.01	Renewal
Terminal Building, Port of Scarborough, Tobago	Port Authority of Trinidad and Tobago	Tobago Office of the Maritime Services Division	Owner	518	3,000.00	450.00	-	-	-	Bldg. was never occupied.
*77-81 Independence Avenue, San Fernando	BIRJAH Development Company	Ministry of Works and Transport, Victoria West	Owner	6,004.1	20,000.00	3,000.00	1.01.04	31.12.06	1.06.97	Renewal

Government Rented Buildings 301 Tuesday, July 12, 2005

TOTAL	No. of Buildings	-	194
	Amount of Square Feet	-	2,675,557.14
	Monthly Rental	-	8,864,040.52
	VAT	-	1,776,706.14

The following question was asked by Sen. Wade Mark:

**Free Trade Area of the Americas
(Details of Recent Trips)**

16. (a) Will the Prime Minister provide details of his recent visits to Chile, Peru and Venezuela in respect of lobbying support for the promotion of Port of Spain as the preferred location for the headquarters of the Free Trade Area of the Americas; and
- (b) Could the Prime Minister also provide a detailed breakdown of the costs associated with this overseas three-nation visit, including a detailed itinerary giving flight information and cost of hotel accommodation as well as other associated costs?

The following reply was circulated to Members of the Senate:

The Prime Minister (Hon. Patrick Manning): At the invitation of His Excellency the President of Chile, the Prime Minister agreed to pay an official visit to Chile. The Prime Minister decided to take the opportunity to visit Peru and Venezuela as well.

The Prime Minister departed Trinidad and Tobago for Chile on April 25, 2005 by commercial airline. During his transit through Maiquetia Airport in Caracas, Venezuela, the Prime Minister took the opportunity to hold discussions with the Acting Minister of Foreign Affairs, Delcy Rodriguez on a variety of matters including energy.

At the commencement of his visit in Chile, the Prime Minister was invested with the Grand Cross of Chile, that country's highest award, by His Excellency

the President of Chile. The Prime Minister then held bilateral discussions with His Excellency the President of Chile on a number of issues of cooperation between Trinidad and Tobago and Chile. These included a Memorandum of Understanding on Cooperation in Energy, a Visa Abolition Agreement, a Bilateral Air Services Agreement, a Double Taxation Treaty and an Investment Promotion and Protection Agreement.

In addition, the Prime Minister held a meeting with SOFOFA, (the Chilean Chamber of Industry and Commerce) to discuss the potential for investment in Trinidad and Tobago's energy sector.

This official visit to Chile was also intended to strengthen the bonds of friendship and cooperation between the two countries and to garner support for Trinidad and Tobago's bid to host the Secretariat of the Free Trade Area of the Americas (FTAA). At the same time, Trinidad and Tobago re-affirmed its support for the Chilean candidate for the position of Secretary General of the Organization of American States (OAS), Dr. Jose Miguel Insulza, who was subsequently elected to the position.

The Prime Minister left Chile for Peru by commercial airline on April 28, 2005. Whilst in Peru, the Prime Minister held bilateral discussions with His Excellency, Dr. Alejandro Toledo, the President of Peru, during which he sought to further strengthen the profile of Trinidad and Tobago in Latin American and to elicit Peru's support for Trinidad and Tobago's bid to host the FTAA Secretariat.

The Prime Minister left Peru for Venezuela by commercial airline on April 29, 2005. While it was planned for the Prime Minister to meet with the President of Venezuela to hold discussions on a range of issues with special emphasis on co-operation in energy, these discussions were aborted due to the unforeseen delay of the President's return to Venezuela from an official visit to Cuba. However, the Prime Minister met with the Vice Minister responsible for Latin American and Caribbean Affairs, Eustoquio Contreras on bilateral matters. The Prime Minister and his delegation returned to Trinidad on a military aircraft of the Bolivarian Republic of Venezuela on April 29, 2005. This was in keeping with the commitment of the President to provide the Prime Minister and delegation with transportation to Trinidad immediately following their discussions.

The total cost to the Government of the Republic of Trinidad and Tobago of this three-nation visit by a four member delegation led by the Prime Minister was \$153,154.22. Of this sum, the cost of airfare for the delegation was \$81,426.90, while accommodation, meals, subsistence and associated costs totalled \$71,727.32.