PAPERS LAID


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

Prime Minister’s Questions

Electronic Bracelets
(Status of)

Ms. Vandana Mohit (Chaguanas East): Thank you, Madam Speaker. In light of the public pronouncement by the Minister of National Security to deploy the use of electronic bracelets in the fight against crime especially in the sphere of domestic violence, can the Prime Minister advise the House of the current status of this said initiative?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the Electronic Monitoring Unit at the Ministry of National Security is ready and it is ready for deployment of electronic bracelets and their use in monitoring. The Unit is currently awaiting the Judiciary to start making the orders utilizing the bracelets.

Ms. Mohit: Madam Speaker, given the announcement in March of 2020, of these devices being brought soon, can the Prime Minister indicate a timeline, a
specific time as to how soon?

**Hon. Dr. K. Rowley:** Madam Speaker, the Government has no role or control in decision-making in the Judiciary. And I expect that Members of this House know that.

**Public Sector Wage/Salary Freeze**

(Details of)

**Mr. Rudranath Indarsingh (Couva South):** Thank you, Madam Speaker. To the Prime Minister: Given the recent pronouncements by the Minister of Finance that the Government cannot afford to pay any wage increases without affecting the levels of employment, could the Prime Minister inform this House if the Government has instituted a formal wage/salary freeze in the public sector?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, I am sure that the Member for Couva South, with the experience that he has as a parliamentarian, as a citizen, will understand that the statement of the Minister of Finance was a clear statement of fact and a very reasonable one. However, Madam Speaker, contrary to what has been published in the newspapers, the Minister of Finance did not announce a wage freeze at that press conference. What the Minister of Finance said after giving the facts of our economic financial circumstance, he indicated and to quote:

The Government cannot afford significant wage increases at this time.

**Mr. Indarsingh:** Prime Minister, could you indicate to this House whether in your capacity you will advise the Minister of Finance to restrict or lift the restrictions which he has indicated to, and allow the Chief Personnel Officer to meet with unions that represent workers in the public sector?

**Hon. Dr. K. Rowley:** Madam Speaker, in that context the Minister of Finance has already informally communicated to the President of NATUC and the three
umbrella organizations representing trade unions, that they will be meeting in the not too distant future and these meetings are to be formalized.

Mr. Indarsingh: Prime Minister, could you inform this House if you are aware that the position stated by the Minister of Finance is in violation of section 40, subsection (2) of the Industrial Relations Act as it relates to facilitating the free and fair collective bargaining process?

Hon. Dr. K. Rowley: Madam Speaker, I know of no such violation by the Minister of Finance or any other Minister. What the Minister of Finance did was to speak factually on the Government’s financial situation which has some relationship with ability to pay. And as far as I am aware, Madam Speaker, there is nothing in the ILO Convention that an employer cannot speak about its circumstance and about ability to pay and the Minister of Finance is not by that statement engaging in negotiations. It was a statement of fact.

Mr. Indarsingh: Prime Minister, in light of the position adopted by the Minister of Finance, as the head of the Government of Trinidad and Tobago, could you inform this House if you are aware of the number of negotiations which are outstanding in the public sector, in state enterprises and statutory authorities in our country?

Madam Speaker: I will not allow that as a supplemental question. Member for Naparima.

COVID-19 Vaccination Programme
(Vaccination of Population)

Mr. Rodney Charles (Naparima): Thank you. Could the Prime Minister explain to the House why Trinidad and Tobago is only able to vaccinate a mere 5% of its population in the first phase of its COVID-19 vaccination programme?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, vaccines are not being made in Trinidad and Tobago. Vaccines are very restricted as to where they

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are made and certified. Trinidad and Tobago, like many other countries, is in line to obtain vaccines from sources that are at this time not supplying those vaccines as freely as you would like to have them. However, as part as a member of the COVAX team that involves many, many, many countries in the world, we are expecting our first batch of vaccines to be made available to us very soon. This batch of 100,000 doses is the first drawdown from the overall allocation of COVAX of 922,000 doses.

In addition, these vaccines have a six-month shelf life, so we are seeking to avoid having vaccines expiring on us. We expect to receive subsequent shipments of vaccines as they become available after this initial batch. We also continue to pursue acquisition of vaccines through a bilateral agreement as well as their Africa Medical Supplies Platform with Caricom. So we have a number of streams of suppliers and as they become available we will ensure to our population to have them available to us.

**Mr. Charles:** Is the Prime Minister aware that Barbados, like Trinidad, will receive 100,000 doses, but it has already received 100,000 from the Government of India, which means that 35 per cent of its population—

**Madam Speaker:** Member, you have 15 seconds; ask the question. I am not sure what question you are asking.

**Mr. Charles:** Is the Prime Minister aware that Barbados—in the first phase they will vaccinate 35 per cent of its population? Could you explain the difference?

**Hon. Dr. K. Rowley:** Madam Speaker, I cannot speak for the Government of Barbados and its relationship with other governments and its ability. Barbados is viewed in a certain way by other countries. The bottom line is, what I do know, because I am in communication with the Government of Barbados virtually on a daily basis, one government that is producing vaccines has made a gift of 50,000
vaccines to the Government of Barbados. The Prime Minister of Barbados as a gesture to Trinidad and Tobago has offered to, and I think has made 2,000 of those vaccines available to Trinidad and Tobago as a gift, but that is a gift to Barbados from a country that produces vaccines.

Mr. Charles: Prime Minister, Barbados has already started its vaccination programme and so has Guyana. When will we start?


Hon. Dr. K. Rowley: In case you do not know that, I am not—

Mr. Charles: When will we start?

Hon. Dr. K. Rowley:—the Prime Minister of Barbados, and this is the Parliament of Trinidad and Tobago. I account to the people of Trinidad and Tobago for the business of Trinidad and Tobago and, Madam Speaker, I have no answer to give about the Government of Barbados today.

Mr. Charles: Could the Prime Minister give us a timeline when the vaccinations will actually start as they have in Guyana and in Barbados? [Desk thumping]

Hon. Dr. K. Rowley: Madam Speaker, the information, all the information about Trinidad and Tobago’s population and its access to and use of vaccines has been made available by the Minister of Health who speaks for the Government and people of Trinidad and Tobago. [Desk thumping] If the Government of Guyana is prepared to accept and use vaccines from sources outside of the ones that we accept as—the ones that we will accept certification from, that is for the Government of Guyana. Vaccinations are available, or vaccines are available from sources. We have said that we will confine ourselves to what is available and certified by WHO and we are in the COVAX.

So if another government uses Russian, Chinese, Cuban vaccines, that has nothing to do with us, Madam Speaker. And I am sure the Member for Naparima
understands that. Reading the papers and coming here and asking about another government, we can only be the Government of Trinidad and Tobago and all of our information is made available to the people, and the Minister of Health has been very open and consistent as to how we proceed along this line.

Madam Speaker: Member for Fyzabad.

Dr. Bodoe: Sorry, Madam Speaker. Question has been answered. I will defer to—

Madam Speaker: Member for Naparima.

Mr. Charles: Could the Prime Minister tell us when will the first person in Trinidad be vaccinated, a timeline please? [Desk thumping]

Hon. Dr. K. Rowley: Madam Speaker, we will try to vaccinate the Member for Naparima before we get the vaccines. But the other people, we will do that when we get the first vaccines and we do not have any control over that, Madam Speaker, we have to wait until it is made available to us by the authorities who authorize them and by the makers. We are waiting for the vaccines to be made available to us through the PAHO and through COVAX arrangements and we cannot do it before we get the vaccines.

**Patriotic Energies and Technologies Company**

(Status of Bid)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. Prime Minister, in light of the deteriorating economic conditions and the worsening situation surrounding the availability of foreign exchange, could the Prime Minister provide this House with an update on the bid by Patriotic Energies and Technologies Company to acquire the assets of both the Pointe-a-Pierre Refinery and the Paria Fuel Trading Company Limited?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I would like some assistance here because I am not sure which of these two questions I should answer first, because I do not know—at the middle of the second sentence there is
something missing there. What is the relationship between Patriotic and the shortages of foreign exchange? I just need some assistance before I try to answer. 

**Mr. Lee:** Madam Speaker, to clarify the Prime Minister’s question, it is really about the Patriotic deal and getting the refinery back to work so that foreign exchange can be generated when the refinery and the Paria—*Desk thumping*

**Hon. Dr. K. Rowley:** If it is in the context of foreign exchange being generated, Madam Speaker, there is also something missing because there is foreign exchange consumption in the matter. However, if I take the first part about the availability of foreign exchange in the worsening situation, Madam Speaker, that is related to declines in our earnings and the Minister of Finance was at length this week explaining that in the public domain about our ability to earn and maintain our foreign exchange supply. And the conditions in Trinidad and Tobago reflect our own production levels and the international market place. With respect to Patriotic, Madam Speaker, I do not see the connection between the two.

**Mr. Lee:** Thank you. I seek clarification again, Prime Minister. Could you state what is the update of the bid by Patriotic Energies Technologies Company [*Desk thumping*] to acquire the assets of Pointe-a-Pierre refinery and Paria Fuel Trading that they submitted on February the 5th.

**Hon. Dr. K. Rowley:** I thought I saw that in a separate question somewhere. Okay. Madam Speaker, the Corporation Sole can confirm that a firm and binding offer of financing for the purchase of the assets of Guaracara Refinery and Paria Fuel Trading Company, by Patriotic Energies and Technologies Company, they submitted a financing proposal on February 05, 2021. This proposal is being currently reviewed by the Debt Management Unit of the Ministry of Finance and will be submitted to the Cabinet next week for the final decision.
**Buccoo Reef Fast Ferry**  
(Details of)

Mr. Rudranath Indarsingh (Couva South): Thank you, Madam Speaker. Could the Prime Minister inform this House when will the *Buccoo Reef* fast ferry, which cost the taxpayers approximately $500,000,000 and returned to Hobart, Australia during its maiden voyage, set sail for Trinidad and Tobago?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the *Buccoo Reef*, yes, it is a new ferry, brand new and it did cost approximately $500,000, it is a machine and it was on a 3,000-mile journey and early in that journey, certain the alarms were observed in the monitoring system of the engines. The vessel has four engines and as a cautionary measure the vessel was returned to the port in Hobart so that these concerns could be addressed. They are being addressed. It has been identified that the alarms were related to some cooling pumps at the engines of the vessel. The manufacturers were communicated with. The manufacturers have undertaken to replace the pumps and the Trinidad and Tobago authorities are very happy about that, because they are being replaced by—not just repaired but replaced. However, there are four engines and each replacement and checks will take approximately three days and they are asking, the information I have is that it will take about another 10 days before the vessel could be, could have this issue settled. And the trials done in Hobart and all things going well, the vessel should be able to sale in approximately 10 days’ time.

Mr. Indarsingh: Thank you, Prime Minister. Prime Minister, taking into consideration that your government appointed Mr. Herbert George to the position of president of NIDCO, do you agree with the statements attributed to him that the public should not be privy to constant updates about the *Buccoo Reef* because the sea bridge is still being serviced?

Madam Speaker: I will not allow that as a supplemental question. Member for
Barataria/San Juan.

Mr. Hosein: Thank you very much, Madam Speaker. Could the Prime Minister indicate whether or not the replacement of the cooling pumps on the engine of the *Buccoo Reef* is going to cost the taxpayers any additional moneys?

Hon. Dr. K. Rowley: Madam Speaker, I am sure it was said publicly on more than one occasion in this House, because a question was asked as to why the vessel returned and who asked for it to be returned and the House was told, the House was told that the vessel is under warranty and NIDCO under the warranty conditions asked that the vessel go back to port so that the aspects of the warranty could apply. Madam Speaker, I am sure that Members in this House know that if an item is in warranty and you have to repair or replace, it is at no cost to the purchaser.

Mr. Hosein: Yes, please, Madam Speaker. Could the Prime Minister indicate what period of warranty do we have for this vessel?

Hon. Dr. K. Rowley: I do not have the engineering and the contractual details, but if the Member files the appropriate question to the appropriate quarter, with the appropriate notice, that can be made available to him.

**COVID-19 Vaccines**

*(Donations of)*

Dr. Roodal Moonilal (*Oropouche East*): Thank you, thank you very much, Madam Speaker. To the Prime Minister: Has the Government of Trinidad and Tobago considered approaching any foreign government for a donation of COVID-19 vaccines?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the Ministry of Health has been having bilateral discussions with the Government of China since October 2020. And once WHO approval is received for that vaccine made in China, we will follow-up that and we are confident that we would be able to access
supplies from that quarter. In addition, we have also just received on February 10th, a donation of 2,000 doses of the AstraZeneca vaccine from the Government of Barbados which received a grant of 50,000 from the Government of India.

**Dr. Moonilal:** To the hon. Prime Minister: Prime Minister, could you confirm whether or not the Government of Trinidad and Tobago rejected an offer from the Government of the Republic of India for a donation of COVID-19 vaccines?

**Hon. Dr. K. Rowley:** I know of no such approach and I know of no such rejection.

**Dr. Moonilal:** Prime Minister, could you indicate whether or not the Government of Trinidad and Tobago has approached the pharmaceutical companies directly as other governments for the purchase of COVID-19 vaccines?

**Hon. Dr. K. Rowley:** I know some of that given the fact that we are only in line to get a portion of what we require to bring our population up to the level of vaccination that we need. We are exploring all authorized sources that are available and like other countries even as we are getting or after we have gotten our COVAX quota, whenever that is going to be, we have to look for other supplies elsewhere. The international market today is such that we have to be careful to ensure that we are dealing with authorized suppliers and that we get vaccines as against placebos.

**Dr. Moonilal:** Given that the vaccines available now are the 2,000 from the Government of Barbados which was a donation from the Government of India, when would the inoculation process start in Trinidad and Tobago with those 2,000 vaccines courtesy the Government of Barbados?

**Hon. Dr. K. Rowley:** That matter is in the hands of the Chief Medical Officer and the Ministry of Health and that answer is not available at this moment. I myself have to be advised on that.

**Dr. Moonilal:** In the context of the COVAX institution and related institutions ordering over a billion vaccines, is the Prime Minister concerned that at this time
we have only been able to source 100,000 vaccines at an unknown time for delivery through that system?

Hon. Dr. K. Rowley: Madam Speaker, obtaining of vaccines from COVAX is not a matter as to when we can go and take it. The arrangement is that—the COVAX arrangement is that an allocation is made to countries who are part of the process and as vaccines—they are received from suppliers and supplier countries, those countries like ours will receive—there is not anything we can do to increase or to accelerate or position in the line if there is a line.

Water and Sewerage Authority Operations (Cabinet Sub Committee’s Report)

Mr. Rudranath Indarsingh (Couva South): Thank you, Madam Speaker. Could the Prime Minister inform this House of the status of the Cabinet Sub Committee’s Report to review the operations of the Water and Sewerage Authority which was supposed to have been completed by November 30, 2020?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, that report was completed at about the approximate time mentioned. The report has been submitted to the Cabinet. It has been the subject of review at the Finance and General Purposes Committee and steps are being taken to ensure that the reports and recommendations and so are being acted upon. The Cabinet—it is my intention to have this report, the contents of the report studied and overseen by a subcommittee of the Cabinet which is to be established next Thursday and I intend also to ask the Cabinet to appoint an implementation committee to assist the board in implementing the recommendations and observations of that report.

Mr. Indarsingh: Prime Minister, taking into consideration what you have said, could you tell this House how much more time will the Cabinet need to arrive at a definitive position as it relates to the way forward with WASA which was enunciated by the Minister of Finance in the fiscal presentation 2021?
Hon. Dr. K. Rowley: I really could not do that because the way the Cabinet functions, I could not speak for Members of the Cabinet before they deliberate on a matter that is before the Cabinet.

Mr. Indarsingh: Prime Minister, could you inform this House whether this said report will be tabled or laid in both Houses of Parliament for public consumption?

Hon. Dr. K. Rowley: Madam Speaker, the Cabinet will determine that at the appropriate time that the report be laid if it is required to be laid.

Mr. Indarsingh: Prime Minister, could you confirm; my information is that the Government intends to privatize WASA and displace thousands of jobs at the Water and Sewerage Authority, could you confirm or deny?

Hon. Dr. K. Rowley: Madam Speaker, is the Member asking me to confirm his mischief? I will do no such thing.

TTPS Body Cameras  
(Update on Policy)

Mr. Rodney Charles (Naparima): Thank you. In light of recent deaths of citizens in purported shootouts with the police which has increased by 86% in 2020, as well as the reports that two persons died this week while in police custody, could the Prime Minister provide an update on the policy for the use of body cameras by the Trinidad and Tobago Police Service?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the Government supports the use of body cameras by the police service and there has been no change in the policy.

Mr. Charles: Could the Prime Minister tell us the percentage of police officers equipped with body cameras at this time?

Hon. Dr. K. Rowley: Madam Speaker, according to section 123, (a) of the Constitution of Trinidad and Tobago, the Commissioner of Police has the complete power to manage the police service and I do know that body cameras are being
utilized. If the Member gives us time and notice we can get that information with the level of accuracy that he is asking for.

**Debt to GDP**

*(Measures to Address)*

**Mr. Rodney Charles** *(Naparima):* In light of the exponential increase in the debt to GDP ratio which stands at 80 per cent, could the Prime Minister inform the House what immediate steps will be taken to reduce this mounting and unsustainable level of debt?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the matter of debt—what question was that again? That is question 9?

**Hon. Member:** Yes.

**Hon. Dr. K. Rowley:** Yes. Madam Speaker, the debt to GDP ratio is a fast becoming discredited arrangement for measuring circumstances, especially the current situation in our country. And the immediate steps we are taking to manage our debt is to ensure that we focus more on the ability to pay or to repay. That gives the best measurement of a situation regarding debt and we are managing our situation by ensuring that we are in a position to service any debt that we incur and that we manage without waste, without corruption and prioritize to service the country. *[Desk thumping]*

**Pepper Spray/Tasers**

*(Distribution of)*

**Ms. Khadijah Ameen** *(St. Augustine):* Thank you, Madam Speaker. Hon. Prime Minister: In light of the Government’s recent decision to approve the use of pepper spray as well as Tasers for our women and girls, and citizens in general, could the Prime Minister inform the House of when this measure will take effect and what mechanisms will be used to deploy these devices?

**The Prime Minister (Hon. Dr. Keith Rowley):** Thank you, Madam Speaker. I
would like to inform my colleague from St. Augustine and the national community by extension that the Government has not authorized and the police service has not authorized the use of Tasers for women and girls. So let us get that correct. What has been authorized by recent decision of the National Security Council is the intention to use pepper spray. Alongside that decision the Attorney General has been tasked to ensure that the appropriate regulations are made available in short notice because it is the intention of the Government to have pepper spray available by a regulated arrangement where permits will be required. The Attorney General is currently fast at work with that and we expect that those regulations will be before the Cabinet in the not too distant future. And once they are authorized by the Cabinet and the arrangements are in place, we expect that the trade in regulated pepper spray supply would become available in Trinidad and Tobago.

2.00 p.m.

Ms. Ameen: Thank you. Hon. Prime Minister, does the Government have a time frame, a number of months, for example, by which you believe this legislation will be ready, given the current circumstances in the country? [Desk thumping]

Hon. Dr. K. Rowley: There are a number of processes that have to go on. The decision was—this matter of the pepper spray came up a few weeks ago and I did indicate, Madam Speaker, that we would look at it. What we did, acting with great urgency, we asked the Office of OLEP, which is the policy department in the Ministry of National Security, to look at it. It was looked at, a report was presented. The National Security Council met again with alacrity. The report was discussed and approved last Wednesday, and from that decision I have just mentioned what is happening with it, with the Attorney General, and we expect that the Attorney General’s work will take—well maybe a couple weeks or so in that department. Once the Cabinet approves it, then it will be available for onward
movement to the marketplace.

**Madam Speaker**: Member for St. Augustine.

**Airports Authority of Trinidad and Tobago (Replacement of Board)**

**Ms. Khadijah Ameen (St. Augustine)**: Thank you, Madam Speaker. Mr. Prime Minister, I look forward to that matter being dealt with expeditiously. I want to move to the next question, No. 11. Hon. Prime Minister, could you provide this House with the reasons for the sudden replacement of the entire Board of the Airports Authority of Trinidad and Tobago, given that the board had one more year to serve?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, there are a number of state boards which are constantly under review by the relevant Ministries and the Cabinet, and the Government is constantly changing quantum and quality of personnel in boards, changing around people who are available or may not be available. It is not the first time we have changed a whole board before the term must come to an end, but there is nothing unusual about this, Madam Speaker. It is part of the management of the public sector.

**Madam Speaker**: Member for St. Augustine.

**Ms. Ameen**: Madam Speaker, to the hon. Prime Minister: Can you tell us when this very important Airports Authority board will be replaced?

**Madam Speaker**: Prime Minister.

**Hon. Dr. K. Rowley**: I am not hearing you clearly. Can I tell you what?

**Ms. Ameen**: Sorry. Can you tell us when this board will be replaced and a new board will be appointed?

**Hon. Dr. K. Rowley**: A new board has been approved by the Cabinet to replace the one that you are mentioning, the one that is being replaced, and steps are being taken for that board—it might have already have been installed. I am being advised
that the board has already been put in place.

Madam Speaker: Hon. Members, the time for Prime Ministerial questions is now spent.

**URGENT QUESTION**

“PH” Taxis
(Measures to Regulate)

Madam Speaker: Member for Oropouche East. **Dr. Roodal Moonilal (Oropouche East):** Thank you very much, Madam Speaker. To the Minister of Works and Transport: Could the Minister update the country on measures to regulate the operations of the PH taxis?

Madam Speaker: Minister of Works and Transport.

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. Madam Speaker, as Minister of Works and Transport, I was advised that in 2010, the Ministry of Works and Transport at the time initiated efforts at regularizing the PH taxi phenomena. Consultations were held and a number of issues were brought to the fore and legislation initiated. This did not appear to get very far, and one of the main issues stemmed from the concept of seeking to legalize what is an illegal activity. The Ministry realized that the issue of illegal PH taxis cannot be addressed in isolation but rather, the current public transportation system must be reviewed in a holistic manner.

The intent of the Ministry is to ensure that the operations of all public transportation service fall under a regulatory framework which maximize efficiency and safety. As part of this regularized framework network, the Ministry of Works and Transport has already obtained Cabinet approval to proceed with the operationalization of a suburban and rural public transportation system for certain areas that are underserved via the implementation of a checkered band maxi-taxi system in certain urban and rural areas. Further, the Ministry is at present
reviewing the requirements under the legal H taxi system to identify what may be the hindrance, if any, to individuals joining the legal framework for taxis.

At present, the requirements for a taxi badge are as follows:

- National ID card, age 21 years and over;
- Medical test for the drivers’ permit;
- Driving for a period of three years and over;
- Certification of good character from the Commissioner of Police; and
- A fee of $320.

In the instances where an individual may want to use his private car on a part-time basis so it is not a full time, the Ministry of Works and Transport is of the view that the following criteria must be met—

**Madam Speaker:** Minister, your time is now spent. Supplemental, Member for Oropouche East.

**Dr. Moonilal:** Thank you. Thank you very much, Minister, for the comprehensive analysis there. Could I ask: Is there any recent study on the incidence and operation of PH taxis in Trinidad and Tobago that inform your policy decisions?

**Madam Speaker:** Minister of Works and Transport.

**Sen. The Hon. R. Sinanan:** Thank you. Madam Speaker, a team has been put in place at the ministerial level which is a subset of a larger team which includes the Ministry of National Security, which also includes the Commissioner of Police and the Attorney General’s Office. The wider team has met to date on two occasions and a draft Cabinet Note will be submitted for a way forward which will include consultation and some of the information in order to proceed further.

**Madam Speaker:** Supplemental, Member for Baratari/San Juan.

**Mr. Hosein:** Thank you very much, Madam Speaker. Minister, can you confirm whether or not, since you are Minister of Works and Transport, whether or not any
consultation was done with respect to the regularization of PH taxis and any sort of registration of these persons who ply the trade?

**Sen. The Hon. R. Sinanan:** Madam Speaker, I did indicate that the Ministry of Works and Transport has looked at this in a holistic way. You cannot just regularize something that is illegal. So what we are trying to do is to look at the entire transportation system and this is what we started in 2016. [Interruption] We started in 2016 and the—[Interruption] The consultation is just not about regularizing PH. It is about how we bring the whole transportation system. [Desk thumping] [Interruption]

**Madam Speaker:** Member, Member, you have asked a question. Could you give the Member an opportunity to respond?

**Sen. The Hon. R. Sinanan:** And I can also add, Madam Speaker, that in 2010, consultation had started and it failed. And that is why in 2011, the then government decided to shelve the whole process of legalizing the PH system. [Desk thumping]

**Madam Speaker:** Minister, the time is now spent.

**ANSWERS TO QUESTIONS**

**Madam Speaker:** Leader of the House.

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. Madam Speaker, there is one question for oral answer. The Minister of Finance will be answering. There are two questions for written answer, they have been prepared and they are ready for circulation by the Clerk. Thank you very much.

**WRITTEN ANSWERS TO QUESTIONS**

**Availability of COVID-19 Vaccination**

(Details of)

70. **Dr. Lackram Bodo (Fyzabad)** asked the hon. Minister of Health:

Could the Minister provide:
(a) the categories and estimated number of citizens who will receive the COVID-19 vaccine when it becomes available;
(b) the process to identify and notify citizens that they have been selected to receive the vaccine; and
(c) the process for the storage, distribution and administration of the vaccine?

**COVID-19 Positive Patients**

(Details of)

71. **Dr. Lackram Bodoe** (*Fyzabad*) asked the hon. Minister of Health:

With regard to each COVID-19 positive patient who died and without compromising patient confidentiality, could the Minister provide:

(a) the age;
(b) the gender;
(c) the hospital and duration of hospital stay;
(d) the duration of ICU stay; and
(e) any comorbidity of condition(s)?

_Vide end of sitting for written answers._

**ORAL ANSWER TO QUESTION**

**Access of Forex**

(Measures to be Instituted)

68. **Mr. David Lee** (*Pointe-a-Pierre*) asked the hon. Minister of Finance:

Could the Minister state what measures would be instituted to ensure citizens can access forex in 2021 to import goods and raw materials as well as meet other personal needs such as foreign tuition expenses?

**The Minister of Finance (Hon. Colm Imbert)**: Thank you, Madam Speaker. Madam Speaker, the liberalized foreign exchange forex system currently adopted by Trinidad and Tobago allows dealers authorized by the Central Bank of Trinidad

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and Tobago to freely buy and sell foreign currency. Authorized dealers can sell foreign currency purchased on the open market to their customers for any purpose. These dealers are allowed to allocate forex to their customers’ needs. It is on an honour system. In this regard, the Central Bank’s sales of forex for fiscal year 2021, more specifically for the three and half month period between October 01, 2020 and January 15, 2021, has amounted to approximately US $402.2 million. The liberal system implemented continues to assist citizens in accessing forex to import goods and raw materials and meet other personal needs.

Furthermore, the Government will continue to facilitate the business community and citizens in general with access to forex in 2021 by maintaining a number of existing facilities. In 2018, the Ministry of Finance established a US dollar forex facility with the Export-Import Bank of Trinidad and Tobago to facilitate allocation to local manufacturers and exporting companies in Trinidad and Tobago. The facility had a ceiling of US $100 million and was fully disbursed by December 2020. In December 2020, Cabinet agreed to the continuation of the facility for 2021 in the sum of a further US $100 million, which would bring the sums allocated so far to that special window at the Eximbank for access to forex for manufacturers and other essential supplies to US $200 million.

The Ministry of Finance also established a US dollar forex facility in April of 2020, again, with the Eximbank to facilitate allocation to local importers and manufacturers for the purchase of food, pharmaceuticals and other related essential items in response to the COVID-19 pandemic. The facility had a ceiling of US $150 million and was fully disbursed by December 2020. In January 2021, Cabinet agreed to the continuation of the facility for 2021 in the sum of a further US $50 million which increases that facility to a total of US $200 million. With respect to national scholars, the Ministry of Education pays tuition and other fees to scholars
who are disbursed across the globe. The payment is facilitated through the Trinidad and Tobago Unit Trust Corporation where students have individual accounts.

In 2018, as a result of challenges faced by Unit Trust, an agreement was reached between the Ministry of Finance and the Ministry of Education that the Government would provide the necessary US dollars to the Unit Trust for disbursement to our scholars. This was done through the public sector organizations US dollars forex facility, another significant facility which disbursed over US $500 million in 2020 to a number of state enterprises for essential services. Cabinet agreement has since been sought for the continuation of this state enterprise public forex facility in 2021.

**STATEMENT BY MINISTER**

**Tobago House of Assembly (Amdt.) Bill, 2021**

**Madam Speaker:** Prime Minister. [*Desk thumping*] Hon. Members, I have been advised that there has been an agreement for the Prime Minister to speak until he completes his statement. [*Desk thumping*]

**The Prime Minister (Hon. Dr. Keith Rowley):** Thank you, Madam Speaker, and I want to thank my colleagues for their consideration. I would not be very long, but it allows me to focus on what I am saying. Madam Speaker, with the authority of the Cabinet, I make the following statement on the Tobago House of Assembly (Amdt.) Bill, 2021. Madam Speaker, on the 17th of November, 2020, when the Chief Secretary Ancil Dennis, announced that the Tobago House of Assembly stood dissolved, very few were anticipating what was on the horizon. What later transpired was constitutionally historical for Tobago and worked ironically, in some sense, to spotlight the Tobagonian agenda of self-governance.

Madam Speaker, the idea of Tobago autonomy was first championed and articulated by the likes of James Biggart and APT James. This mission was
accelerated by Dr. Winston Murray and the indefatigable, the late hon. ANR Robinson who by 1977 was at the forefront of the agenda. Notwithstanding, Madam Speaker, it would take a Herculean effort to feign ignorance on the many ways that this constitutional crisis has highlighted the need for review and reform of the Tobago House of Assembly Act and the immediate need for governance of our sister isle. This Bill, Madam Speaker, is therefore not immediately concerned with the issue of Tobago self-governance but seeks, in the interim, to provide a solution to the current issue faced by the deadlocked THA, the Tobago parliament and administration after the recent election results.

Madam Speaker, by section 141A(2) of the Constitution of Trinidad and Tobago, the Tobago House of Assembly consists of a presiding officer and such other members appointed in such manner as may be prescribed. Pursuant to section 141A(2), the Tobago House of Assembly Act, Chap. 25:03, has prescribed that the Assembly shall consist of 12 assemblymen elected in accordance with the Representation of the People Act, four councillors appointed in accordance with section 9 of the Act, and a presiding officer elected in accordance with section 7 of the Act. The presiding officer may or may not be an assemblyman or councillor.

Madam Speaker, you will recall that the 2021 Tobago House of Assembly election was held on January 25, 2021. Twelve members were elected by the people of Tobago. The PNM and the Progressive Democratic Patriots, two of the parties that contested the election, retained six seats, six electoral districts that is, creating an unprecedented, deadlocked result. The intervening two weeks since the announcement of the elections results have left the citizenry of Trinidad and Tobago in an undesirable state of constitutional purgatory, awaiting either a legislative or an executive resolution of the deadlock.

In its current construct, Madam Speaker, the Tobago House of Assembly
Act, whilst it makes provision for and directs the election of a presiding officer, does not cater for what may happen when the elected assemblymen are split evenly between two parties and neither side is prepared to yield ground to the other. The legislature must have anticipated that as a possibility and accordingly must be taken to have envisaged that the two parties would collaborate to construct a coalition government, whether by sharing the offices of presiding officer, Chief Secretary, Deputy Chief Secretary and secretaries, or otherwise.

Madam Speaker, the only instance where provision is made to break any deadlock in the formation of the Assembly is in the appointment of the Chief Secretary and the Deputy Chief Secretary. The presiding officer, once elected, is given the casting vote where after two attempts there continues to be an equality of votes. There is not similar mechanism to break any deadlock in the election of the presiding officer. Madam Speaker, where a presiding officer is not elected, it is impossible to elect the Chief Secretary or to have the minority leader appointed, and accordingly councillors cannot be appointed. In short, Madam Speaker, in the present situation with the current law in place, the separate pieces of legal advice which I have received indicate that there the Assembly cannot be properly constituted under these circumstances.

On January 28, 2021, 12 assemblymen, as elected, were sworn in, but were split evenly between the two parties. No presiding officer was thereafter elected by the assemblymen despite several attempts being made, and consequently, no Chief Secretary and Deputy Chief Secretary could have been elected. Further, Madam Speaker, the appointment of a minority leader by the President, in the peculiar circumstance of no minority of assemblymen in a deadlocked six-six result was similarly unattainable. No secretaries can be appointed similarly. As a result, the Assembly, which is currently dissolved post-November 2020, cannot be properly
Importantly, Madam Speaker, despite the current state of dissolution, Tobago has not remained rudderless. Under the outgoing Assembly, a Chief Secretary and a Deputy Chief Secretary were duly elected by the Assembly. That enabled the Constitution of the Executive Council which comprises the Chief Secretary and Deputy Chief Secretary and other secretaries selected from among the members of Assembly and appointed by Her Excellency the President, acting on the advice of the Chief Secretary. By virtue of section 25 of the Act, the Council is responsible for the carrying out of the functions of the Assembly. The Assembly is responsible inter alia for the formulation and implementation of policy in respect of several critical matters set out in the Fifth Schedule of the Act including finance, agriculture, health, community development, food production, state lands, Town and County Planning, infrastructure, telecommunication, highways and roads, amongst other key matters.

In the present circumstances of the deadlock in the Assembly, the existing Executive Council is authorized, by law, to remain in office and continue carrying out the functions which they exercise in the now dissolved Assembly as the Act clearly provides that the Executive Council continues to hold office until a new Executive Council is formed. While this is a necessary temporary measure, it is clearly undesirable that the Executive Council should continue in office for longer than is absolutely necessary.

Madam Speaker, the question that this Government has to answer is: What now? How does Tobago move forward? How does Tobago get to install an administration? The majority voices of the population of Tobago have call for urgent and immediate resolution of this issue and for it to be treated with utmost priority. In response, Madam Speaker, a cacophony of voices have proposed
solutions to the deadlock, but the Government of Trinidad and Tobago with the best interest in the Tobagonian, have accepted the best available legal advice and has chosen to bring this matter to the Parliament for relief and rectification.

One voice has suggested that the popular vote is the most democratic option. A statement from the Elections and Boundaries Commission on January 26, 2021, confirmed that there were 51,062 registered voters and 26,385 were cast—a voter turnout of 51.84 per cent. Further, one party got 13,288 votes and the other received 12,798 votes, with the incumbent party winning the popular vote.

The Government has acknowledged the circumstance of a party winning the popular vote but this Government is not blinded by political ambition. This Government is guided by the law as prescribed in the Tobago House of Assembly Act. Contrary to pleas and indignation, there is simply no legislative provision which provides for this option of utilizing the popular vote to determine who should lead the Tobago House of Assembly. Some voices also suggested the use of section 92 of the THA Standing Orders to break the deadlock, ignoring that section 9 of the same Standing Orders requires the presiding officer to deliberate and decide on this matter.

The presiding officer, Madam Speaker, must be elected by the assemblymen pursuant to section 7 of the THA Act, an Act requiring in this unusual deadlocked situation, the concurrence of both parties on a singular nominee. One party has nominated its candidate and the other party has nominated its own. To date, there have been three attempts to elect a presiding officer and all have remained inconclusive.

Madam Speaker, the hon. Leader of the Opposition said and I quote:

"The Prime Minister is totally wrong. There is no Parliamentary intervention to change the law. There is no need for EBC intervention to
change boundaries. There is no need for fresh elections. There is no need for previous Executive Council to remain in office.””

Madam Speaker, may I remind all, it is with fulsome certainty and righteousness that my colleague from Siparia had advised a former Prime Minister, in a similar deadlock, that the President had no choice but to reappoint the incumbent to the Office of Prime Minister. We all know how that piece of bad advice worked out.

The Opposition Leader called for the use of the mechanism set out in section 92 of the THA where it states and I quote:

“In any matter not herein provided for, resort shall be had to the usage and practice of the House of Representatives of Trinidad and Tobago.”

This suggestion is contrary to the constitutional advice received by the Government from learned Senior Counsel. Many other voices have called for fresh elections. We have given due consideration to all the options and propose that this Bill is constitutionally sound and is the best solution.

In the 40-year history of the Tobago House of Assembly, there has never been an even share of seats to respective political parties resulting in such a deadlock as we have now. Further, given that the number of electoral districts is an even one, there is the real possibility of the reoccurrence of such a deadlocked result if a fresh election is taken with the existing 12 electoral districts in the island of Tobago. In this regard, it has been advised that the Act be amended to increase the number of electoral districts to an odd number which will lessen the likelihood of a possible reoccurrence of a deadlocked result.

Madam Speaker, you will recall that the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018, hereinafter called the Tobago Self-Government Bill, which is currently before the Joint Select Committee of the Parliament, was produced after two years of extensive consultations in Tobago and recommends

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inter alia the creation of 15 electoral districts in the island of Tobago. The suggestion that the number of seats be altered is not a unilateral one plucked from the imagination of the Government. It has been founded in extensive discussion and offered for parliamentary consideration by the people of Tobago at an earlier time. The reasonable recommendation is currently before the Parliament.

In the circumstances, it is advisable to adopt the proposal from the Tobago Self-Government Bill that there be an increase to 15 electoral districts in keeping with section 141B of the Tobago Self-Government Bill. That is a true reflection of the will of the people of Tobago. The Government therefore proposes amendments to the THA Act, firstly, to increase the number of assemblymen from 12 to 15; second, to provide for the holding of fresh elections where no Assembly is installed within 14 days of an election being held; thirdly, to provide the date for when such new elections should be held; and fourth, to provide for consequential amendments to the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, to provide for:

1. electoral districts for Tobago;
2. for a new report to be laid by the EBC where the Assembly remains dissolved after a primary election and no Assembly is constituted.

Madam Speaker, I want to give the assurance to all Tobagonians that this Bill proposes the most efficient and viable solution for Tobago in its current dilemma.

2.30 p.m.

The Government will continue to make decisions for the good order and development of Tobago. We believe in progress for all. We believe that development should be present not just with major milestone laws but also with progress that you can see and touch. We are putting Tobago in a position that it can now house every single public service, Madam Speaker, and have an
Madam Speaker, great things are happening in Tobago and there are greater things to come. It is apposite to the best interest of governance that the THA Act be amended with urgency as the Bill proposes. Not only to break the deadline presently hindering the constitution of the Assembly but to almost certainly eliminate its reoccurrence so that the business of Tobago can be conducted as the people of Tobago would like it to be done.

Madam Speaker, I thank you for your attention. [Desk thumping]

TOBAGO HOUSE OF ASSEMBLY (AMDT.) BILL, 2021

Bill to amend the Tobago House of Assembly Act, Chap. 25:03 and to make consequential amendments to the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50 [The Attorney General]; read the first time.

EVIDENCE (AMDT.) BILL, 2020

Order read for resuming adjourned debate on question [February 05, 2021]: That the Bill be now read a second time.

Question again proposed.

Madam Speaker: The Member for Lopinot/Bon Air West has 19 minutes of speaking time remaining. The Member for Lopinot/Bon Air West.

Hon. M. Gonzales: Thank you very much, Madam Speaker. On the last occasion, I was only able to contribute for one minute in this debate before the adjournment was taken and during that time, Madam Speaker, this country was under a dark cloud of mourning for the death of one of our daughters, Andrea Bharatt. In my case, Madam Speaker, Andrea is my constituent and I, over the last week or so, took the opportunity to visit her family and had some conversations with her dad. I must say that I admired his strength, his sense of prayerfulness, his humility and
the dignity in which he is experiencing his suffering.

As a Member of Parliament, Madam Speaker, I join in his suffering and I join the suffering of the many citizens who are in procession every single day, lighting their candles, that candle or those candles that will dispel darkness of hypocrisy, political pandering and indecency in our country. I take this opportunity, Madam Speaker, to continue to pray for our country and will do everything that I can do as a Member of Parliament and as a legislator to improve the living circumstances of the people of Trinidad and Tobago.

I note, however, Madam Speaker, that what we do in this Parliament has been under intense focus by the national community. We gather today to discuss and to debate the Evidence Bill that was introduced by the hon. Member for San Fernando West and the Attorney General by no coincidence insofar as it relates to this Government because over the last five years or so, this Government has incrementally brought legislation in this Parliament to improve the criminal justice system in Trinidad and Tobago, to improve the crime detection capacity in Trinidad and Tobago and to equip police officers and law enforcement officers with the legislative infrastructure to go about doing their jobs.

And, Madam Speaker, when you listen to the voices in this community and in our national community, one gets the impression that over the last five years or so, we are doing absolutely nothing. It pains me as a legislator because since I have had the honour to serve in this Parliament and to serve in a PNM Government, every single day, we sit around a table to discuss the issues and the affairs of Trinidad and Tobago, including what we are doing here today in the Evidence Bill, it is all about advancing the cause of the people of Trinidad and Tobago despite our challenges. [Desk thumping]

Madam Speaker, this Bill cannot be regarded as one in isolation. One can
recall the Miscellaneous Provisions (Administration of Justice) Act, 2020 which saw the Summary Courts Act being amended, the Motor Vehicles and Road Traffic Act that brought improvement in the administration of justice, the increase in judges before our courts, the increase in magistrates, the establishment of the Criminal Division and the traffic division. All these legislation, improving the administration of justice so that those who choose a life of crime can be held accountable. And therefore, Madam Speaker, this Evidence Bill is not one to be regarded in isolation because it demonstrates the Government’s commitment to improving the administration of justice in Trinidad and Tobago so that those who are bent on creating havoc in our society will be held accountable.

Madam Speaker, in this Bill, first debated in the Senate, 16 Government Senators voted in favour of this Bill, nine Independent Senators voted in favour of this Bill and the Opposition either voted against or abstained from voting. Today, at the end of it, it perhaps might mean that the 22 or 21 Government MPs present here today, we are going to vote in support of this Bill despite the posturing of the Opposition. [Desk thumping]

And therefore, Madam Speaker, those who believe in this society that what we are doing here or rather we are not advancing the cause of the people’s interest in this Parliament, I say on my behalf and on behalf of all Government Senators and Independent Senators and all Members of this side of the House, we plead not guilty. And therefore, Madam Speaker, let me go into the provisions of the Bill and therefore let me first give some historical backdrop behind some of the key provisions of this Bill.

Madam Speaker, I want to narrow into four divisions as captured in this Bill. Division 2 relating to “Identification Procedures”; Division 3 relating to “Interviews and Oral Admissions” by persons or suspects in police custody;
Division 4 relating to “Special Measures and Evidence by Video Link”, especially as it relates to vulnerable witnesses; and Division 5, the guidelines for the admissibility of evidence captured by CCTV camera.

Madam Speaker, currently, the Trinidad and Tobago Police Service, the sole body that is charged with the responsibility for investigating crime and criminal conduct in Trinidad and Tobago, they are guided by an old administrative procedure. It is referred to in Volume 33, Number 190 of the Judges’ Rules relating to identification procedures as well as supplemented by Standing Order 29. And when you look and you examine this particular volume, it refers to instructions for holding identification parades and an extract from Home Office consolidated circular to the police dated 1st of January, 1925, and this was further supplemented by the Police Standing Order 29.

Madam Speaker, as a former law enforcement officer and an investigator, I can tell you that the jurisprudence on the investigation of serious crimes especially as it relates to the holding of identification parades in Trinidad and Tobago has not kept apace with the changing jurisprudence in the Commonwealth. As a matter of fact, in 1985, when PACE was first introduced and the Youth Justice and Criminal Evidence Act in England was first introduced, the jurisprudence and the holding of identification parades, the holding of witnesses in custody and suspects in police custody and the recording of evidence and the recording of interviews as well as, Madam Speaker, the admissibility of evidence captured by CCTV cameras. The current Judges’ Rules and the Standing Orders being complied and being followed by our local investigators have not been kept up to date with some of the changing dynamics in the investigation of crimes.

It was first noted in a Jamaican Court of Appeal case by the name of Shabadine Peart v. The Queen where the judge commended that:

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“The Judges’ Rules were first published in 1912 in order to give guidance to police...”—officers—“concerning the procedure which they should adopt and which...”—should—“be acceptable to the judges, since a degree of diversity had developed between different forces concerning the permissible limits of questioning suspects and judicial attitudes tended to vary.”

In other words, Madam Speaker, because our rules were not updated, our Judges’ Rules were not updated, so much time and so much effort was placed in long interrogation of police witnesses as to why they did not do certain things as being captured by some of the most recent cases that our criminal trials became long and windy. The police officers could not have answered questions, especially relating to the admissibility of identification evidence, especially as it relates to the interviewing of suspects in police custody and therefore, there was a critical need, because of the absence of updating those rules, giving guidance to police officers and the absence of those rules giving that guidance, the evidence gathered in the prosecution of those matters, undermine several of these cases before our judicial system. And therefore, I commend the Attorney General and his team for bringing this critical piece of legislation because [Desk thumping] it will give the necessary guidance to police officers and investigators, especially where matters depend heavily on identification evidence, they depend heavily on interviewing witnesses and suspects in police custody, especially as it relates to CCTV cameras or evidence gathered by CCTV cameras.

And let me first again refer to Division 2, as a point of reference. Section 12A protecting the integrity and the reliability of identification evidence and it goes on as we say:

“Before any identification procedure takes place, a record shall be taken by
the investigating officer of the first description of the suspect given by...”—
eyewitnesses.

Giving guidance to police officers and the importance of the first description where the evidence relies heavily on identification. The Judges’ Rules and the Police Standing Orders, Madam Speaker, do not make any reference to the need by investigating officers to record the first description of witnesses. If you go on to subclause (c) of that provision, it talks about the need to determine the distance by which the eyewitnesses saw the suspects, the weather conditions, the lighting conditions, the length of time during which eyewitnesses were able to observe the suspect, and these guidelines are an incorporation of the Turnbull guidelines of the famous Turnbull case of 1977.

I go on, Madam Speaker, to section 12(4) and again, it makes provision for the investigating officer to:

“(a) …ensure that a record of the first description of the suspect given by
the eye-witness is also recorded in the Station Diary; and”

To:

“(b) have a video or audio recording the eyewitness giving the first
description.”

Again, providing guidelines to the investigating officer that the investigating officer referred to in subsection (3) shall:

“…provide the eye-witness with the record of the first description and shall—

(a) ask the eyewitness to confirm and sign…”

—the record and to make that record available to the representative of the suspect.

Madam Speaker, I go on subsection (4) where it speaks to preserving the photos used in photo identification because the Judges’ Rules and the Police
Standing Orders that I referred to, Madam Speaker, because they have not been updated over the years, they have failed to capture the advances made over the last 20 or 30 years in the investigation of serious crimes, especially the prosecution and the admissibility of those evidence before our courts.

Madam Speaker, let me go on to section 12E and it talks about the “Types of Identification Procedures” that can be held and even though the police Standing Orders make reference to the types of identification procedures that can be held, this particular provision identifies the order of priority in which the identification procedures can be held. If you look at (a), it speaks to identification parade being the first order of priority and if that cannot be held, the use of video medium in accordance with section 12J, the identification in a public place and it goes on to the identification in a public place with or without the consent of the accused or the suspected person.

Section 12F, Madam Speaker, now requiring the investigating officer to confirm or to confirm in writing of his advising a suspect of his right to legal representation and the caution that was administered, because in the absence of these codes, before we entered into this Parliament, quite a number of time and energy was being spent in the criminal trial trying to determine whether the police officers or those that are charged with the investigation of crime, whether they comply with these procedures. And because, Madam Speaker, the Standing Orders that I referred to and the Judges’ Rules that I referred to were absent in giving the necessary guidance to our law enforcement officers, many of these matters, their credibility was significantly undermined and those persons that were charged for serious crimes were never held to account because of the absence of some of those procedures.

And that is the reason why, Madam Speaker, I believe that this Evidence Bill
that we refer to here today will be a blueprint to guide our investigating officers, especially as they go about that important task of gathering electronic evidence, identification evidence in the prosecution of criminals who are bent on committed crimes against the people of Trinidad and Tobago. I believe that this Evidence Bill will no doubt provide the necessary guidance so that those evidence, when they are gathered, will not be undermined and that persons can be effectively prosecuted before our courts.

And, Madam Speaker, in ending—how much time do I have again?

**Madam Speaker:** You end at 2.51.12.

**Hon. M. Gonzales:** Two minutes. And, Madam Speaker, as I have said when we started, at the end of this debate, we on this side will vote in support of this Bill. [Desk thumping] We will vote to protect and to empower our police officers in the investigation of serious crimes so that those who are bent on committing or living a life of crime, that they can be held liable.

Madam Speaker, as I referred to our citizens who are marching and who are grieving over the death of Ashanti Riley and Andrea Bharatt, I grieve with them. We grieve with them. But however, Madam Speaker, I encourage them to continue their march with their lights to dispel the darkness that pervades over this country, to dispel the darkness of hypocrisy and the darkness of political mockery. And I ask them that as they continue to do what they are doing, be very careful of the political Jezebels that are in their midst. The political “Dame Lorraines” that are in their midst and, Madam Speaker, the political “Midnight Robbers” that are in their midst. [Desk thumping]

**Dr. Moonilal:** 48(1), Madam Speaker. Thank you all.

**Madam Speaker:** Okay. So Member, your time is now spent. [Desk thumping]

**Mr. Rodney Charles (Naparima):** Thank you, Madam Speaker. It gives me some
pleasure to be part of this debate on the Evidence (Amdt.) Bill, 2020. As I listened to the contribution by the Member for Lopinot/Bon Air West, one gets the impression and one could see why many people feel that what happens in this august Chamber bears no or little relation to what happens in the real world. [Desk thumping] And by the way, Madam Speaker, I see every time I start to speak that the hon. Prime Minister—

**Madam Speaker:** That is not allowed.

**Mr. R. Charles:** What?

**Madam Speaker:** That you are about to embark upon is not allowed. Please make your contribution.

**Mr. R. Charles:** So I cannot, Madam Speaker—[Crosstalk] Okay, Madam Speaker. It is clear that our country is concerned at this time about what is happening with crime and they are concerned that the discussions that take place and the legislation that are brought to this honourable House bear little relation to the realities outside.

Madam Speaker, on my way to Parliament, I was asked by a citizen: How would this Evidence (Amdt.) Bill have saved Andrea’s life? I was asked that question and I could not place a direct link with what we are doing here and what fate befell her. This piece of legislation is reactionary. It is not preventative so it could not prevent what happened. And I want to make the point that Andrea played by all the rules available to a young woman. She travelled not by herself but in the company of her friend.

**Madam Speaker:** This debate is not about that tragic young woman. [Desk thumping] Okay?

**Mr. R. Charles:** I cannot—

**Madam Speaker:** And I think we all are grieving, okay and let us give the
circumstances the respect it requires. This debate is about the Evidence Bill. And while I understand where you would like to go, I am not going to let it blow up into a debate about those tragic circumstances.

**Mr. R. Charles:** I understand, Madam Speaker, and I will be guided. In the Senate, I was making the point what we say here must relate to the real world and to solve crime and to bring crime down. So when the hon. Attorney General said in the Senate on January 12, 2021, on the debate for this Bill, he said and I quote:

“…we contemplate the move towards an electronic system of management of data and the maintenance of data.”

And the question we ask on this side is why contemplate. The functioning of an electronic system of data management is critical to the success of the Bill before us but we will see in terms of this Bill that a lot of the support systems are not there. So when he talks about contemplating an electronic system of management of data, we are saying that this should have been in place so that this legislation could have been fully operationalized and optimized to the benefit of the reduction of crime in Trinidad and Tobago at this time. *[Desk thumping]*

Madam Speaker, I need to correct some bits of disinformation. The hon. Attorney General in his presentation in both the Senate and in this House stated that the legislation before us requires a simple majority since he removed the anonymous witness evidence and I quote from the House of Representatives, *Hansard*, February 05, 2021. He said:

“We were compelled to remove ‘anonymous witness orders’ which…otherwise require a three-fifths majority…”

And he said words to the same effect in the Senate on the 12th of January. This is the AG at his best. If he does not need our support, why give the false impression that he adjourned the debate last week so that the Opposition would have more
time to reflect and give support? [Desk thumping] He does not need our support. He could pass this legislation with a simple majority. So he continues to make a mockery of the parliamentary requirement for a special majority which the framers of our Constitution inserted as a necessary protection for our democracy. And this is why we have legislation in this country passed that will not stand scrutiny.

Madam Speaker, it is time and time again, we see in the courts where cases are lost on technicalities but also because of bad law and it is only a matter of time for someone, a citizen to challenge these laws that are passed that require a special majority which by creative actions on the part of the Attorney General, he excised. [Desk thumping] Madam Speaker, it is becoming embarrassing in the Privy Council where we lose case upon case and in part, it is because we pass legislation here.

Mr. Al-Rawi: Madam Speaker, Standing Order 48(1).

Madam Speaker: Member, I will give you way to settle in with your contribution but just be reminded what we are debating. Okay?

Mr. R. Charles: Yes. So I just make the point that if we do not thoroughly look at the legislation, see the faults in it, then we pass legislation that cannot stand scrutiny in court and we lose cases and I have the list of cases but I would not read it, I will go on.

During the last sitting of the 05 February, 2021, the Attorney General listed numerous organizations and the Law Association of Trinidad and Tobago was one of them and he said:

“…all provided comment, all had their submissions entertained, all support this law.”

The fact is, Madam Speaker, that the Law Association of Trinidad and Tobago indicated this week that it could not support the Evidence (Amndt.) Bill in its
current form. [Desk thumping] Madam Speaker, the Assembly of Southern Lawyers indicated that they had not indicated that they support this Bill. And the question we ask simply is why. Why the need to—it is unnecessary to indicate that this legislation has the widespread support throughout the country. He should come out and say that he has brought ill-conceived legislation to concoct a narrative that the UNC will not support the legislation and that is why he gave us a week when he does not necessarily require our support.

3.00 p.m.

The Attorney General also in his presentation talked about—sought to clarify the question of the crocodile tears in this debate, and he said, he accused us of crying crocodile tears in relation to what is going on at present.

But, Madam Speaker, we want to make the point and last night I listened when we said he was speaking, he spoke to the lady and he was speaking primarily to the Opposition and not the people, and the question we ask is, when we are on the pavement at the charade to which he prefers to, it includes the thousands of citizens fed up with the arrogance and incompetence of this Government. [Desk thumping] So that you cannot disaggregate and distinguish the Opposition from what is taking place. In fact, many of us have not been part of what the population is doing on the pavements of Trinidad and Tobago.

Madam Speaker, the current Evidence (Amtd) Bill, 2020, deals with the identification, evidence, admission, confession, and special measures for witnesses to give evidence. But how would this have helped Andrea, Ashanti, Shannon, and all the other young women and children we have lost? Would this stop a young female from experiencing a similar fate? Could this Attorney General tell us with a straight face that this legislation when passed, will result in a 10 per cent reduction in the time for trials to be determined? Could he tell us that this would lead to a
reduction of kidnapping and rapes and what not?

Madam Speaker, if he is prepared, if the Attorney General is prepared to give me a quantifiable output I am prepared to support the Bill, but I know he cannot, he knows that it would not work. It is a plaster on a sore that would not deal with the problems before us.

Madam Speaker, Madam Speaker, how would Andrea’s murder be brought to justice when in this instance we see the shortcomings of the system, Madam Speaker? Let me deal with the question of the Evidence (Amdt.) Bill 2020. The nation, Madam Speaker, was shocked to learn that we want to have updated legislation as a colleague of mine said, operating in a system that is antediluvian and outdated? How could we operationalize this? When you look at, Madam Speaker, at section 12AH:

“A video recording by means of a closed circuit television camera shall be admissible as evidence.”

My friend from Lopinot/Bon Air West talked about CCTV cameras, and while you are talking about that 800 cameras are not working in Trinidad and Tobago, we are talking about photographing with evidence while it is being taken. When police stations do not even have paper to write on, they do not have diaries. We are now going to give them CCTVs and cameras which we know will not be provided.

Madam Speaker, let us go to the Forensic Science Centre. The nation was shocked to learn that after 15 years DNA analysis in Sean Luke’s murder trial is still not ready.

Mr. Deyalsingh: Madam Speaker, Standing Order 55(1)(b), this was discussed at length last week Friday.

Madam Speaker: Okay, so hon. Member, I will give you as I say a little

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opportunity. I know it is a bit late in the debate but because today is a new day I will give you a little opportunity. Please be reminded of all the matters which were ventilated last Friday.

**Mr. R. Charles:** You need to fix the system before bringing new laws to Parliament. [Desk thumping] Madam Speaker, detection must work hand in hand with taking evidence. The Member for Lopinot/Bon Air West indicated today that they have brought legislation to incrementally improve the detection rates, and he listed some of the legislation, but Madam Speaker, we bring legislation and the outputs, the quantifiable benefits are not available.

How do you take evidence if you cannot identify who committed the crime? Our crime detection rates especially for murders are abysmal. So you are taking evidence but you cannot detect 90 per cent of the crimes committed, you cannot find the individuals. But you want to take evidence from ghosts. [Desk thumping]

According to TTPS statistics the detection rates for murder were 14.5 per cent in 2020; 7.8 per cent in 2019; 16.6 per cent in 2018; 17.9 per cent in 2017. And if you have a detection rate under 20 per cent the evidence is secondary because you cannot catch the persons; detection is critical.

In February 2018, the media reported on an IDB report which stated that Trinidad and Tobago has one of the highest crime related cost in Latin America and the Caribbean with the highest levels of violent crime and one of the lowest detection rates.

Madam Speaker, detection rates for robberies 13 per cent. So we passing evidence Bill to take evidence from whom? Burglaries and break-ins, detection rate 14 per cent. Madam Speaker, larceny of dwellings 14 per cent, vehicle theft 6 per cent. You know what that means? It means you have a 94 per cent chance of not getting your car back if it is stolen, and a 94 per cent chance that the
investigations that were taking place and the modernization and updating of the evidence procedures, they are irrelevant.

Madam Speaker, rapes, incest, sexual offences, detection rate 34 per cent; wounding and shooting, 27 per cent. There is a 70 per cent chance that your assailant will not be found.

Madam Speaker, we do not even—you know, you know we do not even know the true murder rate in Trinidad and Tobago. So we are going to take evidence from skulls? Skulls and human remains are being discovered as we speak. I just got something on my WhatsApp about in Aripo they found another body this evening. Madam Speaker, skulls and human remains are being discovered as we speak. It seems as though everywhere you walk in Trinidad and Tobago there are human remains.

Madam Speaker, I want to make the point that according to TTPS statistics there were an average of 745 missing persons in 2020 and 940 in 2019. That is taken from Newsday the 4th, 2020. How many are alive and how many have been found? If you cannot even find the body, where you are going to find the witnesses to take the evidence?

Madam Speaker, in some jurisdictions there is a category called “Missing presumed dead”, “Missing presumed dead”. If we add this category to the actual murders, we may be shocked by the number of persons being killed. We are updating evidence Bill, we cannot even find the bodies and therefore where are we getting the witnesses?

Madam Speaker, critical to the success of the operationalization of this Bill is the Witness Protection Programme. Madam Speaker, are you aware that six state witnesses have been killed in the past two years? The Witness Protection Programme has failed. So if people are scared to give evidence where snitching is
one of the major crimes in gangs, why are we having evidence modernization?

Mr. Deyalsingh: Madam Speaker, could the Member please give his source of his statistics that 60 witnesses were killed please? [Interrupt] Yes, please the source of his data?

Mr. R. Charles: Madam Speaker, I will give him the names. Kelvin Bhukal—

Madam Speaker: You will give the hon. Member the names. You are a stickler for that.

Mr. R. Charles: I will give him the names. Kelvin Bhukal, shot and killed; Rafeeq Hosein, gunned down in his home; Veronica Franco, shot and killed, witnesses. Shazad Manic, gunned down at his doubles booth.

Mr. Deyalsingh: Madam Speaker, could we get the source, the authoritative source please? [Crosstalk]

Mr. R. Charles: Madam Speaker, I am not taking him on, he is—[Desk thumping]

Madam Chairman: Withdraw that.

Mr. R. Charles: I will not take on the hon. Member.

Madam Speaker: No, I said to withdraw that.

Mr. R. Charles: I withdraw.

Madam Speaker: Right, just—

Mr. R. Charles: I withdraw.

Madam Speaker: Yes. Continue.

Mr. R. Charles: But I will say Candy McIntyre, shot and killed in front of her young son; and Brandon Samaroo, shot and killed at his watermelon stall. These are names of citizens of Trinidad and Tobago. [Desk thumping] And the hon. Member come asking me about source, go in the graveyard and see them. Because we are here passing legislation that has no relevance to reality and that is why we have people outside of Parliament today telling us, get on with the business for
which we are paid for, not esoteric fancy ideas that have no meaning and you cannot tell me the effect on crime.

If witnesses do not feel safe in coming forward to assist in investigations, how can we get criminals off the street and bring them to justice, and to get the evidence that we talk about that we need. Reported in the *Guardian* on May 09, 2019, state witness Jarvis Mark said his life is at constant risk in the programme. I am quoting from what we said, you see the people, the population, they have to speak for us to hear because we—especially on that side they do not listen. This is what a state witness said:

I reach to the level of frustration where I am thinking about taking my own life because if I go home I am a dead man.

That is a citizen in the Witness Protection Programme from whom we want to take evidence.

**Madam Speaker:** Your time is now spent. Your time is spent. [*Desk thumping*]

**Mr. Al-Rawi:** Madam Speaker, may I ask if the Leader of the Opposition, learned Senior Counsel for Siparia, intends to contribute before I wrap up? [*Crosstalk*]

**Madam Speaker:** [*Inaudible*]—to speak? If you are not speaking?

**Mr. Al-Rawi:** No, I would not want to speak prematurely, Madam Speaker. I hope that the Leader of the Opposition—

**Madam Speaker:** Member for Tabaquite. [*Desk thumping and crosstalk*]

**Ms. Anita Haynes (Tabaquite):** Thank you, Madam—

**Madam Chairman:** Let us please hear the Member for Tabaquite. Please, Member for Tabaquite.

**Ms. A. Haynes:** Yes. Thank you, Madam Speaker. [*Desk thumping*] The Attorney General is understandably very agitated today, too many media appearances in the last week apparently for him.
Evidence (Amtd) Bill, 2020 (cont’d) 2021.02.12
Ms. Haynes (cont’d)

Yes. Madam Speaker, as I join in this debate today I want to address something that was raised in the opening of the debate, when the Attorney General first proposed this matter last week in the House. And a lot has been said about it but the “crocodile tears” comment, Madam Speaker, I feel the need to absolutely address it once and for all here. Because the Attorney General sought to absolve himself of his statement by saying that he was speaking to Members of the Opposition, and I want to tell the Attorney General through you, Madam Speaker, very clearly, I have been a Member of the House of Representatives from August of 2020, and prior to that I sat in the Senate for three years, but before all of that, for 33 years I was a woman in Trinidad and Tobago and I have all right to light a candle outside on the pavement. [Desk thumping]

Because this idea and it was repeated by the Member for Lopinot/Bon Air West, this idea that because we sit in this House that we are somehow different or set apart from the persons who are outside. I want to tell—and the Attorney General made the point about what our job is, our job is to come to Parliament, I recall that. But he apparently—the Attorney General apparently did not read the job description all together, because our job is to represent the interest of the people of Trinidad and Tobago. [Desk thumping] And how we represent that, there are many different ways, and one of the ways I choose to represent the people of Tabaquite is that once we are invited to activism we will participate, and that is not about being political. [Desk thumping] That is about standing up for what is right. And if the Attorney General, if the Attorney General had any respect for this House whosoever, he would apologize for that statement he made last week. [Desk thumping] Because you are saying it about your colleagues does not make it right, wrong is wrong and he should apologize for that.

And, Madam Speaker, it brings me to my next point. The Member for
Lopinot/Bon Air West, he said that people are paying attention to us, paying attention to what we do in this House, and they are in fact paying attention. We are facing an issue of trust, whether or not people trust what we are doing here would bring solutions. But as I face the issue of trust we have to confront another mistake made by the Attorney General in his opening statement. I have in my hand the correspondence from the Assembly of Southern Lawyers, Madam Speaker. The Assembly of Southern Lawyers had no choice but to send out a correspondence to correct the record of the Attorney General. [Desk thumping]

Now, if you cannot trust—because the Attorney General was seeking to make a case for this piece of legislation. The Attorney General was seeking to tell the people of Trinidad and Tobago in an attempt to persuade the people of Trinidad and Tobago that this legislation is important, he was seeking to say look at all of this support I have, and he called names. These are the people who supported this legislation, these are the people who are saying this is good law. And then the following week we have not one, not just the Assembly of Southern Lawyers, but the Law Association saying they never said that, that they cannot support this law in the present form.

So now, if that is how you are seeking to persuade the population—and that brings me to a very important point, Madam Speaker, in this House of Representatives when we engage in debate, it is for the Members of the Government to stand up and address not just the Members of this House, but the people of Trinidad and Tobago and say this is why this law deserves to be placed on the books of Trinidad and Tobago. [Desk thumping] These are the reasons. It is not for you to pick up a piece of crime legislation, bounce it around, bounce it around Parliament and go in every media house and say, “this is the solution to our crime problem”. Because that is using the fear of the people of Trinidad and Tobago.
Tobago to push through your failed legislative agenda. [Desk thumping] And I have to ask my colleagues, if anybody could genuinely get up and tell me, because the narrative that is being peddled, the conversation we are all being asked to have as Trinidadians and Tobagonians, is that legislation, including this Evidence (Amdt.) Bill, is the solution to the problem that we are facing.

We are being told, Madam Speaker, and we were told repeatedly on the other side that this is the solution, but nobody told us in what way it was going to fix the problems we were facing. I listened to my colleague, the MP for Chaguanas West, who raised the very important point that if this legislation is enacted without the enabling infrastructure it can in fact lead to more cases being thrown out. [Desk thumping]

Now, after the Member for Chaguanas West spoke, several Members on that side spoke and not one of them, not one gave a reasonable answer to that very important question. Is it that when we pass this law we can create a bigger problem than what we have now? And you know the thing is, the Member for Laventille West spoke and told all of us that he has been a Member of Parliament, he has been in this House since 1995. And I listened to these things and I said to myself, if I am able to stand up to say that, I want to stand behind my record. [Desk thumping] I want to be able to say, that from 1995 to now this is what I did for the people of Trinidad and Tobago. Because if you are saying to me some people here since ’95 and before, and the problems we are facing today existed from ’95 to now, then you cannot be the solution, could never be the solution. [Desk thumping]

Madam Speaker, it is important when treating with legislation, when treating with the businesses of this House that you are honest with the people of Trinidad and Tobago. There were statements made last week that suggested to the people of Trinidad and Tobago that the reason this law was not passed last week was because
they were waiting on the Opposition to rethink our position. Now, why would that be the case? You would only do that to give the population to fulfil your usual narrative of an obstructionist Opposition, but you will not tell the population that this is a simple majority Bill and you could have passed it on Friday if you wanted to. [*Desk thumping*]

Now, is that not disingenuous? Is that not mamaguying an entire population? Because if I did not know better I would have really thought we were stopping the passage of this legislation because they were so convincing but it was not true. You know, and I look at it happening again, and again, similar with bail amendment, you are hearing it all the time. But is that not law right now? Is the bail amendment not part of our law right now, Attorney General, can you tell us why?

**Madam Speaker:** Member, you are speaking to the Chair.

**Ms. A. Haynes:** Yes, thank you. Thank you, Madam Speaker, through you. Yes, but you know, because again you are now being dishonest with an entire population. [*Desk thumping*] You have—

**Mr. Deyalsingh:** Madam Speaker—

**Madam Speaker:** Okay, so Member, you were going well but I would ask you to retract that word and I am sure—

**Ms. A. Haynes:** Yes.

**Madam Speaker:**—you can find another way to put forward. Okay? So withdraw the word and find other way to put it forward.

**Ms. A. Haynes:** Yes, thank you. I withdraw, Madam Speaker, and I would say that you have been less than forthright with the population. [*Desk thumping*] And that in a time when a nation is afraid, when we are willing to give up many rights for our safety and our security, that should not be abused by persons in power. What we should be having right now, Madam Speaker, is a sensible, cogent discussion
on solutions, and not whether or not some body is a political Jezebel, I believe I heard here today. That is what the Member for Lopinot/Bon Air West said.

And you know [Interruption]—pardon, and I sat here today and I listened to that and I understood what the problem is, because we say a lot of things in jest, yes? We make a lot of—but how you treat with your colleagues, respect starts here. We are in this House together, and if you come here to be disrespectful I do not know what you are going to do outside. [Desk thumping]

So we in this House are required to set an example. That is also part of the job description. Part of the job description is to push forth policy and have a policy conversation about what could be the solutions to the problems faced. And so,

**Mr. Al-Rawi:** Madam Speaker, may I respectfully intervene on Standing Order 48(1). We are on the preamble but could we get to some sections or recommendations?

**Madam Speaker:** Proceed.

**Ms. A. Haynes:** Thank you, Madam Speaker. Thank you, Madam Speaker. My intervention in this debate here today which I mean if the Attorney General had waited just two minutes, I was about to close my contribution simply because my intervention was to correct the record [Desk thumping] and that is part of debating. Right? I have been doing parliamentary debates since I was in secondary school so I know it very well [Desk thumping] and I am here to correct inaccuracies in the record. And if I was wrong in any of the things that I said, in his wrap up he will have the opportunity to say so.

And so therefore, Madam Speaker, as I conclude, I know those of us on this side and I am sure anybody who will be honest with themselves on the other side will know that what we are peddling today as a solution to a problem that is
gripping a very frightened nation, is not in fact so. And I thank you, Madam Speaker.

**Madam Speaker:** Member for Port of Spain South. [*Desk thumping*

**Mr. Keith Scotland** (*Port of Spain South*): Madam Speaker, good afternoon. I wish to firstly reply to the hon. Member for Naparima and the hon. Member for Tabaquite, simply to say, Madam Speaker, which piece of legislation in the history of the parliamentary world can prevent a serious crime? When asked if this legislation could have stopped, Madam Speaker, is that the level of debate and duplicity being brought to this Parliament? These are serious issues that we are here to discuss and I would like to engage the hon. Members on the other side seriously, and engage the population of Trinidad and Tobago seriously.

Madam Speaker, this Government is not about holding on to power but it is about service. [*Desk thumping*] And when, Madam Speaker, I wish I could have been the Keith who would have uttered those words, but I have plagiarized them verbatim from the hon. Member for Diego Martin West, the hon. Dr. Keith Christopher Rowley addressing us last week Sunday.

Madam Speaker, others may be able to carte blanche say they are not supporting legislation, and come here every week and not support it prematurely. Madam Speaker, that is capricious. We say that this amendment Bill, this Evidence (Amendt.) Bill, 2020, is a good Bill. It is a Bill that transforms in a meaningful way the criminal justice system. And if it is that elsewhere the hon. Members on the other side can tell us beforehand, “we are not supporting it”, and we are not supporting any legislation that you bring to Parliament, and they continue to do so then, Madam Speaker, when I pass and I see the people outside, I do not see them as protesters, I see them as citizens of Trinidad and Tobago who we on this side are here to serve, and they are crying out for service and our means of servicing them,
Madam Speaker, is by putting our 22 votes today to support a piece of legislation which we say will try to change the criminal justice system.

Madam Speaker, I put on record that as we bring this Bill to the Parliament, that the hon. Members on the other side have not supported the Anti-Gang (Amdt.) Bill, 2020, the Appropriation (Financial Year) Bill, 2021, the Finance Bill of 2020, the Miscellaneous Provisions (FATF Compliance) Bill of 2020, and of course, the Public Procurement and Disposal of Public Property (Amdt.) Bill, 2020, and they are now saying “we are not supporting this Bill”.

In the PNM, Madam Speaker, we take our Oath seriously. And at this serious time I wish to remind the hon. Members on the other side of section 53 of the Constitution of Trinidad and Tobago. Madam Speaker, section 53 of the Constitution of Trinidad and Tobago states, and I would paraphrase, that the Parliament may make and has the responsibility for making laws for the good order and peace and society in Trinidad and Tobago. When section 53 speaks of the “Parliament”, it does not speak of the Government alone. The Parliament consists of the Government and the Opposition, and I say to the hon. Members—

Mr. Lee: Madam Speaker, with due respect, 48(1) to the Member, he has a preamble for the longest while running up and can he get to the Bill please? [Desk thumping]

3.30 p.m.

Madam Speaker: You know, I sit here and I hear us talk about respect but patience comes hand in hand with respect, okay? So, Member, I give you a little leeway and please get into your contribution, yes.

Mr. K. Scotland: Madam Speaker, I go directly to the Bill. I know that would have brought the hon. Member of Pointe-a-Pierre to his feet because he knows that they are supposed to be supporting this Bill and they are not, and in not doing so, it
is an abdication of their responsibility under section 53 of the Constitution, that is what it is. Why would you not support the Bill? The hon. Member for Naparima says, show me in this legislation how it is efficacious and I will support it. Madam Speaker, I am about to do this and I will hold him to his word. If we look at—and I go directly to this Bill.

I want to start first, Madam Speaker, with the section—and I will just do the headings. The section of the Bill that deals with identification. Madam Speaker, it requires that once a suspect is in custody, that the police officer—the complainant records a first description. That amendment, Madam Speaker, seeks to cure several bad aspects in our criminal justice system. It protects the accused, it protects the victim, and it protects the police officer and here is how it does so.

If a suspect is identified with certain features by the victim, and when the suspect appears in court, Madam Speaker, and the suspect does not match that description, that means that more likely that not the victim got the wrong person, identified the wrong person. It then puts the police officer, Madam Speaker, in a position where he is able to say, “I did not make this up, this is the first description that I got and I followed it”. So that aspect of the Bill, Madam Speaker, is a very positive aspect and it takes out the possibility of victims misleading police officers and also of accused persons being set up and wrongly identified.

Also, Madam Speaker, it goes sections 12Q to Z, deal with interviews and oral admissions, and this section allows recording of interviews and sets out the procedures for so doing. Madam Speaker, we remember the cases of *The State v Phillip Placid* which was thrown out by Justice Volney as he then was because of oppression in a statement, they beat the person and the Judge held yes. The case of Joseph Reyes, *The State v Joseph Reyes*, one of my first matters where he was not fed for seven days and the courts held that that was oppressive and in those
circumstances you cannot take a statement from him, because his will has been sapped.

When you have the video recording of same, Madam Speaker, it is there for all to see, if the person is being beaten while giving the statement, that will be recorded. How does that improve the criminal justice system? Well, it firstly protects the suspect, from being subject to and the subject of oppressive conduct, it protects the investigation because it makes the police officers do proper work, it protects the victim because it means that the victim’s story will be heard in court once the video recording holds up and it will not be thrown out on the voir dire when a statement was not proven to having been obtained without oppression. And that is the efficacy, that is the positives of this Act. It protects police officers from wrongful allegations of beatings and police misconduct. Why then, is this Bill not being supported?

I come now to a third reason why this Bill should be supported, Madam Speaker. There is a section, Madam Speaker, it was like a mantra and people are trying to beat it like a Road March; the Bill does not protect victims, female victims, it does not protect children, it does not protect women. Madam Speaker, nothing could be further from the truth. And I want to turn to the specific clause in this Bill. Do you know, Madam Speaker, I hope that Trinidad and Tobago and all those who are outside this Parliament, exercising their rights know that this Bill has a heading called, “Vulnerable witnesses and special measures accorded to them”? And the definition of “vulnerable witnesses”, is very important, Madam Speaker. Here is the definition:

“‘vulnerable witness’ means a witness whose ability to give evidence or the quality of whose evidence is likely to be affected by…—

(a) the age or immaturity of the witness;”

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Madam Speaker, that is children or old people.

“(b)… physical disability or mental disorder of the witness;”

Madam, those are persons who are challenged.

“(c)… trauma suffered by the witness;

Madam Speaker, that goes directly to people who have been the subject of violent crime.

“(d)… fear of intimidation of the witness; or

(e) the witness being a virtual complainant in proceedings for a sexual offence.”

How could it be said that this piece of legislation does not deal with persons who are at risk in this society? I have put it on the record but Madam Speaker, hon. Attorney General and Member for San Fernando West, you went beyond the call because this part of the legislation, not just a lot of thought went into it but it was well thought out. [Desk thumping].

When you take, and the measures for these vulnerable witnesses, the court takes them and places them in a position where they can testify without maybe being in the presence of the accused and here is the learning behind it, Madam Speaker, this high criminology for this Bill. The learning says that victims of serious crime, they lose their sense of power, when they are victimized. But when they have to testify and be cross-examined and face the accused, the perpetrator, that itself is a second violation and sometimes they are scared to do this and therefore, the cases go by the way because they do not testify.

This aspect of the legislation, Madam Speaker, attempts to insulate vulnerable witnesses from that psychological trauma. And what it does, balanced as this piece of legislation is, Madam Speaker, it does not take away from the rights of the accused to still question their witness and to put their case to the
witness. This is a positive piece of legislation that allows therefore, for victim’s story to be heard when they do not feel intimidated but yet preserving the constitutional rights of an accused person to challenge their accuser in court. But which part then of this is objectionable?

Madam Speaker, I go to the next piece or the next part of this legislation, which when I weave the tapestry of legislation in Trinidad and Tobago, I can show you that this Government is about proper service and it is about honouring its constitutional mandate under section 53.

Madam Speaker, there is a clause in this Bill that speaks about appearance or giving evidence by video link. And what it does is it revolutionizes this part of the Evidence Act because it now allows an accused person with the permission of the court to get or to give his or her evidence via video link. What this means now, Madam Speaker—and this amendment must not be taken in isolation, so let me weave the tapestry.

Madam Speaker, you will recall in this House, that the Miscellaneous Provisions (Trial by Judge Alone) Act was introduced in this Parliament by none other than the hon. Attorney General in March 2017, and it was assented to on the 7th of July, 2017, and proclaimed on the 1st of February, 2019. What it means, Madam Speaker, it that a judge alone instead of a jury can do a trial, no jury, judge alone; that is one piece of legislation. It amended the Supreme Court of Judicature Act and all other relevant legislation.

Then, Madam Speaker, come March 2020, the Practice Directions for electronic hearing took effect. It means then that no longer are persons, an accused or witnesses, no longer do they have to appear physically in a court; they can now appear electronically. Now that we have this amendment that allows an accused—because in all of this, Madam Speaker, an accused must always be present, for his
or her hearing. Now that we have this piece of legislation, when you juxtapose it and weave it with the other pieces of legislation, here is what it means. It means that the accused person, with the instructing attorney can be at the Maximum Security Prison or some other secured place via video link. The judge will do judge alone in his or her chambers. The attorney-at-law will be where he or she has Wi-Fi to conduct the trial. There will be no jury because it is a judge alone, and then the witnesses will be in the back room giving their testimony. Madam Speaker, is that not a wonderful tapestry of evidence that now of evidential evolution that can now deal with our backlog in the criminal justice system, now that we know that we will not be going back anytime soon, Madam Speaker, to in person trials.

What are the statistics, Madam Speaker? In Port of Spain, there are 457 persons awaiting capital trials. In San Fernando, there are 204 persons awaiting capital trials, and in Tobago, 17. A total of 678 persons and this was extracted, this information, in case the hon. Members on the other side want to know my source, it was extracted from the prison, January 29, 2021.

With this piece of legislation now, Madam Speaker, when Ms. Stephanie Neptune protested for her son Osara Neptune, who has been 12 years waiting for trial, we say we can do it judge alone, he is at the Maximum Security and we can do the trial. So now, with all the voices that the hon. Member for Tabaquite was saying well, the southern association of lawyers and the Law Association, we call on them now to partner with us, partner with us now to change the system. This is not a government who brings legislation today and then when we are in opposition we go and we challenge it in court. [Desk thumping] That is part of our history, you know, Madam Speaker, that is part of our history in this Parliament. So we say to the Southern Lawyers Assembly and the Law Association we have a foundation, we are not calling them out but we are calling on them to work with us, work with
us. Madam Speaker, how much more time do I have, please?

Madam Speaker: Your full time is 3.45.25. So, you have two minutes.

Mr. K. Scotland: Much obliged, Madam Speaker. So when these voices cry out, we say that we are doing what we have to do on this side, under section 53 of the Constitution, that we are trying to make good laws for the order and good governance in Trinidad and Tobago. And in that regard, Madam Speaker, any member, any member of our society who is prematurely taken from us, this side, Madam Speaker, we grieve with them and we grieve with their families, but whilst we are grieving we are doing the work. So here is what I have to say to the hon. Members on the other side: You say you are not supporting us, well, every week we are bringing legislation, so every week you will not have to support us.

Madam Speaker, it did not—I want to give you the epitome of good governance. It has not escaped me, Madam Speaker, despite the gloom and doom, that maybe at this time in another time, I may be elsewhere, at maybe a beach house or something, I would not be today, but Madam Speaker, it takes a government of great fortitude to say it is not safe for us to conduct those proceedings anymore and until such time that it is safe, we will cancel it. Madam Speaker, I say to you that that is good governance and the introduction of this amendment Bill is good governance. I thank you, Madam Speaker. [Desk thumping]

Madam Speaker: Member for Couva South.

Mr. Rudranath Indarsingh (Couva South): Thank you, Madam Speaker, as I seize the opportunity to join this debate here this afternoon. And the Member for Port of Spain South in his contribution attempted to convince those on this side that the Government is about engaging the population seriously, the Government is going down the road of being a government about service and a government that is
serious about partnership. And also, Madam Speaker, even as this Government is asking for our support on the Evidence (Amdt.) Bill, the Government is deceiving the population regarding the Opposition’s track record.

**Madam Speaker:** Withdraw “deceiving” and give me another word please.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. Madam Speaker, I—

**Madam Speaker:** Member for Couva South, did you hear me? I asked that you withdraw the word “deceiving” and please try and find another word.

**Mr. R. Indarsingh:** The Government is not levelling with the population of this country regarding the Opposition’s track record as it relates to legislation. [Desk thumping] Madam Speaker, the Government is purporting that the Opposition is obstructionist and refuses to support the passage of supposedly critical legislation. This evening and before I go into my brief contribution, Madam Speaker, it is important that I place on record that this Opposition has supported the passage of a number of pieces of legislation [Desk thumping] brought by the Government in the fight against crime.

And for the umpteenth time and for the benefit of those on the other side, because apparently “stick break in their ears”, and for the benefit of the population of Trinidad and Tobago, Madam Speaker: the Opposition made critical and extensive amendments to the Bail (Amdt.) Bill, 2017; the Opposition made extensive amendments to the Miscellaneous Provisions (Mutual Assistance in Criminal Matters, Proceeds of Crime, Financial Intelligence Unit of Trinidad and Tobago, Customs and Exchange Control) Bill, 2017. The Opposition gave and made extensive amendments as it relates to the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 2) Bill of 2019. The Opposition supported the Government though it did not need its support, in the Civil Asset Recovery and Management and Unexplained Wealth Bill, 2019, Madam Speaker. And Madam Speaker, the Opposition supported the Government in special majority Bills, whether it was the Tax Information Exchange Agreements Act of 2016; FATCA;
the Anti-Gang Act, 2018; the Insurance Act, 2016; the Anti-Terrorism (Amendment) Bill, 2018; the Licensing Committee (Validation) Act, 2018; and the Bail (Amendment) Bill, which was passed in the House of Representatives on the 31st of July, 2019, Madam Speaker. [Desk thumping]

3.50 p.m.

So, Madam Speaker, this clearly demonstrates that when the Government brings legislation to the Parliament of Trinidad and Tobago in the interest of the people of this country, we are prepared to support it [Desk thumping] and we have demonstrated this. So the Member for Port of Spain South should go back and do his research as it relates to the conduct and the responsible conduct of the Opposition led by the Member for Siparia. [Desk thumping] Madam Speaker, I also want to seize the opportunity here this evening to commend all of my colleagues on this side for their respective contributions as it relates to this Bill that seeks to amend the Evidence Act, Chap. 7:02, to provide for the use of different identification procedures, interviews and oral admissions, special measures evidence by video link and matters related thereto. And of course, the debate of this piece of legislation has generated much discussion in the society against the backdrop of what has occurred in Trinidad and Tobago over the last two weeks and the circumstances that has gripped the nation.

Madam Speaker, I want to make it abundantly clear that the Opposition’s position on this particular piece of legislation has to do—also, when we look at the respective clauses, we are very concerned about the operationalization and the implementation of this particular piece of legislation. Madam Speaker, when the hon. Attorney General piloted this legislation on the 5th of February, 2021, and I want to quote directly from the Hansard, the Attorney General indicated:

“That”—the—“Act is now 171 years long, in vintage. We propose
today…12 clauses to make radical amendments that the country has been crying out for, for decades…”

And:

“…fortunately, this Bill has received wide-scale public consultation.”—

and so on.

And the Member for Port of Spain South, just a couple of minutes ago or moments ago, spoke about partnership. And in the Attorney General’s discourse, he indicated that one of the organizations or institutions in the country, the Justices of the Peace Association all provided comments, all had their submissions and all support the law.

He went on to refer in his contribution, the report—or he referred to the report of the Special Select Committee of the Senate as it relates to this particular piece of legislation which was laid on the Senate on the 2nd of February, 2020. To quote directly from number 18 or paragraph 18 of that particular report:

“Your Committee also noted that the Justices of the Peace Association indicated that it was unable to make a written submission. Your Committee also noted that withstanding the Association’s inability to submit written comments, the Association would be invited to provide oral comments…at the earliest occasion.”

Madam Speaker, I have perused that particular Special Select Committee report, especially the pages that had to do with the oral submission of the Justices of the Peace Association. And in fact, I think that a gentleman by the name of one Mr. Don Asgarali, the Vice President of the Justices of the Peace Association, appeared before the Committee on the 14th of November, 2019, when the Committee was being chaired by Sen. Clarence Rambharat.
Madam Speaker, I stand to be corrected but I have perused the oral submissions of the Justices of the Peace Association and at no point in time I have seen words to reflect that the Justices of the Peace Association is in full support of this particular piece of legislation. Madam Speaker, it is important that when we come to debate important pieces of legislation that the population of this country can trust all and sundry in terms of what is being told [Desk thumping] to the different stakeholders and the population of Trinidad and Tobago. Madam Speaker, why I am harping upon the Justices of the Peace Association and whether there was widespread collaboration or in depth collaboration, and most importantly, whether there was the unanimous support of the rank and file and the membership of this Association, it is of critical importance. Because like judicial officers, like police officers, Justices of the Peace are part of the criminal justice system in the country.

We may want to place them at the bottom or the rung of the ladder because they tend not to be high profile. But, Madam Speaker, I am making this case based on the fact that if we read the Bill—if we read the Bill Essentials, and so on, you would see that it is important because where there is the issue of rights and consent and caution, and:

“Where suspect does not have a representative
Clause 12H establishes the procedure to be followed by the identification officer where a suspect is unable to secure the attendance of a representative in accordance with clauses 12G(1) to (3).”

And:

“Under such circumstances the identification officer is responsible for ensuring that a Justice of the Peace is present to witness the procedure.”

And if we go further into the Bill Essentials on page 11, it also points to the
direction:
“Where a Justice of the Peace is present at the identification procedure, he must ensure prior to the procedure that the suspect was informed of his rights, has consented to the identification procedure and has been cautioned by the identification officer in accordance with clause 12F. The Justice of the Peace must certify that these requirements were followed in the prescribed form.”
And it goes on to amplify that:
“The Justice of the Peace must record any objections or statements made by the suspect and any unusual occurrences during the course of the identification procedure. The Justice of the Peace shall also notify the suspect of any failure of the identification officer to discharge his functions under clause 12...
Additionally, the Justice of the Peace must be provided with details of the first description of the suspect given by each eye-witness participating in the identification procedure.”
And:
“Furthermore…”—it points in the direction where—“if any material in the form of an image…”—

Mr. Deyalsingh: Madam Speaker, regrettably, 48(1), please, and 55(1)(b).
Madam Speaker: I overrule 48(1) but on 55(1)(b), Member, you know all of this ground has really been traversed already. All right? So that I warn you, you have a few more minutes left and I will ask you to try, in your few minutes left, to carry us to something novel that we have not heard in the past two days.

Mr. R. Indarsingh: Madam Speaker, I am simply going in the direction of pointing out the importance of the Justice of the Peace and—

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Madam Speaker: I understand very well the direction that you are simply going to but I am just guiding you and I hope you will at least heed the guidance, the direction—the new direction.

Mr. R. Indarsingh: I am guided, Madam Speaker. And I want to ask, and I hope that in his winding up, the Attorney General will tell us whether in terms of the ratio of Justices of the Peace, in terms of whether there is an adequate complement to facilitate what is the role of the Justice of the Peace in the context of the criminal evidence procedure and based on what is enshrined in the Special Select Committee’s Report. Because, Madam Speaker, the Vice-President indicated that—

Madam Speaker: As I indicated, move on to a fresh point, please. We have looked at resources to make this piece of legislation work ad infinitum. I have heard it from every angle. As I said, I have allowed you a lot of leeway, please utilize well your next few minutes. Thank you.

Mr. R. Indarsingh: Thank you. Thank you, Madam Speaker.

Madam Speaker, it is also important as it relates to this particular piece of legislation and I hope that with the passage of time—because the Member for Port of Spain South indicated and spoke about video links and video evidence, and so on. And, Madam Speaker, in terms of the continuity of or the integrity of video evidence that is to be used in trials, we on this side, we are very concerned about the storage. I make that point against the background that there may be unscrupulous individuals within the system who may attempt to access, delete or alter video evidence. In the past, Madam Speaker, you would recall on previous occasions, cocaine, for example, went missing from the Princes Town Police Station in one particular trial and the couple was freed and in that particular instance, the presiding judge, Herbert Volney, blasted the police saying that human
rats had eaten the cocaine.

And, Madam Speaker, we need to be clearly assured of the integrity of storage. And as it relates—in Trinidad and Tobago, cases can take over 10 years and more to go on with trial, and within that time, technology can be rendered to be obsolete or outdated and that may have an impact on the ability, of course, of the court to access the data in such files, and so on. Because we have seen the evolution of VHS files into AVI files, into WMV and the MP4 files, and certainly, that technology may result in even more modification.

So, Madam Speaker, as I end my brief contribution here this evening, we on this side, we have our reservations. We have attempted and will continue to point out the shortcomings of legislation and the challenges as it relates to the operationalization or the execution of the pieces of legislation because it is important too that while we speak about evidence gathering, we give the police, we give the judicial officers, we give the Justice of the Peace and all the necessary stakeholders to ensure that crime fighting indeed is something that the Government is serious about and the Government is serious about being on behalf of the people of Trinidad and Tobago. I thank you, Madam Speaker. [Desk thumping]

Madam Speaker: Attorney General.

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi): Madam Speaker, may I just enquire, in view of the COVID protocols, whether we should await the arrival of the Leader of the Opposition and whether there are any amendments for circulation, if you please?

Madam Speaker: Attorney General, I call upon you to wind up.

Hon. F. Al-Rawi: Whip, I wish to give way, Madam Speaker, thank you. Can you confirm whether the Leader of the Opposition will be debating? [Crosstalk] I am winding up. I am asking the Whip—Whip, through you, Madam Speaker, is the
Leader of the Opposition speaking today? [Crosstalk]

**Hon. Member:** Wind up. [Crosstalk]

**Hon. F. Al-Rawi:** Thank you.

**Madam Speaker:** Attorney General, I think asked and answered. Please address your closing submissions to the Chair.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. [Desk thumping] Madam Speaker, Trinidad and Tobago, as a democratic state, wrestles with issues in common to many other jurisdictions. Crime, security, hope, progress are all issues in common to all of mankind. We have spent two days in the House of Representatives discussing the changing of the rules. We have had by way of contribution from the Opposition, first of all as a matter of fact, that the legislation now before us in this Evidence (Amendment) Bill has its genesis in the policy approved by then Prime Minister, the Member for Siparia, Mrs. Kamla Persad-Bissessar, by way of Cabinet Minute No. 2831 of October 03, 2013. We have had eight years of consultation on this legislation.

[MR. DEPUTY SPEAKER in the Chair]

In the 2013 approved policy, radical and important amendments, Mr. Deputy Speaker, to the evidence laws were proposed. The use of anonymous witness evidence is one of them. In the course of drafting this legislation, significant consultation came forward in the period 2015 onward, and permit me, Mr. Deputy Speaker, to today point out to hon. Members and to the nation, through you, Mr. Deputy Speaker, I have never read a speech in my life unlike some people. And there is nothing wrong with reading a speech, but when one has to command the level of work, you work from first principles in mind. And I wish to correct for the record today something that I said in the Parliament in the piloting of this legislation and I address two particular concerns.
Evidence (Amdt) Bill, 2020 (cont’d)  2021.02.12
Hon. F. Al-Rawi (cont’d)

       Number one, the Assembly of Southern Lawyers wrote to me and the entire media corps yesterday indicating that they had reviewed my Hansard and noted that I had stated that there was consultation and they pointed out that I had included the Assembly of Southern Lawyers as one of the stakeholders who had provided submissions and that they had in effect supported the legislation. I have reviewed my Hansard. I reviewed the list of stakeholders provided to me by my Secretariat staff. I regret that the fact is that the Assembly of Southern Lawyers were in fact invited to participate but they provided no comments. They also did not provide any form of objection to the law now before us. Three stakeholders of the list of stakeholders did not appear before the Committee and three of them had a particular fate each. Number one, the Assembly of Southern Lawyers did not accept the invitation to provide comments. They did not provide comments until a release that came yesterday. They did not provide any objection to the law, and I wrote to Mr. Michael Rooplal today saying that I would put on record that I regret the fact that I had included them as providing comments, when they in fact provided none, even though they were invited.

       I also put on the record that I told Mr. Rooplal that I would put on the record that they had not opposed the law. I also now put onto the record that Mr. Michael Rooplal, the President of the Assembly of Southern Lawyers pointed out two aspects of the law in this Bill which we consider, and these are the statements of the Assembly of Southern Lawyers, that they join with the Law Association in expressing disquiet with the provisions in the said Bill which allow for the recording, whether they be audio or visual, to be admissible and deem to have the same effect as if evidence was given therein directly. I wrote to Mr. Rooplal and I expressed my disappointment that the hon. Mr. Rooplal was referring to a clause which was not even in the Bill before the House; that is the first point. [Desk
thumping]

His reference to clause 12, section 12Y, is not in the House of Representatives Bill and therefore, I am disappointed in my colleagues in the south land from which I come, that they would be referring me to their disquiet shared by the Law Association in respect of a clause that is not even in the Bill. The second point is that I did receive from the Southern Lawyers, after three years, mind you, of asking them to provide submissions, I did receive in that letter yesterday their expressed disquiet in relation to their position that there should be safeguards in the chain of custody for recordings and I comforted Mr. Rooplal by pointing him to section 12V of the very Bill before us. And that section 12V provides exactly the answer to the submission put in writing by the Assembly of Southern Lawyers. So I would just like to say, before you run off waving support from persons who have recently found the courage to give submissions for something years in the making, I think that we should be cautious to make sure we actually read the correct Bill, refer to a clause that is in the law being proposed, and more than that, cross reference. So that is the Assembly of Southern Lawyers.

I want to deal with the Law Association, Mr. Deputy Speaker. May I ask the Leader of the Opposition Bench whether there are any amendments in circulation because I have not seen any? The Leader has confirmed that there are none. [Crosstalk] The Law Association’s commentary I wish to thank them for. The members of the Law Association were invited to comment on the 2018 version of the law. They were provided with a written invitation to do so. The members of the Law Association did provide written commentary seven months after we asked them for it in 2019—April 2019, to be precise, and specifically we took on board their observations. And I wish to put on the record that I have written to the Law Association today and I said to the Law Association that I noted their media
statement saying that they simply cannot support the Evidence Bill in its current form, and I want to put on the record now some of the content of that which I wrote to the Law Association. I posit, and I say here confidently that I genuinely believe it is the responsibility of the Law Association to provide commentary on matters such as this.

I expressed my public disquiet that the Law Association took seven months to respond to the first invitation. I also note for the record that in my letter today I noted that the Law Association had not sent comments on a particular point in time. Mr. Mendez wrote to me this afternoon and asked if I was going to say this publicly that I note for the record that the Law Association did in fact produce a submission, and this is what Mr. Mendez has asked me to say. He says:

He finds it alarming that I, as Attorney General, in my letter written to him today had not made any reference to the fact that the President of the Law Association wrote to me and indicated that the Law Association had in fact prepared comments, but through inadvertence of staff, they did not leave the Law Association’s office. His resurrection of this point can only lead to further embarrassment to the member of staff concerned, and I dare say, it can only be intended to embarrass the Law Association.

Let me put that quite simply, apparently the Law Association wrote comments but never sent it because they forgot to send it through an administrative error.

The fact is that as a parliamentarian and as the Attorney General having written to the Law Association to ask for commentary, they were delayed. They did not turn up at the Special Select Committee. They did not come to give oral amplifications. They did, however, provide two forms of consultative points and I thank them for it; firstly, April 2019, and then in December 2020. For the record, the Law Association being the only—apart from the DPP and the Judiciary and a
few other stakeholders, the Law Association addressed in their 10\textsuperscript{th} of April, 2019, submission, some 60 matters. For the record, 15 of the recommendations were accepted; 25 of the recommendations did not need to be addressed because we had already corrected those matters in our own drafting. Thirdly, six of the recommendations were not relevant as they were premised on the use of photographs under section 12B, which is not in respect of identification procedure as they had suggested. Twelve of the matters we did not agree upon and I provided the Law Association with all of the positions as to why we had distinguished that point, and I have set it out in items 1 to 12 in my letter to them.

With respect to the Law Association’s position that they provided further commentary in their December position, I note again five matters of the 23 they suggested were accepted; eight were addressed in the Bill in drafting. Two of the matters did not need to be addressed because they are related to something that they had mistakenly appreciated otherwise. Two of them did not need to be addressed as the DPP had taken it up in comments and only two matters were left; number one, that we delete a particular clause and we insisted on maintaining the clause because we felt it important in relation to section 12P, as in “Papa”, that we specifically provide for a safeguard against destruction of records; we disagreed with the Law Association. And specifically, they asked us to put in a discloser requirement in proposed section 12A and we replied to them indicating that disclosure is a matter of criminal procedure and that therefore it is captured.

Therefore, my summary to the Law Association is, number one, in the face of two written submissions coming from them—one which came late because it did not leave their office until they realized—we specifically said to them that no point in time had they ever indicated that they did not support the law. And when we looked to the fact of the 60 submissions addressed and the 23 submissions
addressed, only two substantive provisions have been distinguished. And I asked the Law Association, most respectfully, in my letter to them today to tell the country exactly what they do not support. Because I would like to say this now, in the course of contribution from hon. Members opposite, there has been absolutely no identification of anything that is of material concern that should stop the passage of this law. And permit me, Mr. Deputy Speaker, as I ask you what time is full time to address a few matters?

**Mr. Deputy Speaker:** 4.25:16.

**Hon. F. Al-Rawi:** Thank you.

Mr. Deputy Speaker, it is conspicuous to note that a lot was said by hon. Dinesh Rambally, the hon. Member for Chaguanas West, in relation to an appropriate definition to be found as to an “appropriate adult”. And permit me, Mr. Deputy Speaker, to address that squarely by pointing out the definition of “appropriate adult” is in strict harmony with the laws amended by this Parliament in the last Parliament, that is the Eleventh Republican Parliament. In four pieces of law, we harmonized the very same definition of “appropriate adult”. And secondly, in relation to the allegation that we did not include the parent, I wish to point out the definition of “appropriate adult” in the Bill says:

“…a person”—who is—“eighteen years of age and over and who is a—

(e) any other responsible person with whom the child is comfortable…”

but does not include—

(h) a person, not being a parent, with previous convictions…”—or

“(i) a person, not being a parent who is on probation;”

The “parent” is clearly captured.
Mr. Deputy Speaker, permit me to also point out that it must be surely, not lost upon my learned colleagues opposite, that we have to factor this against the definition in 12AI of what law stands, and there in black and white at page 56 of the Bill, one can easily find 12AI:

“Notwithstanding the provisions of this part where any person under this part is a child, the provisions of the Sexual Offences Act, the Children Act, the Judges Rule for Children, 2016, and any other written law relating to a child shall apply as necessary.”

I know my good friend is new to this House, but one has an obligation to cross-reference the law, not only because it is in the Bill itself, but because you have to take the fact that the system has been created now such that we have a children’s court.

Mr. Deputy Speaker, I heard my friend speak about what the system must have, and we must fix the system. I want to ask hon. Members opposite if they have genuinely lost sight of the fact of the five years of reforms that we have undertaken, or whether they were simply asleep. Because when you are talking about the system, the provision of 129 new courts with the opening of Tower D, is part of the system. The provision of moving judges from 36 to 64 in the High Court, as we did in legislation, and 12 to 15 in the Court of Appeal, as we did, and the position of adding masters moving from two to 25 to case manage the criminal justice system, is an improvement. Judicial age of retirement moving from 60 to 70; full immunity for magistrates; reforming the Magistrates’ Court such that it is now a digital environment, with a Registrar of the court. With all backlogs for transcriptions having been completed by the thousands; with hundreds of thousands of cases having been removed from the Magistrates’ Court; with the
Evidence (Amendment) Bill, 2020 (cont’d)

Hon. F. Al-Rawi (cont’d)

launch of a digital audio recording system; with the creation of the Criminal Division, the Family Division, the children’s courts, the Civil Division in its multiple aspects. Surely hon. Members must remember this, after all, they objected to the Criminal Division. They objected to the reforms in relation to bail, and I hear my hon. friends today talking about having supported bail, and not being clear that they supported Bail 2019, No. 1, and refused to support Bail 2019, No. 2—materially different positions, Mr. Deputy Speaker.

But permit me to put on the record, that whilst the Law Association has failed to put its position in the best form possible, and certainly the Assembly of Southern Lawyers was commenting on things that were not even in the Bill, let me put on record a letter coming from the Director of Public Prosecutions, because the Director of Public Prosecutions took the time to write by way of letter, 05 February, 2021, to say:

The Office of the Director of Public Prosecutions wishes to again place on record our thanks to you and your office for piloting of this critical Bill with its potential to fundamentally advance the criminal justice system. [Desk thumping]

The Office of the Director of Public Prosecutions—

Mr. Deputy Speaker: You have two more minutes, Member.

Hon. F. Al-Rawi: Thank you.

—wishes to propose that if the Bill passes in the Parliament and it is assented to, there are certain provisions that should be proclaimed immediately. These are provisions that would not need infrastructural support and are solely needed to address legal issues currently before the courts. It is suggested that the provisions relating to special measures and evidence by video link, CCTV evidence, prosecution’s right of reply, the
admissibility of computer evidence in criminal matters be proclaimed immediately.

Mr. Deputy Speaker, we are regaled here today by an Opposition Leader who cannot stand in this debate as senior counsel, who cannot defend the move away from approved policy under the hon. Member’s hand as Prime Minister. And Mr. Deputy Speaker—[Interruption—Member Rambally rises] I am not hearing a Standing Order.

**Mr. Rambally:** Mr. Deputy Speaker, I rise on 48(1), please.

**Mr. Deputy Speaker:** Overruled.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, we are regaled with commentary as piddling matters. We are regaled with a lack of support for vulnerable witnesses, for child victims being protected, for the marching and admissibility of civil matters, including white collar and serious follow-the-money matters.

When we stopped on the last occasion to allow the Leader of the Opposition, learned Senior Counsel, the Member for Siparia, to have an opportunity to put submissions in writing, two weeks later, eight years away from 2013, when the hon. Member was Prime Minister, not a scrap of paper, not a submission on the record as to why this law, in terms of the provisions of the Bill, should not be supported. I am compelled to wind up, and to say the country has said that we must focus upon the real issues. There are now four videos that I have just received this afternoon from a lady who has expressed her disgust at having been abused by false videos.

Mr. Deputy Speaker, must I end? At committee stage I look forward to the contributions of Members, and I beg to move.

**Mr. Deputy Speaker:** Thank you, Member.

*Question put and agreed to.*

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Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee. [Interruption]

[MA DAM CHAIRMAN in the Chair]

Madam Chairman: Do you have amendments, AG?

Mr. Al-Rawi: Madam Chair, we have no amendments. May I enquire again, for the record, whether there are any amendments from the Opposition?

Madam Chairman: Whip, are there any amendments?

Mr. Lee: No.

Madam Chairman: So I guess we can do this en bloc?

Mr. Al-Rawi: Yes please, Madam Chair.

Clauses 1 to 12 ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Hon. F. Al-Rawi: Madam Speaker, I wish to report that the Evidence (Amdt.) Bill, 2020, was considered in committee of the whole and approved without amendments. I now beg to move that the House agree with this report from the committee.

Question put and agreed to.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Hon. Member: Division!

Madam Speaker: Hon. Members, we know in accordance with the COVID protocols that we have, a three-minute suspension is given to allow Members to make their way to the Chamber. As you would recall, even if we start counting and a Member’s turn has passed, the Member will be called upon to vote. All votes will
be taken before the vote is announced. [Interruption]

The House voted: Ayes 40

Deyalsingh, Hon. T.
Rowley, Hon. Dr. K.
Al-Rawi, Hon. F.
Imbert, Hon. C.
Young, Hon. S.
Beckles, Hon. P.
Hinds, Hon. F.
De Nobriga, Hon. S.
Forde, E.
Webster-Roy, Hon. A.
Cudjoe, Hon. S.
Gadsby-Dolly, Hon. Dr. N.
Gonzales, Hon. M.
Mc Clashie, Hon. S.
Cummings, Hon. F.
Richards, K.
Manning, Hon. B.
Leonce, Hon. A.
Morris-Julian, Hon. L.
Scotland, K.
Munroe, R.
Lee, Mr. D.

Mrs. Persad-Bissessar SC: This will not help you, but I say yes. [Desk thumping and laughter]
Madam Speaker: Members, could we continue with the vote, and we would appreciate some silence so that we can record the votes properly. Thank you.

Ameen, Ms. K.
Charles, R.
Moonilal, Dr. R.
Paray, R.
Indarsingh, R.
Bodoe, Dr. L.
Hosein, S.
Padarath, B.
Haynes, Ms. A.
Tancoo, D.
Mohit Ms. V.
Benjamin, Ms. M.
Rambally, D.
Ragbir, Dr. R.
Ram, A.
Seecheran, R. Dr.
Ratiram, R.

Question agreed to.

Bill accordingly read the third time and passed. [Desk thumping]

TOBACCO CONTROL (AMENDMENT) REGULATIONS, 2019

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. It is probably almost anticlimactic that I move this Motion. I beg to move the following Motion:
Whereas it is provided by section 38(1) of the Tobacco Control Act, Chap. 30:04 (hereinafter called “the Act”) that the Minister may make Regulations prescribing requirements and standards for tobacco product constituents, including emissions of smoked products, additives and product design and specifying methods for testing and measuring compliance with the performance prescribed and generally for carrying out the purpose of this Act;

And whereas it is also provided by section 38(1) of the Act that Regulations made under that section shall be subject to affirmative resolution of Parliament;

And whereas the Minister has on the 29th day of May, 2019 made the Tobacco Control (Amendment) Regulations, 2019 (hereinafter called “the Regulations”);

And whereas the Regulations were laid in the House of Representatives on the 14th day of October, 2020;

And whereas it is expedient that the Regulations now be approved:

Be it resolved that the Tobacco Control (Amendment) Regulations, 2019 be approved.

Madam Speaker, Trinidad and Tobago became a signatory to the World Health Organization Framework Convention on Tobacco Control, hereinafter referred to as FCTC, on August 22, 2003. The Convention was ratified and adopted by Trinidad and Tobago on August 19, 2004, and entered into force on February 27, 2005.

The Tobacco Control Act was assented to on December 23, 2009, and partially proclaimed on February 17, 2010. The remaining sections of the Act were
not proclaimed due to the need for support in regulations to give them effect.

What we are here today to do, Madam Speaker, is to give life to Article 11 of the WHO FCTC, which states:

“Each party shall, within a period of three years after entry into force of this Convention, for that Party adopt and implement, in accordance with its national law, effective measures to ensure that:

Each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages.”

Madam Speaker, this has been a long journey and a torturous journey, as I will explain why shortly. But I want to put on record my gratitude for all my predecessors in office who have worked since 2003 to bring us to where we are today.

We are simply accepting the baton from persons like the then hon. Hamza Rafeeq, former Minister of Health, and I recognize him and congratulate him; the hon. Colm Imbert, former Minister of Health, I recognize him and congratulate him—he is in the Parliament today; the hon. John Rahael; the hon. Jerry Narace, and my immediate predecessor, the hon. Fuad Khan.

All these Members of Parliament, all those Ministers of Health, from the days of Hamza Rafeeq to Fuad Khan and now to us, we are all, all, children of—and not only children, we could assume the parentage of what we are doing today. So I want to congratulate them. This is non-political, this is bipartisan.

Madam Speaker, there is also another person I want to recognize, a public officer who served every single Minister of Health mentioned. A public officer in
the name of Bhabie Roopchand, a constituent of mine, who unfortunately passed soon after retirement. If I could do this in her memory, I would do it. She was instrumental from a legislative perspective in bringing this to where we are today, and I recognize her contribution. [Desk thumping] Ms. Roopchand, may God’s graces shine upon you wherever you are.

Having said that, we must move on to what we are about. We are about here today, trying to discourage people from smoking. I will give you some stats in a very short while.

What is in a cigarette? Madam Speaker, there are over 4,000 chemicals in cigarette smoke—4,000. Let me just list out some, so we could start to discourage new users and encourage current users to stop smoking: acetone, which is a solvent; cyanuric acid, used in gas chambers to kill people; methoprene, which is a flea killer—you see them in those flea collars that you put on your dogs; benzopyrene, found in cold tar. It is a carcinogen, causes cancer; turpentine, which you all know is a paint stripper; arsenic, everybody knows arsenic is a poison; toluene, an industrial solvent; lead, no one wants to be handling lead; DDT, an insecticide, and carbon monoxide, to name a few.

Now, if as an adult you choose to put this inside your lungs, that is your business, but think about secondhand smoke, the children who do not have a choice but to inhale this when adults and parents smoke in cars, homes, enclosed spaces. That is cigarette smoke—4,000 chemicals.

What we are here to do today is to add to the armoury of disincentives to encourage people not to smoke. What are some of the other measures we are doing? We have our smoking cessation clinics. We have six smoking cessation clinics throughout Trinidad and Tobago, at Chaguanas, Arima, Siparia, Couva,
Indian Walk, Cumuto, and hundreds of people are enrolled in these smoking cessation clinics.

What do we try to do at these clinics? We engage in counselling, behavioural therapy for the individual and group therapy, medical treatment, motivational interviews, consultations and support groups. So those are some of the soft approaches.

We also have legislative approaches, as seen in the Tobacco Control Act, where you have prohibitions: prohibition of a child to buy tobacco products, prohibition on toy and candy cigarettes. Those of the older vintage like myself would remember when we were young, decades ago, you could go into any little shop and parlour and buy a little pack of “sweetie” cigarettes that were white and the ends were painted red. I see my colleague, MP Rai Ragbir, is laughing. You are of my vintage also. That was to encourage children to start to pick up the habit of smoking. And we use to ride around on bicycles with caps gun and shoot each other and smoke these things.

So we have come a long way: a total ban on tobacco advertising. Again, for those who followed West Indies cricket back in the heyday, when West Indies went to play Australia in Australia, the series was called the Benson & Hedges series. It was sponsored by Benson & Hedges, and around the perimeter of the cricket ground, on the boundary, all the signs were Benson & Hedges. So all of these things have been prohibited in an effort by decision makers all around the world to make smoking less attractive. Because what the companies used to do was to link smoking in their advertising with success, sexual prowess, being cool, being hip, and teenagers especially would buy into that, and then you become hooked for life. The doctors opposite, who I hope will support this, will tell you about the
addictive effects of nicotine. Nicotine is addictive.

We have gone the route of non-smoking areas. Smoking is banned in all enclosed spaces, so that is some of the things that we have done.

I want to address, because it will be asked, so let me deal it with it up front, what is the position of this Government on vaping and e-cigarettes. Section 18(1) of the Tobacco Control Act says:

“No person shall—
(a) import or manufacture; or
(b) sell, display for sale, distribute or supply any sweets, snacks, toys, or other non-tobacco items or objects in the form of tobacco products which imitate tobacco products.”

We have conferred with the hon. Attorney General and the Chief Parliamentary Counsel. They have confirmed that there is a very good possibility that vaping and e-cigarettes fall under this. When the position is concretized, we may either have to have no further legislation to deal with e-cigarettes or vaping, or if we do, we may have to come with amendments. But the matter is under serious consideration, and that is the latest position on vaping and e-cigarettes.

https://www.who.int/tobacco/industry/product_regulation/art_11_fctc/en/

https://www.google.com/search?q=barbee+roopchand&rlz=1C1GCEU_enTT922TT922&oq=barbee+roopchand&aqs=chrome..69i57j33i160.6029j0j7&sourceid=chrome&ie=UTF-8

4.50 p.m.

Mr. Deputy Speaker, the purpose of why we are here today is one more step to discourage new users by putting on cigarettes packs for the first time in this country, graphic displays which make up 50 per cent of the package label and this is consistent with section 5. So the new packs will have half of their labelling with
graphic displays. But why do we have to amend the Regulations?

The old regulations at clause 3 stated that we had 24 images. Two groups A and B, 12 each to be rotated. The issue was when approached, the European Union which is the custodian of the images, after a while they indicated to us that those images, whilst they can be licensed to a country, it cannot be licensed to a third party. So in other words, the European Union will give us permission to use the images but we in turn could not give it to a third party like WITCO or any other manufacturer to use it. So we could not use the old of system of rotating 24 images in two groups of 12.

After much negotiations we went to the Caricom regional organization for standards and quality better known as CROSQ. CROSQ had 16 images that we could use. Jamaica was the custodian for these 16 images. They are very graphic images and I am hoping that Dr. Seecharan can talk about oral care, oral cancer and what happens there. So instead of the 24 images, we are now going to be using 16 images. Group A will have eight and group B will have eight to be rotated.

We have agreed with WITCO and the Office of the Attorney General and the CPC, that WITCO will be given one year starting from the date of affirmation and the Ministry turning over the images to them. We already have the images. I am told by the Tobacco Control Unit we will be turning over these images to them within the next two weeks.

So all things being equal, Trinidad and Tobago will move by February/March 2022, to having these graphic warnings on cigarette packs which hopefully will do several things. One, discourage new users, and two, encourage existing users in tandem with our smoking cessation clinics, in tandem with the OTC drugs available like Nicorette, the gums, the patches, to decrease smoking.
Why do we want to decrease smoking, Mr. Deputy Speaker? Statistics from the National Cancer Registry from January 2013 to December 2017, will show that the top cancers in Trinidad and Tobago, prostate we know, breast we know but I just want to pause on breast cancer for a while. We normally associate breast cancer with women. Of the 1,827 cases of breast cancer, do you know that 34 were men in Trinidad and Tobago? So it is just a word of advice to men outside there. The same way that women self-test and get mammograms for breast cancer, you know, as a man you also get breast cancer.

Colorectal cancer is number three, and here we go—lung cancer and bronchus, 975 cases between January 2013 and December 2017. But this is where the shocking statistic comes in. Of the 975 cases, 641 died; died. But what is—when you disaggregate those figures and you look at the death by age group, what you are seeing is that persons especially men—now, let me make a statement here. Not all lung cancers are due to smoking, but the more you smoke the higher your chance of developing lung cancer. There are genetics effects, genetic reasons, environmental reasons; smoking is one.

In the age group, Mr. Deputy Speaker, 50 to 54, 48 persons died. That is when people are in the prime of their lives. Your earning power is peaking, you have 10 more years to pay off your mortgage, you could start to welcome some grandchildren into your life. 55 to 59, 105 died, peak, peak of your life; 60 to 64, 126. So between the ages of 50 and 64 when persons should be enjoying the fruits of their labour having worked, having sacrificed, having raised their children, lung cancer is taking them by the hundreds. That is instructive.

Mr. Deputy Speaker, another thing we have to be aware of is this. The 16 health messages that we are asking permission for, will show the public—and the
pictures will reveal this. These are uncensored photos and it talks about, and it shows pictorially the effect of tobacco on the human body, the cancers, especially oral cancers, impotence, blindness; for women, stillbirths. And, Mr. Deputy Speaker, you know what is scary? I cannot remember the figure but we still have women around the world not only in Trinidad, around the world who still smoke in pregnancy, who still smoke; stillbirths, mouth disease and gangrene.

For each one person that the Opposition and ourselves here today, giving birth, taking parentage of this, graphic warnings from the days of Hamza Rafeeq to now, for each person we save from having lung cancer, we not only save a life but we save the taxpayer a half of $1 million in treating, and that is just treating the person. It costs $500,000 to treat a patient but what about the associated costs? The loss of earnings, time off from work, all of these things have to be taken into consideration.

Mr. Deputy Speaker, there is a plethora of information out there and for each website you go that shows that these graphic warnings may not be effective, there are 10 that say they are effective. I just want to point briefly to one study, if I could find it, in Canada. And I just want to read from this.

“The Effect of Graphic Cigarette Warning Labels on Smoking Behavior: Evidence from the Canadian Experience.”

And at the bottom of the abstract it concludes:

“This study adds to the growing body of evidence on the effectiveness of graphic warnings.”

And that is why we are here today, to move from 24 to 16 graphic warnings which we have gotten from CROSQ, Jamaica is the custodian.

“Our findings suggest that warnings had a significant effect on smoking
prevalence and quit attempts in Canada.”

It goes on to say:

“In Singapore, 47% of smokers reported decreased cigarette consumption after pictorial warning labels were introduced...”

It goes on to say—

**Mr. Deputy Speaker:** Silence.

“Research has shown that graphic warnings were more effective than text-only messages.”

Now, the message we have currently simply states, what?

“The Minister of Health advises that smoking is dangerous to your health.”

That was a phenomenal, a novel thing back then, that was text-only but now we are moving to graphic pictorial images. So research has shown that graphic warnings were more effective than text-only messages.

“Graphic warnings induced a greater emotional response...”

So we are appealing now with these pictures to the psyche of the person, and:

“...were more likely to retain their salience over time, and increased awareness of health risks...”

So this is a report which can stand scrutiny by my colleagues opposite.

So, Mr. Deputy Speaker, let me explain how this is going to work and why we have to give WITCO about a year. It cannot be done overnight. Why? One, we have to give WITCO enough notice to run out their current stock of packages. Two, we have to get the pictures to them. Three, the new packs have to be printed. But with the current production process, every pack of cigarettes in a carton of cigarettes looks the same but with this now the images have to be mixed up. So in each carton when you open it, you are going to have one pack looking different...
So their production processes, their packaging processes have to be rejigged and in conjunction with talks with WITCO, the Ministry of Health and the Attorney General’s office this will be done by administrative letter. This moratorium will be done by an administrative letter, as we have done in the past.

So today being the 12th of February, 2021, we will make the pictures available to WITCO within two weeks and hopefully Trinidad and Tobago will move to having these graphic pictorial warnings on cigarette packs by March, February/March 2022.

Mr. Deputy Speaker, I just want to talk a little bit in the few minutes I have left about the harmful effects of tobacco use, not just cigarettes, tobacco in general, whether it is cigarettes, cigarillos, cigars, whatever. According to the WHO the tobacco epidemic is one of the biggest public health threats the world has ever faced, killing more than seven million people a year. And, Mr. Deputy Speaker, we cannot divorce and separate tobacco use from COVID-19 because the research will tell you, people who smoke and have decreased lung capacity, who are challenged, who have COPD will, will if they contract COVID because it is a respiratory disease, stand a higher chance of dying. More than six million, Mr. Deputy Speaker, are a result of direct tobacco use, and around 80 per cent of the 1.1 billion smokers worldwide live in low and middle-income countries. And I just want to dwell a little bit on this.

Before, when there were no bans on advertising, before, when you looked at old movies you would see that cigarette smoking was glorified. The star boy and the star girl always smoked. Look at an old James Bond film, they were smoking. Look at a new James Bond film, they are not smoking. Attitudes have changed,
and without going into too much detail and I am hoping my—not my—I am hoping that the doctors who are going to speak could just amplify this point, the social determinants of health which tell you that persons in low and middle-income families do not engage in health-seeking behaviour, meaning that persons who have tertiary education who work for higher salaries, who are more exposed, engage in health-seeking behaviour and will stop smoking or smoke less, drink less alcohol. But with the advent of all these anti-smoking measures, what the tobacco companies did, they realized that that market is now closed off, they targeted low- and middle-income families, low- and middle-income countries. It was a marketing tool to target those individuals who do not have tertiary education, who do not work for a lot of money, who fall through the social cracks and those are the ones who are becoming more and more addicted to cigarettes. So I am hoping that this piece of legislation today will help reverse that imbalance.

As I close I just want to reiterate that smoking is bad for you, nicotine is an addictive drug, smoking and cigarettes contain tar, hydrogen cyanide, formaldehyde, ammonia. Would anybody in this Chamber willingly inhale ammonia? Will you willingly inhale uranium? Will you willingly inhale carbon monoxide? But that is what the smoker does. They volunteer to inhale these things and then the State has to pay $500,000 to rehabilitate that person.

So therefore, as I come to a conclusion, this has been long in the making. The major delay has been to source the intellectual property—

Mr. Deputy Speaker: Two minutes.

Hon. T. Deyalsingh:—from Jamaica because the EU part was closed off to us and, Mr. Deputy Speaker, I look forward to the contributions from my colleagues, and I beg to move. Thank you very much.
Question proposed.

Mr. Deputy Speaker: I recognize the Member for Fyzabad, [Desk thumping] and as the first responder you have 30 minutes.

Dr. Lackram Bodox (Fyzabad): Thank you very much, Mr. Deputy Speaker, and thank you for the opportunity. I am very pleased to be able to contribute here and to support this Tobacco Control (Amendment) Regulations, 2019.

Mr. Deputy Speaker, if the world had a vaccine that could prevent 1/3 of all cancer deaths, would we use it? Of course the answer would appear to be obvious, yet the reality is that nearly half a century after establishing the link between smoking and cancer, one quarter of the adult population of the United States continue to smoke cigarettes and worldwide tobacco use is increasing.

So, Mr. Deputy Speaker, it is very, very important, this is an extremely important measure, it is a tremendous public health problem. And as a medical practitioner and a Member of Parliament I have no problem whatsoever in providing and lending my support to this very important regulation which as the Minister of Health outlined has a history which has spanned administrations.

It is very interesting to go back just a little bit in terms of the programmes and policies that have been put in place to discourage the use of tobacco products. The first recorded prohibition against tobacco use resulted from a clash between Peruvian natives and the Christian religious customs which led to a 1586 papal decree declaring it a sin for any priest to use tobacco before celebrating or administering communion. I am just giving a bit of background here, Mr. Deputy Speaker.

In the early 1600s, King James I of England attempted to discourage the use of tobacco by taxing it. The Czar of Russia exiled tobacco users to Siberia, and in
China those caught selling tobacco were executed. So obviously this is a public health problem which has been recognized for centuries, Mr. Deputy Speaker, and therefore the measures that we are looking at and taking here are very important.

I am outlining this because there are challenges that we face in terms of reducing and eliminating smoking, and I will come to the images and so on in a short while and address those in detail, Mr. Deputy Speaker. Just to say, at the turn of the century the anti-smoking movement in the United States was motivated where you had voices such as Thomas Edison, Henry Ford voiced concerns about the detrimental health effects of cigarette smoking. But the research into the effects of smoking and the science really came about in the 1930s and ’40s and, in fact, a very important piece of legislation which became—led to the widespread publicity and the understanding of the public was the findings in the 1964 Surgeon General’s report on smoking and health that is a landmark study which has since propelled the fight against tobacco control.

Now, when we implement measures in this Parliament in terms of trying to prevent people from smoking because the Minister indicated this is one of the measures in an armamentarium that we are using. Of course, we need to understand why people smoke. And, Mr. Deputy Speaker, a cigarette is a very efficient and highly-engineered drug delivery system. It is very good for delivering the drugs. And the Minister mentioned—so you have the nicotine and you have the other components which are dangerous but the nicotine is the addictive aspect of the cigarette and one to two milligrams of nicotine are present in a cigarette.

Now, smoking releases the nicotine very rapidly, so the smoke is absorbed from the lung and gets to the brain very quickly. And this is why cigarettes are the best way to deliver the nicotine.
Now, I am told that a cigarette when lit can last for about five minutes. Not being a smoker myself, Mr. Deputy Speaker, apparently it can stay lit for about five minutes, and you can take an average of 10 puffs over this five minutes, from one cigarette. This works out if you smoke a pack of cigarettes a day, 20 cigarettes, you get 200 hits of nicotine. And I say “hits” because, of course, it is very addictive, it is a drug. And when you talk about a hit, what happens is that the nicotine gets into the blood brain barrier and you have increases in your blood pressure, your pulse, your respiration and so on. But importantly what it does, it feeds into the feeling good part of your brain releasing hormones that make you feel good. So it is really addictive and it gives you that high.

So, Mr. Deputy Speaker, I would just want to move on to the details of the Regulations we have in front of us here, and to just look at the extent of the problem that we are dealing with, the magnitude of the problem. WHO estimates that five million people die annually from tobacco-related disease. And what this translates really to, is that on a daily basis approximately 14,000 people die across the world. And if we bring it back locally, Mr. Deputy Speaker, in Trinidad and Tobago every year close to 1,000 of our citizens, 990, a great majority of which are men, very importantly, die from tobacco-related diseases.

So again, and the tobacco-related diseases are cancer, heart disease, stroke and other NCDs which my colleagues will go into more detail. And I just wanted to mention the issue of the fact that this tobacco smoking affects children in a very big way and that is an important target group that we have to look at in terms of preventing new smokers. And a global youth tobacco survey in 2011 found that more than 680 children 10 to 14 years old, very young age, and over 145,000 adults who are defined in this case as 15-plus and older, continue to use tobacco.
each day in Trinidad and Tobago. So we are looking at close to 150,000 using tobacco on a daily basis.

Very interestingly, this survey also found that 40 per cent of all students between the ages of 13 and 15 have experimented with cigarette smoking at one time or the other. And I remember the Minister of Health in his contribution in the Senate indicated that he would have been one of those in the times gone past.

So, Mr. Deputy Speaker, this is a very troubling situation. It is one that we need to look at and definitely, I think, these are important measures that we are looking at in terms of dealing with the problem we have.

It was mentioned that it costs the country and taxpayers 500,000, half a million dollars to treat one lung cancer patient. But the American Cancer Society which produces a document called the Tobacco Atlas estimated, and this is from their last report in 2018, that I had available, that the total direct and indirect cost of smoking in Trinidad and Tobago totals TT $1.85 billion annually. But more than this, Mr. Deputy Speaker, the World Bank estimates that the annual economic burden for the top three causes of premature deaths in Trinidad and Tobago which are ischemic heart disease, lung cancer and hypertensive diseases. That annual economic burden is in the region of TT $8.7 billion. Indeed very startling cost, economic cost to society in addition to the lives and so on that are lost.

So, Mr. Deputy Speaker, we are here today because of the history we have been—as a small country, developing nation, I think, we have done very well in terms of bringing the Tobacco Regulations. We have a very robust Tobacco Control Act and, of course, we are here with these Regulations to look at.

I just wanted to comment a little bit about the pictures, the images themselves as mentioned by the Minister. And what are the standard practices in
terms of imaging. This is the PAHO suggestion, that you must have large bold health warnings with pictures so they are more effective than small health warnings. The images that we are proposing to approve here today meet this criteria—of course, warnings with images. So they are basically saying that you must have graphic, very graphic warnings.

And when one looks at the images, they are indeed graphic and, of course, there might be some concerns, I mean, as to whether these graphic images should be on cigarette packaging. But I can tell you, Mr. Deputy Speaker, that the evidence shows that this type of graphic imaging is very effective and I would go to support that.

In fact, Mr. Deputy Speaker, and I know that the Minister and the Government would have had no control over these actual images, and you mentioned the history of the images and so on. But I just did an informal survey and looked at, to get the opinion of young people as to what these images are and how they would help, so I did a little survey amongst some secondary school students and I was amazed. Although they are happy with some of the images, they actually think that some of these images could be more graphic, Minister. So this is important, this is interesting, and this is to show you how the young people think.

For example, if I refer now to the Set A and the Regulations. The first one says, “Quit Smoking Now”, “Take the Step Quit Now”. And the comments I got there was, this was ineffective because the point will be overlooked and ignored, Minister. So it says that they want more graphic imaging and this is how the young people think.

There is one that says that “Smoking Causes Ageing” and there is an image of a female before smoking and after smoking and they said that this is not really
effective. It does not show the effect of ageing significantly enough, Minister. And, of course there is one—and this one was very important I thought. This is the one that says, “Warning, Your Smoke May Kill Your Children”. And they said, in fact, there should be a more graphic picture of a child hospitalized because this one just shows a bit of fear on the child’s face and this is some input from young people to what these images should show. The one about cancer is very graphic and they had no problem with that. And the warning that “Smoking Causes Blindness”, again, the opinion was that it should be a little bit more graphic. And, of course, some of the others are quite graphic and quite appropriate—as stillbirths, and smoking and stillbirths.

And, Minister, you did mention that the issue of smoking in pregnancy—and I worked in the UK and still in some of these countries smoking is—I was amazed when I went to work there some years ago and to realize that, you know, pregnant women would be smoking. They would be in the clinic and step out of the clinic to smoke and this was shocking for me. Luckily, I think, in Trinidad and Tobago we do not have that cultural problem here but, of course, across the world it is a problem.

Interestingly, one of the other images says, “Quit Now, Save Money”, and the recommendation there, Mr. Deputy Speaker, was that—now, we have—the image is really of a cigarette in an ash tray burning in smoke and the recommendation was that perhaps we should have put some money in the ash tray and show the money actually burning. Again, I throw these out because sometimes it is important to know what people think and what the young people think especially, as we go forward and the smoke and so on.

So by and large, the images seem to be graphic, they seem to be appropriate and
we would be in agreement.

5.20 p.m.

Now, what about the issue of how effective these images are? Right? Now the Minister mentioned about the Canadian study. I just want to refer to that, just to expand just briefly, Mr. Deputy Speaker, because there were two studies—well, two big studies, one in the US which showed that the health warnings are largely ineffective. But the Canadian study which was in December 2000, when they introduced their new graphic warning labels on cigarette packages. So what they did was they increased the size from 25 per cent to 50 per cent, which I believe is what is happening now with this. We are occupying half of the pack so that is on par with the Canadian recommendation and they depicted the graphic colour photographs which we are doing. And they found that Canadian smokers, 90 per cent had noticed the new graphic warnings. So the first thing was to notice the warning and the second was that 44 per cent of those people who were surveyed said that the new warnings had increased their motivation to stop smoking which I think is important.

The difference with the Canadian study though is that in addition to putting the warnings on the cigarette pack, what they did as well is that this was accompanied by information on the inside of the package about the detrimental effects of smoking along the messages. So, in other words, there was also a package insert—so whenever you buy a product sometimes you get a package insert. So in case you missed the images on the pack, when you open the pack, you get a package insert. And I make this point, Minister, because I believe that in the Tobacco Control Act there is one clause—I cannot refer to it right now, but there is one clause that says specifically nothing is to be included in the pack. And it is

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something we have to look at in terms of if we want to go forward that maybe we might need to make an amendment there if we want to include inserts into the pack. But this is going forward, this is just thinking as we go forward.

So again, obviously, it would appear that it is a measure that will bring some relief to us, it will help in the battle against tobacco smoking. The role of the Tobacco Control Unit was mentioned. I just wanted to ensure and to ask the question—I know that you would have mentioned this, Minister. And you know when I looked at the Act and the Tobacco Control Unit, it has a tremendous responsibility and so on, and therefore, the question is really in terms of resourcing, adequate resourcing, because they are tasked with quite a bit, which includes the designing and disseminating messages for inclusion which we are dealing about here, dealing with licences and so on. But two important roles I see would be the undertaking impact assessment of national policies and programmes and to develop and implement, in collaboration with civil society, a national strategic approach to tobacco control. And of course, they are tasked with making educational and cessation materials and so on, available to municipal corporations, health care workers, schools, the media, NGOs and so on. So quite a big mandate. And of course, the question is whether they are adequately resourced and staffed and so on, to be able to deliver on that mandate?

So, Mr. Deputy Speaker, I just wanted to move on and just to look at other issues as we go forward. So we are doing this but of course, there are always challenges that come up ahead of us and so the question was: Where do we go from here? And these are just a few suggestions I would want to look at: Where do we go from here, Mr. Deputy Speaker? In some countries, you have mandatory health messages during movies. So any movie—and this happens in India, one
country, for example—in any movie that you have smoking taking place in a scene, there is the need for a mandatory health message. It is just something I am throwing out. We may get there one day. There is also the issue of dealing with adults who smoke around children. How do we get around that? How do we do that? I mean, you use moral suasion, but again, we have the issue of secondhand smoke which some of my colleagues will go into. But how do we deal with the adults who smoke around children? The Minister mentioned about the six cessation clinics and I am presuming that these clinics deal with the issues of addiction as well—nicotine addiction, Minister.

But, you know, one of the issues that came about in the Regulations to prevent smoking is the fact—is whether there is a role of the other emerging nicotine delivery products? And you mentioned about vaping and so on, but the jury is still out on this and I just throw this out for discussion. It is not that I am in support of any of these measures but there are some studies that are suggesting that, you know, if you try to stop and ban cigarettes completely then you would have that issue where if you do not have a soft landing, you know, it can work against you. So I am just throwing that out as to where we would go in terms of, for example, the electronics cigarettes and so on, and then you have the oral products such as—what is called “snus” and then you have the strips and you have tablets and so on.

There is also the issue, as we go forward and we are talking about packaging, about the role of plain packaging. And this is something that has been done in Australia and the UK. It was first done in Australia in 2012 and of course, the plain packaging, the idea is to try to make the product unattractive. And it is very interesting because in the days, you know, prior to COVID, a good economy
and so on, tobacco manufacturers were able to use the marketing and the appearance of the pack and so on, in a way to attract high-end sales and so on. But now Australia, in 2012, introduced plain packaging and what they found is that you had lower smoking appeal, you had more frequent thoughts about quitting and you had more frequent requests for quitting assistance. So this was an advantage there and this was in 2012 that Australia introduced their legislation. And in the UK, in 2017, they also introduced—that country also introduced plain packaging. And someone speaking on behalf of the Tobacco Control Research Group in the UK found that there was a significant drop in the sales of tobacco.

Now one of the issues that came about when the issue of plain packaging was considered—and interestingly, this point of view was put across by the manufacturers—was that if you have plain packaging, it is going to make illicit tobacco use easier, you would have more smuggling. Mr. Deputy Speaker, this study found that they introduced plain packaging and it did not increase the use of illicit tobacco in the UK. I think that is important because that is one of the challenges we face with the plain packaging. So I just wanted to throw out those thoughts as we go forward, Mr. Deputy Speaker, and can I ask how much more time I have?

Mr. Deputy Speaker: You have nine more minutes, Member.

Dr. L. Bodoe: Okay, thank you. [Crosstalk] So—[Laughter] some information. So, Mr. Deputy Speaker, I wanted to conclude with something which I think is useful here because I think that we are facing—we face a challenge, we face a challenge of the cigarette manufacturers and of course, it is important in the economy where everyone has to survive and even prior to the economic crisis and the COVID and so on, there is the constant battle that we are facing and I think it is
This is a very important statistic and this is taken, again, from a publication called *The Tobacco Atlas* which is published by the US. And it talks about the Industry and it talks about—it says:

“The combined revenues of the world’s 6 largest tobacco companies in 2016 was more than USD 346 Billion, 1534% larger than the Gross National Income of Trinidad and Tobago. The industry is a powerful force that does not fear the actions of nation-states because of their extensive resources and global market power.”

So it is a powerful lobby, it is a strong lobby and I say this because it tells us that the challenge that we have as we go forward.

So, Mr. Deputy Speaker, as I close:

“Lung cancer was once a very rare disease, so rare that doctors took special notice when confronted with a case, thinking it was a once-in-a lifetime oddity. Cigarettes were recognised as the cause of the epidemic in the 1940s and 50s…”

However:

“Cigarette manufacturers disputed this evidence, as part of an orchestrated conspiracy to salvage cigarettes sales.”

Interestingly, the connection between cigarette smoking and ill-health came about in the 1930s but the intervention of the Second World War hid it a bit and therefore, the cigarette manufacturers were able to rise and to use that event to be able to step up their game.

So, it said here—and I am quoting if you would allow me, Mr. Deputy Speaker—the British Medical Journal has a special supplement based just on tobacco control and this is from February 2021 and it is entitled:

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“The history of the discovery of the cigarette—lung cancer link…corporate denial, global toll”—and so on.

In this abstract it said that:

“The cigarette is the deadliest artefact in the history of human civilisation. Cigarettes cause about 1 lung cancer death per 3 or 4 million smoked…”—cigarette smoke that is.

And:

“Cigarettes cause about 1.5 million deaths from lung cancer per year, a number that may rise to nearly 2 million per year in the 2020s…”

So quite a burden—quite a public health burden. So interestingly:

“Part of the ease of cigarette manufacturing stems from…”—how easy—“high-speed cigarettes…machines…”—can make cigarettes. They can crank out 20,000 cigarettes a minute.

And I just close with this and I close with this with a heavy heart because it says that:

“Cigarette makers make about a penny in profit for every cigarette sold, which means that the value of a life to a cigarette maker is about US $10000.”

So, Mr. Deputy Speaker, we do indeed have a challenge. I think it is commendable that over the years, governments have taken it upon themselves to implement these measures. I think that this—the approval of these regulations today will add in the battle, will strengthen the battle against tobacco use but I also, as I close, indicate that we still have a long way to go in terms of dealing with this problem on both a local, national basis and international basis. I thank you very much, Mr. Deputy Speaker. [Desk thumping]
Mr. Deputy Speaker: I will now recognize the Member for Caroni East and you have 20 minutes speaking time. [Desk thumping] You can proceed Member.

Dr. Rishad Seecheran (Caroni East): Thank you, Mr. Deputy Speaker, thank you for the opportunity to contribute to the Tobacco Control (Amdt.) Regulations of 2019. As the Minister of Health spoke earlier, he said that the WHO Framework Convention on Tobacco Control is an international treaty that we are assigned into. It was adopted on May 21, 2003, and entered into force on the 27th of February, 2005. As a dentist, my input into this, of the registering of graphic health warning labels into cigarette packs is why did we take so long to implement this? You see, there are a number of countries—there are 28 other countries that have already implemented graphic warnings on their cigarette packaging. Canada being the first in 2001, Brazil in 2002, and it goes on and on, Venezuela in 2005, China in 2007, Switzerland in 2010. So my point is, why did it take us so long to implement these warnings to such a disastrous drug in our society?

Most countries around the world currently signed into the fact that we need a health warning on our cigarette packaging. Article 11 requires that members must implement this facility, the reason being, it is to protect present and future generations of citizens of this country. As the Minister said, studies have shown that both written messages as well as graphic health warnings is the best approach into dealing with the curbing of cigarette smoking. One suggestion that I have is that the EU directive of 2001/37/EC has mandated that the images not be 50 per cent but 65 per cent on both sides of the pack, coloured images. And I would like to suggest that we go to 65 per cent rather than 50 per cent. The WHO has asked for 50 per cent, but if it is possible, we should go to 65.

So, Mr. Deputy Speaker, why is this so urgent? What is the need for this? What the Minister of Health did not tell you according to a report, the BMC
Cancer prevention group, is that we currently have the highest rate of cigarette consumption in Caricom. And if you would allow me to read this, please:

“Cancer incidence and mortality rates…in Trinidad and Tobago
Our findings highlight the need for national investment to improve the understanding of the epidemiology…in Trinidad and Tobago, and to ultimately guide much needed…prevention and control initiatives in the near future.”

Mr. Deputy Speaker, according to recent surveys, 33 per cent of our male smoke as well as almost 10 per cent of our females. As I said before, we have the highest prevalence in Caricom. And what tobacco does, it brings about ill-health as well as premature mortality in our citizens. It is the leading cause of disease and death. And the thing is, this is totally preventable. The Minister also spoke about years of life loss and tobacco smoking is the leading contributor—risk factor of three of the top five causes of medical death in Trinidad and Tobago, that being, heart disease, diabetes, and cerebrovascular disease.

The WHO has also recommended and mandated Third World countries of a 30 per cent reduction in cigarette smoking by 2030. So, in 2021, while other countries have introduced graphic health warning labels since 2001, it was ratified in 2005. We are now in 2021, we are scrambling to reach this quota by 2030. The WHO, they monitor our society and how much we smoke via our protocols, our governmental policies, they do surveys on our population as well as they assess the number of cigarettes sold in our country. And what they have found is that sales of cigarettes have been constant throughout the years except for in 2016. And they also found that cigarettes killed half of their users, but what the Minister told us earlier is that of 975 cases yearly, 641 died. So that is more than 50 per cent and it
would speak to treatment—

**Mr. Deyalsingh:** Member, but just for clarity, it is not yearly. It is from 2013 to 2017, I believe.

**Dr. R. Seecheran:** Sorry about that. Right. But it also speaks that we had a higher than 50 per cent mortality rate. So we are above the global standards for treating cancers and I will get back to that a little later on. So more has to be done and more was done, a lot was tried.

The Minister of Finance he increased excise duty on tobacco products by 20 per cent in the last budget. He also increased customs duty by 20 per cent in the last budget. And evidence has shown that an increase in price will reduce usage and even more so in Third World countries. The idea is to reduce the economic losses of people who smoke on the economy and to dissuade non-users from starting smoking as well as to insulate non-users from those who consume. The Tobacco Control Regulations of 2013 was very monumental in trying to achieve these measures and one of the measures that was implemented was a prohibition on advertising. So there was a ban on advertising and sponsorship—tobacco companies sponsoring sporting events and advertising that, but there were some limitations. So a tobacco company can send direct mail to an adult person. They are allowed to advertise in adult readership publications once there are over 50 per cent subscription, adults, and where children are not allowed. Lifestyle advertising has also been banned.

So we have the Tobacco Control Act of 2009 as well as the Tobacco Control Regulations of 2013, and both these legislative measures have not decreased smoking in Trinidad and Tobago. There has been no impact on consumption. There was a small drop in 2009 but again, it rose back in 2011. Section 12 of the

**UNREVISED**
2013 Act speaks of public spaces. There will be no smoking in public spaces, no smoking in workplaces, malls and areas where the public may converge. There is a fine for $10,000 as well as a possible jail sentence of six months. So what is at stake here? And there is a lot of stake, basically it is human lives. And as the Minister of Health said, $500,000 is spent on one—on the rehabilitation of one cancer patient. And for too many years we have been dealing with the negative consequences of tobacco smoking and there are many adverse, immediate as well as long-term effects of smoking. I will just go through a few of them. Tobacco smoking has been linked to cataracts, it has been linked to pneumonia, and one third of all cancer deaths, as well as 90 per cent of lung cancer cases.

With regard to the dental part of it, tobacco smoking is linked to oral cancer. It is also linked to cancer of pharynx, larynx, or esophagus, stomach, pancreas, cervix, kidney, bladder as well as acute myeloid leukemia. With regard to—as he spoke about COPD, tobacco smoking is also linked with bronchitis, emphysema and asthma. It is also a risk factor in strokes, myocardial infarctions, vascular diseases and aneurysms. If you are a smoker, you are four times more likely to suffer from heart disease and 10 times more likely to suffer from oral cancer.

Mr. Deputy Speaker, oral cancer has a 60 per cent five-year survival rate. And it is one of the most disturbing things that you could see. As a dentist, we are at the front line to diagnosing oral cancer because it starts off as a small red patch that we have to diagnose and then we would refer to an oncologist for a biopsy on treatment. Some of the other dental effects that we may have are leukoplakia, nicotine stomatitis, periodontal disease as well as the loss of teeth.

Now, with regard to the graphic health warning labels, the WHO has mandated that we use coloured pictures, it be on both sides of the cigarette pack, it
be as large as possible. It does not have to be 50 per cent, it could be 65 per cent, it could more than that, as well as we have multiple warnings on all tobacco products. So this is basically Article 11 of the FCTC.

Now there are a number studies that have been done and the best ones are out of Canada because they launched their graphic warnings in 2001, so they have most of the information. Brazil did some studies because they launched with only one side of the pack, whereas Canada did both sides and it has been shown that when you do the warnings on both sides of the pack, you get a greater number of persons stopping smoking. We have data from Australia, we have data from Thailand. And what this has shown is that the graphic warnings are the most effective source of information. And what we must realize is not everyone could read and not everyone could read well. So we may have text warnings and it may state, “The Minister of Health does not advise smoking”, but not everyone who smokes can read and can read well. And what these images do is they give you a visual idea of what you face if you are smoking. And they are more likely to attract attention by the user.

I did some research—so the graphic warnings they affect smokers in three ways. In terms of communication of health risk, in Brazil, 54 per cent of the respondents agreed that it did communicate the health risk, as well as in Canada, 58 per cent. Secondly, it also helped in quitting or cutting down of cigarette smoking in users. In Brazil, 67 per cent of the respondents agreed, as well as in Canada, 44 per cent. And thirdly, it also helped in protecting others from secondhand smoke. And in Canada, we got a 27 per cent respondent success rate. In Canada, what they found that in addition to the graphic warnings, helping persons quit smoking, it also helps ex-smokers not to smoke and it also helps
persons that do not want to smoke, increase their attempts in quitting. It allows the user of cigarettes an increased level of knowledge of the dangers that they face when they do smoke. And what I would like to advise the Minister of Health is that, you know, we do not have to do the bare minimum, we do not have to only have the text messages as well as the graphic images. We could also put in a website address for the Ministry of Health, for persons who would like to seek help as well as, most importantly, a quitline number. We should have a national quitline.

In Brazil they put a quitline number on their packs and what they found was a nine times increase in calls from before they had the number on the packs compared to after. And that is a very important consideration that we as a country should look at. In Australia, 50 per cent of the youth said that it stopped them from even starting smoking. And you see what these images do, as the Minister of Health said, it arouses fear in the user. When you see a blackened lung or somebody’s face with an oral cancer tumor, it speaks to their emotions, “Should I put myself at risk of this?” And it increases the motivation of the user to stop smoking. And this is supported by a number of surveys.

Now, some persons out there may say—

Mr. Deputy Speaker: A point of order, Member?

Ms. Ameen: Mr. Deputy Speaker, I rise on Standing Order 32(4). Mr. Deputy Speaker, I thank my colleague for giving way, 32(5). Mr. Deputy Speaker, this House has previously had cause—

Mr. Deputy Speaker: One second, one second.

Ms. Ameen: Sorry.

Mr. Deputy Speaker: Is it in relation to what is happening in the debate at
Ms. Ameen: It is a matter of privilege and I want to move on 32(5). Mr.—

Mr. Deputy Speaker: Hold on. No, I am not entertaining anything like that at this time, Member.

Ms. Ameen: The Standing Order under 36(5)—32(5).

Mr. Deputy Speaker: Hold on. Which Standing Order are you on Member?

Ms. Ameen: Standing Order 32(5). Mr. Deputy Speaker, if I can be of some more assistance to you. Mr. Deputy Speaker, this House would have previously ruled on matters concerning—and I myself would have been subjected to matters concerning postings on social media. And I wish to bring to the attention of the Chair, a post made by a Member of this House, by the Member for Laventille West, who is not in the Chamber at this time, which contains derogatory remarks. And I believe in the fairness of the Chair for all sides and I expect that the rule for one would apply to all. [Desk thumping] I therefore wish to submit this matter for your consideration, Mr. Deputy Chair.

Mr. Deputy Speaker: Okay. Hon. Member, 32(5), as you said, right. Again, I have no such information before me, as the case may be. So what I advise, you can get it to your Whip and you can get the necessary information to the Chair, please.

Ms. Ameen: But you could rule later. [Crosstalk]

Mr. Deputy Speaker: As I said, proceed, proceed Member. [Crosstalk]

Members, I have ruled. Proceed, Member for Caroni East.

5.50 p.m.

Dr. R. Seecheran: Thank you. Deputy Speaker, in some quarters it has been said that graphic images on cigarette packaging may increase the illicit trade of cigarette packs from other countries, and my input into that is that the images, one,
are officially approved and, secondly, a manner in which we can combat illicit trade of cigarettes is by having digital stamps on our packages as well as invisible markings for us to see that they are indigenous products to Trinidad and Tobago.

Deputy Speaker, the use of graphic images is in compliance with the World Health Organization and its implementation is very fast and very cheap. To the tobacco industry it may be expensive, but to those on the Government side it is extremely cost effective and it is my opinion that we should move up that time frame of one year for allowing WITCO to sell out their stock because that is one year too much of persons having to use cigarettes without the graphic images on it.

The tobacco industry has taken advantage of us for decades and it is about time that we replace the positive images that they have imprinted into our brains with negative ones. Other cessation mechanisms are, as the Minister said, counselling and medication. You know, I would just go back to this, we need a broad-reach telephone quit line. In the States it is 1-800-QUIT-NOW, and we should have that and we should have that on our cigarette packaging as well as cognitive behavioural therapy as the Minister spoke of.

We also have—in some countries they use hypnosis as well as acupuncture. I do not know how effective those things are. We also have pharmacotherapy including nicotine replacement drugs. We have anti-depressive drugs that we use in some cases as well as nicotine antagonist drugs. What some studies have found around the world is that if you triple the taxes on a cigarette product, on a tobacco product, sorry, you would actually decrease the intake by 40 per cent. Tobacco provides no value to us. So I do not see why we cannot do this. Instead of incrementally over years why can we not just do it in one shot. Why protect the industry?
I would like to read something from Dr. Margaret Chan of the World Health Organization, and what she said even though this is not directly on the point of images is that:

“‘Raising taxes on tobacco products is one of the most effective - and cost - effective - ways to reduce consumption of products that kill, while also generating substantial revenue…I encourage all governments to look at the evidence, not the industry’s arguments, and adopt one of the best win-win policy…available for health.’”

And I totally agree with that statement.

It is my opinion that we can use these taxes from the tobacco industry to pay for the treatment, Madam Speaker, of those that may suffer from cancer in the long run. We should also have these tobacco companies paying the Government of Trinidad and Tobago a levy or a licence, and that money should go into long-term tobacco dependent facilities that our population needs. We are the highest consumer of tobacco in the Caricom. We need a well-funded public prevention plan in Trinidad and Tobago. Some work has been done but more is needed. We are still the highest in Trinidad and Tobago and we need more GPs to be interested in prescribing pharmacological drugs to help persons stop smoking.

As a dentist I will speak from my experience. We are well placed to assess persons that may smoke and use tobacco, and we are given a five-step algorithm. It is called the five A’s—right?—where every patient that we see, we ask, we identify, and document tobacco use status for every patient. We advise in a strong and personalized manner, and urge every patient to quit if they are smoking. We assess, is the tobacco user willing to make an attempt to stop smoking. We assist
with counselling and pharmacotherapy to try to stop them from quitting and as well we arrange and schedule follow-up contact with a doctor to give them extra help that they may so desire.

**Madam Speaker:** Hon. Member, your speaking time is now spent. Attorney General.

**The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):** Madam Speaker, just two very quick points. Number one, in relation to the legality of the administrative relief proposed to be offered by these Regulations pursuant to the hon. Minister of Health’s indication, I would just like to say insofar as they proffer a benefit in terms of expectation and management, that the advice is consonant with our history and precedent of doing this, that that is entirely within the scope and function of the Regulations. Secondly, I wish to openly propose for response by hon. Members opposite, that it is perhaps high time that instead of taking as long as we do to make regulations of this type and then to bring them here by way of affirmative resolution simply because under the legislation at section 38, the Minister’s Regulations must be done by way of affirmative resolution, and also the fact that the amendment to the Schedules, licensing fees, including smoking areas; those two must be done by affirmative resolution, perhaps it is high time that we simply do them by negative resolution, making it much more nimble a process to do that.

Madam Speaker, I support the Regulations before this honourable House. I needed only to intervene on the law in respect of the separation issue that the hon. Minister raised and I thank you.

**Madam Speaker:** Minister of Health. Oh, sorry, Member for Cumuto/Manzanilla.

**Dr. Rai Ragbir (Cumuto/Manzanilla):** Thank you, Madam Speaker. I will be brief.
I know medical jargon tends to bore non-medical people. So without further ado, to the hon. Member for St. Joseph, I will go straight into the meat of the matter. I am looking at the graphic pictures that we are going to release soon to our cigarette provider in this country, but I agree that we need to be more graphic, but I am also concerned of some of the photos. So for this to work, Madam Speaker, I know that the Ministry of Health will have to adopt a parallel system of public education to re-enforce such measures as for the smoking cessation and the whole tobacco control.

Now, the non-smoker will not buy a pack of cigarettes, so all the disadvantage of cigarette smoking they may not be aware and they may not be interested to go onto social media, Madam Speaker. So that is why I am saying parallel systems have to take place. So I will start from the very top regarding the pics. When you look at these pictures—nice pictures, but they should be more graphic—one of the things that we have to look, Member for St. Joseph, is that you need to have a general outline of a male person and a female person, and you look at the target organs and the disease process. So again, it has to hit home. If I smoke, this is what is going to happen. The target organs are same between men and women but obviously there will be changes.

So one of the first pictures we can see, Madam Speaker, is that a woman is displayed that the cigarette causes her to age, and you know, we live in a cosmopolitan society, men and women, and they are saying why are you showing a woman? Why did you not show a man? So we must be careful when stereotyping, we put one sex and we do not put the other. Another very important thing to do is what is graphic to people’s mind is statistics, the amount of persons who die as a result of cigarette smoking, and what was alluded to earlier on was the deaths and
the cost of such illnesses. So as we have economies in the world going through the financial bits, you will realize, as my learned colleague from Fyzabad had said, the cost of health care is very expensive. So we have to do things to distract them.

Now, there was a testimony in one of the ads saying cigarette smoking is bad and the “chappie” had lung cancer. So we need do more testimonials. And I remember growing up fondly that you had this chap from—Yul Brynner who died from lung cancer. He was in this movie The Ten Commandments, Rameses. He started smoking from 12, but he did a video beforehand and he said, “Now that I’m gone…don’t smoke”, and those scenes leave an impression on our minds. So the thing is, testimonies from people locally, our people in Trinidad and Tobago is very important. The pics are good, but the number one my colleague from Caroni there was saying that basically heart disease, one in four persons will have heart disease, and it is extremely, extremely important to put that really to home. We have one of the highest incidence of non-communicable disease in this part of the world. Almost every patient, non-trauma, will develop cardiac disease and with the smoking it is destroying our funds at the hospital sector, and this is where we need to measure it against what we are doing in health promotion campaigns.

Then we talk about strokes, cerebrovascular disease. There is a 20 to 30 per cent increase as a result of cigarette smoking, and again we need to be dramatic in how we do our campaigns. So again, you have the pictures—very good again—but again the parallel system, it needs to touch home. This is where we engage the private sector to work with us because Ministry of Health, the health sector is not a bottomless pit. You could have one patient have an illness and they just absorbed $1 million in health care being in ICU for two months. One of the things, a guy got a stroke, he is in a wheelchair, he is drooling, and when you saw the picture he was...
a heavy smoker. So those leave an impressionable image in people’s minds, Madam Speaker.

COPD, chronic obstructive pulmonary disease, notably emphysema, bronchitis. So we saw in movies that have gone by and we still see someone in a wheelchair with an oxygen tank in the back, these people have been smoking and they have damaged the lungs. So they are in 24/7 oxygen. Again, that leaves something in your mind.

Diabetes: People who smoke have a 30 to 40 per cent, Madam Speaker, to get a chance to develop Type 2 diabetes, and we all know too much that diabetes is associated with all the complications contributing towards cardiac disease. So you could imagine you have a picture of a guy in a wheelchair, a person, a double amputee because he lost both limbs and he survived a heart attack. So you may be lucky in one sense but unlucky in another sense, and at the end of the day the health cost, you cannot quantify that; it is tremendous. What we need to look at is how we could work together, both the public sector and the private sector. Smoking is noticed to be concomitant, and dominant people with anxiety and depression, and mental health issues need to be recognized with this cessation of smoking and tobacco control.

Madam Speaker, one of the ads we have seen is smoking causes impotence in men. This is all well and good, but the men can fight it. They can use enhancers, and they can feel good about themselves because they feel better and they can continue that act of smoking, but the cigarette smoke reduces a man’s sperm count by more than 50 per cent. So to make it more graphic and more dramatic, you sell that to the men to cut down their smoking, and with that in mind what about the women? Yes, it does cause infertility. Yes, Minister alluded to stillbirth, but there
is also premature delivery. With that, sometimes that infant is starved of oxygen and that child gets cerebral palsy. Sometimes one of the adverse effects of smoking during pregnancy, Member for Fyzabad will tell you, that it will cause cleft lip and palate. Again, a graphic photograph of smoking.

Madam Speaker, it is so important that we drive the message home that the packaging is one aspect and the enlargement of the lettering, photos, we see more graphic, but what is important to succeed in this, we need to take this and continue. Because I know the Ministry of Health is good at health promotion, health education, but we need to emphasize that it must be done in parallel and in tandem so that we could get the outcome that we could increase the amount of people from smoking so we could save lives. Madam Speaker, I conclude. Thank you. [Desk thumping]

Madam Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. I do not intend to detain the House very long, but there are just three issues to response to and I will do them very quickly. The Member for Caroni East asked why this took so long. I explained we could not have access to the EU images because we could not license them to a third party and we had to go to Caricom. For further explanation, I refer to the Hansard of the 13th of December, 2013, the hon. Dr. Fuad Khan, and I quote:

“We were with CROSQ and Caricom looking at these images for quite a long time…”—that is why—“to develop these images themselves and in keeping with Caricom arrangements, so that is why it took a long while for us to get approval for the images. It did take a ‘lil’ while. And as I was speaking to the former foreign affairs Minister, the Member for Tabaquite,
he indicated that Caricom does take a while to do things and that is why the reason why these regulations were not really brought with these images, because we were waiting for a very long time.”

That is the reason in addition to the fact that it had to be done by affirmative resolution. If this could have been done by negative resolution, it would have been done a long time ago. That is one.

Two, I really want to thank my colleague, Member for Fyzabad, made some very good points about the effectiveness of the images, they should be more graphic and so on. What I would tell the hon. Member is that once these images start to be rotated, that is not the end of it. There will be a continuous process of evaluation, consumer feedback, and if changes have to be made they can be made, but your point is well noted.

The last issue I would like to refer to is I think the hon. Member for Fyzabad did ask where do we go from here. So, this Government took decisions way back in 2016/2017, and every Note I took to Cabinet to appoint specialist persons in key areas like the directorate of Women’s Health had a positive impact on that; decentralization of mental health, Dr. Hazel Othello, positive impact. I took a Note to Cabinet last year to appoint for the first time in this country a very novel position, a national director of non-communicable diseases. Interviews are going to be held soon and that person should come on board by March. He and Cabinet agreed just yesterday he will be the chairperson of the new food advisory committee, which for the first time has persons, Dr. Andrew Dhanoo from the diabetes association and key stakeholders on that.

So where do we go from here to battle NCDs. It is going to be battled by a dedicated executive position at the Ministry of Health which will address
everything like salt content, sugar content, trans fat, nicotine. So I hope I get the support of Members opposite. Those were the three simple items I wanted to refer to and I want to thank Members for their support, and, Madam Speaker, there being no further things to respond to, I beg to move. Thank you very much. [Desk thumping]

Question put and agreed to.

Resolved:

That the Tobacco Control (Amendment) Regulations, 2019 be approved.

Madam Speaker: Leader of the House.

ADJOURNMENT

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, at the end of a very successful day, I beg to move that this House do now adjourn to Friday the 19th of February, 2021, next week Friday. At that time we will start first with the Tobago House of Assembly (Amnd.) Bill, 2021. Time permitting, we will also attempt a Bill to amend the Special Reserve Police Act, Chap. 15:03 and the Police Complaints Authority Act, Chap. 15:05. Thank you very much, Madam Speaker.

Madam Speaker: Hon. Members, there are two matters that qualify to be raised on the Motion for the Adjournment of this House, but I am advised by the Whip that neither will be proceeded with today.

Standing Order 32(5)

Madam Speaker: Hon. Members, I believe earlier the Member for St. Augustine tried to invoke Standing Order 32(5) but to say that Standing Order 32(5) is not invoked in the particular circumstances, but I have been passed something by the Whip and again, it is something that in the past maybe two months, I have
indicated to Members of this House that it is something that it is not permitted and it is not something to be tolerated that while the House is sitting, Members of this House engage in social media in posting matters concerning the proceedings while the proceedings are actually live. I believe by now I consider all Members, even if they are new to this Parliament I consider them considerably experienced by now to be familiar with the Standing Orders, the practices and conventions of this House. All right? And you know, I think this should be the last occurrence of this nature.

As I advised before, these sorts of postings can constitute contempt. They will have to be brought in a particular way which is not the way that was sought to be invoked by the Member for St. Augustine today. Nothing was done in the face of the House during the proceedings, but there is a way for these things to be invoked and I really hope—we spoke today a lot about respect, and we spoke today a lot about us in here being exemplars. Let us just not talk the talk, but also walk the walk. I hope this is the last occasion.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.14 p.m.*