

**THE  
PARLIAMENTARY DEBATES  
OFFICIAL REPORT**  
*IN THE SECOND SESSION OF THE TENTH PARLIAMENT OF THE REPUBLIC OF  
TRINIDAD AND TOBAGO WHICH OPENED ON JUNE 18, 2010*

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**SESSION 2011—2012**

**VOLUME 13**

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**HOUSE OF REPRESENTATIVES**

*Friday, May 04, 2012*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the hon. Member for Tabaquite, the Minister of Foreign Affairs and Communications, (Dr. Surujrattan Rambachan) who is currently out of the country and has asked to be excused from today's sitting of the House. The hon. Member of Parliament for Couva North (Miss Ramona Ramdial) is currently out of the country and has also asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Annual report of the Trinidad and Tobago Securities and Exchange Commission for the year ended September 30, 2011. [*The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal)*]
2. Report of the Auditor General on the public accounts of the Republic of Trinidad and Tobago for the financial year 2011. [*Hon. Dr. R. Moonilal*]
3. Public accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2011 (Volumes I, II and III). [*Hon. Dr. R. Moonilal*]

*Papers Nos. 1 to 3 to be referred to the Public Accounts Committee.*

4. Annual audited financial statements of the Petroleum Company of Trinidad and Tobago Limited for the year ended September 30, 2010. [*Hon. Dr. R. Moonilal*]

*To be referred to the Public Accounts (Enterprises) Committee.*

5. Election and Boundaries Commission (Local Government and Tobago House of Assembly) (Tobago) Order, 2012. [*The Minister of Local Government (Hon. Chandresh Sharma)*]

**JOINT SELECT COMMITTEE REPORT  
Parliamentary Accommodation  
(Presentation)**

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** Mr. Speaker, I wish to present the Second Report of the Joint Select Committee on Parliamentary Accommodation (10<sup>th</sup> Parliament), 2011—2012 Session.

**SPECIAL SELECT COMMITTEE REPORT  
Association of Real Estate Agents (Inc'n) Bill  
(Presentation)**

**Mr. Jairam Seemungal (La Horquetta/Talparo):** Mr. Speaker, I wish to present the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill entitled, “An Act for the incorporation of an Association to be known as the Association of Real Estate Agents and for matters incidental thereto.”

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, could I indicate before we begin that the Government is in a position today to answer questions Nos. 63—we will ask for a deferral of one week for question No. 60; it is quite voluminous, as you know. Questions Nos. 63, 77, 78, 79—

**Mr. Speaker:** You mean question No. 89.

**Miss Mc Donald:** What are you saying? These are not answered?

**Hon. Dr. R. Moonilal:** These are what we are prepared to answer today.

**Miss Mc Donald:** You are prepared to answer 63—

**Hon. Dr. R. Moonilal:** Questions Nos. 63, 77, 78—

**Mr. Speaker:** Question No. 89.

**Hon. Dr. R. Moonilal:** No, not question No. 89. I have 90, 91, 92, 94 and 95. And may I indicate for the record, we also have questions for written answers that are on the Order Paper and the Government will circulate later in the proceedings responses to questions Nos. 65 and 66 for written answer, and we will ask for a deferral of one week for question No. 64.

*The following question stood on the Order Paper in the name of Miss Alicia Hospedales (Arouca/Maloney):*

**Sports Company of Trinidad and Tobago  
(Details of Money Expended)**

- 60.** Can the hon. Minister of Sport state:
- a) how much money was expended by the Sports Company of Trinidad and Tobago during the period May 1 to December 1, 2011 for:
    - i) national sporting organizations;
    - ii) community groups;
    - iii) athletes;
    - iv) other organizations provide a list of all the NSOs, community groups, athletes and organizations and the amount of money received by each from the SPORTT?
  - b) can the Minister list the regional grounds that received Cabinet approval?
  - c) can the Minister list the community recreational grounds where the upgrade work started or is in the process of being restarted?

*Question, by leave, deferred.*

**WRITTEN ANSWERS TO QUESTIONS**

*The following questions were asked by Mr. Fitzgerald Jeffrey (La Brea):*

**CEPEP Contractors  
(Details of)**

- 65.** Can the hon. Minister of Housing and the Environment state:
- a) the names and addresses of all CEPEP contractors as of May 24, 2010;
  - b) the names of all CEPEP contractors whose contracts have been terminated subsequent to November 12, 2010, when the Minister advised that no contractor had been terminated;
  - c) the names and addresses of all new CEPEP contractors since November 13, 2010;
  - d) the reasons for terminating the contract of each of the CEPEP contractors who were given termination notice;
  - e) the criteria used for the selection of the new CEPEP contractors;

- f) the termination financial package for each CEPEP contractor whose contracts were not renewed; and
- g) the termination financial package for CEPEP workers?

**CEPEP Workers  
(Santa Flora)**

- 66.** Could the hon. Minister of Housing and the Environment explain:
- (a) The reasons for not allocating CEPEP contractors to the Santa Flora-Erin and La Brea-Salazar Trace areas.
  - (b) The names and addresses of all contractors applying for CEPEP contracts in the Santa Flora-Erin and La Brea-Salazar Trace areas?

*Vide end of sitting for written answers.*

**ORAL ANSWERS TO QUESTIONS**

**Community Extension Officers  
(Advertisements for)**

- 63.** **Miss Alicia Hospedales** (*Arouca/Maloney*) asked the hon. Minister of Housing and the Environment
- A. Can the Minister state:
- i) when were advertisements for the position of Community Extension Officers done?
  - ii) identify the date and the media sources in which these advertisements were placed?
  - iii) the date/s when the interviews were conducted?
- B. Can the Minister provide a list of all the persons who were hired as Community Extension Officers?

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Thank you, Mr. Speaker. In response to question No. 63, after enquiring of the Ministry I am advised that the position of Community Extension Officer does not exist in the Ministry of Housing and the Environment, so that parts (ii), (iii) and B are not applicable. That is my advice.

**Prime Minister's Trip to India  
(Details of cost from Ministry of Finance)**

- 77.** **Miss Donna Cox** (*Laventille East/Morvant*) asked the hon. Minister of Finance:
- A. Could the Minister identify all the Agencies, Departments, Statutory Authorities or State Enterprises in the Ministry which participated

directly or indirectly in the visit of the Honourable Prime Minister to India?

- B. Could the Minister state the total cost of the expenses incurred in each case and give details of the total sum involved and the specific purpose for which the expenditure was incurred in each case and give details of the total sum involved and the specific purpose for which the expenditure was incurred?
- C. Could the Minister also list all the individuals and their designations and the expenses associated with each individual?
- D. What are the outstanding bills which remain unpaid as of March 9, 2012?

**The Minister of Finance (Hon. Winston Dookeran):** Mr. Speaker, with respect to question No. 77, part A, no agencies, departments, statutory authorities or state enterprises under the purview of the Ministry of Finance participated directly or indirectly in the visit of the hon. Prime Minister.

With respect to part B, since the answer to part A is negative, part B is not applicable. And with respect to part C, since the answer to part A is negative, part C is not applicable. With respect to part D, since the answer to part A is negative, part D is also not applicable.

**Miss Cox:** A supplemental, please, Mr. Speaker. Does the Ministry of Finance have any expenses to pay on behalf of that trip to India—to any agencies, state enterprise and so on?

**Hon. W. Dookeran:** With respect to the Ministry of Finance—the question asked—there were no commitments, but with respect to the Government, there are commitments which eventually will be paid through the Ministry of Finance.

**Dr. Moonilal:** Mr. Speaker, could I just be permitted for one correction? I am now informed by the hon. Minister of Education that question No. 64 on the Order Paper for written answer is also prepared. So we will circulate during the course of our proceedings, responses to questions Nos. 64, 65 and 66 for written answers.

**Mr. Speaker:** Thank you.

**Prime Minister's Trip to India  
(Details of cost from Ministry of Trade and Industry)**

**78. Ms. Donna Cox (Laventille East/Morvant)** asked the Hon. Minister of Trade and Industry:

- A. Could the Minister identify all the Agencies, Departments, Statutory Authorities or State Enterprises in the Ministry which participated directly or indirectly in the visit of the Honourable Prime Minister to India?

- B. Could the Minister state the total cost of the expenses incurred in each case and give details of the total sum involved and the specific purpose for which the expenditure was incurred in each case and give details of the total sum involved and the specific purpose for which the expenditure was incurred?
- C. Could the Minister also list all the individuals and their designations and the expenses associated with each individual?
- D. What are the outstanding bills which remain unpaid as of March 9, 2012?

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** Mr. Speaker, the answer to question No. 78 A is as follows:

- i. Ministry of Trade and Industry
- ii. Agencies—
  - a. Evolving TecKnologies and Enterprise Development Co. Ltd. (e TecK)
  - b. Trinidad and Tobago Free Zone Company
  - c. Business Development Company
  - d. Trinidad and Tobago Entertainment Company

Part B, which is very, very specific and it is going to take a little time, but anyway, we will go ahead:

#### **Ministry of Trade and Industry**

Total number of persons - 3  
 Total cost incurred - \$571,838.32

#### **Evolving TecKnologies and Enterprise Development Co. Ltd (e TecK)**

Total number of persons - 4  
 Total cost incurred - \$707,932.15. However, \$102,219.60 was actually the cost of a pre-mission visit which was in December 2011.

**Trinidad and Tobago Free Zone Company**

Total number of persons	- 1
Total cost incurred	- \$122,844.10

**Business Development Company**

Total number of persons	- 1
Total cost incurred	- \$143,708.78

**Trinidad and Tobago Entertainment Company**

Total Number of persons	- 13 (12 of whom were part of a performing group)
Total cost incurred	- \$431,916.74 (of which cost for the performing group was \$363,693.14)

In all cases, the expenditure incurred was to cover travel and upkeep for the period in India. The other costs related to the mission are listed as follows:

No.	Activity	Ministry/Agent	Amount spent (TT\$)
1	Business Seminar in Mumbai	Trade and Industry	\$45,700.00
2	Vehicle Rental Cost for Ground Travel in India	Trade and Industry	\$41,887.52
3	Pre-Mission Visit in December 2011 (2 Persons)	e TecK	\$102,219.60
4	Promotional Material	e TecK	\$122,381.85
5	Cost of Publication of Business Supplement on Trinidad and Tobago in the All India edition of the Economic Times	Business Development Company	\$633,000.00
6	Cost of Performance of Cultural Group – Mungal Patasar and Pantar (Consisted of 12 Persons)	Trinidad and Tobago Entertainment Company	TT \$363,693.14

It should be noted that the amount paid by the BDC to facilitate the publication of the business supplement during the Hon. Prime Minister's visit is to be reimbursed to the BDC by six different Ministries and one state agency, as identified below.

- i. Ministry of Trade and Industry – \$101,280
- ii. Ministry of Foreign Affairs and Communication – \$88,620
- iii. Ministry of Energy and Energy Affairs – \$88,620
- iv. Ministry of Tourism – \$88,620
- v. Ministry of Science, Technology and Tertiary Education – \$88,620
- vi. Ministry of Food Production, Land and Marine Affairs – \$88,620
- vii. Evolving TecKnologies and Enterprise Development (e TecK) – \$88,620

All these Ministries contributed to the content of the publication which consisted of the following topics:

- i. Facts about Trinidad and Tobago;
- ii. Political and economic snapshot of Trinidad and Tobago;
- iii. Political and Economic relationship between Trinidad and Tobago and India;
- iv. Investment opportunities in Trinidad and Tobago;
- v. Investment opportunities in the energy sector in Trinidad and Tobago;
- vi. Trinidad and Tobago/India relations in educational advancement;
- vii. Trinidad and Tobago/India relations in agriculture;
- viii. Trinidad and Tobago as a tourist destination.

I just would like to make reference to a mission to the Far East that was taken in March 2007 and the total cost to the Ministry of Trade and Industry was then \$3,545,908. On top of that, there was an additional \$500,000 as support to the private sector. In addition to that, there was a cultural delegation that went on that mission in 2007 at a total cost of \$3 million.

**Hon. Members:** What?

**Hon. S. Cadiz:** The total cost of the March 2007 mission to the Far East was actually \$7 million. So I must say that this current administration is very mindful when it is spending taxpayers' money.

**1.45 p.m.**

The names of the persons, their designations and the expenses associated with each individual are:

Name of Person	Designation	Ministry/Agency	Amount spent on each Person (TT\$)
Mr. Stephen Cadiz	Minister	Ministry of Trade and Industry	\$206,849.30
Miss Carol Bickram	Acting Senior Economist	Ministry of Trade and Industry	\$89,297.70
Mrs. Christine Hosein	Advisor to the Minister of Trade and Industry	Ministry of Trade and Industry	\$86,823.80
Mr. Brian Frontin	Chairman	Evolving TecKnologies and Enterprise Development (e TecK)	\$146,502.10
Mr. Calvin Mahabir	President	Evolving TecKnologies and Enterprise Development (e TecK)	\$128,884.86
Mr. Sekou Alleyne	Manager, Investor Sourcing	e TecK	\$45,808.84
Mr. Shyamal Chandradathsingh	Manager, Investor Sourcing	e TecK	\$80,843.39

Mr. Kelly Bainey	Chairman	Trinidad and Tobago Free Zone Company	\$122,844.10
Mr. Kamraj Nanhu	Chairman	Business Development Company	\$143,708.78
Mr. Premnath Boodoosingh	Vice-Chairman	Trinidad and Tobago Entertainment Company	\$68 223.60

The names of the performers who accompanied the delegation and their respective roles in the performing group are outlined in the table below:

Name	Role
Prashant Patasar	Manager
Mungal Patasar	Lead Musician and Musical Director
Marcus Sammy	Sound Engineer
Omari Ashby	Vocalist
Harold Headley	Tenor Pannist
Earl Carnavon	Keyboard Player
Ancil Robert John	Second Pannist
Peter Lord	Drummer
David Martin Cleophus	Saxophonist
John Hussain	Guitarist
Lyndon Livingstone	Computer Mixer
Kareem Collingwood	Bass Guitarist

That associated cost for the cultural group was \$363,693.14, a far cry from \$3 million.

**Mr. Sharma:** The only thing they did not ask you was what tunes they played.

**Hon. S. Cadiz:** I will remember just now the many tunes and the great entertainment.

The outstanding bills: we have one outstanding bill of \$45,700 to the Confederation of Indian Industries as a reimbursement for the hosting of a business seminar in Mumbai and this payment is presently being processed.

Over 100 companies were represented at this seminar and following presentations from members of the Trinidad and Tobago delegation on doing business in this country, Trinidad and Tobago, a number of one-to-one business meetings were held between private sector delegates and representatives of Indian companies.

Thank you, Mr. Speaker.

**Mr. Imbert:** I have two supplementals, Mr. Speaker. The Minister indicated that the expenditure by the BDC would have to be reimbursed by state enterprises. Would this not still be an expense of the State? That is supplemental one.

**Hon. S. Cadiz:** Mr. Speaker, I said: "It should be noted that the amount paid by the Business Development Company, the BDC, to facilitate the publication of the business supplement during the hon. Prime Minister's state visit is to be reimbursed to the BDC by six Ministries and one state agency."

**Mr. Imbert:** Therefore, it is still an expense that will have to be borne by the State. Whether it is from one pocket or the other pocket, it is still a state expense.

Supplemental two: the 2007 Mission that the Minister referred to, was that only a visit to India or were there other countries visited in 2007?

**Hon. S. Cadiz:** They want us to file a new question, Mr. Speaker.

#### **Installation of Floodlights (Recreation Grounds)**

**89. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Public Utilities:

- A. Could the Minister state when floodlights will be installed on the following recreation grounds:
  - (i) Lot 10 Village;
  - (ii) No. 4 Road Palo Seco Recreation Ground;
  - (iii) Palo Seco Settlement Recreation Ground;
  - (iv) Vance River Recreation Ground;
  - (v) KTO Recreation Ground;

(vi) Community Recreation Ground La Brea;

(vii) Erin Village Recreation Ground;

- B. The name of the contractor who was awarded the contract to install floodlights on the above-mentioned recreation grounds?

**The Minister of Public Utilities (Sen. The Hon. Emmanuel George):** Thank you very much, Mr. Speaker. The Ministry of Public Utilities is aware that there are a number of recreation grounds throughout the country which require illumination, including some of those identified in the question. The Ministry of Public Utilities will be working with Members of Parliament, the regional corporations and other local government bodies and the Trinidad and Tobago Electricity Commission to determine which and when these grounds can be illuminated.

As at April 2012, no contractor has been awarded the contract to install floodlights on the grounds mentioned in the question.

#### **Paving of Various Roads**

**90. Mr. Fitzgerald Jeffrey (*La Brea*)** asked the hon. Minister of Works and Infrastructure:

Could the Minister state when the following roads will be paved:

- (i) Siparia Erin Main Road;
- (ii) Sobo Village Road;
- (iii) Sobo Circular Road;
- (iv) Boodoosingh Circular Road;
- (iv) Upper Salazar Trace Main Road;
- (vi) Dow Stretch and Vance River segment in the Southern Main Road from Oropouche to Point Fortin?

**The Minister of Works and Infrastructure (Hon. Jack Warner):** Thank you, Mr. Speaker. Works have commenced on Phase I of the National Road Rehabilitation Programme, 2012. This work consists of drainage, concrete and road works, as well as pavement markings from 33 to 40 kilometres, at an estimated cost of \$11.5 million for La Brea.

Partial works will be undertaken from 2.5 kilometres to 7 kilometres and from 18.5 kilometres to 31 kilometres, at an additional estimated cost of \$1 million for La Brea. Works will commence within two weeks.

The PURE Unit technicians are currently acquiring information for estimates for the Sobo Village Road. These estimates shall be included in the next fiscal year. The same applies to Sobo Circular Road, Boodoosingh Circular Road and Upper Salazar Trace Main Road.

The Dow Stretch and Vance River segment of the Southern Main Road from Oropouche to Point Fortin, in that, too, PURE Unit technicians are currently acquiring information for the estimates to be included in the next fiscal year.

**Mr. Jeffrey:** Could the Minister inform us when the paving of the Palo Seco/Siparia phase of the Siparia Erin Road will commence?

**Hon. J. Warner:** If you had asked me before, I would have been able to answer you, but that is a new question, for which I do not have the facts at my disposal.

#### **Watercourses (Works on)**

**91. Mr. Fitzgerald Jeffrey (*La Brea*)** asked the hon. Minister of Works and Infrastructure:

Could the Minister state when the following watercourses will be cleared, deepened/widened and walls reinforced with concrete:

- (i) Lake Canal in La Brea;
- (ii) The Brea River in Vance River;
- (iii) Lorenzotte North River;
- (iv) Salazar Trace River?

**The Minister of Works and Infrastructure (Hon. Jack Warner):** The Drainage Division of the Ministry of Works and Infrastructure is of the view that the Lake Canal in La Brea, referred to by the Member of Parliament, is really called the Pumping Canal in La Brea and not the Lake Canal. [*Crosstalk*] The rubble masonry drain for that canal is over 40 years old. This drain is fragmenting and needs to be replaced. The estimated length of the drain to be reconstructed is 1,500 metres long, 2.5 metres wide and 1.5 metres deep. This is to be done in reinforced concrete.

The cost of this project for La Brea is \$6.5 million. [*Crosstalk*] The Drainage Division is at present preparing bidding documents to go to tender to reconstruct this drain. [*Laughter and desk thumping*] [*Crosstalk*]

The Brea River in Vance River, the Vance River drain and tributaries are approximately 1 kilometre in length. At present, permission to enter lands is being sought from PSAEL. Work in this area will commence by mid-April 2012.

The Lorensotte North River drain was maintained by farmers in that area. However, the Drainage Division (South), is in the process of getting the necessary permission from farmers to enter land before the cleaning and widening can be done. Farmers generally do not like the Drainage Division to execute work in this area too regularly because they say it causes damage to their crops. If the Member of Parliament can help us to talk to the farmers, that will help us to expedite the matter.

The Salazar Trace River is an extension of the Dunlop River. Work has already commenced at the outfall and this work ended yesterday. [*Desk thumping*]

**Trinidad and Tobago Police Service  
(Acquisition of Newly Designed Uniforms)**

**92. Miss Donna Cox** (*Laventille East/Morvant*) asked the hon. Minister of National Security:

- A. Can the Minister advise whether there has been the acquisition of newly designed police uniforms for use by the Trinidad and Tobago Police Service?
- B. If so, can the Minister state who purchased these uniforms; how many such uniforms were purchased; when were they purchased and at what cost?
- C. On what date did the Minister/Cabinet approve this purchase?
- D. What was the system of procurement followed for this purchase?

**The Minister of National Security (Sen. The Hon. Brig. John Sandy):** Mr. Speaker, the Commissioner of Police has informed that newly designed police uniforms were acquired for use, on a trial basis, within the Western Division of the Trinidad and Tobago Police Service as part of the rebranding exercise of the 21st Century Policing Initiative.

The Trinidad and Tobago Police Service has advised that the uniforms were purchased by the Commissioner of Police in May 2011 and comprised 1,500 shirts at a cost of \$293,880 and 1,000 trousers at a cost of \$233,310. In addition, 3,000 motifs were purchased in July 2011 at a cost of \$84,090.

Hon. Members are advised that, according to section 123A(1) of the Constitution of the Republic of Trinidad and Tobago, the Commissioner of Police

shall have the complete power to manage the police service and is required to ensure that the human, financial and material resources available to the service are used in an efficient and effective manner.

Subsequent to the introduction of that provision, in 2006, the Commissioner of Police, effective October 01, 2010, was appointed accounting officer for the Trinidad and Tobago Police Service. In that capacity, he is required to exercise his powers in accordance with the provisions of all relevant regulations, policies and guidelines.

With respect to the purchase in question, ministerial approval was not requested and was therefore not provided. Members are advised, however, that, as the Minister through whom approaches to Cabinet must be made, following a request by the Commissioner of Police, a Note was taken to the Cabinet seeking approval for use of the newly designed uniforms. Cabinet did not grant approval in this regard.

The Commissioner of Police has indicated that the following procedure was followed in the procurement of the new uniforms. This process included inviting four suppliers to showcase their products and provide quotes. A committee consisting of senior members of the finance branch of the police service met and deliberated on this matter and the selection of a local firm was made to supply a total of 1,500 shirts and 1,000 trousers to outfit the 300 members of the Western Division.

**Miss Cox:** I would like the hon. Minister to inform this House if this Note was taken to Cabinet after the uniforms were purchased.

**Sen. The Hon. Brig. J. Sandy:** The Note was taken to Cabinet after the uniforms were procured.

**2.00 p.m.**

**Dr. Rowley:** Supplemental, Mr. Speaker. Since these uniforms were purchased for use in the Western Division, did I understand the Minister clearly that Cabinet did not grant approval for the use? If my understanding is correct, what is to become of that clothing now?

**Sen. The Hon. Brig. J. Sandy:** The clothing is being used at the training centre for recruits.

**Mr. Imbert:** Thank you, Mr. Speaker. With respect to the system of procurement, did the Commissioner of Police indicate the process whereby four suppliers were selected for invitations and also why public competitive tendering was not used?

**Sen. The Hon. Brig. J. Sandy:** I say, again, Mr. Speaker, the process included inviting four suppliers to showcase their products and provide quotes. A committee consisting of senior members of the Finance Branch of the police service met and deliberated on this matter. A selection of a local firm was made to supply a total of 1,500 shirts and 1,000 trousers to outfit 300 members of the Western Division.

**Mr. Imbert:** I got all of that but, apparently, my supplemental was not clear. In his report to you, or whoever reported to you, was there any indication as to the process whereby those four particular suppliers were selected and no one else was asked to showcase their goods?

**Sen. The Hon. Brig. J. Sandy:** There was no indication.

**Miss Cox:** Supplemental, Mr. Speaker. I would just like to know if any foreign purchase was made.

**Mr. Speaker:** Any what?

**Miss Cox:**—foreign purchase was made of any item, particularly in reference to the uniforms. [*Crosstalk*]

**Mr. Speaker:** The crosstalk is disturbing the proceedings, and the Minister is not hearing you properly. Could you repeat your supplemental question, please?

**Miss Cox:** I would just like to know if any foreign purchase was made concerning the uniforms.

**Sen. The Hon. Brig. J. Sandy:** As far as I am aware, all the information I have is what I have presented here today. If you need to, enquire and then I would answer subsequently. [*Crosstalk*]

**Mr. Speaker:** Let us have silence, please, hon. Members. The hon. Member for Diego Martin West.

### **Caribbean Airlines Limited (Details of)**

**94. Dr. Keith Rowley** (*Diego Martin West*) asked the hon. Minister of Finance:

A. In the capacity of Corporation Sole, with responsibility for Caribbean Airlines (CAL), could the Minister state:

- (i) the quantum of the profit made at CAL at the end of its last full financial year;
- (ii) the individual debts of CAL which are greater than two million dollars TT (TT\$2,000,000) as at March 15, 2012; and

(iii) the amount of moneys pledged by CAL to the Children Life Fund and the amount paid to as at March 15, 2012?

B. Could the Minister further state:

(i) the total subsidy for the fuel provided to and/or outstanding to CAL as at March 15, 2012?

**The Minister of Finance (Hon. Winston Dookeran):** Mr. Speaker, with respect to question No. 94 part A, Caribbean Airlines Limited recorded a consolidated unaudited loss of US \$52.8 million for the financial year ended December 31, 2011.

With respect to item (ii), the individual debts of Caribbean Airline Limited as at March 15, 2012 which are greater than TT \$2 million are as follows:

- Airports Authority of Trinidad and Tobago, US \$8,120,807
- US taxes payable to the Internal Revenue Service, US \$6,129,621
- National Petroleum, US \$4,901,074
- Norman Manley International Airport, US \$3,850,000
- International Air Transport Association, US \$3,500,000
- Automated Clearing House customs and excise passenger taxes, US \$3,152,832.
- Strategic Air Services (cargo handling), US \$2,104,581.
- Boeing (maintenance), US \$2,058,288.
- Avions de Transport Régional (ATR), US \$1,892,000
- Value Added Tax (Board of Inland Revenue), US \$1,734,375
- AON Insurance, US \$1,350,000.
- ACC Aviation (wet leases), US \$1,283,980.
- Synergy Aviation (aircraft parts), US \$933,250
- Ross Advertising, US \$544,829.

With respect to (iii), for 2011, the Board of Directors of Caribbean Airlines Limited approved US \$5 million for the Children Life Fund but, to date, US \$200,000 has been remitted to the fund.

With respect to part B, the total subsidy for the fuel provided to Caribbean Airlines Limited as of March 15, 2012 was TT \$141,222,702 of which \$40,553,313 is still to be paid. Thank you.

**Dr. Rowley:** Is the Minister of Finance aware that the board of Caribbean Airlines Limited declared a profit and against that profit, a percentage of the profit was made available to the Children's Life Fund?

**Hon. W. Dookeran:** I am not aware of that information, Mr. Speaker.

**Mr. Speaker:** Any supplemental?

**Dr. Rowley:** No, Sir, I am in shock.

**Mr. Speaker:** All right, well whilst you are in shock, go on to question 95.  
[*Laughter and crosstalk*]

**Dr. Rowley:** "I better drink some water before I ask this question."  
[*Laughter*] Thank you, Mr. Speaker, for your kind indulgences.

**Air Jamaica**  
**(Details of)**

**95. Dr. Keith Rowley** (*Diego Martin West*) asked the hon. Minister of Finance: Could the Minister state the 2011 profit and/loss status of Air Jamaica and the total fuel subsidy promised to Air Jamaica as at March 15, 2012?

**The Minister of Finance (Hon. Winston Dookeran):** Mr. Speaker, with respect to question 95, for the financial year ended December 31, 2011, Air Jamaica operations of Caribbean Airlines Limited, recorded an unaudited loss of US \$38.1 million.

Cabinet agreed to the extension of the fuel hedge mechanism for CAL to cover the period January 01, 2012 to December 31, 2012 at the benchmark fuel price of US \$1.50 per gallon for Caribbean Airlines Limited and US \$2.34 per gallon for Air Jamaica operations.

To date, CAL has submitted claims for the Air Jamaica operations in the amount of US \$3,189,061 for the period January 01, 2012 to December 31, 2012 of which payment can only be made after the claims are audited by the central audit committee of the Ministry of Finance. At this time, claims for the Air Jamaica operations for 2012 are currently being audited.

*Cariforum Bill, 2011*

*Friday, May 04, 2012*

**CARIFORUM (CARIBBEAN COMMUNITY AND DOMINICAN  
REPUBLIC) EUROPEAN COMMUNITY ECONOMIC PARTNERSHIP  
AGREEMENT BILL, 2011**

*Order for second reading read.*

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** Mr. Speaker I beg to move:

That a Bill to give effect to the Economic Partnership Agreement between CARIFORUM States, which is the Caribbean Community and the Dominican Republic and the European Community to effect consequential amendments to the Customs Act, Chap. 78:01 and for related matters, be now read a second time.

Mr. Speaker, Trinidad and Tobago's trading relationship with Europe has historically been defined by the various LOMÉ Conventions since 1975 and its successor, the Cotonou and revised Cotonou Agreements in 2000 and 2005 respectively. These arrangements form the basis of the economic relationship between the European Community, known as the EC and the African, Caribbean and Pacific States known as the ACP. Trinidad and Tobago is a member of the Caribbean grouping of the ACP States and, that is, Caricom Member States and the Dominican Republic otherwise referred to as Cariforum.

The LOME Convention and the Cotonou Agreements essentially gave one way non-reciprocal preferential access to goods emanating from former European colonies into the European Union market as well as aid to finance development projects. The Cotonou Agreement provided for the establishment of a new trade and economic framework, the negotiation of which would be completed by December 31, 2007.

Mr. Speaker, in April 2004, CARIFORUM commenced negotiations with the European Union on the Economic Partnership Agreement known as the EPA; a reciprocal WTO compatible agreement. These negotiations were concluded in December 2007 and Trinidad and Tobago, as part of Cariforum, signed the EPA on October 15, 2008 in Barbados.

Mr. Speaker, the main objectives of the agreement include:

- contributing to the reduction and eventual eradication of poverty to promoting regional integration, economic cooperation and good governance;
- promoting the gradual integration of the Cariforum States into the world economy;
- improving the Cariforum States capacity in trade policy and related issues; and

- supporting the conditions for increasing investment and private sector initiative and enhancing supply capacity, competitiveness and economic growth.

In addition to strengthening the existing relationships between Cariforum and the EU on the basis of solidarity and of mutual interest, Mr. Speaker, some of the expected benefits of this new trading regime are as follows: a new permanent arrangement for trade in services between the two regions.

Our previous trading arrangement with the EU, the LOMÉ and Cotonou trading arrangements actually provided for trade in goods and the EPA has introduced more favourable opportunities for Trinidad and Tobago export of services to the EU, as well as an opportunity to export services into the Dominican Republic as a result of the regional preference clause.

So whereas the LOMÉ and Cotonou Agreements only provided for trade in goods, the EPA has goods and services and, by way of example, the EPA provides for temporary movement of our service providers into the EU market in 29 different sectors, and these sectors cover professionals such as accountants, tax advisors, bookkeepers, architects, engineers and urban planners, doctors, dentists, veterinarians, midwives and nurses, physiotherapists and paramedical personnel, computer technicians, researchers, chefs, tourist guide services, fashion models, translation and interpretation services and advertising personnel.

Mr. Speaker, nationals of Trinidad and Tobago who are contractual service suppliers or employees of Caribbean firms who wish to move into the EU temporarily to provide these types of services can, in fact, do so once a contract has been secured.

Independent professionals or self-employed persons who fall into the following categories can also move into the EU temporarily to provide their services, and they would include, as mentioned before: accountants, tax advisors, bookkeepers, architects, engineers and urban planners, computer technicians, market researchers and management consultants. It is noteworthy, Mr. Speaker, that the architects in Trinidad and Tobago have already been seeking to take advantage of the opportunities presented by the agreement.

On November 19, 2009, the Architects' Council of Europe and Caribbean Architects signed a Memorandum of Understanding stating their intent to establish the essential bases and criteria for mutual recognition and to work towards determining the conditions for recognition, as well as the level of equivalence to be agreed between the parties.

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In 2011, the Caribbean architects met with the Architects Council of Europe to negotiate a Mutual Recognition Agreement, as required under the EPA, to facilitate the provision of their services, and negotiations are expected to continue in 2012. Of course, the EPA extends to the French islands, Martinique and Guadeloupe, and therefore architects in this particular case would have the opportunity to work in the French islands.

In respect of the entertainment of services, artistes, musicians, entertainers and cultural practitioners would be able to access the European market by way of a registration process. I understand that the Ministry of Arts and Multiculturalism has already developed a programme, the National Registry of Artistes and Cultural Workers, which can facilitate this registration process. The registry will optimize the benefits to be accrued to nationals from the Caribbean Single Market and Economy and the EPA between the European Union and Caricom.

The registration and certification process will be facilitated by an assessment committee for the National Registry of Artistes and Cultural Workers and the certification of audio, visual and video productions. Registration expires every five years and must be renewed accordingly. The development of a database of all artistes to facilitate development of cultural industries, research and heritage will be an additional goal of this project. So here it is, Mr. Speaker, not only the professionals, but without a doubt all artistes who operate within Trinidad and Tobago, by going through the registration process with the Ministry of Arts and Multiculturalism will have that opportunity after we ratify this EPA.

It will also support a favourable investment climate. Investment opportunities are enhanced as a result of the security provided to investors; that security, for example, market access and national treatment, is subject to stated conditions and qualifications, which is a key part for FDI. It also requires investors to observe high standards with respect to protecting the environment—and Minister McLeod, Member of Parliament for Point Fortin would be very interested in this—and not only protecting the environment but also protecting workers' rights. [*Interruption*] I said Point a who?

**Hon. Member:** You said Point Fortin.

**Hon. S. Cadiz:** I could never mix you up with the Member for Point Fortin. I do sincerely apologize.

**Mr. Speaker:** Just address the Chair, please.

**Hon. S. Cadiz:** It also requires investors to observe high standards with respect to protecting the environment and workers' rights, as the parties have committed to not encourage foreign direct investment by lowering the level of protection provided by our national, social, labour, environmental and public health

legislation. It should be noted, Mr. Speaker, that Trinidad and Tobago has ratified all eight core ILO labour conventions.

The EPA has also put in place a predictable and permanent trading arrangement for the export of primary and manufactured goods. At present, Trinidad and Tobago maintains a trade surplus with the EU, growing from US \$0.9 billion in 2006 to US \$1.7 billion in 2011. The major items Trinidad and Tobago exported to the EU were mineral fuels and oils, organic chemicals, iron and steel, inorganic chemicals, fertilizers, beverages and spirits, machine parts, cocoa and cocoa preparations and miscellaneous food preparations.

Mr. Speaker, Trinidad and Tobago as part of Cariforum is now guaranteed duty-free access for its exports into the EU, with the temporary exemption of sugar until 2015. Though we are also required to liberalize our import duties, with the exception of certain sensitive sectors, this liberalization will be gradual and will actually be spread over 10 to 25 years, thus minimizing the revenue effect, and allowing those sectors which were open, the opportunities to build their competitiveness over the medium to long term.

Some of the subject areas negotiated under the agreement were trade facilitation, competition policy, public procurement, protection of personal data and innovation and intellectual property. The negotiated disciplines are intended to enhance the integration of developing regions such as ours into the world trading systems. For example, in the area of trade facilitation, agreements that have been made to improve communication, reduce red tape and bureaucracy and simplify customs rules, will all make the process of trading easier. In addition, our customs authority will benefit from cooperation activities geared towards their modernization.

As part of the EPA provisions of the Tenth European Development Fund, (EDF), Caribbean Regional Indicative Programme, (CRIP), actually will provide €165 million, which is a 190 per cent increase from the Ninth EDF Caribbean Integrated Support Programme. Out of that €165 million, €72.1 million has been programmed specifically for EPA capacity building in the region. So not only are we going to benefit from the whole issue of trade and services, the EPA actually provides, as I said, approximately €72 million to facilitate this capacity building in the region.

The Government of the Republic of Trinidad and Tobago understands that the implementation of such an arrangement is a very, very challenging one. Some of these challenges include: potential loss of fiscal revenue resulting from the elimination of tariffs on EU imports. This has been minimized as a result, inter alia,

of the phased approach that was taken towards liberalization; the seven-year moratorium that was placed on the removal of other duties and charges and the securing of technical assistance in various areas, to shift our dependence on tariff and these other duties and charges; the increased competition to domestic service suppliers in specific service sectors which have been liberalized and inadequate human resource capacity to take advantage of the development cooperation provisions under the EPA. Also, one of the challenges would be the possibility of an increased need for the preparation or update of domestic regulations in some sectors. Of course, this Government is very mindful of that.

Mr. Speaker, Trinidad and Tobago had been provisionally applying the EPA with effect from October 31, 2008. The Government of the Republic of Trinidad and Tobago now seeks to take steps to give effect to the EPA at the national level. To this end, the Cariforum (Caribbean Community and Dominican Republic) European Community Economic Partnership Agreement Bill, 2011 has been prepared. I will now take the honourable House through the Bill.

Clause 1 is a standard short title clause. Clause 2 sets out the commencement of the provisions of the Bill and the EPA. Mindful of the opportunities and the potential challenges, the Government has taken a phased approach to the implementation of the agreement. This is because we recognize that there are various provisions in the EPA in respect of which there have been no stated deadlines in the agreement itself.

In consultation with the various stakeholder Ministries and agencies, which would have responsibility for implementation and which would benefit under the EPA, the Ministry of Trade and Industry devised an implementation schedule which would:

- (a) Allow the Government of the Republic of Trinidad and Tobago to meet the obligations in those instances when dates have been stipulated, by the said dates; and
- (b) In the circumstances where no dates have been stipulated, allow the Government of the Republic of Trinidad and Tobago to take the necessary time to ensure that the necessary administrative, legislative or other work is done before proclamation.

As such, clause 2 sets out all the articles in the agreement which would come into effect on some undetermined date in the future to be fixed by the President, thereby allowing the country the time and policy space to ensure that the necessary administrative, legislative or other work is done before

those obligations take effect. All other articles of the agreement will come into effect upon commencement of the Act.

Upon reflection, it was determined that clauses 2, 3 and 4 should be amended. These amendments will be circulated. The main reason for the amendments is that since the preparation of the Bill in 2011, it has been agreed that several other articles of the agreement should come into effect upon commencement of the Act. This is to allow for the effective application of the agreement. As such, clause 2 will be amended in respect of the articles, protocols and annexes which remain to be given effect at some date in the future. The amended clause would provide that the following provisions come into effect on a date to be fixed by the President by proclamation. I will go through the amended clause.

Clause 31—the explanation for that would be that this Article sets out the underlying principles and international instruments and standards upon which trade and customs legislation, provisions and procedures will be based. Clauses 67 and 68—Article 67 speaks to the commitment to provide access to the Trinidad and Tobago market by investors from the European Community in certain sectors based on the specific commitments as set out in Annex IV. Article 68 requires that in those said sectors, unless some exemption or reservation was made, Trinidad and Tobago would give investors from the EC treatment that is no less favourable than that afforded to Trinidad and Tobago nationals. Annex IV sets out the commitments that the members of the EC and the member states of Caricom and the Dominican Republic made in request of investment and trade in services.

Article 72 requires Trinidad and Tobago to implement measures that may be necessary to treat with the behaviour of investors. Articles 81—83 provide for the temporary entry and stay of key personnel and graduate trainees of investors, business service sellers, contractual service suppliers and trained professionals from the EC member states into Trinidad and Tobago.

Article 90 speaks to the prevention of anticompetitive practices in the courier sector. Article 111 speaks to the prevention of anticompetitive practices in the tourism distribution networks.

Article 146 sets out Trinidad and Tobago's obligation in respect of industrial designs. These designs are currently protected under the Industrial Designs Act, Chap. 82:77. Article 148 makes provision for the protection of utility models, including the term of protection that should be afforded to them. Article 150 speaks to the country's obligation and undertakings in respect of the treatment of genetic resources, traditional knowledge and folklore as intellectual property rights.

Articles 165—182 cover the treatment of public procurement. They provide for transparency and nondiscrimination in respect of a certain level of procurement activities, that is, any type of purchase for goods and services or combination, including works for governmental purpose and not for commercial resale. This entails the publication of this invitation to tender, publication of the laws, procedures and regulations regarding public procurement, notification of the contract award and the establishment of an online facility to disseminate information on tendering opportunities.

Article 197—2001 provisions require Trinidad and Tobago to establish appropriate legal and regulatory regimes as well as appropriate administrative measures in order to ensure an adequate level of protection of individuals with regard to the processing of personal data.

Article 237 provides that Trinidad and Tobago will take the necessary legislative and administrative measures to comply with international standards to prevent and fight against illegal, fraudulent and corrupt activities, money laundering and terrorist financing, and that we would exchange information and cooperate with the EC in these areas.

Article 238 provision requires that any favourable treatment extended by a Cariforum State to the EC should be given to all Caricom States, no later than one year after the date of signing the EPA. This requirement covers States such as the Bahamas, Barbados, Guyana, Jamaica, Surinam, Trinidad and Tobago and the Dominican Republic. Other Cariforum States have a two-year time period, while Haiti has up to five years.

With respect to services, Cariforum investors in the services sector in the EU market will be subject to the same treatment as that given to EU domestic investors. In this instance, Trinidad and Tobago would have to grant similar or better preferences to the Dominican Republic as those granted to the EU. It also requires that the EU be granted similar treatment in instances where better or additional preferences are granted by Trinidad and Tobago and Caricom to another major trading partner. A major trading partner is defined as countries which account for 1 per cent or 1.5 per cent of world merchandise exports or trading services, respectively.

Protocol 3 on cultural cooperation provides for greater cooperation on all cultural fronts. Annex IVe and IVf set out the list of commitments the Cariforum member states, including Trinidad and Tobago, in respect of investment and trading services. Finally, Annex 6 speaks to Government procurement.

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The amended clause 2 would also speak to the manner in which the agreement would be given the force of law. Due to the length of the agreement inclusive of all appendices, protocols and annexes, approximately 2,000 pages, it was not considered to be efficient to include the agreement as a schedule to the Bill as is usually done, therefore in conjunction with the Office of the Attorney General, the Ministry of Trade and Industry agreed that the EPA should be gazetted and appropriate provision be made for it in the Bill. As such, clause 2 would give the agreement as gazetted in *Gazette* No. 159, dated November 24, 2011; the force of law and allow for judicial notice of the agreement. This is currently provided for under clause 4 of the Bill.

Clause 3 defines two terms: agreement and Minister, and clause 3 would also be amended. A slight change would be made to the definition of the term “agreement” to ensure a clear linkage with the *Gazette* No. 159 dated November 24, 2011.

Clause 4: the amended clause 4 would provide clearly that the agreement would have the force of law save for those provisions already identified under clause 2. The EPA makes provision for the review and revision of the agreement and this clause also ensures that the Legislature is made aware of any amendments to the agreement.

Clause 5 gives the hon. Minister the authority to make regulations as may be required.

Clause 6 illustrates the means by which Trinidad and Tobago meets its obligations under the EPA to reduce and remove the import tariffs on goods originating in the European Community and being imported pursuant to the agreement into Trinidad and Tobago. We therefore propose the amendment to the Customs Act, Chap. 78:01 by inserting a new section 6B which would allow for goods which originate in the EC and which currently receive duty free treatment to continue to receive same once the importation is pursuant to the EPA. This is a standstill provision.

Mr. Speaker, it will also allow for the preferential treatment by way of the phased liberalization of tariffs established under the EPA to form part of our custom laws so long as the goods meet the requirements under the EPA and its protocols, as well as make provision for the President to amend the relative tariff schedule in the Customs Act or to provide for the expiration, lapsing or coming into effect of our tariff preference.

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Mr. Speaker, in (b) by inserting a new schedule, the Ninth Schedule, which would set out the duties which are to be charged in respect of goods originating in the European Community and being imported pursuant to the agreement, into Trinidad and Tobago. This would include goods which are to be given immediate duty-free treatment and those in respect of which duties would be reduced on a phased basis over the next 25 years. And those are the amendments that we speak of.

In conclusion, Mr. Speaker, the Government of the Republic of Trinidad and Tobago has been taking various measures to address the challenges to the implementation of the EPA that were previously outlined and to assist business and service providers in taking full advantage of the opportunities presented by the EPA. To this end, the Ministry of Trade and Industry established its Trade Implementation Unit (TIU) in October 2011, and the core mandate of the TIU is to ensure that Trinidad and Tobago fulfil its obligations under all existing and future negotiated trade agreements, including the EPA. In addition, it has responsibility for advancing the delivery of Trinidad and Tobago's trade and economic interest with special focus on market access, opening for goods and services through the EPA and it manages and guides the implementation of the EPA at national level to ensure that the opportunities and benefits available under the negotiated trade agreements are fully exploited by existing manufacturing service exporters, entrepreneurs and the general public.

Time and time again we sign agreements and the actual working of the agreement is where the problem arises, and therefore we see that the TIU is an answer to this, of where all trade agreements, and especially the EPA, that we would have a specific division that would handle all aspects of the interpretation of the agreement on how local manufacturers and service providers, can in fact take advantage of it, in addition of course, to the development funding that is being supplied, in this case, by the EPA.

The Ministry of Trade and Industry has engaged in a number of activities to enhance the awareness and understanding of exporters and service providers in respect of the agreement. These activities include the official launch of the EPA, which actually was held since June 2008 at the Trinidad Hilton and Conference Centre, at which presentations were made and a summary document which highlights the key features of the EPA, the benefits and possible challenges and provides information on EPA implementation was distributed, and of course the hosting of seminars and workshops.

Mr. Speaker, the Ministry of Trade and Industry has also been working with other stakeholders such as the Trinidad and Tobago Manufacturers Association and has supported a recent trade mission undertaken by the Trinidad and Tobago Chamber of Industry and Commerce to Hamburg and Munich in Germany, Rotterdam in the Netherlands, Birmingham and Manchester in the UK and by the Trinidad and Tobago Coalition of Service Industries to Guadeloupe and Martinique, as I said before, two of the French overseas territories.

The Ministry of Trade and Industry has also sought through the single electronic window now known as ttbizlink, to revolutionize the business landscape in Trinidad and Tobago and together with the ASYCUDA, ttbizlink would improve the ease of doing business in Trinidad and Tobago.

The EPA marks a milestone in our trade and economic development, through it, Trinidad and Tobago has entered a new era of trading relationships. The result is an agreement that provides both opportunities and challenges. Several of our Cariforum brothers and sisters, namely: Antigua and Barbuda, Belize, Dominica and the Dominican Republic, have already ratified the EPA, and Belize, Dominican Republic, Grenada, Guyana and St. Kitts and Nevis have taken the necessary action to initiate tariff liberalization under the EPA. Ten European member states have also ratified the agreement, and these are: Denmark, Finland, Greece, Italy, Lithuania, Malta, Slovakia, Spain, Sweden and the United Kingdom.

By bringing this piece of legislation the Government of the Republic of Trinidad and Tobago seeks to implement the EPA so that the benefits which would be available to our citizens under the agreement can finally be realized.

Mr. Speaker, I beg to move.

*Question proposed.*

**Dr. Keith Rowley** (*Diego Martin West*): Thank you very much, Mr. Speaker. This matter as raised by the Minister of Trade and Industry is one of some import to most people in Trinidad and Tobago. But permit me before I go into the substance of the matter to raise a concern if only for the smooth and effective running of the House. I raise this in the context of the Minister having said in his presentation that amendments will be circulated; because it is those amendments which have put us in a position to effect what he said is to be effected.

Mr. Speaker, the Government is not being fair to us. It is not the first time that we have come to the Parliament to debate a matter, and we on the Opposition find ourselves at a disadvantage, in that, as I stand here now to contribute to this Bill I

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am hearing about amendments that will be provided. I have not seen the amendments. So brilliant as I am, I will not be able to properly address the matter, because I really do not know what the amendments are. I would have preferred—those of us on this side would have preferred to have had the amendments in front of us and had them in some reasonable time to be able to know exactly what they say and to see whether we can contribute either in support of or against. It is wholly unsatisfactory, and the height of irresponsibility for a Minister of Government to come here and get up and present a matter like this, read a statement given to him by public servants and sit down and expect the Opposition to join the debate and tell me, the amendments, the substance of the conversation will be provided.

If this were the only case, Mr. Speaker, I might not have raised it. It might have been an aberration. It is not an aberration. It seems to be a habit. The same thing happened—Mr. Speaker, you may recall recently when we did the Children Bill, I was on my legs and I had to ask for an adjournment so that we could at least look at 23 pages of amendments that were put to us, warm off the photocopying machine. It came to my hand a few degrees warmer than the ambient temperature in here—23 pages—and I was supposed while I am speaking to address that. The same thing happened with the Legal Aid and Advice Bill, the same thing happened with the Administration of Justice (Electronic Monitoring) Bill, where the Government had amendments of substance on a matter before the House, and for some reason they were provided while you were speaking. Well today he has gone one better, he spoke, he would have seen the amendment—the Minister—the Minister would know what the amendment is, maybe his colleagues would know; some of them do not care because they speak and vote without even knowing what it is. But that might suit them; it does not suit us. We need to know what we are talking about. [*Desk thumping*] This is madness!

Mr. Speaker, the only reason I am able to make any contribution to this matter is because I happened to have been the Minister who was involved in this process at some time before. [*Interruption*] But, even if the amendment is one letter, if it is only the letter “a” in the alphabet that—[*Crosstalk*]

**Dr. Moonilal:** Mr. Speaker, I am informed that there are really, I think, two or three amendments which the Minister explained on his legs, dealing with the commencement issue because of the change of time and dealing with clarity in definitions. [*Interruption*] Now, it is a commencement clause, it is a definition of agreement and to delete subclauses (1) and (2) of clause 4. [*Interruption*]

**Mr. Speaker:** Please! Please!

**Dr. Moonilal:** It is not 23 pages, so if—would the Member like us to adjourn the debate so he could take a look at the three amendments?

**Hon. Member:** Yes. [*Interruption*]

**Dr. K. Rowley:** Mr. Speaker, to add insult to injury, I am saying I have not seen the amendments; I do not know what they are; the Minister fumbled over something and he read something—he is telling me now, rather than accept that they did not perform properly, he is trying to make it look as if I am doing something wrong. [*Interruption*]

I am supposed to address something I do not know. If it is so simple why do I not have it before? [*Interruption*] If it is so simple and so unimportant, then you should not be addressing the Parliament. [*Crosstalk*] He has seen—and they are doing it all the time. [*Crosstalk*] As a matter of fact, Mr. Speaker, if he is prepared to cooperate and let me see what he is talking about, I would not mind a five minutes, because as I am speaking now I am speaking against the background of “I think I know what you taking about.”

**Mr. Speaker:** Hon. Leader of the House, would you want to suspend for five minutes and have those things circulated?

**Dr. Moonilal:** Mr. Speaker, the Member can continue his contribution and I would ask the Clerk to circulate the amendment, the commencement, the agreement and the deletion of two subclauses.

**2.45 p.m.**

**Dr. K. Rowley:** Therefore, Mr. Speaker, I hope that I can read and speak at the same time. So while I am speaking it would be provided to me or I would conclude my contribution and it would come after, and as far as they are concerned, that is satisfactory.

**Hon. Member:** Nonsense!

**Mr. Speaker:** Please, Member for Fyzabad.

**Dr. K. Rowley:** Mr. Speaker, this matter of the EPA has been a matter of some concern, and maybe one of the things I should raise is that we are now being asked to amend and accept certain conditions of the EPA and it is important for us to understand what the EPA really refers to, and CARIFORUM’s position against this background. Because even as we have this little discussion here about the amendments and the sight of them, the EPA had been a matter of great public

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discourse in 2008, and there are people in the Government today who at the time of the coming into being of the EPA had—[*Interruption*]

**Mr. Speaker:** Hon. Members, the voices are carrying and disturbing the Leader of the Opposition. Continue hon. Member.

**Dr. K. Rowley:** Thank you, Mr. Speaker. There are people who had taken very strong positions about this EPA. Some of them are in or around or associated with the Government today, and it is interesting that the Government is here today telling us, in the context of statements made by the Minister, how important this is and how much support we should give to it and the benefits to come from our acceding to the various terms and conditions of the EPA.

Now is a good time to reflect, Mr. Speaker, because at the time when it was brought into being, and those persons who are now part of the Government had comments to make, we now can see that it might not have been what they were saying it was. And therefore, the Government—the Minister has our full support with respect to this. But let me just read for you, Mr. Speaker, the position of the leader of one of the groups that had a lot of issues with the EPA when it was being negotiated. I am speaking here now about the former head of FITUN who is now a Government Senator. He was speaking at the time when this matter was before us on Monday January 21, 2008. He had this to say:

“The December 31, deadline for finalization of the Economic Partnership Agreement between Cariforum and the European Union (EU) has in fact worked against the Cariforum states.”

He went on to say:

““But we seem hell-bent on destroying our Caribbean firms. The philosophy of those in key corporate leadership... is to sell-out...””

So when we had to meet that deadline set by the European Union of December 31, there were persons telling the country that we were doing the wrong thing, that it was a sell-out and that it was the captains of industry in this country who were selling out the country and were destroying Caribbean firms. Those persons are today part of the Government that is advancing to us and the rest of the country, an acceptance of the said EPA. You see, Mr. Speaker, it probably took them that long to understand that the world was changing and that what we were doing then, we were responding to virtually the inevitable. World trade today, while open under the WTO arrangements, is largely done in relationships of trading blocs using the WTO as their reference book and reference authority.

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What we were facing then, Mr. Speaker, was a protracted negotiation between the Cariforum, where Cariforum means Caricom plus the Dominican Republic. And we have been brought together as a trading bloc to work out an agreement between us of the Caribbean, this Cariforum bloc, and the European Union. There were those like the current Government Senator who were of the view that we should not give up anything in those negotiations, and when we were approaching the deadline set by the EU—because the EU had decided since these negotiations were not being concluded after a long time, the Caribbean having put in place a regional negotiating machinery that was meeting with the EU, and there were a number of sticking points—the EU decided to bring it to a head by setting a deadline of December 31, 2008, I think it was. That deadline meant that if by that time an agreement was not hammered out between the two negotiating blocs that the European Union would have unilaterally imposed tariffs on regional trade and those tariffs would have been imposed against the background of not the negotiated benefits, but they would have been against the background of the general agreement of tariffs and trade that persisted, I think it was the Uruguay Round that had set those in place. We were going to be put in a situation where the Caribbean trade would have faced penalties sometimes crippling penalties for having not had an agreement in place with the market countries of the EU.

So we had to work very hard, very fast to come to an agreement before that December 31 deadline. For that, we were accused of selling out, not that we were facing an obstacle which we could not unilaterally remove. We had to have an agreement. Of course, the EU was accused of being heavy-handed against the Caribbean, but the EU stuck to its guns and gave us the ultimatum of conclusion of an agreement by the end of December or tariffs would kick in. Listen to some of the tariffs, Mr. Speaker, and these tariffs were kicking in against the generalized system of preferences.

It would have meant that those Caricom countries that were exporting cane sugar products would have faced tariffs of approximately \$64 million a year. Alumina exporters would have been facing an \$11 million tariff. Rice exporters would have been facing tariffs. Textile exporters, methanol exporters, rum exporters, marine products—fish, crab and lobster and things like that, all these products important to various Caricom States would have automatically fallen to disadvantageous tariffs had we not concluded an agreement at the time we did. And while we were concluding that agreement we were being accused of sell-out and destroying the Caribbean industries. Some of those same people are today in the Government and advancing to us the amendment, the acceptance and the benefits

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as outlined by the Minister. I do not think the Minister was aware of that at the time, because he was not in and around public service. But the bottom line was we did in fact, get an agreement hammered out.

The regional negotiating machinery successfully concluded an agreement, but most importantly the agreement as the Minister pointed out went further than just goods. It had to do with services. That meant for the first time opportunities and markets opened up to the Caribbean, particularly Trinidad and Tobago, for our nationals with the requisite skills to enter and operate within markets which hitherto were closed to us. Now that the agreement is in place, it falls to us to take advantage of it.

One of the areas that caused a lot of the negatives that came with respect to the Cariforum agreement with the EPA, was that we were going to find ourselves not being able to cope with the changed circumstances, because the EU suppliers or the EU market would have swamped us without us being able to cope with taking advantage of their market.

In order to respond to that, what was negotiated was that the effect of the full opening up of the market would have been staggered and staged over a period of time as much—as far as 20 years in some instances, to allow the region to prepare itself to be able to anticipate the effects of the opening up and also to take advantage, earlier, of what was available to us. We are hoping that that preparation is taking place, because we are in the agreement, we are committed and the markets will change, as they keep changing, and the 20-year period will eventually expire and we will then not be able to make any changes to protect ourselves.

So I am pleased to hear from the Minister that some preparatory work has been done in order for us to respond. The question is, how effective is that preparation and can we believe what the Minister tells us? I am not here being malicious in asking whether we can believe the Minister. Our faith is shaken, because only a few minutes ago, maybe meaning no harm, the Minister said to us that his predecessor spent \$7 million on a trip to India with an entourage as compared to how many millions he spent in March thereabout. The impression he gave to any listener was that here it was—in fact, he went on to praise himself and his Government by saying that this Government is careful about spending taxpayers' money, because the previous Minister on a trip to India spent \$7 million in this promotion.

What is the truth, Mr. Speaker? The truth is that Trinidad and Tobago sent that delegation not to India, but to China as well, to India, to Korea, to Singapore and all of that. [*Desk thumping*] It was a massive trade delegation going to all the major players in Asia and that was \$7 million. He was very careful to put it across to the

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people of Trinidad and Tobago as though he was comparing apples with apples and the \$7 million for that whole trip to Asia was in fact to be compared with his junket to India. Why, Mr. Speaker? Why can we not believe anything the Government tells us? Because even on simple straightforward matters, they cannot speak the truth. [*Desk thumping*]

So when he tells us that the Government is taking steps to prepare this country to deal with the changes that are required to be made to prepare us to treat with the agreement that we have signed with the European Union, Trinidad and Tobago being part of Cariforum, I do not believe him! I “don’t” believe him!

Mr. Speaker, one of the things that we have to do as a people is do what we have to do, insofar as we are able or required to do it. And a lot of what we have to do falls to the Government of the day and our own behaviour sometimes is our own worst enemy. Even as we are talking here about trade, to take advantage of opportunities which should come our way in the European markets for services and goods that we are going to interact with—the news today, Mr. Speaker, only this morning I heard on the news Tobago’s taxi drivers, Tobago’s service providers who look for a living and who make their living and feed their children from working with the cruise ship industry, they were calling in on the radio this morning and saying that they are being disadvantaged. Because at least two cruise ships or two cruise liners—I am not sure which is which—have bypassed Tobago or have been denied access to the port in Tobago, because a decision has been taken in this country to prevent them from pulling up in Scarborough, because somebody has not paid. The confusion is, while there were bills to be paid and steps were being taken to have the users pay for the port, even as the ships’ agents paid in Tobago, instructions came from the Port Authority here in Port of Spain not to have the ships dock in Scarborough.

**3.00 p.m.**

Worse than that, you heard the Leader of Government Business. Instead of acknowledging that a decision taken in Trinidad has so damaged the livelihood of people in Tobago and that the Government officials in the port here, on ministerial instruction, somehow got that done, and instead of acknowledging that we should not have done that because we understand now that the payment was in fact made, we are being told that it is London’s fault and that the THA was supposed to make the payment and did not make it. That is the Government in Trinidad saying that and their lackeys in Tobago saying that. But the end result was we were not able to get done what had to be done, to allow cruise ships to berth in Scarborough, so that the people who depend on the cruise ship trade will get the benefit of tourists coming to Tobago.

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So, it is all well and good to talk about EPA and access to the European Union. With a simple matter like the tourists get on board ship, sail to your port and the ship cannot pull alongside because of a matter of the bills of who did not pay and instructions go out, the end result is the ships must not berth. It makes you wonder, if we cannot properly handle effectively a simple matter like that, what confidence do we have that we are properly preparing for dealing with the exigencies of international trading blocs who are interacting with us and our trading relationships?

Even as we come to the Parliament to make amendments of one kind or another—I am now entirely dependent upon my colleagues here who tell me that the amendment—[*Interruption*] Mr. Speaker, you would have seen the Leader of Government Business trying to interrupt me to make it look as if I was nit-picking and that it was something that I should not even raise. He said to me that the Minister dealt with it in his presentation. I am now being advised and I should read it—Mr. Speaker, let me read this thing that I should not have mentioned; this thing that has brought us here; this thing that has caused the Parliament to be convened this evening that I should not talk about. Listen to what we are dealing with.

“Second column

Extent of the Amendments

Delete clause 2 and substitute the following:

The Articles of the Agreement...”

Now, Mr. Speaker, you are not a lawyer and I am not a lawyer, but we are sufficiently exposed to know that the articles are in fact the substance of the agreement.

“The Articles of the Agreement as published in the *Gazette* No. 159 dated Thursday 24 November, 2011 shall have the force of law upon the commencement of this Act with the exception...”

So as far as we know, as far as the law requires, we gazetted the articles of this agreement in November 2011. For some reason, good, bad or indifferent, the Government has decided to change those articles and they are now to be excepted. Listen to what is to be excepted:

“Articles 31, 67, 68, 72, 81 to 83, 90, 111, 146, 148, 150, 165 to 182, 197 to 201, 237, 238, Protocol III, Annex IVe, Annex IVf and Annex VI, which shall come into effect later on...”

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Mr. Speaker, I just read these things out and there are other things to be deleted.

“4(1) Subject to section 2, the Agreement shall have the force of law.”

I am now seeing this for the first time. I just read it out because it is printed here. I had no idea that this is what the Minister was coming to talk about, having not seen it. I have had no opportunity to look at the *Gazette* to determine what exactly is Article 31—[*Interruption*]

**Miss Cox:** While you were on your feet they brought it.

**Dr. K. Rowley:**—what exactly is Protocol III. I have had no opportunity to look at it. [*Desk thumping*] So as I am talking now I am talking blind and, as I raise it, instead of the Government taking it on board that this is not acceptable, I get bombast from the Leader of Government Business in the House.

I am unable to be of any assistance to the people of Trinidad and Tobago this minute on this matter, and until I am able to compare what I have in my hand with the document, not knowing what the Government was coming here to do— As a matter of fact, when we adjourned the last time, we were told that when we come to the House today we are coming to do the Postal (Amdt.) Bill. We caucused and we prepared to do the Postal (Amdt.) Bill only to be told after, for reasons known only to the Government, that we will no longer be doing the Postal (Amdt.) Bill, we will be doing this. [*Interruption*]

**Mrs. Gopee-Scoon:** No proper legislative agenda.

**Dr. K. Rowley:** Therefore, we come to the House and the Government ambushes us with this. I have no idea to what extent this is changing substantially the agreement as gazetted. [*Interruption*]

**Mr. Imbert:** It changed the whole thing.

**Dr. K. Rowley:** So what am I supposed to do? Vote for it, vote against it, abstain? [*Crosstalk*] I am admitting that I am not prepared because the Government did not tell us what was the substance before the House. [*Desk thumping*]

Mr. Speaker, I think that if this Government is to do right by the people of Trinidad and Tobago, this debate ought not to continue until the Members of this House have an opportunity to agree with this. [*Desk thumping*] I can rest assured that it is only the Minister and one or two others who are pretending to know what is here. The rest of the Government does not know. [*Desk thumping*]

**Miss Cox:** We just got it.

**Hon. Member:** “That’s right.”

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**Hon. Member:** Speak for yourself. [*Crosstalk*]

**Dr. K. Rowley:** So the people's business is being conducted, playing blind man buff. [*Desk thumping*]

**Miss McDonald:** Yes, blind man buff.

**Miss Cox:** Blind man buff, man.

**Dr. K Rowley:** Mr. Speaker, we have a duty and I feel very uncomfortable proceeding with this matter, not being able to determine what these clauses represent.

**Hon. Member:** Shame! Shame man!

**Dr. Browne:** Shame on the Government.

**Dr. K. Rowley:** I am appealing to the Government to adjourn this matter until we are properly informed so that we could proceed. [*Desk thumping*]

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker. At this juncture, it really gives me little pleasure to enter this debate on a matter raised by the Minister of Trade and Industry, the Member of Parliament for Chaguanas East, on the CARIFORUM (Caribbean Community and the Dominican Republic) European Community Economic Partnership Agreement Bill.

Mr. Speaker, I just want to address a couple of matters raised by the Leader of Opposition. While on his legs earlier, the Minister of Trade and Industry indicated that it was the intention of the Government to move during the appropriate proceedings amendments to the measure before us. There are significantly three amendments and I want to read what the amendments are because I am hearing opposite about the Government coming with amendments and Members are not aware of what they are and so on.

**3.10 p.m.**

Clause 2, Mr. Speaker, deals with commencement and it says:

“Delete clause—and we should probably find clause 2, so we will know what we are deleting as well. Because I think it might be very, very complicated, I do not know. Clause 2 in the Bill says:

“Articles 16, 20, 27, 31, 67, 68, 72, 81 to 83, 90, 111, 146, 148, 150, 165 to 182, 197 to 201, 237, 238, Protocol III, Appendix III, Appendix I to Annex III, Appendix II to Annex III, Annex IVe, Annex IVf and Annex VI of the Agreement shall come into effect on such dates as are fixed by the President by Proclamation.”

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We are saying delete that and you just insert:

“The Articles of the Agreement as published in the *Gazette* No. 159 dated Thursday 24 November, 2011 shall have the force of law upon the commencement of this Act with the exception of Articles 31, 67, 68, 72...”—and other—“...which shall come into effect on such dates as are fixed by the President by Proclamation.”

So, Mr. Speaker, the Members opposite would have had in their possession this document, the Bill, and the associated—[*Interruption*—the Bill is here. They would have had this—I imagine about three or four weeks ago. When was it laid in the House? I think it was laid about two months ago. So for two months they would have had this document and today having to come to terms with a commencement amendment, which says that certain articles will come into force—not that we are not passing it, we are passing this measure. Even without this landmark, breathtaking, earth-shattering amendment, we are passing the legislation. We are saying that some articles in that document which you have had for two or three months will come into force by such date as the President will fix by Proclamation at a later date.

Now, Mr. Speaker, this for them was enough to rant and rave. One would have thought if the Opposition came to the House, read a Bill, a treaty, an international instrument, they would have been prepared to speak on the policy issues of the Bill. There are significant policy issues. They would have been prepared to speak on trade relations; on the impact on economic growth in the region; on the access to trade on matters relating to the international economy and Trinidad and Tobago’s participation in the international economy; on the substantive higher level issues. But instead, we learned they are not prepared because the President at a later date may bring certain sections into effect. This really speaks volumes of the preparedness of the Opposition. You came with a Bill circulated for three months, the Bill is not amended. [*Interruption*]

**Miss Cox:** That is not true.

**Hon. Dr. R. Moonilal:** How long was it circulated?

**Miss Cox:** Over three months. I do not know.

**Hon. Dr. R. Moonilal:** Oh, you do not know how long. Okay. No problem, we will find it. Those things are matters for the record.

**Mrs. Persad-Bissessar SC:** December 09, more than three months.

**Hon. Dr. R. Moonilal:** I was wrong, I confess. It was not three months, I was wrong. It is how much now? Five months?

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**Mrs. Persad-Bissessar SC:** December 09, 2011.

**Hon. Dr. R. Moonilal:** The beginning of December; December 09. So I was wrong; I apologize. It was not three months; it was circulated for five months. So in five months you could not read and study this to bring the policy arguments; to discuss trade; to discuss industry; to discuss economic and trading growth? You came to tell us: “Listen, we cannot move forward, because we have an amendment which says the President will bring into effect articles at a later date.” That is what we heard today.

Mr. Speaker, let me give you another path-breaking amendment:

“In the definition of ‘Agreement’ insert after the word ‘Annexes’ the words ‘as published in *Gazette* No. 159...”

That is the amendment, you know. Let me repeat it again because it sounds very complicated and sophisticated.

“In the definition of ‘Agreement...’—this is clause 3—“...insert after the word ‘Annexes’ the words ‘as published in *Gazette* No. 159 dated Thursday 24, November 2011.”

That is the next amendment. Mr. Speaker, I was minded earlier to suggest that we take a three-hour break to—[*Laughter*—you thought it was only one person so affected? In clause 4:

“Delete sub clauses (1) and (2) and substitute the following:”

I do not want to read clause 4, but clause 4 is there. But you are deleting subclauses (1) and (2), and hear what you are substituting:

“(1) Subject to section 2, the Agreement shall have the force of law.”

That is the amendment.

**Hon. Member:** Incredible!

**Hon. Dr. R. Moonilal:** Incredible that we can move this at the last minute and pull the rug from under the feet of the Opposition. Let me repeat this earth shattering amendment—[*Interruption*] They were not prepared:

“4(1) Subject to section 2, the Agreement shall have the force of law.

(2) Any amendment to the Agreement shall be published...”

Oho, look at this amendment now, Mr. Speaker.

“Any amendment to the Agreement”—which we are bringing into law—“shall be published in the *Gazette* and laid in Parliament.”

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Well that—I imagine this is the first time it is being done in the western free world:

“Any amendment to the Agreement shall be published in the *Gazette* and laid in Parliament.”

Mr. Speaker, that is the end here, that is it. This is the amendment here. But this was compared to a hot 23 pages of amendments before; it was compared to amendments to DNA; it was compared to amendments to all sorts of things.

You know, had I not been alert, I looked back at the Member for Chaguanas East and paused for a cause. I wanted to know what amendments he brought without circulating and debating and passing in the caucus and Cabinet. And this is what he brought, a commencement to put in the words “*Gazette* 159” and to say “amendment to the Agreement will be published in the *Gazette*.” That is substantive, so we should abandon debate on this measure; this agreement which was circulated for five months, which deals with Trinidad and Tobago’s trading relations. [*Interruption*]

The amendment came today, this one-page thing. The Bill has been circulated. [*Crosstalk and interruption*] This Bill, an agreement, came to you at the beginning of December. Now, I know you all were very busy in December and so on and would not have had time, so you have had January, February, March and April to look at it. [*Crosstalk*] The amendment, the one page which says *Gazette* and two clauses which say commencement came this afternoon to you. I imagine you needed five more months.

Mr. Speaker, you see I am not surprised at all, because the effect of this amendment is three articles; three articles have shifted in terms of coming into effect. Three articles out of over 240, and we heard so much, but you know why? Because there is no other substantial issue to debate. You see the Opposition came this afternoon knowing—[*Interruption*] You want to speak?

**Hon. Member:** You are wasting time.

**Mr. Speaker:** Member, you will get a chance as former Minister of Foreign Affairs to speak. So just take notes “nah.” Continue, hon. Member.

**Hon. Dr. R. Moonilal:** Thank you. Thank you very much, Mr. Speaker. You see there is a reason they cannot find an argument and they will not, because this essentially is a matter the Opposition supports. This is a matter they support, so they cannot come to the House and say: “We support you.” In 2008—I have a

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statement in my hand from the Minister of Trade and Industry. Who was that in 2008?—the hon. Dr. Keith Rowley. February 29, 2008, he was fired later that year I think; was it? I am not sure. Not for this remark.

Mr. Speaker, in this matter, the former Minister of Trade and Industry speaks that he is authorized by the Cabinet, on this matter, to deal with this issue of the Caribbean Forum of ACP States commonly called Cariforum, and to speak in glowing terms about the genesis of the Economic Partnership Agreement (EPA). And he traced—well, you know, the Leader of the Opposition has a historical perspective—he traces the historical economic relationship between Europe, Africa, Pacific—ACP—these agreements, the LOMÉ Convention; preferential goods from former colonies; LOMÉ IV was replaced by another Partnership Agreement, 2000; the 15 members of the ACP.

But this afternoon you could have read this out again. You could have told us about the history of global trade between Europe and the Caribbean. You did not want to come and say: “Look, Mr. Speaker, we agree with this measure; in 2008, we supported it and we agree fully with it.” You come to tell us now there is a commencement clause that came late, because you are in Opposition.

He went on to say on that day: these new agreements would be termed Economic Partnership Agreements negotiated between the EU and the six ACP regional groupings. As part of the trade cooperation relationship there were five fundamental scores:

1. The ACP countries would be required to provide reciprocal market access, that is, open their markets to EU goods.
2. The agreements would provide a framework for enhancing the competitiveness of ACP countries by strengthening their capacity in the services as well as trade in goods.
3. A major focus involved gradual integration of ACP States into the world economy with emphasis on sustainable development and poverty eradication.
4. EPAs would be negotiated in a cluster of six distinct regional groupings: Cariforum, that is...”—[*Interruption*]

Whose words are these? They are your words. So you support the measure. But why you had to “beat around de bush with de” commencement clause? Stand and say you support it.

“5. Development cooperation would be...”—[*Interruption*]

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“Yuh want to speak again?” “You know is these walkabouts” I think you are involved in you know.

**Hon. Member:** Pressure! Pressure!

**Hon. Dr. R. Moonilal:** Mr. Speaker, I saw my hon. friend on a walkabout the other day and I had cause to send a message to the Member for San Fernando East—might be a bit tired. [*Laughter*]

“I would provide some details on the EPA process.”

You see, he was walking with the former Minister in the Ministry of Finance.

**Dr. Rowley:** Mr. Speaker, I am forced to rise on Standing Order 36(1). The issue before us is the amendments; that is the substance of the EPA.

**Mr. Speaker:** Hon. Member! Yes, he will get there, continue hon. Member.

**Dr. Rowley:** “De man pass dey long time yuh know!” [*Laughter*]

**Mr. Speaker:** Yes, I know. I know. [*Laughter*] I am giving him some flexibility, he will come.

**Dr. Rowley:** He is now plagiarizing! [*Laughter*]

**Mrs. Persad-Bissessar SC:** The *Hansard*, is a public document.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I will not read again—[*Interruption*]

**Dr. Rowley:** “Yuh plagiarizing my work!”

**Hon. Dr. R. Moonilal:**—from the outstanding supportive document which the Member for Diego Martin West read in 2008 in support of this measure. I think he understands the point I am making. I will not go on to speak in glowing terms quoting his words, where he supports this measure. So we take it that you support.

But let me get to another issue he raised. He raised the issue with Tobago and the cruise ships. He came this afternoon to announce to us that there is a development in Tobago which meant that employees in Tobago, workers, citizens would have some problems because of a matter involving the Port Authority, the cruise ships and so on. I have quickly, since listening to him, briefed myself on this matter. It is our understanding that there is at this moment a challenge between the Port Authority of Trinidad and Tobago and the agent, one Mr. James Carvalho [*sic*], an agent who represents a particular shipping line. That agent, Mr. Carvalho, I am reliably informed is a former Chairman of the Tourism Development Company (TDC) under the former PNM administration—Mr. James Carvalho [*sic*]. Having left the Tourism Development Company that former Chairman, Mr.

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Carvalho, I am further instructed, became an agent with the shipping line. That was a nice career path, I imagine, that he went on.

**3.25 p.m.**

That agent has been owing the Port Authority for some time, over \$1 million in fees—plus in fees. The agent, Mr. Carvalho, a former appointee of the PNM administration, has refused to pay the Port Authority over \$1 million in fees. The Port Authority has taken a decision that Mr. Carvalho should pay, because he owes them. They have put forward an approach where, through the Tobago House of Assembly, the Minister of Tourism of Trinidad and Tobago, the Hon. Dr. Rupert Griffith, had made a proposal to the THA to support an initiative that would lead to the payment to the port of over \$1 million in fees in the form of a bond, and then Mr. Carvalho can try and raise his money and sort out his business.

But, you know, while I hear the Member opposite—and I agree somewhat, that we have to think of the vendors, the tourism trade and so on, but what of the workers of the Port Authority? Do we think about them? The people who you are owing money to; you are owing money to a company, the Port Authority, if the Port Authority does not collect their money, what happens to their workers, to their business? They go into loss? When they go into loss, what happens? You lay off the Port Authority workers because you cannot pay?

So you have to think around; you have to think of all the factors involved. And if it is that Members opposite may or may not have knowledge of Mr. Carvalho and his operations, they may want to impress upon him that he should sort out his business with the Port Authority to ensure that those ships can dock properly at the relevant port in Tobago, because it is unfair for an agent like that to owe over \$1 million to the Port Authority in charges, then collect more and more money from ships docking there, and just decide, “I am not paying. It is Government, we are not paying”, but the ships are coming in, making their commissions as an agent but not paying, [*Interruption*] and fail to meet the full expectation—commitment to the Port Authority.

So when the Leader of the Opposition raised that, is he suggesting then, that the agent be allowed to get away, to flee, with over \$1 million in nonpayment to the Port Authority? Because you are quite concerned about the tourism industry, as we all are. So I am sure that the deputy political leader of your party in Tobago, Mr. London, would like to work with the Ministry of Tourism and come to some quick compromise to ensure that that situation is addressed, but it will involve, as well, the Tobago House of Assembly, the Ministry of Tourism and, of course, the man in

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the middle of it all, Mr. James Carvalho, [*sic*] who has been delinquent in paying—for how many years?—for many years, and he was very fortunate to get a career path. [*Interruption*]

Mr. Speaker, I am told it might be Mr. Charles Carvalho—I am sorry to say Mr. James. If it is the same person, well, “is the two ah dem” doing something. [*Crosstalk*] Mr. Speaker, “Leh we keep the name as Carvalho”, because then there would be no doubt.

The point is, we cannot also condone this type of lawlessness, this type of abuse of state funds where people are agents making profits, making revenue off their business and not paying the requisite state funds. It is like not paying a licence, not making use of a particular service. That is not something Members of Parliament should condone easily, and if it is their intention to do so, I ask them to desist from doing that. The measure before us is very clear from the statement of the hon. Minister of Trade and Industry; will go a long way, as the Opposition recognizes today, to assist us in building a more resilient economy and promoting and intensifying our trade relations with the European Union and with regional partners.

There is a possibility for potential revenue effects; there is a possibility to secure further agreements for duty free, quota free access to markets of the European Union for almost all products, of course with the exception of certain prime agricultural products. We believe that various non-competitive and sensitive manufactured products may also be included under this process of liberalization.

It is at times like this that we must also consider the issue of services and investment. We all believe on this side—and I think it is a measure the Opposition shares as well—that you cannot diversify the economy unless you move away from the extractive commodity markets and get into services and investments, and to do this we must ensure that Trinidad and Tobago develop into a regional hub, financial and service hub.

You see, Mr. Speaker, for years we have been talking about diversification; for years we have been talking about making Trinidad and Tobago Vision 2020; developed country status, and while for 10 years we have been talking about Vision 2020, we are still not clear on what it meant. Did it mean getting water to people? Did it mean fixing roads?

**Mrs. Gopee-Scoon:** What is your vision?

**Hon. Dr. R. Moonilal:** I am always impressed every week by the very hard-working Member for Point Fortin. My vision is to see you leave the house you

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are squatting in, in Point Fortin. That is my vision. If you asked me, that is my vision. [*Crosstalk*] But she asked me my vision.

**Miss Mc Donald:** Mr. Speaker—

**Hon. Dr. R. Moonilal:** I was asked what is my vision, and I answered.

**Miss Mc Donald:**—36(5), insulting! Please. You were going good all the time.

**Miss Cox:** Withdraw! [*Crosstalk*]

**Hon. Member:** A very limited vision.

**Mr. Speaker:** I would like the hon. Member for Oropouche East not to impute improper motives to the Member for Point Fortin, please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I would like to withdraw my vision. [*Laughter*] It may be my mission, but I will withdraw my vision for now.

Getting back to this matter before us, Mr. Speaker, the fact that we will now seek to diversify our economy means that agreements like these are critical. Recently, I had the opportunity to travel to China and Singapore and I want to indicate that when you go to these capitals and you look at developments there and you see what really is an international financial centre, you see what really is a business capital, you can come back and you can look at Port of Spain and Trinidad and Tobago and suggest that we have potential, but we have a long way to go. But we have started.

You see, Mr. Speaker, in developing a vision for a financial and services hub, you have to ensure that you have the incentive framework to attract trade and investment, to attract the hosting of transnational corporations. Global business is not done primarily through governments; it is done through transnational corporations, multinational corporations, and capital measures themselves; by how many multinational corporations are either headquartered or have significant offices.

There are some places in Asia that boast that they have 2,000 multinationals with offices. Singapore, I am told, has 9,000 multinationals present. When people go there, you have to ensure that you have entertainment, recreation, business; that you have the capacity to manage millions of people coming into a city. On an island you must have the capacity, of course, to manage foreigners living in your country, with proper transport. [*Interruption*]

I think the Member for Point Fortin—something is bothering you there. You are very irritable. It may be something on the seat, I do not know.

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The fact is that capitals and nations need to develop this capacity to host business, and the Minister of Trade and Industry—I want to compliment him—in collaboration with the Trinidad and Tobago Manufacturers Association, will host the Caribbean Investment Forum, I imagine in a few days in Port of Spain, in which Port of Spain will become, again, the showpiece of the Western hemisphere in hosting business on very important discussions on clean technology, on trading arrangements and so on.

The Minister of Trade and Industry himself, along with the Prime Minister, the Member for Siparia, and others, have done an enormous amount of work in marketing Trinidad and Tobago abroad to ensure that we attract business; we attract funding; that the local business sector expands; that we have arrangements like this in place so that we can embark upon fulfilling our mandate to diversify the economy by building a strong financial and service sector economy. The opposite of this type of initiative is to remain in a cocoon; is to remain with a vision that does not allow us to develop outside the energy sector; that allows us to see Trinidad and Tobago's future economic participation in the global economy as one driven by energy, particularly oil and gas.

Measures like this, as the Leader of the Opposition admitted, operates with an important instrument to promote Trinidad and Tobago's growth and this is why, of course, they were so proud to be part of a government at that time that supported such implementation.

Mr. Speaker, as Trinidad and Tobago aspires to their nirvana of sustainable development to a status where all our citizens can enjoy a high quality of life, a knowledge-based driven economy with a strong financial and services market, we must ensure that Trinidad and Tobago interacts with all regions of the world that can promote such a development.

This country has professionals in such sectors as accounting, tax advisers, architects, engineers, urban planners, doctors, dentists, nurses, various health professionals, computer technicians, researchers. The fashion industry is also emerging here in a very positive way. All our artistes, nationals of Trinidad and Tobago who are contractual service suppliers—Caribbean firms and elsewhere—can secure contracts for services within the framework of this agreement. They can move around the region and, increasingly, the hemisphere, to ensure that they perform their duties and they seek opportunities and, indeed, they remit back to Trinidad and Tobago.

Mr. Speaker, I want to reiterate that it is noteworthy that architects have already begun seeking to take advantage of the opportunity presented by this agreement.

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Indeed on November 19, 2009, the Architects' Council of Europe and the Caribbean Architects signed a Memorandum of Understanding stating their intent to establish the essential basis and criteria to a mutual recognition and to work towards determining conditions for recognition, as well as the level of cooperation. By 2011, the Caribbean Architects met with the Architects' Council of Europe to negotiate a mutual recognition agreement as required under this EPA to facilitate the provision of services. Those negotiations are continuing.

In the area of entertainment services, artists, musicians, entertainers, cultural practitioners, will be able to access the EU market by way of a registration process. One important service that the Caribbean has to offer the world, indeed, in the area of culture, is those cultural services, and that is something that almost by generations we have never been able to properly monetize as an asset. We see assets in the typical, classical, economic sense of land, capital, but services such as cultural services, remain an untapped asset that can be monetized for the development of any nation state.

We are proud to say that the Ministry of Arts and Multiculturalism, under the leadership of the Member of Parliament for Mayaro, has already developed a programme, the National Registry of Artistes and Cultural Workers, to facilitate this registration process for our artistes. The registration and certification processes will be facilitated by an assessment committee for the national registry of artistes and cultural workers and the certification of audio-visual and video productions. It is clear that this agreement will support a favourable investment climate. Investment opportunities will be enhanced as a result of the security provided to investors, market access and national treatment, subject to stated conditions and qualifications.

The EPA has put in place a predictable and permanent trading arrangement for the export of primary and manufactured goods. Trinidad and Tobago maintained a trade surplus with the EU, growing from US \$.9 billion in 2006 to US \$1.7 billion in 2011—trade surplus. The major items Trinidad and Tobago exported to the EU were: mineral fuels and oils; organic chemicals; iron and steel; inorganic chemicals; fertilizers; beverages and spirits; machinery parts; cocoa and cocoa preparations and miscellaneous food preparations—TT \$10 billion trade surplus. Well done.

Trinidad and Tobago, as part of Cariforum, is now guaranteed duty-free quota access, free access for exports to the EU with temporary exception of sugar. Though we were also required to liberalize our import duties with the exception of certain sensitive sectors, this liberalization will be gradual.

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[HON. DR. R. MOONILAL]

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**3.40 p.m.**

Mr. Speaker, we are extremely pleased that Trinidad and Tobago has maintained a positive trade balance with Belgium, France, Hungary, the Netherlands, Portugal and Spain during the period 2006—2010. Of these, our largest export partner is Spain. Trinidad and Tobago exported to Spain, US \$676 million worth of goods in the past, in 2006.

We have improved our trade relations with the United Kingdom, Luxembourg, Greece and Cyprus, shown by a movement from trade deficits in 2006 to trade surpluses in 2010. Some of the subject areas negotiated under this agreement were trade facilitation, competition policy, public procurement, protection of personal data, innovation and intellectual property. The negotiating disciplines are intended to enhance the integration of developing regions such as ours into the world trading system.

It is interesting to note, in the area of trade facilitation, that agreements that have been made to improve communication, reduce red tape and bureaucracy and simplify custom rules will make the process of trade easier. In addition, our customs authority will benefit from cooperation activities geared towards this modernization.

As part of the EPA provisions, the Tenth European Development Fund (EDF), Caribbean Regional Indicative Programme will provide €1,065 million, which is a 190 per cent increase from the Ninth EDF Programme. The sum of €72.1 million has been programmed specifically for EPA capacity building in the region. We expect that Trinidad and Tobago will benefit from the €72 million for capacity development in the region. It is a pity we could not benefit to pay the Port Authority some of that money owed by the great Carvalho.

A note has been passed to me that this man Carvalho has been owing money for many years. [*Interruption*] A PNM. You “doh” know him. He would have gotten away with it under the former administration, but the problem really is that with this administration, the ship “bounce-up” and he cannot get away with it under this administration and that has led to the matter being raised today. I am told that he got away with it for several years under the former administration.

A meeting has been scheduled to discuss the matter. I can announce to the Parliament that a meeting has been scheduled to discuss this matter involving the Port Authority chairman, Mr. Joseph Toney, the Minister of Transport, Hon. Devant Maharaj, the Minister of Tourism and Technical Officers of the Tourism Development Company, Port Authority, Ministry of Tourism and, indeed, the

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Tobago House of Assembly. It is a matter we are treating with seriously and we are hoping that Mr. Carvalho would satisfy the requirements and the probity implicit under this new administration.

Back to this agreement, Trinidad and Tobago has been provisionally applying the EPA, with effect from October 31, 2008. The Government of Trinidad and Tobago now seeks to take steps to give effect to the EPA at the national level. To this end, Cariforum, the agreement has been prepared. I do not want to get into the Bill; I think the Minister already dealt with some of the issues and highlighted for us those clauses intended for enforcement at a later date as per the proclamation by His Excellency The President.

Given this measure today, it is also important that we place this measure within the overall framework of the People's Partnership manifesto and the drive of the Government of Trinidad and Tobago to ensure sustainable development, economic growth and investment that goes beyond the reach of the primary energy sector in Trinidad and Tobago.

Our Government has been taking various measures to address the challenges to the implementation of the EPA that were previously outlined and to assist business and service providers in taking full advantage of the opportunities of this agreement.

We were extremely happy to note, from the Minister of Trade and Industry, that the Ministry established its Trade Implementation Unit in October 2011. The core mandate of the Trade Implementation Unit is to ensure that Trinidad and Tobago fulfils its obligations under all existing and future negotiated trade agreements, including the EPA. In addition, the Ministry has responsibility for advancing the delivery of Trinidad and Tobago's trade and economic interest, with special focus on market access openings for goods and services through this agreement.

Mr. Speaker, I just wanted to make the point that this agreement is like other measures. We have come to this Parliament on numerous occasions and brought Bills, whether on human trafficking, DNA, Children Bill; and when you look at the history, those are measures that should have been passed 10 years ago.

Human trafficking was a matter they raised in 1978. This administration, in the First Session of the Tenth Parliament passed the Bill on human trafficking. Many of the Bills we are bringing to Parliament, we bring after 10 years of languishing in cupboards with dust and cobwebs. We bring them and we ask the Opposition to support because, on some occasions like today, it is essentially measures that they have developed. We ask them to support, but there are measures before us which have been there for 10 years and more and they just could not bring the legislation to passage.

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What do we have to do? Today we have to embark on that process, a joint process, of developing new legislation, new initiatives, new policies but, at the same time, implementing effective legislation and policy which the former administration could not have passed.

One wonders what was the “keepback” for this.

**Mr. Sharma:** Lack of intelligence.

**Hon. Dr. R. Moonilal:** I really do not believe the Member for Fyzabad, that it was simply a matter of lack of intelligence. It may have been contributory, but I do not think it is that. It is a question of political will. If you have the political will, you will take action. [*Interruption*] I want to tell the Member for Point Fortin that her distinguished leader, the Member for Diego Martin West, is occupying himself with those high matters of the CCJ and she should really refrain from discussing them. You consider Borough Day tomorrow or something.

**Mrs. Gopee-Scoon:** Mr. Speaker.

**Hon. Dr. R. Moonilal:** What have I offended now?

**Mrs. Gopee-Scoon:** 36(5).

**Hon. Dr. R. Moonilal:** Please ignore her.

**Mr. Speaker:** Member for Point Fortin, you rose on a point of order, then you proceeded to utter words that are very unparliamentary. I ask you to withdraw those words in terms of what you have just said. You know what you have just said.

**Mrs. Gopee-Scoon:** Thirty-six five?

**Mr. Speaker:** No. What you said about the Member for Oropouche East. You do not know what you said? You do not know what you said? Since you do not know what you said, continue, hon. Member.

**Hon. Dr. R. Moonilal:** Thank you very much, Mr. Speaker. Let me get back to what I said. On the matter of the CCJ, I heard some muttering opposite on that. That is not a matter before us now. That is a matter that the Leader of the Opposition and the Prime Minister, an hour or two ago, were in discussions on. It is not a matter that is properly before us, neither is it in the Bill nor in the debate.

I was making the point that when we come with legislation, we bring legislation that would be new and policy that would be new. On this matter today, we have to go back to 2008, four years ago, to have a measure today to meet and treat with commitments that have been made through a process of international negotiations, through several processes, which have led us now to the Parliament, incorporated

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into domestic law, an agreement. While the lead time on these things are burdensome because of sheer procedure, once you have international agreements and international partnerships, almost by definition, you would have a stringent bureaucratic procedure and we cannot take the risk of abandoning these measures.

At a time when Trinidad and Tobago faces several challenges and the Government has risen and we are confronting those challenges, a major one is our economic expansion. We believe that under the distinguished leadership of the Member for Tunapuna, the hon. Winston Dookeran, we have finally stabilized the economy of Trinidad and Tobago. We believe that the—my friend, the Member for Diego Martin West continues—

**Dr. Rowley:** [*Inaudible*]

**Hon. Dr. R. Moonilal:** No, no, the kissing was at your walkabout two days, when you were taking a stroll with a former Minister of Finance. I noticed no PNM jersey; no PNM shirt. I saw you strolling. I want to tell you that it is only the leadership that you took over; nothing else. It is “putna”.

Let me move on before offending my Member of Parliament. I may send him a note on Facebook. [*Laughter*] I am pursuing his interest here.

The matter I am raising is that, in this domain, we have now to come four years later to clean up the mess that we were left with. Coming into office, the Clico matter and the HCU matters were matters that threatened to destroy this economy in an unbelievable and unimaginable manner. Today, with the prudent management of the Member for Tunapuna, with the guidance of the Prime Minister and the Cabinet, we can say that that matter, Mr. Speaker, is behind us. There is still some turbulence involving some court matters, but that matter is by and large behind us and that was the biggest economic threat facing the region when we came into office that this Government was able to tackle in 22 months. That is the progress. [*Desk thumping*]

I hear Members opposite when they talk inside the Parliament and outside. I hear a lot of talk inside and outside about change, exchange, short-change and all these things. These are clichés and old lines we have been hearing for 25 years, so there is nothing new about that. I want to tell them that the change came when we were able, in 22 months, to deal with that regional debacle of Clico in Trinidad and Tobago. That is the change that persons voted for. The change is that, having dealt with that, we can now look in the newspaper and see certain signs emerging. Inflation is down; unemployment is down. When we were entering office—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. E. McLeod*]

*Question put and agreed to.*

**3.55 p.m.**

**Hon. Dr. R. Moonilal:** Thank you very much. So, Mr. Speaker, I was making the point that the Members opposite and some in the national community, accompanied our entrance into office with this notion of doom and gloom, and apart from putting timetables on us as to how long the Government would last and so on, the Member for Siparia has managed the first five-party administration in the Western hemisphere and in the Commonwealth for two years.

Mr. Speaker, while the Member for Siparia held a five-party one Government, the Member for Diego Martin West could not hold a one-party Opposition together. While the Member for Siparia held five parties in a Government, one could not hold one party in an Opposition. Mr. Speaker, what will hurt them is when we celebrate our record. Do you know what will hurt them? I want to prepare them, because they need some psychotherapy to be prepared for what will come in May. You see, on May 24, 2012 we will go to report again.

**Dr. Rowley:** Mr. Speaker, Standing Order 36(1).

**Hon. Dr. R. Moonilal:** What is offending you now?

**Dr. Rowley:** Mr. Speaker, Standing Order, 36(1), relevance.

**Mr. Sharma:** Nonsense!

**Miss Mc Donald:** What is the relevance?

**Mr. Speaker:** Member, if you could connect your points, I will appreciate it very much, please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I am dealing with this Cariforum Agreement which promotes trade investment and economic development. I am outlining the economic development of Trinidad and Tobago for the last two years. [*Desk thumping*] I do not know if Members opposite understand that. I am saying that on the 24th, a few days from now, we will report to the nation, on our progress on economic trade development. In fact, in that report, we may well be quoting from this Cariforum Agreement. I expect the Member for Chaguanas East to be speaking at length at Mid Centre Mall on this Cariforum Agreement.

So, Mr. Speaker, the Cariforum Agreement before us deals with economic growth, trade surplus, investments and services, and we are giving a report to the

nation on the 24th on these matters. It will hurt them, because when they look at their TV and listen to their little old transistor radio, they will hear noise of people supporting and they will see crowds and it will hurt them. It will affect them, it must. It will scare them. The Member for Point Fortin will be in mortal fright by the notion of losing that marginal seat of Point Fortin.

**Mrs. Gopee-Scoon:** You try!

**Hon. Dr. R. Moonilal:** And tomorrow, some of us will descend to Point Fortin Borough Day, to meet the good people of Point Fortin and to bring saviour to them, to save them from poor representation. Mr. Speaker, the point is that this EPA will manage and guide the implementation at the national level to ensure that the opportunities and benefits available under negotiated trade agreements are fully exploited by existing manufacturing service exporters, entrepreneurs and the general public.

Mr. Speaker, on the notion of entrepreneurial development, I want to compliment the Minister of Labour and Small and Micro Enterprise Development, who has finally brought transparent management to Nedco of Trinidad and Tobago. [*Desk thumping*] Mr. Speaker, that Nedco was an abused institution used to pilfer, embezzle and scatter money all over Trinidad for party operatives and activists.

**Miss Mc Donald:** Mr. Speaker, Standing Order 36(5); totally imputing improper motives—I am on my feet, Sir—Standing Order 36(5). [*Crosstalk*] You do not speak to me. [*Laughter*]

**Mr. Speaker:** I am waiting for him to proceed, and I will guide him if necessary. Continue.

**Hon. Dr. R. Moonilal:** Thank you very much, Mr. Speaker. I am making the point that programmes before that deal with entrepreneurship, a critical part of domestic investment and domestic economic activity were abused and funds were disbursed.

**Hon. Member:** To whom?

**Hon. Dr. R. Moonilal:** To persons known to the former administration—

**Mr. Sharma:** Friends and family!

**Hon. Dr. R. Moonilal:**—and to persons known to them. I am not identifying any Member of Parliament. I am not identifying anyone, but persons known to them. The Member for Pointe-a-Pierre has been able in 22 months to bring order

and do stocktaking of that critical institution, Nedco, to ensure that public funds, taxpayers' funds that are expended go to persons who are deserving; persons who will repay their loans, generate economic activity including domestic employment at the small and micro level, and ensure that those funds revolve. Mr. Speaker, there is a culture in this country where any time you call a fund a "revolving fund", the only thing that you are sure about is it does not revolve. [*Crosstalk*]

**Mr. Sharma:** Or it revolves around the PNM only.

**Hon. Dr. R. Moonilal:** It may have revolved. The Member for Fyzabad has a lot of experience dealing with the Opposition over the years and he knows. The Member for Fyzabad who acknowledged last year his two decades of representation to the good people of Fyzabad who have returned him here on seven consecutive occasions, Mr. Speaker, would have known the work of the PNM over the years. So, today, we depend on him for his insights, observations and guidance, because he knows the PNM well. If he is telling us today that the PNM abused that programme then we have to listen to the Member for Fyzabad, because he would have had the experience and the knowledge and would have seen that firsthand.

Mr. Speaker, the Government, through the Ministry of Trade and Industry has engaged in a series of activities to enhance the awareness and understanding of exporters and service providers in respect of the agreement. These include the official launch of the EPA held way back in 2008 but, Mr. Speaker, there have been many seminars and workshops and so on that promote the objectives of these agreements. The Ministry has been working with the TTMA and has supported recent trade missions undertaken by Trinidad and Tobago to Hamburg, Munich, Germany and Rotterdam, et cetera.

Mr. Speaker, the Member of Parliament for Diego Martin West raised another matter earlier and I just wanted to clarify. I think there is an understanding on both sides of the House that to promote Trinidad and Tobago's image and attractiveness to the international world, you cannot stand on the Brian Lara Promenade and shout at the top of your voice, "Come and invest here." [*Desk thumping*]

You cannot go down San Fernando and jump up on the old train engine and say, "Come and invest in San Fernando, come and see country." You cannot do that. You cannot stay in Charlotteville and jump up and say, "Come and invest here." You have to travel and you have to make these business links, the connections, with critical persons in government, in the private sector and in labour unions. You have to make that critical jump to ensure that the international community knows where you are. [*Crosstalk*]

Mr. Speaker, my friend, the Member for Diego Martin West, I imagine has also been to India recently. He came back with a—

**Mr. Sharma:** There is a lot of “*kuchoor*”.

**Hon. Dr. R. Moonilal:** Yes, he came back making more “*kuchoor*”, we noticed. [*Crosstalk*] Mr. Speaker, he says he make a lot of “*janjat*”. [*Laughter*] Thankfully it is not a “*jandee*”. Mr. Speaker, travelling that way is the way that you attract the investment. There will always be parliamentary questions. Whoever is in Government and Opposition, there will be questions about travel. You can bet, because that is something you will want to ask and you want the media and the country to know, and it is proper.

You want to know how many people went and how much money was spent and so on, but what you cannot doubt is the importance of getting out there and marketing your potential. You cannot doubt that. What you will argue about is, of course, the cashier—how much it will cost and who will go and so on. You will argue that and that will happen all the time. We imagine that will happen. You go there and you see development.

Now, I am not in a position to say that that trip embarked upon in 2007 in which the Government of the day spent \$7 million for an Asian trip. [*Crosstalk*] It was not just India. It was called the Far-East trip. It was like Hercule Poirot, *Murder on the Orient Express* [*Laughter*] a train that just goes through everywhere. They just “gone” everywhere. In fact, it was *Murder on the Orient Express*. They just travelled. They were looking for business and they say, “Listen, we cyar settle in whether it is India or Singapore, man let’s go everywhere.” They took a cool \$7 million and said they are doing that. How much was entertainment for that.

**Hon. Member:** Three!

**Hon. Dr. R. Moonilal:** Mr. Speaker, to make the place a little nice, and to let people hear some pan and so on, they took a \$3 million. They say, “Look, we carrying some entertainers.” Mr. Speaker, \$3 million gone!

**Mr. Sharma:** Who was the Chutney singer on that?

**Hon. Dr. R. Moonilal:** I do not know about the Chutney and thing. Mr. Speaker, in 2007, they could not fix one country, but they decided to go to all. [*Crosstalk*]

**Mr. Speaker:** Members for Fyzabad and Point Fortin, please.

**Hon. Dr. R. Moonilal:** Well, you know, they are neighbours, so I imagine they are discussing some mutual business. [*Laughter*] In 2007, the then government did

not fix any one country they said, “Look, leh we take de whole region.” Mr. Speaker, \$7 million gone! Mr. Speaker, \$3 million for entertainment, because wherever you go you will want to entertain. They hit the taxpayers \$3 million for entertainment, \$7 million in all.

Now, they come and ask one question 26 times. So every week you are hearing about some trip to India. It is the same question that is filed 26 times. They are not acknowledging that all governments, regardless, must ensure that they have appropriate travel delegations, and that they are led at the highest level. They will come with the composition of delegation and that is their right, because they have nothing else to do.

These delegations are led, in the case of the current Government, by none other than the Prime Minister of the Republic of Trinidad and Tobago, the Member for Siparia. When you go with a delegation led by a Prime Minister, a receiving nation sees you differently when you arrive with your head of Government. It suggests that you are serious. It is not a case where the former Prime Minister, Member for San Fernando East, attended about 10 international fora and he never took the Member for Point Fortin on any; the Minister of Foreign Affairs.

**Mr. Sharma:** We could understand why.

**Hon. Dr. R. Moonilal:** I am not saying he was incorrect. I am not saying he was wrong. I am just acknowledging that he did not. Clearly, we would think he would be reasonable. So, Mr. Speaker, the former Prime Minister has been all over the world—I remember him traveling all over—but he led because he believed, the Member for San Fernando East, in his wisdom, that it was important that the leader, head of government lead that charge. Whether we like it or not, when you go to foreign governments and major institutions—do you know that in some of those countries they have multinational corporations with 20 times the size of the budget of Trinidad and Tobago? You will meet the president of a corporation, and his budget is 20 times the budget of Trinidad and Tobago.

So, Mr. Speaker, when you are interacting [*Interruption*] Yes, of course, the Governor General His Excellency of Canada.

So, Mr. Speaker, when you meet men and women like this, they are eager to meet your head of government, because they want to convince themselves that you are serious. Could you imagine if the Member for San Fernando East as Prime Minister decided that he was not travelling, and to lead a business delegation he asked the Member for Point Fortin? What would have happened?

Could you imagine if the former Prime Minister said, I am not travelling, and I ask the Member for La Brea to lead the delegation? What would have become of this country? He would have gone there and marketed a long rope for a “maga” goat. Mr. Speaker, the former Prime Minister in his wisdom understood the importance of that. It is a pity that the current Opposition Leader is not mindful to lift his mind and understand the importance of a leader of government playing that role.

Mr. Speaker, the advantages and the benefits from those trips are already at our doorsteps. We have had expressions of interest from businesses in Brazil. Well, of course, in India, all the time, and in Africa. One of the leading growth poles in this early part of this century—this is related to the exploitation of mineral resources as well—is in Africa. You think now of Ghana, Niue, Tanzania, Mozambique and some of these countries—traditionally Nigeria, now increasingly Uganda. It is important that the Caribbean, as a region, and Trinidad and Tobago as the leader of the region, in that sense, get into Africa and promote business cooperation and investment in an area where we have significant ties historical, cultural and diplomatic and we share a common legacy.

Mr. Speaker, the Member for Port of Spain North/St. Ann’s West understands that initiative. She understands well, the need to get to Africa for trade, investment and business. I am sure that the Member for Port of Spain North/St. Ann’s West will make a trip in the coming months, to ensure that the good work of the citizens of Trinidad and Tobago would continue.

#### **4.10 p.m.**

When you have areas of the world emerging like this, as I have described in Africa, a lot of people know about Singapore, India and China—it is important that your Government is represented, it is very critical, and the Ministry of Trade and Industry continues to do a very good job in promoting this country’s initiatives outside, and promoting our business sector.

So this EPA marks a milestone in our trade and economic development, in which we intend to enter a new era of trading relationships. It is the result of an agreement that provides opportunities, and challenges—as you know, a lot of this business is also dictated by trade agreements, commercial law, international law and so on. Several of our Cariforum brothers, namely Antigua and Bermuda, Belize, Dominica, Dominican Republic have already ratified the EPA. Belize, Dominican Republic, Grenada, Guyana, St. Kitts/Nevis, I am informed, have taken the necessary steps to action, to initiate trade tariff liberalization under the EPA. Ten

European member states have also ratified the agreement; these are for the record, Denmark, Finland, Greece, Italy, Malta, Slovakia, Lithuania, Spain, Sweden and indeed the United Kingdom.

So, Mr. Speaker, Trinidad and Tobago finds itself in pleasant company in the community of free nations and developed nations. We find ourselves in pleasant company, that we are now in a position to take advantage of this, and I keep repeating, that this is not the only measure, it is certainly not the only measure. They have also concluded agreements with other Central American, I believe, neighbours.

On this matter, the reason the Opposition could not find a debating angle, is because it is really part and parcel of their own policy development as well. They have had the former Ambassador to Caricom, the very distinguished Ramnarine Narace, aka Jerry Narace—[*Interruption*]

**Hon. Member:** Oh God, look who they end up with!

**Hon. Dr. R. Moonilal:** —the very distinguished Ramnarine Narace, was Ambassador to Caricom, and he had also made some inroads.

**Mr. Sharma:** He brought some facials to the country.

**Hon. Dr. R. Moonilal:** Yes, he made a facial change to the Caribbean investment landscape. The work that—[*Interruption*] he brought the good people of Fyzabad. So that former Ambassadors of the other side and other Ministers who have contributed to this would also be Minister Mervyn Assam, former Minister of Trade, distinguished son of the soil, and our Ambassador. We have also had contributions from former Minister Ken Valley. We have also had, of course, the invaluable contribution and support, for the short time he was there, the former Minister of Trade and Industry from Diego Martin West. Although serving a short time, I think he contributed, he read a statement in Parliament.

Mr. Speaker, the milestones in the implementation of the Cariforum, EUEPA, just to put in context; in May 2010, the Cariforum Joint Council held its inaugural meeting in the margins of the Latin American EU Summit in Madrid. At the end of 2010, the Council adopted the Bahamas outstanding services and investment commitments in the EPA.

Indeed, a new director general of the Cariforum directorate was appointed in the Caricom Secretariat, Mr. Ivan Ogando, who assumed the position in June 2011, and will also serve as Cariforum EPA co-director.

Mr. Speaker, five Cariforum States commenced their initial reduction of tariffs on January 01, 2011, namely, Belize, Grenada, Guyana and St. Kitts and Nevis. Trinidad and Tobago, today, and Jamaica, are proceeding with an omnibus Bill which will cover the whole process of tariff reduction, and it is expected that this will be the general approach by many of the States in the region which are yet to implement tariff reductions.

Barbados, Jamaica and Trinidad and Tobago joined Suriname in seeking to restrict the importation of certain used vehicles, by means of a joint declaration similar to that which permitted restrictions by the Dominican Republic. The EU determined that the proposal for an extension of the treatment accorded to the Dominican Republic to enter these States, did not constitute the correction of an error. So that there have been some developments involving the interpretation as well.

In terms of the future, this initiative, we believe, will open markets to developing countries such as our own. We believe that easier access to markets, enhancing our trade surplus position, providing support for other regional partners, may well be outcomes of this agreement. By bringing this piece of legislation our Government seeks to implement the EPA so that the benefits which will be available to our citizens, under this agreement, can be realized.

It has taken some time, but we are pleased with the support of the Opposition to be here, and we are pleased to be in a position to table this Bill.

In the few minutes remaining, I hope by now the Members opposite would have had a chance to study the one-page amendment, the four lines. I hope they would have had a chance to study this amendment—[*Interruption*]

**Mr. Sharma:** Maybe they need some more time.

**Hon. Dr. R. Moonilal:**—but they may get some more time, the Member for Fyzabad has been preparing to speak on this measure for the last five months, since it was circulated. So, we would like to give them more time to study the commencement amendment, we would like to give them some more time. I have been informed by my caucus that there are about three or four speakers on this matter, who would be eager to ensure that the Opposition has sufficient time to study this amendment, that was circulated today, dealing with commencement, and including published in the *Gazette* No. 159, and including any amendment to the agreement shall be published in the *Gazette* and laid in Parliament.

After giving my friends almost 75 minutes to read and study these amendments, I would ask that when I am finished in a few minutes, if they would have any

violent objections to these rather earth-shattering amendments; if there would be any revolution, if we decide to amend to ensure that future amendments to this agreement are published in the *Gazette* and laid in the Parliament. If you are in support of that, say yes; if you are not in support of that, say no.

I would like to ask them that the other amendment to have this agreement—the agreement shall have the force of law. If you are in agreement, say yes, if not, say no, because this is far-fetched measure that they wanted to read; they wanted five months to study that too.

I want to take the opportunity, as I always do, to compliment my friends opposite on their support for this measure because while I know that we cannot count on their support for every measure, and there are times when they bring very critical comments to the Table, I also wanted to make the point, and it is a point that the Leader of the Opposition, I am hoping that he would accept in good faith, that when we do bring amendments, and sometimes the amendments are numerous, you know 80 per cent of those amendments, at times, are the work of the Opposition. So, we bring the amendments because this Opposition, not this Opposition there—Mr. Speaker, there are two arms of the Opposition, in the other place, they have a very critical Opposition there, they do not always agree with this Opposition. That is a challenge the Government is facing, they oppose, the very honourable and distinguished leader of that side, I think his name is Mr. Ferrawri [*sic*] [*Crosstalk*] Ferrari is the car, Sen. Al-Rawi, has been very helpful with legislation.

**Mr. Speaker:** Let us not deal with the Senate. [*Crosstalk*]

**Hon. Dr. R. Moonilal:** Okay. If I would be permitted to speak— [*Crosstalk*] the point that we are making— [*Interruption*]

**Miss Cox:** Like he like Al-Rawi.

**Hon. Dr. R. Moonilal:**—the point that I am making is that, we have to manage the Opposition. [*Crosstalk*] They have brought on several occasions, with the exception of Laventille East/Morvant— [*Interruption*]

**Miss Cox:** Do not call my name.

**Hon. Dr. R. Moonilal:**—“Wha yuh go do?” [*Laughter and crosstalk*] “Wha yuh go do?” I might have to go and apologize. I want to say that the fact that we have brought amendments, on several occasions, to major pieces of legislation, is also testimony to the contribution of Members opposite, in that they do make critical observations, and Ministers on this side, unlike the past, I want to make this point— [*Interruption*]

**Mr. Roberts:** Make that point.

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*Friday, May 04, 2012*

**Hon. Dr. R. Moonilal:**—many of the Members here may not have been here prior to May 24, 2010. When I sat, with pride and honour, in the Opposition for 10 years, the former administration they had Members, many of whom are not here by definition, when the former Opposition would make contributions and critical comments their attitude was, “We is de Government, you is the Opposition, we not agreeing with you on nothing, we not agreeing with you on nothing”. They had scandalous—and at that time we could not have amendments. This Government has taken that approach where, if Members opposite raise suggestions, critical comments, and we could include them in our measure, notwithstanding the parliamentary majority that we have—

Mr. Speaker, you know when they were there at one time they had no parliamentary majority, and they still did not want to take the help of the Opposition. Today when we have this parliamentary majority, we still accept the Opposition’s views.

**Dr. Gopeesingh:** That is democracy.

**Hon. Dr. R. Moonilal:** That is democracy because we see Government working as one, Government and Opposition in the Parliament constitute the overall governance of Trinidad and Tobago, and we see our friends opposite as persons who are the alternative Cabinet.

The Member for Diego Martin West is an alternative prime minister of this country—*[Interruption]*

**Mr. Roberts:** What!

**Hon. Dr. R. Moonilal:**—and he is on the move *[Crosstalk]* delivering speeches and walking and so on. The Members opposite could be in Cabinet, you know. If there is a nightmare that takes place, who knows? *[Crosstalk]*

**Mr. Sharma:** That would be a long, long road. *[Crosstalk]*

**Hon. Member:** That would be the Minister of National Security.

**Hon. Dr. R. Moonilal:** Well, Member for La Brea could be anything.

**Mr. McLeod:** He is the alternative but he will not alternate.

**Hon. Dr. R. Moonilal:** So that Members opposite, we assure them that we take them seriously.

**Mr. Speaker:** You have two more minutes, hon. Member.

**Hon. Dr. R. Moonilal:** Sure, and if it is that we bring amendments that are lengthy, and many pages as they complain, it really is a tribute to you that we take your comments, we take on board your ideas. Sometimes because of the practical

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management of the Parliament, it is not always possible to give all these amendments days before, it is not practical sometimes. So if we do that, and you are offended, we try our best; on the next occasion, we would try our best to give you the amendments during the week, you can sit with them, you can look at them, you can read them, you could colour them up, so that we will give you an opportunity to look at them, but there are days like today, when really, you are dealing with “commencement”, “include in the Gazette”, and “lay in Parliament” which really we do not think are amendments that really we should have had a full semester studying them. Because that is what they had with this Bill, they had a complete semester. Dr. Gopeesingh is a great lecturer; we gave them a semester to study it.

I want to end by complimenting the very distinguished Minister of Trade and Industry, [*Desk thumping*] Member for Chaguanas East, on the excellent work that he has been doing in reaching here. I want to thank the Opposition for their support which they have indicated in less words, but we want to thank them for their support on this measure. And we want to thank all those persons who have contributed to this, reaching this stage where Trinidad and Tobago, now, under the administration of the hon. Kamla Persad-Bissessar SC, Prime Minister, Member for Siparia, can take this country now and lift to, a diversified, knowledge-based, financial services economy, unparalleled in the region and in the hemisphere. I thank you.

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker.

**Mr. Roberts**: “She get up first!” I object! [*Crosstalk*]

**Mr. Speaker**: I recognize the Member for Diego Martin North/East, right Member. Hon. Member, continue, please. [*Crosstalk*]

**Mr. C. Imbert**: Thank you. Mr. Speaker, could you control the House, please?

**Mr. Speaker**: I think this is a good time for us to pause. Yes, because it seems like you all are getting a bit—[*Crosstalk*] please, okay, because I am now about to suspend because I get the impression that people want to go to have tea. I recognize the Member for Diego Martin North/East.

**Mr. C. Imbert**: Thank you, Mr. Speaker. What we have seen here today, I wish to reiterate—and I wish to support the position of the Leader of the Opposition—is the Government behaving in its usual manner, and the amendments before the House are an act of absolute deception. [*Interruption*]

**Miss Mc Donald**: Yes!

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**Mr. C. Imbert:** The effect of these amendments, which were not even given to the Leader of the Opposition before he started his contribution, radically change the intent, purpose, effect and meaning of the Cariforum Agreement. Since the hon. Minister did not want to tell us what were the clauses that the Government has decided would not come into effect on the commencement of this Act, and since the Members opposite obviously want to hide this from us, I was able to—[*Interruption*]

**Hon. Member:** Google.

**Mr. C. Imbert:**—Google, yes, the Cariforum (Caribbean Community Agreement), and I am able to tell this Parliament what are the articles that the Government hiding from us, and does not want to come into effect, and it is quite incredible what these articles are.

The first one, Article 36 deals with customs legislation; Article 67 deals with market access; Article 68 deals with national treatment; Article 72 deals with behaviour of investors, but most importantly, to put paid to the misleading information put into this Parliament by the Minister of Trade and Industry, and supported by the Member for Oropouche East, Articles 81 to 83 deal with contractual service providers within Caricom, in other words, architects, engineers, accountants, et cetera, will be excluded from the benefits that derive from the Cariforum Agreement. Those are the Articles, 81 to 83, that they do not wish to come into effect upon commencement of this Act.

So what was the Minister of Trade and Industry talking about, when he said that, when this legislation is passed our architects and other professionals would be able to avail themselves of entry into the European market, and be able to work within the European Community? What on earth was he talking about? Because this amendment would make certain that our service providers would not benefit from this Cariforum Agreement.

Even worse, as I go through the other articles that are not going to have the force of law—because that is what this is all about, the articles listed will not have the force of law; public procurement, Articles 165 to 182 of the Cariforum Agreement deal with public procurement [*Crosstalk*] and let me read the amendment to make it crystal clear what they are doing.

“Delete clause 2 and substitute the following:

“The Articles of the Agreement as published... shall have the force of law... with the exception of Articles, 31, 67, 68, 72, 81...”

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The amendment seeks to give the agreement the force of law with the exception of Articles 31, 67, 68, et cetera. And as I just said, Articles 81 to 83 deal with service providers, and Articles 165 to 182 deal with public procurement.

So what this Government, by this sleight of hand, by this very—[*Interruption*]  
[*Crosstalk*]

**Hon. Member:** Will you give way?

**Mr. C. Imbert:** I only have one minute—by this very deceptive amendment, and by the very misleading statements made by the Minister of Trade and Industry, the Government is bringing into our domestic law, the Cariforum Agreement with the exception of the agreements related to public procurement, related to reciprocity for our architects and other service providers.

It goes on. They are also not bringing into effect the article that deals with the general objectives of the treaty, the whole framework, the whole purpose, the whole intent of the treaty; they are not bringing that article into effect. What is going to happen when this Act is passed is that this treaty will be effectively useless—

**Hon. Member:** Nonsense!

**Mr. C. Imbert:**—effectively useless. Because I would think the things that our people are interested in, would be access to the European market for our service providers, the public procurement rules that would govern such access into the European market, the general objectives of the treaty, I would think that those are things that would be very, very important. The Minister did not explain—[*Interruption*]

**Mr. Speaker:** Hon. Members, this is a good time for us to suspend for tea. This sitting is now suspended until 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Mr. C. Imbert:** Mr. Speaker, now that it is after the interval, it is necessary since some time has passed to revert to the list of amendments so that there is a proper understanding of exactly what the effect of these amendments will be.

The amendment to clause 2 is the first one that has a fundamental effect. This amendment is asking the House to agree that all of the articles of the Cariforum Agreement shall have the force of law with the exception of certain articles. As I

indicated, the Articles which are not going to have the force of law upon the commencement of this Act are Articles 31, 67, 68, 72, 81—83, 90, 111, 146, 148, 150, 165—182, 197—201, 237 and 238. That is about 37 Articles, more or less. In addition, Protocol III, Annex IV e Annex IV f and Annex VI will not come into effect upon the commencement of this Act and will have to wait until the Cabinet decides that those sections of the Agreement will come into law.

Now, the Member for Caroni East has had a problem—

**Dr. Gopeesingh:** I do not have a problem. I am just telling you.

**Mr. C. Imbert:** He has been a Member of this Parliament for some time, but he is not familiar with the Interpretation Act.

**Dr. Gopeesingh:** Of course I am.

**Mr. C. Imbert:** I would ask the Member for Caroni East, through you, Mr. Speaker, to consult with the Member for St. Augustine, the Minister of Legal Affairs, who would school him in the various clauses in the Interpretation Act.

**Dr. Gopeesingh:** President means Cabinet.

**Mr. C. Imbert:** In this particular case, the President does mean the Cabinet. The Member for Caroni East would have sat in the Cabinet on many occasions and would have dealt with board appointments—like the Board of the Port Authority, for example, which we heard about today—which are effected by the President, but it comes to Cabinet for Cabinet decision. The Member for Caroni East should go and read the Interpretation Act and he would see that in some cases—it depends on how the legislation is worded—President means the President of the Republic, acting in his/her own discretion; President means Cabinet. President can even mean the Secretary to the Cabinet. Go and check the Interpretation Act. In this case, President means Cabinet.

So that the effect of this amendment is that until the Cabinet decides these 37-odd articles, Protocol III and these three annexes will not come into effect. So, in order to understand what is being done, we have to go to the agreement itself. There is no copy of the Agreement on the table; that is, in fact, the public accounts, if anybody wants to know. That is not the Agreement.

The Minister did not tell us what all of these articles do or do not do, as the case may be. I think I shall start with Article 83. I am reading from paragraph 2 of Article 83:

“Without prejudice to paragraph 1, the EC Party shall allow the supply of services into the territory of its Member States by contractual services

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suppliers of the CARIFORUM States through presence of natural persons...  
in the following sub-sectors:

1. legal advisory services...
2. accounting and bookkeeping...
3. taxation advisory...
4. architectural services;
5. urban planning...
6. engineering services;
7. integrated engineering services;
8. medical and dental services;
9. veterinary services;
10. midwives services;
11. services provided by nurses, physiotherapists...
12. computer and related services;
13. research and development services;
14. advertising services
16. management consulting...
17. services related to...
18. technical testing and analysis..." et cetera.

I would have thought, the Member for Caroni East—the distinguished medical practitioner that he is—now that he has heard that providers of medical and dental services, veterinary services, midwives services and so on, will not be allowed free access to the European Community until and unless the Cabinet decides that Articles 81 to 83 shall come into effect, would have had some concerns.

You see, Mr. Speaker, as usual, the Minister who has presented the legislation has not been sufficiently forthright to let the Members of the Parliament understand what is going on, or the national community. I would expect the Minister to explain to us why it is that he has decided to, more or less, enter a reservation with respect to the articles of this agreement; because, by not allowing these various articles to come into force upon the commencement of this Act, he is, in fact, reserving his position with respect to our architects—I want to use that example because the Minister spoke about it. He said that our architects are in discussions with their counterparts in the European Community as to what would be the conditions for

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them to enter into the European Community and to practise in Europe. Well, they just cannot, Mr. Speaker, until and unless the Government decides that Articles 81 to 83 of the Cariforum EPA Agreement come into force.

Mr. Speaker, really, the Minister could do better than this. If the Government has taken a decision to exclude certain articles of the agreement from having the effect of law upon the passage of this legislation that we are debating today, I would expect the Minister to tell us why. Do not come into this House and give our architects and engineers—I heard the Member for Chaguanas West, when I said this will also apply to engineers, he laughed and “steupsed”, not understanding that engineers would also be excluded from entry into the European Community until and unless the Cabinet decides that Articles 81 to 83 should have the force of law.

Mr. Speaker, I have in my possession, a document printed by the European Commission for Latin America and the Caribbean (ECLAC) and it is entitled *CARIFORUM-EU Economic Partnership Agreement (EPA): An assessment of issues relating to market access, safeguards and implications for regional integration*, dated November 2008. It was prepared and published just a month or so, after the Cariforum EPA Agreement was signed by Trinidad and Tobago.

In this document the authors took the time to look at a number of important issues and benefits that would flow to the region from the implementation of this agreement. We have heard the Member for Oropouche East carry on, again, in a vacuum, not understanding what was going on. I am very disappointed that the Leader of Government Business can stand in this House and just talk on the hoof, as it were, without bothering to read the amendment and without bothering to even get a copy of the agreement—which I happen to have here—and take a look at what is happening; and just talk.

On page 13 there is a section dealing with issues relating to services. It states as follows—

“The services sector is critical to the CARIFORUM region.”

We all know that.

“It is the largest income earner and generates the most employment, especially for CARICOM States of the Organisation of Eastern Caribbean States. The Caribbean region is also the only ACP region that is a net exporter of services. Agreements on services, therefore, are of added significance to the region. Key areas of concern are tourism, investment and entertainment services. These are perhaps the only potential growth areas for many of the region’s economies.

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The CARIFORUM-EU agreement has some far-reaching and important elements in this regard...

(a) The EU liberalizes 90% of its services sectors...

(b) ...the EU grants access in 29 sectors, allowing stays of up to six months per calendar year;"

That is within the European Community, et cetera.

“(c) It is the first time such access is granted by the EU in any trade agreement with an external party...”

(d) The commitment on entertainment services is also the first of its kind granted by the EU and can be a major growth opportunity for the region...”

The services that were supposed to be liberalized in the CARIFORUM-EU Agreement are as follows:

- Accounting...
- Architecture
- Engineering
- Computer...
- Research and development
- Management consulting
- ...manufacturing
- ...scientific and technical consultant services
- Telecommunications...
- Courier services
- Environmental services
- Hospital services
- Tourism and travel-related services
- Entertainment services
- Maritime transport”

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Now, it was expected, when Trinidad and Tobago signed the Cariforum-EU Agreement in October 2008, that when we came to the Parliament to incorporate the treaty into our domestic laws, it would be done without reservation.

Mr. Speaker, let me just explain that even though we have signed this treaty, the Cariforum States Caribbean Community and the Dominican Republic and European Community Treaty, it does not have the force of law until a Bill comes to the Parliament and the treaty is incorporated into our domestic laws; prior to that, it is just good intentions; it is just two reasonable parties sitting and agreeing that this is what we would do, but it has no binding effect on either party. It becomes binding when the treaty is brought to the Parliament, contained within a Bill, such as this one, and the treaty is incorporated into our domestic laws as we did with the Treaty of Chaguaramas; the actual framework Caricom Agreement itself.

In the original Bill, which the Government brought—which have since been amended—they also, in that Bill, had reserved a number of clauses which would come into effect when the President—which as I have said means Cabinet in this particular case—proclaims those articles of the agreement.

I, really, would like the Minister to tell me why, at this time, in May 2012, the Government of Trinidad and Tobago is of the view that we should not incorporate into our domestic legislation, or put it another way: that Articles 81 to 83 will not have the force of law at this time and will only have the force of law when the Cabinet decides that the President should issue a proclamation. Why should lawyers, architects, engineers, accountants and medical personnel be prohibited now, from enjoying the benefits of the Cariforum-EU, Caribbean Community, European Community, Economic Partnership Agreement? Come on, we need to know. The Minister was very threadbare in his presentation in terms of telling us what is the rationale behind all of this.

What concerns me the most—I heard some mutterings from the other side, but I really cannot take that too seriously—is why Trinidad and Tobago, having signed the agreement, as have all the contracting states—Let me read out all the countries that signed this thing:

Antigua & Barbuda

Bahamas Barbados

Belize

Dominica

Grenada

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Guyana  
Haiti  
Jamaica  
St Kitts & Nevis  
St Lucia  
St Vincent  
Suriname  
Trinidad & Tobago  
Dominican Republic

Why is it all these countries, including ourselves—which are all the countries of Caricom, as far as I can see, plus the Dominican Republic—having signed and agreed to this agreement in 2008, why would we, in 2012, be unwilling to enact into our domestic law Articles that deal with public procurement? Article 165:

“The Parties recognise the importance of transparent competitive tendering for economic development with due regard being given to the special situation of the economies of the CARIFORUM States.”

Now, to me, that seems to be a perfectly reasonable statement of principle. Why would the Government of Trinidad and Tobago not allow Article 165 to come into force, immediately upon the passage of this Bill in this place, and in the other place? Explain that. Article 166 goes into the definitions of government procurement, suppliers of goods and services, applicable law, et cetera.

Article 167 deals with the scope of the procurement Articles including regional. Article 168—because 165 to 182, that they are excluding, deals with transparency of government procurement. Why on earth would the Government of Trinidad and Tobago, at this time, not want to bring into law an article that deals with the transparency of government procurement, which deals with things like publishing, notice of intended procurement; methods of procurement; selective tendering, all these sorts of things. Why does the Government not want these very laudable agreements on procurement to come into law? Could the Government tell us that, please?

Mr. Speaker, as I continue to look at the various articles that are to be left out, Article 36—the first one that is going to be left out—deals with customs legislation. When I glance at Article 31, again, it seems to be something that is desperately

needed and something that we should deal with immediately if we are going to allow European companies and Europeans to come here to trade and so on. Why would we be leaving out these things? Perhaps, as I said, the Minister can explain all of that to us. What about the articles on national treatment? Why is that being left out?

Let me read what national treatment is:

“1. In the sectors where market access commitments are inscribed in Annex IV and subject to any conditions...set out therein, with respect to all measures affecting commercial presence, the EC Party and the...CARIFORUM States shall grant to commercial presences and investors of the other Party treatment no less favourable than that they accord to their own like commercial presences and investors.”

Let me explain what this means; what this is saying is that in Europe, among the member states of the European Community, each member state is given national treatment. So, if you are in France and you want to tender for a contract, you are supposed to be treated as if you were English, Spanish or German. In other words, within all the constituent member countries of the European Union, persons from those member states—including natural persons and commercial entities—are supposed to be treated equally.

What Article 68 is saying is that the European Community, and Caricom, shall grant to commercial presences and investors of the other party, treatment no less favourable than they accord to their own like commercial presences and investors. In other words, if a member from the European Community—a company from the European Community or a person—is coming here to trade, they will be treated in the same way that a person from Trinidad is treated by a person from Jamaica, from Barbados and so on. The reciprocity is there that once we agree to this, then a Trinidadian entering into Spain, Germany, France or any other country that he wants to trade with or export goods and services to, would be treated as if he was a European citizen. Why, at this stage, is the Government not enacting into law an Article like this?

The Member for Diego Martin West made the point that he was involved in the preparation of this treaty while he was in the Ministry of Trade—I believe it was signed, at some point, after he left. I distinctly remember this matter coming before us; it was promoted and piloted by the Member for Diego Martin West, in his then capacity as Minister of Trade. I remember Mr. Abdulah—who was not a member of the other place at that time—protesting and saying this is unfair; and that these Europeans are going to come here and dominate our local people; and they will

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have the advantage of economies of scale, and our persons and companies will not be able to compete so that you are going to have penetration of the Trinidad and Tobago market by European companies and European persons and no reciprocity. That was what the noise was all about; and all of these groups mobilized to oppose the Cariforum Caribbean Community Agreement on that basis.

Now, we have a Government coming to this Parliament and, in the amendment before us, you are not going to allow Article 68 to have the force of law upon the passage of this Bill. In other words, we would not get national treatment in Europe. Why? Let the Minister explain that to us. [*Interruption*] I do not know. What I find is happening on the other side is that they rely on other persons to tell them what is happening. You cannot run a country like that. I speak from experience as I was in the Cabinet of this country for 12 years, in three different Governments and you always had to do your own homework. Do not just accept, blindly, what you are told. Do not just accept what is presented to you because you are going to bounce your head.

I am not ascribing any ulterior motives; I am not ascribing any perverse intention on the part of anyone, but people make mistakes. If you are going to come to this Parliament and pilot legislation, it must make sense. I cannot see the sense in Trinidad and Tobago reserving its commitment to Article 68; because, if you do that, then we would not get national treatment in the European Community. I, really, would like the Minister to tell us what is going on there.

Look at Article 31 which, also, will not come into force on the commencement of this Bill.

“The EC Party and the...CARIFORUM States agree that their respective trade and customs legislation, provisions and procedures shall draw upon international instruments and standards applicable in the field of customs and trade...”

Now, that makes perfect sense to me. What they are saying, in terms of the legislation that will govern the import of goods into Trinidad and Tobago, and vice versa, the export of goods from Trinidad and Tobago into Europe, the legislation shall draw upon international instruments and standards applicable in the field of customs and trade. Why would the Government not want to have that which gives protection to our people here; that we can be certain that when their goods arrive in Europe they are not going to be subjected to some fanciful or whimsical customs law that would prevent the entry of our Trinidad and Tobago manufactured goods in the European Community?

Mr. Speaker, every one of these articles that the amendments seek to exclude from having the force of law, until and unless, the Cabinet decides that the President would be given the relevant instructions to issue a proclamation, has the same meaning and effect. I am quite confident that when I make the statement, that by excluding all these articles, you are excepting trade in services; you are excepting public procurement; you are excepting the article that deals with harmonizing customs legislation; you are excepting the Article that deals with market access—that is Article 67.

Let us take a look at what Article 67 says:

“1. With respect to market access through commercial presence, the EC Party and the...CARIFORUM States shall accord to commercial presences and investors of the other Party a treatment no less favourable than that provided for in the specific commitments contained in Annex IV.”

What does this say? We have an agreement for market access. In allowing market access by Trinidad and Tobago manufacturers, professionals and providers of goods and services into Europe, if this article were to have the force of law, then, again, the access to the EC markets afforded to people from Trinidad and Tobago, would be no less favourable than the access to that market by Europeans. Why does the Government not want to have this Article have the force of law immediately upon the coming into effect of this Bill? The Minister did not explain to us, in his presentation, why he was leaving out all of this very, very important stuff.

Let us look at Article 90—Articles 90 to 111; very, very important. This whole section, from Article 90, guess what it deals with? “Prevention of anti-competitive practices...” There is a host of Articles that deal with prevention of anticompetitive practices to protect our nationals, that when they arrive in Europe with their goods and services, they are not subjected to some sort of artificial tariff or some sort of restriction which is designed to ensure that they do not get through.

### **5.30 p.m.**

When you are dealing with trade, there are all sorts of ways that other countries can block our goods and services. I have heard of situations where our manufacturers are trying to export goods to the United States, and when the goods arrive some customs official in the US decides that he does not like the label, the label is too small, the label does not have the correct information on it, and the entire shipment is then frozen until the Trinidad manufacturer goes and re-labels everything on all the packages. That is one of the devices that these developed countries use to prevent market penetration and market access from developing

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countries. All sorts of tricks they use. This is designed to stop all of that, because all those things are anticompetitive practices.

What follows Article 90 is an agreement between the European community and the Cariforum States with respect to anticompetitive practices. I will just read it:

“In accordance with the provisions of Chapter 1...appropriate measures shall be maintained or introduced by the EC Party or the CARIFORUM States for the purpose of preventing suppliers who, alone or together, have the ability to affect materially the terms of participation...in the relevant market...”

And so it goes on, Mr. Speaker. Article 94 deals with telecommunications and Article 93 deals with the independence of regulatory bodies, for example:

“The regulatory bodies shall be legally separate from, and not accountable, to any supplier...”

That is a very important article. This is saying that the regulatory bodies in all these countries, the ones that could actually stop our country from selling their goods and services to Europe, must be independent and not accountable to suppliers in those countries. That is what we want. We do not want that some regulator has some interest in some company that is in the telecommunication sector or some other sector in Europe, and therefore decides to act with bias and prevent the entry of our goods and services into the European market. This is a perfectly worded clause, that this kind of behaviour is prohibited. Why would we not want to accede to such a clause, the independence of regulatory bodies?

Mr. Speaker, it goes on to talk about telecommunication services. It talks about financial services. Article 103 deals with agreements with respect to insurance services, banking services and so on. All of that is going to be excluded from this agreement, if this amendment comes into effect. Again, the Minister must explain to us why he is excluding Trinidad and Tobago insurance companies, banks and so on from enjoying national treatment and market access into the European Community? Why?

Articles 104 and 105 talk about regulation of the financial services; Article 106, new financial services; Article 107, data processing and Article 109 deals with maritime transport. Again, maritime transport is going to be excluded, so there is going to be no benefit that would flow to any provider of maritime transport from Trinidad and Tobago who is providing transport of our goods and services into the European market. Why is that out? Article 110 talks about tourism services—again, tourism services will be out. Article 111 reiterates Article 90, prevention of

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anticompetitive practices; and so it goes. Article 146, industrial designs; Article 148, utility models; Article 150, genetic resources on traditional knowledge. This again is our culture. Our culture is going to be excluded from the application of this Cariforum EU Treaty.

Mr. Speaker, the Government really has to come better than this. You come into the Parliament and “make a set of noise”, saying you are cleaning up the mess that the PNM left, but the PNM left a treaty that was full, complete and intact. [*Desk thumping*] When the PNM Government signed this Treaty, we did not say this clause and that clause and this article and that Article shall not come into effect. The Minister could correct me if I am wrong; I do not remember that. So what they found was a treaty with a whole bunch of articles and they have decided that they are going to exclude half of the articles in the treaty.

When you look at the articles they are excluding, they are the core of the treaty. The treatment of our service providers, the treatment of our manufactures and all the protection that the treaty gave in terms of market access, anticompetitive practices, customs legislation all of that is out. I cannot see that if all these protective measures in the treaty are not going to come into the force of law upon the passage of this Bill, then how on earth are our manufacturers and service providers going to penetrate the European market, if they do not have all this protection? This is the question I will pose to the Minister.

I would hope that in his winding up the Minister would go through each one of these articles: 31, 67, 68, 72, 81—83, 90, 111, 146, 148, 150, 165—182, 197—201, 237, 238, Protocol III, Annex IV, Annex VI and explain why it is the wish of the Government that the treaty would come into law with the exception of all these Articles, which go to core of this agreement.

I thank you, Mr. Speaker.

**Miss Marlene Mc Donald** (*Port of Spain South*): Mr. Speaker, I really decided that I was not going to participate in this debate this afternoon, but I rise based on certain statements made by the Member for Oropouche East. We came here prepared this afternoon to debate this Bill in its entirety. [*Desk thumping*] I want to point out, and I have been saying this over and over again in this Parliament, that we the Opposition will support any measure that is in the best interest of the people of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, the issue here is not as the Member for Oropouche East pointed out, that we were not prepared to debate this Bill; we are always prepared to debate any Bill that comes to this Parliament. [*Desk thumping*] I have seen time and time again where it is the Government Members who are not prepared to debate Bills.

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[MISS MC DONALD]

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I looked on last week Wednesday when we started ten o'clock in the morning to 1.30 a.m. on Thursday morning. I looked at the debate on the Maternity Protection Bill, and Member for Point-a-Pierre you would know. I came here prepared to talk on that Bill, and when we got here, no speaker on the other side, no one on the other side. So the debate came back on our side, and I spoke. When I thought that somebody else there would get up, nobody got up and it went straight to my colleague, the Member for Arouca/Maloney and then back to the Minister for winding up. This is what happens.

We are saying that we came to debate this Bill. The problem here is the amendment. This is not the first time this has happened. It happened when we were doing the Legal Aid Bill. It happened when we were doing the DNA Bill. It happened when we were doing the Children Bill. It happened when we were doing the electronic monitoring Bill. The Minister who is guilty of this is the Minister of Justice, the Member for St. Joseph. It is happening time and time again. It is very unfair to the Opposition that we could come here prepared, we are prepared to speak and then we are now given a list. For example, this afternoon at 3.22 I received a list of 12 pages of amendments to the electronic monitoring Bill. Is that fair to the Opposition?

**Hon. Members:** No!

**Miss M. Mc Donald:** Is it fair to the Opposition that we come here prepared?

**Hon. Members:** No!

**Miss M. Mc Donald:** I sat yesterday for about four hours, after I debated this Electronic Monitoring Bill since December 09, 2011. We come back five months after with 12 pages at twenty past three we got these amendments. Is that fair, Mr. Speaker? And today we are going to debate and today we received it? How are we to be prepared? How are we to be prepared? How are we to represent our constituents? How are we to inform the national community? It is unfair.

Mr. Speaker, my friend, the Member for Diego Martin North/East, just stood up and gave an expose of all the different amendments and how they would affect the treaty adversely. I am totally surprised, because I did not know what these changes would have done, what these amendments would have done. So what has happened is that these amendments have substantially changed the focus and the objective of the Bill. [*Desk thumping*] The Minister is sitting there and not saying a thing about it.

I could not have just sat here. It behooves me as the Chief Whip of the Opposition to stand and register our dissatisfaction with what has happened here

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today. As I said, it is not the first time. It was the Electronic Monitoring Bill, it was the Legal Aid Bill, it was the Children's Bill, it was the DNA Bill. Look at what has happened, because this is a trilogy of legislation. These are groundbreaking Bills that have come to the Parliament. I am looking at the changes. How are we to study these 12 pages of amendments? The Minister said that we would look at it at committee stage. While we are speaking, we have to try to read the amendments and understand them. It is unfair.

So for the Member for Oropouche East to make those statements that we—*[Interruption]*

**Hon. Member:** *[Inaudible]*

**Miss M. Mc Donald:** You cannot tell me to shut up. I have a right; I am an elected Member of this Parliament.

**Dr. Rowley:** Let him go and talk to "Robocop"! *[Crosstalk]* Let him go and tell "Robocop" that!

**Mr. Speaker:** Let us debate in some degree of calmness. I ask you to continue.

**Miss M. Mc Donald:** My colleague, the Member for Diego Martin North/East, just said that 37 Articles were being amended; not one, not two, but 37 of them. I just thought I should put that on *Hansard* and register our total dissatisfaction with the way we were treated. I thank you.

**Mr. Speaker:** Is there any other Member of the Opposition?

**Hon. Members:** No.

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** Mr. Speaker, a lot has been said this evening by the Member for Oropouche East in dealing with the comments, et cetera, of the Member for Diego Martin West. Really and truly, this EPA Bill that we have brought here today was agreed to in 2008. With that agreement, with the signing of that Bill in 2008, there is really and truly nothing much else that we can do. With Trinidad and Tobago agreeing to the terms and conditions signed in 2008, we have to go ahead with this.

**5.45 p.m.**

Mr. Speaker, the comments and objections made by the Member for Diego Martin North/East, it would seem as though they believe that the articles which deal with the commencement of these various articles, will never ever be introduced.

**Mr. Imbert:** Why you do not bring it now?

**Mr. Sharma:** Why you do not listen?

**Hon. S. Cadiz:** And there are a number of reasons and we would get into that. I have in front of me—because they keep on saying that nothing was ever presented, they keep on saying that they cannot trust us, they cannot trust what we say because we say it was delivered and it was not delivered, and that is entirely untrue.

Mr. Speaker, I do not know if the other side, maybe with the exception of the Member for Diego Martin North/East, is not aware of what an email is, is not aware of what a CD is and how to use it. *[Interruption]* Because all of these, all of these through the office of the Clerk of the House were sent to every single Member of this House. Okay? *[Interruption]* Because that number 159 of 2011 on a PDF; it was all sent. So, for them to sit there and say they know nothing of it, it seems as though they have no idea of how to work a computer and therefore they would have to stay in the print age and not move on to the digital age, but this side is moving on. *[Interruption]*

The comments and objections that have been made to date, and I would not go clause by clause or article by article because it is basically all the same thing. The Member of Parliament for Diego Martin North/East, spoke about clauses 81 to 83—

**Mr. Warner:** He spoke?

**Hon. S. Cadiz:** Sorry, you were absent from there—and in clauses 81 to 83, these articles provide for the temporary entry and stay of key personnel and graduate trainees of investors, business-service sellers, contractual-services suppliers and trained professionals from the EC member states into Trinidad and Tobago—*[Interruption]*—not from Trinidad and Tobago into the EC; from the EC member states into Trinidad and Tobago.

This deals primarily with the service sector. When we looked at it—remember this agreement was signed in 2008 and we are now in 2012, of course the other side, and I know they hate hearing this, they hate hearing us saying, “Well why you did not do it when you were there? Why you did not do it when you were there?” Since 2008 this was signed—we had the then Minister of Trade and Industry, who, as the Member for Diego Martin North/East said, well he retired from the position. I am not too sure if that is entirely true, but when the Member for Diego Martin West as the Minister of Trade and Industry, when he signed it why is it that the then Parliament did not proceed in bringing it to have it ratified? Why did they wait? What is the reason for waiting? *[Interruption]*

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In this agreement there was a moratorium of three years for certain articles, there is also the issue of services, these services would come into effect immediately on this Bill being passed. The Member for Diego Martin North/East spoke about our architects and engineers not having access immediately to the European Union, the member states, and there is a simple reason for that. When the Member for Diego Martin North/East who was the Minister of Works at that time, he was the Minister of Works, what did the then Minister of Works, in 2008, do to build the capacity for the architects and to build the capacity for the engineers? To build the capacity for all the construction service professionals? What did he do? He wants this thing to come into effect immediately where the architects, where the engineers, where the construction services professionals are not yet in a position to go and access Germany, go and access France. What did he do? We now have to determine that level, what is the capacity in the industry before we could go ahead and allow that.

So, Mr. Speaker, when he speaks of why these services should not come into effect immediately, those are the reasons. We do not want to send our architects and engineers to go to Germany and France and then all of a sudden you are reading of how “ah stadium fall down. How all of ah sudden ah wall fall down.” You know what would be the embarrassment to this country? *[Interruption]* Huge embarrassment to this country! We have to ensure that the human capacity is there before we would allow that to happen.

So, Mr. Speaker, the agreement does not stipulate deadlines by which we would require to liberalize our services regime, and that is in respect of 81 to 83, and therefore, since the agreement does not stipulate deadlines we have to be able to determine those deadlines and hence the reason those articles between 81 and 83 have been removed. So when we are ready, when we believe that our construction services professionals are ready to go and engage those engineers and architects from the EU then we would bring it in. Nearly all of these articles here are about phasing in; it is about phasing in to give us time to work with the various associations to put the necessary regulations in place to assist in building the capacity.

You know, the other side goes, they signed this thing in 2008—who or which administration is able to bring the trade implementation unit into effect? Which administration? It is this administration. This administration understands and realizes that not all businesses, not all associations are going to be able to take advantage of this EPA, and therefore we have to be able to build the capacity, and one of the ways of building that capacity is with the trade implementation unit. You

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could hum and haw all you want. The fact of the matter is that since 2008 you did absolutely nothing. You did not build the capacity; you did not bring the Bill to the Parliament. You did nothing! You sat there just like so many of the other trade agreements that the other side has gone and done, and where are they? On shelves, with nobody taking advantage of them.

**Mr. Warner:** Like the rail studies for \$478 million, in a box.

**Hon. S. Cadiz:** Well it is a good thing that is not part of the EPA, Member for Chaguanas West, because if that was part of the EPA all now Trinidad and Tobago would have been stuck with a \$20 billion rail system that they cannot use. So, the fact of the matter here is that this administration is being a responsible administration—and we keep saying that—would determine where we are, we would benchmark it and we would move from there, and there is no way we could have gone ahead with this EPA Agreement when we came into office—soon to be celebrated, our second anniversary, thank you very much. [*Desk thumping*]—Until we can determine exactly where we are, it makes no sense going ahead with this.

**Mr. Imbert:** Change your tune.

**Hon. S. Cadiz:** “I ain’t changing no tune. I doh ha’ to change no—not wit’ you, I doh ha’ to change meh tune.” That I could tell you.

Mr. Speaker, every single one of these articles is basically the same thing. When this administration is ready and we know that we have the capacity we will then deal with it. We will deal with it. And all the talk, jump high, jump low, when he talks about the procurement Bill, the Member for Caroni East, dealing with the procurement Bill at the Joint Select Committee, the same committee that you all walked out on, and yet still you want this Government to go in and talk about bringing the issues of procurement into the EPA, Article 165 and we are nowhere near ready to have that. [*Interruption*] And you all are part of the reason that has not happened with your walking out on the committee. Therefore, if you had this country at heart to be able to determine—[*Interruption*]—excuse me, I would ask the Speaker to—

**Mr. Speaker:** Yes, address me.

**Hon. S. Cadiz:** Thank you, Mr. Speaker. If the Opposition had this country at heart they would have stayed with that committee to ensure that a proper procurement Bill is brought to the Parliament, but here it is they want us to go ahead with Article 165 when we do not have the procurement Bill as yet in this Parliament.

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Mr. Speaker, again, when the Bill is passed and we are ready to deal with the EPA we would deal with it. [*Interruption*] No, “I never know what I talking, all yuh know everything all yuh talking,” that is why you all are there and we are on this side, because you all knew exactly what you all are talking about, so do not come with that Member for Diego Martin West. [*Desk thumping and crosstalk*]

So, really and truly all the “gambage”—no, “gambage” is not a parliamentary word—all the noise that they want to make on the other side about the changes in the Bill, all it is about is commencement. That is all it is about. When we are ready and we feel that that capacity is there we would deal with it as a responsible Government. The other side would have gone ahead and signed this thing, brought all the articles into the Bill, and if you are thinking that we might be in trouble, if those articles were in this Bill here, the kind of trouble that this country would have found itself in—we have to be prepared for the EPA. The EPA is not an ordinary, simple free trade Bill. It is not. It is very, very complicated. Just as the Member for Diego Martin West when he made his Minister’s statement in December of 2008, when he made that statement he was very, very factual, that this is a very challenging piece of agreement. This is not for the faint-hearted and therefore you cannot run into these things like what you all have done in the past, and this Government is not prepared to jeopardize and risk any kind of investment here in this country unless we are protected.

I heard the Member for Oropouche East talking about—because, again, the Member for Diego Martin West keeps talking about, “You cyah believe them; you mus’n’t believe them.” One thing you are supposed to be believing Member for Diego Martin West, is the fact that nobody is talking about Clico again. [*Desk thumping*] Nobody speaks about Clico. Where Clico gone? Where Clico gone? Eh? [*Crosstalk*]

**Mr. Speaker:** All right! Please! Member for Chaguanas East. [*Speaker indicates for him to sit*] Member for Diego Martin West—

**Dr. Rowley:** But he shouted at me.

**Mr. Speaker:** Yes, but Member for Diego Martin West, do not shout across the floor “nah.”

**Dr. Rowley:** But he shouted at me.

**Mr. Speaker:** Yes. Yes, but even if he is shouting at you he is on his legs, you are not on yours, so just take notes, please. [*Interruption*] You cannot be shouting across the floor like that.

**Hon. S. Cadiz:** Thank you, Mr. Speaker. When we came into office on May 24, 2010 under the leadership of the Member for Siparia—less than two years—we met one huge problem with Caricom, this problem had existed for years, for a decade. Jamaica—and we read about it in the news, you hear about it all the time—is up in arms against the imbalance of trade between Trinidad and Tobago and Jamaica, and what did they do? They sat and they hoped the problem would go away. They swept it under the carpet; they started making all kinds of derogatory statements about our Caricom brothers and sisters—[*Crosstalk*]

**Mr. Imbert:** What! What!

**Hon. S. Cadiz:**—instead of sitting down with our Caricom brothers and sisters and making a serious attempt to work out the problems. [*Crosstalk*] It is just like when they went and committed energy to Jamaica. When the Member of Parliament for San Fernando East committed this country to supply energy to Jamaica and then pulled back on his promise for whatever reasons, reasons only known to themselves, those are the problems that we inherited, those are the problems that we have found, and the reason for that is a total lack of planning. If you want to talk about who to believe and who not to believe, that is the section over there that you must not believe. Because they wanted to commit to all kinds of things including this very challenging EPA without understanding the ramifications, understanding the risk that they were going to be putting our manufacturers at and the risk to which that they were going to be putting our service providers.

Sit and work this thing out. Understand what this thing means.

**6.00 p.m.**

So when this administration decides to remove some of these articles, it is for that reason, Mr. Speaker, to ensure that with a phased in process that we know exactly what we are doing, and not going with the whole hog one time; and then finding yourselves with problems and have to backtrack and then have to talk about the ills and how evil the EPA is. That is not what this Government is about. This Government is about proper planning, organizing the business before we go into it.

Mr. Speaker, 60 per cent of foreign direct investment—and this is a global figure, 60 per cent of foreign direct investment is in services. That is the extent—where people would think normally that 60 per cent might be all or 70 per cent might be in manufacturing or what have you, 60 per cent of FDI is in services and all these articles here refer to services. So we have to be extremely careful how we protect our services sector.

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Mr. Speaker, I do not think that there is very much more, because they have gone on and on and repeated themselves time and time again about the articles. We have said why those articles have come out. We have said why we have left in what we have left in, and therefore, before I close, I would very much like to thank the members of Staff of the MTI for doing an excellent job, for bringing these issues to the fore. I do not know if they brought these issues before to the fore and they were told go ahead, but I would like to thank them for working with us and making sure that when we sign this EPA, when this EPA Act is proclaimed, that we have an Act that will protect all of us in Trinidad and Tobago, every single one of us. So, Mr. Speaker, I will leave that there and yes, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed:* That clause 2 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 2 be amended as circulated.

2 Delete clause 2 and substitute the following

“Commencement 2. The Articles of the Agreement as published in the *Gazette* No. 159 dated Thursday 24 November, 2011 shall have the force of law upon the commencement of this Act with the exception of Articles 31, 67, 68, 72, 81 to 83, 90, 111, 146, 148, 150, 165 to 182, 197 to 201, 237, 238, Protocol III, Annex IVe, Annex IVf and Annex VI, which shall come into effect on such dates as are fixed by the President by Proclamation.”

*Question put and agreed to.*

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

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

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**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 3 be amended as circulated:

In the definition of “Agreement” insert after the word “Annexes” the words “as published in *Gazette* No. 159 dated Thursday 24 November, 2011.”

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed:* That clause 4 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 4 be amended as circulated.

Delete subclauses (1) and (2) and substitute the following:

“(1) Subject to section 2, the Agreement shall have the force of law.

(2) Any amendment to the Agreement shall be published in the *Gazette* and laid in Parliament.”

*Question put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clauses 5 and 6 ordered to stand part of the Bill.*

*Preamble approved.*

*Question put and agreed to:* That the Bill, as amended, be reported to the House.

*House resumed.*

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

**ADMINISTRATION OF JUSTICE  
(ELECTRONIC MONITORING) BILL, 2011**

[Third Day]

*Order read for resuming adjourned debate on question [December 02, 2011]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** Hon. Members, the debate on the second reading of the following Bill which was in progress when the House adjourned on Friday December 9, 2011 will be resumed.

A Bill entitled, “An Act to make provision for the implementation of a system for electronic monitoring in Trinidad and Tobago and for related matters.”

Those who have spoken thus far are: the Minister of Justice, the mover of the Bill; The Member for Diego Martin North/East; the Minister of Works and Infrastructure; the Member for Port of Spain South; The Minister of Legal Affairs; the Member for San Fernando East and The hon. Minister of Housing and the Environment was on his legs at the time when we adjourned. Hon. Minister of Housing and the Environment, you have 31 minutes of original speaking time left.

**Hon. Dr. R. Moonilal:** Thank you very much, Mr. Speaker. I rise in quick time for a second innings this afternoon. It is really a pleasure to continue the debate. It is a pleasure to continue my contribution on a very critical debate that occupied our attention some time ago—[*Interruption*]

**Mr. Imbert:** Five months ago.

**Hon. Dr. R. Moonilal:** Yes precisely, five months ago I think. Since then the Government has considered—you have noted before the list of speakers, very eminent speakers across who have contributed in this debate. The Government was able to take into consideration their discourse, their comments, their criticisms, their recommendations and indeed we circulated—almost three hours ago we circulated some amendments. So our friends opposite have had three hours to look through those amendments. I will get to those amendments in a while, Mr. Speaker, given that I have about 17 minutes again.

The intent of the Bill just to place it in its context again, this is one in a trilogy of reform measures brought about by the Minister of Justice and his Ministry, to radically confront, probably the most critical problem facing Trinidad and Tobago today; the managing of crime and insecurity. The Member for St. Joseph in less than 22 months brought to us three critical pieces of legislation: the removal of the preliminary enquiry Bill; the DNA Bill and indeed the electronic monitoring Bill, critical pieces. This is the last of the trilogy that in 22 months this Minister, certainly new to Parliament, but not in the public domain, has been able to work in 22 months in a new Ministry created post May 2010; took a new Ministry, which would have needed time to settle down with staff, to put accounting systems in place, to put institutions in place and in 22 months brought us three of the most critical pieces of legislation to fight crime in the history of Trinidad and Tobago. [*Desk thumping*]

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That, Mr. Speaker, I consider to be an enormous achievement for the Ministry of Justice and the staff at that Ministry. The Ministry staff, we are aware of their hard work and their commitment and they have been able to pull together in 22 months— it would be much less given the time they needed to actually form a Ministry, to create a Ministry. They would have taken 12 months to bring three radical pieces of legislation to the Parliament for consideration. Two of those matters have been dispatched and we are very pleased that we are on the last.

Mr. Speaker, on the last occasion when the Minister spoke and Members opposite responded, they did bring some issues to the fore and it was at that time we decided to adjourn—when I was on my legs actually—to ensure that the Ministry considered the opinions and views of Members opposite. We are pleased to say we did and there are some amendments which we are proposing which have been circulated to Members opposite.

This Bill signifies the fulfilment of yet another promise made by the Government to ensure justice is delivered swiftly while safeguarding and preserving the integrity of the rule of law and the protection offered by due process in our twin-island Republic. We have also promised to review our systems—the prison system. We have promised as well to review the criminal justice system to deal with several other matters. Those are currently engaging the attention of the Ministry of Justice.

**6.15 p.m.**

Mr. Speaker, much has been said on this measure and some of the issues raised as you will recall, include matters pertaining to the cost of this system and the bearing of that cost; matters pertaining to rights. This requires a special majority, so we are conscious of the interference with constitutional rights that such a measure poses. But you know there is a related issue that I will raise. We talk so much about fighting crime, and over the years the track record certainly of the last administration is not as good as one would wish it to be. And although we have made inroads in fighting crime, we are at no time happy with the murder of a single citizen of Trinidad and Tobago; we are not happy with that. If the murder rate will go down to 92 as it was in 1999, we are still not happy. [*Interruption*]

**Mr. Sharma:** “And we aiming for dat!”

**Hon. Dr. R. Moonilal:** And we aim to go much lower than that. If you need to deal with crime, you need to take tough action. It is when would-be offenders believe that the law is harsh and it will be implemented, it is then one might notice that these elements will think twice about their conduct.

It was pointed out to me a few days ago, by persons in this domain, that these offenders whether they are in gangs, they are criminal elements and so on; at times they are very highly organized. Some members without much formal education, without any certificates, graduate certificates and so on, have a very sophisticated way of organizing themselves; they are very responsive and efficient at what they do.

I was told—you know in this country if you have a general election it takes three to five days to appoint a new Prime Minister. If a gang leader is murdered at 1.30 in the morning by two o'clock a new gang leader is appointed. They take 30 minutes to do what the Constitution will give us three to five days to do. They are extremely swift and efficient and have a sophisticated system built on punitive and non-punitive enforcement, taking advantage of young people to the extent where young people believe that to belong to a gang is something of a status, but if you do not, you are something of an outsider and your life and limb could be under threat if you live in any area and you are not in that gang; the gang of the area. So we are dealing with a different type of offender than we dealt with years and years ago.

In some areas, in particular other criminal offences involving sexual offences, we are dealing with another level of criminal behaviour and conduct in which, as a Government, we need to look at new standards, new policies, new programmes that would address those matters. Electronic monitoring systems used across the world attempt to address specific criminal conduct, and would-be criminal conduct, to reduce the need to incarcerate or to put behind bars every one, because they pose a danger to themselves or they pose a danger for that matter to others.

Since the electronic monitoring typically requires less staff than traditional intensive supervision programmes, offenders can be punished at a lower cost. Electronic monitoring allows for pretrial release of suspected persons who would otherwise have been detained until the court determines culpability. Such persons are, however, monitored in a secure and controlled manner. Electronic surveillance can be used as a means to enhance rehabilitative programmes within the prison systems.

Electronic monitoring also called electronic tagging is a form of non-secret surveillance, consisting of an electronic device attached to a person allowing their whereabouts to be monitored. Devices operate on one or two main electronic or telecommunication systems, global positioning systems or radio frequencies.

Across the world now, technology is being used as a very critical tool in fighting crime. Much of these technologies are becoming cheaper and cheaper as we go along, as they become mainstream, and it is only a matter of time that such

technologies be introduced in Trinidad and Tobago. Already we have had a workable system of CCTV and we have seen that has led to results in several areas. It is a matter of time, of course, before other high-tech systems are devised for traffic offences and so on.

Mr. Speaker, it is almost inevitable that Trinidad and Tobago now consider electronic monitoring or electronic tagging as a form of surveillance. It allows persons involved in monitoring offenders to quickly and easily confirm that an offender is at a specified location, and from a distance offenders' geographic locations can be pinpointed in real time. So there is less of a threat to vulnerable groups, particularly women or children, if would-be offenders are being monitored in this way.

Specific objectives of the Bill would be to complement the introduction of a parole system; to promote public safety by using technologies and supervision strategies; to effectively monitor and supervise offenders; to increase and enhance public safety and offender accountability, while encouraging positive behavioural changes; to reduce the financial burden on the State and the prison service by reducing population. We expect this measure will also improve the cost effectiveness of correctional programmes, provide enhanced opportunities for offender rehabilitation and extend the range of sentences available to the courts. And lastly, we expect an increase in the overall efficiency of the criminal justice system via enhanced security and protection of citizens of Trinidad and Tobago.

Mr. Speaker, as Trinidad and Tobago moves towards the introduction of a parole system in the not too distant future. [*Interruption*] We have committed to this—I think the Minister of Justice is working very hard on this matter.

The importance of electronic monitoring will become even more apparent. Those programmes for monitoring, aid probation and parole officers in monitoring and managing the offender's behaviour in the community, it changes the nature of the supervisor-participant relationship, and provides an objective and reliable basis upon which sanctions and rewards can be based. There are sanctions involved such as tightened home detection, and there are rewards such as less restrictive home detection.

Moreover, the enhanced level of supervisory control, beyond that which is afforded by direct human contact alone, augurs well for offender accountability and ultimately has the potential to reduce the likelihood of re-offending. Even on television—I think there is a USA television programme which runs weekly called *White Collar*—unless I am mistaken—and that is actually based on this type of

technology where I think the main actor is monitored by the FBI, because he was actually a criminal element involved in some high level of crime. My friends next door may like it, they can monitor some of their colleagues and some of their party colleagues. If they would like at all times to know the location of their colleagues and so on, they may think this is a useful tool.

**Mr. Sharma:** [*Inaudible*]

**Hon. Dr. R. Moonilal:** They would what? No. No. No. The Bill, therefore, seeks to make provision for the electronic monitoring at different stages of the criminal justice process, and to make it a condition of a protection order granted under section 5 of the Domestic Violence Act. In taking a stance against domestic violence, by strengthening the protections orders issued by the courts through the monitoring system, this Bill will serve a very useful purpose.

We have all heard of unfortunate incidents where victims of domestic violence, having received the protection of the State via a protection order, suffer repeated violence and in some cases death at the hands of the very abuser against whom an order was obtained. As someone elected to a political office I want to indicate that over the years—12 years or so—often we meet vulnerable citizens, constituents who come to us, and particularly desperate and vulnerable persons in domestic disputes. A woman would come and feel pleased that she went to the court yesterday or this morning, and got a protection order to ensure that some gentleman whom she may have been associated with, the magistrate, the court has ruled that this person is to stay away.

Mr. Speaker, there is in some cultures and subcultures a notion of legal pluralism. I do not know if you have ever heard of that, Member for Port of Spain South; I will explain from my basic training in that area. There is a concept of legal pluralism where in some cultures people believe the law does not touch them, the secular law; the national law. People believe that those red books we have packed up at the side here, that law is not for them; there are other laws. [*Interruption*]

**Miss Mc Donald:** “Dat is not in Trinidad!”

**Mr. Speaker:** Please! Please!

**Miss Mc Donald:** “We doh believe in dat in Trinidad!”

**Mr. Speaker:** Please!

**Hon. Dr. R. Moonilal:** Let me explain further because my friends opposite may not understand. Given the historical development of discrimination, bias and power relations among the sexes, the historical superiority in some cases, that male feel and particularly at a time like this, young men may feel they have some superiority

over women. And the notion of a court of law, where a strange-looking person—no offence to my friend from St. Joseph— [*Laughter*—but a strange-looking person will look at them and say: “I grant an order, stay 200 yards away from this woman.” And this woman may have been the wife or the partner or someone for 20 years, and then this person comes in a court and this strange person says: “Keep 300 feet away and never come in the locality,” that offends and because they believe there is another law; and that law does not obtain, you granting this court order and the stamp of the court means nothing; that person is still subject to enormous threat.

Those of us who are elected, and have been elected for some time and know some of these cases would tell you, sometimes the threat is enhanced, it gets worse when the male believes he has been embarrassed and humiliated, and his family’s name has been tarnished, because a stranger, unknown to him, has stamped something by the courthouse and told him, that this person whom he had been intimate with and had been involved with for X amount of years, that person told him in San Fernando, in Port of Spain: “Stay away from her. Do not go there. Do not go within 500 yards.” [*Interruption*]

**Miss Mc Donald:** “Not on dis Bench, nah!” “Not dis Bench!”

**Hon. Dr. R. Moonilal:** You all do not have any problems like that I could imagine. The vulnerable women face that. So to tell you that you have a court order in your hand and you put up a piece of paper and say: “Look, this man cannot come near me.” It means nothing. “Nobody eh interfering with you, Member for Port of Spain South, you know dat.” “Nobody can’t interfere with you.” [*Interruption*]

**Mr. Sharma:** “Dey will grant dat order before yuh reach in de court!”

**Hon. Dr. R. Moonilal:** “You do not need no judge to give you ah order.” Mr. Speaker, women face this on a daily basis and constituents over the years come and make this complaint, and when they come you know what they tell you: “Could you call the police and report him again? And remind the police that although there is this order against him, he came by de house.”

In this modern day and age, this man enraged, comes by the house, he does not recognize any court order, and more than that, if he goes by that house and sees another visitor, you could imagine what happens now. If this happens, court order or no court order means nothing. Now, in some of these circumstances if that person is monitored by electronic means, at least the police or the authority will have some notion that someone violated the domain, the geography, and as the person gets close to a particular locality where he should not be, it will trigger some mechanism where the police or other relevant authority can intervene to know this person is in violation and act swiftly, in real time.

Mr. Speaker, I want to tell you something, if this measure would save one life, it is well worth debating and passing in Parliament; if it would save one person's life. At the end of the day we need to deal with crime one life at a time, and if this would save one life, it is worth the vote. We have been exposed to this in this society for a long time, because in different cultures we do not recognize law that way. Some people will listen to their priest, their imam or their pundit more than they will listen to the inspector of police or the sergeant of police, and probably not even today they will listen to police in that way. When they hear of law, they may not think the law is applicable to them, it is applicable to somebody else, and that is why actions like these are necessary.

**6.30 p.m.**

I think this was quoted by prominent attorney, Lynette Seebaran-Suite in a *Guardian* article entitled: "The problem with protection orders", January 16, 2011. She noted and I quote:

"The problem with the machinery of the protection order...is that society often leaves the battered woman on her own to attempt to enforce the order."

That is the point. We leave the battered woman; we leave the vulnerable woman on her own to enforce an order as if she is the police.

Seebaran-Suite went on to lament, and I quote:

"We all know that a piece of paper cannot really protect anybody, especially if you're dealing with somebody who has no respect for the law."

She further called on us as a society to go beyond protection orders and recommend the introduction of inter-agency protocols to define specific roles of stakeholders in situations of domestic violence, including the court and the police. The Government has listened to the pleas of the victim and activists alike, and we view electronic monitoring as a perfect complement to the current system of protection orders. By making use of this technology more responsibility is placed on the offender to comply with a protection order.

The police are also provided with a better means of enforcing protection orders as electronic monitoring would facilitate law enforcement ability to know when respondents have violated protection orders by entering exclusion zones, and would allow police to properly respond to the respondent's violation and provide the necessary evidence to the prosecution for the laying of criminal charges.

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Mr. Speaker, within recent times—I have made two points about change and law, and one is, I often say that there can be no development without conflict, but sometimes there can be no change without paranoia. And anytime you come to bring meaningful change, fear will accompany meaningful change, because it is change, generally.

I reminded colleagues that when we came to the Parliament years ago with a measure to ban smoking inside buildings, restaurants and so on, there were some people who jumped up and said, “If you did that, you would lead to unemployment; the closure of restaurants and bars and businesses would collapse. Mr. Speaker, no business collapsed; they expanded. They went and built patio in front every restaurant; they expanded the gallery, and anybody who is in a bar or a restaurant or a hotel, they go out in the road. So instead of polluting inside the building, they pollute the street. So nothing changed for the worse, and the tobacco legislation was passed.

Today we are hearing about the Dangerous Dogs Bill, that if this Bill is implemented, somehow people will go and you will walk down on the “Brian Lara” one day and see 25 pit bulls walking along with you. Mr. Speaker, anybody who is minding a dangerous dog pays a lot of money to obtain that dog and to take care of the dog. Nobody is letting go that dog on the road, because by virtue of having that animal they already have resources. Those dangerous dogs that they identified are not dogs, generally, that poor, underprivileged people keep, because those dogs eat better food and more expensive food than poor people. That is the paranoia that accompanies change, because if you want to do something for the good—over the last 10—15 years or so, how many children have been mauled; how many citizens have died at the hands of that problem? How many more must die?

So we will introduce law, and if there is a problem we are quite prepared to amend, or to re-look, or to revisit, but we must not stop and get frightened. We must not, out of fear, prevent change that may be good. With electronic monitoring it is the same principle. Let us not fear and then prevent change, and then one woman dies because this protection order meant nothing. She dies; she is smashed, and we wake up one day and say, “You know, if we had electronic monitoring, maybe the police would have known this gentleman was in that vicinity, if we had it”, and we wonder what would have been the difference, and in that wondering, a life was lost.

**Mr. Sharma:** You sound like a former acting AG.

**Hon. Dr. R. Moonilal:** When I had the distinction of acting as Attorney General [*Desk thumping*] a few long weeks ago, I did get some information on the

nature of the criminal action. On that note, as I remember, the police commissioner, as you know, and the police service, while they take a lot of licks—I mean the police service in Trinidad and Tobago, I imagine like the licensing division and the EMA; like other divisions in the country, they take a lot of licks, and they must, because they are exposed. But they do a lot of good work and they work hard and they have committed men and women in the police service. [*Desk thumping*] I took note—and this supports the contention that you have to help the police more, and electronic monitoring would do that.

In an article on the *Guardian*, I believe it is, Friday, May 04, 2012—that is today—it says:

“We are working harder to get weapons off our streets.”

The police have recorded some very, very strong achievements.

- “Total firearms seized in 2011 totaled 425 - an increase of more than 11% from the previous year.
- Total rounds of ammunition”—this one is interesting—“seized last year”—2011 was—“17,578 - an increase of 369% over 2010!” [*Desk thumping*]

Mr. Speaker, one round of ammunition, as you know, is capable of killing—that is 17,578 rounds of ammunition; 369 per cent increase over 2010 in 2011.

- “Improving on that trend, about 14 % more guns were seized in the first quarter of 2012 compared with the same period last year.
- Similarly, and even more impressive, the amount of ammunition seized in this year’s first quarter was a staggering 1,651% over the same period in 2011.” [*Desk thumping*]

Let me repeat that because it may have slipped you. The amount of ammunition seized in this year’s first quarter, 2012, was up a staggering 1,651 per cent over the same period in 2011—1,600 times more.

Mr. Speaker, these are some of the raw achievements that we are facing, that the police are initiating. And while they take a beating—and they must take a beating over specific issues; that is the name of the game—we must not at all lose heart and feel that nothing is being done and nothing is being accomplished. To support the criminal justice system we must look to the Parliament to give laws that support the police. They are trying their best; they could to do much more, I am sure.

**Hon. Member:** The oxygen.

**Hon. Dr. R. Moonilal:** Precisely. We must give them now the oxygen, the life water, and we give them that through legislation so they can better prepare themselves, and electronic monitoring presents this. I want to say that when you do things like these, as a Legislature, that is your responsibility. Nobody in this House here—I do not even think there is a former policeman here. Nobody here is a policeman. Our job, really, is not the implementation part. We have to put systems in place to get that done. But as a legislator, as a Member of Parliament, our job is to pass the progressive laws that help. That is our job. When we took our oaths of office that is what we came here for. We are not detectives; we are not into the business of detecting and prosecuting ourselves, we are in the business of passing law and you have to give the police this type of law which they should be able to work with.

There was also the issue of rights raised and so on, and we argue that the rights of the State to protect all individuals collectively should be balanced with individual rights. Certainly, this is an intrusion on rights and liberty which we have factored in, as inconsistent with sections 4 and 5 of the Constitution and, as such, the requisite majority is sought. Equality before the law and the protection of the law is guaranteed in the Constitution, so that we are actually promoting the rights of citizens by the introduction of these measures to protect each other.

We must guard the rights jealously. We must ensure that individual rights, while they obtain, that the society as a whole is protected. This measure does not seek to discriminate against any particular group. It does not discriminate against young people; it does not discriminate against the poor; it is to monitor house arrest programmes. It is used to monitor house arrest programmes across the world. There is the introduction of user fees, and the offender is required to have a court approved residence and telephone. Persons who lack these resources may find themselves with no alternative but to go to jail. We have made provisions in the Bill to address inequities by introducing a sliding fee schedule which will take into consideration the means of the offender.

So while we have heard from our friends opposite—and several have spoken; some have spoken on other matters; I do not want to get into matters outside of this business—the Ministry of Justice and its technical people have presented us with some amendments which Members would have had time to look at. These have to do with some definitional issues: a child as a person under the age of 18 years; the definition of “person” meaning an individual who is charged with or convicted of on offence by the court; the definition of respondent.

There were a lot of arguments on the other side dealing with the electronic monitoring unit, and the Ministry and the relevant Minister have made a very progressive amendment to ensure that the staff of the unit include the electronic monitoring manager, the deputy manager and other suitably qualified persons as may be necessary. We have also gone further to say that those managers shall be public offices—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. E. McLeod*]

*Question put and agreed to.*

**Hon. Dr. R. Moonilal:** Thank you very much, and thank you to my colleagues on both sides of the House for understanding the importance of this discourse. The Government had made an amendment. There was a lot of hue and cry about the character of the employment relationship with these managers, and we shall now move to ensure that they are public offices to which section 121 of the Constitution applies. So they are persons who will be recruited in a particular way outside of the direct control of the Executive, and the Constitution prescribes for that manner.

The terms and conditions of the offices referred to shall be reviewed by the Salaries Review Commission established under section 141 of the Constitution. The members of the staff other than the electronic monitoring manager and deputy manager shall be engaged on contract in accordance with guidelines for contract employment established by the Chief Personnel Officer.

So these are some of the issues that were raised on the last occasion. I remember the issues of the character of the employment contract, where—the Opposition always makes noise about Government hiring people because they think that, you know, given the culture over the last 10 years and so on; given the PNM's culture and history, that everybody will recruit on the basis of political affiliation; [*Crosstalk*] given that culture, and given that perception. The Government has said no, this is not the case, and we are quite prepared for them to be public officers; guidelines for employment contract through the CPO as normal.

In terms of electronic monitoring, there is also another key amendment here. Where a respondent is arrested and charged with an offence under section 20 of the Domestic Violence Act, the court may grant bail with or without electronic monitoring, but in making its decision, the court shall not request the consent of the respondent. I think that was an issue that they had raised as well. Before making a

decision under this section, the court shall request a report from the EM manager concerning the person or respondent which the EM manager shall cause to be provided as soon as it is practicable, and shall request the consent of a person where that person is not a child in the case of a child.

So, Mr. Speaker, there are several measures that have been introduced more to create the checks and balances to protect the rights of persons who may be subject to this form of monitoring. The manager may also obtain permission in a prescribed form, from the occupier of the premises in which any monitoring instrument is to be installed, or the person without whose cooperation it would not be practicable to implement electronic monitoring.

So again, if you go to a house and you have to put somebody under house arrest, you have to put a particular piece of equipment there, you are required to seek permission from the occupier of the premises, from any person who, if they do not permit it, it would not be practical to use that technology. So, again, you cannot force someone, in that sense, to undertake that.

**6.45 p.m.**

“While awaiting the report of the EM Manager, the Court shall commit the person to custody.”

But in the case of the respondent, the court may make an interim order under section 8(1) of the Domestic Violence Act.

Mr. Speaker, the permission to use this device is permission that they would seek from various other persons, particularly occupier and other persons at the place of residence.

In terms of payment, there have also been some adjustments to the Bill.

Where the Court, having considered the report of the Manager, is of the view that the person, other than a child, the respondent, in the case of a child, his parent or guardian, has the financial capability to pay either the total cost of the use of the device or any part thereof, the Court may require total payment or partial payment or may not require any payment, as the case may be.

In monitoring white-collar crime and persons accused of those crimes, on several occasions the persons are persons of some means. They are not at all times very poor and underprivileged people. It may be unfair to impose these types of systems when people have the means to pay for it. So the court can make an order to ensure that the persons themselves pay for it so that there is less cost on the

taxpayer to take this burden. The decision made by the court shall contain the directive for the period of time when the device would be worn.

In terms of tampering or the removal of the equipment, the amendment will suggest that an individual who deliberately tampers with or removes a device commits an offence and is liable on summary conviction to a fine of \$100,000 and to imprisonment for two years. I imagine that means that if you are wearing a device and you interfere with it, you will either pay a fine or you will go to jail. You will take out the device, but you will go to jail. There is a very strong penalty as well to prevent that—destruction of public property as well as the other threat. There are some other matters which are more typographical.

Change in circumstances is also something of significance for us.

A respondent to a person other than a child upon whom a device has been fitted shall notify the EM Manager of any proposed change in their circumstances within a reasonable time before the proposed change is due to occur or within a reasonable time after the change occurs. Where there is a change or a proposed change in the circumstances of a child who has been fitted with a device, the parent or guardian of the child shall notify the Manager within a reasonable time.

And there is a penalty for failing to comply with that section and being in breach.

There is also an amendment dealing with knowingly giving false information as an offence and some other minor adjustments that have been made to the First and Second Schedules.

Those are the amendments that have been brought, 80 per cent of which is as a result of some of the issues raised by Members.

Clause 5(1), transitional:

Where prior to making of the first appointments to the offices of EM Manager and Deputy EM Manager by the Public Service Commission and the exigencies of the public service require the recruitment of individuals to perform the functions of those offices, the Permanent Secretary of the Ministry may engage suitably qualified individuals until such appointments are made in accordance with section 4(3) above.

- (4) Any contractual arrangements made under subsection (1) shall be in accordance with the guidelines for contract employment as established by the Chief Personnel Officer.

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This is meant simply to get the legislation working quickly, so that it will not stop because we have triggered the Public Service Commission and the constitutional requirements. This is just to ensure you work fast so that there will be no hiatus; so that you will not pass a Bill to seek to implement.

There is a public debate raging right now. I will not get into that debate; that is a debate that the Minister of Education is having, a public debate, bringing his information to back up his claims. We all know, Government and Opposition—it is not a secret—that the service commissions in this country, since 1962, have had serious problems, for whatever reason, filling vacancies. I do not want to put the blame on any particular individual or head. There are systemic problems. There are cultural problems. There are bureaucratic problems. Indeed, there are the colonial trappings of public administration that some of these appointments can take forever to be done and to be confirmed.

We do not want a situation where we pass a Bill; we are ready to enact this and then we take four years to appoint the Electronic Monitoring Manager. So, in four years, you pass a Bill and you are happy you have passed legislation, but it cannot be implemented; it cannot protect lives because we are waiting on the respective commission.

We have put in a transitional clause to ensure that the Permanent Secretary of the Ministry will engage suitably qualified individuals. If suitably qualified individuals are not engaged, we can take judicial review and review this. If someone has a claim that they qualify and they have been bypassed and it is illegal, unlawful and irrational, they can claim. So this is still reviewable.

They must also be in accordance with guidelines for contract employment as established by the CPO. We all know that, in the government service, if you are hiring someone as a carpenter, the person cannot be a plumber.

**Mr. Sharma:** In the PNM that happens.

**Hon. Dr. R. Moonilal:** Well, in the PNM, it can be carpenter, plumber, mason, anybody, bailor.

So the CPO has clear guidelines. When you go to the CPO and you recruit people, there have to be very clear guidelines on the qualifications of the people, what they have been recruited for. It has happened in Ministries across government that you will be recruiting people and CPO tells you: “No, hello, hello, that person is not qualified; you cannot make that particular appointment. Turn around.” That is how it works and we are complying with this.

These amendments, we believe, will enhance the legislation; will deal with some of the issues raised by my friends opposite. I want to tell my friends opposite because I am not sensing, unlike the previous Bill, the hunger, the excitement, the pleasantness of my friends opposite in supporting this measure. I may be misreading them, as I am wont to do; unless it is a very quiet consent which I have not seen before. I have a sense that my friends opposite may still have some questions and trepidations about this Bill.

I want to alert them that this is something new. This is truly a new initiative for crime fighting. We do a lot of things with amendments and repeating things, but this is truly new and I ask you to commit yourself to this. The Government remains open to suggestions and recommendations, if not in this place, certainly in the other place, when we move forward with this measure.

It is our intention to pass this measure, take it to the next place and, if need be, we can consider further amendments and changes. It will not be proper for us to come with a Bill like this, which has the potential truly to save the lives of women and children, in particular, and face defeat in light of what we face in the national community.

I ask my friends opposite to consider the administration of justice implications and give us their full support, not only taking your recommendations. As I have said time and time again, if we pass legislation, we move to implement speedily and we discover that there are some problems or issues still arising, we have no difficulty in coming back to the House with an amendment to make it better; but you do not sit and do nothing and say it could be better law.

When you pass law, at any point in time whether today, May 04, 2012 or next year or next two years, you cannot pass law and anticipate every single thing that will happen. You also cannot sit and devil every point and say if this will happen or that will happen and the next thing may happen. You cannot do that. You have at one point to let go. It is like doing a thesis. I know my friend, the Member for Port of Spain North/St. Ann's West, has a distinguished career in education and would have written many theses and written many papers. Sometimes, when you are finishing a report for a university, you always feel that there is something else you can put in; some other piece of material, some research, some point; but there is a point at which you must let go. You must say, "Let's go. We go with that. That is it. I am doing no more." This is the point we have reached.

The Member for Caroni East, who has the distinction of having five university degrees—his abbreviated CV is 42 pages—in fact, he is a regular correspondent

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with Her Majesty The Queen. He has a distinguished academic career. He will tell you that there are times it is almost like a withdrawal problem to stop writing. So, in law making, there is a withdrawal problem I want to alert you to. [*Interruption*] The distinguished Member for Fyzabad is suggesting some alternative interpretation, but we do not have those amendments.

Mr. Speaker, I beg my friends to let go. Any fear you have, let it go. Any fear you have of change, let it go. Let us move forward with this progressive piece of legislation.

In closing, again, I congratulate the Minister of Justice, the Member for St. Joseph, former judge, retired justice, for a great service to Trinidad and Tobago in the Judiciary. Today, he brings great service to Trinidad and Tobago in the Parliament of Trinidad and Tobago. [*Desk thumping*]

I congratulate him on this measure and I think for that he is now claiming to have a diplomatic passport for life. He is one of the many beneficiaries who were announced yesterday by the Attorney General where, Mr. Speaker, as you know, we have enhanced the retirement circumstances of the members of the Judiciary. If we needed any convincing on the quality of former judges, we have it today in the form of this Bill.

I encourage my friends opposite, including the Member for Diego Martin North/East, who is now in the Opposition Leader's seat—the only time he will sit there—trying to undermine his colleagues as he is wont to do. We want to encourage him as well, notwithstanding his notorious ability to say one thing and mean another. We encourage him to come straight on this matter; to support the Bill along with his colleagues. I know he is a de facto Opposition leader. He determines who speaks and who does not speak.

A few moments ago, we were looking forward to hear the Member for St. Ann's East speak. There was high anticipation. They had announced that our friend, the Member for St. Ann's East, was going to take the floor on another matter. There was high expectation. I think the television had interrupted regular programming to ensure that it be carried live on all frequencies. The media was on high alert. The Member for Diego Martin North/East bullied his way. He should go to Grant School in San Fernando; they are doing that there. He bullied his way into the debate—

**Mr. Imbert:** Mr. Speaker, 36(5). Withdraw that!

**Hon. Dr. R. Moonilal:** I withdraw that. You did not bully yourself. I am very sorry. You are not a man who will normally bully. He does not normally bully his way as he did today.

Let me move on and close and say that we look forward to their support. We are moving with our amendments and we expect to get the requisite vote in a couple minutes when the debate will come to an end.

Mr. Speaker, I thank you so much.

**7.00 p.m.**

**Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*): Thank you, Mr. Speaker, for the opportunity to make a contribution to this Bill under review in this honourable House this evening, "a Bill to make provision for the implementation of a system for electronic monitoring in Trinidad and Tobago and for related matters."

Mr. Speaker, I must say, I appreciated the very measured and tempered contribution of the Member for Oropouche East while he wooed us to support the Bill. He felt that we are a bit apprehensive, but I would like to advise the hon. Member that it is not a question of apprehension, but we might have some reservations, indeed, and the Members on this side are very much interested in ensuring that measures and strategies are applied that will curb the crime situation in our country, because it is not getting any better, it is getting worse.

Mr. Speaker, I crave your indulgence as I give a very brief history of electronic monitoring, because I feel as an educator that history puts concepts in their proper context, so that those who are seeking clarification could be thus, adequately informed, because there are many people who are listening and, through you, who do not appreciate the whole concept of electronic monitoring. They hear you speak of it, but people have asked me, what does it really mean, and what it means to the public, and I would just like to put that in its proper context by a very brief historical account.

When I did my research for this Bill, I did a research on the Commonwealth. I have here a Commonwealth study entitled "Electronic Monitoring in the Criminal Justice System." It says:

"The technologies of electronic monitoring have their roots in the work of Dr. Ralph Schwitzgebel of the Science Committee on Psychological Experimentation at Harvard University... In 1964, he developed a one-kilogram Radio Telemetry Device that could be worn by a person. The device transmitted signals to a modified missile-tracking unit up to 400 metres away, which determined the wearer's location on a screen. In the early 1980s an American judge, supposedly inspired by a Spiderman comic, persuaded a company to develop a monitoring bracelet suitable for offenders to wear... In 1983, the first order was made requiring an offender who had breached parole to wear an anklet to monitor his future behaviour... This use of electronic monitoring devices became commonly known as 'tagging'".

That is what we mean when we speak of electronic monitoring or electronic tagging.

Mr. Speaker, this electronic monitoring is used for detention to ensure that individuals remain in a designated place, for example, home detection schemes which require offenders to be at home during curfew hours. Electronic monitoring is also used for restriction to ensure that an individual does not enter a prescribed place or area, or approach particular people such as complainant or potential victims or even co-offenders, and it is also used for surveillance so that criminal justice authorities can continuously track a person without actually restricting his or her movement.

There are a number of technologies to facilitate the detection restriction and surveillance of individuals within the criminal justice system. Most technologies involve some sort of device which is locked unto the subject's wrist or ankle with a tamper-proof lock to prevent removal. So, using these tracking systems, criminal justice agencies are able to monitor an individual's location and be alerted to any unauthorized movement.

Mr. Speaker, in pre-trial stages, sometimes criminal justice authorities may wish to control or monitor the location of an individual without resorting to imprisonment. For example, before a criminal trial, police may want to ensure that the offender stays in town—"does not skip town"—or he stays away from a complainant.

In post-trial stages, that is, after conviction, the judge may want to place limits on an offender's freedom while not employing a full-time custodial sentence. In this manner, the technology electronic monitoring may be useful in detection, restriction and surveillance.

Mr. Speaker, the Government has brought this Bill to this honourable House for debate today with the expectation that the Bill will be passed and they will get the go ahead to implement electronic monitoring, this initiative in Trinidad and Tobago. As the hon. Member for Oropouche East said, it is a very costly initiative.

Clauses 4 and 5 of the Bill speak to the establishment of the Electronic Monitoring Unit and these clauses make provision for the electronic monitoring manager and other qualified employees. I see in the amendments, there are also a deputy electronic manager and other suitably qualified individuals for the proper functioning of the unit.

Mr. Speaker, this Bill is void of any prerequisite qualifications for the electronic manager. It does not specify the qualifications, and I would like to know

what the criteria for this position are, because I believe that these employees should be highly technologically literate technocrats who have to be remunerated adequately.

We also have to look at the setting up and maintenance of the Electronic Monitoring Unit and the equipment, and this will necessarily include a proper GPS system or a radio frequency system, and the unit has to be accommodated somewhere. The Bill does not make any such provisions. These are all important details which will incur additional cost.

As I said, it is a costly initiative to the taxpayer, so I believe the Members on this side are very concerned that our taxpayers will get the best for their money, and it is not that we are going to oppose, but we are going to state any reservations we might have that might nullify the effect of implementing this Bill. We are really concerned about how the moneys will be spent. So that when this Bill becomes law, if it does become law, we would like it to truly benefit those for whom it is intended, specifically, and the society in general.

In addition, clause 6 of the Bill will provide for the Government to enter into a contract with a company for the provision of any of the functions of the unit. The Government could outsource any other functions of the unit as it wishes, and we are already spending so much money to establish this unit and to equip it with the requisite personnel. We have added more personnel, as I said, in the amendments. So, why is this clause now purporting to hire contractual services to carry out the functions of the unit? Why can this unit not build the capacity for its personnel to execute these functions? Why can all the requisite activities be incorporated within the functions of this electronic monitoring unit? Why must we go out for contracts when we are building capacity with personnel?

Mr. Speaker, I am very glad to see an amendment in clause 5(2) that the contractual arrangements will be guided by the CPO, because I still have the reservation that this could result in potential temptation for people to engage in corrupt practices at the expense of the taxpayers, and it will end in the wasteful spending of the State's coffers.

It is, indeed, true that globally industry has played a pivotal role in the growth of electronic monitoring. In some jurisdictions across the globe, private sector firms do operate systems and even attach devices to the offenders. Corrupt practices apart, the role of the private sector in prison management raises many contentious issues, for example, accountability and confidentiality.

Clause 7 seeks to address this issue, but with contracted personnel, this could be very challenged. They might not really consider themselves an integral part of the

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unit, so they might not feel the same sense of allegiance to adhere to the rules and regulations as specified by the unit, as opposed to those who are employed within the unit. You also have the question of training and the question of service quality.

Mr. Speaker, while electronic monitoring is more lenient than being in prison, it is harsher than a probation. I say this because it avoids the negative psychological effects of incarceration, but the wearing of this device carries its own psychological pressures. Mr. Speaker, the use of electronic monitoring in the criminal justice system raises a number of ethical, legal and practical issues to which the Member for Oropouche East alluded. It is, indeed, psychological invasive, onerous and draining in the sense that a person's every move can be tracked since it has the potential to enforce restrictions upon a person's liberty in connection with a judicially imposed punishment such as home detection.

In addition, the surveillance potential of electronic monitoring creates concerns of over regulation and infringement of human rights. The constant surveillance of people, particularly through the use of devices fixed to their body, or even sometimes planted beneath their skin, raises serious civil liberty and ethical concerns. Mr. Speaker, all of the activities of this Bill constitute a serious infringement on a person's rights and are, indeed, in direct convention to the individual's human rights under sections 4 and 5 of the Constitution of Trinidad and Tobago.

It is important for us to be aware of this, and it is important for the public to be aware of this. Having been aware of this, it is necessary that we seek to create policies and to ensure that if such technologies are, indeed, adopted, they are used in the most productive and ethical ways that will benefit our citizens, those who would be most affected. We cannot just implement this system as a stand-alone piece by its own without looking at all the other adjunct programmes and policies that should be implemented along with this system to benefit those who will be affected.

Mr. Speaker, in particular, I speak of the necessity of ensuring that informed consent of those chosen to be subject to monitoring should be guaranteed, and effective procedures should be established to deal with unethical and illegal practices. I find that this Bill is very silent on ethical issues. It does not speak to any ethical issues.

When the Bail (Amdt.) Bill was debated in this honourable House sometime in December 2010, among my recommendations—because I participated in that debate—were the enforcement of a curfew requirement and the electronic tagging of the accused in order to monitor his or her whereabouts, so it is not that I am

against the actual implementation of electronic monitoring, because there are many advantages that can be associated with electronic monitoring, for example, the reduction of prison population. This will result in the reduction of cost for the State and there is the possibility that this could lead to the reintegration of offenders into society.

**7.15 p.m.**

Mr. Speaker, I looked back at the Bail (Amdt.) Bill, and as I researched this Bill I realized that such advantages may not necessarily be realized if this strategy is implemented as a stand-alone piece of legislation. I researched this legislation in the Commonwealth, and this legislation really speaks to being implemented as a complement to a parole system.

In most jurisdictions across the world, electronic monitoring is indeed not used as a standalone measure to supervise offenders, and it does not in itself prevent breaches of sentencing or re-offending. As I said, it complements a parole system that facilitates the supervised release of an accused prisoner before the completion of his sentence in prison.

Upon release, the parole board may impose restrictions on an offender. Electronic monitoring is a technological means of enforcing such conditions, but at the same time the parole board puts in place community-based programmes to nurture offenders and assist them to achieve their goals, such as reporting to officials or complying with a curfew, but also with improving their own conditions. It is a system that is not only punitive, but restorative and rehabilitative.

The conditions of parole often include obeying the law, refraining from drug and alcohol use, avoiding contact with the parole's victim, obtaining employment and maintaining the required contacts with a parole officer. Parolees may return to prison if they violate the conditions of their parole. The hon. Minister of Justice spoke about the introduction of a parole system, and I will allude to that as I go along. But the fact remains that in Trinidad and Tobago currently we have no parole system and no parole board. I wondered: what strategies are we going to put in place to assist us in the implementation of this electronic monitoring system, in terms of the rehabilitation of the offender? What will we put in place? How soon will we have this parole system to which the hon. Minister referred?

I want to refer to the Scottish legislation. I looked on the website, which I shall give to Hansard, because it might be a bit difficult for them to write it down now, however, it is [www.legislation.gov.uk/ssi/2001/315/pdfs](http://www.legislation.gov.uk/ssi/2001/315/pdfs), et cetera. They would have it, so they could write it. In Scotland there is a statutory instrument called the

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parole board, and this legislation mandates that the board takes into account the following:

- “a) The nature and circumstances of any offence of which that person has been convicted—the offender has been convicted—“or found guilty by court;
- (b) That person’s conduct since the day of his or her current sentence or sentences.
- (c) The risk of that person committing any offence or causing harm or any other person if he or she were to be released on licence, remain on licence or be re-released on licence as the case may be; and
- (d) What that person intends to do if he or she were to be released on licence, remain on licence or be re-released on licence, as the case may be, and the likelihood of that person fulfilling those intentions.”

While in other jurisdictions across the globe, the parole system spells out these considerations for the accused or the offenders, I find that nothing in this Bill demonstrates such consideration for the future of the offender.

Another salient point is that in the parole legislation is the procedure for making a decision. Mr. Speaker, in the Scottish Parole Act it states that:

- “(1) Subject to the provisions of these Rules, the Board may regulate its own procedure in dealing with any case.
- (2) The Board shall deal with any case on consideration of—
  - (a) any written information, documents or written representations which the Scottish Ministers or the persons concerned have sent to it...
  - (b) Any report of an interview conducted...
  - (c) Any other information obtained by...”—the board.
- “(3) The person concerned shall be entitled to request an interview with the Board before it reaches a decision,...”

I find this very interesting. It gives to the offender support that he or she can actually have a voice. They can request an interview with the board before it reaches a decision.

- “(a) Where he or she does so; or”—that is requests an interview with the board—
- (b) Where the Board considers it desirable to interview that person or any other person, the Chairman of the Board may authorise one or two members of the Board to conduct such an interview and to make a report thereon to the Board.
- (4) In dealing with any case, the Board may request and consider information from any person and in any form.
- (5) ...the Board shall send to the person concerned a copy of any information obtained by it...which it considers to be relevant to the case.”

So the offender is allowed to see that report before a final decision is made. I find that it allows a lot of fair play and justice to the offender.

We have not gone into this in such detail. I find the Bill rather punitive; it looks at punishment. I am not saying we must not look at punishment, there is need to look at punishment, but I am not seeing that concern to rehabilitate and to restore the dignity of the offender in cases where that is possible. I am not seeing that; I am not seeing the effort for justice in that regard.

While we are busy punishing, we have to realize that we are all human beings, and some of us fall, but with help many of us can stand again. That is what I would like to see in this Bill, some more compassion, rather than just a Bill of a very punitive nature.

Again, I have to underscore the fact that nothing in this Bill before this honourable House demonstrates that degree of concern that I have seen in the systems in other jurisdictions around the world. I think that this Bill basically is about just electronically tagging people to detain them, to restrict them and to keep them under surveillance. While we are in direct contravention of the Constitution, we have to be careful how we handle the fact that we are infringing and trampling on an individual's right. You cannot just say, “Well, it is good to protect the country from criminals and to stop crime, and therefore those who offend we will trample upon their rights.” I do not think it is right for us to go about it in such a high-handed manner. There must be some meeting of ways somewhere.

Having said that, I am very concerned about the fate of some of my constituents who might fall into this trap, if this Bill is passed in its current stage. It is not that I am not supporting it, Member for Oropouche East, but I feel that we could look at

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further amendments to this Bill. We need our Bills to protect our society and to bring those who deserve to be apprehended to justice, but I feel we have to be compassionate in how we approach it. As a stand-alone piece of legislation without the attendant systems, for example, a proper parole system and relevant programmes to rehabilitate offenders, reconnect them in a meaningful way with their communities; reconnect the victims with the community probably through volunteering. [*Interruption*] These are not just words, this is what happens in other jurisdictions across the world: volunteer work in the community, beautification of the environment. You all love the beautification of the environment—that was another recommendation I had made in the Bail (Amdt.) Bill—assisting the aged and the disabled, et cetera. All these things would help to reintegrate the offenders and bring them back into society.

Mr. Speaker, I want to refer to what the Member for St. Joseph said on December 02, 2011, I take it from the *Hansard*. He said that the general import of the Bill, words to that effect, were to—and this is what is important in what he said—“complement the introduction of a parole system.” He speaks of it, his Government speaks of it, but it does not exist. Are we putting the chicken before the egg; the cart before the horse? We are bringing Bills.

One thing I have to say, Member for Oropouche East; you said we must not nitpick too much, or words to that effect, and that we must agree and say, “Let us go with it; let us go with it;” but sometimes legislation made in haste could be very, very poor and in the end could be very damaging to society. So we have to be careful.

I heard you all boasting, “Oh, we passed through five Bills or six Bills.” We were punished here. I have to say punished, because I think after a certain hour, after twelve o’clock and so on—look the hon. Member for Chaguanas West is saying after seven o’clock, but certainly after 12 o’clock, punishing us just because we have to push through the Bills as quickly as possible, despite the fact that the Opposition might have disagreed on several accounts, with several Bills; but that did not matter. “We are running through because we have the majority.” Is this really good for our national development?

I know you might not like to hear it, but it is the truth. I sit here sometimes and I wonder. We are just enacting legislation with indecent haste, and I wonder. You might not like to hear it, Sir, but it is the truth.

The hon. Justice Minister also spoke about promoting “public safety by using technologies and supervision strategies to effectively monitor and supervise offenders”. I agree with that. He spoke about increasing and enhancing “public

safety and offender accountability while encouraging positive behavioural changes”. Again, his intentions are honourable, but where are the programmes? I have to go back; you want to do this, but everything is about punishment. You tag them to detain them, to restrict them, to have them under surveillance, but where does the Bill speak about the complementing or the corresponding programmes to improve the offenders?

You are talking about encouraging positive behavioural changes. You spoke about reducing “the financial burden on the State and the prison service by reducing” the prison population—I will get to that too. You also spoke about improving “the cost effectiveness of correctional programmes”, to “provide enhanced opportunities for offender rehabilitation; and extending “the range of sentences available to the courts;” and, sixthly, you talked about increasing “the overall efficiency of the criminal justice system via enhanced security and protection of citizens of Trinidad and Tobago.” Where is the legal framework that speaks to all of this? Where is the legal framework that speaks to all this rehabilitation, this parole system, encouraging positive behavioural changes and opportunities for offender rehabilitation?

**Mr. Volney:** It is coming.

**Mrs. P. Mc Intosh:** It is coming. He says that it is coming, but we are operating in a void here. We are operating with a stand-alone piece of legislation more or less in a void. He said that it is coming, so I have to go with what is coming. Well, may I give you the benefit of the doubt, hon. Minister, that it will come. But it is always the chicken before the egg. It was the same thing with the laptops, no infrastructure, but here are the laptops. Many of them—many of them—[*Interruption*]

**Dr. Ramadharsingh:** “Doh go there.”

**Mrs. P. Mc Intosh:** No, I must go there. Many of them are put to no good use. I want to agree, I want to give in, I want to acquiesce, but I feel sometimes I am in a void with this legislation. I must think of people, no matter how bad we perceive the acts that some of these offenders commit. We have to take into consideration the fact that they are human beings like us; we are all God’s children and I feel we have to treat each other with a certain amount of fair play, justice and decency. We cannot just talk. It is like a parent with a child; you cannot just punish and punish and punish. I am not saying that punishment is not due, but where is the caring, the compassion and the love? This Bill is devoid of that, but the hon. Minister says it is coming, so I will wait.

**7.30 p.m.**

Mr. Speaker, where electronic monitoring is used as an alternative to prison there is the possibility of reduced prison populations, because when we have high prison populations we know that we have a lot of costs associated there with accommodation, meals, transport, security, medical attention, legal fees, et cetera. As a matter of fact, it costs the State approximately \$10,000 per day per prisoner when all of these factors are considered. So, if the prison population is reduced we would have fewer people to support in prison, and of course, we would not have to build many prisons and this is one of the advantages.

However, the questions also arise about the effectiveness of electronic monitoring and as to whether it can actually reduce costs and prison populations. Even in the United States they are not finding it so. As I researched more I saw they are grappling to see where they are going where their parole system is not being effective because there are so many repeat offenders. When you have these repeat offenders they go back into prison and the population does not dwindle; it increases.

As I say we must have systems to assist offenders to observe the conditions of detention and/or restrictions imposed upon them, to keep them on track and to keep them focused on their development. Electronic monitoring could result in increased breach rates that would just translate into an overall increase in prison admissions and it would defeat the whole purpose of the electronic monitoring initiative. This will just defeat the purpose, and that is why I say we have to bring these other programmes on stream.

As I said, we have to look at the possibility of improving the rehabilitation and reintegration of the offenders and it depends on whether the monitoring is used to enhance the existing community-based sentences or simply as an alternative to prison. If the monitoring is predominantly applicable in a correctional context, the question of punishment arises, because of the power of the modern technology to facilitate restriction and surveillance.

Mr. Speaker, the question I have to ask is, what do we really want to achieve through the passage of this Bill? Is it a strategy to simply punish offenders or to punish and rehabilitate them? Again, I have to say I see it as a strategy to punish. This Bill appears more punitive than restorative and speaks—

**Mr. Volney:** Lock them up!

**Mrs. P. Mc Intosh:** You see what he is saying, lock them up, lock them up; I do not believe—I am not saying we must not lock them up but lock them up and

assist them, lock them up and help them. It speaks neither of these parole systems that are implemented across the globe nor of social programmes to nurture these offenders and improve their lives and redirect them away from a life of crime.

The Bill is devoid of any mention of collaboration with NGOs like Wayne Chance's Vision for Mission that helps prisoners. We speak about getting them employment; how would they get employment? Who would employ them? Where is that connection with NGOs that would assist them to gain employment and assist them in their rehabilitation? The Bill is silent on this and I am very concerned.

My last major concern is with clause 9(1), (2), (3) and (4), which establishes the offences listed in Schedule I which would not be subjected to electronic monitoring. I have no problem—and I cannot have any problem—in the First Schedule with 1, 2, 3, 4; you know, treason, murder and all of these. These are indictable offences. But, when I look at section 4?:

“Offences of a sexual nature...

- (a) Rape;
- (b) Grievous sexual assault;
- (c) Sexual intercourse with female under fourteen years;
- (d) Sexual intercourse with female between fourteen and sixteen years;
- (e) Sexual intercourse with male under sixteen years;
- (f) Incest;
- (g) Sexual intercourse with adopted minor, etc;
- (h) Sexual intercourse with minor employee;
- (i) Sexual intercourse with mentally subnormal person; and
- (j) Buggery.”

These offences are bailable offences. The person could be out of custody on these offences. They are bailable offences. This Bill is purporting to protect women and children under section 5 of the Domestic Violence Act by subjecting offenders to electronic devices. But the Bill says that these offences here will not be subjected to electronic monitoring, and I find there is some contradiction here and I do not seem to be able to rationalize it. If we say we are protecting women and children from these heinous crimes, how come we are saying now that they are not subjected to the electronic monitoring? They are bailable offences.

Mr. Speaker, how can we speak about the safety of our women and children against sexual predators and perpetrators when we are not subjecting them to

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electronic monitoring? We say that we are very interested in protecting children. We just passed the Children Bill, and here we have electronic monitoring not physically restraining or incapacitating a person who will commit such a dangerous offence against women and children, and they would be exposed to the public. We do not have a registry in place for sexual offenders, and now we have this whole list of sexual crimes that are not subject to electronic monitoring. I just do not understand it. I find it very contradictory and I just cannot rationalize why it is like this.

Mr. Speaker, in Australia, electronic monitoring—the technology was introduced to electronically monitor the movements of offenders on interim and continued supervisions under the Dangerous Prisoners Act. An effective parole system was put in place, and GPS technology is used to enhance probation and parole's ability to electronically monitor offenders and provide information to better inform case management processes. And this is done under the Dangerous Prisoners Act which is like our Sexual Offences Act.

The State of New Jersey has juxtaposed the parole system and electronic monitoring unit in respect of sexual offences. In New Jersey parole officers are sworn law enforcement officers who work within the state parole's board division of parole. The division is responsible for the supervision of more than 15,000 offenders statewide; these include offenders approved for parole release by the appointed parole board members as well as offenders released to mandatory supervision under the No Early Release Act. Sex offenders sentenced for community supervision for life or parole supervision for life and certain sex offenders subject to global positioning system monitoring. So they are dealing with just sex offenders like that in the State of New Jersey by having them being subjected to electronic monitoring, but here we are saying that that does not apply to them.

The electronic monitoring system as proposed in this Bill, quite apart from the serious infringement on the individual human's rights as expressed under sections 4 and 5 of the Constitution might not be—and I have to say might, I do not want to say will not be, Member for Oropouche East—successfully implemented to the betterment of and in the best interest of those for whom it is intended, in particular, and society in general, if it is implemented as a stand-alone piece of legislation without consideration for the other systems like parole and social programmes to complement it.

Mr. Speaker, having said that, I thank you.

**The Minister of State in the Ministry of Education (Hon. Clifton De Coteau):** Thank you, Mr. Speaker. It is always a pleasure for me following closely behind the Member for Port of Spain North/St. Ann's West. [*Laughter*] I always like to place on record that as a supervisor she was always in sync with me, but now that we are in politics and on the other side we are in sync only in that we have both agreed that we remain educators and not politicians. However, while at one time as well, if I should say jump, she would say how high; now if I say jump she would not jump, and that is the nature of politics.

I have listened to the last speaker and she had indicated that—the Member for Port of Spain North/St. Ann's West—she is in support but she has some concerns. The Roman philosopher, Seneca once said, “He who does not prevent a crime when he can, encourages it.” I stand in support of this Bill, the Administration of Justice (Electronic Monitoring) Bill, because, to me, it seeks to contribute to the re-engineering and restructuring of the security systems being enforced by our Government in order to prevent crime. We are all concerned about crime in the country. As one calypsonian once said, “We living in jail”, because we need to protect ourselves. This Government has developed a very proactive approach to crime, national security, in response to the general woes of today's society. We are seeking to address not only crime but the causes of criminality. Each strategy being put in place is based on the care and concern which is necessary in order to ensure a prosperous and safe tomorrow for Trinidad and Tobago.

Electronic monitoring, and I think we will all agree, allows for the management of offenders. It allows for the management of offenders and it is a form of social control. This cannot be denied. It is community based and it facilitates opportunities for rehabilitation and social reintegration. I know that the former speaker was concerned about this caring and the social reintegration. What may seem to be technologically advanced as the monitoring device would consist of components such as radio frequency (RF), global positioning system (GPS), transdermal alcohol monitoring, breathalyzer monitoring and ignition interlock, has been implemented to varying degrees since the 1980s in the United States of America and the United Kingdom. According to the Centre of Criminology on Public Policy Research and the FSU College of Criminology and Criminal Justice, as early as 2000 more than 30,000 criminal offenders living in the community in the US were monitored by electronic surveillance equipment at least for one day.

Hon. Members, the Bill stems from the drastic and radical changes which are needed in this nation's justice system. We cannot be timid, we cannot be afraid. We have to be brave.

**7.45 p.m.**

The Member for Port of Spain North/St. Ann's West did say, that it is very costly now to have people in prison. I think she quoted a figure of \$10,000 per person or per year. The obvious benefits of the electronic monitoring of offenders include: ameliorating the problems of overcrowding in the prisons. The three main prisons were supposed to collectively hold 1,090 prisoners; currently, they hold over 775 more. So we see the need where we will have that reduction as was mentioned by the last speaker, the Member for Port of Spain North/St. Ann's West. The electronic monitoring system would allow for the use as a form of detention without increasing the risk to the society. She spoke in terms, the Member for Port of Spain North/St. Ann's West, spoke in terms of repeat offenders going back to prison.

What is going to happen is that the system would also allow for avoiding the contamination factor where first-time offenders join prison gangs and socialize with experienced offenders. Sometimes when you meet some of these "fellas" outside, they say, "I have not seen you for a long time." They say, "Boss, I went to the United States." The boss may say, "I am happy for you. How come? You really went to the United States?" He say, "Yes boss, I went to the United States of Arouca." [*Laughter*] Some may even say they went to the "University of Arouca."

**Miss Hospedales:** [*Inaudible*]

**Hon. C. De Coteau:** Sorry, Member for Arouca/Maloney. In other words, those who went to the university what they say, they gained experience and they come back learned. So that the electronic monitoring system would avoid then, that learning experience. It would prevent them, these first-time offenders from joining the prison gangs and socializing with experienced offenders, so that they would not exit the prison as greater threats to our society, and with a greater inclination to involve themselves in criminal activities. So there are benefits.

We would keep them in the embryonic stage of their criminal intent instead of giving them an opportunity to graduate with first degree, second degree and PhD in criminality. In other words, we would prevent them from learning the tricks of the trade from the veterans who would be inside there, and this is indeed a plus for them.

Mr. Speaker, the electronic monitoring Bill offers a sentence in its own rights along with the still-to-be-introduced, again as mentioned by Port of Spain North/St. Ann's West, parole system. It would complement the justice system of our country.

George Washington once said, “The Administration of Justice is the firmest pillar of Government.” The People’s Partnership Government developed its administration on seven interconnected pillars for sustainable development: people-centred development, poverty eradication and social justice, national and personal security, information and communication technologies, a more diversified knowledge-intensive economy, good governance and foreign policy. As such, the reorganization of the justice system is geared at interventions which are proactive and preventative. This is essential, not reactive, but preventative, so that the Bill is a necessary component of the strategic goals that we have—[*Interruption*]

**Mr. Speaker:** Hon. Member, there is a Procedural Motion that has to be effected at this time. Hon. Leader of the House.

#### PROCEDURAL MOTION

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, pursuant to Standing Order 10(11), I wish to move that this House continue sitting until the completion of the electronic monitoring Bill before us; completion of this Bill through all of its stages.

*Question put and agreed to.*

#### ADMINISTRATION OF JUSTICE (ELECTRONIC MONITORING) BILL, 2011

**Hon. C. De Coteau:** Thank you, Mr. Speaker. As a Minister in the Ministry of Education and as the Member of Parliament for Moruga/Tableland, I would heartedly support this Bill. I believe in its benefits, and I believe in the alternative methods of management of offenders. I believe in their rehabilitation. The last speaker, the Member for Port of Spain North/St. Ann’s West, rightly said, we must have some kind of compassion. We must try and rehabilitate them. I honestly believe that people can change if given the opportunity. I honestly believe that when you give a dog a bad name it lives up to it. And as an educator I believe I have seen it work, where you give people an opportunity to change and they change. They just need someone to believe in them. Some of them turn to the church because they get that solace and that kind of compassion in the church. We are saying that as politicians we can give them that opportunity to change. I believe that the monitoring of some offenders can surely save the lives of others. This is quite possible. So that the nationwide strategies for preventing and dealing with crime, ensuring national security, improving the justice system and ensuring the future of our nation are evident in all disciplines. Again the Member for Port of Spain North/St. Ann’s West did say, we need to have a more holistic approach to healing Trinidad and Tobago, so that we have to work with all concerns.

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Mr. Speaker, often it has been said that our school system is the feeding ground, the breeding ground for the criminals. It may appear so, but I do not believe it. But at the Ministry of Education, the Task Force on School Violence and Indiscipline, was established if you would permit me, to provide a specialist targeted and proactive implementation of systems to ensure the security in our schools. As Chairman of that task force I am obliged to be working with a team consisting of relevant stakeholders, including TTUTA, the National Parent-Teacher Association, the school support services, security manager, the Ministry of Education, the Ministry of National Security, the Ministry of Arts and Multiculturalism; in other words, that interministerial approach so needed. Our focus is on implementation. We say no more talk. We are finally able to observe a degree of action, after all we need action. One of the malaises of our society is that we have plenty “ol’ talk”. When it comes to implementation we do not have that courage. Today we are witnessing the courage as initiated by the Minister of Justice to bring such a Bill to this august Chamber.

**Mr. Sharma:** Well said, well said.

**Hon. C. De Coteau:** So we are looking at video surveillance in schools, additional police patrols, provision of additional security offices at risk compounds, advance training for safety officers, organizational changes and increased communication, accountability and personal response. These are just a few strategies being used and being implemented over the following weeks and months.

Mr. Speaker, it is sad that in our secondary schools we have to go to the searching of bags before you enter the compounds. We are seeking to ensure the fence lines and the lighting systems are up to mark. We have implemented in the Morvant area the K-9 and handler presence in the schools, which include Cunupia, El Dorado East, Morvant, Laventille and Malick.

Mr. Speaker, our security team—and I want to just allay the fears of the nation because they still believe that at the schools we are encouraging and providing fertile soils for criminality. I know the Members for Port of Spain North/St. Ann’s West and La Brea—educators—would never agree with such sentiments being expressed, because we believe that our children are the bedrock of the nation, they are the flowers whom we want to see bloom. We do not want them to fall into that.

When we allow this Bill for the electronic monitoring of offenders, what are we allowing? We are demonstrating to the people, to the country our firm stance against crime. We are demonstrating to our children that there are repercussions for deviant behaviour. We are demonstrating that we as a Government of this nation

are able to set limits, parameters, which must be adhered to by all; not a pat on the back. You do something wrong, discipline of natural consequences, you have to understand that.

We are demonstrating that we can carry Trinidad and Tobago to a First World status. In terms of this nonsense they are talking about that we are a “banana Republic”, how insulting. We are prepared to implement the technology which is internationally available to assist our cause.

Hon. Members, Mr. Speaker, the Bill will allow electronic monitoring to be used in cases of domestic violence with respect to protection orders, violations, protection of women and children and my colleague, we are in the education system.

**Mrs. Mc Intosh:** What about rape?

**Hon. C. De Coteau:** Well, you mentioned rape. If you feel it is necessary then we should—I agree with you. We are going to show how problems at home or challenges can affect students and their education. Children from abused homes, psychologically, who may develop this kind of antisocial and deviant behaviour, they attempt to seek control of their lives in other avenues. We all know that. They have increased the tendencies of violence and indiscipline. Simultaneously, children with a parent who has been imprisoned due to an unfortunate circumstance suffer from being victimized and are ostracized. They are pushed away by the society, once it is known, and judged on their parent’s misfortune; very sad.

**8.00 p.m.**

Electronic monitoring in cases which do not warrant imprisonment, but which call for limitations and management of an offender, allows for the stability of the family structure. “He doh have to be imprisoned. We could monitor him while he is at home.” The offender is sentenced in his own right without upsetting the natural order of the lives of his loved ones. So while you are being punished, it gives you a chance in the family circle to reflect, repent and to change your life.

The reorganization of our justice system, Mr. Speaker, will definitely allow for benefits to our children; the future generation. We are teaching them about consequences, limits, constraints, and rehabilitation. Our nation is on a mission towards the development of every individual through sports, mentorship programmes and community outreach initiatives; we are promoting the ideology of second chances. Member for Port of Spain North/St. Ann’s West, that was your concern, give them a second chance. We are promoting that ideology; that you have

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an opportunity while you have to pay the price for the crime which you have committed, you still have a window of opportunity to go the correct path. So that it is proactive and preventative, it is nurturing and rehabilitation, so that in this case, Member for Port of Spain North/St. Ann's West, in looking at this Bill you can see the glass as half filled or half empty, it depends on your perspective, but I am saying it is in my own—I feel—hypothesis, nurturing and rehabilitative.

Only a few days ago, the St. Lucian Government proposed legislation for electronic monitoring of offenders. Now, I agree that efficiency and effectiveness are integral aspects of the success of the proposition, however, I believe in the intelligence of the human capital of our nation; with an organized unit, the monitoring and management process of offenders can prove successful. Now, I do not like to get into that guttural aspect, I could say that the mayhem which is spoken about could possibly have happened if you do not have the sincerity that—[*Interruption*] I would not go in that; I mean, it is not my brand of politics.

**Hon. Member:** You have to reprimand them.

**Hon. C. De Coteau:** What I can say is that under the People's Partnership with the intent to develop our beloved Trinidad and Tobago, we will optimize the implementation of the tools and techniques which technology has to offer. Mr. Speaker, let us not hinder and hamper the development of the nation of Trinidad and Tobago. We have always been destined for greatness. This electronic monitoring Bill is indeed a step in the right direction to create an opportunity for Trinidad and Tobago to express and demonstrate that greatness.

I thank you. [*Desk thumping*]

**Mr. Sharma:** Well done! Well done!

**Dr. Gopeesingh:** Oh yes! Oh yes!

**Miss Alicia Hospedales (Arouca/Maloney):** Thank you very much, Mr. Speaker.

**Hon. Member:** “Oh lawd!”

**Mr. Sharma:** Same speech, different day.

**Miss A. Hospedales:** Mr. Speaker, I am thankful for the opportunity to contribute to this debate on the Administration of Justice—[*Crosstalk*]

**Mr. Speaker:** Please, I want to give the Member my full protection. [*Laughter*] So I will ask Members on the Government Bench, to give the Member for Arouca/Maloney their undivided attention. Hon. Member, you may continue.

**Miss A. Hospedales:** Mr. Speaker, thank you. Sometimes I wonder if I am at a preschool—[*Laughter*]

**Hon. Member:** “Doh wonder! Doh wonder!”

**Miss A. Hospedales:**—where Members do not know how to behave themselves. [*Crosstalk and laughter*] As I said earlier I am thankful for the opportunity to contribute to this debate on the Administration of Justice (Electronic Monitoring) Bill. [*Crosstalk*] The purpose of the Bill, Member, is to make provision for the implementation of a system for electronic monitoring in Trinidad and Tobago and for related matters.

The Bill also focuses on different stages within which the electronic monitoring will be implemented, particularly in the criminal justice system, the pretrial stage, sentencing and post-prison stage. Electronic monitoring specifically will also be used as a condition under which a protection order—if a protection order is given particularly under the Domestic Violence Act—the electronic monitoring system can also be implemented.

Mr. Speaker, I would just want to respond to the Member for Moruga/Tableland. [*Crosstalk*] The Member said that the Government in executing its duties are able to demonstrate discipline of natural consequences. I really do not know what that means. They are able to take Trinidad and Tobago to First World status, I do not know when that is going to happen, and they are able to implement the technology to assist the cause. I do not know what cause he was talking about; he seemed to have been speaking in parables to us this evening. [*Crosstalk*]

He talked about being able to demonstrate—and I just want to tell him for one minute what are some things they were able to demonstrate to the people of this country. They have been able to demonstrate complete incompetence. They have been able to demonstrate a complete lack of leadership. They have been able to demonstrate how scarce they are with the truth; they are not able to be truthful. [*Crosstalk*] And they have been able to demonstrate a lack of accountability and transparency. [*Desk thumping*] Those are some of the things they have been able to demonstrate over the last few months—[*Interruption*]

**Hon. Member:** Remember Calder Hart!

**Miss A. Hospedales:**—well, almost two years. Mr. Speaker, the Member for Oropouche East gave a long discourse about domestic violence, and the use of electronic monitoring with respect to the enforcement of protection orders and all of that. And what the Member tried to create was a perception that electronic monitoring is the best thing which can resolve the issues regarding protecting women and children who are faced with domestic violence matters.

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He did not tell us that errors can occur. I remember the Member for Diego Martin North/East telling us of a situation in Scotland where a young man who was 18 years at the time was electronically monitored in the year 2005. But despite the fact that he had on an electronic tag or electronic bracelet or whatever it may be; he was still able to kill someone. So the Member for Oropouche East [*Crosstalk*] made us believe that wearing an electronic tag will prevent these perpetrators of domestic violence from inflicting any kind of harm on their victims. [*Crosstalk*] I just wanted to make mention of that. The electronic monitoring system still has—you know, it is not safety proof, there are possibilities where the perpetrator or the offender who is wearing the tag—[*Crosstalk*]—can commit a crime. So when the Member for Oropouche East comes here and makes us believe, okay, all the problems regarding safety and security of women and children—[*Crosstalk*]—who are exposed to domestic violence will be solved—[*Interruption*]

**Dr. Browne:** “Dey said de SoE would solve crime!”

**Miss A. Hospedales:**—once the electronic tag is placed on the offender, you know, the problems of the women and children will go away. [*Interruption*]

**Hon. Member:** This is not true!

**Miss A. Hospedales:** This is not true. In 2005 in Scotland, there was a great outcry regarding the fact that this young man—[*Crosstalk*]—whom it was believed to be monitored was able to commit such a gruesome crime.

Mr. Speaker, another thing I want to point out is that clause 2 of the Bill states that:

“This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.”

When there are elements in the Bill which abrogate the rights of individuals, consultation is necessary. The Member for St. Joseph, the Minister of Justice came here and told us so many things about the Bill, but he did not tell us whether there was consultation with members of the Judiciary, the lawyers and the magistrates. He did not tell us whether there was consultation with police officers, prison officers, and I am sure he will not be able to say he consulted with the prison officers, because in the newspaper it stated that the prison association said there was no consultation with them. He did not tell us whether there was consultation with other members of the national community. The Minister of Justice failed to tell us whether he exercised due—[*Interruption*]

**Mr. Speaker:** Hon. Member, just one minute. I just wish to advise Members, that dinner has arrived, and those Members who are desirous of having dinner can

stream out since we are not suspending for dinner. So I am just advising Members—when they so desire. Continue, hon. Member for Arouca/Maloney.

**Miss A. Hospedales:** Mr. Speaker, I will now complete my sentence. Can the Minister of Justice tell us whether he exercised—[*Crosstalk*—]due care in the execution of his responsibility as a Minister, to inform all the respective persons who need to be aware of the implementation of electronic monitoring? Can he tell us whether or not there was consultation on the legislation; whether there was any form of consultation? The reason I am asking this is because a gentleman by name Terry L. Gassaway, the Director of Clackamas County Community Corrections in Oregon City—I am teaching the Member for Arima. [*Desk thumping and interruption*]

**Hon. Member:** Yeah, teach us.

**Hon. Member:** “One harden student yuh know.”

**Miss A. Hospedales:** He did a case study on the electronic monitoring system or programme in Oregon. And he said:

“A new electronic monitoring program requires support within both the criminal justice system and community.”

He said:

“Gaining judicial acceptance is often the first and most important step.”

Mr. Speaker, the Member for St. Joseph, the Minister of Justice did not consult, he did not consult with any of those individuals and Mr. Gassaway also said:

“A successful program must also win support within the administering agency.”

The prison system—the consultations need to be held so that you can win their support, Minister of Justice.

He said:

“Electronic monitoring represents a shift away from...rehabilitation to surveillance.”

And as a result of that, consultation; you needed to have consulted. And that is one of their campaign promises, you know. They said they are going to consult the people. [*Desk thumping*] Consult the people! Consult the people! But what we have seen over the last—almost two years is that they have not consulted. They have been bringing Bills upon Bills, failing Bills, and they have not been consulting with the people. [*Interruption*]

**Dr. Browne:** “Look, with the CCJ half ah dem say they wanted pure referendum, the other half—[*Inaudible*]

**Miss A. Hospedales:** Yes, that is another good example. Mr. Speaker, another thing Mr. Gassaway said is that:

“A new monitoring program needs community and political support...Community groups and leaders need to be consulted or informed as such issues are decided.”

What he is saying, is there needs to be a comprehensive communication plan engaging all groups in society, informing everyone so that people would have a comprehensive [*Crosstalk*] understanding about what electronic monitoring is all about.

### **8.15 p.m.**

Mr. Speaker, as I said before, the Minister did not consult the people, consult the people, consult the people, as they said they would. The Minister of Justice causes me grave concern because in his contribution—the *Hansard* record has it—he referred to clause 9—which is now new clause 10, based on the amendments—would provide that before making a decision in respect of the imposition of electronic monitoring, a court would have the report from the electronic manager. He went on to say:

“Perched in the Ministry of Justice—I do not know if it is a bird, a birdcage or something—“is also the probation division of the Ministry of Justice”. So, there we have the opportunity to have probation officers reporting on a person’s suitability”.

He went on to say that:

“They report and provide a report to the electronic manager who provides the court beforehand with all the information that is set out in the Schedule”—et cetera.

He further went on to state that:

Electronic monitoring is not intended to replace traditional means of supervising offenders on release, but represents an additional monitoring tool, allowing parole and probation officers to analyze data received from tracking devices”

Then he stated, again, that:

“Electronic monitoring programmes aid probation and parole officers in monitoring and managing offenders’ behaviour in the community.”

Mr. Speaker, I would like to ask the Minister of Justice: Why was there no reference to probation officers in the Bill? Why was there no reference? [*Desk thumping*] No reference was made concerning probation officers. If you are saying that these probation officers have this amount of responsibility, why were they not mentioned in the Bill?

The Minister failed to tell us how many probation officers are currently employed by the State. How many of them? I will give way for the Minister to answer, Sir. [*Pause*] There are, currently, 31 Probation Officers III and 11 Community Service Officers servicing the entire country. What he also failed to tell us was the average caseload of these probation officers. Could the Minister tell us what is the average caseload of these probation officers?

Mr. Speaker, let me provide you with an example. In the area of Tunapuna there is one probation officer for every 40 clients; in Sangre Grande, there is also one for every 40 probationers. In Port of Spain, there is one probation officer for over 100 probationers. The probation officers are overwhelmed, overworked; the unit is understaffed and the Minister is saying that he is going to add additional responsibilities to this particular department, or these workers.

What the Minister needed to tell us is whether or not he is going to increase the staff at the probation department. The Minister further went on to state that probation officers would report on a person’s suitability—that is what he said to us—and provide a report to the electronic monitoring manager. The probation officers are already overworked, overwhelmed, have a heavy caseload and the Minister is expected to add additional probationers to these probation officers. That is very unrealistic.

There is need for the Minister of Justice, when he is wrapping up the debate, to tell us whether or not he intends to increase the staffing at the probation department.

Mr. Speaker, another thing that Terry Gassaway said, in looking at the Kansas case study on how they implemented electronic monitoring in Oregon, was that in order for an electronic monitoring system to work effectively, there has to be a ratio of one professional—one probation officer, in this case—to every 20 probationers. This is evidence that the Minister did not do his work at all. He has not done his work. [*Desk thumping*]. He has not demonstrated, for another time, critical thinking. Again, as I said earlier, it causes me grave concern.

The Minister must realize that even though he talked about the responsibility of probationers, the probation officers have no authority whatsoever; they are not even included in this electronic monitoring Bill. They have no authority to supervise any person who has been tagged electronically. I heard, previously, that probation officers were included in the Bill but, for some reason, somebody decided that their work was not important and, as a result of that, they were deleted. I do not understand the logic behind probation officers being deleted and then the Minister coming to tell us that they are going to be given this large amount of responsibility. It is really a shame.

Mr. Speaker, can the Minister of Justice tell us whether police officers—If he is saying that the probation officers would have a responsibility to report on the persons who are electronically tagged, can he tell us whether police officers would be assigned to work at the probation department? Can the Minister tell us that? Because, he is talking about safety and security issues where the probation officers are concerned; would they have police officers assigned to them, particularly when they have to go on field visits to monitor and visit these persons who are electronically tagged, to get their reports done?

Mr. Speaker, yes, I would agree with my colleague, the Member for Diego Martin Central, that the Government is unprepared to implement this legislation, and there were so many other reasons that were given. Can the Minister also provide us with an estimate of the number of persons who, he projects, would be electronically tagged? Can he provide us with that kind of information? We know the answer to that. Can he tell us whether there is any plan to train members of the Judiciary and the protective services; whether there is any plan with respect to training the persons who would be assigned to the particular unit? Is there a training plan in place?

I would also like to make mention of clause 16 of the Bill, which is now clause 17 in the amendments—12 pages of amendments as indicated by our Chief Whip, that were given to us after 3.00 this afternoon. We had to do a crash course in trying to figure out exactly what amendments they brought to the piece of legislation they had given us previously.

Mr. Speaker, this speaks to the level of incompetence that we have to deal with as Members of the Opposition. [*Desk thumping*] They expect us to be learning on spot to have to decipher exactly what they are coming with next. It really is not a demonstration of competence.

As I indicated previously, subclause (3) of clause 16, now clause 17 states:

“(3) A police officer who receives information under subsection (2), shall forthwith cause the person or respondent to be arrested and brought before the Court.”

In subclause (4) it says:

“(4) Where ... the police officer to whom subsection (3) applies, fails to take action in accordance with this section, he is guilty of an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for two years.”

Mr. Speaker, I am asking: were police officers briefed or trained? How could they be held accountable for something they do not even know about? I am sure if you ask any police officer: can you tell me about the electronic monitoring? Do you understand what it entails? Do you have an idea in terms of any of the breaches that can occur under electronic monitoring? They will not be able to answer because they do not know; they were not informed. The answer to this question and all other questions I have asked would be, no. The Minister has no answers to any of those questions I have asked and, as indicated, he has no idea either.

Mr. Speaker, clause 9 of the Bill, now new clause 10, states in subclause (4) that:

“Before making a decision under subsections (1) and (3), the Court shall request a report from the EM Manager concerning the person or respondent, which the EM Manager shall provide as soon as it is practicable.”

Mr. Speaker, the Bill went on to state in clause 11, new clause 12, subclause (2), “Before making a decision under subsection (1)” again—

“the competent authority shall request a report from the EM Manager...”

Mr. Speaker, subclause (4) states that the competent authority shall take into account, the report of the electronic monitoring manager. Clause 13, new clause 14, also speaks to the fact that the electronic monitoring manager; again, the court would give consideration to the report of the electronic monitoring manager.

Mr. Speaker, from the beginning, the Minister of Justice has created a system that is doomed to fail. Why I am saying that, from the clauses I have read, a lot of weight rests on the shoulders of the electronic monitoring manager; one person who would be required to generate hundreds of reports for a number of persons who would be waiting to be electronically tagged. This already speaks to the

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unrealistic expectation of the electronic monitoring manager. A major backlog can occur because this one person is expected to create all these reports for, as I said, hundreds of persons who may be on a waiting list, waiting to be tagged or waiting for the final determination as to whether they would be tagged or not.

This can also cause significant delays in the court. I really think that the Minister did not give consideration to the fact that this one manager would be required to present all these reports, I think that is unrealistic. There was, again, lack of foresight, lack of thinking with respect to that.

Mr. Speaker, can the Minister of Justice tell us what would be the main responsibility of the service provider? We see here in the Bill, for instance, in clause 5, new clause 6, there are a number of responsibilities that are given to the electronic monitoring unit; particularly, to the electronic monitoring manager and the staff of the unit, with respect to carrying out responsibilities that should be done by the service provider.

We see here where the unit would be responsible for providing real-time tracking of the location of persons and respondents; to report alarm notifications, signal loss and device malfunction forthwith to the electronic manager; to exercise central control of all monitoring information; to undertake the fitting, maintenance and removal of the device; exercise central control of all monitoring information; provide technical assistance where necessary.

Mr. Speaker, I can go on and on, but if you look at the list of responsibilities what you would see is that these responsibilities are basically technical responsibilities and, really, should not be assigned to the electronic monitoring unit; rather they should be responsibilities that are carried out by the electronic monitoring service provider. The Minister, as I said, really, did not give much consideration to this particular aspect of the responsibilities in terms of who does what. I really think that he needs to revisit the responsibilities that are assigned to the electronic monitoring unit. Think them through, again, go back to them and make the amendments where necessary. [*Desk thumping*]

I would also like to indicate to the Minister that, yes, the electronic monitoring system might be a good one, but, again, if you did not consult with the people, consult with the people. What is going to happen is that you would get resistance from the people because they would not buy into a programme such as this. I think the Minister needs to give critical consideration with respect to consultation—going out, having training sessions, informing the key stakeholders—so that at the end of the day, when the programme is being

implemented you would have already gotten buy in. This is like bringing the cart before the horse. He really should have done that before he brought the legislation to the Parliament to ensure that he has buy-in with respect to the programme and then, having brought the legislation, the support would have been there with respect to the implementation.

Mr. Speaker, I thank you.

**Mrs. Joanne Thomas** (*St. Ann's East*): Mr. Speaker, thank you for the opportunity to contribute to this Bill.

Mr. Speaker, for the listening population who may have now joined us, and may be unaware of electronic monitoring, I just want to go through, like my colleague for Port of Spain North/St. Ann's West, and just explain a little.

This type of monitoring is normally done by what is known as an ankle monitor, commonly called a tether. It is a device that individuals under house arrest are often required to wear. At timed intervals the ankle monitor sends a radio frequency signal containing location and other information to a receiver. If an offender moves outside of an allowed range the police will be notified. Ankle monitors are designed to be tamper resistant and can often alert police on tampering attempts.

Mr. Speaker, the research on electronic monitoring has also revealed that this system, as mentioned by my colleague, was originally developed by a small group of researchers at Harvard University in the 1960s. In 1983 Judge Jack Love, in Albuquerque, New Mexico, initiated the first judicially sanctioned programme using monitoring devices. The research by these professors also noted that the effectiveness of monitoring in reducing crime is uncertain. It further notes that there is, probably, a reduction of criminal behaviour while the offender is actually being monitored. However, a thorough and comprehensive review of research literature has indicated that over a period of three years, monitoring did not reduce crime more than any other prison diversion programmes.

Mr. Speaker, William Bales, Associate Professor, FSU College of Criminology and Criminal Justice in the United States, wrote a very interesting article on the effectiveness of electronic monitoring. He noted that as early as in 2000 more than 30,000 criminal offenders living in the US were monitored by electronic surveillance equipment for at least one day; and, following that, state and federal legislation was passed in 2005. He, however, cited that research has not kept pace with the rapid implementation of this new and promising penal strategy.

Mr. Speaker, if we go to the Public Accounts Committee Report from the House of Commons, on the electronic monitoring of adult offenders there is noted

some interesting information. In item 2 of the report with subject head “Living on a tag” it says:

“6. Electronic monitoring provides an opportunity for offenders to turn their lives around in a controlled way and change their offending behaviour by allowing them to access work, education, family life and society outside prison within a structured day. Alternatively, it gives them the opportunity to breach their curfew conditions and even re-offend whilst on a tag.”

Mr. Speaker, it further states that:

“7. There was anecdotal evidence from offenders that being on a curfew was more helpful than prison in changing the behaviour of offenders.

There was no evidence, however, that the Curfew Order itself reduced the incidence of re-offending...The Home Office recognised that further research was required to establish the role that electronic monitoring could play in minimising re-offending.”

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, the Committee report highlighted their conclusions and recommendations. I want to highlight these findings because I think it will prove to be valuable to us in ensuring that we have covered all aspects of this piece of legislation that is utilized worldwide.

The first finding:

“Keeping offenders on electronically monitored curfews”— proved to be an average of £70 cheaper— “per offender per day...”

Another finding is that it was found that:

“6. There is insufficient evidence available to determine whether electronic monitoring helps to reduce re-offending or promote rehabilitation.”

A key factor, Mr. Deputy Speaker, is that families of offenders placed on this system are only given limited advice on living with an offender placed on electronic monitoring. This is something, I think, we need to look at in our legislation: how do families cope with offenders who are tagged.

Mr. Deputy Speaker, another social aspect is that offenders placed on this system are not given specific help to access education and training, or to find work, which was highlighted by my colleague from Port of Spain North/St. Ann’s West. One of the committee’s findings, which I think we need to be mindful of is that

their records show that an ex gratia payment had to be made to an offender because it could not be proven whether the offender had intentionally damaged the monitoring equipment. I am not sure we have anything in place as regards damaging this piece of equipment.

Some statistics showed that an average of 1,021 offenders were released, having this electronic monitoring system. Of this number there were four with manslaughter charges; one with murder; 35 with making threats to kill and the bulk of it, 562, for assault charges. All proofs show that this system can work if properly implemented. That is why it is very critical that the legislation, which we are about to pass, covers all aspects of the system so that there can be thorough processes.

Mr. Deputy Speaker, I look at this Bill put forward and there are some concerns that stand out for me. Clause 6 of the Bill provides for the Government to enter into a contract with a company for the provision of any of the functions of the unit. I ask: would the appointment of this company be done by the electronic monitoring manager? And would the normal tendering process be followed? I ask the Minister if he could just answer that for me when he is winding up.

Mr. Deputy Speaker, you know that we have seen this Government appoint contractors to do work with no tendering process followed and the reason given was that it was in the interest of time. [*Interruption*] Exactly. I need to get that question answered as well, because we need to be very thorough in this piece of legislation. [*Interruption*]

Mr. Deputy Speaker, the Member for Couva South is disturbing me a little.

Mr. Deputy Speaker, clause 10, provides for electronic monitoring to be imposed as a lawful condition of a pardon granted by the President under section 87(2)(a) of our Constitution. Let me just highlight something to the Minister. When a person is granted a pardon, it is because that person has fully satisfied the commissioner and prison officials that they have been totally reformed and is no longer a risk to society. That person is now free. So, what exactly is this clause 10 saying? I ask the Minister to explain this to me because somebody, being freed, and granted a pardon, I do not understand how then can this person be put on a tag. I need a definition of freedom in this respect.

Continuing on to clause 11, which speaks to early release; similarly, the prisoner would go on what you would call remission. This is a term used in the prison world. [*Interruption*] The Member sighs in confirmation as though he is very familiar with the prison world. Okay.

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Mr. Deputy Speaker, after evaluating the treatment plan for reform, coupled with good behaviour, the prison term is reduced, allowing for early release. I look at clause 14, which provides for the decision of the court to impose electronic monitoring which shall include a term and imposes a curfew or that restrains the person or respondent from being present in a specified place for a period of time. I particularly look at restraining orders because we have heard and seen cases of domestic violence where orders have been placed on persons who have committed some act of domestic violence, and have been arrested and charged. When that person is released, or out on bail, the two parties make up; sometimes the women feel sorry and they drop the charges. That is practical. When the system picks up that the person has violated the curfew order, would that person then be categorized as violating the order despite being invited by the victim? It is just a question, Mr. Deputy Speaker.

Another thing that I have not seen in the Bill—what about cost? As I read from the committee of the House of Commons, they gave specifics in their piece of legislation; the actual cost related to this system. What about in our case? What about the cost? I just need the Minister to, if he can, give us a little indication of what this would involve.

**8.45 p.m.**

Mr. Deputy-Speaker, I just have one other question. What about persons on extradition orders, would they be put on electronic monitoring as well? That is another question I would like answered, please. We know that crime has now gone at an all-time high. You saw the day before yesterday where you had three murders in one day. [*Crosstalk*] I want to know if with this Bill there would be the reintroduction of an SoE and the tagging on persons who would be picked up. This is another question I would like the Minister to answer.

With those few words, I thank you. [*Desk thumping*]

**Mr. Fitzgerald Jeffrey** (*La Brea*): Thank you very much, Mr. Deputy Speaker. Electronic monitoring, as a measure to reduce the total cost of incarceration, as a measure to reduce prison overcrowding, as a measure to reduce recidivism, as a measure to increase rehabilitation, works quite well in countries where governments have integrity, where the governments can be trusted, in other words, where the governments can be taken on their word.

Therefore, when the Member for St. Joseph speaks about the successes in Canada, the United States of America, the Commonwealth of the Bahamas and, of course, the intent of the Cayman Islands and the British Virgin Islands, one has to

understand that in those countries the governments can be trusted. In those countries the governments all have integrity. But since May 24, 2010 this Government lacks credibility. [*Desk thumping*] They just cannot be trusted. You ask the true or the bona fide members of the COP, you ask members of the MSJ, you ask members of OWTU, you ask John Public.

The Minister of Justice, in his usual unadulterated effervescence, speaks in glowing terms of those countries, but we have got to be very careful. You see, we have had the anti-gang legislation; we had the Bail Act; we had DNA Act and, of course, the electronic monitoring Act. Canada, the United States, the Commonwealth of the Bahamas, they also have these Acts, but they do not have the same problems as we did when we passed the Anti-Gang and the Bail Acts.

You would recall, the Bail Act and the Anti-Gang Act were supposed to deal with crime. But what happened? What was the practice? What actually happened? We saw where, in certain targeted areas, hundreds of youth were arrested and carried off without any evidence. They arrested them first, and then were looking for evidence. That did not happen in the USA; it did not happen in Canada; it did not happen in the Bahamas; it happened in Trinidad and Tobago.

When we are talking about reducing overcrowding in the prison, what we did, in fact, when we had the Anti-Gang and the Bail Acts and we arrested those youth, we overcrowded the prison. You remember we had to build a brand new facility in Santa Rosa. Mr. Deputy Speaker, you do not recall that? And therefore, when we see this whole question about one of the reasons for electronic monitoring is to reduce prison overcrowding, I say what hypocrisy, because, actually, we are saying one thing and doing something else.

In the whole question of reducing the total cost of incarceration, I wonder, since when is this Government so concerned about reducing cost? Since when? Because you see, we see the kind of wastage taking place. We had the recent trip to India where one person—\$233,000 over 11 days. They do not care about cost. [*Desk thumping*] They built a brand new facility in Arima; it is empty now. They are concerned about cost?

**Dr. Khan:** Just say, call election, and “siddong”. [*Crosstalk*]

**Hon. Member:** “Careful what you wish for, Barataria/San Juan.”

**Mr. F. Jeffrey:** The calypsonian, Karene Asche, had a song: *Careful what you ask for*, because the way things are going, we might very well find an election might be in the offing. [*Desk thumping*] You might very well find that! You know, I want to put on record that I am one of the first persons talking about the calling of an election. It may very well happen.

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So, Mr. Deputy Speaker, you are talking about reducing cost, you are talking about reducing prison overcrowding and, of course, you are talking about increasing rehabilitation.

Just last week I was reading Shakespeare's *Merchant of Venice*, Act 1, Scene 3. [Crosstalk] Antonio was talking about Shylock. In speaking to Bassanio he said:

“The devil can cite scripture for his own purpose.

A goodly apple rotten at the heart.

...what a goodly outside falsehood hath.”

I found this quotation so appropriate, because in actual fact what we recognize is that this Government brings legislation that on the surface sounds nice, sounds good, but when you do an in-depth analysis, you recognize how flawed it is. The very erudite, experienced and eloquent Member for Diego Martin North/East dealt with the technical flaws of the Bill, so I am not going to go there again. This haste that this Government seems to be engaged in to see who could pass the most legislation will end up with a record of passing the most ignominious legislation in the history of Trinidad and Tobago. [Desk thumping] Take your time and pass good legislation. Take your time! What is the rush about? [Crosstalk]

Mr. Deputy Speaker, I want to get down to some concerns I have in the Bill. In Part II, clause 4, subclauses (2) and (3). In subclause (2):

“The staff of the”—electronic monitoring—“Unit...shall include the Electronic Monitoring Manager...who shall be the head of the Unit and such other suitably qualified officers and employees.”

After the fiasco with Resmi Ramnarine, we cannot take this one too lightly. This whole question of this electronic monitoring manager, what are the qualifications necessary to fill that position? This is silent in this Bill—very silent. Therefore it leaves room for manipulation. [Desk thumping]

We want to find out exactly what are the qualifications necessary to fill that position, whether it will be advertised in the newspapers. Who will be conducting the interview? I have a strange feeling that this Bill was passed under the guise so that some financier's daughter, son or relative will get that position, so no qualifications have been mentioned. We need to get that specified very clearly in this Bill. Should that person have five O levels as Resmi has? A bachelor's degree? A law degree? A graduate in IT? Why can we not see that in this Bill? Why we cannot see that? That is a cause of concern to me.

Secondly, in clause 4(3):

“The EM Manager and other members of staff of the Unit shall be engaged on contract, in accordance with guidelines for contract employment established by the Chief Personnel Officer.”

Mr. Deputy Speaker, I have real problems with that. Once you put somebody on contract, they are subject to political manipulation. You want to get your contract renewed? “Keep quiet and do what I say.” You saw what happened with the Commissioner of Police? “He cyah talk!”

We are saying put the person; give them a pensionable position; make them permanent so that we will be able to be assured of somebody who does not have to dance at the whims and fancies of the Government. And we know how vindictive this Government can be! [*Desk thumping*]

**9.00 p.m.**

Mr. Deputy Speaker, I also have some concerns about Part II, clause 6:

“The Government may, for the purpose of obtaining electronic monitoring services, enter into an agreement with a company (‘a service provider’) to perform any one or more of the functions of the Unit listed under section 5, and a contract entered into pursuant to this section, shall specify the terms and conditions that will govern the service to be provided.”

How will that service provider be selected? Will there be a tendering process or will it be one of those cases? [*Interruption*] Member for Couva South! What we want to see is some kind of clear tendering procedure established. As a matter of fact, we have been asking for procurement legislation—something that you all have been dancing from. We want to see, if you are going to select a service provider, clear guidelines must be established. The record of this Government says: Listen, dot your i’s and cross your t’s.

So, Mr. Deputy Speaker, my predecessors have done a fantastic job with the Bill and I have just put the icing on the cake.

I thank you. [*Laughter and desk thumping*]

**Mr. Deputy Speaker:** Hon. Members, is there anybody else who would like to contribute to this Bill? The hon. Member for St. Joseph.

**The Minister of Justice (Hon. Herbert Volney):** Thank you very much, Mr. Deputy Speaker. It seems that after some time in Parliament, hon. Members opposite seem to be having problems in understanding where they are at this hour

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of the day and the nature of the contributions that they are making on a very serious piece of legislation. They are trivializing it, if I may use the words of the hon. Member for Couva South.

This measure is revolutionary in that it brings about changes in our criminal and penal systems of criminal justice and our penal systems that have been long overdue. This was not addressed by the last Government when opportunity was had to do so and which we, in this People's Partnership Government, have found the time and focus of mind to bring within 23 short months of being in Government. [*Desk thumping*]

In a debate, one would expect that, in the rebuttal or in the closing response of the Member piloting a Bill, the Member would seek to address the issues raised during the course of the debate. I commend the Member for Port of Spain North/St. Ann's West. She spoke intelligently. I commend the Member for St. Ann's East. Her constituency borders the constituency of St. Joseph and we share the San Juan Market; but Mr. Deputy Speaker, we were treated to idle rhetoric from the Member for Arouca/Maloney and the Member for La Brea and there is precious little that I can do to convince them that this is a serious Bill before this honourable House.

The function of a Member of Parliament is to contribute to the enactment of legislation for the people of Trinidad and Tobago. When a Bill reaches the House, it is debated. It is not intended to be a perfect product before it is enacted into law, that is why it is a Bill; it does not come as an Act.

In the United Kingdom, the Opposition is referred to as Her Majesty's Loyal Opposition because the loyalty is to the Republic, to the State of Trinidad and Tobago. In other words, we are elected by taxpayers and we are paid from the Treasury to come here and enact legislation; not legislation that is People's Partnership legislation or Opposition legislation; but legislation of the House of Representatives. When it goes to the Senate and when it is amended or confirmed, it becomes the legislation of Trinidad and Tobago. In the process, those who sit on the other side are expected to make a contribution to the debate in order to see what they have to add. If they have nothing to add, then the Bill is passed.

Mr. Deputy Speaker, I listened to the Member for Diego Martin North/East in his usual cavalier way of speaking. He cites instances and he refers to judgments and he conveniently uses parts of the judgments that suit his argument. In an orchestrated way, Members on his side talk as if they had the right to say what they say and what they say represents the truth and the facts. Nothing could be further from the truth.

In a Bill like this, which is a crime-fighting measure as well as a revolutionary measure to assist in the process of penal reform; to address the issue of recidivism; to cut down on real-time punishment in order to help restore our citizens to goodness in the shortest possible time, we have gotten absolutely no help from the Opposition. They have not suggested anything to us, but we on this side have listened to what they have had to say and, to the extent that they made sense, we have come with amendments in order to address concerns expressed on that side of the House. We did not have to do it; but we did it. Why did we do it? We did it because we feel impelled to make the measure a Bill of this House, with or without the support of the Opposition, but mindful of their concerns.

When this Bill leaves this House, as it will, approved by this House, with or without the support of the Opposition—and we would like to have the support of the Opposition on this Bill—it will go to the other place and, having had the experience of piloting a number of measures in both these Houses, I only trust that there is one Opposition in both Houses because we hear one thing in this House—[*Interruption*]

**Mr. Imbert:** Mr. Deputy Speaker, the other place is an independent House. It is out of order to speak about that.

**Mr. Deputy Speaker:** Yes hon. Member. Can—

**Hon. H. Volney:** I am saying that there are more than two PNMs. There are more than two PNMs in this country. We do not know whom to trust; whether we should trust this group sitting in the Opposition in the House or any other. They do not speak with one mind. They are leaderless. They have no leadership. They have no policy. They have nothing to contribute in this House of Representatives. They are critical and critical. They criticize and they oppose for the sake of opposition. They should be ashamed of themselves, to stand in this House in front of live television and speak the way they speak. They represent people. They have been elected by the people to represent the people. [*Crosstalk*]

Mr. Deputy Speaker, can I have some help, please?

**Mr. Deputy Speaker:** Hon. Members, you have all had an opportunity to speak in this House. [*Interruption*] Hon. Member for Diego Martin North/East, I am on my legs. Let us please abide by Standing Order 40 and allow the Member for St. Joseph to conclude in silence. [*Crosstalk*]

Hon. Member for Arouca/Maloney, if you have not had dinner, please proceed to the kitchen. If not, please allow the Member to speak in silence.

**Hon. H. Volney:** We seem to have a gastronomical problem in this honourable House and the sooner that we deal with it, the better.

**9.15 p.m.**

[MR. SPEAKER *in the Chair*]

Hon. Members, during the course of the debate, the hon. Member for Port of Spain North/St. Ann's West who, I think, did the Opposition proud, asked a number of questions. It is quite clear that she had prepared her work for this debate, unlike the other Members of the Opposition who seem to be coming into the House unprepared to debate and who are drawing taxpayers' money without doing their work.

**Mr. Imbert:** Mr. Speaker, Standing Orders 36(4) and (5). [*Crosstalk*]

**Mr. Speaker:** Those orders are sustained, so could you withdraw and move on please.

**Hon. H. Volney:** Withdrawn. Mr. Speaker, I thought it was the Deputy Speaker, I am sorry. I did not realize that the Speaker is back in the House. [*Laughter and crosstalk*]

**Mr. Imbert:** I know he took advantage of the Deputy Speaker.

**Mr. Speaker:** Member for Diego Martin North/East, you cannot use that kind of language. The Member is talking about what you just said. So, could you withdraw that? [*Crosstalk*]

**Mr. Imbert:** Most certainly, I withdraw it absolutely.

**Mr. Speaker:** Continue, hon. Member for St. Joseph.

**Hon. H. Volney:** Yes, Mr. Speaker, the hon. Member for Port of Spain North/St. Ann's West questioned the wisdom of this legislative measure at this time as if it were one piece of legislation standing by itself. She questioned whether it is a case of the chicken before the egg. Well, my answer is, yes it is a case of the chicken before the egg, because you must have the chicken to lay the egg for you to have the egg.

What has happened, Mr. Speaker, is that when we came into Government, we met a penal system that was well entrenched, not in the last century, but with legislation from as old as 1838. We met a criminal justice system that was in dire need of help, and what we have sought to do since coming into office is, to prioritize addressing and transforming both systems in order to make them work in sync, and to change the way that we deal with criminal interdiction and prosecution, and how we deal with issues of recidivism and offender management.

In the short space of 23 months, the Ministry of Justice has brought to Cabinet a number of policy initiatives to deal with both improving the lot of offenders, as well as to oil the wheels of criminal justice and criminal justice delivery. So, the answer to the hon. Member for Port of Spain North/St. Ann's East is that this measure is related, for those who have read the Bill on that side, to offender management. This is the first of a new trilogy of measures to address the penal system of our country.

Shortly, and I promised it some time ago, we will have the parole Bill. The policy for that Bill has been approved and in the process of legislative drafting, it was necessary to make some amendments in order to tidy it up, given the working together of different groups of lawyers and experts in the field of offender management, after consultation with some of the stakeholders, as well as the transfer of ideas from other countries. So that what we have is a parole measure that will shortly leave the Chief Parliamentary Counsel's chamber and will be coming here to this House.

The purpose behind these measures is to have a system whereby when someone enters the penal system, he comes in and he is greeted with some sort of hope that he would not be thrown in a cell and locked up and the key thrown away. That was the PNM way of penal institutions. That is not our way. Our way is in keeping in line with 21st Century offender management, that when someone comes into the system and enters and hears the gate closing behind him—the clanging of the prison gate—he is met with a friendly face.

He knows that if he complies with prison rules that will shortly be before this honourable House, that he will, at most, serve one-third of his sentence behind bars, and having complied with the programme in this new initiative of restorative justice for offenders, he would then be allowed out into the community from which he came on a limited basis in order to work to be productive.

When you take a man and you lock him up and leave him out for airing one hour a day, and you let him stand and he is hosed down like an animal, you create an animal, Mr. Speaker. That is not the way of our People's Partnership. That is why this is but one of the trilogy of penal reform measures being brought to this House.

We want that when someone comes into the prison system he is treated like an offender should be. He has hope that he could be out a better person, and we will assure that the opportunity is there for him to leave intact with his dignity, a better person; a person who has recognized why he went in there, and who would be taught to manage his anger for being in there, and who will return to the community a better person. Part of that process would be the use of the electronic monitoring or

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tagging bracelet. That is but one use for the bracelet that we are here today seeking the support of the Opposition on behalf of all the people in the country they represent, because we have to represent all the people, but we want to know that those people who are represented by the hon. Members on the other side feel part of this great measure with the support for it by their representatives in the House.

This measure, apart from being an aid to parole, will also be a measure in the hands of sentencing authorities, judges and magistrates. Mr. Speaker, it could also be used as a condition for early release by the Mercy Committee through the President, where somebody is released before his or her time. That will include model prisoners.

There are prisoners who are prisoners not because they are criminals. Criminals are habitual offenders who want to continue or they are sick in feeling that there is no other way, but being criminal in their lifestyle. There are many people in the penal system who are not like that. They have found themselves locked up and behind bars because of indiscretions. They overtook a vehicle when they should not have; they crashed into somebody and the end result is they are in prison having been found guilty of motor manslaughter. These cases are different.

You do not want these people to go in and come out as criminals, because they have been treated with no respect for the fact that they are human beings. That is a problem of our penal system today. It makes no distinction between those people and those people who feel that the way to prosper is to take what is not theirs and to threaten people to get what they want from them. Those are the ones that society fear and have reason to fear, and must be dealt with differently to those other persons who find themselves in prison as a result of indiscretions. And everyone from time to time—I should not say everyone—but most of us at some stage in our life do commit indiscretions.

### **9.30 p.m.**

Unfortunately some of us find ourselves behind bars. For those who find themselves behind bars, we have a special interest as a Parliament to ensure that those persons are not lost to us, that they come out reformed, rehabilitated; and if it takes an electronic monitoring device to make that possible, then our work here would not be in vain. That is why we have to open our minds to the truth, which is, that this is a good measure, a measure not just for the poor, but for the rich and for everybody in between. In other words this is a measure for people, that will improve the quality of life of people.

There are so many other ways in which this measure would redound to the benefit of people; it is an option in sentencing. Rather than send someone to prison for an indiscretion, the court can send him to their home and confine them in their home as a punishment, with an electronic device attached to them to enforce that confinement. The court can make an order to allow that person to leave their home, go to work and to come back to their home along a narrow corridor. Mr. Speaker, in this way, families will not be destroyed by unnecessary incarceration. Children will still have their fathers or mothers at home. That is what this measure is about, it is a progressive measure.

When it comes to criminal interdiction, this measure works two ways: it is a measure that can track someone who may feel that he would like to go the wrong way. You can track someone who is going the wrong way and put him at the scene of a crime. That is good evidence which can negate his alibi, if it is false, and if someone is wrongly accused, the electronic monitoring system can show electronically that he is innocent, that he was not where it was said that he had been.

Mr. Speaker, Members on this side have spoken about the protection for women and men who are the beneficiaries of domestic violence orders, protection orders. If the court makes an order as part of a protection order or in anticipation of making such an order, that a respondent is to wear an electronic monitoring device, there is that additional protection for the person who it is intended that the order protect. So that person could be warned to be on the lookout for someone who has breached the protection order. I will give you an example.

If the order says that party "A", the respondent, is not to be within five miles of San Fernando, and there is proper monitoring in place, if that person is headed in the direction of San Fernando, a red signal will come up and the police will be informed. Before he even reaches San Fernando, they will be waiting for him. You see, Mr. Speaker, it pains me that Members opposite cannot see the benefits of this revolutionary and progressive measure in our criminal justice and penal systems for this country.

This is but one part of the measures that our Government will be taking. This is to link up with the new 999 system, with GPS in police vehicles as part of the 21<sup>st</sup> Century Policing Initiative. Everyone will be tied up electronically in order to give the citizen the comfort of knowing that there is a big brother, the State, protecting them, watching over them, in order to make their quality of life better.

I do not think that I have to convince the Member for Port of Spain North/St. Ann's West that this is a measure, as part of a trilogy of measures, that are in the oven being baked, that will reach this House shortly. If I had my way, they would

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have been here already, because the policy has been refined and approved by the Cabinet. But unfortunately, there are so many Bills at the Office of the Chief Parliamentary Counsel that the staff there cannot cope. This Government is making so many Bills, producing so many legislative measures for the people of this country, measures that should have been done, produced when the PNM was in Government, but had not been, but I do not want to go back. The way forward is not to look in the rearview mirror, but to look ahead. [*Laughter*] So we have to wait our turn to get the Parole Bill, to get the prison rules and to get the offender management.

I heard the allegation, or the accusation, that someone would just appoint the electronic manager. This shows the total ignorance of governance. The hardest thing to get done today is to get somebody just appointed like that, because of the system of governance that we have. The process for the appointment of the electronic manager and the assistant or the deputy manager involves the CPO setting the terms and conditions, setting the qualifications. That has to be done at the request of the Cabinet. When those are set, then there is an open process of advertisement.

You see every day in the newspapers advertisements inviting persons who qualify to come forward, that is the way of our Government. So the public need not fear; they can take it from me. I have seen it in two years in Government; that is the way it operates. In situations where the service commission has to make the appointment, the process is even more secure and insulated from political interference. So then, what is the fear of those opposite? What is the fear? Is it that you knew of some other way that we did not know about when you were in Government, and that is why you have this fear? You have nothing to fear.

But what is happening, Mr. Speaker, is that we want to bring in the electronic monitoring a-s-a-p, as soon as possible, because it would serve those who need electronic monitoring who find themselves in situations of challenge. That is why we have to make provision for it by bringing the legislation. We have invited those opposite to be part of this process, so that we can say proudly that this is a Bill, this is a statute to which we have all contributed.

We have gone through everything that was said in the early stages of the debate. We have taken all those matters into account. I have looked at the points made by the Member for Diego Martin North/East, and at this hour of the night I do not want to pre-empt the national community from going to watch a good movie on a Friday night. So I do not intend to respond to non-points, [*Laughter*] the vacuous points of the Member for Diego Martin North/East. I will not do that. I will save the national community having to answer no points.

I hope that is not unparliamentary language, Mr. Speaker. I know there is a similar word that I was tempted to use, but when I saw you looking at me I knew not to go there. [*Laughter*] So I will reserve my energy for the committee stage, when all these amendments that address the concerns of the Opposition will be gone through and addressed clause by clause.

Accordingly, Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

**9.45 p.m.**

*Clause 1.*

*Question proposed:* That clause 1 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 1, be amended, as circulated:

Delete the year “2011” and substitute the year “2012”.

*Question put and agreed to.*

*Clause 1, as amended, ordered to stand part of the Bill.*

*Clause 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 3, be amended, as circulated:

A. In subclause (1) –

- (i) delete the definition of “person” and substitute the following definition:
 

“ “person” means an individual who is charged with or convicted by a Court for an offence;”;
- (ii) in the definition of “Regulations”, delete the words “section 21” and substitute the words “section 23”;

- (iii) delete the definition of “respondent” and substitute the following definition:

“ “respondent” means an individual against whom an application for a Protection Order is made or against whom a Protection Order is granted under the Domestic Violence Act;”;

- (iv) delete the definition of “young person”; and
- (v) insert in the appropriate alphabetical sequence, the following definition:

“ “child” means an individual below the age of eighteen years who is charged with or convicted by a Court for an offence;”.

- B. In subclause (2), delete the words “young person” wherever they occur and substitute the word “child”.

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed:* That clause 4 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 4, be amended, as circulated:

- A. Delete subclause (2) and substitute the following subclauses:
  - “(2) The staff of the Unit shall include –
    - (a) the Electronic Monitoring Manager (“the EM Manager”) who shall be the head of the Unit;
    - (b) the Deputy EM Manager; and
    - (c) such other suitably qualified individuals as may be necessary for the proper functioning of the Unit.
  - (3) The offices of EM Manager and Deputy EM Manager shall be public offices to which section 121 of the Constitution applies and shall also be prescribed for the purposes of section 141 of the Constitution.

- (4) The terms and conditions of the offices referred to in subsection (3) shall be reviewed by the Salaries Review Commission established under section 141 of the Constitution.”.
- B. Renumber subclause (3) as subclause (5).
- C. In the renumbered subclause (5) delete the words “The EM Manager and other members of staff of the Unit” and substitute the words “The members of staff other than the EM Manager and Deputy EM Manager”.

*Question put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clauses 5 to 16.*

*Question proposed:* That clauses 5 to 16 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that those clauses be renumbered as 6 to 17 respectively.

Renumber clauses 5 to 16 as clauses 6 to 17 respectively.

*Question put and agreed to.*

*Renumbered clauses 6 ordered to stand part of the Bill.*

*Renumbered clause 7.*

*Question proposed:* That renumbered clause 7 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 7, be amended, as circulated.

Delete the words “section 5” and substitute the words “section 6”.

*Question put.*

**Mr. Imbert:** Mr. Chairman, this clause allows the Government to enter into a contract with the private sector to perform one or more, which means, all of the functions of the unit. It would mean if the Government exercises its authority under this clause they could completely bypass the Public Service Commission and the arrangements for the appointment of the managers. We do not want to see how you could have such a clause in a Bill where, to perform any one or more of the functions of the unit, which is all. What the Government can do is completely bypass the Public Service Commission and enter into a contract for the private sector to perform all of the functions of the unit.

**Mr. Volney:** But not the function of the manager or deputy manager.

**Mr. Imbert:** I accept it, but the manager would then have no functions, because if the company is providing all of the functions of the unit the manager would have nothing to do.

**Mr. Volney:** No, it is a service that is being provided for the unit.

**Mr. Imbert:** No, Sir. This allows the Government to bypass the public service and to hand over everything to the private sector.

**Mr. Volney:** No, the public service does not have anything to do there. This external body is the one that establishes the monitoring. That is supervised by the unit which has the connections with the courts and the police.

**Mr. Imbert:** Minister, if all of the functions of the unit are handed over to the private sector then the unit has nothing to supervise.

**Mr. Volney:** That is not so.

**Mr. Imbert:** But that is what it says, any one or more of the functions.

**Dr. Moonilal:** Mr. Chairman, my understanding is, this is for a provision of service, it is not for the recruitment of the manager.

**Mr. Imbert:** That is not the point I am making. It says, the Government can enter into an agreement with a company to perform any one or more of the functions. The functions of the unit are in clause 5 and it is everything that the unit has to do. So, the Government can enter into a contract with the private sector to perform all of the functions of the unit thereby leaving the public servants nothing to do. The private sector would do everything, monitoring the offenders, ensuring the security of the system, retrieving information, reporting non-compliance to the court, et cetera, et cetera. You could hand over everything to the private sector

**Mr. Volney:** You see what happens is you must have a check, you must have a provider, and the Government has the same feed; the unit would have the same feed provided by the service provider, so that what they see the unit sees. When the service provider gets an order they go to the station, they place the bracelet on the person, that is not done by the unit.

**Mr. Imbert:** Yes, but you are—in this clause you are giving the power to Government to hand over the entire function of this unit to the private sector.

**Dr. Moonilal:** No, absolutely not.

**Mr. Imbert:** But it says so, to perform any one or more.

**Dr. Moonilal:** Hold on, it does not undo the fact that the electronic manager and deputy manager are appointed to do a specific purpose.

**Mr. Imbert:** It has nothing to do with that.

**Dr. Moonilal:** But they have in the law functions that supervise all of those responsibilities, so you cannot contract out the electronic manager and deputy electronic manager, you contract out for services.

**Mr. Imbert:** It is easy to say that you know, but there is nothing in the law—*[Interruption]*

**Dr. Moonilal:** But it is easy to say what you are saying as well.

**Mr. Imbert:** I am reading, “to perform any one or more”. You read to me and show where the manager can supervise them? You “ent” read the Bill yet.

**Mr. Volney:** You are not reading the way we see it.

**Mr. Imbert:** It is English.

**Dr. Moonilal:** You know, I do not agree with you. *[Interruption]* Mr. Chairman, what I am saying is that, you have an electronic manager, you have a deputy electronic manager, they have the responsibility for the unit: ensuring the security of the system for electronic monitoring, retrieving and analyzing, reporting any non-compliance. They have specific functions. *[Interruption]* That is the service provider. That is not employing an electronic manager or deputy electronic manager. They are there fixed; service providers may change over time depending on needs, depending on technology, but the electronic manager there is not meant to change.

**Mr. Imbert:** Let us try one more time, because obviously we have a divergence of minds. In clause 6 you have said, the Government may enter into an agreement with a company to perform any one or more of the functions of the unit. In the English language that means all. When you go to 5, it lists all of their functions which is everything. So if you hand over all these functions to the private sector the managers will have nothing to do.

**Dr. Moonilal:** So therefore you are suggesting that would undo every other part of the Bill that speaks of the electronic monitoring unit, its composition, its staff, the role of managers. And a Government will do that.

**Mr. Imbert:** Yes, if you have the power to hand over everything to the private sector.

**Dr. Moonilal:** But you cannot, according to the Bill; there is an electronic monitoring unit, there is a manager, a deputy manager.

**Mr. Imbert:** But they have nothing to do, because you can hand over all the functions to the private sector.

**Dr. Moonilal:** No, they have to hand over, not you.

**Mr. Imbert:** The Government.

**Dr. Moonilal:** The electronic manager takes control of the system.

**Mr. Imbert:** The electronic manager has no say here.

**Dr. Moonilal:** Okay. Could I ask if you have a recommendation?

**Mr. Imbert:** Yes, delete clause 6.

**Dr. Moonilal:** Delete clause 6?

**Mr. Imbert:** Yes.

**Dr. Moonilal:** So, where you would get the service provider from? Who is doing the technical and technological service provided?

**Mr. Imbert:** Contract that.

**Dr. Moonilal:** But they are contracting it.

**Mr. Imbert:** No, it is the Government. You have used the words “the Government may enter into an agreement with a company.”

**Dr. Moonilal:** The unit cannot contract, it has to be the Permanent Secretary in the respective Ministry as the party to enter into contract, and that is the Government, the Permanent Secretary acts as an agent to Government.

**Mr. Imbert:** That makes it even worse. So now the Government can completely emasculate this thing.

**Dr. Moonilal:** Mr. Chairman, we have heard the Member and we would like to proceed.

**Mr. Imbert:** Mr. Chairman, I would like to propose that clause 6 be deleted.

**Dr. Moonilal:** We would not accept it.

**Mr. Imbert:** You do not have to.

**Mr. Chairman:** All right. The question is we have a proposal from the Member. The Member is proposing that the renumbered clause 7 be deleted.

*Question put and negatived.*

*Renumbered clause 7, as amended, ordered to stand part of the Bill.*

*Renumbered clause 8.*

*Question proposed:* That renumbered clause 8 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 8, be amended as circulated.

- A. In the renumbered clause 8, delete the words “employee of” wherever they occur and substitute in each place the words “individual engaged on contract with”.
- B. In subclause (1), delete the words “section 6” and substitute the words “section 7”.

*Question put and agreed to.*

*Renumbered clause 8, as amended, ordered to stand part of the Bill.*

*Renumbered clause 9.*

*Question proposed:* That renumbered clause 9 stand part of the Bill.

**Miss Mc Donald:** Mr. Chairman, I want to say something on this one.

**Mr. Chairman:** On this one?

**Miss Mc Donald:** I am looking at clause 9 and I recall on the last debate when I spoke on December 09, 2011, the Member for Diego Martin North/East and I spoke about the need for consent in clause 9. Now, I noted with care that in clause 9(2) there is a semblance of consent there in 9(2)(a), I noticed they have put in, “the court shall request consent within a particular circumstance”, but I am looking at clause 9(1), because at that point the Minister would recall that what we stated is that the first clause—

**10.00 p.m.**

**Mr. Chairman:** What clause are you dealing with?

**Miss Mc Donald:** 9(1). We are looking at 9(1), where they did not include the—*[Interruption]*

**Mr. Chairman:** That is now clause 10.

**Miss Mc Donald:** Okay yes, sorry. And we were saying that the first—*[Interruption]*

**Mr. Chairman:** All right, we are on a different one right now. We will have to come back to you.

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*Question put and agreed to*, that renumbered clause 9 stand part of the Bill.

*Renumbered clause 10.*

*Question proposed:* That renumbered clause 10 stand part of the Bill

**Dr. Moonilal:** Mr. Chairman, I beg to move the amendment as circulated.

In the renumbered clause 10 –

- (a) in subclause (1) –
  - (i) in the *chapeau*, delete the words “subsection (2)” and substitute the words “subsection (3)”; and
  - (ii) delete paragraph (b) and substitute the following:
    - “ (b) in lieu of a sentence of imprisonment or part of any sentence imposed,
    - after the coming into force of this Act.”;
  - (b) in subclause (2)(a), delete the words “section 12 of”;
  - (c) delete subclause (4) and substitute the following subclauses:
    - “ (4) Where a respondent is arrested and charged with an offence under section 20 of the Domestic Violence Act, the Court may grant bail with or without electronic monitoring, but in making its decision, the Court shall not request the consent of the respondent.
- (5) Before making a decision under –
  - (a) subsection (1) or (2), the Court shall request a Report from the EM Manager concerning the person or respondent which the EM Manager shall cause to be provided as soon as it is practicable; and
  - (b) subsection (2)(a), the Court shall request the consent of –
    - (i) a person, where that person is not a child; or
    - (ii) in the case of a child, his parent or guardian,

to impose electronic monitoring and where such consent is not given, the Court shall commit the person to custody.

- (6) The EM Manager shall also obtain permission, in the prescribed form, from the occupier of the premises in which any monitoring instrument is to be installed or the individual without whose co-operation it would not be practicable to implement electronic monitoring.”;
- (d) renumber subclauses (5), (6) and (7) as subclauses (7), (8) and (9) respectively;
- (e) in subclause (7) as renumbered, delete the full stop at the end thereof and substitute the words “; but in the case of the respondent, the Court may make an Interim Order under section 8(1) of the Domestic Violence Act.”; and
- (f) in subclause (9) as renumbered, insert after the words “respondent,” the words “and in the case of a child, his parent or guardian.”.

**Mr. Chairman:** I think this is the one you would like to say a few words on.

**Miss Mc Donald:** Mr. Chairman, I would just repeat that, in December, when I participated in this debate, I had indicated that in clause 9 at the time—but it is renumbered clause 10—there should be criteria for consent. I note that in subsection (2)(a), the Government has put in something there on consent, but I was looking at—if you go back to the old clause, 9(1) (a) and (b), I am wondering whether the Minister would be so minded as to put in some sort of criteria for consent. You recall at that time I had made reference to the Criminal Justice and Immigration Act of 2008, Schedule 11. We also made reference to the fact that both the UK and the US have been using electronic monitoring for over 20 years, and it is not just a case of the court imposing a sentence of electronic monitoring on a person, but the court would first look at certain requirements.

**Mr. Volney:** You see before someone can be the subject of an electronic monitoring order that person has to be qualified. There is a report that has to be provided to the court and in the regulations part of that process resulting in the report would be the consent of the person. You see we have to understand the alternative to electronic monitoring is lock up.

**Miss Mc Donald:** I do not want to belabour the point, but I just want to draw to your attention, because I read your *Hansard* that when you debated it last year you in fact indicated that the then clause 9, that there was consent. And we painstakingly pointed out that there was no consent then in clause 9; absolutely none.

Another point which we made was part of this electronic manager's report should contain documentation evidencing pre-existing physical or mental conditions, and we took serious umbrage to that, because if you look at the responsibilities of the electronic manager it has nothing to do—that person cannot diagnose or prognose on any persons physical and mental position.

So you are telling me yes, the court will then look at a report coming from the electronic monitoring manager, but I want to be clear, because I do not expect—the electronic monitoring manager is not a person qualified. What is the person's qualification? Is that person qualified in medicine to tell us, to tell a court that he has checked this person and even to try to diagnose that that person is mentally ill?

**Mr. Volney:** That is why there is a pause between the court first starting the process. The court would stand down the matter, would adjourn the matter for the report. The person who produces the report would then have to go through the statutory checklist, comply with it and then produce the report for the court. And part of that process, to implement that, we would have to have the regulations that the Minister can bring to the House.

**Miss Mc Donald:** The point I was making, Sir, with the greatest of respect, is that it should not be part of the electronic monitoring manager's report. It cannot. If you look at the responsibilities this just came out of nowhere. If you look at the person's responsibilities and then you go to the schedule and you look at what the person has to put in the report, it is not even contained in the responsibilities and it just suddenly appears. So I am a bit confused.

**Mr. Volney:** You see the regulations would address these issues.

**Miss Mc Donald:** And where are the regulations?

**Mr. Volney:** The regulations are being drafted. I think we have the first draft of the regulations, but I would be mindful of what you say when we bring the regulations in view of your concerns.

**Miss Mc Donald:** Well I hope it does not fall on deaf ears, Sir.

**Hon. Member:** Not at all.

**Mr. Volney:** You see the point of the matter is that the alternative to monitoring is lock up. If a person gets a chance to be in the free world he would invariably consent. That is a matter we just have to put in the regulations, provision for that consent to be part of the process.

**Dr. Moonilal:** Mr. Chairman, we have heard the concerns of the Member for Port of Spain South and the Minister has given a commitment to look at that issue particularly as it relates to the regulations, to ensure that the appropriate authority would be responsible for the relevant reports as opposed to the EM manager, so we would like to proceed with that. Mr. Chairman, we also want to ask that there be one alteration to the amendment as circulated, by deleting at subclause (1) part (ii). This was due to some formatting that was required.

**Mr. Imbert:** Mr. Chairman, I have heard what the Members opposite have said, but there is no provision in the Bill which would link the regulations to the matters that you just spoke of. The regulations are subsidiary legislation. They must get the authority from the parent legislation. There is nothing here which will make it mandatory that the EM manager must get competent medical personnel to provide the information. That is the first point.

**Dr. Moonilal:** It should fall under “(h)”, now renumbered 23(h), any other matter that the Minister would deal with. There is a provision there that allows the Minister to make regulations and other matters to ensure the smooth operation of the Act. Renumbered 23(1)(h):

“any other matter required to give effect to this Act.”

And that would be a matter required to give effect to the Act.

**Mr. Imbert:** I am afraid I am not seeing it there. When we get to that we would deal with that.

The other issue with clause 9 is that the Minister did indicate that the electronic monitoring would be by consent. He did indicate that the amendments to clause 9 would give effect to that commitment that he gave. The first set of amendments that he gave us did not deal with consent at all. And now these amendments before us do not—you circulated amendments on the last occasion, you seem to have forgotten that. These amendments only provide for consent in a situation where bail is a consideration.

**Mr. Chairman:** You want to advise us what amendments you are referring to? You said that one page was circulated.

**Mr. Imbert:** On the last occasion an amendment was circulated which was—[*Interruption*]

**Mr. Chairman:** That is not incorporated into this package that we have here?

**Mr. Imbert:** I do not know about that.

**Dr. Moonilal:** We begin with what was circulated today.

**Mr. Imbert:** On the last occasion an amendment was circulated.

**Dr. Moonilal:** We have made a composite list of amendments today so we will ask the Members to follow the list of amendments circulated today. It includes all the amendments that the Government proposed.

**Mr. Imbert:** That may be so, but on the last occasion the list of amendments to be moved were amendments to clause 4(a), clause 9, clause 15 and clause 16.

The point I am making here is that during the debate the Minister said, that consent would be a factor with respect to the imposition of electronic monitoring. Now there are amendments to renumbered clause 10, and if we go to page 4 of the list of amendments, go down to the bottom, subclause 5(b) says:

“subsection (2)(a), the Court shall request the consent of –

(i) a person, where that person is not a child; or

(ii) in the case of a child, his parent or guardian,

to impose electronic monitoring and where such consent is not given, the Court shall commit the person to custody.”

But that only deals with subsection (2)(a) of this clause. Subsection (2)(a) is as follows:

“(2) The Court may also impose electronic monitoring as a condition of—

(a) an order for bail made under section 12 of the Bail Act;”

So that consent would only arise in a question of bail, but you are leaving it as it was before where—[*Desk thumping*—I am not dealing with the domestic violence thing, we are dealing with a situation where the court is now being given the authority to impose electronic monitoring without consent as a sentence.

**Dr. Moonilal:** Mr. Chairman, we have heard the Members of the Opposition. You are correct in your interpretation; it is consent in the context of bail. We have heard your concerns and we give an undertaking that we would consider that

further in the other place as to whether they would expand—it is a policy issue—whether they would expand beyond the confines of bail. At this moment we would like to proceed with the amendment.

**Mr. Imbert:** I understand what you want to do, Minister. We are just stating our position. [*Interruption*]

**Dr. Moonilal:** Sure, sure.

**Mr. Imbert:** On the last occasion the Minister who piloted the Bill said that electronic monitoring will be subject to consent. What you have done now is submitted amendments which mean—Minister, if you read the renumbered clause 10 it says:

“Subject to subsection (2)...”

That will now change to (3) or so.

“the Court may impose a sentence by electronic monitoring—

- (a) for an offence committed; or
- (b) in lieu of a sentence of imprisonment...”

You are leaving that as is.

**Dr. Moonilal:** Yes.

**Mr. Imbert:** So therefore, in these cases where it is a sentence or in lieu of a sentence—[*Interruption*]

**Dr. Moonilal:** The court can impose. There is no consent. It is a policy.

**Mr. Imbert:** Is monitoring without consent? So you have changed your commitment. Right! So that the commitment that you gave us on the last occasion, that it would be with consent, you have changed that? That is what you are saying.

**Dr. Moonilal:** He has conditioned that on bail.

**Mr. Imbert:** Well right, it is only for bail, and it is not for sentencing—[*Interruption*]

**Dr. Moonilal:** So it is only for bail at this moment. It is not for every single thing in the world. [*Interruption*]

**Mr. Imbert:**—or in lieu of imprisonment. But it is about 95 per cent of the situations.

**Dr. Moonilal:** Is what, bail?

**Mr. Imbert:** No, without consent. You can go straight to a sentence, there is no bail in here, you just sentence the person to electronic monitoring.

**Dr. Moonilal:** So the court has the discretion, without consent. It is still a discretion of the court.

**Mr. Imbert:** In the vast majority of cases you are putting something into law where the person maybe subjected to electronic monitoring without consent. This is the effect of this.

**Mr. Volney:** Yes, but it is the sentence of the court. [*Crosstalk*]

**Mr. Imbert:** Previously, you said the court would not sentence a person without consent. You said so.

**Mr. Volney:** That is not bail.

**Mr. Imbert:** You did not say on bail.

**Dr. Moonilal:** If you are on bail you have to consent. It is a deep policy issue. When you are on bail, you give the consent—[*Interruption*]

**Mr. Imbert:** Have you changed your mind? That is all I want to know.

**Dr. Moonilal:** The Minister made a commitment and he has made the commitment conditional on the bail circumstance.

**Mr. Imbert:** That is a small part of it.

**10.15 p.m.**

**Dr. Moonilal:** Now, the other—so if you commit a crime, “yuh ever ask if yuh want to go to jail?” Yes or no? You leave that to the discretion of the court to determine whether or not they will impose an electronic monitoring device.

**Mr. Imbert:** But the Minister gave us a commitment—[*Interruption*]

**Dr. Moonilal:** And has conditioned his commitment.

**Mr. Imbert:** It will be with consent.

**Dr. Moonilal:** Let us move on.

**Mr. Imbert:** I think we both understand what is going on here.

**Hon. Member:** We all do.

**Mr. Volney:** How could you have a sentence—[*Interruption*]

**Dr. Moonilal:** “But den what yuh passing de law for?”

**Mr. Volney:**—conditional and consent?

**Dr. Moonilal:** So what is the purpose of passing the law?

**Mr. Chairman:** Can I put the question?

**Dr. Moonilal:** Yes, please put the question.

**Mr. Chairman:** I am about to put the question, please.

**Mr. Volney:** I do not understand your logic. [*Crosstalk*]

**Mr. Imbert:** You sure right you do not understand, because you changed—[*Interruption*]

**Dr. Moonilal:** With the deletions.

**Mr. Chairman:** Yes, with the deletions that are already taken into account.

*Question put and agreed to.*

*Renumbered clause 10, as amended, ordered to stand part of the Bill.*

*Renumbered clause 11.*

*Question proposed:* That renumbered clause 11 stand part of the Bill.

**Miss Mc Donald:** Mr. Chairman—[*Interruption*]

**Mr. Chairman:** Oh, sorry, sorry.

**Miss Mc Donald:** Is that the one dealing with “as a conditional pardon”?

**Clerk:** Yes.

**Miss Mc Donald:** All right. Yes. I have another query here again. When I debated this in December, Minister, I looked at it and looked at the Constitution and I even gave a definition of pardon. My argument was and still is, that once the President has granted a pardon, in fact, he has wiped the person’s slate clean. What I see happening here is that you, Minister, you are now removing the absolute nature of a pardon and now imposing a conditional pardon with electronic monitoring. I find it to be unconstitutional; I ask that you look at it—[*Interruption*]

**Mr. Imbert:** Because the person has been pardoned.

**Miss Mc Donald:**—because the person has been pardoned. [*Interruption*]

**Mr. Imbert:** “Dey done. What yuh monitoring dem for?”

**Miss Mc Donald:** So I ask you to look at it. I do not know if you have. You looked at it, and—[*Interruption*]

**Mr. Volney:** His Excellency has already granted a conditional pardon.

**Dr. Moonilal:** And nobody challenged it as unconstitutional.

**Mr. Imbert:** With electronic monitoring?

**Miss Mc Donald:** With electronic monitoring?

**Dr. Moonilal:** Under your administration—[*Interruption*]

**Mr. Volney:** You have a condition. It is a condition.

**Mr. Imbert:** “Yuh cyah be serious.”

**Miss Mc Donald:** And that is it. So we have moved now—[*Interruption*]

**Dr. Moonilal:**—in 2009, the President—[*Interruption*]

**Miss Mc Donald:**—from an absolute pardon to a conditional pardon. Is that what you are saying, Minister?

**Mr. Volney:** Provision is made for it.

**Miss Mc Donald:** No. I am asking, is that what we have done here?

**Dr. Moonilal:** Provision is made and—[*Interruption*]

**Miss Mc Donald:** But I am asking a question.

**Mr. Volney:** It is allowed under the Constitution, is it not?

**Miss Mc Donald:** We are now moving from a situation of an absolute pardon to one of a conditional pardon. Is that what you all are doing?

**Mr. Volney:** Are you suggesting that the President does not have the power to conditionally pardon?

**Miss Mc Donald:** I am not saying that. I cannot tell the President what to do. I am asking you—[*Interruption*]

**Dr. Moonilal:** Can I ask you a question? Under the Constitution, Chap. 87(2)(a):

“The President may—

- (a) grant to any person convicted of any offence against the law of Trinidad and Tobago a pardon, either free or subject to lawful conditions;”

So the Constitution already gives rise to the notion of lawful conditions that the President can grant a pardon. This will be in effect a lawful condition. Is it?

**Hon. Member:** Yes.

**Miss Mc Donald:** May I just take two more minutes on this, Mr. Chairman? You know, we are the legislators here—I know you will use your majority—*[Interruption]*

**Mr. Volney:** Leave that out.

**Miss Mc Donald:**—and you will get through with it, all right. *[Interruption]*

**Mr. Volney:** The Constitution allows for it.

**Miss Mc Donald:**—but, hold on! We are the legislators here; someone has spent 10, 15, 20 years, whatever it is, in prison, and the person will now be given a pardon. *[Interruption]*

**Mr. Volney:** A conditional pardon.

**Miss Mc Donald:** All right. No, no. I am talking about the one which is existing; the absolute. I have behaved well because there would be a report on me from various authorities, so I have behaved well and whatnot, in prison. *[Interruption]*

**Mr. Volney:** Well, that person gets an absolute pardon.

**Hon. Member:** “Yeah!”

**Miss Mc Donald:** So okay, well, then this begs the question, if you are now telling me that that person has behaved well, and that person is now going to get an absolute pardon, then, do you want to tell me the circumstances under which you are going to differentiate an absolute pardon from a conditional pardon, Sir?

**Mr. Volney:** Yes. Yes.

**Miss Mc Donald:** Where is it here?

**Mr. Volney:** Somebody gets sick, is dying—*[Interruption]*

**Miss Mc Donald:** No, where is it?

**Dr. Moonilal:** But—*[Interruption]*

**Miss Mc Donald:** I cannot—no, hold on. We will not be here the next 15, 20 years, somebody picking up this legislation and reading—you tell me. You tell me!

**Dr. Moonilal:** Mr. Chairman, could I just enquire from my friend from Port of Spain South? We are not—*[Interruption]*

**Miss Mc Donald:** Just now. You know I really would not like to think people are getting restless—*[Interruption]*

**Dr. Moonilal:** No. No. No.

**Miss Mc Donald:**—because I am raising certain questions—[*Interruption*]

**Dr. Moonilal:** No. No. No. Not at all—[*Interruption*]

**Miss Mc Donald:**—because I am an elected Member of this House, all right, and I feel that it behoves me to raise these questions here. Yes?

**Dr. Moonilal:** Member for Port of Spain South, this is why we are engaging you in the discussion and not passing it over with the majority we have. I am asking the question—Chap. 87(2)(a) of the Constitution provides for this exercise of authority—[*Interruption*]

**Miss Mc Donald:** I read it.

**Dr. Moonilal:**—by the President; already in the Constitution:

“The President may—grant to any person convicted...against the law...a pardon, either free or subject to lawful conditions;”

So the Constitution provides a conditional pardon. Are you proposing that we amend the Constitution tonight?

**Miss Mc Donald:** I am not suggesting that. I am saying you are in the Government and the Minister needs to understand, that when you pick up a piece of legislation—that is one of the first things I learnt when I did law—it must at least be user friendly. You are addressing ordinary people—may be able to pick up the piece of legislation, read and understand. And I am saying listen, if I am going to be granted a pardon, all right, I want to know under what circumstances; would it be a conditional, whether it would be—and I would be able to look at it; that is all I am asking the Government. If you do not want to do it, you do not do it; that is not a problem.

**Mr. Chairman:** All right I think—[*Interruption*]

**Dr. Moonilal:** Mr. Chairman, I think we have heard the issue and well vented and we would like to pursue.

*Question put and agreed to.*

*Renumbered clause 11 ordered to stand part of the Bill.*

*Renumbered clause 12.*

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

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 12, be amended as follows:

“In the renumbered clause 12—

(a) in subclause (2), delete the word “provide” and substitute the words “cause to be provided”;

(b) insert after subclause (2) the following subclause:

“ (3) The EM Manager shall also obtain permission, in the prescribed form, from the occupier of the premises in which any monitoring instrument is to be installed and the individual without whose co-operation it would not be practicable to implement electronic monitoring.”;

(c) renumber subclauses (3), (4) and (5) as subclauses (4), (5) and (6) respectively;

(d) in subclause (5) as renumbered, insert after the word “person” the words “and in the case of a child, his parent or guardian”.

(e) in subclause (6) as renumbered, delete the words “12, 13 and 14 ” and substitute the words “13, 14 and 15”.

**Miss Mc Donald:** Is that the one with the early release, Sir?

**Hon. Member:** Yes.

**Miss Mc Donald:** Yes. Again, we are seeing the electronic monitoring imposed by a competent authority and it makes provision for an early release. Again, during that debate, Mr. Minister, I had pointed out this concept of early release from prison operates best in a system where there is an effective parole system, along with a parole board and whatnot. You are releasing people from prison, early, the competent authority can do that, not a problem, but when you release them, you are sending them back into their communities, what are the support systems you have in those communities to support these—especially if they are young offenders, because this Bill has taken a punitive approach, rather than a restorative. What you have not done—because you have treated the young offender, well, now the child, you have now treated the child and the adult as one. We have completely ignored that convention, the UN Convention on the Rights of a Child.

And I am saying, if you look at the legislative root which the United Kingdom took, if you look at how the United States deals with it, they bring the offender, they

bring the victim, they bring the community together and it is a hopeful system, they are all working in tandem with each other. How do we treat with our children? At that time, at that debate I said, you are allowing our children to just run like billy goats all over the place. *[Interruption]* I am saying that was the best way I could have described it, do not take it literal. What I am saying is, this Bill has not made any provisions for how you are going to deal with the young offenders.

Look at the United Kingdom they took a legislative approach and they looked at the ages between 15—18, and have instituted a lot of orders, you understand, rehabilitative orders and whatnot; we have not done this here. And I am saying, if you are going to have the concept of early release—I have studied this, you know—and I am saying the concept of early release would best work—*[Interruption]*

**Mr. Chairman:** Do you have an amendment?

**Miss Mc Donald:** I am not the drafter, Sir.

**Mr. Chairman:** No. No. No. But you are arguing. So I am just asking you—*[Interruption]*

**Miss Mc Donald:** No. Well, I have said it already. *[Interruption]*

**Mr. Chairman:** Well, if you had an amendment—*[Interruption]*

**Miss Mc Donald:** I said it already in December, and the Minister said he had taken into consideration what the loyal Opposition had said, and I expected to see a little something in here, because this is important, it is our children. Because it is my constituency which is going to pay for this you know, it is Laventille East, Laventille West, Port of Spain North—*[Interruption]*

**Mr. Imbert:** Diego Martin North/East.

**Miss Mc Donald:** Bagatelle, Diego Martin.

**Mr. Imbert:** Diego Martin. *[Crosstalk]*

**Miss Cox:** “Allyuh want to shackle!”

**Miss Mc Donald:** So I am standing here talking for the children of this nation—*[Interruption and crosstalk]*

**Mr. Imbert:** They want to shackle everybody in Diego Martin.

**Miss Mc Donald:**—because you would be shackling them. *[Interruption]*

**Mr. Imbert:** Everybody in Diego Martin, “dey” want to shackle them.

**Miss Mc Donald:** So to ask me—*[Interruption and crosstalk]*

**Mr. Imbert:** Everybody in Bagatelle they want to shackle them.

**Mr. Chairman:** All right! Okay.

**Miss Mc Donald:** Mr. Chairman, I understand you—[*Interruption*]

**Mr. Chairman:** All right!

**Miss Mc Donald:**—but I am not a drafter.

**Mr. Chairman:** Let us have order! Order! Let us have some order! Please! Please! Let us not get there. We are not getting there. [*Crosstalk*] Member for Fyzabad, let us not get there, please.

**Mr. Imbert:** I have a suggestion. You asked whether we have amendments?

**Mr. Chairman:** Yes, I asked the Member for Port of Spain South that.

**Mr. Imbert:** I have an amendment.

**Hon. Member:** Was it circulated? [*Laughter*]

**Mr. Imbert:** No, it was not circulated.

**Hon. Member:** Well, then you cannot bring it—[*Interruption*].

**Mr. Imbert:** I cannot what? Who said that? Mr. Chairman—[*Interruption*]

**Mr. Sharma:** “Stop wasting time nah!”

**Mr. Imbert:** Are you saying—[*Interruption*]

**Mr. Chairman:** No. No. No. Go ahead.

**Mr. Imbert:** I would like to add the words “in consultation with the parole authority,” before the word “a.”

**Mr. Volney:** Which parole authority—[*Inaudible*]?

**Miss. Mc Donald:** “Yuh have none?”

**Mr. Imbert:** The one he is going to make. That happens. That is done all the time. You put it in—[*Interruption*]

**Miss Mc Donald:** Futuristic.

**Mr. Imbert:**—and then you come with the legislation. Leader of Government Business, that happens all the time. [*Interruption*]

**Hon. Member:** “It not happening now.”

**Mr. Imbert:** You have passed legislation in this Parliament which has that in it.

**Hon. Member:** “We not in dat.”

**Hon. Member:** Not tonight. Not tonight.

**Clerk:** What is the amendment, Sir?

**Mr. Imbert:** “In consultation with the parole authority.”

**Mr. Chairman:** “In consultation with the parole authority”.

**Miss Cox:** “Den let dem pass dey Bill, dey eh listening.”  
[*Crosstalk*]

**Dr. Moonilal:** Mr. Chairman, could I suggest that instead of going with that amendment, the Minister of Justice take note of it and in the parole legislation, make the parole authority a competent authority for this piece of legislation, so that they will guide the particular section?

**Mr. Imbert:** “A” or “the?”

**Dr. Moonilal:** “The”. A competent authority—[*Interruption*]

**Mr. Imbert:** Are you saying it will be “the competent authority?”

**Dr. Moonilal:** The Minister will consider your issue in connection with the parole legislation.

**Mr. Imbert:** You know, Leader of Government Business, you know we really want to support this legislation, but—[*Interruption*]

**Dr. Moonilal:** I do not know that, but—[*Interruption*]

**Mr. Imbert:** No, we do. We do. We do. I want to put that on record.

**Hon. Member:** “Dat will be ah first for you.”

**Mr. Imbert:**—that we support the objective of this legislation, the same way we supported [ *Crosstalk* ] the Children Bill. But it is very difficult for us to accept what you are saying, because when the Minister spoke, he said that consent would be associated with electronic monitoring; now he is giving us “ah half-pick duck,” where part of it is with electronic monitoring and part is not.

I am asking that this clause be amended as follows: “in consultation with the parole authority.” Insert that before the word “a.” [ *Crosstalk* ] That is done all the time. [ *Crosstalk* ] You are incorrect. [ *Crosstalk* ] It has been done several times by you. [ *Crosstalk* ] I am asking that it be done here. [ *Crosstalk* ] It is done all the time. [ *Crosstalk* ]

**10.30 p.m.**

**Mr. Chairman:** Members, I think I should intervene here and bring some order. Let me bring some order back here.

There is an amendment before the committee. The amendment, as advanced by the Member for Diego Martin North/East is that:

In renumbered clause 12—

Insert before the words “a competent authority” the following “in consultation with the parole authority.”

That is the amendment that the Member for Diego Martin North/East has put forward.

*Question on, amendment, [Mr. Imbert] put and negatived.*

*Question put and agreed to.*

*Renumbered clause 12, as amended, ordered to stand part of the Bill.*

*Renumbered clause 13 ordered to stand part of the Bill.*

*Renumbered clause 14.*

*Question proposed:* That renumbered clause 14 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 14 be amended as circulated:

Delete the renumbered clause 14 and substitute the following clause:

14. Where the Court, having considered the report of the EM Manager, is of the view that —

“—Payment for use of device	<ul style="list-style-type: none"> <li>(a) a person, other than a child;</li> <li>(b) a respondent; or</li> <li>(c) in the case of a child, his parent or guardian,</li> </ul>
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has the financial capability to pay either the total cost of the use of the device or any part thereof, the Court may require total or partial payment, as the case may be.”

**Mr. Imbert:** Mr. Chairman, during the Minister’s presentation he had indicated that one of the reasons why the Government wished to introduced

electronic monitoring was to save money. The Minister was very clear in his belief, that electronic monitoring is much cheaper than a custodial sentence, and that was repeated by the Member for Chaguanas West, in his contribution. [*Interruption*] Both of you said so.

If the cost of electronic monitoring is purportedly going to be less than the cost of keeping the person in prison, and since you do not charge prisoners for being in prison, and this is going to be cheaper, why are you charging people for electronic monitoring?

**Mr. Volney:** Because they have the financial capabilities.

**Mr. Imbert:** But you could have a man in prison who has a financial capability.

**Mr. Volney:** It is a financial policy position.

**Mr. Imbert:** Explain, please.

**Mr. Volney:** Why should the State provide the bracelet to someone who could afford it?

**Mr. Imbert:** But you said it was cheaper. Why do you not charge them for going to prison?

**Mr. Volney:** I cannot convince you.

**Mr. Imbert:** So, your answer is that you have changed your mind?

**Mr. Moonilal:** The answer is the person can afford and the court would determine that.

[*Crosstalk*]

**Mr. Imbert:** Mr. Chairman, I wish to propose that this clause be deleted.

*Question put and negatived.*

*Question put and agreed to.*

*Renumbered clause 14, as amended, ordered to stand part of the Bill.*

*Renumbered clause 15.*

*Question proposed:* That renumbered clause 15 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 15 be amended as circulated:

In the renumbered clause 15 –

(a) delete subclause (1) and substitute the following subclause:

“(1) A decision made by the Court shall contain a directive on the period of time for which the device shall be worn and either –

(a) that the person or respondent be in such place and for such period in each day or week as may be specified; or

(b) that the person or respondent not be in such place at such time or during such period as may be specified.”

(c) in subclause (2) delete the words “paragraphs (a), (b) or (c)” and substitute the words “subsection (1) as”; and

(b) in subclause (3) –

(i) delete the words “section 9” and substitute the words “section 10”; and

(ii) insert after the word “respondent” the words “, and in the case of a child, his parent or guardian;”

**Mr. Chairman:** Members, please, can I have your cooperation? Member for Diego Martin North/East and Member for Chaguanas West. [*Interruption*]

**Mr. Imbert:** But the Member is insulting me.

**Mr. Chairman:** All right, I apologize for those insults.

**Mr. Imbert:** I take your apology.

**Mr. Chairman:** Yes, and let us have your cooperation, please.

**Mr. Imbert:** Certainly, Sir.

[*Interruption*]

**Mr. Chairman:** All right. Please, Member for Diego Martin North/East—I think you are deputizing, not so? I think you should lead by example. [*Crosstalk*] Please. Discipline, discipline, please.

*Question put and agreed to.*

*Renumbered clause 15, as amended, ordered to stand part of the Bill.*

*Renumbered clause 16.*

*Question proposed:* That renumbered clause 16 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 16 be amended as circulated:

In the renumbered clause 16, delete subclause (1) and substitute the following subclause:

“Tampering with or removal of a device 16. (1) An individual who deliberately tampers with or removes a device commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.”

**Mrs. Thomas:** Mr. Chairman, I was just thinking, based on my contribution, and the case they had in the UK, if we could change it to: An individual who is proven to have tampered with or removes a device.

I do not know what Members think.

**Mr. Volney:** An individual must be proven to deliberately tamper to commit the offence?

**Mrs. Thomas:** No—

**Mr. Volney:** You must be proven.

**Mrs. Thomas:** The way it is worded here:

“an individual who deliberately tampers...”

What I am asking is if it is—I do not know if you recall in my contribution, that case where the court had to pay the person an ex gratia payment. So, I am just trying to avoid that situation happening to us.

**Mr. Volney:** The offence is deliberately tampering, not being proven to have. The offence is the deliberate tampering and that is what is stated there.

*Question put and agreed to.*

*Renumbered clause 16, as amended, ordered to stand part of the Bill.*

*Renumbered clause 17.*

*Question proposed:* That renumbered clause 17 stands part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 17 be amended as circulated:

Insert the renumbered clause 17 delete subclause (4).

*Question put and agreed to.*

*Renumbered clause 17, as amended, ordered to stand part of the Bill.*

*Clauses 17 to 23.*

*Question proposed:* That clauses 17 to 23 be renumbered as clauses 19 to 25.

**Dr. Moonilal:** Mr. Chairman, I beg to move that clauses 17 to 23 be renumbered as clauses 19 to 25, respectively.

*Question put and agreed to.*

*Clauses 17 to 23 renumbered as clauses 19 to 25 respectively.*

*Renumbered clause 19.*

*Question proposed:* That renumbered clause 19 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 19 be amended as circulated:

In the renumbered clause 19 –

(a) in subclause (1) –

- (i) in the *chapeau*, delete the words “section 16(3)” and substitute the words “section 17(3)”;
- (ii) in paragraph (a), delete the words “section 12 of”;
- (iii) in paragraph (b), insert after the word “monitoring” the words “for an offence committed or”;
- (iv) in paragraph (c), delete the word “an” and substitute the words “a Protection”;

(b) in subclause (2) –

- (i) delete the words “a person, respondent or any other individual” and substitute the word “an individual”;
- and
- (ii) delete the words “or aiding and abetting the tampering with”;

(c) delete subclause (3); and

(d) delete subclause (4).

*Question put and agreed to.*

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*Renumbered clause 19, as amended, ordered to stand part of the Bill.*

*Renumbered clause 20.*

*Question proposed:* That renumbered clause 20 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 20 be amended as circulated:

In the renumbered clause 20 –

- (a) delete the words “section 17(2)” and substitute the words “section 19(2)”; and
- (b) delete the words “or tampering” and substitute the words “, or breach under section 17 or tampering or removal under section 16”.

*Question put and agreed to.*

*Renumbered clause 20, as amended, ordered to stand part of the Bill.*

*Renumbered clause 21 ordered to stand part of the Bill.*

*Renumbered clause 22.*

*Question proposed:* That renumbered clause 22 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 22 be amended as circulated:

Delete the renumbered clause 22 and substitute the following clause:

“Knowingly giving false information an offence 22. (1) In furtherance of his functions under sections 10(8) or 12(4), the EM Manager may request information from a person, respondent, or the parent or guardian of a child.

(2) A person, respondent, or parent or guardian of a child who knowingly gives false information under this section, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for two years.”

*Question put and agreed to.*

*Renumbered clause 22, as amended, ordered to stand part of the Bill.*

*Renumbered clause 23.*

*Question proposed:* That renumbered clause 23 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that renumbered clause 23 be amended as circulated:

In the renumbered clause 23 –

(a) in subclause (1) -

- (i) in paragraph (a), delete the words “persons, respondents or other individuals” and substitute the words “persons or respondents”;
- (ii) in paragraph (b), delete the word “section 14” and substitute the word “section 15”;
- (iii) in paragraph (c), delete the words “section 17(3)” and substitute the words “section 19(2)”;
- (iv) in paragraph (f), delete the word “and” at the end of the paragraph;
- (v) delete paragraph (g) and substitute the following paragraphs:
  - “(g) the form of consent required under sections 10(6) and 12(3); and
  - (h) any other matter required to give effect to this Act.”; and

(b) in subclause (2), delete the words “A person or respondent” and substitute the words “An individual”.

*Question put and agreed to.*

*Renumbered clause 23, as amended, ordered to stand part of the Bill.*

*New clause 5.*

**Dr. Moonilal:** Mr. Chairman, I propose a new clause 5 which reads as follows:

Insert after clause 4 the following new clause:

“Transitional

5. (1) Where prior to the making of the first appointments to the offices of EM Manager and Deputy EM Manager by the Public Service Commission, and the exigencies of the public service require the recruitment of individuals to perform the functions of those offices, the Permanent Secretary of the Ministry may engage suitably qualified individuals until such appointments are made in accordance with sections 4(3) and (4).

(2) A contractual arrangement made under subsection (1) shall be in accordance with the guidelines for contract employment as established by the Chief Personnel Officer.”

*New clause 5 read the first time.*

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

**Mr. Imbert:** Mr. Chairman, as I said before—and I want to reiterate—we on this side support the objectives of this Bill, but we are seeing a pattern here. This clause, or a similar clause, has appeared in the FIU legislation; has appeared in the DNA legislation and when one reads new clause 5, together with clause 4, and goes to the Constitution—let us go to clause 121 of the Constitution.

In particular, when one goes to clause 121(4), this deals with the Prime Minister’s veto. The Prime Minister’s veto applies to permanent secretaries, chief technical officers, director of public administration, head of department. Now, this person, the electronic manager, will be a head of department and the effect of this clause will be to allow the Government to appoint somebody without reference to the Public Service Commission. We have had a situation with the Financial Intelligence Unit, where the hon. Prime Minister gave, as her reason for vetoing the appointment of the person recommended by the Public Service Commission—as the main reason—that the person who had been appointed on contract was already in position; was already in office and to change that person would have a traumatic effect on the unit.

**Hon. Member:** That is not true.

**10.45 p.m.**

**Mr. Imbert:** That is what the Prime Minister said, and what is going to happen here—this has happened in the FIU; it has happened in the DNA and is now happening in this one. The Government is being given the authority to put in somebody on contract and we will have a repeat of a situation when the Public Service Commission does their interviews; does their evaluation; comes up with their recommendation; the Prime Minister will exercise her veto and say, “There already is somebody in position.”

**Mr. Sharma:** Nonsense!

**Dr. Moonilal:** What is your proposal?

**Mr. Imbert:** As I said, we want to support this legislation but when you have this kind of offensive clause in it, we cannot. So we are asking for this to be deleted. We do not agree with clause 5. This is a pattern on the part of the Government, bypassing the Public Service Commission.

**Mr. Volney:** It is just to operationalize the Act.

**Mr. Imbert:** You are bypassing the Public Service Commission.

**Mr. Volney:** Operationalize the Act—[*Interruption*]

**Mr. Imbert:** In order to do that, you are bypassing the Public Service Commission.

**Dr. Moonilal:** Are you proposing an amendment?

**Mr. Imbert:** Yes, take it out.

**Dr. Moonilal:** Please do it.

**Mr. Imbert:** We do not go ahead. Delete it.

**Dr. Moonilal:** He is proposing that we delete it. Let us put it to the committee.

*Question, on amendment, [Mr. Imbert] put and negatived.*

*Question put and agreed to.*

*Question proposed: That the new clause be added to the Bill.*

*Question put and agreed to.*

*New clause 5 added to the Bill.*

*New clause 18.*

**Dr. Moonilal:** Mr. Chairman, I propose a new clause 18 which reads as follows:

Insert after clause 17 the following new clause:

- |                          |   |
|--------------------------|---|
| “Change of circumstances | 18. (1) A respondent or person, other than a child, upon whom a device has been fitted, shall notify the EM Manager of any proposed change or change in his circumstances, within a reasonable time before the proposed change is due to occur or within a reasonable time after the change occurs. |
|                          | (2) Where there is a change or proposed change in the circumstances of a child who has been fitted with a device, the parent or guardian of the child shall notify the EM Manager within a reasonable time after the change occurs.   |
|                          | (3) Failure to comply with this section shall constitute a breach of a decision under section 17, which shall be dealt with under section 19.”  |

*New clause 18 read the first time.*

*Question proposed:* That new clause 18 be read a second time.

*Question put and agreed to.*

*Question proposed:* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 18 added to the Bill.*

**Mr. Chairman:** I just want to advise Members that we had inadvertently left out renumbered clauses 24 and 25.

*Renumbered clauses 24 and 25 ordered to stand part of the Bill.*

*First Schedule.*

*Question proposed:* That the First Schedule stand part of the Bill.

**Mrs. Mc Intosh:** Mr. Chairman, I have a question. The First Schedule, No. 4, offences of a sexual nature, they are all bailable offences, and I do not understand why. Is it possible to have them removed? Because these people—we are protecting women and children and all these offences are usually committed against women and children, and we have these people who could be out on bail repeating the offence. Why are they protected by this Schedule? Why are they not subject to electronic monitoring? People are calling for even a registry of sex offenders; we do not have that as yet. But why are these people allowed to be out and we cannot monitor them; we cannot detain them; we cannot restrict them; we cannot have them under surveillance? Why is it?

**Mr. Volney:** First conviction.

**Mrs. Mc Intosh:** First conviction?

**Mr. Volney:** Yes. It is a sentence. If you read the top: “List of offences which...may not be imposed by way of a sentence or in lieu of a sentence—”

**Mr. Imbert:** Minister, I think what the Member is speaking about is a convicted sex offender, having been released, not being subjected to electronic monitoring.

**Mr. Volney:** He will be.

**Mrs. Mc Intosh:** No.

**Dr. Moonilal:** How he will not be? [*Crosstalk*] So do you mean when people serve their time for conviction and they come out, you should still monitor them?

**Mrs. Mc Intosh:** Yes.

**Dr. Moonilal:** Well, then we should bring an amendment another time. It is a policy issue that we have to consider subsequent to this, but it is a good issue. But it is a policy issue, because you see, they are introducing a whole new realm and that is subject to a new policy issue. In several countries they do that and it is something worthy of considering.

Mr. Chairman, I beg to move, that the First Schedule be amended as circulated.

- A. Delete the words “[Section 9(3)]” and substitute the words “[Section 10(3)]”

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- B. Delete the word “person” wherever it occurs and substitute the word “individual”.

*Question put and agreed to.*

*First Schedule, as amended, ordered to stand part of the Bill.*

*Second Schedule.*

*Question proposed:* That the Second Schedule stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that the Second Schedule be amended as circulated. It reads as follows:

- A. Delete the words “[Section 9(6)]” and substitute the words “[Sections 10(8) and 12(4)]”.
- B. In item (c), insert after the word “respondent’s” the words “, or in the case of a child, his parent’s or guardian’s,”.
- C. In item (g), insert after the word “capability” the words “, or in the case of a child, the financial capability of his parent or guardian,”.
- D. In item (k), insert after the word “respondent” the words “, or in the case of a child, his parent or guardian,”.

*Question put and agreed to.*

*Second Schedule, as amended, ordered to stand part of the Bill.*

*Third Schedule.*

*Question proposed:* That the Third Schedule stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that the Third Schedule be amended as circulated. It reads as follows:

- A. Delete the words “(Section 22)” and substitute the words “[Section 24]”.
- B. Delete the year “2011” wherever it occurs and substitute in each place the year “2012”.
- C. In the proposed amendment to the Bail Act, Chap. 4:60, in the new section 12(3D)(2), delete the words “section 21” and substitute the words “section 23”.

D. Delete the proposed amendment to the Domestic Violence Act, Chap. 45:56 and substitute the following amendments:

“The Domestic Violence Act is amended—

(a) in section 6, by inserting the following subsection:

(3A) The Court may also impose electronic monitoring on the respondent as a condition of a Protection Order, in accordance with the Administration of Justice (Electronic Monitoring) Act, 2012.”; and

(b) in section 8(4), by inserting after the words “section 6” the words “but shall not contain directions for electronic monitoring”.

*Question put and agreed to.*

*Third Schedule, as amended, ordered to stand part of the Bill.*

*Preamble approved.*

*Question put and agreed to:* That the Bill, as amended, be reported to the House.

*House resumed.*

*Bill reported, with amendment.*

*Question put:* That the Bill be now read a third time.

**Mr. Speaker:** This Bill requires a special three-fifths majority, a division is therefore needed.

*The House divided:*      Ayes 26      Noes 8

AYES

Moonilal, Hon. Dr. R.

Warner, Hon. J.

Dookeran, Hon. W.

Mc Leod, Hon. E.

Sharma, Hon. C.

Alleyne-Toppin, Hon. V.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

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Seepersad-Bachan, Hon. C.

Seemungal, J.

Volney, Hon. H.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

Ramadhar, Hon. P.

Khan, Hon. Dr. F.

De Coteau, Hon. C.

Indarsingh, Hon. R.

Baker, Hon. Dr. D.

Samuel, Hon. R.

Douglas, Hon. Dr. L.

Roopnarine, Hon. S.

Partap, Hon. C.

Khan, Miss N.

NOES

Mc Donald, Miss M.

Imbert, C.

Cox, Miss D.

Mc Intosh, Mrs. P.

Jeffrey, F.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

*[Interruption]*

**Mr. Speaker:** Please, please, have some respect when the Speaker is on his legs, Members for Port of Spain South and Diego Martin North/East. I will have to reread, because of the interruption.

*Question agreed to.*

*Bill accordingly read the third time and passed. [Desk thumping]*

#### ADJOURNMENT

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, on this historic evening with landmark legislation again passed in the House, I beg to move that this House do now adjourn to Friday, May 11, 2012, at 1.30 p.m. and to put Members on alert that it is the intention of the Government to debate through all its stages, a Bill to amend the Trinidad and Tobago Postal Corporation Act, Chap. 47:01.

I beg to move.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 11.00 p.m.*

#### WRITTEN ANSWERS TO QUESTIONS

##### CEPEP Contractors

##### (Details of)

- 65.** Can the hon. Minister of Housing and the Environment state:
- a) the names and addresses of all CEPEP contractors as of May 24th 2010;
  - b) the names of all CEPEP contractors whose contracts have been terminated subsequent to November 12, 2010, when the Minister advised that no contractor had been terminated;
  - c) the names and addresses of all new CEPEP contractors since November 13, 2010;
  - d) the reasons for terminating the contract of each of the CEPEP contractors who were given termination notice;
  - e) the criteria used for the selection of the new CEPEP contractors;
  - f) the termination financial package for each CEPEP contractor whose contracts were not renewed; and

g) the termination financial package for CEPEP workers?

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

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** The answer to question 65 is as follows:

a) The names and addresses of The CEPEP Company Limited Contractors as at May 24<sup>th</sup>, 2010

CEPEP CONTRACTING COMPANY INFORMATION		
No.	Company Name	Address
1	A.E. Rasolli Maintenance Services Limited	34, Drayton Street, San Fernando.
2	Agronomics Inc Limited	#9 Ramcharan Street, Tacarigua
3	Allahhu Enterprises Limited	18 Naparima, Mayaro Road, Cocoyea Village, San Fernando
4	Answer Maintenance Limited	c/o PTSC Building Kings Wharf, San Fernando
5	Ant's Mole Construction Limited	169 Riverside Drive, Mt. Hope
6	Beautification & Sanitation Company Limited	11, Palm Avenue, Coconut Drive, San Fernando.
7	Beckles Environmental Services Limited	19, Cantaro Extension, Cantaro Village, Santa Cruz.
8	Benchmark Environmental Services Limited	60, Pashley Street Extension, Laventille
9	Breeze Maintenance Services Limited	5, Holder Drive, WestVale Park, La Horquette, Glencoe.
10	Chaitram and Company Limited	4 Jacob Street, Bamboo Settlement #3, Valsayn
11	Claudius.Asad Aslam. Construction Limited	13 Fazal Ali Street, Aranguez
12	Cleanville Company Limited	70 Gulf Ridge Circular, Grove Park Development, Dow Village, South Oropouche

13	Clear Cut Environmental Service Company Limited	545 La Lune Village, Moruga
14	Cornerstone Environmental Maintenance Company Limited	#37 Skinner Street, Mon Repos, San Fernando
15	Cut-Clean And Clear Maintenance Services Limited	Suite 9 Berjah Building, Cor. Inal Avenue & Rushworth Street, San Fernando
16	Daily Environmental Services Limited	20 St. Vincent Street, Tunapuna.
17	Danavin Company Limited	27A, Battoo Boulevard, Marabella.
18	Darwin Limited	137A, Western Main Road, St James.
19	Debut Cleaning Company Limited	#9 Sapphire Drive Crown Street, Tacarigua
20	Deep Maintenance Company Limited	46, George Road, Mahaica, Point Fortin.
21	Deep Root Environmental Company Limited	101 Eastern Main Road, St. Joseph
22	Development and Enhancement Services Limited	1085, Eastern Main Road, Manzanilla #2.
23	Divya Enviro Limited	#5A Mowlah Trace, Preysal, Couva.
24	Docland Services	79 Caurita Road, Maracas Valley/ P.O. Box 4974, Tunapuna
25	Doolay Environmental Services Limited	37B, Saut Deau Road, Paramin Village, Maraval.
26	Duncan Village Maintenance Company Limited	PO Box 3977, Point Fortin Post Office, Point Fortin.
27	EDM Environmental Systems Company Limited	5, Second Street, Mt. Lambert
28	Effective Environmental Systems Company Limited	LP60, Karamath Street, Tunapuna.
29	Enviro Company Limited	#1 Green Drive, North Post Road, Riverestate, Diego Martin.

30	Envirochem Limited	5, Cipero Road, San Fernando
31	Environmental Alternatives Limited	Lot 2 LP 56, St Lucien Road, Diego Martin.
32	Environmental Enhancers Limited	159, Orange Grove Road, Trincity.
33	Environmental Improvement Company Limited	23, Iere Village, Branch Road, Princes Town.
34	Enviropro Limited	88, Dalloo Road, Gasparillo.
35	Fabcon Limited	237, Cedar Hill Road, Claxton Bay.
36	Farnum Environment Company Limited	LP 52, Back Street, Arouca.
37	First Class Homes and Commercial Property Limited	# 18, First Floor, Park Plaza, St. Vincent Street, Port of Spain
38	Foster Solutions for Sustainable Ecosystem Development Limited	#28 South Street Cocoyea Village, San Fernando
39	G. Bacchus General Contractor Enterprise Limited	20, Hill Crest Drive, Harriman's Park, Point Fortin.
40	Gap Environmental Experts Company Limited	66 BayView Avenue, South Oropuche
41	Gateway Environmental & Maintenance Services Limited	101, La Lune Road, Moruga
42	Global Enterprises Limited	5, Little Road, Cascade.
43	Healthy Environment & Landscaping Providers Limited	LP #51 Moolchan Street Guaico, Sangre Grande
44	Heyman's Environmental Services Limited	13, Cumuto Main Road, Wallerfield, Arima.
45	Hibiscus Services Limited	84 Cascade Main Road.
46	High Place Enterprises Limited	64, Tenth Street, Barataria.
47	High Road Maintenance Company Limited	57, Wittet Drive, Central Park, Balmain, Couva.

48	Hinds General Maintenance Limited	Lp #6, Hyde Avenue, Bagatelle, San Juan
49	Hylite Services Limited	#28 Gatacre Street, Newtown
50	JC Environmental Services Limited	15 Eastern Main Road, Petit Bourg.
51	Jenbri Enterprises Limited	127, Mon Repos Road, Morvant.
52	Jen-Cam Limited	33 1/3 Mile Mark, Mafeking Village, Mayaro.
53	John Fortune Enterprises Limited	10 3/4 mile mark, Toco Main Road, Matura
54	K&R Contractors Company Limited	1, First Avenue, Barataria.
55	K&S Environmental Services Company Limited	LP 10, Chanka Trace, San Juan.
56	K.G. Environmental Services Limited	42, Pashley Street, Laventille.
57	Kenwyn & Kyle Environmental Specialist	Lp 309, Paria Main Road, Grand Riviere, Toco.
58	KFS Company Limited	LP 43, St. John Trace, St. John's Road, St. Augustine.
59	KS Environmental Maintenance Company Limited	42, Pashley Street, Success Village, Laventille.
60	Lee St. Louis Environmental Specialist Limited	Chanka Trace, El Socorro, San Juan
61	Lopari Landscaping Company Limited	51, Salina Street, Lopinot Settlement via Arouca
62	M.J.I. Company Limited	16mm Cumuto Main Road, Four Roads, Tamana
63	M/S Community Maintenance Limited	20, Weekes Trace, Mission Road, San Juan.
64	Mario Eco Company Limited	1, Power Street, Toco.

65	Marryshow Maintenance Services Limited	3, Theresa Street, Marabella.
66	Matura General Contractors and Enhancers Company Limited	9mm, Toco Main Road, Matura Village, Matura
67	Maximum Environmental Services Company Limited	#3 Balata Terrace Maracas Valley, St. Joseph, Maracas
68	Miracle Brite Maintenance Company Limited	2 Boubavilla Place, Petite Valley Village Plaza, Petite Valley
69	Mountain View Environmental Services Limited	15 Queen Street, Arima or P.O Box 4847, Arima
70	MPH Services Limited	70, Monkey Town, Third Branch, New Grant, Princes Town.
71	My Youths Environmental Limited	17A Quevedo Circular, East Dry River, Port of Spain
72	N.B.C. Company Limited	504, Fifth Company Village, Moruga Road
73	New Image Contract and Maintenance Company Limited	7 Sorzano Street, Arima
74	Oliver's Contracting Services Limited	Lp #63 Shende Street Extension, San Juan
75	Palladin's Company Limited	1, Valeview Terrace, St Lucien Road, Diego Martin.
76	Patchliff Industrial Services	116, Flamingo Avenue, Phillipine.
77	Pical Services Limited	140, Southern Main Road, Couva.
78	Point Fortin Environmental Services Limited	31 Adventure Road, Point Fortin.
79	Pro Blade Company Limited	#8 Windroy Drive, Mausica D'abadie
80	Prudent Construction Limited	77, Percy Street, Laventille Road, Febeau Village, San Juan.

81	Quality Environmental Services Limited	24 3/4 Mile Mark, Libertville, Rio Claro.
82	R.J.S.D.C. Company Limited	42 Prince of Wales Street, San Fernando
83	Real Maintenance Services Limited	8, St Andrews Park West, Cocoyea Village, San Fernando.
84	Rencamp Cleaning and Landscaping Company Limited	10, Wharf Trace, Maracas, St Joseph.
85	Roopy's Contracting Services Limited	6, Bajnath Trace, Quarry Village, Siparia.
86	S&G Maintenance Company Limited	280 Boodoosingh Road, Sobo Village, La Brea.
87	S&S Environmental Services Company Limited	LP21, Cor. Doolay Lane, El Socorro Road, San Juan
88	S.A.S. Maintenance Company Limited	26, First Street, Mt Lambert.
89	S.J.L. Environmental & Development Company Limited	LP15, High Road, La Brea.
90	SAMCOLL Construction Company Limited	11, William Street, Four Roads, Diego Martin.
91	Saphire Environmental Services Limited	1063 Siparia Erin Road, Palo Seco Junction, Palo Seco
92	Sarah Maintenance Company Limited	LP 51, Farouk Avenue, El Socorro Road, San Juan.
93	Silver Hammer Limited	24 1/4 Mile Mark, Cumana Village, Cumana
94	South East Maintenance Services Limited	11 3/4 mm, Guayagyayare Main Road, Guayaguayare.
95	South West Development Agency	# 13 High Road, La Brea, Trinidad W.I.
96	The Maintenance Advantage Company Limited	Peter Hill Trace, Manzanilla Road, Mayaro

97	Theodore Maintenance Company Limited	56 Eastern Main Road, Arouca
98	Thomas Loney Maintenance Services Limited	4, Ixora Lane, Pleasantville, San Fernando.
99	Time Environmental Services Limited	3 3/4 Miles, P.O. Box 502, Rock Road, Penal
100	Toncabeau Maintenance Company Limited	85, Eastern Main Road, Barataria.
101	Trinidad Bago & Sons Company Limited	Providence Street, Ojoe Road, Sangre Grande.
102	Two J's Beautification Limited	Phase 5, Beetham Gardens, Laventille.
103	W.E.T.E Company Limited	22, Plaisance Road, East Dry River, Port of Spain.
104	Wells Maintenance Company Limited	Corner of Burnham and Riverside Road, Curepe.
105	West & Associates Company Limited	948 Eastern Main Road, Guaico Village, Sangre Grande.
106	Williams & Sampson Company Limited	46 Alexander Street, New City Village, Valencia

- b) Names of all CEPEP Contracting Companies whose contracts terminated subsequent to November 12<sup>th</sup>, 2010

No.	Terminated Contracting Companies
1	First Class Homes and Commercial Property Limited
2	Enviropro Limited
3	M/S Community Maintenance Limited
4	High Place Enterprises Limited
5	K&R Contractors Company Limited
6	Claudius Asad Aslam Construction Limited

7	Rencamp Cleaning and Landscaping Company Limited
8	Environmental Enhancers Limited
9	Global Enterprises Limited
10	Silver Hammer Limited
11	Kenwyn & Kyle Environmental Specialist
12	Answer Maintenance Limited
13	Pical Services Limited
14	Thomas Loney Maintenance Services Limited
15	Theodore Maintenance Company Limited
16	KFS Company Limited
17	Lopari Landscaping Company Limited
18	Quality Environmental Services Limited
19	South West Development Agency
20	Enviro Company Limited
21	Hylite Services Limited
22	Toncabeau Maintenance Company Limited
23	Prudent Construction Limited
24	Duncan Village Maintenance Company Limited
25	Environmental Improvement Company Limited
26	SAS Maintenance Company Limited
27	Ant's Mole Construction Limited
28	Chaitram & Company Limited
29	Wells Maintenance Company Limited
30	Farnum Environmental Company Limited
31	Pro Blade Company Limited
32	Effective Environmental Systems Company Limited

33	Debut Cleaning Company Limited
34	Darwin Limited
35	Hibiscus Services Limited
36	Oliver's Contracting Services Limited
37	Environmental Alternatives Limited
38	Cut-Clean and Clear Maintenance Services Limited
39	Danavin Company Limited
40	Patcliff Industrial Services
41	Point Fortin Environmental Services Limited
42	S.J.L. Environmental & Development Company Limited
43	Saphire Environmental Services Limited
44	S&G Maintenance Company Limited
45	Clear Cut Environmental Service Company Limited
46	Marryshow Maintenance Services Limited
47	Roopy's Contracting Services Ltd.,
48	EDM Environmental Systems Company Limited
49	Healthy Environmental Landscaping Providers Limited
50	Deep Root Environmental Company Limited
51	John Fortune Enterprises Limited
52	Heyman's Environmental Services Limited
53	JC Environmental Services Limited
54	Mountain View Environmental Services Limited
55	Daily Environmental Services Limited
56	Docland Services
57	SAMCOLL Construction Company Limited
58	Lee St. Louis Environmental Specialist Limited

59	K & S Environmental Services Company Limited
60	Hinds General Maintenance Limited
61	Sarah Maintenance Company Limited
62	Time Environmental Services Limited
63	Miracle Brite Maintenance Company Limited
64	R.J.S.D.C. Company Limited
65	Fabcon Factory Limited
66	Real Maintenance Services Limited
67	Cleanville Company Limited
68	Deep Maintenance Company Limited
69	Envirochem Limited
70	C. Bacchus General Contractor Enterprises Limited
71	Jen-Cam Limited
72	Gateway Environmental & Maintenance Services Limited
73	M.J.I Company Limited
74	The Maintenance Advantage Company Limited
75	South East Maintenance Services Limited
76	N.B.C. Company Limited
77	Williams & Sampson Company Limited
78	Maximum Environmental Services Company Limited
79	Argonomics Inc. Limited
80	S & S Environmental Services Limited
81	Divya Enviro Limited
82	Foster Solutions for Sustainable Ecosystems Development Limited
83	Allahhu Enterprises Limited
84	Beautification & Sanitation Company Limited

85	A.E. Rasolli Maintenance Services Limited
86	Gap Environmental Experts Company Limited
87	Trinidad Bago & Sons Company Limited
88	Mario Eco Company Limited
89	West & Associates Company Limited
90	Matura General Contractors and Enhancers Company Limited
91	New Image Contract and Maintenance Company Limited
92	W.E.T.E. Company Limited
93	Two J's Beautification Limited
94	Jenbri Enterprises Limited
95	Beckles Environmental Services Limited
96	K. G Environmental Services Limited
97	Benchmark Environmental Services Limited
98	My Youths Environmental Limited
99	Palladin's Company Limited
100	Breeze Maintenance Services Limited
101	KS Environmental Services Maintenance Company Limited
102	Cornerstone Environmental Maintenance Company Limited
103	Development and Enhancement Services Limited
104	High Road Maintenance Company Limited
105	M.P.H. Services Limited

- c) Names and addresses of all New CEPEP Contracting Companies since November 13<sup>th</sup>, 2010

<b>NEW CEPEP CONTRACTORS SINCE NOVEMBER 13TH, 2010</b>		
<b>No.</b>	<b>Company Name</b>	<b>Address</b>
<b>1</b>	Kasaba Limited	#113 Rochard Douglas Road, Barrackpore.

<b>2</b>	Shabba Maintenance Company Limited	Apt.C, Akcee Street, Edinburgh South Chaguanas
<b>3</b>	Handi Krew Co. Ltd.	#57 Neilson Street, Longdenville, Chaguanas
<b>4</b>	Deochand and Savitri Construction Company Limited	#135 El Socorro Rd San Juan
<b>5</b>	EMC Contractors and Consultancy Services Limited	#134 Lincoln Drive, Edinburgh, Chaguanas
<b>6</b>	Skad Contractors Limited	Lot 24, Joropo Drive, Cantaro Court, Santa Cruz.
<b>7</b>	Red Cloud Company Limited	#25 Allen Street, Gasparillo
<b>8</b>	Sahal General Contractors Limited	#20 Green Heart Drive, Couva North.
<b>9</b>	Supreme Clean Car Care Limited	#17 Clove Crescent, Santa Rosa Heights, Arima
<b>10</b>	Avatar General Contracting Company Limited	#472 Mundo Nuevo via Talparo
<b>11</b>	Deonarine Basdeo General Services Limited	LP 46, Las Lomas #1, Chin Chin Road, Cunupia.
<b>12</b>	Starbott Enterprises Limited	#3 Balkie Drive, Felicity, Chaguanas
<b>13</b>	EC Maintenances Services Limited	#267F Calber House Trace, Mandingo Road, Princes Town
<b>14</b>	Kargreen Construction Maintenance and Environment Services Limited	#507 Peacock Drive, Maloney Gardens, D'abadie
<b>15</b>	Lilematie's Environmental Maintenance & Company Limited	Lp# 261 Guaico Tamana, Via Sangre Grande
<b>16</b>	Lower Lopinot Enterprises Ltd	#5 1/2 Mile Mark, Lopinot Road, Lopinot Village, Lopinot via Arouca

<b>17</b>	M.F.R Company	#13 Buena Vista Gardens, Tumpuna Road Arima
<b>18</b>	Mabro's Construction & Maintenance Co.	#17 Sirjoo Lane, Lime Head Road, Chase Village
<b>19</b>	S.R.S.N General Contractors Ltd.	#26 Cedar Hill Trace, Claxton Bay
<b>20</b>	Safetynet Limited	#79 Dumfries Road, La Romain
<b>21</b>	Spectra Transport Limited	#5 Samlal Drive, Basta Hall, Couva
<b>22</b>	Total Integrated Systems & Services Ltd.	#21 Mahogany Drive, Woodland Gardens, Olton Road, Arima
<b>23</b>	Unique Landscaping Company Limited	#38 Ajim Baksh Trace, Sangre Grande
<b>24</b>	Veira's Maintenance & Landscaping Company Ltd.	Lp #52A Sunset Drive, Five Rivers, Arouca
<b>25</b>	Zion Construction and General Services Ltd.	#37, Salina Street, Lopinot Settlement, Arouca
<b>26</b>	Frank Coles Construction, Company	#56 Walnut Drive, Calvary Hill Arima
<b>27</b>	Lydsas Environmental Ltd.	#72A Carli Bay Road, Couva
<b>28</b>	High Risk Tree Removers Ltd.	#72 Hoyte Ave, Pinto Road, Arima
<b>29</b>	Knox Services Company Ltd.	#11B Gomez Trace St. Mary's Village Moruga Road, Moruga
<b>30</b>	Promain Enterprises Ltd.	#210 Mission Road, Freeport
<b>31</b>	T& T Quality General Services	#28 Grant Street, Rio Claro
<b>32</b>	Target Market Advertising Limited	LP 19, Maraj Steet, Pasea, Tunapuna
<b>33</b>	Chase Services Limited	Lp #2B, Salandy Street, Diego Martin

<b>34</b>	Under Priviledge Construction and Maintenance Co. Ltd.	#37 Alexis Street, Morvant
<b>35</b>	HRS General Contractors Limited	Pasea Main Road, ( Opposite Ace Printery) Tunapuna
<b>36</b>	J & R 2002 Co. Ltd.	#76 Guanapo Street, Arima
<b>37</b>	Kashmir Landscaping & Maintenance	Lp #210, St. Helena Village, Piarco
<b>38</b>	Novel Construction Company Limited	#15 Ackbar Road, Charlieville Chaguanas
<b>39</b>	Santek Co. Ltd.	Lp#64A Paramin Hill Maraval
<b>40</b>	Sharpe & Jarrette Construction Landscaping Limited	#24 El Dorado Road, Tunapuna
<b>41</b>	Shrub & Greenery Limited	Lp# 112 Caroni South Bank Road, Las Lomas #2
<b>42</b>	Sunak General Contractors Ltd.	Suite 6, 1st Floor, Plaza 46, Corner Frederick & Prince Streets, Port of Spain
<b>43</b>	Talia Maintenance Co.	#503 Upper Pipiol Road, Santa Cruz
<b>44</b>	The Dav & Jay Company Limited	Lp # 6 Maturita Trace, Arima.
<b>45</b>	Trincity Environmental Ltd.	#38, Second Street East, Cane Farm Road, Trincity
<b>46</b>	Zaaah Marketing & Services Limited	#209 Piparo Main Road, Piparo
<b>47</b>	Billy Contracting Ltd.	#3 Bamboo Settlement, Valsayn
<b>48</b>	BRS Landscaping Maintenance Construction Co. Ltd.	Apartment 4-3, Building 6, St. Joseph Road, East Dry River, Port of Spain
<b>49</b>	DE4K2B Co. Ltd.	#4 Bon Air North, Arouca
<b>50</b>	Tribec Group of Companies	#20 Beharry Trace Ext., D'Abadie

<b>51</b>	Azim Ali Contryside Construction Ltd.	#19, G.P Road, Barrackpore
<b>52</b>	Haro Landscaping Limited	#23 Macaulay Trace, Claxton Bay
<b>53</b>	Kavash General Construction Co. Ltd.	#10 Ambard Street, Upper Hillside, San Fernando
<b>54</b>	Pentium Contracting Company Ltd.	Lp #15 Ortoire Village, Mayaro
<b>55</b>	PROLAS Limited	#22 Capildeo Block, Couva
<b>56</b>	Munroe & Munroe General Construction Ltd (MUNGENCO).	Building #51, Apt 1-2 Majorie St., Lisas Gardens, Couva
<b>57</b>	Villans Lawn Maintenance & Landscaping Services Ltd.	#6A Mohammedville, El Socorro, San Juan
<b>58</b>	Pranali Services Limited	Lp#71 Endeavour Road, Cunupia
<b>59</b>	Kimmel and Justin Enterprises Ltd	#36 1/2 mile mark Monte Video, Toco
<b>60</b>	A.D.M Support Services Limited	#3 Sandhurst Street, Belmont, Port of Spain
<b>61</b>	Basement Maintenance and Landscaping Ltd.	L.P #63 Upper Seventh Avenue, Malick, Barataria
<b>62</b>	Ichiban Construction & Maintenance Co. Ltd.	#3 Railway Road, Caroni
<b>63</b>	Linflo Limited	#616 Southern Main Road, Rousillac
<b>64</b>	One Hundred Percent Clean Ltd.	#209 North Stars Avenue, Phase 2, Malabar, Arima.
<b>65</b>	K. Dass Transport & General Contractors Ltd.	#70 Bownath Trace, Bathchyia Village, Penal
<b>66</b>	Karmody General Contractors Limited	#1351 Siparia, Erin Road, Penal
<b>67</b>	Motivational Movers Co. Ltd.	Marcano Quarry, Building #7, Apt 12, East Dry River, Port of Spain

<b>68</b>	Navindra Landscaping Co. Ltd.	#180 Sukhan Trace, Rochard Douglas Road, Barrackpore
<b>69</b>	Ortoire Environmental and Maintenance Co. Ltd.	Lp #51 Point Radix Road, Ortoire Village, Mayaro
<b>70</b>	Restoring Unity Company Limited	#41 Prizgar Lands, Laventille
<b>71</b>	Serene Green Maintenance Services Limited	#54 Farouk Avenue, El Socorro Road, San Juan
<b>72</b>	The Community Development & Maintenance Co. Ltd. (Codmac Co. Ltd.)	LP #166 B Romain Lands Mon Repos Road, Morvant
<b>73</b>	Think Big Development Contractors Limited	Phase 5 Beetham Gardens, Laventille
<b>74</b>	Unlimited Development Co. Ltd.	Lp #10 Africa Road, John John, Laventille
<b>75</b>	Aqua -Care Ltd.	#8 Cipero Street, San Fernando
<b>76</b>	Despers Serenaders Ltd.	Cor. Laventille Road & St. Baabs, Serenaders Pan Yard, Basketball Court, Upper Laventille, East Dry River, Port of Spain
<b>77</b>	Giroux's Building & Construction Co. Ltd.	#21 Mootoo Lands, Arima
<b>78</b>	Grounding Development Co. Ltd.	#11 Upper Gonzales Quarry, Gonzales
<b>79</b>	Kevin, Venessa and Sarah's Construction Company Limited	#17 Kassie Street Extension, El Dorado Village, Tacarigua
<b>80</b>	Areremic Construction & Maintenance Services Co. Ltd.	#831, Titanium Crescent, Union Hall, Cross Crossing San Fernando
<b>81</b>	Konstrukive Kleeners Company Limited	#537 La Lune Village, Moruga
<b>82</b>	MGM Construction Ltd.	#137A Western Main Road, St. James

<b>83</b>	Neshara Enterprises Ltd.	#66 Neeranjan Street, Sangre Grande
<b>84</b>	Russell & Guinness General Contractors Ltd.	#55 Cuchawan Trace, West Debe
<b>85</b>	Bumble Enterprises Ltd.	#7B Rushworth Street, San Fernando
<b>86</b>	Crested Enterprises Ltd.	#245 Southern Main Road, La Romain
<b>87</b>	Crossfire Construction & Maintenance Ltd.	#30 New City Avenue, Marabella
<b>88</b>	Amerasia Manpower Ltd.	#189 Swallowtail Crescent, Bon Air, Gardens, Arouca
<b>89</b>	EcoPal Ltd.	#8 Ocean View Apartment, Sunset Cove, La Romain
<b>90</b>	Productive Maintenance Company Limited	Lp 91 Phase 5 Beetham Gardens Laventille
<b>91</b>	Delivery Maintenance & Construction Limited	Lp 91 Phase 5 Beetham Gardens Laventille
<b>92</b>	A and Karen Building Maintenance	No. 1 Maxwell Lane, East Dry River, Port of Spain
<b>93</b>	Root & Sons Contractors Ltd.	#5A Rambhaju Street, Aranjuez, San Juan
<b>94</b>	Theophilus Munro Construction Services	Lp No. 4 Spring Valley Road, Mt. Dor
<b>95</b>	Boxer Construction Maintenance and Landscaping Services	#46 Akal Road, Petit Bourg, San Juan
<b>96</b>	Irvmoll Ltd.	#304 Siparia Erin Road, Quarry Village
<b>97</b>	J.JETSC Company Limited	LP 59 Mc David Trace, Lopinot Road, Surrey Village, Arouca

<b>98</b>	Joekam Landscaping & Maintenance Co. Ltd.	11 Railway Road, Princes Town
<b>99</b>	Kievans Contracting Services Limited	142 Orchard Gardens, Chaguanas
<b>100</b>	Nazjenco & Sons Ltd.	#34 Rees Road, Barrackpore
<b>101</b>	Robley General Contracting Services Ltd.	#16 1st St. Preau Village, St. Mary's Village, Moruga
<b>102</b>	Upper Morvant Services Ltd.	Pole 1 #3 Red Hill, Morvant
<b>103</b>	Women for Enterprise and Empowerment	#22 Plaisance Road, East Dry River, Port of Spain
<b>104</b>	Birdsong Enterprises Ltd.	Cor. Connell & St. Vincent Sts, Tunapuna
<b>105</b>	B-MAT's Transport and General Services Limited	73 Belle Vue Terrace, Long Circular Road, St. James
<b>106</b>	C/J Environmental & Building Services Limited	270 Hills Dale Crescent Mount Hope
<b>107</b>	Cayene Enviro. Pro. Ltd.	LP#311 High Street, Princes Town
<b>108</b>	Enreco Services Ltd.	LP#115, Ackbar Trace, Siparia Old Road, Fyzabad
<b>109</b>	Prudential Real Estate Agency Ltd	18 Homestead Gardens, Sam Boucaud Santa Cruz
<b>110</b>	Justin Environmental Ltd.	195 Eastern Main Road, Mount Hope
<b>111</b>	R &P Transport and Maintenance	Phase II 1922 La Horquetta, Arima
<b>112</b>	Skybound Procurement & Services Limited	Lp 51, Ivan Street, Kelly Village, Caroni
<b>113</b>	Wilbuna International Ltd.	22 Tunapuna Road, Tunapuna
<b>114</b>	Jean & Daughter's Maintenance Services Ltd.	#54 Yallery Street, West California

<b>115</b>	Jennyram Contracting Co. Ltd.	#181 Waterloo Road, Carapichaima
<b>116</b>	RSV Contracting Ltd.	#332 Main Road, Todd's Road, Chaguanas
<b>117</b>	Complete Engineering Services Ltd.	#137 Lothians Road, Princes Town
<b>118</b>	Everyday Environmental Management Ltd.	#13B Cumuto Main Road, Wallerfield
<b>119</b>	Gangrit Services Limited	12 St. John Street, Tarouba Road, Marabella
<b>120</b>	KMD General Construction Enterprise Limited	#23 Penguin Crescent, Maloney Gardens, D'Abadie
<b>121</b>	Subira Construction and Maintenance Company Limited	No 193 Western Main Road, L'Anse Mitan, Carenage
<b>122</b>	Caura Valley Environmental	LP166, 6 1/2 Mile Caura, Royal Road, Caura
<b>123</b>	Western Environmental Services Ltd.	15 Agra Street, St. James, Port of Spain
<b>124</b>	Reddstar General Contracting Limited	Lp No. 1003 Mafeking Village, Mayaro
<b>125</b>	Earl Baboolal Construction Limited	#3 Hilltop Drive, Saddle Hill, Maraval.
<b>126</b>	Vishnu Mohan Maintenance Services Limited	52 Chenette Drive, El Socorro Road, San Juan.

- d) The reasons for terminating the contracts of the CEPEP contractors who were given termination notices:

Reasons are as follows.

- The contracts of CEPEP contractors were discharged by performance. The engagement of CEPEP contracting companies has always been on the condition that they will be graduated out of the Programme after a period of three (3) years in order to allow for the intake of other new contracting companies. Contracting companies who were engaged in 2002, and soon thereafter, were informed of this condition repeatedly. They were advised that they had a responsibility, as did all other business enterprises operating in Trinidad and Tobago, to seek, and seize, other opportunities for growth and expansion. They were also told that they could not reasonably expect to remain in the Programme indefinitely at the expense of the taxpayers of Trinidad and Tobago. They all said that they understood the rationale for their participation in the Programme.

Other separations were for the following reasons.

- Failure to make the appropriate statutory payments in accordance with the Laws of the Republic of Trinidad and Tobago and failure to inform the CEPEP Company Limited of their refusal to honour these statutory obligations, as they have been required to do.
- e) The criteria used for the selection of new CEPEP contractors:

Response

- Clear and comprehensive knowledge of, and familiarity with, the Environmental Work Area to be assigned
- Ability to manage multiple teams of workers at various work sites to undertake field-related scope of works
- Residence in the community or environs and/or be involved in community activity.
- Ability to communicate and relate to residents and organizations in communities falling within the Environmental Work Area
- Ability to manage and operate a registered public company to carry out required scope of works
- Willingness to function within the framework of the rules and procedures directed by the CEPEP Company Limited in relation to the conduct of the Programme including that the participation is for a specified duration of time

- Willingness to operate within the framework of the all applicable laws of the Republic of Trinidad and Tobago
- f) The termination/financial package of each CEPEP Contractor whose contract was not renewed:

Response

According to the terms and conditions of contract and engagement of the CEPEP contracting companies they were not entitled any termination/financial package upon the cessation of its operations. Contracting companies were paid only those fees which they had earned, and were entitled to, for the period for which they were actually engaged.

- g) The termination/financial package of each CEPEP Contracted Worker:

Response

The CEPEP Company Limited does not engage CEPEP contracted worker.

These CEPEP contracted workers are engaged by the CEPEP Contracting Companies.

Upon the cessation of the operations of the contracting companies, workers were paid only those wages which they had earned, and were entitled to, for the period for which they were actually engaged by the contracting companies.

*The following question was asked by Mr. Fitzgerald Jeffrey (La Brea):*

**CEPEP Workers  
(Santa Flora)**

**66.** Could the hon. Minister of Housing and the Environment explain:

- (a) The reasons for not allocating CEPEP contractors to the Santa Flora-Erin and La Brea Salazar Trace areas.
- (b) The names and addresses of all contractors applying for CEPEP contracts in the Santa Flora- Erin and La Brea-Salazar Trace areas?

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

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** The answer to (a) is as follows:

The CEPEP Company Limited commenced a comprehensive review of The CEPEP programme in 2011 (January). It was discovered that quite a number of

contractors were in the programme for as long as 9—10 years and contractors were not evenly distributed in communities across Trinidad. In some communities there were many contractors and in others there were no contractors. These findings suggest that further analysis and examination should be conducted to ensure a better distribution of contractors among communities. This is ongoing and where areas are identified as requiring changes these are being done on a phased basis. The Santa Flora-Erin and La Brea Salazar Trace are under active consideration. This exercise is expected to be completed shortly. (July2012)

The name and addresses of all contractors applying for CEPEP contracts in La Brea/Solomon Trace Santa Flora/Erin:

Response

The list below are current applications .We continue to receive applications on an ongoing basis.

<b>No.</b>	<b>Company Name</b>	<b>Address</b>
<b>LA BREA / SOLOMON TRACE</b>		
1	Alvin Mongru General Contractors	#279 Mon Desir Road, Dow Village, South Oropouche.
2	Ancillary Contractors Ltd.	#1444 Southern Main Road, Rousillac Village, La Brea.
3	Anthony Alexander	#3 Baptiste Road, Point Fortin.
4	B.G.G Services Ltd.	#195 Warden Road, Point Fortin.
5	Nigel Boodoo	#308 Mondesir Road, Rousillac.
6	Bascombe & Daughters Co. Ltd.	#1 Handel Road, Point Fortin.
7	A.M.P Environmental & Construction Ltd.	No.5 Handel Road, Point Fortin.
8	C & N Formula Company Ltd.	#289 Granville Road, Cedros.
9	Cygnat Agro Supplies	#70 Country Trace, Fanny Village, Point Fortin.
10	Deep Maintenance Co. Ltd.	#31 Adventure Road, Point Fortin.

11	Dynamic General Contracting Ltd.	#4 Nancy Drive, Dow Village, South Oropouche.
12	Gary's All Services Ltd.	Lp#121 High Street, St. Mary's Village, South Oropouche.
13	Greenville Ayers Insulation & General Contractors Ltd.	#36 Cemetry Block, Cap-de-Ville, Point Fortin.
14	Geeta's General Contracting	441 Tanner, Point Fortin.
15	GAP Environmental Experts Co. Ltd.	#66 Bayview Avenue, Dow Village, South Oropouche.
16	Haribee & Sons General Contractors Ltd.	#24 Osbourne Street, Cap-de-Ville, Point Fortin.
17	Joseph Environmental Services	#9 Industrial Lane, La Brea.
18	Joseph Thomas	#84A Sobo Village, La Brea.
19	Kavita Maraj Pheerangee Maintenance	#11A Chattoo Avenue, Fyzabad
20	Kensaab Company	#51 Bridglalsingh Avenue, Cap-de-Ville, Point Fortin.
21	Kennedy & Sharon General Contractors Limited	#2632 Southern Main Road, Chatnam.
22	Kent Grant	Elton Street, Cap-de-ville, Point Fortin.
23	Khadaroo Contracting Services General Contractors	#132 Belle Vue, St Mary's Village, South Oropouche.
24	M & I Marketing Services	Chinese Village, La Brea.
25	Markleey's General Company Limited	Lp#50 Vessigny Village , La Brea.
26	MIE Engineering & Technical Services Co. Ltd.	86 Rambin Cresent, La Brea.
27	M & J Marketing Serrvices Ltd.	Chinese Village, La Brea.
28	Point Fortin Environmental Services Ltd.	#31 Adventure Road, Point Fortin.

29	Ronlexcon International Commercial Diving Services Ltd.	14th Street Techier Village, Point Fortin.
30	Roger Wiggins	#118 Lagoon Drive, Point D'or, La Brea.
31	Raleigh Industrial Services Limited	#192 Point Sable Road, Point D'or, La Brea.
32	Spence Engineering Services Limited	Opp. Lp1617 Vessigny Village, La Brea.
33	The Sign Zone Company	#55 2nd Street, Techier Village, Point Fortin.
34	Terrifix General Contractor Ltd.	#5 Hercules Drive, Egypt Village, Point Fortin.
35	Zaben	#10 Chuneelal Trace, Cap-de-Ville, Point Fortin.

No.	Company Name	Address
<b>SANTA FLORA / ERIN</b>		
1	ADG Limited	#300 Richardson Street, Pepper Village, Fyzabad
2	A & N Transport Services Ltd.	#3 Salle Street, Los Bajos, Santa Flora.
3	Bernard Despot	#14 Cameron Trace, Buenos Ayres.
4	Beacon Contracting Services	#104 Dehli Road, Fyzabad.
5	Dodough's General Construction Services	#65 Richardson Street, Pepper Village, Fyzabad.
6	Earth World Company Limited	#13 Hickling Village, Siparia Road, Fyzabad.
7	Jomo's Welding Enterprises	#19 Sudama Alley, Erin Road, Sipria.
8	M & R Kubirsingh Civil Engineering & Transport Contractors Ltd.	School Road, Santa Flora.

9	Paradigm General Maintenance Services	#608 Siparia Erin Road, Santa Flora.
10	R.O.H General Maintenance Ltd.	#746 S.S Erin Road, Santa Flora.
11	R. Lalla & Company Ltd.	#3 La salle Street, Los Bajos.
12	R. Narinesingh General Contractor & Co. Ltd.	#197 S.S Erin Road, Quarry Village, Siparia.
13	Roopy's Contracting Services Ltd.	#6 Bajnath Trace, Quarry Village, Siparia.
14	Suresh Kumar Contracting Services	#22 Agapito Trace, Santa Flora.
15	Shari Environmental Services Ltd.	#6 Bajnath Trace, Quarry Village, Siparia.
16	Simba Fishing Service Company	#13 Beach Road, Erin Siparia.
17	Trinidad Fluid Power Services Limited	Bamboo Street, Fyzabad.
18	Victor Robert Enterprise General Contractor	#17C Street Jacob Settlement, Santa Flora.