

*Leave of Absence*

*Tuesday, October 27, 2009*

**SENATE**

*Tuesday, October 27, 2009*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Arnold Piggott and Sen. Laurel Lezama who are out of the country.

**SENATOR'S APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards  
President.

TO: MR. NOEL GAYLE

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NOEL GAYLE, to be temporarily a member of the Senate, with effect from 27<sup>th</sup> October, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

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 21<sup>st</sup> day of October, 2009.”

**OATH OF ALLEGIANCE**

*Senator Noel Gayle took and subscribed the Oath of Allegiance as required by law.*

**PAPERS LAID**

1. Annual audited financial statements of Exports Centres Company Limited for the financial year ended September 30, 2008. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
2. Administrative report of the Office of the Prime Minister for the period October 01, 2007 to September 30, 2008. [*The Minister in the Office of the Prime Minister (Sen. The Hon. Dr. Lenny Saith)*]
3. Administrative report of the Agricultural Development Bank for the years 2006 and 2007. [*Sen. The Hon. C. Enill*]
4. Administrative report of the Tourism Development Company Limited (TDC) for fiscal year 2008. [*Sen. The Hon. C. Enill*]

**JOINT SELECT COMMITTEE REPORT**

**Municipal Corporations and Service Commissions with the  
exception of the Judicial and Legal Service Commission  
(Presentation)**

**Sen. Dr. Adesh Nanan:** Mr. President, I wish to present the report of the Joint Select Committee of Parliament appointed to enquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on the establishment of the Secretariat of the Police Service Commission at 62 Queen Street, Port of Spain.

**ORAL ANSWER TO QUESTION**

**Association of Caribbean States  
(Benefits for this Country)**

**126. Sen. Gail Merhair** asked the hon. Minister of Foreign Affairs:

With respect to the Association of Caribbean States (ACS), could the Minister advise the Senate of:

- (i) the benefits this country derives from its membership in the Association; and
- (ii) the benefits derived by this country by hosting the Secretariat of the ACS?

**The Minister of Foreign Affairs (Hon. Paula Gopee-Scoon):** Mr. President, the benefits this country derives from its membership in the ACS: The convention establishing the Association of Caribbean States, more popularly known as the ACS, was signed on July 24, 1994 in Cartagena de Indias, Colombia. The establishment of the ACS was one of the main recommendations of “Time for Action”, the 1992 report of the West Indian Commission. The West Indian Commission was of the view that Caribbean Community integration needed to be deepened, inter alia, to establish a single market and economy, and also widened. The ACS was thus established to widen the regional integration process by bridging the gap between Caricom member States and the rest of the Caribbean and Latin America.

The signing of the Maastricht Treaty by the 10 members of the European Community in February 1992 and of the North American Free Trade Agreement (NAFTA) by the United States of America, Canada and Mexico in December 1992 provided additional impetus to wider Caribbean integration.

The main objectives of the ACS: A consultation, cooperation and concerted action in the functional areas of trade, transport, sustainable tourism and disaster-risk reduction within the greater Caribbean. The greater Caribbean being defined as being those countries whose shores are washed by the Caribbean Sea and thus comprises the Atlantic coast of Mexico, the Caribbean coast of Central America, all of the Caribbean islands and the Atlantic coast of the northern part of South America, including Colombia, Venezuela and the Guianas.

The ACS complements the work of previous existing regional organizations including Caricom, the Central American Integration Systems (SICA) and the Economic Commission for Latin America and the Caribbean, which is ECLAC. A major benefit of the ACS in a zone of cooperation, is that it brings Trinidad and Tobago into closer relations with countries outside the traditional Caribbean Community; it strengthens linkages with Latin America and opens up new opportunities for bilateral relationships.

This is illustrated by the numerous embassies established in Trinidad and Tobago by ACS members since the formation of the association in order to facilitate among other things, their representation at meetings. These include the Republics of Costa Rica, Cuba, El Salvador, Guatemala, Panama and Surinam.

Another benefit that has been realized is in the area of trade where the ACS has identified value added activities that complement existing trade liberalization processes. For instance, the organization of the annual ACS Business Forum of the

greater Caribbean attracts hundreds of exporting and importing companies with the aim of stimulating trade transactions and encouraging policies, dialogue between the private sector and public officials.

The forum allows business people from Trinidad and Tobago to showcase their products with a view to opening new markets. Trinidad and Tobago participated at the ninth business forum which was held in September 2008 in Aruba. One of the most successful initiatives of the ACS has been the establishment of the Caribbean Sea Commission. The activities of the commission are aligned with this Government's concerns with respect to climate change and disaster risk reduction.

Furthermore, these activities are beneficial in the long term to the local and regional tourism industry. The commission has worked towards having the Caribbean Sea declared a special area in the context of sustainable development by the United Nations General Assembly. It is hoped that the UN's recognition of the commission and its work will encourage the nations sharing the Caribbean Basin to engage in joint action to protect and jointly manage the Caribbean marine environment.

Projects of the ACS have also impacted positively on the citizens of Trinidad and Tobago and one notable example is the project of the radio soap opera on Hurricane Preparedness which was broadcast several times on local radio stations during the hurricane seasons of '06, '07 and '08 advising listeners on steps to be taken in the event of a hurricane. The series also touched on sub-topics such as disaster risk reduction, preservation of public health, early warning systems, climate change, building codes and community empowerment.

Small states as Trinidad and Tobago stand to derive significant benefits from an organization such as the ACS where cooperation between Caricom and Latin American States provides strength in numbers and this allows for support in international organizations such as mutual support for candidatures to international organizations including the United Nations.

I now turn to the second part of the question as to the benefits derived by this country from hosting the Secretariat of the ACS: Trinidad and Tobago benefited in many ways from hosting the Secretariat.

Firstly, our hosting improved the visibility of Trinidad and Tobago on the regional map. Several of the Member States have established embassies in Trinidad and Tobago to facilitate their participation in the ACS and representation at meetings. Citizens of Trinidad and Tobago have gained from this as several of the embassies offer scholarships and foreign language training opportunities to nationals.

The presence of the ACS headquarters in Port of Spain and the consequent increased passenger demand would have contributed as well to the decision of COPA Airlines to fly directly to Trinidad and Tobago. COPA has also expanded operations within the Caribbean and Latin America. This has the potential to boost trade as a result of the new trading routes in the greater Caribbean region. Citizens of Trinidad and Tobago also benefit since the airline provides a means to travel more easily from this country to Central and South America from the COPA hub in Panama. This has opened up new opportunities for interpersonal contacts, enhanced the business capacity, increased inter-governmental relations and facilitated the ability and ease of ACS Member States to participate in ACS events.

As a host of the ACS, Trinidad and Tobago can readily contribute to the direction, the programmes and the projects of the organization. Trinidad and Tobago's geographical location, commitment and active participation make it well placed to propel the widening and deepening of integration so as to realize the goal of cooperation in integration within the greater Caribbean Basin.

The Secretariat of the ACS also provides job opportunities for the citizens of Trinidad and Tobago on a contract and permanent basis. Currently, of the 30 ACS employees, 19 are from Caricom Member States, 13 of whom are citizens of Trinidad and Tobago. Additionally, undergraduates and postgraduates students of the University of the West Indies, St. Augustine campus also gained from the Secretariat being located in Trinidad and Tobago since the ACS offers internship programmes to students. There is also the added advantage of the creation of wealth in the economy of Trinidad and Tobago. Local business such as restaurants and hotels stand to gain from increased arrivals of foreign visitors who come to Trinidad and Tobago to attend meetings of the ACS. These visits are funded by their respective governments or international organizations and contribute to the foreign exchange earnings of the State.

**1.45 p.m.**

Notwithstanding the increased challenges and questions pertaining to its relevance to the countries of the region, the ACS should not be underestimated in the numerous benefits which its membership brings to Trinidad and Tobago. Its ability to forge closer ties to the countries of Latin America, to stimulate trade through media such as the businesses forum, and to gain support for important issues such as the preservation of the Caribbean Sea, as well as the opportunities for developmental government professionals from scholarship programmes, is significant for small Caribbean states like ours, which need strength of numbers to promote our agendas and interests in the international area.

Thank you, Mr. President.

**Sen. Dr. Nanan:** Thank you, Mr. President. Minister, I did not get if you did say it, how long has the ACS Secretariat been established in Trinidad and Tobago, and secondly, could you say what is the real driving force for COPA Airlines to come to Trinidad? Was it for trade or was it for the Secretariat of the ACS, or a combination of both?

**Hon. P. Gopee-Scoon:** I do not have the precise date of the ACS Secretariat being in Trinidad, but I would imagine it certainly would have been in excess of 10 years or so. But certainly in existence 10 years or so. And as to the second question with regard to COPA, it was a combination of things. It is to improve person to person contact, as I said before, to improve trade, to facilitate linkages with South America as well, but I think all of the overtures were made by the Trinidad and Tobago government and it certainly does benefit our public. Those seats are filled all the time, and in fact, we are looking at having increased travel on the COPA Airlines. So it definitely has been a benefit to us.

#### WRITTEN ANSWER TO QUESTION

#### Overseas Trips (Details of)

65. **Sen. Wade Mark** asked the hon. Prime Minister:

Could the Prime Minister provide the Senate with the following information:-

- (a) the number of official overseas trips each Minister of Government, including the Prime Minister, has taken since January 2007 to March 31, 2009;
- (b) the exact reason/nature and duration of each Minister's visit abroad; and
- (c) the cost of each trip including airfares, advanced allowances, and hotel accommodation?

*Reply lodged in Parliament Library.*

#### ARRANGEMENT OF BUSINESS

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move that the Senate proceed to deal with Government Business instead of Private Business.

*Question put and agreed to.*

**JOINT SELECT COMMITTEES  
(REPLACEMENT OF MEMBER)**

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, I beg to move the following Motion:

Be it resolved that this Senate appoint Miss June Melville to replace Mr. Conrad Enill on the joint select committees appointed to enquire into and report on government ministries, Parts I and II, statutory authorities and state enterprises falling under those Ministries.

*Question proposed.*

*Question put and agreed to.*

**AIR CONDITIONING UNIT  
(Breakdown of)**

**Mr. President:** Hon. Senators, before I call on the hon. Attorney General to present the Evidence Bill, I would just like to advise you that of the two air conditioning units that we have for this Chamber, one of them has broken down completely and needs to be replaced, and hopefully it will be done on Thursday. But for the rest of the afternoon, we will have only one unit working. So that is just to let you know that perhaps you may wish to vacate your seats for short periods to stretch your legs and get some fresh air. It may get a little bit warm if the sun comes out very strongly later on.

**EVIDENCE (AMDT.) BILL**

*Order for second reading read.*

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

That a Bill to amend the Evidence Act, Chap. 7:02, be now read a second time.

Mr. President, when I rose in this House during the budget debate in the Senate, I promised the national community that the legislature will take targeted and decisive steps beginning immediately to treat with and to support the effects of the Ministry of National Security and law enforcement in relation to the levels of criminal activity in the country. This Bill must be viewed in that context. Within the recent past, a number of criminal trials have had to be aborted because a principal witness has been "got to". This Bill seeks to treat with this and other immediate problems in the criminal justice system.

Mr. President, the Evidence (Amdt.) Bill, 2009, is therefore part of a series of measures which this Government proposes to implement in order to improve the administration of the criminal justice system in Trinidad and Tobago. The provisions of this Bill are modelled after the United Kingdom's Criminal Justice Act of 2003, and in particular, section 44 of that Act.

You might recall, Mr. President, that in July of 2002, the British government published a White Paper outlining comprehensive plans for a reform of their criminal justice system, from crime prevention to the punishment and rehabilitation of offenders. The admissibility in criminal proceedings of evidence of a person's bad character was one area of the law which was subject to a comprehensive study.

In 2001, the Law Commission of the United Kingdom published a report entitled "Evidence of bad character in criminal proceedings." The issue was also considered by Sir Robin Oude during his review of the criminal courts in the same year, and both offered substantial criticism of the present rules regarding the admissibility of bad character evidence. These findings closely informed the approach of the UK government in their review of the criminal justice system. Accordingly, a key feature of this Bill is the provision of a comprehensive set of rules governing the admissibility of bad character evidence which is patterned after the United Kingdom model.

Mr. President, I am advised that consultation on the Bill has been held with the Law Association of Trinidad and Tobago. This Bill seeks to effect three major changes to the Evidence Act. I shall refer to this Act as "the Act" in the course of my presentation.

Firstly, it proposes that the Act be amended to provide that the contents of a previous inconsistent statement made by a person are admissible in criminal proceedings. The contents of the statement would be admissible as evidence of any matter stated, for which oral evidence by that person would be admissible.

Secondly, the Bill proposes to make provision for the admissibility of video or audio recordings of the voluntary statements of prosecution and defence witnesses, including the accused.

Thirdly, the Bill seeks to abolish the common law rules governing the admissibility of bad character evidence and to introduce a rebalanced statutory scheme. This statutory scheme will provide for the admissibility of bad character evidence in accordance with prescribed statutory guidelines.



Admissibility of previous inconsistent statements: Mr. President, there has been a marked increase in the number of criminal trials which have been aborted, as I have said before, or discontinued where witnesses have refused to give evidence, or have recanted on previously given evidence or statements. Often, witnesses who have previously given statements to the police and given evidence at the preliminary enquiry absent themselves at the trial or, having appeared, recant their original version of the events or feint a significant lapse of memory surrounding these events. This conduct immediately brings into question the veracity of the witness, and raises questions as to the reliability of the evidence.

Mr. President, without the oral evidence of these key witnesses, the prosecution is often forced to discontinue proceedings against the accused, and this has happened on a number of occasions. This frustrates the administration of criminal justice, and the Government is of the view that it cannot be allowed to continue. In light of these circumstances, it is therefore proposed that the Act be amended to provide that the contents of a previous inconsistent statement made by a person may be admissible as evidence of any matter stated, of which oral evidence by that person would be admissible.

I turn now to the admissibility of evidence by audio or video recording. Trials are frequently being aborted or discontinued, where the primary evidence before the court consists of a voluntary statement from the accused person, which amounts to a confession of the crime alleged. Where the statement is tendered by the prosecution and the accused alleges that it was not obtained voluntarily, the court is then required to conduct a trial within a trial, which is called a *voir dire*, to determine the admissibility of the statement.

Mr. President, the *voir dire* would usually consist of evidence presented by the prosecution, as a practical matter, in the form of witnesses such as the police complainant who recorded the statement in writing, and the Justice of the Peace whose evidence would tend to authenticate the voluntary nature of the statement and the circumstances under which the statement was obtained. If the court remains unconvinced that the statement was obtained voluntarily, the court will in its discretion refuse to admit the statement into evidence. This results in the collapse of the prosecution's case where the said statement was the only or primary evidence before the court.

To address this difficulty, the Government is of the view that police investigators must now seek to embrace the use of modern technology in the form of video or audio recordings of voluntary statements from suspects or accused persons. The proposed amendment will allow for the use of video or audio

recordings of the voluntary statements of all prosecution and defence witnesses, including the accused, which was given at a time when the events of the alleged incident was fresh in the mind of the person giving the statement. In these circumstances, the video or audio taped statement will be accepted as evidence in chief, instead of the oral evidence of the witness. Further, the court will be allowed to give a direction as to the admissibility of the evidence, dependent upon the ability of the witness to recollect all the events and upon factors such as the lapse of time between the taking of the audio video recording and the actual trial.

Mr. President, it is envisaged that this amendment will go a long way towards assisting the court when deciding upon the admissibility of statements, and will further shorten the length of criminal trials in some cases by negating the need for a *voir dire*.

Bad character: At present, the common law rules regarding the admissibility of evidence relating to an accused person's bad character are observed by our courts, and these rules dictate the ability of the prosecution to introduce such bad character in evidence. These common law rules require that the accused person must remove the shield by raising the issue, thereby enabling the prosecution to rebut this evidence by the introduction of evidence to the contrary.

### **2.00 p.m.**

These rules, therefore, have prevented the prosecution from countering the evidence of an accused person who presents himself as virtuous and who does not lift the shield. It is against this framework that this Bill seeks to abolish the common law rules governing the admissibility of bad character evidence and to introduce a rebalanced statutory scheme. This statutory scheme would provide for the admissibility of bad character evidence in accordance with prescribed statutory guidelines.

Mr. President, early on, I wish to turn to the constitutional issue, because there are some changes which I propose to make to the Bill which is before us.

The Bill, as it currently stands, declares itself to require a three-fifths majority vote in both Houses of Parliament. After consideration, I have advised the Government, and the Government is of the view, that this Bill could be constitutionally enacted by a simple majority vote. Therefore, at the appropriate stage, I intend to move an amendment to the Bill to delete the Preamble, the constitutional clause and the special parliamentary certificate at the end of the Bill. The special parliamentary certificate will be replaced by a simple majority parliamentary certificate.

The question to be asked is: When does a Bill require a three-fifths majority vote in both Houses of Parliament? The answer is provided by section 13 of the Constitution which provides as follows:

- "(1) An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.
- (2) An Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House."

Thus, it is clear that a Bill which requires a three-fifths vote of all the Members of each House is a Bill that is inconsistent with sections 4 and 5 of the Constitution. Sections 4 and 5 provide for the recognition and protection of our fundamental human rights and freedoms.

In order to safeguard our democracy and also prevent abuse of power, section 4 provides that:

"...there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex..."—a number of human rights and freedoms such as the right to:

"life, liberty, security of the person and enjoyment of property..."—which cannot be taken away by the State—"except by due process of law;

- (b) the right...to equality before the law and the protection of the law;
- (e) the right to join political parties and to express political views;
- (g) freedom of movement;
- (j) freedom of association and assembly; and
- (k) freedom of the press."

Section 5 provides that Parliament should not enact law which may allow:

"...the arbitrary detention, imprisonment or exile of any person;...

...or authorise the imposition of cruel and unusual treatment or punishment;

- (c) deprive a person who has been arrested or detained..."—of his right to be

promptly told—“of the reason for his arrest or detention...”—or his right to legal counsel, et cetera, or when charged, of the right to be presumed innocent, the right to a fair trial or the right to bail.

These rights and freedoms are set out in very general terms and they are not absolute. Thus, only when a Bill seeks to infringe sections 4 or 5 would it require to be enacted pursuant to section 13 of the Constitution.

I would like to state, for the benefit of all Senators, the main purposes of this Bill.

First, the Bill seeks to provide for the admissibility in criminal proceedings of the contents of a previous inconsistent statement made by a person.

Secondly, the Bill seeks to allow for the admissibility of video or audio recordings of the voluntary statements of prosecution and defence witnesses, including the accused.

Finally, the Bill seeks to abolish the common law rules governing the admissibility of bad character evidence and to introduce a rebalanced statutory scheme. The constitutional issue surrounds the final point. It touches on the first, but it surrounds essentially the final point, that is, the abolition of a common law principle.

In the local case, the *State v Brad Boyce*, Privy Council Appeal No. 51 of 2004, Lord Hoffman stated at paragraph 19 of the judgment of the Board that:

"...section 4 gives constitutional status only to fundamental rights and freedoms which existed at independence and it is therefore essential to decide whether an existing law formed part of a fundamental right or freedom."

Earlier in his judgment, at paragraph 10, Lord Hoffman quoted the reasoning of Lord Diplock at page 70 in his analysis of sections 4 and 5 in the case of *Thornhill v Attorney General of Trinidad and Tobago*. In that case, Lord Diplock said at page 70, and I quote:

"The lack of all specificity in the descriptions of the rights and freedoms protected in section 4 may make it necessary sometimes to resort to an examination of the law as it was at the commencement of the Constitution in order to determine what limits upon freedoms that are expressed in absolute and unlimited terms were nevertheless intended to be preserved in the interests of the people as a whole and the orderly development of the nation; for the declaration that the rights and freedoms...already existed at that date

may make the existing law as it was then administered in practice a relevant aid to the ascertainment of what kind of executive or judicial act was intended to be prohibited by the wide and vague words used [in section 4]."

Mr. President, in the Brad Boyce case, which is more recent than Thornhill, the appellant argued that the right of appeal given to the State by section 65E of the Supreme Court of Judicature Act, Chap. 4:01 was unconstitutional because it infringed the due process clause of the Constitution by putting the appellant in further jeopardy. The well established common law rule was that the prosecution had no right to appeal against a jury's verdict of not guilty in a trial by indictment. This rule was changed by section 65E which was introduced by the Administration of Justice (Miscellaneous Provisions) Act, 1996.

The 1996 Act was enacted by a simple majority. The Privy Council held that section 65E was constitutional, because the common law rule, which prevented the prosecution from appealing against an acquittal, did not form part of the due process clause, in its narrow sense, as a fundamental right or freedom. At paragraph 14, Lord Hoffman noted that due process of law has both a wide and narrow meaning. The wide meaning encompasses all the mandatory requirements of criminal procedure whatever they may be. On the other hand, the narrow meaning refers to those fundamental principles which are necessary for a fair system of justice.

Lord Hoffman then explained as follows:

"Thus it is a fundamental principle that the accused should be heard in his own defence and be entitled to call witnesses. But that does not mean that he should necessarily be entitled to raise an alibi defence or call alibi witnesses without having given prior notice to the prosecution. A change in the law which requires him to give such notice is a change in what would count as due process in the broader sense. It does not however mean that he has been deprived of his constitutional right to due process of law in the narrower sense."

Lord Millet made this very point in the case of *Thomas v Baptiste*, this is another authority for that proposition, when he said that the term "due process" in the Constitution, and I quote:

"...does not refer to any particular laws and is not a synonym for common law or statute. Rather it invokes the concept of the rule of law itself and the universally accepted standards of justice observed by civilised nations which observe the rule of law...It does not guarantee the particular forms of legal

procedure existing when the constitution came into force; the content of the clause is not immutably fixed at that date."

Those are the words of Lord Millet in *Thomas v Baptiste*. [Interruption]

**Sen. Dr. Nanan:** I just want to follow you, because you are putting a case to remove clause 3. Is that correct? I want to ask you specifically with regard to the Constitution in section 4, could you identify the fundamental right or freedom, because there is a whole list, that is being infringed by section 4? With respect to section 5, which is the one that you say is not being infringed, specifically, or is it all?

**Sen. The Hon. J. Jeremie SC:** The point I am making is that the special majority certificate is not important, so we are not breaching any of the rights protected under sections 4 and 5 of the Constitution. I intend to move, at the committee stage, an amendment that would reflect that proposition. I am explaining to you why I have done that.

**Sen. Mark:** You cannot move that amendment in a Bill that requires a special majority. This is not a simple amendment. "You mad or something?"

**Sen. The Hon. J. Jeremie SC:** The Administration of Justice (Miscellaneous Provisions) Act 1996, section 11, abolishes the common law rule governing the issue of corroboration in trials on indictment in relation to accomplices and sexual offences. The residual or inherent jurisdiction of a judge to advise a jury on the need for corroboration was unaltered; however, no statutory scheme or procedure was substituted when the rule was abolished.

In the United Kingdom, the common law rule was abolished by section 32 of the Criminal Justice and Public Order Act of 1994. This section came up for consideration by the Court of Appeal in the case of *R v Makanjuola* reported in 1995, 2 Criminal Appeal Reports of 469. In this case, the appellant appealed his conviction for indecent assault. He argued that the court should have given the full corroboration warning, notwithstanding the abolition of any such requirement. The basis of his argument was that the underlying rationale of the common law rule could not disappear overnight. That is similar to what we are doing here this afternoon.

This argument was wrongly dismissed by the court, but the court did rule that the judge had a discretion to warn the jury, if he thought it was necessary. In other words, your protection of the law is the court itself. We have done several pieces of legislation which are identical on all fours with that.

The Administration of Justice (Miscellaneous Provisions) Act of 1996, by section 18, also modified the common law rule governing the defence of alibi.

**2.15 p.m.**

At common law you will recall that the defence could raise the defence of alibi at any stage of the proceedings. Section 18 now provides that the accused must comply with a detailed statutory procedure including serving an alibi notice to the DPP not later than 10 days after he is committed to stand trial.

It is to be noted that the section did not abolish the common law, but rather, it modified the rule. The 1996 Act which came into force in October 1996 has never been challenged, that was an Act which was passed by my colleagues on the other side, by my friend, the former Attorney General Ramesh Lawrence Maharaj, and I dare say this is one case in which he got it right.

The 1996 Act which came into force in October 1996 has never been challenged as being unconstitutional because it abolished the common law rules of corroboration and modified the common law rule governing the defence of alibi.

Finally, in the case of *Humphrey v the Attorney General of Antigua and Barbuda*, the question the board had to decide, and I want my friend to listen very carefully to this, please, was whether the abolition of the preliminary enquiry procedure—because I am coming with that, so listen carefully—in Antigua and Barbuda, by the Magistrate's Code of Procedure (Amdt.) Act, 2004 was unconstitutional.

Mr. President, it is to be noted that this amending Act was passed with a simple majority. Two constitutional arguments were raised on behalf of the appellant; the first was that the amending Act, because of its expressed retrospective application—and it had a retrospective effect—would result in an unfair trial.

At paragraph 11, this is how the board dealt with that argument. Lord Hoffmann said and I quote:

"...that the presumption will rarely, if ever, apply to changes in court procedure. Prospective litigants (or defendants in criminal proceedings) do not have a vested right to any particular procedure..."

My friends are not listening to me; they are laughing, they are joking, their minds are set on opposing the Bill.

Let me repeat:

"...that the presumption will rarely, if ever, apply to changes in court procedure. Prospective litigants (or defendants in criminal proceedings) do not have a vested right to any particular procedure and there will generally be nothing unfair in applying whatever procedure is in force when the case comes to court."

The board therefore wrongly rejected that first argument.

The second argument is that the abolition of the preliminary enquiry—and I have warned my friends that is coming—deprives the appellant of a right to a fair trial. This is what I suspect their arguments will be along those lines, notwithstanding the fact that the Privy Council has spoken on it.

It was argued that a preliminary enquiry was part of the trial for an indictable offence and, therefore, pursuant to section 15(1) of the Antiguan Constitution, it must be conducted fairly, within a reasonable time and by a court established by law. The board agreed that a trial must be fair, but did not agree that without a preliminary enquiry there cannot be a fair hearing.

At paragraph 9 Lord Hoffmann concluded as follows, and again I quote:

"In the Board's opinion it is a mistake to argue that because the old system provided a fair hearing, the change or abolition of some elements of that system results in the new system being unfair. Systems of criminal procedure may differ widely without being unfair. The question is not the extent to which the new committal proceedings differ from the old preliminary inquiries but whether the new system of committal proceedings and trial, taken as a whole, satisfies the requirements of section 15(1)."

That is a fair hearing within a reasonable time by a court. The board therefore, wrongly dismissed the second argument and agreed with the Court of Appeal that the new system was indeed flawed.

It was also argued in that case that the preliminary enquiries—and this is where I suspect my friend will come—were in existence at the time of the commencement of the Constitution and, therefore, should be taken to be incorporated into the concept of a fair hearing.

The board at paragraph 10 describes this argument as an extravagant proposition and I quote:

"By the same token, virtually any feature of criminal procedure (a requirement of unanimity in jury verdicts, for example) would become constitutionally protected. It is unlikely that the framers of the Constitution intended to



introduce such rigidity into the law. The question in each case is whether the requirements of a fair hearing are satisfied."

All of that was a quote from Lord Hoffmann, Mr. President. That is not me speaking, it is Lord Hoffmann so when they wish to argue, do so with the Privy Council.

Mr. President, from the authorities I have discussed, the Government is of the considered view that this Bill does not require a special majority vote and can be constitutionally enacted by a simple majority vote. Thirteen years ago the law governing corroboration was abolished and that governing the defence of alibi were both modified by an Act that was passed by a simple majority, and its constitutionality has never been challenged. That same Act also conferred on the State for the first time a right of appeal albeit limited in criminal trials and its constitutionality was challenged but upheld by the Privy Council in the Brad Boyce case.

Mr. President, it is not surprising that when the preliminary enquiry was abolished by an Act passed with a simple majority that withstood the constitutional challenge.

Mr. President, the Government by this Bill, is merely seeking to abolish the common law rules governing the admissibility of bad character evidence in criminal proceedings and introducing a statutory scheme to allow for the admissibility of such evidence.

The effect in reality is a codification of the common law principles in this area of the law including a codification and some modification with common law principles in this area of the law including the various exceptions to the rule. The question therefore is whether this modification of the rules governing the admissibility of bad character evidence in criminal proceedings would result in a denial of a fair hearing.

We on this side do not think so. It is to be noted that there are numerous safeguards in the Bill, for example, under the proposed section 15M, one of the grounds on which bad character evidence may be admitted is consent of the parties. Also, the court is given the discretion to assess the probative value of the evidence before it is admitted, and leave of the court is required in limited circumstances.

Furthermore, under the proposed section 15M where the seven gateways, to which I will refer in a while, are set out to allow for the admissibility of bad character evidence against the accused, the court there is given the discretion to

exclude certain evidence if it would render the proceedings unfair. Mr. President, these are the hallmarks of a system which has a respect for rights and freedoms of the individual.

Finally, under the proposed section 15W, when the court makes a ruling, it must give reasons in open court for its ruling. There is nothing particularly unfair or unjust about this proposed statutory scheme which may enable any person in a criminal trial to contend that the trial would be unfair.

Mr. President, as I mentioned earlier in my presentation, the Government intends to move the appropriate amendment to the Bill at the relevant stage to ensure that it is enacted by a simple majority vote. I turn now to examine the Bill from its general objectives from the constitutional question to examine it clause by clause.

The Bill contains seven clauses; clauses 1 to 4 are of general application, of course we would have to amend the clauses as suggested. Clause 1 provides the short title of the proposed Act; clause 2 provides the commencement provision and clause 3, we will delete at the appropriate stage. Clause 4 provides the interpretation provision; *[Interruption]* clause 5 seeks to amend section 13 of the Act having regard to the introduction of a new regime in relation to evidence of bad character.

It is proposed that section 13(3) be repealed. Section 13(3) of the Act partially embodies the common law rules relating to the admissibility of bad character evidence. *[Interruption]* Whenever I hear Sen. Mark shouting like that before I am finished, I know that he is in trouble, not me, because he is usually quite observant of the rules of the Senate. He has been here longer than most of us, he knows the rules that I speak, he hears me out in silence and then he has his turn.

In the Bill before us, it is proposed that a new subsection (5) be inserted in section 13 which would have the effect of saving the application of section 13(3) where a person has already been charged with an offence before the commencement of the proposed Act when it comes into law. Mr. President, at the appropriate stage I intend to move an amendment to the Bill to delete that clause which is part of clause 13.

Mr. President, the prosecution frequently encounters witnesses who are afraid because they have received direct or indirect threats that they or their family members will be killed or seriously harmed if they testify in a matter. Alternatively, the witness may not have been threatened or intimidated but is fearful because he knows the accused and his associates and believes that they have the capability to eliminate witnesses.

Mr. President, these are not novel problems that we face in this country; they have been faced in other jurisdictions in the United Kingdom, in the Commonwealth Caribbean and answers have been found which we attempt to introduce this afternoon into our law in Trinidad and Tobago.

Many witnesses are reluctant to enter witness protection programmes because of the restrictions on their freedom and the length of time they are inconvenienced by the arrangements for their protection. Having regard to these factors, clause 6 of the Bill proposes to amend section 15C of the Act to include instances where a witness refuses to testify because he is fearful. Section 15C of the Act makes provision for the admissibility of first time hearsay evidence in criminal proceedings.

In such a scenario, Mr. President, a statement made by that witness in a document shall be admissible as evidence of any fact of which oral evidence by that person would be admissible.

**Sen. Dr. Nanan:** You said you are going to amend clause 13.

**Sen. The Hon. J. Jeremie SC:** I said part of clause 13.

**Sen. Dr. Nanan:** Which part? Because there is no clause 13 in this Bill.

**Sen. Oudit:** In the parent Act.

**2.30 p.m.**

**Sen. The Hon. J. Jeremie SC:** When I refer to Act, I am referring to the Evidence Act.

Mr. President, clause 7 would amend the "Act", Sen. Nanan.

**Sen. Dr. Nanan:** I am sorry.

**Sen. The Hon. J. Jeremie SC:** You see? You are not listening. You do not listen to me and then you challenge me; you ask questions of all sorts of things.

Clause 7 would amend the Act, and by the Act I mean the Evidence Act, by inserting after section 15G, 17 new sections numbered as sections 15H to 15X. The proposed section 15H would provide that the contents of a previous inconsistent statement may be admitted as evidence of the truth of the matters contained in that statement.

At present, witnesses who recant from their original testimony, whether through fear or intimidation, are treated as hostile witnesses. Under the current ruling governing the cross-examination of hostile witnesses, a previous inconsistent statement may only be admitted in order to undermine the credibility of a witness.

The proposed change to the common law rules which currently apply in relation to the status of previous inconsistent statements, will therefore mean that a previous inconsistent statement may not only be admitted in order to undermine the credibility and reliability of the witness' testimony, but will also be admissible as to the truth of the contents of the statement.

Now, if you wish to see a legislative precedent—Sen. Dr. Nanan, you are not listening. We are in school. If you wish—

**Sen. Dr. Nanan:** I do not have to look at you to listen to you.

**Sen. The Hon. J. Jeremie SC:** I am sure you are not listening to me because of the sort of questions that you are asking.

Mr. President, I will speak to you, as I must. That section is similar to section 119 of the United Kingdom Act. So it is not something that we are trying and that is new in Trinidad and Tobago. I am giving you the cross-references. Write them down so that you can go and double-check section 119 of the UK Act.

The proposed section 15I makes provision for the admissibility of the whole or any part of a video or audio recording of the voluntary statements of prosecution and defence witnesses, including the accused. These recordings would be admitted, having regard to prescribed guidelines and where the court has made a direction that the recording should be admitted as evidence-in-chief of the witness.

The proposed section 15J will provide a definition of certain terms used in sections 15H and 15I. Sen. Dr. Nanan, this is similar to sections 137 and 138 of the United Kingdom Act.

**Sen. Dr. Nanan:** I just want you to explain what is "oral fixation of sounds". I think that is vague.

**Sen. The Hon. J. Jeremie SC:** What is that?

**Sen. Dr. Nanan:** That 15J, the definition talks about: "audio recording" means any exclusively oral fixation of sounds".

**Sen. The Hon. J. Jeremie SC:** I will come back to it. Could you let me finish?

Traditionally, consideration had to be given to the probative value of evidence that tended to show the accused bad character versus the tendency of that evidence to prejudice the fact-finder against the accused. The common law attempted to resolve this conflict by adopting a general exclusionary rule that the

prosecution could not adduce evidence-in-chief for the purpose of proving an accused bad character unless that evidence had a sufficient degree of relevance to the issues in the case to make it just to admit it, notwithstanding the prejudicial effect.

The proposed section 15K therefore defines the sort of evidence, the admissibility of which is to be determined under the new statutory scheme. The term "misconduct" is also defined. This is intended to be a broad definition and covers evidence which shows that a person has committed an offence, has acted in an improper manner or is disposed to do so, as well as evidence from which this can be inferred. It is similar to section 98 of the UK Act.

At the proposed section 15L, the common law rules governing the admissibility of evidence of bad character in criminal proceedings are abolished. This would include the common law rules governing the admissibility of bad character evidence in relation to persons other than the accused. As previously indicated, the intention of this amending legislation is that there will now be a new statutory scheme which will provide for the admissibility of evidence concerning previous convictions and other misconduct for both accused and non-accused persons in accordance with prescribed fair guidelines. It should be noted, however, that section 15L(2) saves the common law rule, which provides that in criminal proceedings, evidence of a person's reputation is admissible for the purpose of proving his bad character. This is similar to section 99 of the UK Act.

**Sen. Seetahal SC:** It is the same.

**Sen. The Hon. J. Jeremie SC:** Sen. Seetahal SC is saying it is the same. I prefer to say similar, in case I left out a full stop or a comma, which I know my friends opposite might pick me up on.

The proposed section 15M would provide for the admissibility of bad character evidence in relation to persons other than the accused. In the United Kingdom, similar legislative provisions are to be found in the Criminal Justice Act, 2003, at sections 98 through 110.

In the United Kingdom it was felt that the common law provided inadequate protection to witnesses from irrelevant and unfair cross-examination on their character. There was a need, therefore, for the court to control cross-examination which had little or no purpose other than to intimidate or embarrass witnesses or, as we say in Trinidad and Tobago, muddy the waters. A tightening of the law would therefore lessen the likelihood of bad character evidence distorting the fact-finding process and encourage witnesses to give evidence. This new statutory scheme seeks to encourage witnesses to give evidence in criminal proceedings by:

- (1) specifying more precisely the circumstances in which evidence of a witness' bad character are admissible;
- (2) requiring leave of the court for the admission; and that is important. All of this is subject to leave of the court.
- (3) by providing that a substantial probative value test must be satisfied.

So that, too, is a control factor. Evidence of the bad character of a non-accused person can therefore only be admissible if it meets one of three conditions. First, it is important explanatory evidence; second, it is of substantial probative value to a matter in issue and is of substantial importance in the context of the case as a whole; or third, the prosecution and defence agree that the evidence should be admitted, similar to section 100 of the United Kingdom Act. At present, evidence of an accused person's bad character is generally inadmissible, subject to a number of restricted common law and statutory exceptions.

The proposed section 15N seeks to adopt an inclusionary approach to an accused previous convictions and other misconduct or disposition by setting out seven gateways—I referred to these before—through which evidence of bad character may be admitted against the accused.

So I want to reiterate the point that we are not operating by “vaps”; we have a problem which all of us in this Chamber recognize in respect of witnesses and the difficulties which occur when witnesses go into court and recant. Out of fear, sometimes they cannot be found and we are seeking to address that problem head-on. We have had several trials—I myself cannot speak, but I am sure that we are all citizens of this country and we know what trials we are speaking of. We have had several trials collapse in the last couple years just because legislation similar to this was not in force.

The seven gateways which exist in this Act and which we have replicated; followed from the legislative precedence which exists in the United Kingdom—and I must confess that there are other territories in the Caribbean which have responded quicker to this problem than we have. In other respects, Antigua has already abolished the preliminary enquiry which, as I have told my friends, is coming. So we are playing catch up. At present, these seven gateways provide that evidence of an accused person's bad character is admissible:

- (a) if all parties to the proceedings agree to the evidence being admissible;
- (b) the accused introduces the evidence himself or it is given in response to a question put by the accused or his attorney that is intended to elicit it;

- (c) it is important explanatory evidence;
- (d) it is relevant to an important matter in issue between the accused and the prosecution;
- (e) it has substantial probative value in relation to an important issue between the accused and a co-accused;
- (f) it corrects a false impression given by the accused about himself;
- (g) the accused has attacked the character of another person.

Those are the seven gateways. Provision is also made for the exclusion of evidence relating to the accused bad character in certain circumstances if the court considers that the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it.

In other words, all that you are doing is empowering the court to have a more just outcome in appropriate cases. The common law provided certain strictures. These strictures are being abolished on purpose by what we are doing this afternoon. We are placing the matter in the hands of the competent persons, not the Executive. The Legislature is empowering the judge who has conduct of these matters, to dispense justice, because that is not always what comes out of these matters.

Mr. President, the proposed section 15O would provide that for the purpose of section 15N(1)(c) evidence is important explanatory evidence where it relates to matters so closely linked with the facts of the case before the court that it would make no sense to exclude such evidence, or its value, in understanding the case as a whole, is substantial. That is similar to section 102 of the UK Act.

I turn now to the important matter in issue between the accused and the prosecution. I am relating back to the seven gateways. In the proposed section 15P, it is provided that for the purpose of section 15N(1)(d), evidence of an accused person's bad character may be admitted where it relates to an important matter in issue between the accused and the prosecution. An important matter in issue would be a matter of substantial importance to the context of the case as a whole. This gateway, therefore, deals with the conditions under which the prosecution can lead certain evidence against the accused irrespective of how the accused conducts his defence.

Section 15P(1)(a) is intended to enable the prosecution to adduce evidence of the propensity of the accused to commit offences. For example, if the accused is charged with grievous bodily harm, a history of violent behaviour could be

admissible to show his propensity to use violence. Additionally, 15P(1)(b) is intended to enable the admission of a limited range of evidence, such as previous convictions for perjury or offences involving deception.

**2.45 p.m.**

For the purpose of this gateway, it is immaterial whether the accused puts his character in issue or attacks the character of another person and only the prosecution evidence is admissible under section 15N(1)(d) above. That section is similar to section 103 of the UK Act.

I turn now to the gateway, important matter in issue between the accused and a co-accused. The proposed section 15Q elaborates the introduction of evidence which is relevant and important matter in issue between the accused and a co-accused under section 15N(1)(e). Evidence is admissible under this gateway if it has substantial probative value in relation to an important issue in the case. For example, if both parties blame each other for the commission of the offence, the co-accused may use evidence of the bad character of the other accused to show that because of the accused disposition, the latter is more likely to have committed the offence. Only a co-accused can adduce evidence via this gateway. It is not available to the prosecution. This is similar to section 104 of the UK Act.

There are other gateways. Evidence to correct a false impression. At the proposed section 15R, in order for evidence under section 15N(1)(f) to be admitted, the accused must make an assertion that gives a false or misleading impression about himself. This may be done expressly, for example, by him claiming to be of good character and non-violent when this is not the case. The assertion may also be implied, for example, by leading evidence of his conduct that carries an implication that he is of better character than is actually the case; or non verbally by his appearance, dress or conduct in court. These are tricks which every defence counsel, including my learned friend, Sen. Seethal SC will know.

Section 15R(2) sets out the circumstances under which an expressed or implied assertion about the accused can be made. It is to be noted that only prosecution evidence is admissible via this gateway and the evidence is only admissible to the extent, that it is necessary to correct the false impression. If an accused withdraws or disassociates himself from the making of a false or misleading impression, then evidence to correct that impression is not admissible, similar to section 105 of the UK Act. Attack on another person's character, that is section 15S is similar to section 106 of the UK Act and it was also there before.



In section 15T where the issue of contamination arises, the judge must draw the matter to the jury's attention and warn them, that if they are not satisfied that the evidence can be relied on as being free from collusion, then they cannot rely on it against the accused. If it becomes apparent, if the evidence cannot reasonably be accepted as being free from collusion, the judge must direct the jury not to rely on the evidence for any purpose averse to the defence. It is similar to section 107 of the UK Act.

The proposed section 15U is similar to section 108 of the UK Act.

The proposed section 15N is similar to section 109 of the UK Act.

The proposed section 15W is similar to section 110 of the UK Act.

Finally, the proposed section 15X is a transitional provision which would provide that this Act upon commencement shall not apply where a person is charged with an offence and is already brought before a court. At the appropriate stage I intend to move an amendment to the Bill to treat with this clause. There are several amendments which are coming. I also intend to move a number of other amendments to the Act at the appropriate stage. Perhaps, these would also include amendments proposed by hon. Senators, including Sen. Mark.

In closing, I would recall for the benefit of all Senators the main purposes of the Bill. Firstly, it seeks to provide for the admissibility in criminal proceedings of the contents of a previous inconsistent statement made by a person. Secondly, it seeks to allow for the admissibility of video or audio recordings of the voluntary statements of prosecution and defence witnesses including the accused. Finally, the Bill seeks to abolish the common law rules governing the admissibility of bad character evidence.

It is the hope of the Government that the measures proposed in the Evidence (Amdt.) Bill, 2009 will go some way to adequately address the specific problems which we are encountering in our criminal justice system. I call on all patriots here this afternoon, including my friend, Sen. Mark to support the Bill.

I beg to move.

*Question proposed.*

**Mr. President:** Before I call on any Senators, I again would just like to caution Senators against reading their contributions. I would particularly like to draw the attention of Senators on the Government Bench who seem to have a propensity to do this. It has been a longstanding practice to allow movers of a Bill

to read their presentation. However, once I propose the question I expect Senators to debate and not to read. I will be grateful if the sitting Senators on the Government Bench will pass my comments on to those who are not here.

I would also like to draw the attention of my remarks to some of those on the Opposition Bench who seem to be using a strategy of piling books to elevate the speech to a point where they can read it without actually holding it in their hands. I think that we need to do away with that and to debate. I ask all Senators to join the debate this afternoon.

**Sen. Jeremie SC:** Mr. President, the mover of the Bill is of course entitled to read the presentation.

**Mr. President:** That has been the practice since I have been in this Chamber for the past 14 years. When the debate begins is when I propose the question. Therefore, even the mover of the motion, as part of the debate, when he responds, responds without a written script. Therefore, from this point here on, we will debate without script.

**Sen. Wade Mark:** Mr. President, first of all, I would like to make it very clear that we do not support the position taken and advanced by the hon. Attorney General as it concerns clear infringements, rights and freedoms of the citizenry, as is contained in the measure that is before us today.

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

In fact, we will argue that this Bill requires not a three-fifths but a two-thirds and it is in its convoluted contribution here today, that at times those who are uninitiated may be misled and use one set of case law and references. The same Attorney General who says he wants to get rid of the Privy Council, I notice at times is conveniently quoting extensively from the Privy Council. [*Desk thumping*] The same Attorney General and Government, I will demonstrate today, is either engaging in intellectual laziness because I will show that almost 90 per cent of the legislation before us today was lifted completely. But you see, it seems that the Government is operating on a convenient plain where certain aspects of the British law and the criminal justice law are being imported and transplanted wholesale.

There are other elements that have been conveniently left out by the Attorney General which I will also advance and maybe recommend for inclusion in an effort to ensure that this lynch mob and fish market approach to legislation that

we are seeing here today—and the Attorney General comes to Parliament to tell the honourable Senate that he made a mistake. The Government made a mistake. It is not three-fifths. Well, if it is not three-fifths withdraw the Bill and bring a new Bill! Do not come and tell the Senate—it is very disrespectful to tell the Senate that a Bill that requires a three-fifths majority just by your utterances, we would move an amendment. Is it a three-fifths amendment you are going to move? You need a three-fifths majority. This is what this Bill is saying. I will demonstrate why it requires a three-fifths majority and even more.

This is very serious, very dangerous, very draconian and far-reaching legislation which is radically departing from how business is conducted in our jurisprudence in the Republic of Trinidad and Tobago. New concepts are being imported and transplanted into our environment and we have not been given any real explanation. All the Attorney General did today was to read from a script that was prepared for him. I could understand why, because the Attorney General was never a criminal lawyer and never practised in the courts of this country. I could understand why he had to be scripted today. He is using terms that he does not understand. He has failed to give the Senate a proper explanation of those definitions. [*Desk thumping*] We are going to advance major amendments to the legislation here. I advise them that this particular Bill requires not three-fifths but more than three-fifths. Whoever is advising this Attorney General is playing with fire. Let me quote the Constitution of the Republic of Trinidad and Tobago. I refer to section 13.

If you bring an Act to this Parliament that expressly declares and it is inconsistent with sections 4 and 5 of the Constitution, unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual, then this Act, such legislation requires a three-fifths majority. We are arguing that the legislation before us today violates and abrogates many rights to which citizens are entitled.

We are dealing with criminal law. This is very complex legislation. It is very difficult and very technical legislation that we are dealing with because it is criminal law. We do not have criminal lawyers on this Bench, but I can tell you that I have done the research and nobody "eh goin to mamaguy" and mislead me today as it relates to what I am dealing with. I want to indicate that this piece of legislation—

**3.00 p.m.**

I refer you to section 5(2) of our Constitution. I want you to listen very carefully. It says:

"Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not—"

And it gives you a list of things that the Parliament will not do and may not do.

[MR. PRESIDENT *in the Chair*]

I will demonstrate where, in section 5(2) of the Constitution of the Republic of Trinidad and Tobago, the legislation before us is going to achieve the following in terms of violating the relevant parts of section 5(2).

The legislation before this honourable Senate—and I will demonstrate clause by clause when I get to the Bill—will:

“deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and his obligations”.

I will demonstrate from the Bill where those provisions will contradict this fundamental right to which people are entitled.

The other section I wish to bring to your attention is that every citizen must be and shall be entitled:

"to a fair and public hearing by an independent and impartial tribunal;"

When we talked earlier about the principles of fundamental justice, we were talking about the right of cross-examination and the right to confront your accusers; not a videotape or an audio recording. I will show you, Mr. President, where the hon. Attorney General, in this Bill and when we go to the parent Act, has brought forward additions so that persons who accuse others do not have to come to court. All they have to say is that they are fearful. I will demonstrate that to you. The hon. Attorney General has included other sections in this amendment in order to deny people the right to be cross-examined at the level of the courts.

The European Court of Human Rights has stated clearly what the right to a fair trial is and tells us that one is entitled to cross-examine one's accusers. As I said, I will demonstrate as I go along where the Government is seeking, in this legislation, to hijack and handcuff the rights of citizens. We will not be party to any "ol' talk" coming from the hon. Attorney General. I have nothing against the hon. Attorney General, but to come here this afternoon and make this somersault

and flip-flop and tell this Senate that the Bill does not require a three-fifths majority—Why bring the Bill in the first place indicating that you want a three-fifths majority? You are playing smart, but the courts will deal with you.

Mr. President, I ask you to journey with me to clause 6 of the Bill. Clause 6 says that section 15C of the Act is amended. If we go to 6(a)(iii), you will see what is being advanced here. I have a consolidated version of the Evidence Act before me and the Government is proposing to repeal clause 5(3) entirely. This is a fundamental change in the way we do business in Trinidad and Tobago. I want to read the entire section that the Government proposes to repeal. It says:

- "(3) A person charged and called as a witness in pursuance of this section shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than that wherewith he is then charged, or is of bad character, unless:
- (a) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty..."

In this instance, we are not talking about proof again, we are saying that in the legislation before us there is a difference between a sworn statement or one taken under oath and one not taken under oath. We have been told, in the Bill before us today, that there is incompetence, inefficiency and failure of this Government to deal with the criminal justice system; to provide the police with the kind of resources it requires; to provide the Magistracy and the justice system with the resources it requires to do the kind of work necessary so that people's understanding of the process would be better appreciated. Now you come here today without any law reform report justifying or giving us any philosophical underpinning of the rationale of this proposal. However, in London or the UK, as stated by the hon. Attorney General, there is a Law Reform Commission submitting a report giving the rationale why they want to introduce bad character evidence; why they want to introduce inconsistent statements to be admissible at trials.

These are discussed with all the stakeholders in a country. All we have heard from the Attorney General this afternoon is that he understands that the Law Association was consulted. Is that adequate? They are deleting an entire section, section 3, repealing where you have to bring proof; where the person personally, or his advocate, can ask questions of the witnesses for the prosecution with a view to establishing his own good character.

What is being advanced in the legislation is that you will no longer be able to cross-examine your accusers. They are now saying that you can videotape and audiotape the evidence and bring that. An audio will replace the witness. That is in the legislation.

Mr. President, they are telling me that as a citizen of this country—and I will give you instances and evidence where some elements in the police service have been found to be wanting by the High Court and Court of Appeal. You know why? Because the police, who are responsible for taking statements and maybe confessions from the accused or from witnesses, their conduct and behaviour has been disgraceful and unbecoming. I have a case here involving some persons who were accused of murder and they appealed at the level of the Court of Appeal and Justice Margo Warner had to dismiss the prosecution's case because of what she described as the ugly state of affairs in the Homicide Division.

And they are telling us, in 2009, Mr. President, that if I give a statement to the police—you do not know under what conditions I gave that statement because the many policemen do not read people their rights. They invade their homes, kick down their doors, destroy their homes basically like hooligans. Some of them behave like hooligans. They come into your home and they destroy your property. And they are telling me that a person must go to a police station and give a statement and if the environment in which it is given is one of duress and coercion, you are telling me you can take that unsworn statement, not given under oath, to trial. When we go to trial and I say that I gave that statement under duress and coercion, the legislation, from what I am reading, will be taken on board as gospel?

That is a fundamental departure from how we conduct business in our jurisprudence. I do not believe the British, with the greatest respect, would support such an approach to their legislation and justice system. This is banana republic-type legislation.

I have given you one example of where the Government will delete an entire clause that protected the rights of citizens who were charged and they are now going to replace it with a new provision.

When we go to clause 6, subsection (a)(iii), there is this term "fearful". If you look at this particular provision, it says:

"Subject to subsection (2), a statement made by a person in a document shall be admissible in criminal proceedings as evidence of any fact of which direct oral evidence by him would be admissible if it is proved to the satisfaction of the court that such person—

(a) is deceased."

That is one area that is now being imported in this amendment. So you demonstrate that the person is dead. Yes it is here, go to paragraph 6(b). It goes on in section 15C to add another provision to the legislation before us. Hear what that says:

“(e) is kept...from the proceedings by threats of bodily harm and no reasonable steps can be taken to protect the person.” [*Interruption*]

**3.15 p.m.**

**Sen. Seetahal SC:** May I? Mr. President, section 15C, if I may correct my friend, is not before us. That was the previous 2007 legislation, which is now law. It is already law.

**Sen. W. Mark:** I am dealing with clause 6 of the Bill, which states that Section 15C of the Act is amended. It is being amended in the very law that my friend is referring to. It is being further amended here.

**Hon. Senator:** She says it is wrong.

**Sen. W. Mark:** Maybe it is wrong. If it is wrong, then I have the wrong document. This is what I have.

All I am arguing is that they are inserting, according to what I have before me, a provision that talks about “is fearful”. I am gleaning from this that what is being argued here is that persons do not have to go to court and give direct oral evidence, if it can be shown that the person is being fearful. That is what is being incorporated in section 15C, if the person is fearful. Who is to determine if the person is fearful? Who is going to determine that, the police?

The police recently told witnesses from the Beetham Gardens to go to the mortuary to identify two dead men as witnesses. This is the first time in my living memory, that I know that people have to go to the mortuary to identify dead people for the police, as witnesses; but that was all part of terrorism and intimidation. Who is to determine “is fearful”? If the police or the prosecution says that the witnesses cannot come because they are fearful for their lives, once you say that, that is so? The person is alive, but you are saying: “I am not going to be entitled, under this Bill, to cross-examine.” My lawyer will not be able to cross-examine that individual witness who accused me of committing some wrong. Do you know why? There is a provision that says he or she is fearful. You know what? You are going to find innocent people being prosecuted,

persecuted and jailed innocently in this country, because the Government cannot find the wherewithal to bring a certain degree of balance in this society. The society is in fear, so they are now in a state of desperation and they are saying “take away people’s rights”.

I want to let you know, that under the Constitution of this Republic, no law shall be passed in this Parliament—This law will not be supported by us this afternoon. I want to tell you that in advance. The Constitution says that no law may be passed by the Parliament which deprives a person of the right to a fair trial in accordance with the principles of fundamental justice, for the determination of his rights and obligations. How can you justify, in a society that has a respect for law and the rights and freedoms of people, the non-appearance of witnesses on the basis of that person being fearful? How are the lawyers of this country, who are defending people in this country, going to cross-examine those witnesses? There would be no witnesses to cross-examine. What you would get is either an audiovisual recording or you may get an audio tape of what the person says.

How can you, in 2009, bring such backward and reactionary legislation to this Parliament and expect us to support that? How can we support that? You are compromising the rights of our people and too many people are victims of all kinds of activities in this country. This is very bad legislation. It is very dangerous legislation.

May I just go on to subsection (5) of the same clause 6? Hear what is stated; this is madness:

“For the purpose of subsection (1)(f) ‘fearful’ is to be construed widely and includes fear of the death or injury of another person or of financial loss.”

It gives three areas that you can look at: death, bodily injury and financial loss. Do you know what it says here? It could be construed widely. How can you bring legislation to this Parliament and leave it up to the police and the prosecution to interpret what is fearful? You must tell us in writing and be specific, because criminal law deals with the rights, liberty and security of the individual citizen. When you are charged with a criminal offence, your rights, freedoms, liberty and security are all under threat. You are telling me that you are leaving this up to the Government; a Government that cannot be trusted? That is why we have called for constitutional reform.

We do not believe that the makers of laws should ever be the implementers of the laws. What we have here is the makers of laws and the implementers of laws. The Government brings the law, they have the majority, they pass it and then the



Attorney General and the Minister of National Security effect it. It is from Peter to Peter. That cannot be justice. That cannot be fair. This is kind of bogus reform that the Government is talking about, we are not in support of that at all, in terms of the Constitution. When you look at clause 6, subclause (5), there is a real danger facing the population.

Let us go to clause 7. Hear what clause 7 says at section 15H(1):

“Where in criminal proceedings a person gives oral evidence...”

They did not say who. They did not say where a person who is not accused. “A person” is loose. You do not know who they are talking about. Again, we have “a person”. It is too broad. We think they should narrow that and we would make amendments to that effect. It goes on to state where a person:

- “(a) ...admits making a previous inconsistent statement; or
- (b) a previous inconsistent statement made by him is proved by virtue of...”

what I have just gone through—

“the statement is admissible as evidence of any matter stated in it of which oral evidence by that person would be admissible.”

What are we saying here? They are saying if you recant your statement that you gave to the police under force and under terror, you go to the courts for trial and you say: “Listen, that statement that I gave to the police was not given voluntarily, it was given under duress,” what we have been told in section 15H(1) is that the statement is admissible as evidence, even though it is inconsistent. You want us to support that in a society that has a respect for the rights and freedoms of the citizens of this country? This is lynch mob legislation. We will have none of it. We are calling for safeguards and guarantees, particularly surrounding the reliability and credibility of statements that are made. We cannot support this measure in its current form.

I want to ask the Attorney General, and even my good friend in the back Sen. Seetahal SC, to go to the Canadian Legal Information Institute and take up a case involving Her Majesty the Queen and the KGB. The index is here. I can give you a copy of it. In Canada, they told the legislator: “We did not make the laws; it is judges that made the law.” A common law was made by the judges concerning the inconsistent admission of statements. You know what they did in Canada?

They protected the rights of the Canadian citizens, because they know even in Canada the police can terrorize, force and coerce people to give statements. They brought protective measures to safeguard their rights.

The first measure is that you must give an oath. Any statement you give must be sworn to oath. Further, it must be followed by an explicit warning. You give a statement under oath and if you lie or commit perjury, there are criminal sanctions or penalties. These are safeguards in the Canadian law.

It goes on further. Apart from warning—he talked about something called *voir dire*, a trial within a trial. That is what goes on in Canada. You have a right, the defence counsel and the prosecution, to cross-examine the witnesses involved, the accused and the defendant, during this trial within a trial.

The courts of Canada established that it must be a voluntary statement. Do you know how they decided that? Videotape. They never spoke about audio. The criminal justice system and the Criminal Justice Act of Britain that the Attorney General quoted from, have no reference to audio, because they understand the dangers of audiotaping. What they have is videotaping, so that you will see my lawyer here, my mother there, the interrogator there and you would look at my body language to see if I am being intimidated by the police.

**Mr. President:** On that score, I am looking at your body language and you seem to be addressing the Independent Bench more than you are me. I am very familiar with your back and the back of your head and I would like to see your front when addressing me.

**Sen. W. Mark:** Thank you very much. I am sorry, Sir. I did not know, Sir. I was watching you all the time. No problem. It must be voluntary. It must be videotaped. Even when all those things have taken place, the judge in Canada still retains the discussion, to determine if that statement should be referred to the jury. These are safeguards. You are telling this Parliament in 2009, that we must pass legislation where the statement is admissible as evidence than if you give to the police? The courts of this country will strike down this legislation if you are so simple-minded to try to impose a simple majority here today on this august Chamber.

**3.30 p.m.**

Mr. President, may I continue? In clause 7, it says at 15H(2):

“Where in criminal proceedings evidence of an inconsistent statement made by a person is given under section 15D(1)(c), the statement is admissible as evidence of any matter stated in it of which oral evidence by that person would be admissible.”

Mr. President, what are we talking about? It is the same thing we spoke about a short while ago. The Government is seeking to incorporate what is called “inconsistent statements” to the jury when you are on trial, in spite of the fact that you may have been coerced or you were under duress when you gave that statement.

It goes on:

“This section applies where—

- (a) a person, including an accused, is called as a witness in proceedings for an indictable offence or for the summary trial of an indictable offence;
- (b) the witness claims or has at any time claimed to have witnessed whether visually or in any other way—”

Mr. President, what does that really mean? When we say “have witnessed whether visually or in any other way—”? What do we mean by this? We are dealing with criminal law. I am going to study this subject. We are dealing with life and liberty. We cannot put—as a layman and an ordinary observer in this country—language like this. It is too loose; it is too wide; and it is too vague. It could be misinterpreted. You are talking about people’s liberty and freedom. You cannot do that!

Mr. President, it goes on to talk about:

- “(i) events alleged by the prosecution to include conduct constituting the offence or part of the offence; or”

Could somebody explain that for me? What do you mean by that? What is “conduct in constituting the offence or part of the offence...”?

It continues:

- “(ii) events closely connected with the offence;”

Who will determine that? What events are we talking about?

It says at 151(c):

“the witness has previously given a statement of the events in question, whether in response to questions asked or otherwise;”

What does that involve? These things are too wide. They are too dangerous. Who is asking these questions in subsection 151(c)? We do not know. When we say the statement was given at a time; statement to whom? Which authority was involved here?

Mr. President, it talks about a video or an audio recording made of the statement. We do not support audio recording. An audio recording is dangerous. There must be safeguards. Wherever audio recording appears in this legislation, we will make amendments to have audio recording deleted. I looked at the British Criminal Justice Act, and I have done some research on the Canadian Criminal Justice Act and nowhere have I seen that question of audio taping or audio recording. I have not seen that. I am saying that the videotaping is acceptable, because you can see the body language of the individual, his demeanour, his nuances and you will be able to determine if that person is under terror, threat or has not given the statement voluntarily. So, we have no problem with a videotaping of the exercise, but wherever we see audio recording being put forward, we will not support it and we will call for it to be deleted completely.

It goes on in 15I(1)(f) and it says:

“the Court has made a direction that the video or audio recording should be admitted as evidence in chief of the witness and the direction has not been rescinded...”

So, what they are saying is that a video or audio recording or taping would be sufficient to be admitted as evidence in chief. So, when you put an audio or a video—even though I agree in principle that you can have a videotape, I do not agree with an audio tape.

We are arguing on this side that even though you have a videotape, the witnesses must be cross-examined. I am seeing certain threats here that give me the understanding that you may have a situation where a witness, because of fear, may not appear in the court. That is what I am reading. A witness under fear may not appear in the court. A witness who believes that he is going to be physically harmed may not appear in the court, and what you are going to have is a statement or a video tape.

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

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

*Question put and agreed to.*

**Sen. W. Mark:** Mr. President, thank you very much. There is some subtlety in the legislation. This matter ought to be referred to a joint select committee of this Parliament. [*Desk thumping*] Mr. President, when you are dealing with the

rights of citizens of this country, we cannot just engage in the kind of exercise that we are engaging in here today. It is very technical, complex and very difficult to interpret. I believe we need the best legal minds coming before a joint select committee for us to engage them in understanding the implications of this piece of legislation. [*Desk thumping*] So, we are calling on the Government to have this Bill referred to a joint select committee where it can be refined and crystallized in a more detailed way.

Mr. President, I just want to indicate to you that the European Convention on Human Rights under Article 6 talks about everyone will have the right to a fair and public hearing. That is the first right that they are entitled to.

Under subsection (3) of Article 6 it says that every citizen in Europe, his lawyers would have the right to examine or to have examined witnesses against him and to obtain the attendance on examination of witnesses on his behalf under the same conditions as witnesses against him. There is a fundamental provision in law that deals with this question. We have to balance, or there must be a reliance on a witness statement where cross-examination is not available which may violate the right to a fair hearing.

This is a case coming from the Law Resource Centre on Human Rights and it deals with a matter involving *Al-Khawaja and Tahery v United Kingdom* which says:

“The European Court of Human Rights has held that allowing a witness statement to be admitted as evidence where the witness is not available for cross-examination and that evidence is the sole or decisive basis for convicting the accused violates the right to a fair trial provided in article 6(1)... of the *European Convention on Human Rights*.”

When I made reference to our Constitution and I told this honourable Senate that no law shall be or may be passed by this Parliament which is going to deprive the person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations, there is evidence coming out from the European Human Rights Courts and the European Convention on Human Rights that addresses this issue of the right to a fair hearing. If you do not give people that right to cross-examine their witnesses, you are violating the rights of that person to a fair trial.

It is against that background that we wish to advise the Attorney General that this Bill is going to violate sections 4 and 5 of the Constitution. We are arguing that whilst the Attorney General has bypassed this particular section of the Constitution, it does not mean to say that it does not exist. It exists, but he has

sought to ignore it and bypassed it. This is, in effect, altering our Constitution. If you are altering sections 4 and 5 of our Constitution—denying people a right to a fair hearing, because of the lack of cross-examination—we are saying that a two-thirds majority is required and not a three-fifths.

In 15I(3)(a) it talks about the interval of the time. What is that? We are dealing with law here. What are we talking about? This is too vague. This is dangerous.

It goes on to say in 15I(3)(b):

“any other factors that might affect the reliability of what the witness said in the video or audio recording;”

What do you mean by “any other factors”?

I am saying that there is need for us to make sure—the Attorney General, who apparently read this Act, took almost every provision wholesale out of Britain from the Criminal Justice Act. It is not yours. That is plagiarization. [*Interruption*] Did you get permission?

The only thing that has been changed in terms of the legislation is that instead of “the defendant” they put “the accused”. That is the only change that has taken place, but everything else was taken wholesale. That is intellectual laziness on the part of that administration. You come here today and say that you come here to bring legislation to deal with the problems of the society. You did not bring any legislation. This is the British legislation. This is not yours. Britain safeguards the rights of the British people. [*Desk thumping*]

**3.45 p.m.**

Mr. President, may I indicate to you—listen to this part:

“Where a video or an audio recording is admitted under this section, the witness may not give evidence in chief otherwise done by means of the recording as to any matter which, in the opinion of the Court, has been dealt with adequately in the video or audio recording.”

Mr. President, what does this mean?

“A statement made by a witness in a video or an audio recording may be admitted under this section whether or not the statement was made on oath.”

This is a dangerous part in this legislation. You are telling this honourable Senate that a statement made by a witness who might have been bullied by the police, who might have been coerced by the police, you are saying that witness's

statement—he gives it on video or on audio—may be admitted under this section whether or not the statement was made on oath.

There is no significance to an oath. I thought when you go to court you have to take an oath. You have to swear to the *Bible*, the *Q'uran*, the *Bhagvad Gita*, take an affirmation or a declaration. So you could go and give a statement without an oath and that statement is admitted as evidence against an accused, and we are sitting in Trinidad and Tobago in 2009 and debating and trying to pass this into law with a simple majority where you are violating the rights of the citizens.

May I remind the hon. Attorney General, if he has forgotten, there was a statement in the newspapers just Sunday, October 11, 2009, the statement said: “State getting legal licks”, and I quote:

“Sources said that some 2,500 cases logged over a five-year period, from 2004 to now, have cost the State an estimated \$100 million. Such cases include the recent order by the Court that the State pay the Dharma Maha Sabha more than \$2.6 million...”

It goes on:

“But the majority of cases requiring payouts leading to the multi-million dollar State legal bill results from what has been described by both Appeal and High Court judges as the ‘barbaric behavior’ of police and prison officers as regards members of the public and individuals in the State’s care.”

It goes on to say and this is my last line:

“As a result of the behaviour of these officers...and members of the public have been compensated for a series of other infractions, including wrongful arrest, assault and battery, unlawful detention and malicious prosecution.”

It goes on, finally, to say:

“And despite warnings and appeals from judges that officers involved in such cases—as they come before the court—be investigated, sources said there are instances dating back to at least five years where nothing has been done.”—by the Attorney General office.

So even though the State has spent over \$100 million to compensate citizens from malicious prosecution among other things, and the court has told the DPP and the Commissioner of Police to take action against these police officers, none of these police officers, according to this article, have been dealt with. So we have a lot of bad eggs in the police service.

I want to refer to a case of the High Court dated 2001, delivered on January 15, 2004. *The State v. Nizam Christian, Cordel John and Jason Augustine* for murder. Hear what the judge—in this case it was Mrs. Margo Warner—said and I quote:

“But out of the mouth of the very witness”—that is the police—“it does not require the court to do anything much in this case but to take the bald evidence of the witnesses themselves and come to the conclusion that in respect of this case there was something rotten in homicide that day. The court goes further because of what it considers to be the seriousness of what was exposed by the evidence in this case to require the prosecutor to bring the court’s comments to the attention of the DPP and the Commissioner of Police for action.”

This Bill is now introducing bad character evidence. We have several amendments that we are going to propose to this legislation. I do not have the time, because I would need another two hours to deal with bad character evidence and all the safeguards which are coming out from the Crown Prosecution Office of London and the Law Commission of London. I have them here! The safeguards that they have in place, which the Attorney General did not bring here today and which we intend to incorporate in the legislation.

Mr. President, we would like to strengthen the legislation. What we are not prepared to do is to allow our Attorney General to come here today and try to tell this Parliament that this Bill is not going to violate people’s rights. We are not going to support that. This Bill requires, not a three-fifths majority but a two-thirds majority and we are looking forward to the Attorney General, at the appropriate time to convince us and we are going to bring the appropriate amendment so that the Government could consider, so that at the end of the day we can have legislation that the people would find acceptable, where you protect the rights and freedoms of the people.

I thank you very much.

**Sen. Dana Seetahal SC:** Thank you very much, Mr. President. The Bill before us really involves five issues as I see it, and in substance as has been indicated by both Sen. Mark and the Attorney General, it is based on the English 2003 Criminal Justice Act.

Now, one point I wish to make at the outset, that it is in England—England subscribes to the European Court of Human Rights and the provisions of the Criminal Justice Act 2003 have not in this regard been found to be wanting. In other words, these provisions on which our Bill—

**Sen. Jeremie SC:** Tell him that.

**Sen. D. Seetahal SC:**—is based.



**Sen. Mark:** May I for one second? I want to refer to my learned friend a case which is dated January 2009; it is based on the Criminal Justice Act. Apparently you have not seen this one. But I have the case with me.

**Sen. D. Seetahal SC:** I am dealing with the provisions on which this Bill, the Bill before us is based, because I am sure if that case had to do with these provisions, Sen. Mark would have waved it to us long before this. [*Laughter*] So these provisions on which this Bill is based have not been found to be unconstitutional or in breach of rights. And as Sen. Mark has said, the British are very careful in protecting the rights of their citizens. [*Interruption*] So I agree with him there.

Now moving straight on to the first point and that first point is clause 6, which is a proposed amendment to the 2007 Act, which amended the Evidence Act, so in 2007 there was an amendment and now we propose to amend that clause. What was this amendment in 2007 which created 15C? It was an amendment which allowed a statement of a witness or a person who would become a witness in a document to be admissible in criminal proceedings even if he was not there. At that time it was argued that this provision was unconstitutional because it was introducing hearsay evidence and the like. At the time I pointed out that we already had hearsay evidence in criminal proceedings, such as where the deposition of a dead witness or a witness who is out of the country is admissible in criminal trials.

Now what that provision in 2007 did, it extended the law so that even if the witness had not got a chance to give evidence in the preliminary enquiry, if he died after he gave a statement to the police or was unfit by reason of insanity or was outside of Trinidad and Tobago and could not reasonably be brought back or he could not be found, even if you had taken reasonable measures to find him or he was kept away, in those circumstances his evidence could be admitted. There were safeguards instituted which were identical to the English law and it was found in the case of Stephen Grant, the identical law in Jamaica, that law was constitutional.

**Sen. Rahman:** Could the Senator advise whether the amendment in 2007 was by a simple majority?

**Sen. D. Seetahal SC:** I have that amendment here and it was by a simple majority indeed. [*Interruption*] And it was suggested then that it could be unconstitutional, and the case of Stephen Grant was cited, the 2005 case which exact provision in Jamaica was considered and the Privy Council held it being

procedural legislation. In fact, not legislation affecting substantive rights; it did not impose greater penalties for instance. It did not create new offences of a certain type; then it was not unconstitutional. In fact, that there were safeguards, because this kind of statement would only be admitted if it was found to be in the interest of justice so to do and the judge had an overriding discretion.

Earlier on this year in the Tunapuna Magistrates' Court, an attempt was made by the prosecution in a matter that I was in, to tender a statement under the 2007 legislation because the witness was out of the country and upon objection by the defence—that is me—the magistrate refused to allow the statement on the basis that it was not in the interest of justice because that witness was serving a five-year sentence for trafficking cocaine.

So the courts will take into account specific circumstances such as matters affecting the credibility of the witness. So that is the safeguard in the legislation. That is the 2007 legislation to which we have now added one more element. All of the five circumstances I have read, now the additional element is that if the witness is fearful. So if a witness is deceased, unfit, outside of the country, et cetera, and is fearful, then his statement may be admitted. I think this is absolutely necessary.

If anyone has been following the news in the last seven years, he or she would see, at least in the last seven years, that we have an increasing number of witnesses who claim—I do not know if they are always so—that they are fearful and do not want to give the evidence. Sometimes I think people get into this fashion of doing it. That is my cold analysis, but it could be genuinely—in most cases they are indeed fearful—those who say that they are fearful and do not wish to give evidence. But I do not think it is correct to say that when a person gives evidence, when it is most fresh in his memory that that means, necessarily, because it is given to a police officer he could have been and would have been intimidated to give it.

On the contrary, Mr. President, what you find is subsequent to giving a statement to the police, a witness is at large and it is then that he may be threatened, his family may be threatened or he may be intimidated and he may have to rethink his original position and then want to change his mind about giving the evidence, so that is why the law intervened to permit evidence of the first statement of a witness if he is found to be fearful to be giving evidence.

**4.00 p.m.**

Mr. President, in England, there are masses of cases on this issue and how the discretion of the court is exercised in allowing such evidence. So it is not a novel thing. It is not something we have to reinvent. So when the questions are asked, how do we know what this means, how is this going to happen, those things are already settled and we cannot bring the number of cases here before this Parliament. If you look at the Archbold 2009, you would see contained in there, the provisions of the legislation, similar provisions and references to numerous cases on how you interpret that provision. So that really is the first purpose in my view of this legislation.

The second has to do with the admissibility of inconsistent statements. Sen. Mark said a lot of things about that and some of the things he said, I can see his logic for it. The fear that you have a person giving a statement previously, then they come to court and say something else under oath, and why should one be admitted and treated in the same way. The reason for that and why we need to amend the law, is today, because of technology, persons who threaten witnesses, who access witnesses otherwise—you can figure that one out yourself—are difficult to find and difficult to bring before the court, and witnesses are likely to change their minds all too frequently. So what we need to have is putting before a jury, both sets of evidence. The original statement and what they are saying now currently: I cannot remember; I forgot; I am suffering from amnesia; or it did not happen, I lied.

Mr. President, I have been involved in so many cases where that has happened. I have been—whether as a visitor in the court, an observer, or a person involved as one of the lawyers. For example, in a matter where one, Kizza Sealey was charged—[*Interruption*]

**Sen. Jeremie SC:** You are not supposed to call names.

**Sen. D. Seetahal SC:** He is dead—about two years ago, and the witness in that case who was also charged with murder in another matter, came before the court and said, he forgot, he forgot, he forgot. Even though you had very strong evidence on paper, that evidence of the witness, "I forgot", was sufficient to allow this person to go free. Unfortunately for him, having gotten free, he died at the end of a bullet in about three months, as is all too common.

Earlier on this year, there was another matter where four accused were before the court, and a witness in those proceedings said that he had lied. As a result, they were freed because his previous evidence was not evidence of the truth. You

had to go with his current testimony that he lied, and unfortunately of those four people, two of them have since died. So you have that kind of situation where persons who have given solid testimony, they now say "I lied", and you do not know if it is because they are threatened. You feel that maybe it is because they also would have some kind of arrangement with the accused, and that is why the newspapers can report that out of so many murders, you have so few convictions. It is not the fault of the prosecuting department, I dare say.

I know up to last week one prosecutor called me to ask how to treat the witness in a specific kind of instance as hostile. She attempted to do so, but what happened? At the end of the day, if you treat a witness as hostile, his evidence is nullified. So it is as if he gave no evidence. So unless you can get a witness in the box and you cross-examine him and he says, "yes, I am lying now, I am lying. I did see it", which is a rare event, then what do you have? People go to the police at the time the incident happened, hot and sweaty, and they say I saw this person kill my friend, my mother, my brother and then they go back to the place where they have to live, and they get threatened, they get money. Most of the time it is threatened that something will happen to you, and you do not want to go ahead. Often, of course, once you have an interval of some months, this will happen.

So you need to put that in place, if we are to save our criminal justice system and not have the whole thing reduced to part of what people like to claim, is a failed state. So I strongly support this legislation, this particular second part of the legislation, dealing with the admissibility of previous inconsistent statements as evidence of the truth. This is identical to section 119 as the Attorney General says, of the Criminal Justice Act, and in that regard, if I may read from the Archbold 2009, paragraph 11:35, which for those who may be concerned with the provisions put before us, provides a very good analysis of all of these provisions. But it says this and I quote:

“Section 119 reverses the common law rule whereby a previous inconsistent statement was not evidence of its contents, but went merely to the weight to be given to the witness's oral evidence.”

That was the law before, and now that is reversed. So both evidence, the evidence before and currently will be considered.

As to Sen. Mark's concern that what is going to happen, supposing you have a person who is intimidated before. There is always a residual discretion in a trial judge to decide whether or not to admit evidence. In England, it had been held that in the case of quotes, that the judge had a residual discretion based on their PACE Act, but also we have it in the common law to not admit the previous inconsistent statement if he thinks it is not right.

So that, Mr. President, takes care in my view, of the issue with the previous inconsistent statements. So I support the provision. I think it is desirable given the current reality we live in. Not only here, not only in England, not only throughout the Caribbean, but in the United States and other countries.

In relation to the third area, and that is the video evidence, I just want to make a point very clearly, that the question of video evidence is not linked to the question of admissibility of those evidence, like where the person is kept out of the country, is dead and so on. They are two separate concepts. What this provision that we have taken from England, and that is sections 137 and 138 of their legislation, deals with where a witness is videotaped—and it could be an accused person as well, because it says a person including an accused—and he gives a statement, he makes that statement, subsequently, if all of these conditions are satisfied, that statement could be put in as evidence in chief. So it is not true that he cannot be cross-examined on it.

At section 15I(f) a specific statement is made:

"the court has made a direction that the video or audio recording should be admitted as evidence in chief of the witness... "

What is evidence in chief? Evidence in chief is the evidence you give before you are cross-examined, or upon which you are cross-examined. So that is what the law says, the law in England, and the proposal is. So it is not proposed that video recorded evidence admitted here, Mr. President, should be admitted to the exclusion of cross-examination. This is emphasized at least three times in the evidence where it says at 15J(7):

"Where a video or an audio recording is admitted under this section, the witness may not give evidence in chief otherwise than by means of the recording."

So it makes it clear that the video is evidence in chief.

Now these terms are enough to send some of us to sleep, I know, but it is very clear that if we want to pass this Evidence (Amdt.) Bill, we need to understand the concept of evidence. And evidence really is a witness coming into the box or now on the video, saying what he has to say first. Then he is cross-examined by the opposite side, and then he is reexamined by his own side. That is what you are talking about in a criminal trial.

In civil matters, you have that in an affidavit form first, in a statement, and then he could be cross-examined. So what we are talking about here, is that the

evidence in chief is not to be in an affidavit form, but it is to be in a video recording. That is what the proposal is.

Now, I have my concern as to the audio recording because that is not what is contained in the English Act, and because audio recordings are so easy in my view to falsify. So I would suggest that if we are going to be consistent with the English position and we do not want to introduce elements of uncertainty, we stick to what is proven to be good law and we delete references to audio recording, and leave it as video recording.

There is one suggestion I would like to make, Mr. President. Currently, we already admit video recordings, but not as a person's evidence. If you go to an ATM machine and you do a transaction there, and subsequently it becomes an issue in the court, whether or not you were there, that video recording is admissible in evidence. Now while it can be argued that that circumstance is not contravened by this legislation, to make it absolutely certain, I think that a provision should be introduced similar to the English which says, nothing in this section affects the admissibility of video recordings otherwise admissible. I do not know why they left it out here. It was there before, and there is no reason why it should be left out. If there is, maybe I should hear from the Attorney General. But I think it was possibly an omission, an oversight. There is one other point too.

In clause 15I(2), Mr. President, and I direct this to the technocrats of the Attorney General, at (a) which is copied from the English section 137(2). In the English 137(2) which I have here, there is reference to the same thing, a direction under subsection (1)(f) may be made in relation to a video of an audio recording given by the accused. That is what we have here. But in England, it says a direction under this section may be made.

That is critical. I think it must be a typo, but it is a critical typo because you are dealing with the accused, and when we are talking about the accused, we must be very careful about his rights.

Now that Sen. Mark is back, I just want to allude as well to some of the safeguards in relation to the video recording, and that is at 15I(2)(b), that a direction

"may be made only if it appears to the court that"—the witness's recollection—"of the events in question is likely to be significantly better in a video or audio...than it will be when he gives oral evidence..."

So that is the first safeguard.

The second safeguard is:

"it is in the interests of justice for the video or audio to be admitted, having regard in particular to the matters mentioned in subsection (3)."

Of course, taken from the English law, but they are safeguards; it relates to the quality of the video; it relates to the views of the witness as to whether or not his evidence in chief should be the video evidence and so on. So that would take care in my view of the constitutionality, as it were, of any such provision that you are concerned with, Sen. Mark. However, I have to say that since we already allow video recording in evidence, I do not think any problem or any issue can arise as to the constitutionality of that provision.

So far we have talked about three things. The first being the inclusion of "fearful" in the legislation which already allows statements to be put in if witnesses are not around, and I said that there were safeguards already in place. The second has to do with the previous inconsistent statement now to be equated with evidence that is given in the witness box, and the third, having to do with video evidence. I agree, as I said, with Sen. Mark that the audio part should not be included.

Moving straight on to the bad character evidence, there are two parts of bad character. You are dealing with the bad character of a person who is not the accused and the bad character of the accused, and in relation to persons who are not the accused—in other words, other than the accused, at 15L and 15M the proposal is that the common law rules in this regard be abolished and that evidence of a witness for example, who is not the accused of his bad character—Bad character, by the way, has been held to mean convictions. Not pending, convictions; your bad character.

#### **4.15 p.m.**

It could be conduct which amounts to a crime to which you have admitted; such as if you ask for a pardon for it, even though you are not convicted. So it could be implied that you committed it. That kind of evidence is now to only be admitted of a witness, if it is important explanatory evidence. This has been dealt with in a case of Pitman—I know Sen. Mark would want to know, because he asked what it meant—and if it has substantial probative value, meaning that it could go towards proving some matter in the proceedings.

You have all these matters, and the issue of what amounts to probative value has already been dealt with in England. It is caught in the Archbold, so if you want to know more about that and when bad character, that is previous

convictions of a witness, would be allowed in evidence, it is suggested that reference could be made to the Archbold again, because they are in paragraph 13:25. I have studied every single clause here and I have put the reference to the Archbold, so if you need to look at that, it is 13:12 going right down to 13:16 and 13:17.

One of the important things about this provision is in relation to police officers, for example, who have had previous disciplinary matters, whether or not that could arise. Although it would not be convictions, the current law is, if the police officer is involved in taking a statement from the accused, that evidence should be allowed, and you can see why. If in a previous matter he is found to have forced the accused to give the statement, then he should be cross-examined on the current matter. That would be allowed, according to the analysis in the Archbold; that sort of situation would be allowed. It is called lending weight to the suggestion of police malpractice.

Moving right along to the defendant's bad character, the current law is that an accused person's bad character would only come into effect, or in issue, if he does certain things. One of those is if he gives evidence, personally or through somebody else, of his good character; if he says, "I am a person of good character; they know me in the community to be a good man; I have never been in a court of law before." You know how people like to say, "I have never been to court before," as if that is something to be awarded a prize for. If an accused does that or if he casts imputations on a prosecution witness saying to the police, "You framed me", or say to another witness, "You are a homosexual"—because that has been held to be an imputation, that is the law—things of that nature, or, "You are a prostitute", or anything; that is an imputation. If he challenges his co-accused in certain issues, then under those circumstances his convictions could be brought out. He could be cross-examined on his convictions for the purpose of the court or the jury considering his credit. It only went to his credibility.

It is now proposed, like in England, that the law be changed; so we are proposing to abolish the common law—we as in Parliament—and replace it with a code with the seven gateways, and you can figure out what that means, the gateways toward bringing the accused character out. This will make it more certain, because right now under section 13(3) you have provisions which have been interpreted in different cases, but courts are always so unsure, in my view, as to whether they are right in allowing cross-examination of an accused character and convictions. Oftentimes, on appeal it is raised again and you have to go through all of that.



The issue is whether this legislation that is proposed is preferred. In my view it is; it makes it clear that there are seven areas which are outlined in 15N. The first one is if the parties agree; well, how often do you get that? Secondly, if:

"the evidence is adduced by the accused himself or is given in answer to a question asked by him in cross-examination..."

So if you say to the police officer, "You know me?" "You doh know me to be living down so and so?" And he says, "Yes, I know you; I arrested you for robbery", as has happened in a case that I know of. So if he presses it, then he is getting the answer.

Also, if "it is important explanatory evidence;..."—to explain something in a case; if "it is relevant to an important matter in issue"; if it has probative value of a substantial nature; if it is given "to correct a false impression given by the accused", that is, he is a man of good character; and if he "has made an attack on another person's character"; so, in short, it is really encompassing what was there before and extending it, to some extent, to include the evidence, not only as to the credit of the accused, but in determining whether he is guilty or not guilty. This really has a lot to do with letting the jury have before them the whole picture of the accused.

What do we mean by "important matters"? I think Sen. Mark asked that; that is gateway four. Important matters have been dealt with in 13:37 of the Archbold. You have a lot of cases that talk about a propensity to commit the offence; it talks about matters in issue by the prosecution. For example, has the defendant fabricated an alibi; did he have the relevant state of mind?. Those would be matters in issue, and that is when you could give evidence of his bad character, if knowledge of those convictions could assist you in making that determination.

Added to what existed before, is something new. Now the evidence could be admitted if it goes towards showing that the accused has a propensity to commit offences of the kind. So if you have an accused person, who is currently before the court charged with rape, and he had three previous convictions for rape and all of them had to do with young girls of a certain age, probably having certain looks, certain appearance, the facts of the conviction alone, in this case, would help towards showing that he has a propensity towards raping.

Of course, going even further, the type of victim would go towards showing that he is likely to have committed the crime for which he is charged. This is a development in the law, I choose to say, and not something that it is unfair, because it does not only go to his credit anymore, but, "Do you consider this evidence helps you to decide, members of the jury, that this is the man who

committed the offence?" Not only that is the man, but that his explanation of consent, "She consented", is not true. Especially if three times before he has raped, is he not a serial rapist?

**Sen. Oudit:** Is that not profiling?

**Sen. D. Seetahal SC:** No, profiling is not that. Profiling is where you say, for example that persons who wear three-quarter pants, white tee shirts and dirty sneakers are persons who are likely to commit robbery. That is profiling. Profiling is not if you say somebody has three convictions for rape, would mean that he would very well have a propensity towards raping; that is propensity.

Those are really the seven gateways. One of them, gateway five, is another one that currently exists which has to do with the cut-throat defence, where evidence is relevant to the question whether the accused has the propensity to be untruthful is admissible, only if the nature or conduct of the accused defence is such as to undermine the co-accused defence. So if it comes up to undermine his co-accused, that evidence may be admitted. Do not think that all accused brought before the court, by the time they reach for trial, are always in tandem. Sometimes, by that time, to the benefit of the prosecution, they may have fallen out and they could run a cut-throat defence which never works.

The last gateway, of course, has to do with the attack on another person's character. Bear in mind that the judge, at the end of the day, always has the discretion whether to allow this evidence in, so that is one of the safeguards built into the legislation. It is also contained at 15T, which deals with contaminated evidence being allowed in. In other words, this means evidence which has been inadvertently admitted which the court feels is contaminated or is more prejudicial than probative. In other words, the court may decide that evidence should not have been admitted and decide to strike it out. So there are safeguards in this whole extension of the law. I think that we have to bear that in mind when we make assertions that it takes away rights and does all these sorts of things.

These are evidential matters; these do not go towards any specific offence or any increase in penalty; so it is not arguable, in my view, that they are really affecting rights. It talks about how criminal trials in the future would progress and how evidence would be admitted. In any event, as the Attorney General has told you, in other matters, such as where preliminary enquiries are being totally abolished, so now you must go straight on, after you get your statement to trial,

you do not have the right to cross-examine in the Magistrates' Court again, and that is found to be constitutional, because you still had due process in the trial. That is it; you have a right to a fair trial; you have an impartial tribunal and you have a jury, so you have your due process rights.

There is something positive and a benefit to the accused which is new. At 15U it says:

"In proceedings for an indictable offence or for the summary trial of an indictable offence..."—which means an indictable offence that is tried before a magistrate—"evidence of any previous conviction of the accused for an offence whilst under the age of eighteen is not admissible unless—

- (a) the conviction was in relation to an indictable offence...
- (b) the Court is satisfied that the interests of justice require the evidence to be admissible."

In other words, if you committed an offence under 18 years that was summary in nature, that was not an indictable offence, it should not be admitted in your bad character. That is important, because under the current law, even if you have an ordinary assault it is considered a previous conviction.

**Sen. Rahman:** The point I am making is that someone under 18 years who has propensity from younger days to bully and these sorts of things, why should that not be admitted, why should he be safeguarded from his earlier nature?

**Sen. D. Seetahal SC:** The whole trend these days is that you protect children, so that is the purpose, I believe, for this, consistent with how the world is, that a person under 18 years is a child and if you did certain things while you were a child, then you ought not to have that follow you through your life. This only applies to summary offences. Bullying is not an offence, although it should be. Assault is an offence, disorderly conduct is an offence. Under the current law, if you have that, it could be seen as bad character and you could be cross-examined on it. But if the proposal goes through, if you are under 18, unless the court decides it is fair—there is still a residual discretion in the court—then that would not be part of your bad character, if it is a summary offence—if it is a rape, of course; if it is a robbery, of course; if it is possession of a drug that is illegal, of course. Well, we do not know about tobacco products. Those are really the issues.

My last point has to do with the question of commencement and the question of constitutionality. I consider them tied together. The proposal in 15X, which the Attorney General has indicated he wants to amend, is that:

"This Act, upon commencement, shall not apply to a case where a person charged for an offence and is already brought before a Court."

In England, the similar provision was read:

"Proceedings shall not apply to proceedings already before the Court."

In about three cases, one of which was *Bradley 2005*, the English courts held that the retrospective operation of statutes did not apply to procedural provisions and that therefore proceeding should be interpreted to mean trial.

In other words, why should a person, just because he has been charged before this Act comes into effect, get the benefit, so to speak, of the old law? In other words, if his trial has not yet commenced, then it being merely evidential provisions—when the trial starts, let the evidence go with it; let the evidence law apply. If his trial is in progress, if it is going on right now, then clearly it cannot apply. So I think our law should be consonance of that, because it makes so much sense.

So you have somebody charged since last week; he is probably not coming up for trial for the next 18 months, at least, and then you have this law going on all this time. Why should he not, when he comes up for trial, be subjected, so to speak, to this law, which is beneficial to him in some ways? I think that part needs amendment.

Insofar as the issue of unconstitutionality is concerned, I do not know why the legislation was premised on that. I feel it might be a misunderstanding by whoever drafted it, because you have several misunderstandings by drafters which have shown themselves in this Parliament.

**4.30 p.m.**

The question is that those issues have been contemplated and considered by the courts already and one such is the case to which I have referred you, *Grant*, on the question of the Evidence Act which provisions are not unlike some of the provisions we have here.

Also in the case of *Makanjuola*—I think I pronounce it slightly differently from the Attorney General—where we follow the English law of 1991 I believe, where they abolished the common law requirement for corroboration as a practical necessity and a case subsequent to that was in progress, or it began subsequent although the person had been charged before. When the case was being prosecuted, the judge said that the corroboration was not required. He was charged before, and it was said it is just procedural law. There is no issue; there is no question of any fundamental right.

Similarly, in *Haroon Khan* which at the Court of Appeal it was sought to be argued by me that the re-introduction of the constructive malice law by the then Attorney General in 1997, where a person could be convicted even if he did not have the intention to kill or do grievous bodily harm. That was reintroduced in 1997 by a simple majority and the Privy Council said no, which, to me was even more fundamental than this. If this is fundamental, that was more so and they held that he was entitled to his fair trial which he got, because it was found to be bad law in a previous case because we had been going along with it, and then in *Andrew Moses*, they said it was not good law.

The Attorney General had then reintroduced the law and they said that was fine because he still had all his rights, and we know the story with Brad Boyce. So it is not just *Brad Boyce* that the previous Attorney General, Mr. Ramesh Lawrence Maharaj SC got right, it was also in *Haroon Khan* and I am sure there are other areas where you had no special majority during that time because the then Government had no majority in the other place.

The point being that I do not accept the argument that this Bill needs passage by any special majority, and I say that the provisions being identical to the English provisions which have not been found to be unconstitutional could be passed with a simple majority. I say further, Mr. President, that I think that this Bill is necessary for effective prosecution in this country at this time.

Thank you very much.

#### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, there are five other speakers still to speak on this Bill, and based on our experience over the last couple of hours, it is my intention to adjourn the Senate at this point in time and return on Monday, November 02 at 1.30 p.m.—by which time I believe the air-conditioning services will continue—to conclude the debate on this and deal with the amendments from the other place on the Commission of Enquiry (Validation and Immunity from Proceedings) Bill.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 4.35 p.m.*

## WRITTEN ANSWER TO QUESTION

**Overseas Trips****(Details of)**

*The following question was asked by Sen. Wade Mark:*

- 65.** Could the hon. Prime Minister provide the Senate with the following information:-
- (a) the number of official overseas trips each Minister of Government, including the Prime Minister, has taken since January 2007 to March 31, 2009;
  - (b) the exact reason/nature and duration of each Minister's visit abroad; and
  - (c) the cost of each trip including airfares, advanced allowances, and hotel accommodation?

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

Written Answer to Question

Tuesday, October 27, 2009

**NUMBER OF OVERSEAS TRIPS TAKEN  
FOR PERIOD JANUARY 2007 TO MARCH 31, 2009**

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2007		January 27- February 7	Ethiopia, Tanzania, Jamaica	Participation in the Eighth African Union Summit - Ethiopia (January 29 & 30)	201,638.55	
					Official Visit to Tanzania (February 1 - 3)		
					Participation in the Joint Meeting of the CARICOM Prime Ministerial Sub-Committees on the CSME and External Trade Negotiations- Jamaica (February 5 and 6)		

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2007		February 12-14	St. Vincent and the Grenadines	Participation in the Eighteenth Inter-Sessional Meeting of the Conference of the Heads of Government of the Caribbean Community (CARICOM) - Kingstown (February 12-14)	8,667.50	
			March 2 & 3	Guyana	Participation in the Meeting of Heads of State/ Government of the Rio Group and Bureau of CARICOM - Guyana (March 2 & 3)	4431.00	Aircraft leased at a cost of \$63,819.00 to transport Prime Minister and delegation of four (4)



Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2007		16-March	Dominican Republic	Participation in the Regional Summit on Drugs, Security and Co-operation - Dominican Republic (March 16)	2222.50	Aircraft leased at a cost of \$95,128.74 to transport Prime Minister and delegation of four (4)
			March 20	Venezuela	Visit to Venezuela for Bilateral Discussions with His Excellency Hugo Chavez, President of Venezuela (March 20)	2222.50	Aircraft leased at a cost of \$64,402.25 to transport Prime Minister and delegation of seven (7)

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2007		May 11 & 12	Belize	Participation in the Second Summit of Heads of State and Government of the Caribbean Community (CARICOM) and the Central American Integration System (SICA) - Belize (May 12)	4438.00	Aircraft leased at a cost of \$202,781.25 to transport Prime Minister and delegation of six (6)
			June 17-22	U.S.A.	Participation in the Conference on the Caribbean - A 2020 Vision - U.S.A. (June 19 - 21)	66,561.25	

*Written Answer to Question*

*Tuesday, October 27, 2009*

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2007		July 1-5	Barbados	Participation in the 28th Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM) - Barbados (July 1- 4)	14,646.31	
			19-July	Barbados	Attendance at the Meeting of Heads of Government of CARICOM and the Prime Minister of Canada - Barbados (July 19)	7,829.69	

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2007		September 6-8	Cuba	Visit for the Official Opening of the Trade Office of Trinidad and Tobago in Havana - (September 6 - 8)	6,657.00	
			September 25-27	U.S.A	Visit to New York, U.S.A. for the Conferral of an Honorary Doctorate by Medgar Evers College	27,094.79	
			November 20-27	Uganda	Participation in the Commonwealth Heads of Government Meeting- Kampala- (November 23-25)	174,092.64	

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2007		December 7	Guyana	Participation in the 12th Special Meeting of the Heads of Government of CARICOM - Georgetown (December 7)	2222.50	Aircraft leased at a cost of \$59,815.93 to transport Prime Minister and delegation of five (5)
<b>(2007) Total Number of Trips per year</b>		<b>13</b>					

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		February 22	Jamaica	Attendance at Sixtieth Anniversary Celebrations of the University of the West Indies - Mona Campus (February 22)	2222.50	Aircraft leased at a cost of \$127,539.75 to transport Prime Minister and delegation of five (5)
			March 6 -9	The Bahamas	Participation in the Nineteenth Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM) - Bahamas (March 7 & 8)	8876.00	Aircraft leased at a cost of \$251,739.00 to transport Prime Minister and delegation of seven (7)

*Written Answer to Question*

*Tuesday, October 27, 2009*

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		April 14 - 16	Mexico	Participation in the World Economic Forum on Latin America - Cancun` (April 15 & 16)	6657.00	Aircraft leased at a cost of \$246,480.00 to transport Prime Minister and delegation of five (5)
			May 15 - 17	Peru	Participation in the V Summit of Heads of State and Government of Latin America, the Caribbean and the European Union (LAC-EU) - Lima (May 13-17)	14,700.32	Aircraft leased at a cost of \$264,498.00 to transport Prime Minister and delegation of seven (7)

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		June 6 - 11	U.K.	Participation at the Meeting of a Representative Group of Commonwealth Leaders to undertake Advocacy and Lobbying in support of the Reform of International Institutions - London (June 9 & 10)	98,663.35	
			June 18 - 24	U.S.A	Participation in the New York Conference on the Caribbean Community- New York (June 19-21) and Discussions with Officials of the State Department, the Department of Defense and the United States Congressmen – Washington D.C. (June 22 - 24)	58,853.66	



Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		July 2 - 4	Antigua & Barbuda	Participation in the Twenty-Ninth Regular Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM)- Antigua & Barbuda (July 1-4 )	6615.00	Aircraft leased at a cost of \$82,410.30 to transport Prime Minister and delegation of seven (7)
			July 16	Jamaica	Attendance at 60th Anniversary Celebrations of the University of the West Indies - Mona (July 16)	2205.00	Aircraft leased at a cost of \$142,109.10 to transport Prime Minister and delegation of two (2)
			July 22 & 23	Brazil	Visit to hold Bilateral Discussions with His Excellency Mr. Luiz Inacio Lula Da Silva, President of Brazil (July 23)	4410.00	Aircraft leased at a cost of \$243,337.50 to transport Prime Minister and delegation of five (5)

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		20-August	Antigua & Barbuda, St Kitts & Nevis and Dominica	Meeting with Heads of Government of Antigua & Barbuda, St. Kitts & Nevis, and Dominica on the Joint Declaration on Collaboration towards the Achievement of the Single Economy and Political Integration among Grenada, St. Lucia, St. Vincent & the Grenadines and The Republic of Trinidad and Tobago (August 20)	2205.00	Aircraft leased at a cost of \$176,400.00 to transport Prime Minister and delegation of three (3)

Written Answer to Question

Tuesday, October 27, 2009

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		August 25 – 26	Bahamas, Belize, Jamaica, Suriname	Meetings with the Heads of Government of these countries on the proposal and terms of the Joint Declaration on Collaboration Towards the Achievement of Single Economy & Political Integration among Grenada, St. Lucia, St. Vincent & the Grenadines and the Republic of Trinidad and Tobago.	7686.00	Aircraft leased at a cost of \$792, 593.24 to transport Prime Minister and delegation of six (6)
			October 7 - 14	Spain, U.K., U.S.A.	Visit to Spain, the United Kingdom and the United States of America for Meetings on Energy and Trade Issues (October 7 - 13)	157,201.62	

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		October 22 - 23	Montserrat, and St. Kitts & Nevis	Official Visit to Montserrat (October 22) and Participation in a Meeting of Heads of Government of Member States of the Organization of Eastern Caribbean States (OECS), St. Kitts & Nevis (October 23)	4410.00	Aircraft leased at a cost of \$84,032.55 to transport Prime Minister and delegation of six (6)
			October 29 - November 5	Germany and the United Arab Emirates	Attendance at the Event, "Day of the Americas" hosted by Lateinamerika Verein, The Business Association of Latin America and the Caribbean, Munich (October 31) and Visit to Dubai in connection with International Financial Centre (November 1 - 3)	197,206.44	

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2008		December 4 - 9	Cuba	Visit to Havana and Participation in the Third CARICOM/Cuba Summit.	19,633.00	
<b>(2008) Total Number of Trips per year</b>		<b>15</b>					
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2009		March 4	Barbados	Attendance at a Special Meeting of the Organization of Eastern Caribbean States (OECS)/ Eastern Caribbean Currency Union (ECCU) Countries, Trinidad and Tobago, and Barbados - Bridgetown (March 4)	2205.00	Aircraft leased at a cost of \$50,715.00 to transport Prime Minister and delegation of five (5)

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Patrick Manning Prime Minister Office of the Prime Minister	2009		March 11 - 13	Belize	Participation in the Fifth Meeting of the Prime-Ministerial Sub-Committee on the CARICOM Single Market and Economy (CSME) and the Twentieth International Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM)-Belize City (March 11-13)	6615.00	Aircraft leased at a cost of \$218,679.30 to transport Prime Minister and delegation of seven (7)
			March 18 - 21	Brazil, Paraguay, Ecuador, Mexico, Nicaragua	Visit to Brazil, Paraguay, Ecuador, Mexico, Nicaragua and Venezuela for Meetings with Heads of State and Government on the Fifth Summit of the Americas (March 18 - 21)	8834.00	Aircraft leased at a cost of \$754,859.57 to transport Prime Minister and delegation of seven (7)
<b>(2009) Total Number of Trips per year</b>		<b>3</b>					

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
Senator the Hon. Martin Joseph Ministry of National Security	2007		January 25 – 29	Jamaica	Eighth meeting of the CARICOM Bureau of the Council of Ministers responsible for National Security and Law Enforcement. (January 25 – 29, 2007)	19,898.80	
			February 23-25	Barbados	Third Meeting of the International Support and Advisory Group (ISAG) for Cricket World Cup 2007; Tenth Meeting of the Bureau of Ministers Responsible for National Security and Law Enforcement.	10,939.10	
			February 28-02	Panama	Seventh Regular Session of the Inter-American Committee Against Terrorism. (February 28 – March 02, 2007)	44,020.50	
<b>(2007) Total Number of trips per year 3</b>							

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
Senator the Hon. Martin Joseph Ministry of National Security	2008		March 03 - 07	United States of America - Washington	Meeting of Experts and Eighth Regular Session of the Inter-American Committee Against Terrorism. (March 04 -07, 2008)	33,025.50	
			May 02 -05	Guyana	Meeting on Implementation on Mechanisms Re: Decisions of the Summit on Crime and Security of the Conference of Heads of Government of CARICOM.	14,452.00	



Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
Senator the Hon. Martin Joseph Ministry of National Security	2008		June 16 – 19	St. Kitts/Nevis	CARICOM Security Meetings: Meeting of the CARICOM Security Policy Advisory Committee (SEPAC) (16-17 June) 6th Meeting of the CARICOM Council of Ministers responsible for National Security and Law Enforcement (18-19 June)	14,645.00	
			July 29 – August 02	Colombia	Second Summit on Illicit Drugs, Security and Co-operation of the Caribbean, Central America, Mexico and Venezuela. (July 30 – August 01, 2008)	42,877.50	

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
Senator the Hon. Martin Joseph Ministry of National Security	2008		October 06 – 08	Mexico	First Meeting of Ministers responsible for Public Security in the Americas. (October 07 – 08, 2008)	9,898.00	
			November 03 – 05	Guyana	CARICOM Security Meetings. Meeting of the CARICOM Security Policy Advisory Committee (SEPAC) (3-4 November) 7th Meeting of the CARICOM Council of Ministers responsible for National Security and Law Enforcement (November 5)	11,866.50	
<b>(2008) Total No. of Trips per year</b>		<b>6</b>					

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
Senator the Hon. John Jeremie Attorney General	2007		May 28 - 30	Antigua and Barbuda	Attendance at the 12th Meeting of the Sub Committee on Harmonization of Laws and the Tenth Ordinary Meeting of the Legal Affairs Committee of Caricom	9,947.70	
<b>(2007) total Number of Trips per year</b>		<b>1</b>					
Senator the Hon. Annisette George Attorney General	2008		February 13-14	Guyana	Attendance at the Meeting of the Executive Committee of the Council of Legal Education	5,205.85	

Written Answer to Question

Tuesday, October 27, 2009

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Senator the Hon. Annisette George Attorney General	2008		May 7-9	St. Lucia	Attendance at the 14th Meeting of the Sub Committee on Harmonisation of Laws and the Tenth Ordinary Meeting of the Legal Affairs Committee of Caricom	11,466.00	
<b>(2008) Total No. of Trips per year</b>		<b>2</b>					
Senator the Hon. Bridgid Annisette George Attorney General	2009		April 3-11	Hong Kong	Attendance at the 16th Commonwealth Law conference on "The Dyamics of Law in a Rapid Changing World"	111,912.00	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					

Written Answer to Question

Tuesday, October 27, 2009

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Senator the Hon Lenny Saith Ministry of Public Administration	2007		March 23-24	New Delhi, India	Commonwealth Connects: International e-Partnership Summit	129,667.25	
<b>(2007)Total No. of Trips per year</b>		<b>1</b>					
Senator the Hon Lenny Saith Ministry of Energy and Energy Industries	2007		April 8-10	Doha, Qatar	Rescheduled Sixth Ministerial Meeting of the Gas Exporting Countries	128,318.95	
			August 5	Washington	Attendance at the 2nd Annual Producer/Consumer Dialogue LNG Gas Products	24,141.95	
<b>(2007)Total No. of Trips per year</b>		<b>2</b>					

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
Senator the Hon. Lenny Saith Ministry of Trade and Industry	2008		10-May	Antigua	26th Special Meeting of COTED Ministerial Session	12,507.45	
			10-Sep	Barbados	CARICOM and CARIFORUM Heads of Government Meeting	11,694.25	
			22-26-Sept	Singapore	Latin Asia Business Forum	178,687.75	
			October 15	Barbados	Signing Ceremony for the EPA Between CARIFORUM and the European Community	7,611.00	

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
Senator the Hon. Dr. Lenny Saith Ministry of Trade and Industry	2008		November 20-26	Guyana	Meeting of COTED and the 5th Meeting of the CARIFORUM and the Council of Ministers	11,960.50	
<b>(2008) Total No. of Trips</b>		<b>5</b>	<b>per year</b>				
Senator the Hon. Dr. Lenny Saith Ministry of Trade and Industry	2009		4-5-Feb	Dubai, United Arab Emirates	Arab-Americas- Asia Africa Business Summit	121,856.00	
			27 Feb-Mar 03	Guyana	31st Special Meeting of COTED and the 6th Meeting of CARIFORUM Council of Ministers	14,962.00	
<b>(2009) Total No. of Trips</b>		<b>2</b>	<b>per year</b>				

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
Senator the Hon. Conrad Enill Ministry of Finance	2007		February 5 - February 6	USA - New York	Investor Road show for the Port Authority of T&T	20,952.65	
			February 9 - February 10	Barbados	Council for Finance and Planning (COFAP) Meeting	11,051.27	
			March 8 - March 9	USA - Washington DC	Globalization Integration and Governance Conference	24,167.15	
			April 12 - April 17	USA - Washington DC	2007 Spring Meetings of the G-24 & IMF / World Bank	30,687.20	



Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
Senator the Hon. Conrad Enill Ministry of Finance	2007		April 17 - April 18	USA - Washington DC	Extended stay to meet with US Congressmen	3,276.00	
			July 29- August 1	Canada	2007 World Credit Union Conference	38,216.20	
<b>(2007) Total No. of Trips per year</b>		<b>6</b>					
The Hon. Conrad Enill Ministry of Energy and Energy Industry	2007		November 23-25	Kampala, Uganda	Commonwealth Heads of Government Meeting.	173,798.60	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					

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The Hon. Conrad Enill Ministry of Energy and Energy Industry	2008		Jun 29 - July 3	Madrid, Spain	19th World Petroleum Congress on the Promotion of the 2008, Bid Bond	121,381.75	
			August 7-10	London, UK	World National Oil Congress 2008	165,882.16	
			October 7-13	Spain, New York, UK	Meeting on Energy and Trade Issues.	135,041.00	
<b>(2008) Total No. of Trips per year</b>		<b>3</b>					

Written Answer to Question

Tuesday, October 27, 2009

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The Hon Neil Parsanlal Ministry of Information	2008		May 1-3	Georgetown, Guyana	Caribbean Media and Communication Conference in Commemoration of World Press Freedom Day 2008	17,441.92	
			August 10-17	London, England	To meet with officials of the United Kingdom Ministry of Information, the British Broadcasting Corporation, the Foreign and Commonwealth Office, and other media entities.	109,062.20	
<b>(2008) Total No. of Trips per year</b>		<b>2</b>					

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The Hon. Kennedy Swaratsingh Ministry of Public Administration	2008		February 6-8	El Salvador	Second Regional Ministerial Conference on the Information Society for Latin America and the Caribbean	33,472.50	
			February 26-29	Bermuda	Eighteenth Executive Council Meeting Ministerial Strategic Seminar of the CTU	27,847.05	
			April 11-15	Sisansen, United Kingdom	To visit the Driver and Vehicle Licensing Agency	94,535.45	
			April 22-26	Santiago, Chile	Orientation Mission on Results-based Management Implementation of Public Service Transformation	6,657.00	

*Written Answer to Question*

*Tuesday, October 27, 2009*

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The Hon. Kennedy Swaratsingh Ministry of Public Administration	2008		July 22-23	Halifax, Nova Scotia, Canada	Visit in support of the Agreement with Service Nova Scotia for the transformation of the Transport Division of the Ministry of Works and Transport	35,057.50	
			October 19-23	Bridgetown, Barbados	CAPAM 2008 Biennial Conference and the Second Commonwealth Public Service Ministers' Forum on Public Sector Development	19,252.55	

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The Hon. Kennedy Swaratsingh Ministry of Public Administration	2008		December 8-12	Halifax, Nova Scotia, Canada	To finalize Contracting Arrangements with Service Nova Scotia for the Transformation of the Transport Division, Ministry of Works and Transport	10,643.57	
			December 13-19	Singapore	Finalization of a Memorandum of Understanding between Trinidad and Tobago and Singapore in the area of Information and Communication Technology	132,781.75	
<b>(2008) Total No. of Trips for Minister</b>		<b>8</b>					

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Kennedy Swaratsingh Ministry of Public Administration	2009		January 21, 2009	St Lucia	Launch of the National Information and Communication Technology (ICT) Policy and Strategy	6,551.72	
			February 26-27	Georgetown, Guyana	Meetings to discuss matters related to the Caribbean Telecommunications Union (CTU)	4,369.47	
			March 03	Grenada	Meetings to discuss matters related to the Caribbean Telecommunications Union (CTU) in Caribbean ICT Development in Grenada	3,087.00	
<b>(2009) Total No. of Trips per year</b>		<b>3</b>					

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Joan Yuille Williams Ministry of Community, Development Culture and Gender Affairs	2007		September 6-8	Cuba	Opening of the Trade Facilitation Service	3,015.15	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Marlene Mc Donald Ministry of Community, Development Culture and Gender Affairs	2008		August 22-24	Guyana	Opening Ceremony Carifesta X	14,323.00	
<b>(2008) Total No. of Trips per year</b>		<b>1</b>					



Written Answer to Question

Tuesday, October 27, 2009

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The Hon. John Rahael Ministry of Health	2007		February 5-12	Cuba	Visit to Cuba to discuss matters relating to the recruitment of health care professionals	34,102.00	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Jerry Narace Ministry of Health	2008		March 14-18	Mexico	The Permanent Mission of Mexico (1) First Meeting of Health Ministers March 14, 2008, (2) 9th World Conference on Injury Prevention and Safety Promotion March 15-18, 2008	47,627.62	

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The Hon. Jerry Narace Ministry of Health	2008		May 18-24	Geneva, Switzerland	Pre-WHA Meeting of the Commonwealth Health Ministers Meeting, May 18, 2008 to be followed by the 61st World Health Assembly, May 19-24, 2008	92,418.80	
			September 27- October 03	Washington D.C	Caucus of CARICOM Health Ministers, September 27-28, 2008 and PAHO's 48th Directing Council, September 29-October 03, 2008	41,814.75	
<b>(2008) Total No. of Trips per year</b>		<b>3</b>					

*Written Answer to Question*

*Tuesday, October 27, 2009*

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
Senator the Hon Hazel Manning Ministry of Local Government	2008		May 26 – 30	Montego Bay, Jamaica	Attendance at the Regional Local Government Encounter	27,285.70	
			June 1 - 4	Nova Scotia, Canada	Study Tour of Nova Scotia Environmental and Integrated Waste Resource Management Facilities	28,935.90	
			July 11 - 12	Madrid, Spain	Participation in 4th Caricom - Spain Summit	82,929.00	

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Senator the Hon Hazel Manning Ministry of Local Government	2008		September 1 - 4	Vancouver, Canada	To participate in High-level International Round Table on Municipal Infrastructure, Financing and Planning	49,110.50	
			December 1 - 2	Montego Bay, Jamaica	To participate in 2nd Regional Local Government Conference and Consultation on the Development of the Regional Policy and Co-operation Framework and the Meeting of the Caribbean Forum of Local Government Ministers.	9,628.00	
<b>(2008) Total No. of Trips per year</b>		<b>5</b>					

*Written Answer to Question*

*Tuesday, October 27, 2009*

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The Hon. Karen Nunez Tesheira Ministry of Finance	2008		March 4 - March 6	Bahamas	Twelfth Meeting of the Council for Finance and Planning (COFAP)	21,200.50	
			April 10- April 15	USA - Washington DC	2008 Spring Meetings of the G-24, IMF / World Bank	31,072.50	
			June 14 - June 20	Dubai, United Arab Emirates, Qatar	Visit by T&T Delegation to Dubai, United Arab Emirates, Qatar	114,317.50	
			June 28- June 30	Antigua and Barbuda	Third Joint Meeting of the Councils for Finance and Planning (COFAP) and for Trade and Economic Development (COTED)	12,667.45	

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The Hon. Karen Nunez Tesheira Ministry of Finance	2008		September 10 - October 17	Miami	2008 Annual Miami Herald Americas Conference	19,637.30	
				St. Lucia	2008 Commonwealth Finance Ministers' Meeting	1,748.00	
				USA - Washington DC	2008 Fall Meeting of the G-24 & IMF /World Bank	18,901.00	
			October 29 -November 5	Dubai	International Financial Centre Meeting	108,805.00	
			December 10 - December 14	Miami	RBTT Merchant Bank Investors' Forum	20,304.00	
<b>(2008) Total No. of Trips per year</b>		<b>7</b>					

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Karen Nunez Tesheira Ministry of Finance	2009		Mar 12 - Mar 16	New York	Non-Deal Road Show	24,469.85	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					
Senator the Hon. Mariano Browne Ministry of Finance	2008		November 29 - December 2	Qatar	International Conference on Financing for Development	94,045.80	
<b>(2008) Total No. of Trips per year</b>		<b>1</b>					
Senator the Hon. Mariano Browne Ministry of Finance	2009		January 27 - January 29	Barbados	Council for Finance and Planning (COFAP) Meeting	12,032.50	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Roger Boynes Ministry of Sport and Youth Affairs	2007		June 30 - July 01	Barbados	To attend the CARICOM Prime Ministerial Sub Committee on Cricket: to discuss matters pertaining to Cricket World Cup 2007	8,510.30	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Gary Hunt Ministry of Sport and Youth Affairs	2008		April 26 - April 30	Sri Lanka	To attend the Commonwealth Youth Ministers Meeting to, inter alia, review the Strategic operations and directions of the Commonwealth Youth Programme and garner support for participation at CYF7 scheduled to be held in T&T in 11/09	106,977.70	



Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Gary Hunt Ministry of Sport and Youth Affairs	2008		September 15- September 19	Jamaica	1.To attend the International Congress on Sport for Peace and Development (inter alia, to discuss the role sport can play in reduction of violence) and 2.observe the operations of organizations and institutions responsible for the development of sport in Jamaica	19,967.50	
			November 11 - November 12	Antigua/ Barbuda	To attend CARICOM Prime Ministerial Sub Committee on Cricket Meeting- to discuss governance of West Indies Cricket	8,564.36	
<b>(2008) Total No. of Trips per year</b>		<b>3</b>					

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The Hon. Rennie Dumas Ministry of Labour and Small and Micro Enterprise Development	2008		June 01-07	Geneva, Switzerland	To lead the Trinidad and Tobago delegation to the 97 <sup>th</sup> International Labour Conference	67, 932.00	
			05-Nov	Washington, D.C., United States of America	To deliver remarks as Chair of the Fifteenth Inter-American Conference of Ministers of Labour and to hold discussions on decent work and human prosperity.	18, 548.00	
<b>(2007) Total No. of Trips for per year      2</b>							

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Mustapha Abdul Hamid Ministry of Science, Technology and Tertiary Education	2007		April 13 – 15	Jamaica	UWI Campus Grants Committee & University Grants Committee	14,553.00	
			May 30– June 02	Jamaica	Annual Business Session of the UWI Council and St Augustine Campus Council	9,087.50	
<b>(2007) Total No. of Trips for per year 2</b>							
The Hon. Mustapha Abdul Hamid Ministry of Public Utilities	2008		February 03 - 08	London	To attend a Commonwealth Parliamentary Association Seminar	65,022.51	
			August 04- 06	POS/London, England/Geneva Switzerland /Barbados/POS	To attend the 24 <sup>th</sup> Universal Postal Union Congress in Geneva, Switzerland	62,168.93	
<b>(2008) Total No. of Trips for per year 2</b>							

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Jarrette Narine Ministry of Agriculture, Land and Marine Resources	2007		February 8-10	Guyana	21 <sup>st</sup> Special Meeting of COTED in Agriculture	11,609.50	
			May 14 -18	Costa Rica	27 <sup>th</sup> Regular Meeting of the Executive Committee of Inter-American Institute for Cooperation on Agriculture.	22,409.35	
			July 22 -28	Antigua, Guatemala	The Meeting of Ministerial Delegates of the Hemisphere (GRICA), The 4 <sup>th</sup> Ministerial Meeting on Agriculture and Rural Life within the context of the Summit of the Americas Process and The 14 <sup>th</sup> Regular Meeting of the Inter-American Board of Agriculture (IABA)	26,805.50	
<b>(2007) Total No. of Trips per year</b>		<b>3</b>					

*Written Answer to Question*

*Tuesday, October 27, 2009*

<b>NAME OF MINISTER</b>	<b>YEAR</b>	<b>NO. OF TRIPS PER YEAR</b>	<b>PERIOD OF TRIP</b>	<b>COUNTRIES VISITED</b>	<b>PURPOSE OF VISIT</b>	<b>TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$</b>	<b>REMARKS</b>
Senator the Hon. Arnold Piggott Ministry of Foreign Affairs	2007		January 18-20.	Guyana	CARICOM Meeting	11,306.83	
			February 12-14	St. Vincent & Grenadines	CARICOM Heads of Government Meeting	20,883.55	
			May 7-12	Belize	CARICOM Meeting	34,738.75	
			May 31- Jun 05	Panama	OAS Meeting	25,185.75	
			June 17-22	Washington D.C	Conference of the Caribbean	38,886.10	
			July 1-4	Barbados	Head of Government CARICOM	19,509.15	

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Senator the Hon. Arnold Piggott Ministry of Foreign Affairs	2007		September 11	Jamaica	Swearing in Ceremony of Prime Minister, Jamaica	9,551.70	
			September 18	St. Lucia	Attendance of the Funeral of John Compton	7,397.65	
<b>(2007) Total No. of Trips per year</b>		<b>9</b>					
Senator the Hon. Arnold Piggott Ministry of Agriculture, Land and Marine Resources	2008		April 12 – 20	Brazil	130 <sup>th</sup> Food and Agriculture Organization Regional Conference for Latin America of the Caribbean	64,982.98	
			May 20 - 24	Guyana	Participation in the 27 <sup>th</sup> Special Meeting of the Council for Trade and Economic Development (COTED) (Agriculture)	17,550.25	

Written Answer to Question

Tuesday, October 27, 2009

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
Senator the Hon. Arnold Piggott Ministry of Agriculture, Land and Marine Resources	2008		June 05- 08	Guyana	Participation in the Agriculture Investment Forum	14,509.90	
			November 15 – 24	Italy	Participation in Food and Agriculture Organization (FAO) Council and Conference	89,259.00	
<b>(2008) Total No. of Trips per year</b>		<b>4</b>					
Senator the Hon. Arnold Piggott Ministry of Agriculture, Land and Marine Resources	2009		January 15-17	St. Vincent and The Grenadines	Participation in the Ministerial Council Meeting of the Caribbean Regional Fisheries Mechanism.	10,749.50	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					

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The Hon. Christine Kangaloo Ministry of Science, Technology and Tertiary Education	2008		January 22- January 24	Guyana	Second Joint Ministerial Meeting of the Council for Trade and Economic Development (COTED) and the Council for Human and Social Development (COHSOOD)	11,218.16	
			March 31 – April 04	Jamaica	Meeting of UWI Campus Grants Committee and University Grants Committee	7,654.50	
			October 25 – 29	Mexico	Second Meeting of Ministers and High Authorities on Science and Technology	29,617.50	
<b>(2008) Total No. of Trips per year</b>		<b>3</b>					



Written Answer to Question

Tuesday, October 27, 2009

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The Hon. Christine Kangaloo Ministry of Science, Technology and Tertiary Education	2009		February 26 – 28	Barbados	Meeting of UWI Campus Grants Committee and University Grants Committee	8,032.00	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Fitzgerald Jeffrey Ministry of Science, Technology and Tertiary Education	2008		April 08 – 09	Grenada	High Level Caricom Meeting of Science and Technology, Heads of Institutions and Captains of Industry.	10,006.50	
<b>(2008) Total No. of Trips per year</b>		<b>1</b>					

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The Hon. Paula Gopee-Scoon Ministry of Foreign Affairs	2008		February 08	Barbados	Twenty-first Meeting of the CARICOM Community Council Meeting	16,876.24	
			March 07-08	Bahamas	19 <sup>th</sup> Inter Sectional Meeting of the Conference of the Heads of Government of CARICOM	24,361.90	
			April 09-12	Washington D.C., USA	Special Meeting of the Permanent Council of the OAS and Meetings in connection with the 5 <sup>th</sup> Summit of the Heads of State and Government of the Americas	29,870.00	

*Written Answer to Question*

*Tuesday, October 27, 2009*

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The Hon. Paula Gopee-Scoon Ministry of Foreign Affairs	2008		May 08-09	Antigua	11 <sup>th</sup> Meeting of COFCOR	24,720.66	
			May 13-17	Peru	5 <sup>th</sup> Summit of Heads of State and Government of LAC-EU	31,673.30	
			June 01-04	Colombia	38 <sup>th</sup> Regular Session of the General Assembly of OAS	48,260.74	
			June 6	Guyana	22 <sup>nd</sup> Meeting of the Community Council of Ministers	16,996.47	
			July 01-04	Antigua & Barbuda	29 <sup>th</sup> Regular Meeting of the Conference of Heads of Governments of CARICOM	21,444.50	

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The Hon. Paula Gopee-Scoon Ministry of Foreign Affairs	2008		July 14-16	UK	Sixth UK/ Caribbean Ministerial Forum	55,591.07	
			August 18-19	El Salvador	Visit of the Minister of Foreign Affairs to the Republic of El Salvador to develop bilateral relationships	30,558.50	
			August 25-26	Bahamas, Belize, Jamaica & Suriname	Meetings with Heads of Government on Collaboration towards Economic Union & Political Integration among interested CARICOM States	4725.00	
			September 23-30	New York	63 <sup>rd</sup> Regular Sessions of the UN General Assembly and related meetings	60,738.02	

Written Answer to Question

Tuesday, October 27, 2009

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The Hon. Paula Gopee-Scoon Ministry of Foreign Affairs	2008		October 21- 23	St Kitts & Nevis	Heads of Government of Member States of the Organization of Eastern Caribbean State (OECS), St. Kitts & Nevis.	4,643.95	
			December 08	Cuba	Visit to Cuba and Third Meeting of the Trinidad and Tobago/ Cuba Joint Commission	35,905.45	
			December 16-17	Brazil	Summit of the Heads of State and Government of Latin America and the Caribbean on Integration and Development	30,704.00	
<b>(2008) Total No. of Trips per year</b>		<b>15</b>					

NAME OF MINISTER	YEAR	NO. OF TRIPS PER YEAR	PERIOD OF TRIP	COUNTRIES VISITED	PURPOSE OF VISIT	TOTAL COST (inc. Airfare, Allowances and Hotel Accommodation) TT\$	REMARKS
The Hon. Paula Gopee-Scoon Ministry of Foreign Affairs	2009		February 02	Guyana	23 <sup>rd</sup> Meeting of the Community of the Council of Ministers	17,745.67	
			March 11- 13	Belize	5 <sup>th</sup> Meeting of the Prime-Ministerial Sub Committee on the CARICOM Single Market and Economy and the 20 <sup>th</sup> Inter- Sessional Meeting of the Conference of Heads of Government of CARICOM	19,114.37	
			March 18- 21	Brazil, Ecuador, Mexico, Venezuela, Nicaragua	Visit for meetings with Heads of State and Government of these countries on the 5th Summit of the Americas	9,043.08	
<b>(2009) Total No. of Trips per year</b>		<b>3</b>					

Written Answer to Question

Tuesday, October 27, 2009

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The Hon. Peter Taylor Ministry of Legal Affairs	2007		December 7, 2007	Guyana	Special meeting of Heads of Government of Caricom	1,809.75	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Peter Taylor Ministry of Legal Affairs	2008		June 21-23	Bermuda	Representative of the Government of the Republic of Trinidad and Tobago at World Cup Qualifier	23,366.50	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					
Senator the Hon. Christine Sahadeo Ministry of Planning and Development	2007		March 16-20	Guatemala	Representation at the Forty-eight Annual Meeting of the Board of Governors of the IDB and the Twenty-second Annual Meeting of the IIC and Related Seminars/Meetings	43,520.00	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					

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The Hon. Camille Robinson-Regis Ministry of Planning and Development	2007		May 28-31	Venezuela	Representation at the Thirty-seventh Annual Meeting of the Board of Governors and Associated Meetings of the Caribbean Development Bank	31,870.00	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					
The Hon Dr. Keith Rowley Ministry of Planning, Housing and the Environment	2007		October 02-04	Montserrat	To mark the commencement of the construction of houses for volcano evacuees in Montserrat	12,948.54	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					



Written Answer to Question

Tuesday, October 27, 2009

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The Hon. Keith Rowley Ministry of Trade and Industry	2008		21-26 Jan	Guyana	2nd Joint Meeting of the Council for Trade and Economical Development (COTED), Georgetown	\$17,728.75	
			3-5 March	Bahamas	Meeting of COTED, Nassau	\$37,843.50	
			7-8 April	South Africa	High Level Meeting on Evaluating EPA's the way forward for the ACP Cape Town	\$99,636.75	
<b>(2008) Total No. of Trips per year</b>		<b>3</b>					

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Senator the Hon. Dr. Emily Dick-Forde Ministry of Planning, Housing and the Environment	2008		February 19-23	Principality of Monaco	Tenth Special Session of the Governing Council/Global Ministerial Environment Forum of the UNEP	102,172.88	
			April 4-8	Miami, Florida	49 <sup>th</sup> annual Meeting of the Board of Governors of the IADB and 23 <sup>rd</sup> annual Meeting of the Board of Governors of the Inter-American Investment Corporation and related Seminars and Meetings	29,617.10	
			April 14-18	Guyana	25 <sup>th</sup> Special Meeting of Council for Trade and Economic Development COTED	14,619.20	

Written Answer to Question

Tuesday, October 27, 2009

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Senator the Hon. Dr. Emily Dick-Forde Ministry of Planning, Housing and the Environment	2008		May 26-29	Halifax, Nova Scotia, Canada	Thirty-Eighth Annual Meeting of the Board of Governors of the Caribbean Development Bank	49,654.65	
<b>(2008) Total No. of Trips per year</b>		<b>4</b>					
Senator the Hon. Dr. Emily Dick-Forde Ministry of Planning, Housing and the Environment	2009		March 26-April 1	Medellin, Colombia	Annual Meeting of the Boards of Governors of the Inter-American Investment Corporation	32,963.50	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					

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Senator the Hon. Tina Gronlund-Nunez Ministry of Planning, Housing and the Environment	2008		May 12-30	Bonn, Germany	Meeting on the Convention on Biological Diversity	63,324.85	
<b>(2008) Total No. of Trips per year</b>		<b>1</b>					
Mrs. Tina Gronlund-Nunez Ministry of Planning, Housing and the Environment	2009		March 30–April 3	Nairobi, Kenya	Twenty – Second Session of the Governing Council of UN- HABITAT	118,181.00	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Colm Imbert Ministry of Works and Transport	2007		May 21-22	St. Vincent and the Grenadines	22nd Meeting of the Council for Trade and Economic Development.	13,299.00	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					

Written Answer to Question

Tuesday, October 27, 2009

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The Hon. Roger Joseph Ministry of Works and Transport	2008		July 28 - August 01	Halifax, Nova Scotia	Site Visit to Halifax, Nova Scotia, Canada in respect of Transformation of Transport Division Of Min. of Works (to support the Agreement with Service Nova Scotia).	54,892.00	
<b>(2008) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Amery Browne Ministry of Social Development	2008		March 17-19	Guyana	Participation in the Special Meeting of the CARICOM Council for Human and Social Development on Children	18,024.00	

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The Hon. Amery Browne Ministry of Social Development	2008		July 08-10	Renaca, Chile	Participation in the first meeting of Ministers and High Authorities of Social Development (OAS)	45,008.30	
<b>(2008)Total No. of Trips per year</b>		<b>2</b>					
The Hon. Alicia Hospedales Ministry of Social Development	2008		August 25-28	Quebec, Canada	Participation at the Rehabilitation International at the 21st World Congress	41,056.06	
<b>(2008)Total No. of Trips per year</b>		<b>1</b>					
The Hon. Alicia Hospedales Ministry of Social Development	2009		March 09-20	Wellington, New Zealand	Participation in a seminar on Leadership and Change in the Public Sector	112,600.00	
<b>(2009)Total No. of Trips per year</b>		<b>1</b>					

Written Answer to Question

Tuesday, October 27, 2009

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The Hon. Kenneth Valley Ministry of Trade and Industry	2007		02-06 Feb	Jamaica	Special Meeting of COTED and Meeting of Joint Prime Ministerial Sub-Committees Montego Bay	30,053.98	
			22-23-Feb	Belize	Ministerial Meetings between CARICOM and Central America	26,498.00	
			27 Feb-12 Mar	India South Korea China	Trade and Investment Mission to the Far East, Asia	175,149.55	
			16-18-May	St Lucia	Participation at the 23rd Meeting of the Council of Trade and Economic Development	11,393.65	

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The Hon. Kenneth Valley Ministry of Trade and Industry	2007		1-4-July	Barbados	28th Meeting of the Conference of Heads of Government of CARICOM	21,029.51	
			6-8-Sept	Cuba	Official Opening of the T & T Trade Office in Havana, Cuba	4,406.30	
<b>(2007)Total No. of Trips per year</b>		<b>6</b>					
The Hon. Esther Le Gendre Ministry of Education	2008		March 3-6	Santo Domingo, Dominican Republic	Second OECD Global Forum on Education- Discussions with education experts on the role of education in achieving the goals of sustainable growth, human capital development and enhancing policy dialogue. The Honourable Minister presented a paper.	40,936.00	



*Written Answer to Question*

*Tuesday, October 27, 2009*

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The Hon. Esther Le Gendre Ministry of Education	2008		November 17-18	Guyana	17th Meeting of COHSOD on Education- Meeting of Ministers of Education to examine the implication of key global and regional issues, including the Economic Partnership Agreement and the CSME for Education and Social Development in the Region	14,882.00	
			November 25-28	Geneva, Switzerland	48 <sup>th</sup> Session of UNESCO International Conference on Education – Discussion on inclusive education attended in her capacity as Head of the National Commission, UNESCO		
<b>(2008) Total No. of Trips per year</b>		<b>3</b>					

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The Hon. Howard Chin Lee Ministry of Tourism	2007		June 9-17	USA	Attendance at the Caribbean Tourism Organization (CTO)	44,178.80	
<b>(2007) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Joseph Ross Ministry of Tourism	2008		March 3-10	Germany and U.K.	Attendance at the International Tourism Bourse (ITB) in Berlin, Germany and attendance at the Commonwealth Tourism Ministers Meeting in London.	115,893.00	
			May 12-15	Malaysia	Attendance at the First Commonwealth Conference on Sport Tourism.	102,453.75	

*Written Answer to Question*

*Tuesday, October 27, 2009*

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The Hon. Joseph Ross Ministry of Tourism	2008		May 29	Antigua	Attendance at the Meeting of Ministers responsible for Tourism and Aviation on the Impending Airline Crisis, organized by the CTO.	12,553.25	
			June 21-25	USA	Attendance at the First Annual Caribbean Tourism Summit, Washington DC, organized by the Caribbean Tourism Development Company (CTDC).	40,701.65	

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The Hon. Joseph Ross Ministry of Tourism	2008		July 1 - 4	Antigua and Barbuda	Attendance at the 29th Regular Meeting of the Conference of Heads of Government of Caribbean Community as part of a delegation headed by the Honourable Patrick Manning, Prime Minister.	14,369.50	
			November 10 - 13	U.K	Attendance at the World Travel Market in London and participation in a Ministers Summit on Tourism and Climate Change, organized by the United Nations World Tourism Organization (UNWTO)	81,847.00	
<b>(2008) Total No. of Trips per year</b>		<b>6</b>					

Written Answer to Question

Tuesday, October 27, 2009

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The Hon. Joseph Ross Ministry of Tourism	2009		March 25	Grenada	Attendance at a Meeting with the Government of Grenada on Airlift Issues	2,289.00	
<b>(2008) Total No. of Trips per year</b>		<b>1</b>					
The Hon. Donna Cox Minister of State Ministry of National Security	2008		May 12 – 16	El Salvador	Distinguished Visitors Program for the Fuerzas Aliadas Humanitarians Exercise. (May 13-15, 2008)	22,245.00	
<b>(2008) Total No. of Trips per year</b>		<b>1</b>					

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The Hon. Donna Cox Minister of State Ministry of National Security	2009		February 16 – 20	Dominican Republic	Ministerial Conference on Security, Drug Trafficking, Transnational Organized Crime and Terrorism, as Challenges to Development in the Caribbean (February 17-20, 2009)	14,233.00	
<b>(2009) Total No. of Trips per year</b>		<b>1</b>					