

**HOUSE OF REPRESENTATIVES***Friday, November 12, 2021*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**PAPERS LAID**

1. Annual Administrative Report of the Evolving TecKnologies and Enterprise Development Company Limited (eTecK) for the year ended September 30, 2018. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
2. Administrative Report of the former Ministry of Tourism for fiscal 2019. [*Hon. T. Deyalsingh*]
3. Annual Report of the Public Service Commission for the year 2020. [*Hon. T. Deyalsingh*]

**PRIME MINISTER'S QUESTIONS****Molnupiravir  
(Steps Taken to Procure)**

**Dr. Lakram Bodoie (Fyzabad):** In light of the recent increase in Covid-19 cases, the acute shortage of Intensive Care Unit beds and the emergence on the global market of the potentially lifesaving oral antiviral drug Molnupiravir, will the Prime Minister indicate what steps the Government is taking to procure this drug to aid in the fight against the Covid-19 pandemic?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, while we are concerned about the availability of specific high level health care in response to the spread of the virus in our population, it is not today helpful to refer to an acute shortage of intensive care beds. We do have to keep our eyeson that situation, Madam Speaker, but at this time the Government policy remains the same, that we

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will only use medication, protocols and procedures approved by the WHO. My colleague from Fyzabad is a medical doctor and he would know that none of these drugs he mentioned here are approved for use by the WHO; he would know that.

However, Madam Speaker, since it appears that these drugs may have some potential, we await the appropriate approvals for their use in the world. And, Madam Speaker, in anticipation of that approval forthcoming, the Ministry of Health is in negotiations with the manufacturers/suppliers, and in the event that there is approval we would be under distribution availability, we would be ready to inform the population and to use them as and when they become approved for use by the competent authority which is the WHO.

**Madam Speaker:** Member for Fyzabad.

**Dr. Bodoë:** Thank you, Prime Minister. And I am heartened to hear that negotiations are taking place. Prime Minister, would you be in a position to indicate perhaps how many doses of this drug are being looked at, at this time?

**Hon. Dr. K. Rowley:** No. Because what we are talking about is using it if it becomes available, and it is premature at this stage to be talking about number of doses.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Thank you very much. Prime Minister, can you give an assurance to the population that the Government will take all steps as you did with the Chinese Sinopharm vaccine by preordering before approval, so that we could ensure that when these drugs are approved we have already preordered a certain amount, and we will get it in good time to save the lives of citizens of Trinidad and Tobago?

**Madam Speaker:** Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker, we are in competition with no one, and we

spoke about the preparation to use in the same way we were in preparation to use Sinopharm when Sinopharm was being evaluated by the WHO. That is why I am able to say today that our authorities in the Ministry of Health, we have ongoing negotiations and contact with the possible suppliers. So I do not know exactly what difference the Member for Oropouche East is referring to. It is a standard procedure in preparation to use it in the event that it becomes approved.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Thank you, Madam Speaker. Prime Minister, are you aware that most of the supply for this current fiscal year by the company Merck has already been preordered by countries around the world?

**Hon. Dr. K. Rowley:** I am not aware of that.

**Madam Speaker:** Member for Pointe-a-Pierre.

**Train One  
(Alternate Supply of Gas)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the hon. Prime Minister: Given your statement that BP and Shell have indicated that they do not have a supply of Gas for Train One, Atlantic Train One, and a definitive decision will be made on the plant at the end of the first quarter in 2022, will the Prime Minister state the alternative supplies of gas that would be utilized to operate the plant until then?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the operations at Atlantic LNG are a matter for the operators and the shareholders. Train One remains a part of their infrastructure for LNG in Trinidad and Tobago, and the shareholders are actively engaged in how it may be operationalized or not operationalized. And I do not want the Member for Pointe-a-Pierre to paraphrase anything I have said. I have chosen my words very carefully and I have expressed

them publicly about the future of Atlantic LNG Train One. And those words are in the public domain.

And in terms of talking about the company saying that they have not, there are discussions; some of the discussions are in the public domain, some remain under the cover of confidentiality. There are negotiations going on, we are actively engaged, and as soon as the official position of the Government is available for the population, the population will be advised on any completion of such negotiations as we have done before.

**Madam Speaker:** Member for Pointe-a-Pierre.

**Mr. Lee:** Thank you. Thank you, Madam Speaker. Thank you, Prime Minister. Prime Minister, as we speak today, and given that NGC had invested over US \$33 million, do you know if LNG is being produced by Train One presently?

**Hon. Dr. K. Rowley:** I am glad that the Member for Pointe-a-Pierre has now accepted that he should not go around the country telling people that we have spent \$400 million on this matter, and is now prepared to use the accurate figure of US \$33 million, because all along he has been in the forefront of misrepresenting this situation.

**Hon. Members:** [*Desk thumping*]

**Hon. Dr. K. Rowley:** So I am very grateful that you are accepting that we spent \$33 million. Madam Speaker, \$33 million in a multi-billion industry, right, is in fact a manageable sum. And our negotiating position will not be prejudiced by any premature or negating of our colleagues on the Opposition who put misinformation in the public domain. [*Crosstalk*] And whether Train One, Two, Three—

**Madam Speaker:** Order. Order.

**Hon. Dr. K. Rowley:** Whether Train One, Two, Three or Four is operational is a

matter for all the shareholders, Madam Speaker. And I say no more at this time.

**Madam Speaker:** Member for Chaguanas East. [*Continuous crosstalk*]

**Dr. Moonilal:** Madam Speaker, Member for Port of Spain North is consistently involved in some crosstalk here and I cannot hear the Prime Minister.

**Mr. Imbert:** That is not true.

**Mr. Hinds:** Not true.

**Hon. Member:** Look you are involved now.

**Madam Speaker:** Members, the Prime Minister will be heard in silence. Let us conduct ourselves with the decorum that is required of us. Member for Chaguanas East.

### **China Railways Construction Company Limited (Details of Selection)**

**Ms. Vandana Mohit** (*Chaguanas East*): Thank you, Madam Speaker. To the hon. Prime Minister, will the Prime Minister indicate whether the select—[*Continuous crosstalk*]

**Madam Speaker:** Member for Port of Spain North/ St. Ann's West and Member for Oropouche East, if it is that the conversation that you all require needs to be of substantial length and volume, I will invite you all to go outside, complete your conversation and you are welcome to resume your seats. Member for Chaguanas East

**Ms. Mohit:** Thank you, Madam Speaker. To the hon. Prime Minister: Will the Prime Minister indicate whether the decision of China Railways Construction Company Limited to construct the terminal building at the ANR Robinson International Airport was done by sole select or competitive bidding?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, as a senior Member of this House and an older MP in this House, I am always very happy to assist and educate our young colleagues who seem not to be able to focus on the

business of the House. Madam Speaker, on the 11<sup>th</sup> of June, 2019, the National Infrastructure Development Company Limited, NIDCO, as the executing agency, issued an invitation to prequalified bidders for the project. And subsequently on the 9<sup>th</sup> of July, 2019, invited the following prequalified respondents to submit proposals utilizing a two-envelope system, technical and financial:

- A. China Railway Construction Caribbean Company Limited,
- B. Beijing Construction Engineering Group Company Limited,
- C. NH International Caribbean Limited,
- D. Power Construction Corporation of China, and,
- E. China Gezhouba Group Company Limited.

After evaluation by NIDCO, China Railway Construction Caribbean Company Limited was awarded the contract. On the 1<sup>st</sup> of November, 2019, China Railway was the only bidder at the RFP stage and was awarded a contract in the sum of US \$134 million for the main works in the construction of a terminal building and associated works at the ANR Robinson International Airport, and the upgrade works at the existing terminal.

The final price was validated by expert consultants procured by the Andean Development Bank. Madam Speaker, all of this information was in the public domain on many occasions from the appropriate authorized sources of the Government of Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you so much, Madam Speaker. Prime Minister, I have taken note of your answer. And, Prime Minister, are you aware of another piece of information that was in the public domain? Namely, that China Railway Construction Limited was debarred and banned from bidding for projects in World

Bank and other multilateral development banks' construction programmes as a result of being found guilty of fraudulent practices at the end of 2019? Are you aware of that in the public domain as well?

**Hon. Dr. K. Rowley:** Madam Speaker, I am not surprised that my colleague from Oropouche East would know that and I do not know it. We keep different company, so that kind of information—

**Hon. Members:** [*Laughter and desk thumping*]

**Hon. Dr. K. Rowley:** That kind of information will not be available to me, Madam Speaker. But I would not be surprised at all, Madam Speaker, because I mean, birds of a feather tend to flock together.

**Hon. Members:** “Ohhh.” [*Desk thumping*]

**Dr. Moonilal:** Thank you very much, Madam Speaker, and I was also amused by the response. Prime Minister, on the note of birds of a feather, could you indicate whether Inez Investment Limited, Allan Warner is a partner in the terminal construction and whether you have a business interest—

**Madam Speaker:** Member for Oropouche East. Member for Oropouche East—

**Hon. Members:** [*Desk thumping and crosstalk*]

**Hon. Dr. K. Rowley:** Madam Speaker, I did not hear the question. If the question is repeated I might be able to answer.

**Madam Speaker:** Well, it is a question that is out of order based on the original question and the response.

**Hon. Dr. K. Rowley:** Thank you, Madam Speaker.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Madam Speaker, to the Prime Minister. Prime Minister, are you aware whether or not in the public construction of the terminal building at ANR International Airport, Inez Investment, of your friend

Allan Warner, is involved in the construction with subcontracts? Are you aware of that?

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker, every citizen of Trinidad and Tobago is my friend.

**Dr. Moonilal:** Including Allan Warner.

**Hon. Dr. K. Rowley:** Including Allan Warner, but I am not aware that Allan Warner is involved in this project at Crown Point.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Prime Minister are you aware—

**Mr. Hinds:** [*Inaudible*]

**Dr. Moonilal:** Are you aware that—Madam Speaker, the dog killer is disturbing me.

**Madam Speaker:** As much as you all are friends—

**Hon. Member:** “He kill ah dog”.

**Madam Speaker:** As much as you all are friends and I encourage friendship among Members—

**Hon Member:** Marley was the name of the dog.

**Madam Speaker:** I think there is a certain standard—

**Mr. Hinds:** Yes.

**Madam Speaker:**—that we all rise to. [*Continuous crosstalk*] And yes, Oropouche East, I know you know the standard. Please ask your question.

**Dr. Moonilal:** Madam Speaker, you could depend on me to maintain my decorum here.

**Mr. Imbert:** On you?

**Dr. Moonilal:** Yes, finally, on this matter to the hon. Prime Minister. Prime Minister, could you indicate as of this time the completion time on construction of the terminal building in Tobago?

**Hon. Dr. K. Rowley:** No, I could not. But an appropriate question filed to the appropriate Minister can bring you a detailed answer.

**Madam Speaker:** Member for Caroni East.

**Anti-Viral Drugs from Merck and Pfizer  
(Reservation of)**

**Dr. Rishad Seecheran** (*Caroni East*): Thank you, Madam Speaker. Will the Prime Minister indicate to the House whether his administration through the Ministry of Health and/or the Ministry of Foreign Affairs will be intervening to have significant doses of the new Covid-19 Anti-Viral drugs reserved from Merck and Pfizer for Trinidad and Tobago?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, as I tried to explain in question 1, the same thing applies to this question 4. The drugs to which reference is made by Merck and Pfizer, they are not WHO approved at this time. However, the Ministry of Health has already proactively reached out to the Pfizer International and is awaiting a nondisclosure agreement to continue negotiations. As soon as the drug is approved, if it becomes approved and ready for distribution, the population will be informed and the necessary action would be taken to make it available once it is deemed to be useful for our purpose.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Prime Minister, the UK has ordered 480,000 courses, the US has ordered 3.1 million courses of this drug already, and they ordered it pending approval—

**Madam Speaker:** Member, you have 15 seconds and I know you are new, but the rule says “without preamble”. So if you could quickly get to the question.

**Dr. Seecheran:** Prime Minister, what I am trying to say is, why could we not have preordered these drugs pending WHO approval?

**Hon. Dr. K. Rowley:** Madam Speaker, I do not know what the Member for—

**Hon. Member:** Caroni East.

**Hon. Dr. K. Rowley:**—Caroni East understands when it is said that we are in contact, negotiations are taking place. I have not attempted to indicate what the negotiations are, where they are at or what we are doing there beyond that statement. So, I would not be giving the impression that we are sitting on our hands or doing nothing. That statement I just made indicates that we are in preparation to use it in the event that we can have it, and that it is approved. And to tell me that the British did it and the Germans did it, that does not change our position. Because there are things that they are doing that we do not do. And there are things that they are doing that we will do. So, Madam Speaker, we are in fact preparing to use them in the event that they become available and become certified.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Prime Minister, would you say that the vaccine procurement fiasco of last year will be avoided this year with the procurement of the new drugs?

**Hon. Dr. K. Rowley:** The only vaccine fiasco that we had last year is when you and your friends tried to undermine the vaccination programme.

**Hon. Members:** [*Desk thumping*]

**Dr. Seecheran:** Madam Speaker, I did not hear what he said. Could he please repeat it?

**Hon. Dr. K. Rowley:** I said the only fiasco we had in the vaccine programme is when you and “yuh” friends tried to undermine it by telling people—

**Hon. Members:** [*Desk thumping*]

**Hon. Dr. K. Rowley:**—do not use it and that they are guinea pigs and they should

not use it. And that you came out publicly and pretended being vaccinated but privately you are telling people do not use it. And you have been a major “underminer” of our vaccination programme.

**Hon. Members:** [*Desk thumping*]

**Dr. Seecheran:** Madam Speaker, I would like the Prime Minister to withdraw that because he has to back that up.

**Hon. Members:** [*Desk thumping*]

**Dr. Seecheran:** He has to back that up.

**Madam Speaker:** Member for Mayaro.

### **COP26 Deliberations (Details of)**

**Mr. Rushton Paray** (*Mayaro*): Thank you very much, Madam Speaker. Arising out of the critical deliberations at COP26, will the Prime Minister inform the House what specific policy decisions does the Government intend to undertake to prepare this country for a net-zero Carbon Environment and what precisely will be the societal impact of same?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the COP26 is just coming to an end this weekend and we await the decisions or the outcome of those far-reaching negotiations, discussions, entreaties, and so on. With respect to where the Government is at now, prior to this weekend's news a public statement has been made on that as to what we have done, what we are doing. And I want to give the Member the assurance that as soon as the incoming outcome of COP26 is available, an appropriate statement, an appropriate detailed statement, will be made to colleagues of this House so that the national position can be crystal clear based on what we are doing now, and what we intend to do going forward.

Suffice it to say, Madam Speaker, that we know that we have to make

certain adjustments and changes, but we will make haste slowly so as not to damage our interests in the process.

**Madam Speaker:** Member for Mayaro.

**Mr. Paray:** Thank you, Madam Speaker. Prime Minister, would you be in a position to offer policy or legislative direction to ensure that this administration or any administration coming in, sticks to the 2030/2040 delivery for the net-zero agreements out of COP26 and so on?

**Hon. Dr. K. Rowley:** Madam Speaker, we are already on track to doing that. We have taken steps towards electrification of motor transport. We have taken steps to significantly expand our sustainable power production, targeting 10 per cent with respect to the power systems that we are putting in place now. All the preparatory work is done. We have got the investment lined up and we are aiming to do 30 per cent by 2030. We are talking about reforestation programmes; we are talking about ensuring that we use the sustainable resources that are available to us.

So we are already beginning those things, Madam Speaker, and we committed at COP and to the national community, and to the world, that we will be going down that road. But as a producer of hydrocarbons, largely gas, and to a certain extent oil, we will continue in those businesses as long as there is an international market for them.

**Madam Speaker:** Member for Naparima.

### **52 Intensive Care Unit Beds (Details of)**

**Mr. Rodney Charles** (*Naparima*): Will the Prime Minister inform this House why there are only 52 Intensive Care Unit beds for a population of 1.4 million people when some \$5 billion has already been spent on the Covid-19 pandemic?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the information

with respect to the population size and the number of beds is not new. We are one of the few countries in the world, Madam Speaker, that have a parallel health care system. Meaning that, without interfering with the dispensing of health care to the population in the normal way that the population would require health care delivery, we created in the early days of the pandemic this health care system. And the Ministry's response in March 2020 started with two ICU beds in Couva specifically for persons who would have been afflicted from COVID-19.

ICU bed capacity has since significantly increased from 35 beds to include an additional 31 ICU beds at ward level, and an additional 16 beds at the accident and emergency level. This represents 100 per cent increase over that period of time, Madam Speaker.

The Ministry took a further decision to activate 16 more ICU beds in Trinidad and six more in Tobago. This will bring our total ICU capacity up to 104 and not 52; 104 ICU beds, Madam Speaker, in the nation. This increase in ICU bed capacity will also be with the procurement of the requisite equipment, that is: ventilators, high-flow nasal cannula, and 100 ICU-trained nurses, 50 of the Ministry's COVID response in March 2020 with two ICU beds in Couva. ICU bed capacity has since significantly increased from 35 to include an additional 31 beds at ward level, and 16 beds at accident and emergency.

Madam Speaker, it is important to note that when you speak about beds in the hospital it is not just the physical structure upon which a patient will lie. But more importantly, Madam Speaker, is the health care givers, the doctors and the nurses. So for each bed you add to the system you require a significant number of highly trained personnel, and we take that into account, Madam Speaker.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Could the Prime Minister give a breakdown of the ICU beds plus

nurses, et cetera, ancillary staff in the parallel system and those in the system related to COVID?

**Hon. Dr. K. Rowley:** Madam Speaker, I do not know what “kafufflery” is going on here. I just said that in response to COVID we created a separate and parallel health care delivery system. We started with two ICU beds for that. We are now at 104 and we have been dispensing services to the COVID inflicted persons in a parallel way. So I do not understand the question. The question is meant to confuse the public.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** There was recently, Prime Minister, a fire in Point Lisas. In the event of a major fire, state what contingency measures are in place at the level of ICU beds to deal with such an issue?

**Hon. Dr. K. Rowley:** What question is that?

**Madam Speaker:** Member. Member, that supplemental question is out of order based on the original question asked.

**Mr. Charles:** What percentage of the beds in the ICU units in Trinidad and Tobago are occupied at this moment?

**Madam Speaker:** Member, again, I will guide you to the Standing Orders with respect to what are matters for Prime Ministerial questions. I rule that this question is out of order. You can pursue it in another way. Member for Couva South.

### **United Nations Conference on Climate Change (Names and Positions of Delegation)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you very much, Madam Speaker. Prime Minister, will the Prime Minister provide this House with the names and positions of the Trinidad and Tobago's delegation to the United Nations Conference on Climate Change, COP26 which was recently held in Glasgow, Scotland?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, Trinidad and Tobago had full delegation to the COP26. We had a significant number of specialists who were involved in preparation for our climate change response, and when the conference was called we were in a position to participate fully. The delegation came from three Ministries and other areas of interest.

From the Office of the Prime Minister, the delegation involved the Prime Minister of Trinidad and Tobago, the Minister in the Office of the Prime Minister, Minister Stuart Young who is also Minister of Energy and Energy Affairs. Also, from the Office of the Prime Minister, we had Mrs. Abby Brathwaite, Deputy Press Secretary to the Prime Minister, and two special branch officers as the standard. From the Ministry of Foreign and Caricom Affairs came Sen. the Hon. Dr. Amery Browne, Minister of Foreign and Caricom Affairs; Mr. Kirk Francois, Deputy Permanent Secretary, Office of the Prime Minister, and operating out of the Ministry of Foreign and Caricom Affairs; Ms. Nikeisha Smith, Senior International Relations Officer, Multilateral Relations Division, Ministry of Foreign and Caricom Affairs. From the Ministry of Planning and Development, the Minister of Planning and Development, Mrs. Camille Robinson-Regis; Mr. Kishan Kumarsingh, Head of the Multilateral Environmental Agreements Unit, Ministry of Planning and Development; Ms. Cindy Singh, Climate Change Specialist, Multilateral Environment Agreement Unit, Ministry of Planning and Development.

We had some other people who were part of the delegation but they were funded by their own agencies. These include Ms. Crystal Lawrence, Environmental Officer II, Division of Infrastructure Quarries and Environment, Tobago House of Assembly; Ms. Rueanna Haynes, Director, Climate Analytics Caribbean—

**2.00 p.m.**

**Madam Speaker:** Prime Minister, your time is now spent. Member for Couva

South.

**Mr. Indarsingh:** Thank you very much. Prime Minister, based on the information you have just provided to the House, can you inform this House of the full cost of Trinidad and Tobago's delegation to the COP26 Conference which has been incurred by the State?

**Hon. Dr. K. Rowley:** I could not at this point in time. But if the appropriate question is asked with the appropriate notice, the full details can be made available to this House.

**Investigation into Granting of Firearm User's Licences  
(Financial Compensation)**

**Mr. Rudranath Indarsingh (Couva South):** Thank you very much. Will the Prime Minister inform this House if any financial compensation has been paid to two private citizens who were employed by the Office of the Prime Minister to conduct an investigation into the granting of firearms users' licences by the Trinidad and Tobago Police Service?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, it is clear that many of our colleagues pay no attention to the proceedings in this House and just as I was happy to advise and educate the Member for—is it Chaguanas East?—I will do so and assist my colleague from Couva South, except that he is not a new Member, he is a senior seasoned Member.

Madam Speaker, on September 15<sup>th</sup>, Wednesday the 15<sup>th</sup> of September, 2021, in this House, and I quote with your indulgence, Madam Speaker, from *Hansard*, and this took place in this House where this question was asked and the answer was as follows, Madam Speaker. The question was asked by my colleague from Oropouche East actually and it said:

Is the—“...Prime Minister...prepared to say what was the cost of the

venture undertaken by retired Rear Admiral Pritchard and retired police Barrington?"

The same question as this one. And the answer was, Madam Speaker, coming from me in my capacity as Prime Minister, I said:

"Madam Speaker, contrary to the misinformation and obsession with this matter, there has been no cost associated with this matter."

So I fail to see how my colleague from Couva South could come back here today and ask the same question on the same issue and so you have the same answer. There has been no cost associated with it.

**Madam Speaker:** Hon. Members, the time allotted for Prime Minister's Questions 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 are four questions for oral answer. The Government will be answering all four and there are no questions for written answer. Thank you.

**Madam Speaker:** Member for Mayaro.

**Mr. Paray:** Thank you very much, Madam Speaker. Madam Speaker, for declaration, I am a small businessman in Trinidad and Tobago so I am asking some business questions so I do not get the wrath.

**Hon. Members:** [*Crosstalk*]

### ORAL ANSWERS TO QUESTIONS

#### Registered Small Businesses (Number of)

4. **Mr. Rushton Paray** (*Mayaro*) asked the hon. Minister of Trade and Industry:

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Will the Minister provide the total number of small businesses registered in Trinidad and Tobago?

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you very much, Madam Speaker. Madam Speaker, micro, small and medium enterprises are a major catalyst to economic activity in Trinidad and Tobago and they contribute to the country's GDP, create employment and undertake innovation. MSEs also play a major role in social empowerment, poverty alleviation and economic transformation and is a source for the economic participation of women, youth and the disabled.

And, to put MSMEs into context in Trinidad and Tobago, a microenterprise is defined by the Central Statistical Office as having a staff complement of between one to five employees and an annual sales turnover of less than TT \$250,000. A small enterprise is defined as having a staff complement of between six and 25 employees, an asset base of up to \$1.5 million, excluding real estate, and sales of TT \$250,000 to \$5million. A medium enterprise is defined as having a staff complement of between 26 and 50 employees, an asset base of up to \$5 million, excluding real estate, and sales of TT \$5 million to \$10million. However, various agencies use different criteria to define SMEs. For example, in terms of the SME guaranteed loan facility being provided by the Ministry of Finance, the upper limit for annual sales has been set at \$25million.

And using the CSO criteria, the CSO in its last survey of business establishments in 2018 estimated that there are approximately 16,547 registered businesses classified as MSMEs in Trinidad and Tobago which accounts for approximately 85 per cent of all registered businesses. And these enterprises operate mainly in the following subsectors: wholesale and retail trade are 7,299 firms; accommodation and food services, 2,828 firms; construction, 892 firms;

manufacturing, 814 firms; and other, 4,714 firms. Thank you.

**Madam Speaker:** Member for Mayaro.

**Mr. Paray:** Thank you very much, Madam Speaker. Hon. Minister, would you be able to identify a particular reason why we have had such a precipitous decline in small business registrations from our 2011 peak of around 20 to 25,000 small and medium enterprises in Trinidad and Tobago?

**Sen. The Hon. P. Gopee-Scoon:** I can say with confidence that I know that there are many more than the 16,000 which I quoted at the year 2018. I can tell you that the MSE sector is comprised of many micro and small businesses, many of which are unregistered and therefore, the 16,000 figure, I do not think it is the accurate figure. And many of them are unregistered because they have very weak structures and management structures, and so on. And therefore, it is as a result of that, that the hon. Minister of Finance in the last budget made the allowance for a \$50million grant facility for that prime purpose of ensuring that many of these small and microbusinesses can in fact migrate from being unregistered to being registered and into the formal sector.

**Madam Speaker:** Member for Mayaro.

**Mr. Paray:** Hon. Minister, has there been any particular directive or policy put in place to capture these informal small businesses so we would avoid the issues that we would have had with these businesses not being registered to access the grants and so on that the Government had put in place?

**Sen. The Hon. P. Gopee-Scoon:** Well—and I will tell you something, it is the very same thing that I just said, they need hand-holding and the Ministry at this time, these challenging times, has made that allowance for a \$50million facility. The Ministry of Finance, I know at this time, is formulating the delivery of all of these services that would assist these businesses in the migration from the informal

into the formal sector. I can assure you that within the next month or two, the Minister of Finance would be able to lay out, with some degree of specification, how this programme is going to roll out.

**Imposition of the Curfew Period  
(Approximate Losses by Small and Medium Enterprises)**

**5. Mr. Rushton Paray** (*Mayaro*) asked the hon. Minister of Trade and Industry:

Will the Minister inform the House what is the approximate value of monthly losses incurred by small and medium enterprises as a result of the imposition of the curfew period?

**Madam Speaker:** Minister of Trade and Industry.

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you very much, Madam Speaker. Madam Speaker, the Member for Mayaro continues to ask the very same question in different ways which is really unfortunate as the Parliament's time could be better utilized by those on the other side to improve the country rather than seeking to create these repetitive distractions. And, Madam Speaker, the Minister of Finance at the last sitting of this honourable House, in reply to Question No. 1 on the Order Paper, reminded the Member for Mayaro that Trinidad and Tobago, like every other country in the world, has been negatively impacted by the COVID-19 pandemic.

The Government of Trinidad and Tobago was forced to adopt measures to contain the spread of this deadly virus while simultaneously establishing a safety net for the most vulnerable households and businesses, and these mitigation measures have had negative social, financial and economic effects. All firms, including SMEs, all firms have been negatively impacted. However, it is a fact that a number of SMEs are unregistered which has made it difficult to determine the approximate value of monthly losses incurred by these firms, notwithstanding the

Government has been very proactive in attempting to mitigate these effects and several additional measures were announced by the Minister of Finance in the 2022 budget which would further assist small and medium-sized enterprises. And some of these measures implemented by the Government included increased access to finance through the revised Government guaranteed loan programme with the Government now guaranteeing 100 per cent of the principal borrowed; extending coverage for the purchase of fixed assets excluding purchase of residential property; increase in the repayment period from five to seven years and to allow a 24-month moratorium on principal repayments; also, the NEDCO grant facility; also, the small business liquidity support facility; the credit union soft loans and also, the junior stock exchange.

In addition, there are a number of capacity-building initiatives: provision of \$50 million in professional services in support to SMEs in the areas of accounting services, recordkeeping, training, management, inventory control, health and safety, to ensure meeting statutory obligations thereby strengthening these businesses for growth and to become sound exporters on the international stage. And then, of course, the introduction of fiscal incentives, VAT refunds to businesses and tax incentives as follows: reduction in the corporation tax rate by 5 per cent for three years for significant exporters of local goods, with an annual revenue of over \$500,000; reduction of corporation tax rate by 5 per cent for three years by SMEs whose core business is technology solutions, digitization and construction; tax exemption of 50 per cent on the first \$100,000 of chargeable income for the first year and the first \$200,000 of chargeable income for the second year to the new SMEs whose core business activities are related to digitization and technology solutions.

So that the Government recognizes the importance of small and

medium-sized enterprises to the overall development of the economy and continues to implement measures to assist SMEs during the COVID-19 pandemic.

Madam Speaker, thank you.

**Increased International Shipping and Freight Costs  
(Measures taken)**

7. **Mr. Rushton Paray** (*Mayaro*) asked the hon. Minister of Trade and Industry:

Could the Minister indicate what specific measures are being taken by the Government to address increased international shipping and freight costs to the public?

**Madam Speaker:** Minister of Trade and Industry.

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you very much, Madam Speaker. Internationally, ocean freight rates have been rising since 2020 causing the price of shipping goods, globally, to escalate. Based on data from the United Nations Conference on Trade and Development, UNCTAD, in its April 2021 policy brief, some ocean freight rates have increased by as much as 443 per cent since the start of the pandemic in 2020 to April 2021. Looking at the factors contributing to a rising freight and shipping cost globally, these factors include a global shipping container shortage; continued global imbalances in the production and demand for goods; poor congestion and closures which have contributed to delays in locations such as Los Angeles and Long Beach; disruption to supply chains and periodic disruptions in shipping operations and logistics such as the blockage of the Suez Canal.

The increase in shipping and freight cost is one of the factors that is causing many countries to experience imported inflation. However, inflationary effects are also being felt in the agriculture and in the food industry, and this is due to the adverse weather conditions such as floods and wildfires in major agriculture and

food-producing countries such as the United States of America, Canada, Australia, Europe, and all of these have led to a rise in food prices. And according to the UN Food and Agriculture Organization, FAO, its monthly food price index, global food prices shot up nearly 33 per cent in September 2021, compared with the same period the year before, September 2020. It is reaching levels not seen since 2011.

So that the Government is aware of the contagion effect of higher shipping and freight cost on imported inflation and the overall cost of living in Trinidad and Tobago. And to this end, the Government has implemented a series of measures to mitigate the impact of inflation on consumers and these measures include: suspension of the common external tariff on a selected list of over 20 basic foods items; import substitution of a selected list of items which seeks to encourage local production and increased export opportunities for the local manufacturing sector; an increase in the allocation of foreign exchange to the EximBank to the extent of US \$650 million; implementation of a \$500million agriculture stimulus package; strengthening of the domestic farm-to-market supply chain; removal of value added tax on basic food items to reduce the impact on inflation on families, and increase in monitoring of prices through the Consumer Affairs Division. Madam Speaker, I thank you.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Mayaro.

**Mr. Paray:** Thank you very much, Madam Speaker. Minister, would you say that or would you agree that this is an extra-regional cost that comes in and the State has the ability to use the local taxing regime to reduce that CIF—that final CIF so it can bring relief to thousands of consumers?

**Sen. The Hon. P. Gopee-Scoon:** Yes. Madam Speaker, one has to be very careful about the approach that you are suggesting. We belong to the Caricom regime and

therefore, we cannot take standalone decisions without looking at the effect of it on the rest of the region. We do not operate alone when it comes to matters of duties, et cetera. So that the approach has to be a very careful one. And what I can say to you, that only this week—the first two days of this week, members at the technical level would have had discussions on this particular topic at the COTED meeting, which is the Council for Trade and Economic Development. And so, on the 23<sup>rd</sup> and 24<sup>th</sup> of this month, Ministers would meet at the COTED to reflect on this very topic which is on the agenda.

I can tell you that as a Government we recognize the seriousness of it and its impact on business and its impact on consumers and therefore, we will be treating with it as a region on it and not in fact acting unilaterally. Thank you very much.

**Naparima Constituency**  
**(Comprehensive Geotechnical Survey of Roadways)**

**17. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Works and Transport:

In the light of the rapid deterioration of numerous roadways in the Naparima constituency, will the Minister state when the constituency can expect a comprehensive geotechnical survey of roadways to be conducted?

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

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Sinanan:** Madam Speaker, the Ministry of Works and Transport has been collaborating with two geologists from the Ministry of Energy and Energy Industries with an aim to assess landslips along key roads including the Mandingo Road, Naparima Mayaro Road, Lengua Road and the Saint Julien Road, and other suspected areas within the constituency of Naparima, Princes Town and

Moruga/Tableland. Roads in these areas are built on ridges and as such, landslips and other geological factors, such as top of slope, ethology and soil saturations are the main causes of the deterioration and road conditions within their vicinity. Water leaks from utilities, the removal of vegetation on slopes, as well as rainfall intensity are also factors which have exacerbated these landslips.

Arising out of the investigations and studies conducted from April to June 2021, the Highways Division has moved to update the current landslip inventory for the prioritization of critical landslips for repairs. Additionally, a study on the current structure of the main road in these areas will be initiated with a view to develop a capital project to strengthen and improve the roadways in these areas. I thank you.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Could the Minister of Works and Transport indicate a time frame when the study would be completed so that the capital works could begin?

**Sen. The Hon. R. Sinanan:** Madam Speaker, whenever there are landslips and so in the area, before any work is done, a study is commissioned to inform us as to the way forward. So this is an ongoing exercise and it is an exercise—because, as I said, because of the area, the Central and Southern Range and the challenges in the area, it has to be an ongoing function. Thank you.

**Miscellaneous Provisions (2019 Novel Coronavirus (2019-nCoV)  
Vaccination Personnel) Bill, 2021**

Bill seeks to amend the Emergency Ambulance Services and Emergency Medical Personnel Act, Chap. 29:02; Pharmacy Board Act, Chap. 29:52; the Nursing Personnel Act, Chap. 29:53; the Dental Profession Act, Chap. 29:54; the Veterinary Surgeons (Registration) Act, Chap. 67:04; the Professions Related to Medicine Act, Chap. 90:04 to authorise additional personnel to administer 2019

Novel Coronavirus (2019-nCoV) vaccines under the direction and supervision of medical practitioners [*The Attorney General*]; read the first time.

*Motion made:* That the next stage be taken later in the proceedings. [*Hon. F. Al-Rawi*]

*Question put and agreed to.*

**JOINT SELECT COMMITTEE  
(Appointment of)**

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

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you. Thank you very much, Madam Speaker. Madam Speaker, whereas it has become necessary to make appointments to joint select committees, I beg to move that this House agree to the following appointments:

Mr.Saddam Hosein in lieu of Mr. Dinesh Rambally on the Joint Select Committee on Finance and Legal Affairs.

Mr.Barry Padarath in lieu of Mr. Saddam Hosein on the Joint Select Committee on Land and Physical Infrastructure.

Ms. Vandana Mohit in lieu of Mr.Rudranath Indarsingh on the Joint Select Committee on Social Services and Public Administration.

Mr. Rudranath Indarsingh in lieu of Mr.David Lee on the Joint Select Committee on State Enterprises.

Ms. Anita Haynes in lieu of Mr.Barry Padarath on the Joint Select Committee on Human Rights, Equality and Diversity.

Mr. Ravi Ratiram in lieu of Ms.Vandana Mohit on the Parliamentary Broadcasting Committee.

*Question put and agreed to.*

**TRINIDAD AND TOBAGO REVENUE AUTHORITY BILL, 2021**

*Order for second reading read.*

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker.

Madam Speaker, the Bill before the House—firstly, I beg to move:

That a Bill to establish the Trinidad and Tobago Revenue Authority and for related matters be now read a second time.

Madam Speaker, as we have said on many occasions previously, in various incarnations of this legislation, this Bill has had a long and winding road that has taken us as a country to the point we are today where we are almost at the end in terms of establishing the legislative framework for a new Trinidad and Tobago Revenue Authority. The first attempt to establish a revenue authority in Trinidad and Tobago commenced over 10 years ago when the then Government introduced the Trinidad and Tobago Revenue Authority Bill, 2010, in January of 2010. That Bill lapsed in April of 2010.

A second Bill, the Trinidad and Tobago Revenue Authority Bill, 2018, was introduced in Parliament in May of 2018 and referred to a joint select committee on that same day. The committee established to consider and report on the Bill was chaired by the Minister of Finance. It held 13 meetings over the course of the Third and Fourth Sessions of the Eleventh Parliament and issued invitations to a wide cross-section of stakeholders, including Inland Revenue Division; Customs and Excise Division; Central Bank; Financial Intelligence Unit; Customs Clerks' and Customs Brokers' Association; Institute of Chartered Accountants; National Union of Government and Federated Workers; Service Commissions Department; American Chamber of Commerce; Couva/Point Lisas Chamber of Commerce; Energy Chamber; Tobago House of Assembly; the University of the West Indies, Faculty of Social Sciences, the Joint Trade Union Movement, among others. These are the entities that actually appeared before the committee or submitted submissions to the committee.

The report of that Joint Select Committee was laid in the House in May 2019 and in the Senate also in May 2019. As is well known, there was a minority report by Members of the Opposition in the same May 2019, which disagreed with the views of the majority of the committee. The Opposition did not support the 2018 Revenue Authority Bill which resulted in the Bill being withdrawn in September 2019, after the Motion to adopt the committee's report was made in the House. A third Bill, the Trinidad and Tobago Revenue Authority Bill, 2019, was introduced in the Senate in November 2019 and approved in that place with amendments in May of 2019. That Bill lapsed in July 2020. Each of those past Bills required the support of a special majority of three-fifths of each Member of each House—three-fifths of the Members of each House of Parliament to be successfully passed. They could not be passed without the support of the Opposition.

Accordingly, Madam Speaker, for the last 11 years, despite the well-documented benefits that will redound through the establishment of a modern revenue authority, they have resolutely, irrevocably, I dare say, stubbornly, resolved that they will not support a modern revenue authority in Trinidad and Tobago. So after 11 years of trying to convince the Opposition to do what is right, the Government has come up with a solution to end this deadlock that is seamless, that is elegant and in keeping with the rule of law. Before I go into the solution, let me talk a little bit about the inefficiencies of the current system. Despite numerous debates, numerous stakeholder consultations, deliberations in joint select committees and the voluminous information at the disposal of all Members of this House, the question as to why we need a revenue authority can be answered with ease.

**2.30 p.m.**

The benefits include vastly improved efficiency of business for all, greater

revenue collection and better management of the State's main revenue collecting agencies. The inefficiencies of the current system, especially in relation to the Inland Revenue Division, are well documented and have been addressed in this Parliament ad infinitum on prior occasions. Let me just briefly remind the Members of what we have said in this Parliament before.

In 2017, the Inland Revenue Division was assessed by the regional office of the IMF, CARTAC, using the Tax Administration Diagnostic Tool, or TADAT. This tool allowed us in Trinidad and Tobago to get an independent assessment which utilized a scientific approach on the performance of the current tax administration system. That TADAT report highlighted that out of 28 high level indicators, Trinidad and Tobago received the following ratings: two A ratings, one B rating, seven C ratings, and the majority, 18 D ratings, the worst rating. The IMF then conducted a post-TADAT strategic review, working with management and staff of the Inland Revenue Division, and looked at 13 specific weaknesses, identified key priority areas which, if improved, could achieve maximum impact on revenues.

Implementation of the solutions agreed to is ongoing, but is constrained by a lack of human resources, which is a matter for the independent Public Service Commission. That is one of the biggest problems that we have in terms of staffing. The population of the Inland Revenue Division and the Customs and Excise Division is entirely dependent on the speed at which the Public Service Commission operates and, having experienced the operations of the Public Service Commission now for 30 years, Madam Speaker, every year it is the same old story. In key divisions throughout the public service, sometimes the vacancies are as much as 50 per cent of the established posts, sometimes more than that. Certainly in key divisions, such as the Customs and Excise Division and the Inland Revenue

Division, no government, whether a PNM Government or a UNC Government, has been able to deal with this problem, specifically because these positions are the purview of the Public Service Commission, which is independent of the Executive.

The IMF also in 2019 conducted a Value Added Tax gap study for the period 2012 to 2017. The results indicated that there is a VAT cap or, in other words, VAT is not being collected at around 5 per cent of GDP, \$7.5 billion that is. That \$7.5 billion gap consists of two main components, a compliance gap and a policy gap. The policy gap would of course be as a result of various items that are zero-rated, such as basic foods, but the compliance gap is at least 50 per cent of that. So that, based on the study by the expert from the IMF, there is at least three and a half to \$4 billion in VAT that could be collected on an annual basis, if all taxpayers complied with their obligations. The tax gap in Trinidad and Tobago is above average for an emergent market economy.

Recently in a report on Trinidad and Tobago, a 2020 report by the Oxford Business Group, they confirmed that the Caribbean Regional Technical Assistance Centre has referred to Trinidad and Tobago's current tax administration system as highly inefficient. According to the World Bank, the average time necessary to file three major taxes is around 210 hours per year, and the score for the post-filing index, which takes into account the time needed for value added tax refunds to be processed and comply with an income tax correction, was 19.5 points out of 100. As such, the overarching aim of the new TTRA will be to make our antiquated tax regime far more efficient, and enhance far better taxpayer compliance.

Based on all the expert advice that we have, we expect that once the Revenue Authority is established that this could—once everybody does their work—result in increased collections over the medium term, such as for the first year after establishment, 1 per cent of GDP, approximately one and a half billion

dollars in additional revenue, rising to \$3.2 million in additional revenue after the first two to three years. We believe that the establishment of the Trinidad and Tobago Revenue Authority will ensure that revenue collection is approached as a world-class business, rather an adjunct or a corollary of the problems with the public service in Trinidad and Tobago.

Now the Bill before us, Madam Speaker, has been debated in various forms three times already. We have gone through the merits of the various clauses on several occasions. It has been the subject of joint select committee scrutiny and, therefore, it is not in my view, with the limited time available with the COVID restrictions appropriate to spend time going through every single clause. What we consider to be more appropriate is, Madam Speaker, dealing with the whole question of what is different about this legislation to the Bills before, and why we believe we can now establish a revenue authority using a simple majority Bill rather than a special majority Bill.

How much time do I have, Madam Speaker?

**Madam Speaker:** Your time expires at 2:54:40.

**Hon. C. Imbert:** So that is about 17 minutes, that is fine.

The difference between this Bill and previous incarnations of the Trinidad and Tobago Revenue Authority Bill is the creation of a division entitled the Enforcement Division of the Revenue Authority. This is introduced in the Bill at clause 14, specifically clause 14(3), and the Leader of the Opposition sotto voce told me over the floor on Wednesday that when we debate this Bill, as soon as we proclaim it or before, who knows, the Opposition will take us to court. Well they are free to do that. We have sought our advice, and we are satisfied that we have come up with a solution that falls within the four corners of the law.

We believe that this Bill does not create any new power of enforcement in

relation to the revenue laws, and that is a fact, for the authority, that either the Customs and Excise Division or the Inland Revenue Division does not currently possess. Let me repeat that. This Bill does not create any new power of enforcement in relation to revenue laws for the Revenue Authority, that the Customs and Excise Division or the Inland Revenue Division do not currently possess.

Consequently, if the enforcement powers under the revenue laws are unconstitutional now with the passage of this Bill, then they are already unconstitutional, and this is the first argument that can be advanced explaining why the Bill does not require a special majority. Any constitutional challenge to this Bill must be centred around the examination of who will apply these enforcement powers. This is why we have created this special enforcement division.

The division is tasked solely, and to the exclusion of the remaining departments, divisions and units of the Revenue Authority, to perform enforcement powers found under existing revenue laws. This will be executed by a cadre of public officers appointed by the Public Service Commission, and the usual protection afforded to these public officers will be maintained. The guarantees contained in the Bill are the typical hallmarks of independent office holders and not mere window dressing.

For example, clause 13(5) establishes that the terms and conditions of the Deputy Director General Enforcement are subject to the Salaries Review Commission and, therefore, not subject to the executive. Clause 13(4) of the Bill guarantees security of tenure for the Deputy Director General Enforcement, and that is the person who is in charge of the Enforcement Division. Let me make that clear. You have a Director General for the Revenue Authority as a whole, and you have a Deputy Director General in charge of enforcement. So clause 13(4)

guarantees security of tenure for the Deputy Director General Enforcement, as opposed to the Director General, who is subject to appointment by the board and so on, and the other deputy director generals.

Clause 14(4) guarantees that the appointment, removal, transfer and exercise of disciplinary control over the officers in the Enforcement Division, will rest solely with the Public Service Commission.

Clause 18(2)(c) provides for transfers into the Enforcement Division from the wider public service, and clause 23(4) guarantees that the salaries and allowances payable to officers in the Enforcement Division shall be a charge on the Consolidated Fund. Accordingly, the creation of the Enforcement Division is intended to maintain the status quo that currently obtains at the Customs and Excise Division and Inland Revenue Division, as it relates to the enforcement of the revenue laws. In other words, only public officers appointed by the Public Service Commission can exercise these enforcement powers.

The importance of the Public Service Commission, well recognized before our courts, by the much-cited division, which Members opposite like to trot out, without sometimes having a proper understanding of it, the well-cited division of *Endell Thomas v The Attorney-General (Trinidad & Tobago) 1982, AC113*, and in that case Lord Diplock famously said:

“The whole purpose of Chapter VIII of the Constitution which bears the rubric ‘The Public Service’ is to insulate members of the civil service, the teaching service and the police service in Trinidad and Tobago from political influence exercised directly upon them by the Government of the day. The means adopted for doing this was to vest in autonomous commissions, to the exclusion of any other person or authority, power to make appointments to the relevant service, promotions and transfers within the service and power

to remove and exercise disciplinary control over members of the service.”

I want to re-emphasize, therefore, that the Enforcement Division will be subject to the Public Service Commission.

Lord Diplock went on to say:

“In respect of each of these autonomous commissions the Constitution contains provisions to secure its independence from both the executive and the legislature. No member of the legislature may serve on the commission; all members must be appointed for a fixed term of years which must not be less than three or more than five, during which a member may only be removed for inability to discharge his function or for misbehaviour.”

Additionally, Madam Speaker, in the recent 2020 decision of the Privy Council, *Chief Fire Officer and another (Respondents) v Felix-Phillip and others (Appellants) (Trinidad and Tobago)* [2020] UKPC 12, Lady Arden, after citing *Endell Thomas*, went on to state:

“...the core principle of appointments and promotions by or under the supervision of an independent person or body remains. This is also the important principle on which judicial appointments are made in the United Kingdom,...”

There is, therefore, universal acceptance that the best manner in which to establish insulated officeholders is through the mechanism of a constitutionally independent body. The independence of the officeholders in the proposed Enforcement Division will be underpinned by the protection afforded by the independent Public Service Commission.

Deeper link to all of this is the principle of separation of powers, and if I wax a little philosophically, the philosopher Montesquieu in his seminal body of work known as “*The Spirit of the Laws*” illustrated by way of example the chaos

that would ensue if the concept of separation of powers were discarded, and he said:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise lest, the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner... there is no liberty, if the judiciary power be not separated from the legislative and the executive.”

In *Hinds v the Queen*, (1976 1 All E.R. 353), the importance of ensuring that certain powers are exercised by the right people is clearly demonstrated. In *Hinds*, the Privy Council held that the exercise of judicial functions by the executive was unconstitutional. We, therefore, believe that our Enforcement Division, the construct of our Enforcement Division, is in harmony with the Constitution.

The public officers in this division will be appointed by the same independent body that appoints officers of the Customs and Excise Division and the Inland Revenue Division. The Bill therefore strikes a fine balance between ensuring that the inefficiencies of the public service, the current inefficiencies, will be balanced by the administrative functions that we are going to create in the new Revenue Authority.

Before I finish this legalistic part of my presentation, there is legislative precedent for what we are doing that is decades old, and that is found in the Municipal Corporations Act, passed in 1990 without a special majority. In the Municipal Corporations Act, the Act passed without being found to be inconsistent with the Constitution. There is a police force which exercises police powers, the municipal police force, and the similarities between this Bill and the Municipal Corporations Act do not simply stop there. Section 8 of the Municipal

Corporations Act establishes the municipalities as bodies corporate, just like clause 5(1) of this Bill, which establishes the Revenue Authority as a body corporate.

So, Madam Speaker, if one looks very closely at the Municipal Corporations Act, section 54 creates the power of arrest without warrant. On the contrary, this Bill creates no new powers of enforcement, not one. We believe, therefore, the Enforcement Division is consistent with the status quo. It follows the principles enunciated in *Endell Thomas*. It respects the principle of separation of powers, and it follows the model in the Municipal Corporations Act.

Let me just deal briefly with the other aspects of the Bill, and much has been made of this, mischievously, by Members opposite. The Enforcement Division will not be subject to the direction of any politician. The administrative head of the Revenue Authority, the Director General, will be selected by a board appointed by the executive, which is only natural.

We expect with this hybrid model, because that is what it is, we are leaving the enforcement powers in the public service, because our friends opposite have refused steadfastly to allow us to move forward with a modern revenue collection agency, and we are taking all of the technical administrative elements that currently exist within the Inland Revenue Division and the Customs and Excise Division, and all the archaic systems and all of the problems that cause delays and lead to great inefficiency, we are taking that out of the civil service and placing them within a modern, technologically advanced, digitalized revenue authority.

We believe this hybrid model will give us, at least a fighting chance, to enhance revenue collection in Trinidad and Tobago, to allow us to move towards a balanced budget—we are talking about billions of dollars here— that will allow us to bring everybody into the tax net who should be paying tax. There are so many people in Trinidad and Tobago who simply do not pay their taxes, but they enjoy

services that are paid for by the rest of the population who dutifully pay their taxes.

So, Madam Speaker, I commend this Bill to this House and I beg to move.

**Hon. Members:** [*Desk thumping*]

*Question proposed.*

**Madam Speaker:** Member for Siparia.

**Hon. Members:** [*Desk thumping*]

**Mrs. Kamla Persad-Bissessar SC (Siparia):** Thank you very much, Madam Speaker, for allowing me to join in this very important debate, and I dare say that what the Bill before us seeks to do is to provide for a most unconstitutional fundamental change in our governance arrangements, without the necessary protections and safeguards and the requisite special majority vote.

Minister of Finance, I listened very carefully to your explanations as to why you are not of the view that you would be breaching fundamental constitutional principles, and I will deal with that. So what we have here is a Bill where the primary is to replace the BIR and the Customs and Excise Division with a new creature that is called the TTRA, the Trinidad and Tobago Revenue Authority.

Within the provisions of the Bill we are given the structure of what this new entity, this new creature, would be like. So we have at clause 7 the board of management comprising nine members. At clause 13 we have the staff of the Authority, Director General, deputy director generals, Deputy Director General Enforcement. Then under clause 14(3), we have the Enforcement Division, which the Minister was so careful to emphasize at clause 14, with a Deputy Director General Enforcement, public officers, but the Minister failed to tell us that under this said Enforcement Division there will be such other employees as the Board thinks fit.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** So other persons will be hired and not just public officers. That is the first disguise, first fig leaf that you cannot continue to hide behind, that you are protecting that. Are you are giving that insulation and protection to persons in that Enforcement Division, because you will have non-public officers hired by whom? By a board, and that board is handpicked by the Minister. In fact, throughout this Bill the Minister's name—his name appears multitudinous times, many, many times, Madam Speaker, and his hand is there. His finger is in the cookie jar all over this Bill. So that it is, I would say this is not a TTRA, Trinidad and Tobago Revenue Authority. It seems to be, in fact, Minister Imbert's Revenue Authority—

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** —with a long reach into every aspect of it.

The Minister's rationale, and that of the Government, was that, listen, the BIR and Customs, especially the BIR, they are so inefficient, there are so many weaknesses and so on. He spent quite some time on the weaknesses, and then said this TTRA was the solution to those problems that he said.

Now, Madam, we know this nice expression: A rose by any other name is still a rose, and a dagger by any other name is still a dagger. This TTRA Bill is a dagger in the heart of the Constitution of Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** And I will explain why, Madam. So what is it? Efficiency. The Bill through its enforcement director and other officers, they will deal with revenue and customs laws listed in the Schedule. Interestingly, the Bill does not seek to change any of those laws. All it seeks to do is to place this new structure, that I mentioned at the start, in place to promote efficiency. So what are the devices, what are the new methods that you are going to use to create

efficiency? The Minister speaks about the high technology and a modern blah, blah, blah, shiny, shiny, shiny, new TTRA. Why do you not give that to the existing BIR and Customs and Excise? Why?

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** If you have identified human resources and staffing as one of the main inefficiencies, what have you done? You said no government has been able, I will tell you what we did.

Under the Panday government, we placed children—we said not a child must be left behind, and we had built all those schools to accommodate the children writing the then Common Entrance, that last Common Entrance exam. We had the challenge, because how do we staff all these new schools with teachers and staff? How could we do it in the shortest of the space of time?

I recall Prime Minister Panday telling me one day in a meeting in my own constituency, on the same day that the Common Entrance ended, when he leaned over—Minister—I was Minister of Education—can we place every child in a school? I said, “Prime Minister, I will try,” and try we did. We were able to place every child.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** But the challenge was the speed with which the Teaching Service Commission operated in carrying out their job of staffing, and we found a way to do it. I am told, and we know it has been said, it is only Parliament could convert a man into a woman, but it is also the Cabinet that makes things happen. Through the Cabinet we set up a special committee of retired persons that worked in the Ministry of Education and in the teaching service, and they did the interviews, the zillions of interviews in order to staff these schools in time for the opening of term, so from July to September. That is what we did. We

have to be creative. We have to find solutions. We do not have to reinvent the wheel.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** So if your problem is staffing, human resource, and then you say they are inefficient, but you are not resourcing them, you are under resourcing them, and then come to complain. When you really have to wonder what the motives are in seeking to take two bodies, the Customs and Excise and the BIR, two insulated bodies—and the Minister quoted quite brilliantly for a non-lawyer, from those various cases, which have set the precedent that our chapter 9—now chapter 9, it was then chapter 8, the Endell Thomas case and so on—clearly it was to insulate public officers from firings and hirings, dismissals at pleasure. That is the prerogative of the sovereign.

That was taken away when we set up our own Constitution and so on, that you will be insulated. The whole issue of dismissals at pleasure, or displeasure as the case may be, that was removed. So you had an independent, insulated service commission to hire, promote, transfer, appoint and so on. That has now being taken away with respect to all the functions that this new board will now be in charge of.

When it comes to enforcement functions, it is a whole different ball game. I have already made one point about that, and I will come back to the point. But I think there is a more fundamental point than simply saying, well we do not need a three-fifths majority. I think for a Bill like this you need far more than a three-fifths majority.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** The three-fifths majority would have been with respect to breaches of the human rights, section 4 and 5. That is the three-fifths. But when you come to fundamentally change the structure of the Constitution, then

you are talking about interference on the largest scale of separation of powers, on the largest scale of the very structure of our democracy, constitutional democracy in which we operate, and that will take far more. Trinidad and Tobago, the Constitution tells us at the start, is a sovereign democratic State.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** And what that means, what that means, a lot of things that are not spelt out, but what it means as in the famous case of Khoyratty from Mauritius, what it means is that there are provisions not spelt out, but encompassed, coming down from Magna Carta, from way back when in the days, that have to do with the rule of law, have to do with procedural fairness, substantive fairness, have to do with so many other structures, separation of functions and powers under the Constitution. That to me is being threatened. There is an assault on that entire governance structure with effect to this Bill.

**3.00 p.m.**

I looked at something, Madam, and it is this. Endell Thomas and the others and I will talk about Perch too because I know that the Government is relying on Perch to say, hey, you do not need that. The case of Martha Perch. There are core functions of a government, one of which is what the Endell Thomas case, Lord Diplock told us about, you know, the police service. But a core function of any democratic state is—has to do with taxation, taxation. You know the phrase, “no taxation without representation”. It is a contract between Government and it is a coercive contract that the Government will say you have to pay this tax and you will be penalized if you do not pay the tax. So it is a very coercive function of the Government but it is a core function. And it is my respectful view that you cannot farm out, you cannot outsource core functions of a government.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** You cannot do it. You cannot do it.

And so I looked at a paper coming out from *Cambridge University Press*, 12 January, 2018, where the author Berenson talks about a “...Coercive to a Modern Tax State”. And I quote, I read the quote from this, Madam:

“Of all the activities that a state takes up, collecting taxes is, perhaps, the most critical. Without extracting revenue from society, a state cannot function and cannot do what it sets out to do. Taxation is the sine qua non of the contemporary state and the social contract. When taxpayers pay their taxes, they enter into a financial relationship with their state...”

**Mr. Hosein:** Madam, 53(1)(e) please.

**Madam Speaker:** Okay. So, Members, let us keep silent so that we can hear the Member for Siparia.

**Mrs. K. Persad-Bissessar SC:** Thank you, Madam.

“When taxpayers pay their taxes, they enter into a financial relationship with their state, a financial reconciliation, if you will, relinquishing private information”—private information—“about their economic activities while trusting the state to treat them and that information fairly and confidentially.”

I continue from the quotation, Madam:

“Taxation is a prime governance function...”—prime governance function—“but is it also one of the only activities where the state and society are forced to interact with one another, and it is one of the few in which citizens have an obligation to give something up to the state. Tax compliance, therefore, is both about revenue extraction for the benefit of state coffers and about an opportunity for citizens to enter into a trusting relationship with their state—one that will be repeated year after year.”

So core function, revenue collection. It cannot be denied that revenue collection is assisted by the ability to dispense coercive and punitive measures, prosecutions, fines, imprisonment in certain instances.

We also cannot deny that outside of the criminal realm coercive measures may be taken in the civil arena such as levies and forfeiture. And again, we come to measures in the civil realm which are not envisaged, with the greatest of respect to the Minister, which is in the enforcement division. These can be done by the board on the civil side. Part of revenue collection function collects personal and corporate information, financial information which are only to be used for lawful collection purposes. So this core function can be considered as part of the State's coercive powers, law enforcement by police, detention of persons by prison and so on.

And we come to the Martha Perch case, a very important case. This was where some years ago Government had set up what was known as the TTPost, and a member of the—in the employ of the post office went to the courts and said, listen, this thing is wrong, this is unconstitutional. You cannot take it away. And what happened in that case is that, we have to understand it for what it is, what the lawyers call, where we look at the ratio and then we have to look at the obiter, Madam. And so the ratio is that the Act 1919, and Act, and I quote paragraph 13 of that judgment from the UK Privy Council 2003, 17, *Perch v Attorney General of Trinidad and Tobago*.

“The 1999 Act exemplifies a widespread international trend towards the divestment by governments of functions previously carried on by them directly or indirectly but forming no part of the core functions of government (such as defence,—that is a core function—“...maintenance of law and order...administration of justice) and lending themselves to

commercial non-governmental operation...”

To cut a long story short, what Perch—the decision in Perch was about is that things like operating telephones or trains or delivering letters and parcels such as the TTPost would have done, that they are not core functions. And we have seen other things being divested or outsourced, farmed out to be done basically by persons in another entity, in another creation.

And what this does is that, the court said, well, listen, Ms. Perch, sorry. Your postal service functions, they are not seen as core functions and therefore they were not successful in their application. But what is very instructive in this same decision was obiter dicta of Lord Bingham. And what Lord Bingham said in that Perch matter is very instructive for us today. I want to quote from Lord Bingham’s obiter dictum:

“If it were sought to devolve the police service or the prison service to a corporation analogous to Trinidad and Tobago Post there will be strong arguments (on which it is unnecessary to pronounce)...”

So his obiter. So they did not made a pronouncement but it gives us a guidance as to the thinking and the view of the court. And it says:

“...for holding that such a change contradicted express terms of the Constitution and assumptions on which it was based.”

And this is where the obiter is very instructive for us. So the question now is, does this TTRA Bill contradict assumptions upon which our Constitution is based? And my answer to that respectfully is, yes. It definitely contradicts assumptions upon which our Constitution is based. At clause 14(3)(b)—[*Interruption*]

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

**Mrs. K. Persad-Bissessar SC:** If you wait, I will tell you. You cannot be shouting across the floor. Madam Speaker, please. I listened in silence to the other speaker.

At clause 14(3)(b) the enforcement division is, along with public officers, also to comprise:

“such other employees...as the Board thinks fit;”

Such other employees, the director general, the DG enforcement and public officers will exercise enforcement powers under the existing laws, revenue laws. But now they will carry out enforcement. But we see that this enforcement division will be subject to the Police Service Commission, the point being made by the hon. Minister of Finance by the Public Service Commission with respect to appointment, removal, discipline and transfer. But in that same clause 14 it is the board, the board who shall appoint, transfer, remove and discipline other employees of the enforcement division who are not public officers.

So this enforcement division, contrary to what the Minister is saying to you, what is new is this enforcement division he tells us and they are subject to the Public Service Commission. But no. The board—and who is the board? The board is the nine handpicked persons, handpicked by the Government and by the Minister. They are the board. They are the ones who are going to discipline, remove, transfer, hire the persons who are not public officers in that enforcement division.

And at clauses 16 and 17 some provisions give that same board of the nine-man board general powers to employ staff and contractors for the due performance of their functions. So this is on both sides. Whether it is in the enforcement division or whether it is in the non-enforcement division. They are hiring the staff. They are promoting, they are transferring and so on.

Further, the enforcement deputy director general in the performance of his functions managing the direction of enforcement of revenue laws 14(4)(d) tells us clearly, he will be—he or she will be subject to the general policy directions of

whom?—the Minister of Finance. Subject to the general directions of the Minister of Finance. Minister of Finance, I say, is all over this, all over this Bill. And what are general policy directions? The term differs from general directions. So you can get general policy directions. You can get general directions in the same clause 14. It appears that the board, the handpicked nine-man board can give these functionaries general directions. So general policy directions and general directions. These terms have not been defined anywhere within the statute. So being guided, policy directions and so on coming from the Minister.

The enforcement director general, deputy director and by extension enforcement officers who will exercise the coercive powers of the State are therefore amenable to vague general policy directions of the Minister of Finance. So do not tell us about insulation. Do not tell us about protection, when all over this is long reaching, the long hand of the Minister of Finance and the Government in every aspect of this TTRA Bill. If you run a word search you might find the word “Minister” mentioned the most in the Bill than any other word. So much overreach, executive overreach. And that is why we come to the importance of the service commissions. The Minister quoted from Endell Thomas. Only a few days ago in this House we had cause to use this locus classicus, the Endell Thomas matter, which has been following in several other judgments, decisions coming down the road.

So you can get an army, that is what Lord Diplock had said, you can get an army, his warning is very relevant. In the case of an armed police force potential for harassment, such a force possesses summary dismissal opens up the prospect of converting it into what, in effect, might be function as a private army of a political party that are playing in the majority of the seats in the Parliament. That is what the warning was. And this is clearly written into this Bill where you will have that

executive overreach and you will be, in effect, putting Trojan horses into that TTRA. All these people who will be hired, fired by a nine-man handpicked board, Minister's board, they have no security of tenure, dismissal with pleasure. None of that is in. None of that protection that you would have had with a service commission.

And Lord Diplock states, Minister quoted it, he said, the function of chapter 8 which is now our chapter 9 of the Constitution was to insulate public officers from political influence exercised directly upon them by the Government of the day. That is where we see in chapter 9, the now chapter 9 provides for service commissions including section 120 which is a provision for a public service commission to insulate public officers from overreach by the Executive.

So the enforcement division will be allowed to be populated by persons who are not public officers, not appointed under the Public Service Commission, that is clear from that same clause 14. Therefore, they have no security of tenure to be hired, disciplined, amenable to removal by a board appointed by the Minister of Finance, they will be involved in the enforcement division and in the other division and therefore, these employees, mostly likely on contract, mostly likely on contract will be a very frightening situation for workers in this new Revenue Authority.

So, Lord Bingham's obiter remarks in that, this Martha Perch case, they are very applicable. These are contract employees hired by the—controlled by a ministerial-appointed board and so on. Their private financial—if you want to harass a private citizen, man, these people can leak your private information. It can be used, against private citizens whom the Government is opposed to or they think they are opponents, they are doing it anyway. They just blame everybody who does not agree with them. And this is a very dangerous piece of legislation, mischief. All because they cannot say no to their bosses. So if their boss comes and says,

“Aye, what do you have, financial information about MP Dinesh Rambally”? Will they say, “no”?—when that is the board that is going to hire them, fire them, appoint them, transfer them, and dismiss them. So it is undue, undue overreach with the greatest of respect.

So members of the board, all persons now exercising powers under the Income Tax Act, we have another serious problem here. And on four occasions, at least, this Government has attempted to whittle away the secrecy provisions of the Income Tax Act. [*Desk thumping*] On at least four occasions they have attempted to whittle away the secrecy provisions contained in the Income Tax Act.

So let me ask you something. We are told that the contract employees in the enforcement division, they will not be not enforcing the provisions under the Income Tax Act. No. No, they are not going to be enforcement. I do not know what they are doing there in the first place. Why are you putting them in that division? Why do you want to put contract people in there? I have already dealt with that issue, that they are not insulated. But what are you putting them there to do? And when you put them, because they are not enforcing the provisions to the Income Tax Act, they will not be subject to section 4 of the Act regarding Income Tax Act, regarding secrecy. They will not be subject to the penalties and so on that will flow should they leak information from people.

So, I am saying this Bill offends the basic structure of our Constitution which has distributed powers of the State and have provided checks and balances against executive overreach. Contract officers with no obligations of secrecy will be employed in the enforcement division. Besides being indirectly involved in enforcement, they will be able to leak confidential information to those whom they think can advance their careers. So, you know, we are probably getting another—better just give it all to NGC and Loquan and those people there and let them do

what they want. That is what you are saying here; no protection but could spend and carry on. So, I am making the point, you cannot outsource, farm out a core function of Government to a body that will obviously not be an independent body and it is subject to tremendous overreach.

Now, there is another aspect where it was being said that there is now a provision put in for a secrecy provision to take an oath. But when you read that carefully it talks about members shall take the oath. Members, that is in the miscellaneous section towards the end, members shall take the oath. And when you look at the interpretation section in clause 3, who is a member? Now, you would have thought and it was being marketed, hey, we now have a secrecy provision. I have just said these—in the enforcement, not working under the Income Tax Act, no secrecy there, no penalties should they leak. When you come to the provision itself towards the end of the Bill, it says a member shall take—it is in the miscellaneous—“shall take an oath, or...affirmation of secrecy...” Yes? But who is a member? Clause 3 tells us, a member is a member of the board. Now, who is the board? The board is the nine-man member.

So the thousands of workers are not being required to take an oath and face penalties, punishment for breaching that oath because they are not taking the oath, they are not required. It is only the members, the nine fellas, the nine handpicked men and women. Again, that is a serious matter. All our financial—every taxpayer, your information is there before—at the moment the BIR but they have secrecy provisions. Now it is only the nine-man handpicked people who are being required to take the oath.

Then we come to the issues of taking away the special majority. And one story is, aye, we took it away you know because the Opposition does not support us. They will not support. And it is not true. It is a total falsehood. We have

supported you in, at least, 10 pieces of legislation—

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:**—passed with a special majority, 10. Time does not permit but I am sure my colleagues will deal with it. And you see, it is my reading of Suratt which is the case which the Government loves to use. I have never seen Baroness Hale or Lord Bingham in that case giving as a reason for not using a special majority clause is that the Opposition, you dissent, a dissenting voice by the Opposition. That is not a reason to remove a special-majority clause. You do it because that is the right thing to do, it is the thing to do. It must be done because of the Constitution. [*Desk thumping*]

So that first cry, Minister Imbert in a way said it. He said, how many incarnations? 2010, 2018, 2019 now 2020, this is the fourth attempt. Can I remind you, Sir, this is the fourth incarnation of this Bill. It is true. But every single incarnation before this one contained a special-majority clause. Every single one.

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** Every single one. So we remove the clause. And I think it is the hon. Attorney General himself who admitted that this does breach, it does breach—this Bill does breach human rights, section 4 and 5 rights, privacy to privacy, rights to property. It does. And having said that, then you say, well, listen, you know, it is okay. We are putting in enforcement division. It will be okay. And today the goodly Minister of Finance said, you know what? They will be enforcing the same laws that have been enforcing all the time under the Customs Act, Income Tax Act, blah, blah, blah. And therefore if it was not unconstitutional then to have those powers, well, it is not unconstitutional now. Wow! What logic is that? It was not unconstitutional before it was saved law. It was saved under the Constitution. You are now attempting to alter matters. And once you are doing an alteration, you

know what section 54 tells you. It tells you about the special majorities. So that is no excuse whatsoever.

So there are three reasons you are telling me, you are taking out the special majority because first the Opposition will not support then—two minutes. Thank you. And I think we are into a situation of Suratt abuse, Suratt abuse. There is nothing reasonably justifiable, reasonably justifiable, proportionate or whatever for the major fundamental breaches of the Constitution I have discussed. And for the other ones with respect to the Bill of Rights sections in 4 and 5, there is nothing justifiable whether in the Barry Francis sense and even in the Suratt sense. It is not so. I will ask the Government to remember well the collective voice of the Court of Appeal in the decision of *Dominic Suraj v Attorney General* delivered April 20, 2021, that this Suratt approach is both wrong in principle and dangerous and will result in empowering the Legislature to whittle away fundamental rights—

**Hon. Members:** [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:**—which is exactly what is happening.

And there are several cases and we can even look at Baroness Hale in the same judgment that is quoted all the time because she said, listen, it is not in every case that you will have to get the requisite majority. But certainly it must be that something is 4 and 5 of the Constitution is for reason alone unconstitutional if they affect rights such as freedom of whatever, expression and so on. But it was not a catch-all. It was not that in every case Suratt is going to apply. This is what Baroness Hale made very clear and she was speaking to proportional and legitimate limitations on fundamental rights and not in connection with legislation being inconsistent with the Constitution which breaches other things in the Constitution such as the separation of powers. So the whole structure of our democratic society is built, the implied separation of powers which alters

entrenched constitutional provisions. Yes, so Bill of Rights, once you might get away under Suratt. But you are not going to get away when, as I said, Trinidad and Tobago is a sovereign democratic state which has repercussions for what happens next.

Now, throughout this, as I wind up, throughout this I have said, hand of the Minister, clearly there. And there is a weird something. You know, I have called this Cabinet the “recusal Cabinet”. Over 210 times they have recused themselves. You know, they have the quorum for the board, Madam, should be nine. And then they bring a provision and they say, well, you must declare if you have an interest. And then they bring another provision and say, you know what? You can sit in to have a quorum counted even if you have a conflict of interest, even if you have a contract. That is weird. Why would you want to do that? Why would you want to legislate for someone with a conflict of interest to sit there?

At the end of the day, Madam, it is my respectful view and I thank you for the opportunity that this Bill is totally in violation, an affront and an assault upon the Constitution of Trinidad and Tobago and the people. I thank you.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Attorney General.

**The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):**

Thank you Madam Speaker. Madam Speaker, would you remind me the speaking time in this House.

**Madam Speaker:** Twenty minutes.

**Hon. F. Al-Rawi:** Thank you very much. Madam Speaker, a member of the public just “whatsApped” in to say that they were listening to the proceedings and listening to the Leader of the Opposition. And I would like to say that the member pointed out, this member of the public that the submissions coming from Leader of

the Opposition in that person's view which I share and hold onto now, are designed to create fear, doubt based on false evidence which is made to appear to look real.

Madam Speaker, the Leader of the Opposition bravely approached the microphone, said that she would deal with the constitutional issues and never did. What we had was a passing, glancing reference to certain things in the Constitution which I would like to address squarely. I would like to say that the Leader of the Opposition in trying to make points here this evening, many of her points and submissions, the Member for Siparia, really focused about personality. And I have noticed a trend in the Leader of the Opposition's statements. Everything is about personalizing matters. The Leader of the Opposition went on to call this "the Imbert TTRA". Used expressions like, "the Minister of Finance and Imbert would have his hands in the cookie jar", Madam Speaker. No different from when the Leader of the Opposition speaks every time, it is all about a person and a thing. The Leader of the Opposition had to go into, maybe it is about Mark Loquan and the NGC. Everything is personal. And, Madam Speaker, let us deal with that.

So if we take the Leader of the Opposition's big statement that this is "the Imbert TTRA" and it is so fundamentally flawed because it breaches major constitutional issues which the leader could barely even articulate, referring us to "orbiter" dicta. I have no idea what "orbiter" dicta is. I could tell you I know about obiter dicta. But there is no "orbiter" dicta in law.

But, Madam Speaker, in the submission put forward by the Leader of the Opposition I would like to ask the following questions. If this TTRA, which is a hybrid model built by the Government over the process of several years, in not being able to pass law, and which is built upon precedent coming from umpteen jurisdictions, I would like to know if the IMF working paper on Tax Administration Reforms in the Caribbean, which goes through chapter and verse of

TTRAs, revenue authorities in the Caricom or, Madam Speaker, if the “Final Report of the Committee Appointed by Cabinet to Examine the Feasibility of Establishing a Revenue Authority in Trinidad and Tobago”, a paper dated since August 22, 2002. And these papers went into looking at jurisdictions such as the United States Internal Revenue Service, US Customs, looking at jurisdictions numbering the following, Madam Speaker. And let me put it on record what jurisdictions resemble that which the leader pours scorn on.

The Trinidad and Tobago Bill, being fashioned and in line with the Barbados Revenue Authority, an Act of Parliament in 2014; the Guyana Revenue Authority, Chap. 79:04; the Jamaica Tax Administration Act; the Kenyan model, coming out of jurisdictions in Europe. All of these models having structure and substance very much resembling what we are doing today according to the Leader of the Opposition, all of them should be renamed “the Imbert Revenue Authority”. Madam Speaker, I just wish the Leader of the Opposition to just stop it.

Madam Speaker, let us get to the Leader of the Opposition’s allegations about structural flaws in this legislation. First of all, the Leader of the Opposition started by saying that there were deficiencies in the Bill and put an untruth onto the table saying that the Attorney General said that this Bill breaches section 4 and section 5 rights. I said no such thing, Madam Speaker.

Madam Speaker, the Leader of the Opposition went onto say that you cannot use Suratt to remove a special majority. Madam Speaker, we are not in the situation of having a special majority, a section 13 of the Constitution clause, because the Bill does not require one. And, Madam Speaker, that is because the Bill as it is designed touches a number of issues that are safely within the Constitution. So let us deal with what we are doing.

This 2021 Bill which is 43 clauses long with a Schedule that has 70 laws in

reference in six Parts, is different from the 2019 Bill because, number one, we recognize that the 2019 Bill offended the enforcement provisions which public officers ought to exercise. We accepted that in the 2019 Bill you needed a three-fifths majority because if you were going to exercise the enforcement functions set out in the Income Tax Act or in the laws touching revenue or Customs and Excise, all 70 of them set out in the Schedule to this Bill, that if you were dealing with enforcement provisions, you would have to ensure that the enforcement officers were insulated from political interference by being answerable only to the Public Service Commission. That is set out in section 120 and section 121 of the Constitution, Madam Speaker. And, Madam Speaker, having ensured in this Bill that the functions of enforcement are strictly put into what we call enforcement officers who are subjected to the provisions of the Public Service Commission, we have therefore removed the need from that aspect of the law for a three-fifths majority.

The second factor, Madam Speaker, is this ridiculous intellectual submission that you are somehow going to breach privacy principles and that people are going to hand you documents and you are going to leak it. Madam Speaker, the Leader of the Opposition must know what leaking documents looks like. The Leader of the Opposition stood here in the Parliament and purported with my colleague from Chaguanas West to read out information and correspondence at the Integrity Commission relating to me, confidential information for which there is penalty of law, Chaguanas West and the Leader of the Opposition stood and read correspondence coming from there. Mind you, they did not read it properly, they misrepresented it but they very well should know what breaching the law looks like. That is a breach of the law.

**3.30 p.m.**

But, Madam Speaker, in this Bill, there is no breach of the law because the enforcement provisions, the enforcement officers, the enforcement of the Income Tax Act cannot separate us away from the section 4 of the Income Tax Act. The secrecy provision for which there is serious penalty of law is in section 4 of the Income Tax Act. And why am I making reference to this? This Bill proposes a repeal of section 3 of the Income Tax Act. Section 3 of the Income Tax Act is where the Board of Inland Revenue is established. We are replacing the Board of Inland Revenue with the Revenue Authority. When we replace it with the Revenue Authority, there is a further subsection division where the enforcement powers, where you have the confidential and private information, it is only the enforcement officers that have that information. And had the Leader of the Opposition bothered to read the law in conjunction with the law set out in the schedule, I am sure she would have come up with a different opinion.

Madam Speaker, the Leader of the Opposition mounted a case to say that somehow we are breaching constitutional structures because this is a core function of a government, that is taxation, and that you cannot transfer a core function. And then the Leader of the Opposition went to the Martha Perch case. Madam Speaker, the Martha Perch case, which is from the Privy Council coming out of Trinidad and Tobago in the setting up of TTPost, is the case which sets up the fact that the public service and the need for a Public Service Commission is to be separated out when you create entities like TTPost because that new entity—the modern function of management in new entities is such that the employees hired by the new entity are not public servants. That is what Martha Perch treats with.

Martha Perch, Madam Speaker, is in part relevant to this Bill because when we seek to transfer people out from the Inland Revenue Division and Customs and Excise Division into the Revenue Authority, there will be many of them who will

have the option set out in this Bill in what we call the “Perch formula”, where they can transfer across, they can move to another part of the public service or they can voluntarily resign under terms and conditions that are no less favourable but those employees who come across are not going to be treated as public servants. But there is an entire section of this Bill, which is under the enforcement director, the deputy director who is for enforcement and the officers in that category being public servants. And therefore, Martha Perch is not completely relevant to this Bill because there is an entire section of them that are protected by the Public Service Commission expressly in the law. That is supported by the fact that their salaries are deemed to be a charge on the Consolidated Fund, that the Salaries Review Commission has them within their scope.

But, Madam Speaker, Martha Perch is not the only case—whoever wrote the speech for the Leader of the Opposition—that we should be looking at. The CCJ has ruled on this issue of whether a revenue authority, in the case of Guyana—and I am talking about *Griffith v Guyana* and I am talking about—that is the Revenue Authority of Guyana or the case of *Chue*—another Guyanese case—*v the Attorney General of Guyana*. In both of those cases, Madam Speaker, the CCJ and particularly, Mr. Justice Rolston Nelson, as he sat in the CCJ, already decided in the CCJ context of the Revenue Authority of Guyana, that the Revenue Authority of Guyana could treat with taxation as a core principle. And why is that so? Madam Speaker, if the Leader of the Opposition would bother to do some research or whomever writes her speeches to do so. Madam Speaker, I am confident that Couva North would know this—Couva South, forgive me, would know this. Surely, we all referred to the **CEST** case. We all referred to the case of *Trinidad Island-Wide Cane Farmers’ Association v Seeraram*, 1975 27WIR. In that particular case, it is well-established that taxation and the deprivation of property

which comes with taxation is a legitimate aim. It is a public interest matter. The money goes to the public and not the individual, and that therefore there is no deprivation of rights. And if we know that that is the case, how could the Leader of the Opposition come and say this infringes section 4 rights, the right to property? How could the Leader of the Opposition come and talk about the right to information, the right to private life, saying that there is a breach of that? And worse yet, pretending that I have said so, Madam Speaker.

Madam Speaker, when we look to the position of information, in particular—let us look to the information provisions. Madam Speaker, it is a fact that this law, this Bill allows, within proper constitutional reflection, the transfer and sharing of information from the Inland Revenue across to the TTRA. Why? Because the assessment and collection of taxes that is due must be based upon information. And, Madam Speaker, that is not any form of constitutional problem. There is a mechanism to transfer the information because the enforcement officers continue to stay within the public service. They continue to be bound by section 4 of the Income Tax Act and other provisions, Madam Speaker. It is no degree of constitutional detriment to abolish the post of the Chairman of the Board of Inland Revenue as we seek to repeal section 3 of the Income Tax Act where the board is created. Why? The Board of Inland Revenue is created not by the Constitution. It was created by an ordinary Act of Parliament and therefore, can be amended by an ordinary Act of Parliament. And shame on the Leader of the Opposition, Senior Counsel, for not knowing that, Madam Speaker.

Madam Speaker, when we look to the issue of the big thing, that this Bill breaches some degrees of separation of powers, I would like to remind that the separation of powers principle is a qualified principle. Look to the Privy Council decision in Seepersad, look to the Privy Council decision in Ferguson, Madam

Speaker. The Montesquieu position of separation of powers and the Hinds position and the Diplock arguments, those are with respect to strict concepts of law. But the Privy Council has set out in *Ferguson*, set out in *Seepersad*, that there is a qualified separation of powers. And, Madam Speaker, I am putting on the record here, as I did in the Senate, there are amendments to come to many of the Acts set out in the Schedule, the 70 Acts in the Schedule, to deal with separation of powers understanding positions. We are going to amend several of those laws. I said it in the Senate, I said it publicly, I am saying it here again today because, Madam Speaker, we wish to add due process and push some of those matters, be they relating to forfeiture, penalties, preconditions to judicial forum, payment of duties, controller's powers of entry or distress of assets, we intend to amend those laws, because we must. But they are not in the Revenue Authority Bill before us today. And the reason why we are creating the Authority—this Bill really, Madam Speaker, is a Bill like a tree that springs from repealing section 3 of the Income Tax Act. Section 3 of the Income Tax Act is the board. We are removing the board and we are growing this tree of the Revenue Authority but the roots are planted into the 70 laws in the Schedule: the Income Tax Act, the Customs Act, the Excise Act, et cetera, et cetera. And the core functionality of the tax collection, Madam Speaker—I wish the Leader of the Opposition—again I say this—would just simply read the law for herself and stop relying on people to write speeches for her.

Madam Speaker, if you go to *Perch* and you look to the dicta of *Perch*, and you see that the board rejected a certain aspect and then set out, in particular, in its judgement, it was very careful to quote Lord Denning to look at the issue of commercial matters against essentially the province of government. But those statements were made in the context of recognizing that a modern state has to

ensure that it operates efficiently for the public good. And, Madam Speaker, when you are collecting money under the Revenue Authority, you are not collecting it for Colm Imbert, the Minister of Finance. It goes into the Exchequer Account. The Exchequer Account is the Consolidated Fund. For heaven's sake, Madam Speaker, does the Leader of the Opposition not know that the Exchequer Account is the Consolidated Fund? Madam Speaker, "ah want back meh Senior Counsel". That is a betrayal of the basic concepts of our Constitution and law to not know that the public moneys are being captured into the Exchequer Account.

Madam Speaker, to say that this money does not associate itself with public good and public purpose is again a reflection on the lack of preparation of the Leader of the Opposition. The Leader of the Opposition says the Government has sought to whittle away section 4 of the Income Tax Act on four occasions, if I recall what she said. Madam Speaker, the Leader of the Opposition must know, instead of creating fear and panic, that the exceptions to section 4 of the Income Tax Act were for law enforcement to have access to income tax information under a process of law, Madam Speaker. Why is the Leader of the Opposition so mortally afraid of law enforcement having access under due process mechanisms to income tax information when the Financial Action Task Force, the European Union, the European Commission, the Global Forum and the United States of America IGAs all require it? Madam Speaker, what time is full time?

**Madam Speaker:** 3.43.

**Hon. F. Al-Rawi:** Thank you. So, Madam Speaker, in the 30 seconds left, I reject every single allegation that has been personalized by the Leader of the Opposition. It is a habit to try and create fear out of false evidence, Madam Speaker. This Bill is entirely constitutional. The enforcement provisions ensure that we do not breach the Public Service Commission requirements where a service commission would

be required. Therefore, we have preserved the sections 120, 121 of the Constitution. We do not infringe section 4 and section 5 rights of the Constitution. We will be amending the 70 laws, many of them, to treat with separation of powers issues but they are not required for this law. I thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. Saddam Hosein** (*Barataria*): Thank you very much, Madam Speaker, for giving me the opportunity to respond to the Attorney General on this debate where we are seeking to establish the Trinidad and Tobago Revenue Authority. And the Attorney General started off by saying that we should not personalize the debate or we should not personalize what is taking place in this Parliament, but yet he referred to the Member for Siparia for about 10 minutes out of his 20 minute contribution. He personalized this entire debate to one Member of this Parliament.

And when we thought that the Attorney General may have given a sensible contribution with respect to the law, and responding to some of the very important considerations—some of the very important concerns that the Leader of the Opposition has raised in this Parliament, he just called out case names and judges. Because you know the case names and judges does not mean you understand the law.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** And the Attorney General did in fact say in this debate today that the TTRA does not infringe on sections 4 and 5 rights in the Constitution. Well, that is totally incorrect from what he would have said in the Senate. Because according to the *Hansard* of the Senate dated 17<sup>th</sup> of September, 2021, at page 106, the Attorney General said this, and I quote:

“Enforcement”—which we are dealing with right now—  
“includes...forfeiture, penalties, duties, distress...power of entry...”—and—

“information gathering.”

Those are the section 4(a) and 4(c) rights in the Constitution. So the Attorney General, in the Senate, admitted that this—

**Mr. Al-Rawi:** Madam Speaker, I rise on Standing Order 48(1). If you could allow me to explain. I know what I said but I do not—the hon. Member will go into dicta from another place?

**Madam Speaker:** One minute, AG. If you are standing on 48(1), there is no need to explain. I will allow the Member to continue.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** Thank you very much, Madam Speaker. And, Madam Speaker, those were the words of the Attorney General in the other place, where in fact he admitted that section 4 rights were being breached by the TTRA because there are enforcement provisions, there are provisions related to privacy—

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** —and there are provisions relating to the deprivation of property. There is something called the Constitution of the Republic of Trinidad and Tobago and that should be essential reading for the Attorney General.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** Because it seems as though he is a stranger to sections 4 and 5 of the Constitution. And the Attorney General—these are the words of the Attorney General, these are not my words. These are printed on the *Hansard* of the Parliament of the Republic of Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** So we have this particular Bill that breaches privacy rights. The Bill breaches property right and yet you do not bring it with a constitutional majority as required by the Constitution.

T&T Revenue Authority Bill, 2021  
Mr. Hosein (cont'd)

2021.11.12

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** And then you ask us, you know, to support this particular piece of law. And then the Attorney General—

**Mr. Al-Rawi:** Madam Speaker, Standing Order [*Inaudible*] (10), please. I am just flagging it now and I know there is a reason why we do not refer to the Senate.

**Hon. Member:** 44(9), 44(9).

**Mr. Al-Rawi:** 44(9), forgive me.

**Madam Speaker:** AG, I overrule you on 44(9). Please continue.

**Hon. Member:** [*Desk thumping*]

**Mr. S. Hosein:** Thank you very much, Madam Speaker. I do not understand why the Attorney General is so jumpy. Now—

**Mr. Al-Rawi:** So, Madam Speaker, I rise on 44(8). I apologize, I was guided by— [*Inaudible*]. It is 44(8)

**Madam Speaker:** Okay. So, AG, I appreciate what you want to do but I would allow the Member for Baratavia/San Juan to continue with his contribution.

**Mr. Al-Rawi:** Sure.

**Mr. S. Hosein:** Thank you very much, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. Al-Rawi:** Sorry, on 44(8), just for your guidance, Madam Speaker, will you rule at the end?

**Hon. Members:** [*Inaudible*]

**Mr. Al-Rawi:** Just for your guidance on 44(8), will you rule on the end?

[*Madam Speaker rises*]

**Mr. Al-Rawi:** Thank you.

[*Madam Speaker confers with Clerk*]

**Mr. S. Hosein:** Thank you very much, Madam Speaker. Now, Madam Speaker,

the Attorney General also made a point that the TTRA is going to replace the Board of Inland Revenue. It is going to repeal the TTRA Bill that we are dealing with, section 3 of the Income Tax Act, and that particular section 3 sets up the Board of Inland Revenue—the Income Tax Act. And, Madam Speaker, when you read section 3 of the Income Tax Act, it shows that the Board of Inland Revenue is completely independent. Because it has five commissioners and each commissioner holds public offices within the meaning of section 3 of the Constitution, and I will explain what that means.

That means, Madam Speaker, that office is constitutionally protected. That office has with it certain privileges, certain benefits, such as pensionable—such as protection from arbitrary political interference, such as a prescribed manner with due process for disciplinary actions. When you look at what is being replaced now, the board, according to the TTRA Bill that we are dealing with, it is a board that is totally hand-picked by the Minister of Finance.

Madam Speaker, when you look at clause 7 of the Bill, you have:

“The Board shall be appointed by the Minister and shall comprise nine members as follows:

- (a) a Chairman;
- (b) a Vice-Chairman;
- (c) a Permanent Secretary of the Ministry;
- (d) the Director General who shall be an *ex officio* member of the Board;
- (e) a person nominated by the Tobago House of Assembly;
- (f) an Attorney-at-law;
- (g) a chartered or certified accountant; and
- (h) two other persons.”

—from the private sector.

Not a single independent person is on the board of the TTRA. Not one, you know. But yet they are complaining and they are saying that, “Look, the Deputy Director of Enforcement is an independent body.” Why did he not form part of this board? Why did you not put at least one independent person to sit on this board? It is a totally hand-picked board by the Minister of Finance.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** So the Opposition Leader is right by saying that this is a Minister of Imbert Trinidad and Tobago Revenue Authority.

**Hon. Member:** Yes.

**Mr. S. Hosein:** That is what it is. Because he is the one who is sitting and saying I appoint you, I appoint you, I appoint, and if you do not agree with me, I have the power to fire you.

How can that ever be, Madam Speaker, an independent board? How can we have persons in this country putting their trust and confidence in such a board where if the Minister is vexed with you, he has control over the Trinidad and Tobago Revenue Authority? There must be a level of protection and independence of those members of that board.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** There must be. There must be a level of protection. And, Madam Speaker, I will go on to explain why I say that there is no independence and I will point out approximately nine clauses in this Bill.

The first clause is clause 7(2) where it says:

“The Board...” —of management is—“appointed by the Minister...”  
—of Finance, which we dealt with.

Clause 10(3):

“...the appointment of a”—board—“member...shall be on such terms and conditions...”—of—“the Minister.”

So what does this mean? It means that the Minister will be the one setting your salary, your leave, granting vacation. He will be the one determining pension, he will be the one determining discipline, he will be the one to determine all of the terms and conditions of members of the board. And this is quite an important point that we have to deal with, Madam Speaker, because I will tell you, when I looked at several parts of the Commonwealth and, in particular, there was one Chief Justice in Australia who said this—and he was making reference to judicial independence and we have to probably use it both here akin because I will tell you, the independence from the Executive is a very important safeguard that is found in our 1976 Constitution. And the Chief Justice said in a conference in Hong Kong in 1998, he said:

“...judicial independence is at risk when future appointment or security of tenure is within the gift of the Executive.”

And I am saying here, Madam Speaker, I am making a submission, that the terms and conditions of the board of the TTRA is a gift of the Executive. So how can they ever be independent from the influence of the Minister of Finance who is at the end to of the day their boss? He is the boss of the TTRA. Then when you look at the Privy Council in the case of Misick, it went on to give several examples and the importance of security of tenure. Because the reason why there is security of tenure is so that persons will execute their offices with independence. They will execute their office without any unnecessary influence or political influence.

Because, Madam Speaker, we have seen quite recently what took place in this country when there is political interference in service commissions.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** It has led to an absolute collapse and constitutional meltdown of the Police Service Commission when there was political interference in that particular service commission.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** So do we want that to repeat itself? That should have been a lesson where we have now a Minister who is totally in control of a TTRA putting his hand in the cookie jar, meaning that he now will be directing the TTRA on how to do its job. He will be the one telling the TTRA who to go after. He will be the one telling the TTRA, Madam Speaker, whether or not you can be paid at the end of the month because you are setting the terms and conditions of all of those members of the board.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** And they come to this Parliament and behave as though the TTRA is the only option.

Madam Speaker, I have in my hand a Cabinet Minute No. 191 of February 09, 2017. And in this Cabinet Minute, it gave the Government four options: option (a), a Revenue Authority; option (b), an integrated revenue administration in the Ministry of Finance; option (c), a revenue Ministry; option (d), an enhanced status quo which means that institutionalizing and strengthening the Board of Inland Revenue. If you give the Board of Inland Revenue the financial autonomy, if you give them the ability to have staff, if you give them the ability for technology and IT development, then you would not need the “Imbert’s Revenue Authority”. You can continue with a strong Board of Inland Revenue.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** I must remind the Minister, when he came to this Parliament and boasted that the Board of Inland Revenue collected an additional \$4 billion when

there was the tax amnesty. So there is potential with the Board of Inland Revenue. This entire TTRA is not about institutionalizing and it is not about enhancing tax collection. It is about securing your hand inside of the revenue collection authority of Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member, I think what you have just said there, you should try and restate it.

**Mr. S. Hosein:** Thank you very—

**Madam Speaker:** Because I think it is really offending the Standing Order with respect to suggesting something else. I think you should restate that.

**Mr. S. Hosein:** I am guided, Madam Speaker, and I will say this in this way. It is that if you really wanted to enhance the TTRA, you should have made it a more independent institution from what is being presented to this particular Parliament,

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** And, Madam Speaker, this TTRA did not come to this Parliament within the last five years. This has been something from since 2002. And I went back, Madam Speaker, I went back to look at what happened in 2002, because it is very relevant to what is taking place now. And in 2002, the Cabinet did in fact commission a report to examine the feasibility of establishing a Revenue Authority in Trinidad and Tobago. And, in particular, Madam Speaker, at page 29 of that report, they said that:

“On May 7, the Committee met”—and I am quoting—“with two Tax Accountants and one Tax Attorney from...major accounting firms in Trinidad and Tobago: Ms. Allyson West – Price Waterhouse Coopers; Mr. Peter Inglefield – Price Waterhouse Coopers; and Mr. Gregory Hannays, Ernst and Young.”

And, Madam Speaker, I was very interested to hear what these tax practitioners had to say about the TTRA, and I am quoting that Ms. West who is now a Minister in the Ministry of Finance, as she then was, was saying:

“Ms. West expressed the fear that the integration of the BIR and”—the Customs and Excise—“Division would produce a cumbersome and inefficient entity. She indicated that improving the efficiencies of both agencies separately should be considered before integration.”

It then went on to say:

The “Formation of a Revenue Authority was not the ideal solution, rather improving the present structure would be the better solution since the current BIR has a poor organisational structure.”

This was Sen. West, as she then was, in 2002.

And then I went to the *Hansard*, Madam Speaker, because this Bill was debated in 2010, on Wednesday, February 10, 2010. And Dr. Rowley, who was the Member for Diego Martin West at the time, he said—and I am quoting the *Hansard* here. He said:

“But the bottom line is, because we are creating this Revenue Authority, does not in itself guarantee that revenue collection in the country would automatically improve by virtue of the fact that this came into being.”

So the Member for Diego Martin West, in 2010, is saying, “Well, the Revenue Authority will never guarantee enhanced revenue collection.” Then you had Ms. West in 2002 saying that, “The Revenue Authority is a bad idea, you should strengthen the BIR.” So they are in fact agreeing with what we are saying today in this Parliament—

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** —that you strengthen the BIR to increase efficiency when it comes

to collection of government revenue.

Madam Speaker, so I am very surprise to know that these Members are now defending the position that is before us. Then I went on to see, Madam Speaker—there is one provision, clause 33 of the Bill, that deals with the Auditor General. So I went to the Auditor General's report of 2020, and at page 71 of that Auditor General's report it said that the Auditor General is having difficulties because of section 4 of the Income Tax Act when it comes to auditing accounts. And it said, Madam Speaker, that—I will quote from the report. It says:

“The Auditor General submitted proposals for the consideration of the Attorney General. However, these are proposals were not accepted by the BIR. The Auditor General has always maintained that it has a legal right to access the information that due to the inability of the parties involved to come to a consensus, the Auditor General in 2019 and 2020 requested the Attorney General to file an interpretation summons for the interpretation of section 4 of the Income Tax Act. To date the matter remains unresolved.”

**4.00 p.m.**

So instead of the Attorney General obsessing over the Member for Siparia he should have filed the interpretation summons that the Auditor General—

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:**—has been asking him to file, to clear up the law with respect to the auditing of public accounts in Trinidad and Tobago. So instead of standing here and bashing Members of the Opposition get up and do your work and follow the directives—

**Hon. Members:** [*Continuous desk thumping*]

**Mr. S. Hosein:**—that some of the public officers in this country are recommending to your office so that we will have efficiency when it comes to

accountability and transparency in the financial transactions of the Government of Trinidad and Tobago. And then I heard the Attorney General talk about information sharing and privacy rights.

Madam Speaker, you now have this particular TTRA in the enforcement division that will be staffed with members of the public service and members who are hired by the Authority, by the board. And you will have those persons having access to sensitive tax information such as tax returns so they will know how much money you make and how much taxes you pay. Madam Speaker, those persons will have access to those documents and yet the Attorney General has not taken any steps to have the Data Protection Act of this country fully implemented—

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:**—and fully operationalized. Madam Speaker, today that piece of law remains languishing, but there is a particular partial proclamation of that law in order to share information and you know for what purpose, Madam Speaker, for the implementation of property tax. So when it comes to your benefit to collect property tax you would partially proclaim part of the Data Protection Act but when it comes to protecting the privacy rights of citizens of Trinidad and Tobago you leave that particular law languishing on the law books of Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** So, Madam Speaker, there are several issues that we have with this particular TTRA and as I wind up my contribution, Madam Speaker, we do not support this current model of the TTRA. Our position, our position, Madam Speaker, is to fully strengthen and institutionalize the Board of Inland Revenue. The Board of Inland Revenue has the potential if it is given the proper resources by the Minister of Finance, but we have seen the culture when they are ready to mash up something they starve it of resources so that they can now implement their own

model with no independence and autonomy in that particular institution which would lead to the breaching of constitutional rights and the violation of entrenched constitutional provisions in Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Mr. S. Hosein:** Madam Speaker, I thank you very much for this opportunity.

**Madam Speaker:** Member for San Fernando East.

**Hon. Members:** [*Desk thumping*]

**The Minister in the Ministry of Finance (Hon. Brian Manning):** Madam Speaker, thank you for the opportunity to speak on this important piece of legislation. Madam Speaker, I was listening closely to the previous speaker and he is quoting, referring to quotes from 20/25 years ago. It says to how long that we have been discussing this matter of tax collection in Trinidad and Tobago; 20-year-old quotes to prove a point in this year.

Madam Speaker, the first version of this Bill was first brought to this House in 2010, more than a decade ago by a Patrick Manning-led administration. In 2018 it was submitted to a joint select committee, more discussion. We had input from the various stakeholders, Madam Speaker, and I believe the Minister of Finance went to great lengths to list how many stakeholders were involved in the discussion as to the format of this TTRA Bill. It was the Inland Revenue, Central Bank. We had the Tobago House of Assembly, University of the West Indies, Madam Speaker, we have had more than enough discussion about this matter. This is an issue that cannot be allowed to perpetuate itself.

We are in a situation where we have a deficit in our budget in terms of returns and what it is we can do in providing goods and services for the people of Trinidad and Tobago. During this period, Madam Speaker, we have brought several important pieces of legislation to this House and we have had—the Minister of

Finance earlier mentioned that the tax gap, and that is the difference between possible collected taxation in what was actually collected in the region of \$5 billion.

### **PROCEDURAL MOTION**

**The Minister of Health (Hon. Terrence Deyalsingh):** Madam Speaker, in accordance with Standing Order 50(3), I beg to move that the debate on the Trinidad and Tobago Revenue Authority Bill, 2021, be adjourned.

*Question put and agreed to.*

**THE MISCELLANEOUS PROVISIONS (2019 NOVEL CORONAVIRUS [2019-nCoV] VACCINATION PERSONNEL) BILL, 2021.**  
**The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):** Madam Speaker, I beg to move that:

A Bill to amend the Emergency Ambulance Services and Emergency Medical Personnel Act, Chap. 29:02; Pharmacy Board Act, Chap. 29:52; the Nursing Personnel Act, Chap. 29:53; the Dental Profession Act, Chap. 29:54; the Veterinary Surgeons (Registration) Act, Chap. 67:04; the Professions Related to Medicine Act, Chap. 90:04 to authorise additional personnel to administer 2019 Novel Coronavirus (2019-nCoV) vaccines under the direction and supervision of medical practitioners, be now read a second time.

Madam Speaker, I am pleased to not only have introduced this Bill today, but also to have the pleasure to pilot this because it is of extreme national importance. So much so that we had to pause the very important debate on the Revenue Authority which we were eager to complete today but which we are bound to interrupt as a result of the importance of this.

Madam Speaker, we are wrestling with a global pandemic. The COVID-19 virus has wreaked havoc on the lives of citizens and on the economy of this

country and the globe as a whole. None of us could ever have imagined stoppages, flights no longer leaving, a situation where WTI was selling oil at negative \$2. What does that mean? They were paying you, countries were paying you US \$2 to take a barrel of oil from you, because storage tanks were full. We have witnessed, Madam Speaker, a struggle, first the struggle in relation to understanding what we are treating with, secondly, the struggle in understanding how we would solve it. We witnessed trying to get vaccinations and now as we have a menu of vaccines, some 1.9 million vaccines available to us in Trinidad and Tobago, where we are literally begging people to take the vaccine.

People are asking, why the Government is not doing more to get people to take vaccines when every single day the CMO and his team, the Minister of Health and his team, the Members of Government, the members of religious groups who head religious groups are literally pleading with our population. Some people asked, how did we get from first in the world to the situation where some 500 persons are now infected per day?—forgetting that on a daily basis the Minister of Health and team inform of the variant, now known, the current variant of concern, the Delta virus, has a rapid spread, and that this is a pandemic of the unvaccinated.

So, Madam Speaker, in an effort to treat with this very legitimate aim of ensuring that people are vaccinated, this legislation is intended to amend the parent laws of the several laws that I have just read out, to allow us to carry on that which is continuing at present.

At present, Madam Speaker, we are using the structures of the emergency powers established under the Constitution to allow us to have an expanded category of persons capable to give vaccinations. What we propose to do today in the seven clauses that this Bill represents is to amend, Madam Speaker, six parent laws: the Emergency Ambulance Services; Emergency Medical Personnel Act; the

Pharmacy Board Act; the Nursing Personnel Act; the Dental Profession Act; the Veterinary Surgeons (Registration) Act; and, lastly, the Professions Related to Medicine Act, to allow us to employ the following persons to administer vaccines. And these following persons are, Madam Speaker: dental intern; nursing personnel; a dentist including dental interns; veterinary surgeons; medical intern; a paramedic and a pharmacist and also medical lab technicians and radiographers. If we take doctors included in that where they act on their own or by way of supervisions we therefore have 10 categories of individuals of professions, of associated professions, that can administer vaccines. Now why do we need this?

Madam Speaker, during a state of emergency there is a suspension of rights and the constitution sets up the ability to use emergency power regulations to pass laws and to administer the society. Under the Constitution a state of emergency can be declared as it has been for the purposes of health reasons. In this case a pandemic, the COVID-19 pandemic a declared dangerous disease, dangerous infectious disease so declared by Her Excellency, the President under the provisions of the Public Health Ordinance, section 103.

In the state of emergency we are very conscious that the hon. Prime Minister has indicated that the state of emergency is going to come to an end on the 29<sup>th</sup> of November 2021, and in those circumstances the ability for the several categories of individuals to administer vaccines will also come to an end at law, because the power for them, the lawful authority for them to give these vaccinations, arises out of the state of emergency regulations. In particular, Madam Speaker, I refer you to the, published on the 12<sup>th</sup> of June, 2021, in the *Gazette*, Legal Notice No. 179 entitled: “The Emergency Powers [2019 Novel Coronavirus (2019-nCoV) Vaccination] Regulations, 2021” and also to Legal Notice published on the 9<sup>th</sup> of July, 2021, being Legal Notice No. 192 entitled, again, “The Emergency Powers

[2019 Novel Coronavirus (2019-nCoV) Vaccination] (Amdt.) Regulations, 2021". These two regulations allow for those 10 categories of professionals and associated professionals to administer vaccines, but these particular categories will come to an end on the stroke of midnight on the 29<sup>th</sup> of November, 2021.

In those circumstances, Madam Speaker, I advised the Cabinet that it would be prudent to amend the parent laws in the manner that we now do today and I will indicate, Madam Speaker, after having had certain discussions that we propose to allow for an amendment to each of the clauses, clauses 2 to 7 inclusive, to allow for such other vaccines as the Minister may permit. Reason being, it would be sensible at this moment in time to allow for not only the COVID-19 vaccinations as we have defined them being, and you would see it in clauses 2 to 7 across the Bill, Madam Speaker, in the subsections of each one of the amendments that:

“for the purposes of the”—relevant—“section”—the—“2019 Novel Coronavirus (2019-nCoV) vaccine means a COVID-19 vaccine approved by the Minister...”—responsible—“for health on the recommendation of the Drug Advisory Committee in accordance with paragraph 7, Division 3 of the Second Schedule of the Food and Drugs Regulations.”

It would be prudent so that we do not have to come back to Parliament to move both the House of Representatives and the Senate that we allow for that law to continue to speak by way of subsidiary legislation and therefore at committee stage I would propose amendments to allow for such other vaccines as the Minister may by order permit in respect of clauses 2 to 7 inclusive.

Madam Speaker, simple point, we have been using these services, professional services and associated professional services certainly since the 12<sup>th</sup> of June, 2021. We do require the broad expansive list of services to form part and parcel of these services and that is so, Madam Speaker, because our existing laws

on vaccination and vaccination personnel are to be found in the Vaccination Ordinance 1920, No. 17 of 1920, that is Chap.12, No. 13, which deals with administration of vaccinations for smallpox. And secondly, in section 10 of the Medical Services Ordinance 1921, No. 15 of 1921 now Chap. 21, No. 1, where it is stated that a—government medicine officers shall be vaccinators under the Vaccination Ordinance. If we do not take the step to allow for this COVID-19 vaccination to be administered in the fashion that we now recommend, via these listed entities and individuals, associated professionals and professionals, then we would be exposing the population to an understaffed vaccination process where mass vaccination sites, for instance, would be very difficult to man, the health centres and other areas would be difficult to man and therefore we would be starving the vaccination drive by removing the personnel.

Madam Speaker, it is, of course, an important point to note that some of these persons who will be carrying out the vaccinations must do so under the provisions of the Medical Board Act, that is, a person acting under the direction or supervision of a medical practitioner. So when we treat with this particular point we are not saying to unleash persons who are not trained in medicine or with proper or adequate associated professional training, along that line, but we are properly looking at employing the utilization of section 23(2)(a) of the Medical Board Act, that is Chap. 29:50, where there will be supervision in certain circumstances by medical practitioners.

There is ample precedent for this approach. In the United Kingdom, the Human Medicines Regulations, 2012, Statutory Instruments of 2012, 1916, was amended by the Human Medicines (Coronavirus and Influenza) (Amendment) Regulations, 2020, that is, Statutory Instruments 2020, 1125, which was laid before the UK Parliament on the 16<sup>th</sup> of October, 2020. There they used occupational

health vaccinators, including registered nurses, registered midwives, nursing associates, paramedic physiotherapists, pharmacists, and operating department practitioners.

Now, it is important to note that our law purports the capture of all classes of nursing personnel. We are looking at advanced practice nurses, registered nurses, nurses, nurse interns, midwives and nursing assistants. And it is important for us to remember again that we can find comfort in Canada if you look to the province of Manitoba just as an example or in the United States of America you will see that for the COVID-19 and then later morphing into the influenza shots as well recognizing that in those jurisdictions, in particular, where flu season comes about in the colder times of year that the most vulnerable persons are exposed to the savageries of the side effects of the Coronavirus itself, particularly where there are comorbidity issues which in this country, Madam Speaker, are not lost upon the Minister of Health and the Government.

It is for this reason I think that I could confidently say that the Minister of Government was definitely on the right track long before COVID in insisting that there be a primary tackle on NCDs, Non-Communicable Diseases. Our country is plagued by our genetic make up. We are prone to NCDs in certain ways, and I am sure the doctors in this House who are trained and schooled in this will agree with the submission that I have just made, albeit, from a legal perspective. We need to be very careful about diabetes, about obesity, about a number of lifestyle issues that affect comorbidity. Everybody has now come to this understanding of comorbidity. I chuckle because in Trinidad and Tobago lawyers know that people call affidavits, “affidavids”, and now comorbidities in Trinidad are called “comorbilities”. So we have our own way of twisting the point but the point is the average human being in Trinidad and Tobago understands comorbidities but

apparently not well enough because half of our population still needs to get on board.

Madam Speaker, I will end by urging all of my colleagues in this Parliament to stand up and speak up. I would like to say that I would very much appreciate hearing more advocacy on the part of the Members of the Opposition. There are many medical practitioners, and in fact a dental practitioner amongst their ranks, and I do think that a little bit more amplitude could be found in their wavelength. Let me borrow some terms of physics there. We need to do better. Madam Speaker, I thank you for the opportunity to pilot this Bill and I beg to move.

**Hon. Members:** [*Desk thumping*]

*Question proposed.*

**Dr. Rishad Seecheran** (*Caroni East*): Thank you, Madam Speaker. Madam Speaker, how much time do I have?

**Madam Speaker:** You have 30 minutes.

**Dr. R. Seecheran:** Thirty minutes. Thank you. Thank you, Madam Speaker, for the opportunity to contribute to the Miscellaneous Provisions (2019 Novel Coronavirus (2019-nCoV) Vaccination Personal) Bill, 2021. I would like to begin by thanking all health care and front line workers that have put their life on the line to serve the country during this pandemic. And I would also like to thank all the vaccinators that have done the same during this period as well.

**Hon. Members:** [*Desk thumping*]

**Dr. R. Seecheran:** Madam Speaker, the Attorney General spoke of the fact that most of these personnel have been vaccinating the public under the Emergency Powers Regulations No. 3 and the purpose of this Bill is to amend parent legislation so that they can continue to do this function as the state of emergency will be coming to an end on the 29<sup>th</sup> of November, 2021. Madam Speaker, there is

a need for these personnel to continue the vaccination effort in Trinidad and Tobago because we currently have a rising COVID-19 case count which is an early sign that we are on the wrong trajectory and the Government must reassess its policies to get COVID-19 and the Coronavirus under control.

Yesterday, Madam Speaker, the Ministry of Health reported 509 new COVID-19 cases, the second consecutive day in which we had over 500 COVID-19 infections. The Ministry also announced 43 new cases of the Delta variant making it 199 confirmed cases thus far. Madam Speaker, the Delta variant is now in most respects in full blown community spread in Trinidad and Tobago. We had—36 cases of the new Delta variant cases had no history of travel. Eighteen persons had no history of prior contact with a symptomatic person or a confirmed positive patient; 15 persons were fully vaccinated and 21 were unvaccinated.

So, Madam Speaker, we are currently battling the Delta variant. Daily and weekly case numbers are rising by approximately 10 per cent per week according to Dr. Avery Hinds from October to November 2021. The country could climb to a 40 per cent positivity rate this week and the demographics have shown the age group of 25 to 49 accounts for most of the cases of Coronavirus. There was a minor increase in cases in persons under the age of 25, and over 60 remained mostly the same. In terms of deaths two-thirds of deaths are among the over 60 age group. So it is on this backdrop the Bill seeks to amend the Emergency Ambulance Services and Emergency Personnel Act; the Pharmacy Board Act; the Nursing Personnel Act; the Dental Professional Act; the Veterinary Surgeons Act and the Professions Related to Medicine Act and to authorize these additional personnel to administer COVID-19 vaccines under the direction and supervision of a medical practitioner.

Madam Speaker, in looking at the Bill, the Emergency Ambulance Services

and Emergency Medical Personnel Act, there is a typographical error in the first line where there are two “a’s”, the letter “a” has been repeated. I just wanted to say that so it could be amended quickly. But what I would like to say is that under this same Act, the Emergency Ambulance Services Act, I would like to see some more clarity in this Act. On this section, 41(5), it says that the Interim Council shall appoint emergency medical technicians under the categories of: basic, intermediate, paramedic and instructor. But in the amendment, what the amendment is saying is that at the level of paramedic that person will be allowed to do vaccinations.

So my question is, is a simple question, would the instructor also be allowed to do vaccinations? That is just a question I had. It should be clear, unambiguous. And the person at the level of an instructor would not know if he or she would have these expanded functions. Madam Speaker, also section 42 of the Pharmacy Act, it allows for the temporary licence holders to become pharmacists.

[MR. DEPUTY SPEAKER *in the Chair*]

But according to the amendment these temporary license holders will be excluded from these additional functions to perform vaccinations. But under the Dental Profession Act amendments, sections 15 and 16, a dentist who is temporarily registered would be allowed to perform vaccinations. So my question is, why someone who is temporarily registered under the Dental Professions Act allowed to dispense a vaccine but not a temporary license holder under the Pharmacy Board Act? And, what was the rational in leaving out one and adding the other?

My major issue with these amendments, Mr. Deputy Speaker—it brings me to the case of vicarious liability. Now vicarious liability is a situation where one party is partly held responsible for the unlawful actions of another party, a third

party. So the third party also carries their share of liability. Now this could be that the person doing the vaccinations could have mistakenly injected the patient or the person with another drug accidentally or perhaps even the wrong WHO approved vaccine and thus not being the registered vaccine mix. So vicarious liability situations can arise where one party is responsible or has control over a third party and is negligent in carrying out the responsibility and exercising that control.

**4.30 p.m.**

I would like to make reference to a *Newsday* article of the 29<sup>th</sup> of September, 2021, which reported that a 34-year-old woman said that she was given the incorrect COVID-19 vaccine when she returned for her second dose at the Chaguaramas Heliport in August of 2021. So what she is saying is that her first dose was AstraZeneca and when she went back she was given Sinopharm. Now, this is not an approved WHO vaccine mix. The patient said that she went on the 24<sup>th</sup> of June to get her first dose and she was given the AstraZeneca vaccine, and when she returned on the 7<sup>th</sup> of August she was given the wrong dose. She said that the setup was the same except that the coast guard was not there. She went through the screening process and she proceeded to the second station where a nurse took her vaccination card and recorded all her—

**Mr. Deyalsingh:** Mr. Deputy Speaker, just to alert my colleague, that case is currently before the courts—

**Dr. R. Seecheran:** Right.

**Mr. Deyalsingh:** So I urge you to be careful—being presented by Gerald Ramdeen.

**Dr. R. Seecheran:** Okay. I did not know that and I will continue, but that is exactly—I will not refer to this case, Deputy Speaker. Right. I did not know that, but that is my point in terms of vicarious liability. We have—you know, we are

giving these persons authorization—I am not speaking about the case. We are giving these persons authorization to do vaccinations, but we do not really know the level of competence or training that they may have in doing such—it is a complicated procedure.

So, Deputy Speaker, my issue is, should something wrong happen in the vaccination process using these additional personnel that are not medical practitioners, who should be liable? Is it the Ministry of Health; is it the supervising medical doctor; or is it the person that did the vaccination themselves, are they personally liable? So there are a number of issues that you will have to take into consideration in terms of an employer's vicarious liability and one of the first is the benefit and burden principle: an employer has a risk and should be answerable if that risk materializes; the employer is also in the best position to find out and to evaluate the cost of accidents; an employer has a responsibility to make sure that everyone that is working for them is effectively trained; an employer is more likely to take staff training more seriously if they know the consequences of a mistake.

So, Deputy Speaker, vicarious liability does not mean that the employer is liable instead of the employee. What it means is that it is a secondary form of liability and no single test has proven satisfactory in determining this. The situation that we have with these additional vaccinators is that they are not necessarily employees of the Ministry of Health, but we could probably consider them independent contractors and there is case law that supports how we can deal with this, such as *Cassidy v Ministry of Health 1951*. And what it says is that:

“If negligence is proven against a primary”—person—“is it sometimes possible to hold their employer liable under the doctrine of vicarious liability.”

And what this—this is the dominant test, Deputy Speaker, and what it says is that:

“The Court of Appeal...”—in that case said—“...that the defendant was...liable.”

And:

“...that a person is a servant of the defendant if he...”—is—“...chosen for the job by the defendant and is fully integrated into the defendant’s organisation.”

So what does this means? It would mean, in this case, the vaccinator was appointed by the Ministry of Health and was not chosen by the patient, and was fully integrated into the system of vaccination. So there is also the Salmond test where a master is liable for the acts which he authorized, provided that they are so connected with the acts that he has authorized, that they may rightly be regarded as modes although improper modes at that. There is also the Bolam test where even though you have warned of risk—right?—the defendant may be compared to how a reasonable person would have acted in the same circumstance. Where a particular skill or a professional expertise is involved the appropriate comparison is with a person of similar skill or expertise. So these are issues of skill and expertise.

I have no issue with increasing the number of vaccinators that are needed in our country—vaccination drive—but I am trying to speak about liability in terms of would the Ministry of Health be liable; would the doctor, the supervising doctor, be liable; or would the vaccinator be liable? And what was done in the US, Deputy Speaker, in order to expand the workforce available and authorized to administer COVID-19 vaccines, the Public Readiness and Emergency and Preparedness Act (PREP Act) provides immunity to qualified individuals.

“The declaration provides immunity from liability (except for willful misconduct) for claims:

- of loss caused, arising out of, relating to, or resulting from administration or use of countermeasures to diseases, threats and conditions...”—identified by the declaration.

And this was done in March of 2020. So in the US they actually did an entire Act to protect persons that are doing vaccination drives for themselves to prevent them from liability should that mishap occur.

So the reason I am saying that, Deputy Speaker, is that among the category of persons, the professionals, that are required to engage in this vaccination process, only dentists have malpractice insurance. So like many dentists we have malpractice insurance because we do dentoalveolar surgeries, we do dental implant placement, and we actually have insurance for the loss of life. We dispense drugs, inject patients, perform surgeries. We do intravenous and inhalation sedation, and sometimes things do not go as planned. So we are protected by our malpractice insurance. But what about these pharmacists, these vets, these professions related to medicine, are they going to be personally liable should that incident, and God forbid an incident happens, should that incident happen? I would like the Attorney General to please clarify that point. That is something that came to me while I was reading this supplemental amendments.

Deputy Speaker, there is also the issue of adverse incidents in giving a vaccine. We have seen in children—myocarditis, which is inflammation of the cardiac muscle, could occur. We have seen in elderly patients thrombus where thrombocytopenia could occur, and what I am saying is that this would occur regardless of who does the vaccination. But what I am asking here is: What are the terms and conditions do we have with the vaccine manufacturers? Right? So are the vaccines manufacturers—what do they advise in terms of training to dispense these vaccines? Right? Should an adverse effect occur regardless of who does the

vaccination, would our citizens have legal options if the manufacturer deems the vaccinator unsuitably qualified? So that is just a question I would like to know. The public would like to know that. Has the manufacturer said that there is a certain class of professions that need to do these vaccinations for it to be legally acceptable in the court of law should a legal matter arise? You know, because we have these non-disclosure agreements and we do not know much of what has happened in terms of the relationship between the Government and these vaccines manufacturers.

Deputy Speaker, I would also like to speak about the additional scope of functions and should we have put a sunset clause on these functions, meaning a time limit and allowing it to be renewed at a later date for these COVID-19 vaccines, six months, perhaps a year, or even the duration of the COVID-19 to be listed under the WHO as a pandemic status. You know, we have the recent breakthrough, as I told the Prime Minister this morning, of antiviral drugs that may actually change the entire scenario of COVID-19 in the global context. So we are hoping that this pandemic would sometime come to a close, hopefully sometime next year. So, you know, would we have this on the books so would we have to come back to Parliament to take it out? And you know, I hope for the sake of Trinidad and Tobago our Ministry of Health preorders these antiviral drugs.

Deputy Speaker, so why are these personnel so very important after we have vaccinated over 600,000 citizens in Trinidad and Tobago? And the reason would be simply that we need booster shots at some point in time. And what we have seen in the global context, many countries have given booster shots after four months of being fully vaccinated. So a booster shot is offered to a larger group of persons such as those age 50 and over, and those who are clinically vulnerable and are front line and social care workers and may be deemed eligible. So I am calling on

the Minister of Health to consider booster shots for most of the population because we would need this to stop many of the breakthrough COVID-19 infections that we are currently experiencing in Trinidad and Tobago. Provisions should be made within our existing vaccine inventory to allow future allocations for us to achieve this goal.

In fact, in the FDA in the US, Deputy Speaker, boosters of Pfizer's COVID-19 vaccine are for persons the age 65 and over, those age 18 and over who live in long-term care settings, those 18 and over who have underlying medical conditions, and those who work or live in high-risk settings. So Pfizer has just this week asked the US regulators to allow a booster for anyone over the age of 18, and that comes amid concern that increased spread of coronavirus with holiday travel and gatherings. We have a study that has shown that Pfizer effectiveness or efficacy dropped from 96 per cent to 84 per cent after four months, and with the third shot it bounced back up to 95 per cent, Deputy Speaker. At least 21 million citizens in the United States have received their third booster shot including President Biden. They do more than 786,000 boosters per day. Data from Israel has shown that fully vaccinated persons in January 2020 had a 2.26 fold increase risk for breakthrough infections compared to those that were vaccinated in April 2021. And what this means is that there is a gradual decrease in the efficacy of vaccines over time and persons may become COVID-19 positive as the immunity in their system wanes.

The prospect is that most people would eventually need a third booster and the situation is constantly changing. The Ministry of Health had a slogan "One shot and done" for the Johnson & Johnson vaccine, and that may soon have to change. What we have seen in the US and in other parts of the world, Johnson & Johnson has now become two shots. So you actually need a second shot of the Johnson &

Johnson. It is greatly recommended to increase the immune response because this shot offers a little less protection than most of the other vaccines. Some countries in Europe have already authorized booster shots for all adults. Israel is offering booster shots for anyone 12 and over. In Canada, a booster shot of the Pfizer-BioNTech vaccine is offered to anyone age 18 and over, and this is fully vaccinated people with two vaccines plus the 14 days.

In the UK, it is everyone over 50 and to all other vulnerable people; Germany, France, Czech Republic. And, Deputy Speaker, this will help us protect our vaccinated citizens against severe illness and hospitalization. You know, we see what is happening in our hospital system. Dr. Abdool-Richards has reminded us that there is only so much they can do to increase physical capacity by adding more beds because resources are limited. Human resources are limited, equipment is limited and will be expended in the near future. You know, the Prime Minister said I was a major proponent of vaccine hesitancy. I disagree with that strongly. I mean, how could I be when I was the one asking for vaccines to be preordered last year. I mean, why would I ask for vaccines to be preordered?

There are currently only 87 ventilators in operation in our parallel health care system and this is after a reported \$480 million spent in our COVID-19 response. Where has all the money gone, Minister Deyalsingh? He said infrastructure, human resources, consumables, paying for quarantine, buying PPE. You know, but—

**Mr. Deyalsingh:** Mr. Deputy Speaker, Standing order 48(1), please.

**Dr. R. Seecheran:** Which one is 48(1)?

**Mr. Al-Rawi:** Relevance.

**Dr. R. Seecheran:** Yes, it is not relevant that our ICU is overwhelmed.

**Mr. Deputy Speaker:** Member? Member, I will give you a little leeway. Go

ahead.

**Dr. R. Seecheran:** Thank you very much, Sir. Thank you. So you know how did we reach at this situation? We are being currently overwhelmed. We have—it is just one month since we have reopened the safe zone initiative or introduced it. That is two cycles of COVID-19. There is no mechanism whereby vaccinated persons have to get tested in the safe zones. So we have vaccinated persons that could have breakthrough infections and there is no way to know. They are advising PCR tests every 14 days, though a PCR test is only valid for three days. He lacks a lot of science behind him and it is not logical. We are experiencing a wave and we hope that it does not increase any further.

**Mr. Deyalsingh:** Mr. Deputy Speaker, regrettably, Standing Order 48(1) please.

**Dr. R. Seecheran:** I under—

**Mr. Deputy Speaker:** Again Member—

**Dr. R. Seecheran:** Yeah, of course.

**Mr. Deputy Speaker:**—again, even though I gave you some leeway, again, we do not need to go into all the operational aspects and so on.

**Dr. R. Seecheran:** Of course.

**Mr. Deputy Speaker:** We are here to amend based on the particular aspect. So us try and stay close to that as possible.

**Dr. R. Seecheran:** Right. So—

**Mr. Deputy Speaker:** Even though I know you will have to make mention of a couple of points.

**Dr. R. Seecheran:** Of course. So it is a good initiative that we are expanding and putting this into the primary legislation. You know, I would just like the Attorney General just to clarify a few of the issues that I highlighted that I just wanted a little clarification upon reading the amendments. And with those few words I thank

you, Deputy Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Okay. I recognize the Member for Moruga—sorry. I recognize the Member for Cumuto/Manzanilla.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Hon. Member, you have 20 minutes.

**Dr. Rai Ragbir** (*Cumuto/Manzanilla*): Thank you, Mr. Deputy Speaker. Good afternoon to this honourable House, and I am grateful to be here to be part of this debate, but it is a sad day when we have seen another hat trick of 535 cases, three-500s, three consecutive days and 10 deaths. So the reason we are here today is about the miscellaneous provisions, and I together with Members on this side, and I know on the Government side, we believe in vaccination. We believe in receiving your vaccination, and I want to say my heart is full, it is filled with love for these first line responders, those health care workers who work day and night, sacrifice their families. It is a tremendous feat and I want to say that publically in this august Chamber.

**Hon. Members:** [*Desk thumping*]

**Dr. R. Ragbir:** And my heart grieves for so many people have lost their lives, and their families, the breadwinners, they have passed on. But I believe that the vaccine will help us in the long run.

And just a little preamble before I start, as we know from the little infants they need the vaccines, and we know that they get booster vaccines like the chicken pox, the tetanus, the measles, mumps and rubella. So that is just to name a few, Mr. Deputy Speaker. But in this instance why are we here? Because we need extra doses. We are here because we are in a global pandemic. We are here—people are getting more sick and people are dying. So you are hearing two

terminologies. You are hearing a third dose and you are also hearing another terminology called an additional dose. So sometimes the words, before I start, are being used interchangeably, Mr. Deputy Speaker. So the science says that the third dose refers to people who are not compromised properly, people who are immunocompromised and they may have gotten the vaccines either one as in the case of Johnson & Johnson or two vaccines, and for some reason their immunity is not what it should be. Then next scenario we use is the people who need an additional dose, and this time what has happened that the effectiveness of the vaccine starts to wane down. That means they do not seem to get the protective effects.

Mr. Deputy Speaker, the whole world is going through a crisis. Countries that have thought that they would have gotten away by vaccinating. We have to remember this thing that many of the vaccines that have been given are good vaccines. We have received WHO vaccines, but there are parts of the world that the low income and the low middle income countries, they have not received the quantum of vaccines as they should get. As a result of that, the virus, the COVID-19 virus, has been continuing to mutate and the entire planet realized what is happening with the Delta variant and it is here. And what does that mean? We have people, two sets of people, people who are vaccinated and people who are unvaccinated. So that is why this Bill is here in front of us because both sets of people are getting sick, but if you get vaccinated you have a better chance to survive from being vaccinated.

So we are here today—and, Mr. Deputy Speaker, it is the Government's intention with this Bill to amend the Emergency Ambulance Services and Emergency Medical Personnel Act, Chap 29:02; the Pharmacy Board Act, Chap. 29:52; the Nursing Personnel Act, Chap. 29:53; the Dental Profession Act, Chap.

29:54; the Veterinary Surgeons (Registration) Act, Chap. 67:04; the Professions Related to Medicine Act, Chap. 19:04 to authorize additional personnel to administer the 2019 Novel Coronavirus vaccines under of the direction or supervision of medical practitioners.

Mr. Deputy Speaker, I shall be dealing with these clauses of this Bill. My colleague Dr. Seecheran has already started and I complimented—he believes in vaccination. Mr. Deputy Speaker:

“Clause 2 of the Bill seeks to amend the Emergency Ambulance Services and Emergency Medical Personnel Act, Chap 29:02, by inserting after section 36, a new section 36A to authorise an Emergency Medical Technician - Paramedic registered under the Act to administer...”—the COVID—“...vaccine under the direction and supervision of a medical practitioner.”

Mr. Deputy Speaker, looking at the parent legislation I want to focus on Schedule V. Schedule V shows of all the responsibilities of an EMT that they can do. Now, Mr. Deputy Speaker, the Government is now looking to have EMTs administer COVID-19 vaccines under the supervision of medical practitioners.

I remind the nation that in March 2020, COVID came into the country, the Government wanted to use the EMTs to assist in the fight against COVID-19, but, however, this did not stand well. We must never forget that the Minister of Health boasted Trinidad and Tobago was No. 1 in the world. So we are No. 1 without the EMTs, now we are going to use them, and I must compliment them and stand up here, they work day and night. They are answering the call or the cries of people who are on home quarantine, people who are sick with non-communicable disease, and people who have COVID. Their training and tools, Mr. Deputy Speaker, are tailored to only the most life threatening conditions and how they can assist in these

dire situations. They work 24/7, 365 days.

Most people go to work and they have to be called out because they are short of shifts. They are our first responders and they are ready to come to their jobs every single day. So this is important to understand. People like the emergency medical technicians, we need them and we are there to support them and this legislation is such. So, Mr. Deputy Speaker, the EMTs play and will play a major role in hospitals and helping to save lives. Therefore, they are very capable to administer these vaccines and to have them supervised in a timely fashion. I pay homage to them as they are in the front lines. Many have gotten sick like other medical professionals. Mr. Deputy Speaker, the Government acted much quicker in accessing these vaccines. These brave souls will be with us because I will tell you why. Many have gotten sick and some may have passed, like all of us who are front line responders.

Mr. Deputy Speaker, I turn to clause 3 of the Bill:

“Clause 3 of the Bill seeks to amend the Pharmacy Board Act, Chap. 29:52, by inserting after section 42, a new section 42A to authorise pharmacists to administer a 2019 Novel Coronavirus...under the direction and supervision of a medical practitioner.”

Mr. Deputy Speaker, I feel like we are in a twilight zone with this Government or an episode of “Back to the Future”. I must go back when we were telling this Government to test, test and test. The hon. political leader, Kamla Persad-Bissessar, that is what she was saying, test, test, test. Mr. Deputy Speaker, I remember when pharmacists were willing to do the testing. I am a vaccinator and I have seen all these cadre of people at all areas, from Centre Point Mall, UTT, SAPA, NAPA, Diwali Nagar and they have answered the call, and they have given up their time, their money and their service for this nation of Trinidad and Tobago.

It was the Minister of Health that came out against this initially.

Mr. Deputy Speaker, I want to refer this House to a Trinidad *Guardian* article dated 28<sup>th</sup> of May, 2021, the headline to Trinidad *Guardian* dated—it showed that “Deyalsingh warns against sale of antigen rapid tests”. I know it has been mentioned many times over, but I dare say if we have to arrest the spread—

**Mr. Deyalsingh:** Mr. Deputy Speaker, Standing Order 48(1). This is about vaccination not about rapid antigen testing. Please.

**Mr. Deputy Speaker:** Again Member, you were going pretty well but now as we start to get into the testing—right—I will need to ensure that you do not go down that road and you could move to another point please.

**Dr. R. Ragbir:** Thank you, Mr. Deputy Speaker, and I am guided so forth. So also I want to refer to another article in the Trinidad *Guardian* about “Pharmacists ready to help with vaccinations”, and I want to say yes, the pharmacists have been assisting and they will continue to assist them, and they have been part of the front line health care workers.

Mr. Deputy Speaker, I turn to clause 4 of the Bill which seeks to amend the Nursing Personnel Act, Chap. 29:53 by inserting after section 51B, a new section 51C to authorize nursing personnel to administer 2019 Coronavirus vaccines. These are our heroes, these are our angels who work day and night, sacrifice themselves and their families, and they just slump down in the couch and in the bed whenever they come home and you know what, we give them praise and we give them thanks. And I am sure the President of the Nursing Association has done a good job and I pray and hope that the hon. Minister from St. Joseph will put something extra in the pay packet for all these front line health care workers, Sir.

I want to say that the nurses are already giving vaccinations and, in fact, I got my vaccination at St. Joseph and it was a nurse who was there to give us the

vaccine. There was an urgent plea last evening by the President of the Trinidad and Tobago Registered Nurses Association, Mr. Idi Stuart, who cried as he called a COVID positive patient lying in the grass outside accident and emergency waiting for a bed. You know he cried about that in a sense that it is overwhelming—

**5.00 p.m.**

**Mr. Deputy Speaker:** Hon. Member.

**Dr. R. Ragbir:** Yes, Sir?

**Mr. Deputy Speaker:** Please, please. You are going fine but again, you are just swaying a little too much to the operational aspects. All right? So, please, please.

**Dr. R. Ragbir:** Thank you, Mr. Deputy Speaker. I am so guided. I want to say that the Government could have hired and continued to hire more medical doctors, more allied medical professionals because this fight is far from over.

As I conclude, I want to remind everyone, and I have said it before, that our health practitioners are overworked and they are burnt out and when people do not take the vaccines, it is the same health professionals who have to look after you day in and day out. And as I said earlier on in my debate, they are tired, feel sorry for them and take your vaccine.

Mr. Deputy Speaker, I conclude and I say thank you and with these few words, God bless.

**Hon. Members:** [*Desk thumping*]

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Mr. Deputy Speaker. I want to start again by joining with my colleague, the Member who just spoke, as we have always done in thanking health care workers for all that they have done for Trinidad and Tobago.

I just want to respond to my colleague who just spoke before me who continues to misrepresent the words of Dr. Tedros and I will just quote Dr. Tedros'

words when he said:

“Test, test, test...”

And he said this:

“All countries should be able to test all suspected cases.”

But the UNC has misquoted Dr. Tedros to say, “Test yuh whole population”. He never said that and we have been following that mandate from day one. But the UNC continues to misquote Dr. Tedros. He never said test all 1.4 million people. He said test all suspected cases, contact trace, isolate and treat. But I know this will not be the last time that the UNC does this, that is their modus operandi. So sad.

Mr. Deputy Speaker, before I get into my contribution, I need to respond to the shadow Minister of Health who is a dentist by profession and let me say if ever I need dental advice, I will seek him out.

**Hon. Members:** [*Crosstalk*]

**Hon. Member:** You will seek him out?

**Hon. T. Deyalsingh:** I will seek him out. I will go with him, I would trust him with my teeth but I will not trust him with medicine.

**Hon. Members:** [*Inaudible*]

**Mr. Deputy Speaker:** Silence.

**Hon. T. Deyalsingh:** He went at length about the Bolam test and negligence. May I tell the good dentist that if you are going to veer into law and negligence in law, please also consider the Bolitho test—

**Hon. Member:** “Ohh”.

**Hon. T. Deyalsingh:** —not only the Bolam test. I have an LLB, a first degree in law. Please, do not mislead the population again.

Mr. Deputy Speaker, the shadow Minister of Health takes every opportunity to undermine the Government’s vaccination programme but let me explain why.

He spoke about myocarditis, thrombotic events and adverse events, and yes. But you know what the Member does not do? Contextualize it. Why is context important? He focuses—

**Dr. Seecheran:** Mr. Deputy Speaker, Standing Order 48(6) imputing improper motives.

**Hon. T. Deyalsingh:** What?

**Dr. Seecheran:** I never tried to undermine the Government's vaccination process.

**Hon. T. Deyalsingh:** Well, I am explaining.

**Mr. Young:** [*Inaudible*] on TV!

**Hon. Members:** [*Inaudible*]

**Mr. Young:** “De man try to start ah war with me on” [*Inaudible*]

**Mr. Deputy Speaker:** Again, hon. Member, the Minister is responding to a comment made by you so I will give you the opportunity.

**Hon. T. Deyalsingh:** Thank you.

**Mr. Deputy Speaker:** Proceed.

**Hon. T. Deyalsingh:** In this country, we have administered, to date, over 1.2 million doses of vaccines. But you know what the Member did today? Focused on less than 10 adverse events to sell a narrative to the country, in my opinion, that vaccines are unsafe. Less than 10 adverse events out of 1.2 million doses of vaccines given out in this country. Why not focus on that? Around the world, over 7.2 billion of doses have been given. But the anti-vaxxers—and I am not saying that you are one—but the anti-vaxxers harp; harp on this minuscule percentage of adverse events and this is what we saw in the Parliament today.

The shadow Minister of Health also asked for a sunset clause. If he had listened to the hon. Attorney General when he was piloting, he said he is bringing an amendment so that in future, this can be used for other vaccination programmes

including the flu vaccine. So why put a sunset clause? The hon. Attorney General explained this in full. So that is my rebuttal to some of the unfortunate statements made.

Mr. Deputy Speaker, I now want to come to the substantive Motion before us. The legal rationale for this Bill is premised on the opinion of the Solicitor General as approved by the Attorney General, Minister of Legal Affairs also. So once the state of emergency comes to an end, we have to amend primary legislation. I will not go on to the six pieces, that has been done already, but what I would like the country to know now is how many of these auxiliary vaccinators we have used.

Under the Emergency Ambulance Services and Emergency Medical Personnel Act that we are seeking to amend, under the state of emergency, we used 49. Under the Pharmacy Board Act, which we are seeking to amend, we used 163 pharmacists. Under the Nursing Personnel Act that we are seeking to amend, we used 82 nurses. Under the Dental Profession Act that we are seeking to amend, we used 123 dentists and dental interns, and under the Veterinary Surgeons (Registration) Act, we used 49 veterinary surgeons. To date, even though we are amending it, the Professions Related to Medicine Act, we have not used any of those there but this amendment will give us that power. So, in total, we used and employed 466 extra vaccinators to support those in the public health sector and the private health sector.

And let me put it on record now, as I have always said, this is non-political. I want to congratulate every single health care professional again but I will single out my colleague, Dr. Rai Ragbir, I will single him out, who volunteered his time and expertise at the Divali Nagar site almost every weekend. I went there almost every weekend. He is to be congratulated.

**Hon. Members:** [*Desk thumping*]

**Hon. T. Deyalsingh:** This is non-political—together with all the other doctors and nurses who did that. At the height of the deployment, we deployed these 466 persons to support the Government’s vaccination programme in June to September.

What was the legal rationale that we used? The legal rationale that we used, Mr. Deputy Speaker, can be found—and the hon. Attorney General mentioned it briefly but I will go into some more details. We looked at Province of Manitoba, Canada and the issue there was how to widen the workforce to administer COVID-19 vaccines. And in Manitoba, Canada, an Order was made under the Regulated Health Professions Act which came into effect on 06 April, 2021. That Order allowed persons in various occupations related to medicine and health to be authorized to administer vaccines. In the United Kingdom, the Medicines Regulations was amended by the Human Medicines (Coronavirus and Influenza). So this goes back to the sunset clause. We are also going to be using it for the influenza vaccines. And in the United Kingdom, the view has been expressed and I just want to quote:

“It is of vital importance that the COVID-19 vaccinator...”—that is these 466 persons that we have used across the various professions. “...the...vaccinator workforce receives comprehensive training and competency assessment, in order that...those who receive...”—this vaccine—“are protected and public confidence in the...”—vaccine—“is established and maintained.”

And that brings me to respond to what the Member—the shadow Minister of Health was asking about training.

Let me now go into some detail as what we did as far as training was concerned. We did not take these professions and simply unleash them onto the

public. We worked with the University of the West Indies, the Medical Sciences Faculty and I want to thank Professor Terence Seemungal, whom I called him. I said, “Terry, we need to do this. Can you devise a training programme?” He replied to me, “Terry”—we call each other Terry—“done”. And let me give the public some idea as to what sort of training they did as recommended by the UK amendment.

Mrs. Grace Sookchand, Nurse Grace Sookchand, who is the head of our Expanded Programme on Immunization, trained them in administering the injection. It is an intramuscular injection administered into the deltoid muscle in your upper arm. Dr. Carla-Maria Alexander trained them on the different types of vaccines, not only the COVID-19 vaccine. Dr. Carla-Maria Alexander, again, trained them on how vaccines work, how the immune response is triggered. Mrs. Arlene James-Euin trained them on cold chain management because these vaccines have to be stored in the particular temperature settings, so they were trained in cold chain management. Former Chief Nursing Officer, Mrs. Gwendolyn Loobie-Snaggs, the process of vaccine administration. Dr. Tiffany Hoyte, CMOH from Tobago, trained them in the management of adverse events. Mrs. Arlene James-Euin trained them in documentation because documentation is important. And then Mrs. Arlene James-Euin and other clinical instructors from the Faculty of Medical Sciences did the practicum demonstrations. So they were well trained, they were well prepared and that is what we did. We just did not pluck the people out of the blue. We trained them, they were selected. By training as nurses, pharmacists, they already had a degree of clinical training, medical training.

Mr. Deputy Speaker, for us to get out of the grips of this pandemic right now, we have to do certain things. And I just want to quote a statistic to alert the population of what the unvaccinated sector of the population is causing us right

now. As at 8.30 this morning, there were 60 persons in our Accident and Emergency Departments waiting to be transferred to a COVID facility. Of that 60, 50 were not fully vaccinated. It is a pandemic of the unvaccinated. Currently, in our ICUs, 58 out of 66 are unvaccinated. Those are the facts, those are the figures.

If the unvaccinated continue to believe the propaganda that is being put out by social media, by the algorithms of Facebook which leads the unsuspecting into a rabbit hole of misinformation and disinformation, more persons are going to die. That is the unfortunate reality. That the algorithms of Facebook drive the unsuspecting into a rabbit hole of misinformation and disinformation because the way these algorithms are set up, once you start to get into that, it feeds you more and more of what you are looking for. You do not get the objective data.

Mr. Deputy Speaker, as I said, the pandemic is not over. Now we are administering additional doses and I welcome the opportunity to respond and to join with my colleague, Dr. Ragbir, in talking about the additional doses. We are not administering in Trinidad and Tobago booster shots because people are mixing up the terms. We are not administering third doses or second doses. What we are administering is additional primary shots. If you had a two-dose regime, you will get a third shot and if you had a one-dose regime like J&J, you will get a second shot. So it is not only a third shot, it is an additional primary dose after you have been fully vaccinated, either via a two-dose regime or a first-dose regime. We started this on Wednesday. To date, 1,987 persons have accessed their extra additional primary dose. I want to make that clear. It is an additional extra primary dose.

And for clarity—and I welcome the opportunity to use my last four minutes to explain. Who is eligible for this extra primary dose? It is broken up into vaccine types. In the case of Sinopharm, anybody over 60, regardless of your disease state.

So a person like me, if I took Sinopharm, over 60 can access it, anybody over 60 with Sinopharm. For all the others—Sinopharm, J&J, AstraZeneca—it is applicable to those persons whom their physicians, their consulting physicians, their primary physicians consider them to be moderately or severely immunocompromised. The majority of those persons will be persons living with HIV with a CD count of 200 and below. The CD count for a normal person is 500 and above. Persons with active cancers, patients on dialysis, persons on immunocompromised states like Lupus taking immunosuppressants. So it is not open, as my colleague is saying, to everybody. These additional primary shots are not based on exposure. So please do not mislead healthcare workers. It is not based on exposure.

**Dr. Seecheran:** Mr. Deputy Speaker, Standing Order 44(8). I think the Minister is misinterpreting what I said. I asked him to consider booster shots, I did not say he is doing it right now.

**Mr. Deputy Speaker:** Again, Member, it is your word versus his word. The hon. Minister is saying that he is responding to you and you are saying that you are being misquoted. Minister of Health.

**Hon. T. Deyalsingh:** Thank you. Between my two colleagues who spoke before me—

**Mr. Deputy Speaker:** You have two more minutes.

**Hon. T. Deyalsingh:** —they gave the impression that this should be available to healthcare workers. It is not based on exposure at this point in time, it is based on your state of being immunocompromised. Those are the WHO guidelines at this point in time.

So, Mr. Deputy Speaker, in closing, I want to urge everyone who can be vaccinated to get vaccinated. I want to thank all healthcare workers for their high

standard of customer service, their empathy, their calm and reassured way in which they treated with their clients who came and these opportunities for training that they got should not go to waste, and I hope to see them back out, and I just want to urge the 1.1 million people, 12 and over, who are “vaccinatable” to please be vaccinated. Thank you very much, Mr. Deputy Speaker.

**Hon. Members:** [*Desk thumping*]

**Dr. Lackram Bodoie** (*Fyzabad*): Thank you very much, Mr. Deputy Speaker, for the opportunity to join this debate and to make a very contribution on the Miscellaneous Provisions (2019 Novel Coronavirus) (2019-nCov) Vaccination Personnel) Bill, 2021, which is to amend clauses to allow, as mentioned in the laying of the Bill, for 10 categories of workers to join the cadre of vaccinators.

Mr. Deputy Speaker, I agree that we are in a situation where we are between a rock and a hard place at this point in time and I want to join the call for those who are not vaccinated to consider seriously being vaccinated. Again, I would want to join with my colleagues and commend my colleagues who would have made some very important points in this Bill, the Member for Cumuto/Manzanilla, the Member for Caroni East, and to commend all frontline healthcare workers and vaccinators, in particular, for the yeoman service they have done so far for this country.

Mr. Deputy Speaker, I understand that the Government needs to engage—to get all on board. I am happy to note that we have had 466 auxiliary vaccinators already being utilized during the term of this amendment. So we are in a difficult situation. Again, it is worrisome that we have 50 out of 60 in the ICU being unvaccinated, figures just quoted by the Minister of Health, and the fact that 58 out of 66 are waiting in our Accident and Emergency Departments who are unvaccinated. So very worrisome figures indeed.

And if we are to look at the daily newspapers in terms of the situation where we are—I do not need to go back into the figures, it is well there. We have over 500 in the last two or three days but I think what is even more important is the fact that we are also experiencing, witnessing healthcare staff burn out and we are seeing that on a daily basis because of the load on the health system and it has led to some very unfortunate statements in the media. I saw today that the President of the TTRNA apologizing for the statements made last week. And it is easy to see how one can lose, you know, or think differently when the statement was made that we should give priority or not give priority to certain people based on the vaccination status. We really do not want to reach that place in this country, Mr. Deputy Speaker.

But also, I think what is also important is to note the public's sentiment because today's *Guardian* newspaper, the headline is saying:

“No to more lockdowns”.

So I think the country is in a state where we understand, we appreciate that vaccination is important and also, that business leaders, religious leaders and so on are not prepared to support a further lockdown and therefore, we have to do all in our power as Members of Parliament, as a country, to try and deal with this problem. So we on this side are in agreement that vaccine is the answer.

But I think the question—and this is really what I would like to speak about for a few minutes, Mr. Deputy Speaker. The question really is: How do we move from the 45 per cent fully vaccinated to the 75 to 80 per cent, Member for St. Joseph, that I am sure that you are looking for? And that is the question: How do we get there? Of course, the measure we are debating today is one of those measures, very important measures, and I give support to that. Again, I thank those categories of workers who will now be able to be engaged in this process going

forward. But what else can be done? I mean, that is important, it is important to increase the number of vaccinators. Yes, it has been done, the precedent has been set in other countries: the United Kingdom, Manitoba in Canada was quoted, it is being done in New Zealand as well. So it is a well-accepted practice. But the question really is: What are we doing to address vaccine hesitancy?

And the Attorney General, in his presentation, the laying of this Bill, mentioned and I quote him:

“...we are...begging people to take the vaccine.”

And to some extent, we are doing that but really and truly, we also have to try and examine our strategy. The Government has to examine its vaccination strategy because getting these additional vaccinators on board is fine, it is all well and good to have these additional people but, Mr. Deputy Speaker, the challenge that we will face and we continue to face—and I note that the numbers in terms of persons seeking vaccination have slowed down considerably in the last month or two and that is something that is very worrisome.

So what needs to be done, what can be done? How do we break through this what I call the “vaccination wall” that we have hit at this point in time? So we need to look at more innovative ways. I mean, things are being done. Their communication strategy and so on. But the question really is: How do we get the persons who need to be vaccinated to these additional vaccinators who we are empowering and authorizing today? And of course, the answer speaks to a proper and an enhanced—I should say a proper and enhanced communication strategy, and this is what I want to throw out.

And again, Mr. Deputy Speaker, the communication is very, very important and the Minister did mention that, you know, there has been a gap that has been occupied by the naysayers and that is something we have to address. It is a fact we

have, you know, fake news, we have false information, we have the unbalanced, unscientific narratives, you know, in the social media. We have to accept that the social media is a two-edged sword. It can be used for good but it can also be used for bad and therefore, we have to find ways to capture how we can use it to our benefit in Trinidad and Tobago.

So again, I am asking about Government having to look at a proper communication strategy. I am calling on the Government to step up its vaccination strategy. You know, we have to look at targeting individuals, groups, organizations, communities in a more direct manner. I know we have these ads. We have these ads on the television, the radio and so on, social media, but we seem to have reached the limit of that strategy and therefore, I was hoping that this evening here, we would have heard from the Minister, you know—we are getting this passed but I was hoping we will hear something of an enhanced vaccination strategy. Because we can pass this, I mean we can engage these vaccinators but if we cannot get the persons to be vaccinated, then we are no closer to what we want to achieve to take the country out of this pandemic.

The Attorney General said it, we are begging people to take the vaccine and I am saying that we cannot and we must not throw our hands in the air. We cannot reach to a point and say, “Listen, we have done everything, let the chips fall where it may be.” It is very tempting. Many leaders in the society are saying that, you know, you are seeing these comments and so on. But as a society, we have to be able to go beyond that. That is what I am saying. Trinidad and Tobago cannot afford another lockdown at this point in time so a way must be found to reach those persons who are not yet vaccinated.

Mr. Deputy Speaker, you know, I want to raise an issue here and I think it is very important to raise the issue that, you know, this vaccine hesitancy that we are

currently experiencing, you know, it is not something that was unexpected.

**Mr. Deputy Speaker:** Hon. Member, again, I am giving you some leeway. All right? I know you are now going into this new point but again, just be conscious of the extent of going into your deliberations please. Okay? I will give you a lil leeway for now as you have now started this second point but be careful, please.

**Dr. L. Bodoë:** Sure. Thank you, Mr. Deputy Speaker. I am guided. And I just wanted to make a point in terms of some of the suggestions in terms of how we can the address the vaccination gap and the hesitancy, and I am just saying that in February of this year, a newspaper article was published, so it was public information, that:

“...62% of Trinis Won't Take COVID-19 Vaccine”

This is AZP News published on the 7<sup>th</sup> of February and these were the findings of a survey that was conducted and presented at a forum at the University of the West Indies. The hon. Minister of Health would recall, he would have been present at this meeting.

And therefore, some of these issues were highlighted based on the survey. And I am just saying, Mr. Deputy Speaker, before I move on, that, you know, perhaps we need to revisit that survey and look at what was raised and maybe we can look again at more innovative ways to address this.

**5.30 p.m.**

So, Mr. Deputy Speaker, I will not detain the House much longer. I think a lot of what needs to be said on this matter has been said. And I just want to close by saying that we on this side have supported and will continue to support the vaccination effort. I know the hon. Attorney General asked for, his words were, more amplitude, in the effort on this side. Attorney General, I can assure you that that is being done. It has been done from the very beginning when we offered our

support in the effort to fight the pandemic. The MP for Cumuto/Manzanilla is a registered sentinel physician, recognized by the Minister of Health himself, and the MP for Caroni East, you know, has sought—all his efforts has been in seeking the public interest by advocating for making vaccines more available and early available.

And other colleagues have done their part in mobilizing constituents and facilitating outreach in vaccination programmes and so on, Mr. Deputy Speaker. And Mr. Deputy Speaker, as I close, I just cannot to say as well that I—

**Mr. Deputy Speaker:** Minister of Finance, hold on, you care to join the debate? Okay. Right, please. Go ahead Member for Fyzabad.

**Dr. L. Bodoë:** Thank you, Mr. Deputy Speaker. So I just want to close and I give the assurance that we on this side are fully committed to supporting the vaccination. I have personally made two videos, which have been made available to the Minister of Health going forward if he chooses to use, in terms of supporting and encouraging vaccination.

So, with those few words, Mr. Deputy Speaker, I thank you for the opportunity.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Attorney General.

**The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I wish to thank all Hon. Members for their contributions today. I welcome the submissions of several colleagues opposite, and I thank the Minister of Health for such a fulsome explanation on where we are, for providing clarification on what we can do.

I would say to the Member for Fyzabad, and I mean this with all sincerity, the only voice opposite that, to me, seems most silent on vaccinations is the Leader

of the Opposition. I cannot recall seeing a video of the Leader of the Opposition calling for vaccines. I could be wrong. I have not seen a campaign where there is endorsement—

**Dr. Seecheran:** Mr. Deputy Speaker, Standing Order 48(6). The political leader has made many public announcements on getting vaccinated.

**Mr. Deputy Speaker:** Thank you. Proceed. Just for the record you have 20 minutes.

**Hon. F. Al-Rawi:** Thank you, yes. I am saying that I have not seen it. I have not seen the kind of advocacy that I think a leader should be bringing to this debate, and I would just call upon the Leader of the Opposition to join her distinguished colleagues, the Member for Caroni East, the Member for Fyzabad, the Member for Cumuto/Manzanilla. These are honourable sincere contributions we heard today and I thank the hon. Members for their submissions. I can only reflect from my perspective that I do not hear the Leader of the Opposition speak enough and each leader, in my view respectfully, needs to speak up, stand up. For instance, I can say now, I, Faris Al-Rawi, am vaccinated.

I recall that the House asked us. Mr. Deputy Speaker, we have created safe zones in this country. I drafted the law. People are in the context of watching laws we are doing today. We are watching safe zones at work. We are watching restaurants with safe zones. We are watching gyms with safe zones. I am so thrilled to be back in the gym. It is my mental salvation to be able to find balance. Why is the Parliament not a safe zone? You know why, Mr. Deputy Speaker? Because the Members opposite will not tell us if they are vaccinated or not.

**Dr. Seecheran:** Mr. Deputy Speaker, Standing Order 48(1). What is the relevance of all of this with this Bill? What is the relevance?

**Mr. Deputy Speaker:** Overruled.

**Hon. F. Al-Rawi:** So, Mr. Deputy Speaker, and I tell the younger Members of Parliament, in terms of experience, you have to learn to handle “ah lil fire”. That is why I referred to the Bill and the law. You have to understand the cadence of how a debate goes. This Parliament deserves to be a safe zone. We have passed the law, as we are passing law today. Why will the Members of the Opposition not allow us to operate as a safe zone, so all of us can be in the Chamber?

[MADAM SPEAKER *in the Chair*]

**Hon. F. Al-Rawi:** As I welcome you back, Madam Speaker—so that we can have debate with all of our numbers and show the country what a safe zone can be, so that vaccinators who we are bringing in under this legislation do not have to come to work under the provisions of clauses 2, 3, 4, 5 and 6 of this Bill.

This Bill brings vaccinators into operation. Why will the Opposition not allow a safe zone, Madam Speaker, so that pharmacy personnel are not called out in expanded version under this law that we have before us today? So that the amplification of services can allow us? If we are serious about leading by example, and we know that we want our country to return to normalcy, why can our Parliament not return to normalcy by Members of the Opposition agreeing to operate as a safe zone as the rest of the country has done, in certain areas?

**Madam Speaker:** AG, AG, I understand—

**Hon. F. Al-Rawi:** I am pressing on.

**Madam Speaker:** I understand the passion—

**Hon. F. Al-Rawi:** Yeah. Oh!

**Madam Speaker:** But the volume.

**Hon. F. Al-Rawi:** I see, I see. Sorry.

**Madam Speaker:** Thank you.

**Hon. F. Al-Rawi:** Apologizes, Madam Speaker. The Plexiglass does not allow you

to appreciate how loud you may be.

So, Madam Speaker, let us talk with sincerity. How do we listen to colleagues opposite say: “Let us show our best effort, let us be sincere, let us lead by example”, when we cannot even lead by example in the Parliament, where we asked at the beginning of this session to become a safe zone? Before I even drafted the law, Madam Speaker, the public health regulations, this was the first safe zone created. So I say to the Opposition Members, step up, stop playing smart with proverbial foolishness.

**Mr. Lee:** Madam Speaker, I am really trying to understand where the Attorney General is going with this; 48(1), because it does not have anything to do with this Bill.

**Madam Speaker:** So, Member for Pointe-a-Pierre, is this a point of order?

**Mr. Lee:** 48(1), Madam Speaker. It is really—

**Hon. F. Al-Rawi:** I am responding.

**Madam Speaker:** All right. Okay. So continue Attorney General. You are winding up?

**Hon. F. Al-Rawi:** Yeah, yeah. I took careful notes of my colleagues opposite in all of their submissions, their wide perambulation of issues, wide perambulation of issues. And in responding to them, Madam Speaker, I say that enough of the twist talk and smartness and foolishness. Come on! We “cyah” expect the population, in looking at the amendments before us today, Madam Speaker, we “cyah” expect the population, as we look at the Emergency Ambulance Services and Emergency Medical Personnel Act, to understand that the Parliament is serious about its affairs if the Opposition will not allow us to operate as a safe zone. Because the amplitude increased in having vaccinators is to allow Trinidad and Tobago to be a safe zone.

The Member for Fyzabad spent a lot of time talking about how do we take

our numbers up into the percentages that we are looking for, so that we are no longer an excursion or a pandemic of the unvaccinated. Fyzabad said that. Fyzabad are you talking to the Leader of the Opposition? How do you responsibly answer what I am saying? How do you say we have tried our best?

You see, Madam Speaker, the law permits, and this law has it, the law permits for exceptions to prevail. There will obviously be circumstances where people have immunocompromised situations and cannot engage in vaccinations. I am not saying that you must take one if you cannot. We built the law that way, Madam Speaker. But I really say that all of the submissions coming from my colleagues opposite fall to naught, because they cannot be taken seriously if they cannot lead by example, Madam Speaker.

So, Madam Speaker, I want to thank my colleague opposite for raising the issue of liability. There were some—several very sensible questions. I thank the hon. Member for raising it. Permit me to remind that we do have the State Liability and Proceedings Act, Chap. 8:02, where servants and agents of the State are in fact taken into the position of having the State liable for them. The issue of liability is one of circumstance. The liability may be contractual, if there are certain aspects there. But if we are talking about the medical side we are looking at, perhaps, negligence, or we are looking at tort in general. And if we are looking at tort, tortious circumstances against the State are covered by the State Liability and Proceedings Act.

However, if we are outside of the state formula, the actions in tort also prevail by those who may be administering it. So, for instance, I have vetted and dealt with the mass vaccination sites done by the private sector. There are cross-cutting indemnities and the State bears, in certain circumstances, the obligation to cause the indemnification.

But this is not so much a focus upon the negative. Suffice it to say, that, without breaching the confidentiality of the agreements that we are bound in the nondisclosure statements in the arrangements, I did do the vetting for all of the contracts, for COVAX, for Johnson & Johnson Janssen, for Pfizer, for the Caricom. For all of them they pass through my desk, my office, my computer.

I can tell you without breaching confidences that the issues of liability have been covered adequately for the State and it is the same across the Caricom region, where my colleagues in the Caricom, we, all Attorneys General in the Caricom, coordinated in our response to these mechanisms. But this is not so much of a “if it goes wrong, who will pay for it”, that is par for the course.

As the hon. Minister of Health has correctly said, there are a few statistical incidents. I mean each act that goes wrong is obviously one for us to have great deal of sorrow for, compassion for. Money cannot save a family’s existence if you lose a loved one, which is why I have genuinely made the call for the Opposition today to stand up and create a safe zone. The entire parliamentary staff is vaccinated, Madam Speaker, from Clerk to policeman, to door person. Everybody in here has declared their vaccination status except the Opposition. And Madam Speaker, if we look to liability, it is not a focus on liability. It is a focus on operationalizing our country’s salvation.

The issue of the number of infected becomes less important provided that the number of people hospitalized is manageable. And the Minister of Health and the hon. Prime Minister and the hardworking team at the public health sector have built a very successful parallel health care system. The reason why we have infections is not because we are doing anything wrong, is that there have been variations of the virus that are more contagious, and we do know that you move from pandemic to a situation of being endemic. But we really have to ensure that

the drive for vaccination is across the floor, hon. colleagues, through you, Madam Speaker, in all sincerity. I am asking that question to be answered and for us to do our parts.

Madam Speaker, we can probably say that we are all interested in having our country back. We are all interested in making sure that our economic survival is carefully balanced against our lives. But I want to end by speaking about this Bill in the context of the word triage. Triage is effectively the procedure adopted by attending physicians in emergency circumstances, where they are going to have to decide, amongst people presenting for treatment, who is going to receive treatment or not, who is going to live or die. Triage is the word that Trinidad and Tobago needs to have in its mind, because if you run out of facilities for intensive care, or high dependency care, and you have to make a choice somebody is going to be left out, because resources are not infinite. We do not want to have the health care sector in that situation.

My colleague, the Minister of Health sent us, several of us, this morning a WhatsApp note from a doctor whom I know and whom I will not mention by name. But in this very seasoned position, very seasoned doctor, been around for a long time, the doctor ended by saying: "I truly feel that we are losing this battle." And she was expressing a degree of fatigue and tiredness. And we all feel that fatigue and tiredness, Madam Speaker, honest to God, especially as an elected Member of Parliament working in our communities as we all do. All of us work in our communities, Opposition and Government.

Madam Speaker, I have to tell you my heart breaks, not only for those who have passed away and people who have lost loved ones, some four and five in a family. But you know what may heart breaks for, like everybody else inside of here, all of us? To watch people who cannot put bread on the table because of their

economic situation being decimated by COVID. The more people we get operating in safe zones, Madam Speaker, and the more that we make Trinidad and Tobago a safe zone, Madam Speaker, is the faster we get out of this.

So Madam Speaker, I end by respectfully asking my colleagues on this issue, put down the politics “nah”. Let us create the Parliament as a safe zone. The gauntlet has been laid. It is up to you, hon. Members, to lead the way opposite. Hon. Members opposite, it is for you to lead the way in creating this Parliament as a safe zone and in creating it as a beacon of hope that functionality can be normal. The only people in the Parliament precincts who have not stated their status are the Members of the Opposition.

Madam Speaker, I think I have said quite a lot on that. I thank you for the opportunity to make the point and I beg to move.

**Hon. Members:** [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Hon. F. Al-Rawi:** Madam Speaker, in accordance with Standing Order 68(1), I beg to move that the Miscellaneous Provisions (2019 Novel Coronavirus [2019-nCoV) Vaccination Personnel] Bill, 2021, be committed to the committee of the whole.

*Question put and agreed to.*

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

*House in committee.*

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

*Clause 2.*

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

In the proposed amendment to section 36A (1), insert after the word

“vaccine” the words “, or such other vaccine as the Minister may by Order prescribe”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Chairman, we propose an amendment to clause 2, where we have inserted in 2 you see 36A (1). We are proposing at the end of the paragraph, after the word “vaccine”, that we insert the words, “or such other vaccine as the Minister may by Order, prescribe”.

This allows us to have the law continue to speak in the event that there are other things. If you recall in my piloting I referred to the United Kingdom where they had to go back by statutory instrument and enter the immunization for the Flu vaccine. So, in those circumstances, and this will repeat throughout the Bill, and in terms of the amendments that we seek in circulation to do, if I could flag now, Madam Chairman, for the benefit of my colleagues opposite, with respect to the amendments proposed later on 4, 5 and 6 and 7.

**Madam Chairman:** Okay. So—

**Mr. Al-Rawi:** Yeah.

**Madam Chairman:** AG, I think what we will do, we will take them in turn.

**Mr. Al-Rawi:** Understood.

**Madam Chairman:** I know it is a common—

**Mr. Al-Rawi:** Thread, yes.

**Madam Chairman:** Thread.

**Mr. Al-Rawi:** Yes.

**Madam Chairman:** I think—the Member for Fyzabad, yes?

**Dr. Bodoë:** Thank you, Madam Chair. AG, whilst I am in broad agreement, I understand what is taking place here, in terms of making it more useful going forward, just to point out, just a small typo 36A(1) and we have “a” person. So that

small “a” needs to be struck out.

**Mr. Al-Rawi:** Thank you. That will be corrected in proofing.

**Dr. Bodoë:** Sure.

**Mr. Al-Rawi:** I was going to say that we left out the bracketed “(1)” in 4, 5, 6 and 7. So it is just—

**Dr. Bodoë:** Sure, okay.

**Mr. Al-Rawi:** We will catch it in those other ones. But thank you, that will be corrected in proofing. Thank you, Madam Chair.

**Madam Chairman:** Okay, so the question is that clause 2 be amended as circulated.

*Question put and agreed to.*

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

*Clause 3.*

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

In the proposed amendment to section 42A (1), insert after the word “vaccine” the words “, or such other vaccine as the Minister may by Order prescribe”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Chair, it is the same rationale as that for the earlier clause for this particular amendment.

*Question put and agreed to.*

**Madam Chairman:** Okay, so the question is that clause 3 be amended as circulated.

*Question put and agreed to.*

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

*Clause 4.*

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

In the proposed amendment to section 51C (1), insert after the word “vaccine” the words “, or such other vaccine as the Minister may by Order prescribe”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Yes please, Madam Chair. Madam Chair, clause 4 as it is circulated, there is a minor amendment to be made in the text of it. We unfortunately left out after “C”, 51C in brackets “(1)”. So the reference should really be to 56C (1) and the rationale for this amendment is the same as articulated for the other two clauses.

**Madam Chairman:** The question is that clause 4 be amended as circulated and further amended to include (1).

*Question put and agreed to.*

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

*Clause 5.*

*Question proposed:* That clause 5 stand part of the Bill.

In the proposed amendment to section 44A (1), insert after the word “vaccine” the words “, or such other vaccine as the Minister may by Order prescribe”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Chair, again in clause 5, as circulated, the proposed amendments, if you could kindly insert after 44A “(1)”, and the rationale for this amendment is as articulated for the others before.

**Madam Chairman:** So, the question is that clause 5 be amended as circulated and further amended to include after the word “44A”, (1).

*Question put and agreed to.*

*Clause 5, as amended, order to stand part of the Bill.*

*Clause 6.*

*Question proposed:* That clause 6 stand part of the Bill.

In the proposed amendment to section 13A (1), insert after the word “vaccine” the words “, or such other vaccine as the Minister may by Order prescribe”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Chair, again, for clause 6, I regret that we have not included (1) after 13A. The reference should be for 13A (1) and the rationale stands as before.

**Madam Chairman:** The question is that clause 6 be amended as circulated and further amended to include after 13A, (1).

*Question put and agreed to.*

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

*Clause 7.*

*Question proposed:* That clause 7 stand part of the Bill.

In the proposed amendment to section 20A (1), insert after the word “vaccine” the words “, or such other vaccine as the Minister may by Order prescribe”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Chair, again, we omitted the (1) after 20A in the amendments that have been circulated. And the rationale for the amendment to 20A (1) stands as per the previous clauses.

**Madam Chairman:** The question is that clause 7 be amended as circulated and further amended to include after the words “20A”, (1).

*Question put and agreed to.*

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

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

*House resumed.*

*Bill the reported, with amendment.*

*Question put and agreed to.*

*Bill accordingly read the third time and passed.*

**6.00 p.m.**

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

### ADJOURNMENT

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. I beg to move that this House do now adjourn to a date to be fixed.

**Madam Speaker:** Hon. Members, there are two matters that qualify to be raised on the Motion for the adjournment of the House. I now call upon the Member for Pointe-a-Pierre.

**Hon. Members:** [*Desk thumping*]

#### **Belle Vue, Windsor Parks (Destruction of Homes)**

**Mr. David Lee (Pointe-a-Pierre):** Thank you, Madam Speaker. It gives me no pleasure in raising this matter on the adjournment here today, Madam Speaker. I had filed this matter on the 16<sup>th</sup> of September, 2021, Madam Speaker, and I was hoping by now the families that I am going to be talking about would have gotten some clarity of the disaster that happened to their homes. Now, the matter on the adjournment, Madam Speaker, and I just want to read it out. The destruction of homes, threat to life and disaster brought upon the residents of the Belle Vue community, Windsor Parks, as a result of Estate Management and Business

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Development Company sanctioned quarrying activities at the Coco Road sand Quarry.

Madam Speaker, that quarry resides within my constituency of Pointe-a-Pierre and the events of 15<sup>th</sup> of September, 2021, are no minor disturbance but a flat out disaster that has caused great trauma to at least over 15 individuals and affected four families and their homes. A disaster that has moved families from sleeping in the comfort of their homes, to sleeping in their cars or seeking lodging by relatives. This disaster, Madam Speaker, started at 3.00 a.m. Wednesday morning on the 15<sup>th</sup> of September, 2021, with the Garcia family and their home having to flee—the Garcia family having to flee their home mere minutes before it fell literally approximately 400 feet, Madam Speaker, and collapsed and was destroyed.

Since then, it has continued each day with the homes of Marcia Fritz, Nadia Williams, Anee Harripersad slipping away each day. Madam Speaker, the country would have witnessed on the 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> of pictures, horrific pictures, of Mr. Garcia's home that totally was demolished and destroyed after years of working hard to obtain his home. Madam Speaker, Mr. Garcia was a retiree when the Petrotrin Refinery shut down in 2018 and he got his gratuity and he utilised his gratuity to improve the home for his wife, his family, Madam Speaker, and on the 15<sup>th</sup> of September at 3.00 a.m., his entire asset was destroyed, Madam Speaker, and it also affected three other homes.

Now, Madam Speaker, there is a Coco Sandpit Quarry that surrounds the homes of not only these four families but surrounds the homes of many other individuals. And prior to the movement of the quarry, the refining or starting back of that quarry back in 2020, literally 18 months ago, these families and their homes have been in place in that same very location for over 20-odd years, Madam Speaker. They withstood hurricanes, they withstood earthquakes, they withstood

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storms, Madam Speaker, but they—and they are asking for information and clarity, what happened to their lives on September the 15<sup>th</sup>? On that said day of September 15<sup>th</sup>, I reached out to the Minister of Agriculture, Land and Fisheries and I see him in the audience and I guess he would respond, because I did not choose which Minister responds, whether it was the Minister of Energy and Energy Industries or the Minister of Agriculture, Land and Fisheries; it is not decided by me. So, Madam Speaker, I texted Minister Rambharat when that happened, and I asked him to stop the quarrying at the sandpit, which he did, and he gave the assurance not only to me, but in the Senate, that a report would be done to find out what took place to the homes and families, Madam Speaker.

To date, Madam Speaker, and I do not know if the Minister has it, I have not as a Member of Parliament for Point-a-Pierre, been furnished with any report. The families of these four homes have not been furnished with any report to date, and the callousness, Madam Speaker, is that what has happened is that approximately two weeks ago, there about, the quarrying started back at the Coco sandpit. And what happened when the quarrying started back without any communication with these families, I witnessed and the families witnessed first-hand, because when it happened, you started to see the three remaining homes started to move again and slipping away. Now, Madam Speaker, these homes were not situated on a cliff, beyond their homes was land that was flat. So this quarry—Coco Quarry Sand Pit, Madam Speaker, always over the years has had an issue because I think previously, they have had a pre-action protocol on that particular sand pit Madam Speaker, for the mining or the indiscriminate mining.

So, what the families are looking for is some clarity, some information of how they can put their lives together, back together again, Madam Speaker. So I am calling on this Government, whether it is through the Minister of Agriculture,

Land and Fisheries or even through the Prime Minister, Madam Speaker, to assist these families that have been put in turmoil, uncertainty, based on that precious asset of what they have called their home Madam Speaker. As the Member of Parliament for Pointe-a-Pierre, I am calling on this Government to do and assist these families in getting their lives back together. The Minister of Agriculture, Land and Fisheries must give some clarity—I am asking it through him, to these families, informing them of the findings of the investigations that have been taking place. And I know the Ministry of Energy and Energy Industries, has been sending people up there to find out and to see what transpired during that period of time, Madam Speaker.

And the Coco Sandpit Quarry, it makes millions of dollars for the taxpayers of this country and we agree with that, but when you have four homes and four families who have worked hard to build their homes and these homes are not simple homes, these families are simple people, but they put their sweat equity in building their homes for their families, Madam Speaker, and in the blink of an eye at 3.00 a.m. in the morning, their lives have been in turmoil since then, Madam Speaker. And I am asking, and I am pleading to this Government, to the Ministers out there, it could happen to any one of us, whatever disaster but that Coco Sandpit Quarry, in our view, in the family's view, the people of Pointe-a-Pierre there is a problem with that Coco Sandpit and the indiscriminate mining of that quarry Madam Speaker. And I am asking the Ministers, whether through the Minister of Energy and Energy Industries, through the Minister of Agriculture, Lands and Fisheries—there is something called a buffer zone, Madam Speaker and they should look at that to see if there was any encroachment in that buffer zone, which is like a safe zone area with respect to the mining, Madam Speaker. So, with those few words, Madam Speaker, I want to again, thank the Ministers for listening, and

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I hope some comfort would be given to these families. I thank you. [*Desk thumping*]

**Madam Speaker:** Minister of Agriculture, Land and Fisheries. [*Desk thumping*]

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you very much, Madam Speaker. I have listened to the mover of the Motion and in that short time, he has raised a number of issues, some of which I could address and some of which I simply cannot address. But Madam Speaker, the Motion is really—in as much as it seeks to bring clarity as the Member has said, it is really a misplaced Motion. This is not the place for this matter to be worked out, resolved, or addressed. I know the Member has said that the Motion could have been addressed by several Ministers and amongst those Ministers, Madam Speaker, I think I am the least of the apostles.

So the Member has referred to indiscriminate quarrying; there is no indiscriminate quarrying at Coco Road. Coco Road happens to be one of the few licensed quarries in this country. There was a period when Coco Road from 2009 operated without any form of statutory cover, no lease of the land, no licence, no EMA approval, no Town and Country Planning Approval but we fixed that and I am confident that the Coco Road Quarry operates completely within the laws of Trinidad and Tobago and in particular, an operation of that nature engages at least seven different state entities and six Ministers. Most importantly, the quarry being a licensed quarry is governed by the Ministry of Energy and Energy Industries. There is Town and Country approval so there is a role for that entity. There is EMA approval, there is a role for that entity, WASA, Ministry of Public Utilities is engaged, in fact, even the Drainage Division of the Ministry of Works and Transport and the fire services, all of those entities and all of the Ministers responsible for those entities are engaged on this matter.

There is no issue of indiscriminate quarrying and I am happy that you mentioned the buffer zone. The preliminary investigations to which I referred to in the other place point out that the incident happened 170 metres from the buffer zone so this is outside the buffer zone. Being cautious, the EMBD suspended the quarrying at the time of the incident. To this date, no expert, no regulator, no state entity has stopped the EMBD from quarrying. It is the EMBD in the early days of the incident that stopped quarrying.

Preliminary investigations were conducted, the EMBD appointed an expert to review and based on the preliminary findings of that expert, the EMBD took the decision to resume quarrying in an area far from the affected area and not to continue quarrying anywhere near the area. In fact, EMBD has never been quarrying, EMBD since the licence was granted had not been quarrying in close proximity to the buffer zone or to these houses. So, this revolves around an issue of liability. My friend the Member for Pointe-a-Pierre cannot assume that EMBD is liable, that is a matter for either an agency of the state or for the court to determine. You have described the quarry as an EMBD sanctioned quarry; this is not an EMBD sanctioned quarry, this is a licensed quarry, operating within the law.

You have said that the quarry surrounds the homes, that is not true. The quarry is in close proximity but within the buffer zone established by the Ministry of Energy and Energy Industries. You have said that the quarry makes millions for the taxpayers and if I allow that statement to go without correction—I know the affected residents and I understand their position. The affected residents may go out and feel that there are millions of dollars flowing from that quarry, and they ought to be given some measure of financial relief but that could only happen if EMBD is found to be liable. And I could tell you this, since that quarry started under the licence in July 2020, it has only earned royalties for the State of

\$460,000. That site, operating as a quarry since 2009, has seen about \$200 million in material removed. But being an unlicensed operation, there were no royalties to be paid. All that was paid was an annual fee to EMBD and I will tell you to date, to date, the State has earned less than \$10 million from that operation between 2009 to now, and more than \$200 million in material has been extracted.

So we did the right thing by ensuring that the quarry is licensed and that it operates under all the statutory agencies involved. We understand the situation of the residents, nobody wants to be in that situation but we also recognise that we have a responsibility to make sure all the actors of the State who are involved in the oversight of a licensed quarry operation do what they have to do. And when the reports are completed, and when the Ministry of Energy and Energy Industries is in a position, or when the court is in a position to opine EMBD, if found liable, will do what it is supposed to do. Thank you.

**Hon. Members:** [*Desk thumping*]

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

**Brothers Road/Brickfield Packing House  
(Use of)**

**Ms. Anita Haynes** (*Tabaquite*): Thank you, Madam Speaker, for the opportunity to bring this matter on the adjournment of the House. And I am speaking in particular about the bringing into production the use of the Brothers Road Packing House, or the Brickfield Facility. This is an important matter on the adjournment for the country, especially in the recent past given that food security has been in sharp focus locally and internationally and the need for Trinidad and Tobago to take a look at our food security and place the requisite investments into ensuring that agriculture is a viable part of our economic development. I know that the Minister of Finance would agree with me because in his Budget Statement for

fiscal 2022, he stated that food security is one of the highest priorities in terms of how this country seeks to address the COVID-19 pandemic and the challenges therein. And therefore, with the focus of agriculture as a basic source of food supply, our food security programme, we were told is an important arm of what the Government intends to do. And I am aware, Madam Speaker, that this particular Motion was raised in this House before.

In 2018, my predecessor raised the same Motion discussing the same packing house and its importance and I, in preparation for raising this looked at the *Hansard*. But I looked in particular at the response from the very same Minister of Agriculture, Land and Fisheries who will respond here to me today. And knowing the Minister of Agriculture, Land and Fisheries from the other place, I know he is very good at giving us history lessons and brings us up to date in terms of how we got here. But in the essence of what I intend to do, I hope that the Minister understands that we are a new context. We are in a new term of Parliament, and he is in a new term of office as the Minister of Agriculture, Land and Fisheries and so we are hoping to hear a new response to this Motion, specifically, what is the intention with this Brothers Road Packing House Facility.

I, when reading the Minister's contribution last time, noted that he spent quite a lot of time talking about what happened in 2015, and the Green Vine Publication that discussed this very same facility that we are discussing here today. And while it is important, the Minister chose then to focus on one part, I want to focus on a different part of that same publication and that being what this packing house once it is brought into operation would provide to the country as well as to the surrounding residents and the farming community in this area.

The packing house would provide a one-stop destination for proper postharvest handling, and the processing of fresh and minimally processed produce

to meet the local and international standards. Again, this was noted by the Minister of Finance in his presentation to the country as well as, the Minister of Agriculture, Land and Fisheries in his presentation in the other place during the budget debate, as being an important part of what the Government is focused on. So to me, the time is right to place the necessary investments or place as a high priority, the bringing into production of the packing facility in Brothers Road.

The location is ideal for over 200-plus farmers, which includes easy access for the farmers of Tabaquite, Piparo, Tortuga, Mayo, Caratal, Rio Claro, Brasso to name a few. And these farmers, Madam Speaker, have carried this nation throughout this pandemic. I know, again, that the Minister of Agriculture, Land and Fisheries will agree with me because I have heard him on various platforms, discuss the importance of our farmers during this pandemic, and the NAMDEVCO Programme and therefore, we are, I believe, on the same page as to how important it is that we make targeted, well-informed investments in our agriculture sector. And so while again, the Minister had had the opportunity to discuss this matter in 2018, in the new context, with the fresh eyes of a world gripped in a pandemic, with the new renewed vigour for the agriculture sector, and I know again, in 2018, Minister discussed the question of the strange circumstances of the nation. But if we are discussing priorities, we know that agriculture has to be among the highest. I know as well, there was a discussion about it being a private/public partnership. The Minister of Finance had lots of praise for Novo in Couva as well as the discussion of a partnership sought for a packing facility in Couva, so that we know it can be done.

If we are talking about empowering all of Trinidad and Tobago, rural communities cannot be left out and therefore, there is a need to pay specific focused attention to agro entrepreneurs in rural communities. And so that is why I

am saying to the Minister, this is an important part to show the rural communities of Trinidad and Tobago in particular the community of Tabaquite and environs, I know, you are very familiar with the farmers in Rio Claro, as well and so they will also benefit from this packing facility. And if we can show that we will make targeted investments, and that we will prioritise these communities and bring them into the centre of the economic development of Trinidad Tobago, I think we will all have a better country for it. So I thank you for this opportunity to raise this matter, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Minister of Agriculture, Land and Fisheries.

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you, Madam Speaker. Madam Speaker, I thank the Member for Tabaquite for anticipating that I was “gonna” take her back through the history and the fact is the only thing I would say is what I said on that day. In July 2015, my friends commissioned the Brickfield Packing House, and if in fact they commissioned the Brickfield Packing House, then we should have had a packing house operating in Brickfield. The point is that it was then, as it is now, a shell, it was a shell.

A packing house is a facility with, it is a shell, you have processing equipment, you have cold storage, you have facilities to receive and store, you have facilities for staff and so on. But what was launched in 2015, July, it was just a sham, in the lead up to the election, it was just a sham and the same thing was done in Brechin Castle. And that is what my friend refers to, because I said that in response to the then Member for Tabaquite, Dr. Suresh Rambachan. But what my friend does not say today, is that we actually went through a process—Government—we came into government, we took the position that these facilities

ought to be operated as private/public partnerships, because it is for an opportunity for the private sector to invest and for us to get the best value for the farmers.

There was a lot of litigation involved in these packing houses—cost overrun, in fact, it is Jack Warner, on a political platform, having exited the UNC and entered the ILP, it is Jack Warner who made serious allegations in relation to this particular packing house. And the award of a contract to Aztec Pavers—a company owned by Ish Galbaransingh, and it was in the headlines. And Brechin Castle also attracted a lot of controversy, and the Woodford Lodge Wholesale Farmers Market Project attracted a lot of controversy and litigation and we spent a considerable amount of time resolving these matters. And when these matters were finally resolved based on what we said we will do, these packing houses were put out for the opportunity for persons to express an interest in partnering with the Government. What my friend did not say here tonight is that there was no response in respect of Tabaquite. There were responses in respect of Brechin Castle and in respect of the existing packing house, the one that operates in Piarco but there was none in respect of Tabaquite, and we could not proceed with anybody at the time.

We have advanced Brechin Castle, and NAMDEVCO has signed an agreement with a private sector entity to operate, to complete and operate Brechin Castle. Piarco, we have taken the decision that we are going to fund the upgrade of Piarco but we still are receiving expressions of interest from the private sector. And in the case of Tabaquite, we have received an unsolicited proposal from a private sector entity. NAMDEVCO has taken it through the process, the board has approached me by letter, indicating that it supports furthering a private sector, private/public partnership with the entity. I have held out on that, while Brechin Castle is settled, it has been settled, while the Novo gets up and running and the Novo is available to your farmers in Tabaquite, it is close. Brechin Castle will be

available to your farmers in Tabaquite. Piarco has always been available to your farmers in Tabaquite and it is not far when you consider that most of their goods go to Macoya right now, it is in close proximity. But having dealt with all those things, I could say to you, Member, that we would like to operationalize Tabaquite, Brickfield, we intend to do so. I told your predecessor that if the farmers came with a proposal, we would consider it. I have not received anything from him or from you on behalf of the farmers. But we have our job to do and it is the intention of the Government to operationalize the NAMDEVCO incomplete packing house via a PPP, so that we could complete that—a sad story made worse by you, but certainly made good by us so far. Thank you very much.

**Madam Speaker:** Hon. Members, the question is that this House now adjourn to a date to be fixed.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.31 p.m.*