

**HOUSE OF REPRESENTATIVES***Friday, May 15, 2015*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from Mr. Patrick Manning, Member for Parliament for San Fernando East, and Dr. Amery Browne, Member of Parliament for Diego Martin Central. They have both asked to be excused from today's sitting of the House.

The leave which the Members seek is granted.

**PAPERS LAID**

1. Annual Audited Financial Statements of the National Entrepreneurship Development Company Limited for the financial year ended September 30, 2011. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
  2. Annual Audited Financial Statements of the National Entrepreneurship Development Company Limited for the financial year ended September 30, 2012. [*Hon. R. Indarsingh*]
- Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.*
3. Annual Report on Performance 2014 – Making Progress, Strengthening a Nation. [*The Minister of Housing and Sustainable Development (Hon. Dr. Roodal Moonilal)*]
  4. National Monitoring and Evaluation Policy of Trinidad and Tobago. [*Hon. Dr. R. Moonilal*]
  5. Audited Financial Statements of the Police Complaints Authority for the period December 29, 2010 to September 30, 2011. [*The Minister of Legal Affairs (Hon. Prakash Ramadhar)*]
  6. Audited Financial Statements of the Police Complaints Authority for the financial year ended September 30, 2012. [*Hon. P. Ramadhar*]
  7. Audited Financial Statements of the Police Complaints Authority for the financial year ended September 30, 2013. [*Hon. P. Ramadhar*]

8. Ministerial Response to the Eleventh Report of the Joint Select Committee of Parliament on Ministries, Statutory Authorities and State Enterprises (Group 2) on the administration and operations of the Water Taxi Service. [*The Minister of Transport (Hon. Stephen Cadiz)*]
9. Ministerial Response to the Twelfth Report of the Joint Select Committee of Parliament on Ministries, Statutory Authorities and State Enterprises (Group 2) on the administration and operations of the National Transportation System of Trinidad and Tobago. [*Hon. S. Cadiz*]

#### JOINT SELECT COMMITTEE REPORTS

##### (Presentation)

**Mr. Collin Partap** (*Cumuto/Manzanilla*): Mr. Speaker, I have the honour to present the following report:

##### **Boxing Board of Control**

The 21st Report on the Joint Select Committee on Ministries appointed to enquire into and report on Government Ministries and on the Statutory Authorities and State Enterprises falling under their purview in the enquiry into the administration and operations of the Trinidad and Tobago Boxing Board of Control.

##### **Financing of Election Campaigns**

**The Minister of Legal Affairs (Hon. Prakash Ramadhar)**: Mr. Speaker, I have the honour to present the following report:

The first report of the Joint Select Committee appointed to propose the legislative framework to govern the financing of election campaigns.

#### URGENT QUESTIONS

##### **Article IV Consultation (Concerns for)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker, to the Minister of Finance and the Economy: Could the Minister advise if he is concerned that the Article IV Consultation by the International Monetary Fund (IMF), due for 2015, would also be unfavourable given the decline in oil and gas prices and following Moody's recent downgrade of Trinidad and Tobago?

**Mr. Speaker:** The Minister of Finance and the Economy. [*Desk thumping*]

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai):** Mr. Speaker, on the whole, we expect the IMF Report to echo the comments made last year. In summary—and I quote from the June03, 2014 Article IV Consultation. The five key points—the five key issues that the IMF raised at the time were:

1. That the economy is embarking on sustainable growth but the main challenge will be to boost long-run growth by structural reforms and re-orienting fiscal policy.
2. With excess capacity in the labour market significantly diminished, the time is drawing near for policy tightening.

Basically, what the IMF was saying here, Mr. Speaker, is that we had approached the point of full employment and that there was need, therefore, to consider how we might be able to slow down the rate of expenditure.

3. Sustainable growth requires reconfiguring fiscal policy, although achieving this will be challenging.

And they made mention of the fact that national elections will be due in 2015.

4. Greater flexibility is needed in the foreign exchange market; and
5. Structural reforms are under way but more are needed to foster a diversified economic base.

So, Mr. Speaker, these are issues which have come up on an ongoing basis and I expect they would be repeated this year in the IMF Article IV Consultation. The area which I think they will perhaps put a little more emphasis on will be in the area of policy tightening, but, again, in light of the decline in oil and gas prices, as the Member had mentioned.

But again, the point is that the financial buffers of the country remain strong and, therefore, I do not expect that there would be any untoward concern being expressed by the IMF. I expect that the IMF, based on, in fact, looking at the outturn of the first half of the year, they would be, as Standard and Poor's were when they commented, pleasantly surprised at the fiscal performance of the Government for the first half of this year.

Thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Chaguanas West.

**2014 Appropriations  
(Supplementation of)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. To the same Minister, could the Minister state whether the Government intends to supplement the 2014 appropriations prior to the dissolution of Parliament in June 2015? What are the reasons and the amounts, and so on?

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)**: Mr. Speaker, a number of Ministries have made requests to the Ministry of Finance and the Economy for appropriations but, so far, no decisions have been made by Cabinet. At this time, therefore, I am unable to say whether any further appropriation will be specifically requested of Parliament. I would be unable to do so until Cabinet completes its deliberations.

Thank you, Sir.

**Mr. Speaker**: The hon. Member for Chaguanas West.

**Mr. Warner**: Thank you, Minister. But, Minister, based on the fact that you are a Minister of Finance and the Economy, do you perceive that these will arise?

**Sen. The Hon. L. Howai**: Could you repeat the question, please?

**Mr. Warner**: I said, based on your post of Minister of Finance and the Economy, do you believe that the request for appropriation would arise? And how soon?

**Sen. The Hon. L. Howai**: As I said, various Ministries have requested, which is normal for each fiscal year. The matter is being evaluated by Cabinet with a view to determining whether, in fact, there is any real need or justification for coming forward to Parliament. That decision will be made, as I said, after Cabinet has completed its deliberations. So at this stage, I would not want to pre-empt Cabinet. I would allow Cabinet's deliberations to be completed before taking a definitive position on the matter.

**DEFINITE URGENT MATTER**

**(Rescinding of Suspension of Dr. Keith Rowley)**

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker.

Dear Hon. Speaker:

In accordance with Standing Order 17 of the House of Representatives, I hereby seek your leave to move the adjournment of the House at today's

sitting, Friday, May 15, 2015, for the purpose of discussing a definite matter of urgent public importance, namely, the urgent need for the House to rescind the suspension of the hon. Leader of the Opposition in the light of the public statement by the Deputy Director of Public Prosecutions on Wednesday, May 13, 2015 that the emails read into the record by the Leader of the Opposition have not been determined by the Office of the DPP or the police to be fake.

Mr. Speaker, the matter is definite as it pertains specifically to the circumstances upon which the mover of the Motion, the Leader of the House, built his case for the censure and suspension of the Leader of the Opposition and, (b), to the action of the House in suspending the Leader of the Opposition and, (c), to claims by the Leader of the House that the emails in question were fake. We now know for a fact that such claims were indeed false and baseless, having regard to the press release by the Deputy DPP.

The matter is urgent because the process to suspend the Leader of the Opposition was fundamentally flawed and strikes to the heart of our nation's democracy, the nation's international image and public confidence in the Parliament as the seat of democracy. It was an assault on the Constitution and an abuse of power by a Government with a majority in Parliament; (b), the constituents of Diego Martin are being deprived of the right to be represented in the Parliament by their elected representative; (c) the longer these issues are left to linger, the more damage is being done to the reputation of the country, the Parliament and the constituents of Diego Martin West; and, (d) where an injustice has been perpetrated, justice demands that corrective action be taken as promptly as possible.

Mr. Speaker, the matter is of public importance because the office of the Leader of the Opposition is a creation of the Constitution and it is intrinsic to democracy of this country; (b), the international reputation of the country and its Parliament are matters of great public concern, particularly since international investment consultants have issued advisories to major investors that the suspension of the Leader of the Opposition:

highlights weaknesses of democratic institutions...;

is likely to increase tensions between the Government and the Opposition...;

reduces the prospects for democratic elections free of violence and fraud...;

and highlights the lack of reliable State administration and a widespread disregard for the rule of law...

Mr. Speaker, I so move.

**Mr. Speaker:** Hon. Members, after careful consideration of this submission, I am of the view that it does not qualify under Standing Order 17. I wish to advise the hon. Member for Chaguanas West that because of the provisions of Standing Order 51, this matter cannot be pursued under Standing Order 16 either, because he has filed a Motion in accordance with Standing Order 35, which qualifies for imminent debate.

**Mr. Warner:** Mr. Speaker, I have nine questions on the Order Paper, some of them are more than a month, two months old. Can you advise me, please, if or when these will be answered? There are nine questions there, in fact, since March, April, and so on.

**1.45 p.m.**

**Mr. Speaker:** The hon. Leader of the House.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker. I imagine the Member is speaking to the written questions.

**Mr. Speaker:** Written questions.

**Hon. Dr. R. Moonilal:** Yes. We will try to get the answers before the tea break because the Member, as is his practice, departs the Chamber at tea time, and the answers, they come to us later in the proceedings from the various Ministers. We will try to see as much as we can get before the tea time, before the Member takes off at 4.30 p.m., but we really would try to see if we can get some, if not all, for him today before he leaves at the appointed 4.30 p.m. time.

#### **CYBERCRIME BILL, 2015**

[SECOND DAY]

*Order read for resuming adjourned debate on question [May 13, 2015]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** There has been an agreement to debate along with that Bill, a Bill to provide for the establishment of the Trinidad and Tobago Cyber Security Agency and for matters relating thereto.

On the last occasion the Member for Toco/Sangre Grande was on his feet and

he has 20 minutes of original speaking time remaining. The hon. Member for Toco/Sangre Grande, Minister of Science and Technology. [*Desk thumping*]

**Hon. Dr. R. Griffith:** Thank you very much, Mr. Speaker. Pleased again to join the debate on these two very significant Bills dealing with cybercrime and the Cyber Security Agency.

Mr. Speaker, at the last occasion, I did give a standing definition of cybercrime more or less to set the basis for what we would be debating in the Parliament, and to give some clarification on the tenets of the Cybercrime Bill. You will recall I placed on records with the standard definition that criminal activity or a crime that involves the Internet, a computer system or computer technology, and in some cases, the computer, may have been used in order to commit the crime, and in other cases, the computer may have been the target of the crime. I further put on the definition, cybercrime also includes non-monetary offences such as creating and distributing viruses on other computers or posting confidential business information on the Internet, and the definition further included—and that is from more or less a legal perspective—*Black's Law Dictionary* defines cybercrime along the types of computer crime, and is a crime involving the use of a computer such as sabotage or stealing electronically stored data and that includes identity theft.

So as I continue, Mr. Speaker, information and communications technologies provide a foundation for the development in the creation, availability and use of network-based services as applications such as e-government, e-commerce, e-education, e-health, e-environment which are seen as enablers for national development.

As the Government of Trinidad and Tobago forges ahead with the National ICT Plan—which is the SmartTT Plan 2014 to 2018—for which the Ministry of Science and Technology has lead responsibility as well as a myriad of other ICT initiatives such as e-Connect—and learn—gov.net, Foundation Service Infrastructure or Middleware, common platforms for Government e-Services, TTBizLink, ttconnect and StartTT—StartTT basically are those ICT access centres that we are building out in the underserved rural areas of Trinidad and Tobago, and these are just among others that the Ministry is responsible for. We are cognizant of the fact that there is a need to build confidence and trust so that the users will have that confidence as required for transactions using the Internet and other electronic initiatives. So, Mr. Speaker, the Cybercrime Bill is very timely and very necessary to enable these transactions.

The establishment of a robust cyber security framework is not only an integral element of our economic stability, but also plays a fundamental role in attracting foreign investment as the multinational companies place a high premium on safety and security with electronic transactions. We are aware that a corollary to the advent of increasing sophisticated technology is the accompanying sophistication of criminals. So as the technology develops and it becomes more sophisticated, so are the criminals that are affecting systems for hacking and, of course, for cybercrimes, and most of these are used through computer systems and other networks.

Mr. Speaker, I wish to note that a June 2014 report of the Organization of American States in partnership with Symantec, entitled “Latin American and Caribbean Cyber Security Trends”, noted that the global cost of cybercrime in 2013 was estimated at \$113 billion, which the report observes would be enough to buy—and hear this, Mr. Speaker—an iPad for the entire population of Mexico, Colombia, Chile and Peru, thereby underscoring the need for this new Bill that we are bringing to the House.

The Government recognizes on one hand that the importance of providing an environment that is conducive to the development, acceleration and rational application, an exploitation of ICT to attach free and easy and intelligent access to information. On the other hand, the need to protect and safeguard the integrity of computer and communication systems network and data bases, and the confidentiality, integrity and availability of information and data stored therein from all forms of misuse, abuse, illegal access and, of course, the elements of cybercrime.

Thus, Mr. Speaker, the Cybercrime Bill comprises a critical component of the enabling environment, whereby all stakeholders within Trinidad and Tobago, be they citizens, businesses or investors, not only feel safe online, and are confident that their personal and business information is secured and protected from the reach of cybercriminals. So again, this Bill is very timely. The proposed cybercrime legislation is intended to address the proliferation of high profile data breaches and the growth of cyberattacks, individual experience of identity theft, phishing emails, spam and computer viruses, and the controversial use of personal information as well as infringement of intellectual property rights.

In this regard, my colleague, the hon. Minister of National Security, has comprehensively outlined the major elements which the Cybercrime Bill seeks to address, namely offences against the confidentiality, integrity and availability of computer data and computer systems, content-related offences, copyright-related



offences and computer-related offences as well as the penal sanctions which are attached to such offences, and I want to compliment my colleague, the Minister of National Security for elaborating on those very significant aspects of the Bill.

Mr. Speaker, the proposed legislation has clearly put the reality of imprisonment and imposing of substantial fines as a concrete consequence of cybercriminal activity. Through this legislation, the Government intends to establish relevant systems that can effectively prevent and combat such offences by facilitating their detection, investigation and prosecution at the national, regional and international levels, and by providing the requisite arrangements with prompt and reliable cooperation. This approach is informed by the viewpoint that in an era of ongoing globalization, technological innovation and rapid expansion of cyberspace, effective national, regional and international cooperation in the area of cyber security is of critical importance.

So, Mr. Speaker, as I mentioned the last time, cybercriminals surf the World Wide Web looking for opportunities, looking for what they refer to as soft targets so they can hack and they can commit their crimes; and countries with very, very robust or stringent legislation will serve as a deterrent to being a victim of cybercrime.

In my capacity as Minister of Science and Technology, vested with the responsibility for the development of an integrated, sustainable and robust e-governance framework, which enables and fosters the development of e-commerce, delivery of government services online and the facilitation of e-trade, as well as the responsibility for data protection, Mr. Speaker, I wish to underscore my wholehearted support for this proposed legislation. This will serve as the essential linchpin in building and maintaining citizens' trust and confidence that their information is protected and secured in the online world.

Mr. Speaker, this legislation also goes hand in hand with the Data Protection Act, which seeks to ensure that protection is offered or afforded to an individual's right to privacy and the right to maintain sensitive personal information and private personal information. In this regard, the Cybercrime Bill contains comprehensive measures for the effective investigation and prosecution of cybercrime such as the search and seizure of apparatus and computer data, also the removal or disablement of data, the ability of the court to issue a production order relating to computer data that is required for a criminal investigation of criminal proceedings.

Mr. Speaker, the preservation of computer data is of paramount importance. The utilization of remote forensic tools for the collection of data as well as the issuance of warrants for the seizure and restraint order to prohibit the disposal of

any property that is to be forfeited under the Act, addressed under the Cybercrime Bill, these are very, very important aspects of that Bill.

It is also to be noted that the provisions of the Cybercrime Bill transcend and add a heightened dimension to the provisions of the Evidence Act which was amended in 1996 to allow for the admissibility of computer records as courts of law are granted considerable powers of enforcement in relation to the commission of cybercrime offences.

**2.00 p.m.**

Mr. Speaker, I would like to highlight the fact that cybercrime is not just a local or regional or even a national problem within Trinidad and Tobago. Cybercrime is a global problem that requires a global approach, particularly as threats and attacks can travel around the world at the click of a button or the touch of an android screen. In this regard, I wish to commend the Ministry of National Security for seeking technical assistance from the International Telecommunication Union, ITU, the European Commission, as well as the Organization of American States to develop the Cybercrime Bill as well its corollary, the Cyber Security Agency Bill.

Under the auspices of the HIPCAR Project, and my colleague explained what that is, but basically, that is to say that the project to enhance the competitiveness of the Caribbean through the harmonization of ICT policies. So, Mr. Speaker, legislation and regulatory procedures through which Trinidad and Tobago was able to benefit from model legislation texts which were developed in accordance with the international and regional best practices using technology, neutral language which is also very critical and significant, which further underscores the importance of cooperation and collaboration with regional and international neighbours.

Mr. Speaker, the clauses of the Cybercrime Bill recognize the transnational element of cybercrime and in so doing, provide for action through the granting of jurisdiction to the courts of the Republic of Trinidad and Tobago. With respect to the crimes that are

“carried out—

(a) wholly or partly in Trinidad and Tobago;

(b) by a citizen of Trinidad and Tobago, whether...”—within the national space—“or elsewhere; or

(c) by a person on board a vessel and aircraft”—that is—“registered in Trinidad and Tobago.”

So the courts will have jurisdiction notwithstanding where the cybercrime emanated. In determining whether a cybercrime is effectively perpetrated within the confines of our jurisdiction, the factors to be taken into consideration are whether:

“(a) the person is in Trinidad and Tobago at the”—same—“time when the act is committed;”

Whether, and I quote:

“(b) a computer system located in Trinidad and Tobago or computer data on a computer data storage device located in Trinidad and Tobago is affected by the act; or

(c) the effect of the act, or”—whether—“the damage resulting from the act, occurs within Trinidad and Tobago.”

Those crimes fall under the jurisdiction of Trinidad and Tobago and can be prosecuted.

Mr. Speaker, I would like to draw the attention to the Members of this House that the Republic of Trinidad and Tobago maintains its sovereignty in the investigation and prosecution of cybercrimes within its territorial jurisdiction even if the perpetrator is located elsewhere in the world. Because we are living in a global village and because the technology affords that the point of presence is no longer significant, the crime can be perpetrated in Trinidad and Tobago. Mr. Speaker, as long as the cybercrime committed affects a computer system or data within the Republic of Trinidad and Tobago, then the matters fall within the purview of the law enforcement agencies and courts of law of this nation. So none shall escape.

Mr. Speaker, I would like to strongly underscore that this Bill also acknowledges—*[Interruption]*

**Mr. Speaker:** Hon. Member for Toco/Sangre Grande. The speaking time of the hon. Member has expired. Would you like an extension?

**Hon. Dr. R. Griffith:** Yes, Mr. Speaker.

*Question put and agreed to.*

**Hon. Dr. R. Griffith:** Thank you very much, Mr. Speaker, and thank you very much, colleagues. Mr. Speaker, I would like to strongly underscore that this Bill also acknowledges that criminals need not be present at the same location as the target or the site of the crime. Given that many cyber offences are transnational in

nature, it is worth noting that cybercriminals often seek to avoid countries, and as I mentioned earlier, with strong cybercrime legislation, thus preventing the establishment of safe havens. And this is very, very critical for us here in Trinidad and Tobago.

We need to really tighten up on our system so that the crimes, as explained earlier, wherever they are perpetrated, can be effectively and expeditiously prosecuted in our courts. Well, the key objective, albeit a challenge, is the fight against cybercrime and cybercriminals. This, therefore, requires the promulgation of legislation that is harmonized with international best practices as the Bill puts forward, in order to ensure that mutual and legal recognition of cybercrimes as well the bilateral and multilateral cyber security co-operation to facilitate trans-border investigations that can result in the effective prosecution of the cybercrime.

Mr. Speaker, Trinidad and Tobago's position on the importance of cooperation with respect to the detection, investigation and prosecution of cybercrime is in keeping with the views of the international community as evidenced at the Commonwealth ICT Ministers Forum held in London in March 2014, March last year, which approved the principles of the Commonwealth Cybergovernance Model and Trinidad and Tobago adheres to that model. Primary among which is the reinforcement of the principle that nations must act individually and collectively to tackle cybercrime. Through the development of relevant and proportionate laws and the elaboration of international recognition standards and good practices to deliver security and establish effective government structures and the mechanisms that support collaboration and cooperation among governments and, of course, relevant international organizations, the private sector and other stakeholders, to prevent and respond to incidents of cybercrime.

Further to this, Mr. Speaker, I am pleased to advise that the Republic of Trinidad and Tobago is an active participant in the international initiatives relating to cyber security. As we engage the Commonwealth Secretariat through its Commonwealth Cybercrime Initiative to render technical assistance in the development of the relevant policies, capacity building of law enforcement agencies, as well as the Judiciary and international establishment of a cyber-security agency, that has also been introduced to this House.

Mr. Speaker, in bringing this contribution to a close, I would like to underscore that within this global world, as Trinidad and Tobago makes considerable advances in the modern era of technology, the online threat environment continues to evolve and cybercriminals' tactics adapt and change with the evolving technology. As per Newton's law and I quote:

“For every action, there is an equal and opposite reaction.”

And it is within this context that it is only right that as we advance in the epoch of technology that we effect legislation pertaining to cybercrime and the establishment of the cybercrime agency is very profound at this time.

Mr. Speaker, we contemporaneously continue to strengthen the systems in place for addressing and countering current, as well as emerging issues within cyberspace. It is for this reason that I render, as the Minister of Science and Technology and a Member of this august Government, the full support for the Cybercrime Bill as it is a much-needed cornerstone in the development of the national e-governance framework for the Republic of Trinidad and Tobago.

Mr. Speaker, I thank you. [*Desk thumping*]

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Mr. Speaker. And I do not pretend to know enough on this subject so what I did, Mr. Speaker, I went to some of the stakeholders, the publishers association, for example, I went to some of the experts, like Mark Bissessar who I talked to just now, and I try to get from them what their views are on this Bill.

Mr. Speaker, you will recall, the Bill first came in 2014 and it lapsed when it came here, and today, it is back in 2015 and one would have thought that the year period, between 2014 and 2015, that there would have been major changes in the Bill. I am saying that there have been little or no changes except, in fact, for the inclusion of provisions to deal with child pornography and, of course, encouraging minors. After one year, the Bill comes back to this House with fundamentally no changes and therefore, Mr. Speaker, as I will show later on, there are stakeholders there in society who have been making demands, demands, demands, with regard to the Bill. I ask myself as I ask the House: where is the consultation? I heard nothing from the mover of the Bill about consultation. I heard nothing from the former Minister of National Security about consultation. I heard nothing from the last speaker about consultation. And this, Mr. Speaker, is a fundamental weakness in how we do things here. Oh yes, we pass Bills, that is our function, to pass Bills, but what we have to do is to make sure that the Bills we pass here at least have some input from the wider society, and after one year, I am at pains to say that this has not happened.

Mr. Speaker, let us go back to 2014 when the Bill was publicized. At that time, the Trinidad and Tobago Publishers and Broadcasters Association, TTPBA, expressed certain concerns about press freedom. Where are those concerns

*Cybercrime Bill, 2015*  
[MR. J. WARNER]

*Friday, May 15, 2015*

reflected in what the last speaker said or the one before him? Where are those concerns? This is a critical stakeholder in this particular exercise and no, of course, concerns of theirs have been addressed.

**2.15p.m.**

Mr. Speaker, I want to say that press freedom and news exposés, which are in the public's interest, can often depend on whistle-blowers. In fact, people who seek out information, who want to find out what is happening, they get it from whistle-blowers who pass on the information to a journalist. If you go by this Bill, the concern was that journalists could end up facing very hefty fines and imprisonment for giving out this information, information which may be in the public's interest. In fact, the same kind of penalties are faced by the whistle-blower himself or herself and, therefore, there was a concern by the TTPBA that persons who may be a witness to wrongdoing may be discouraged by this piece of legislation. They might not want to blow the whistle. There have been no discernable changes from the Bill of 2014, to the Bill of 2015, with regard to this particular issue. I am saying therefore and I am asking the question, does the same risk to journalists and whistle-blowers exist? The risk was then in the 2014 Bill, and I am saying it is here again, 2015.

Mr. Speaker, I go to an article in the *Newsday*, my favourite paper, written by Julien Neaves on Friday, June 20, 2014. The headline was:

“TTPBA expresses concern over Cybercrime bill”

What did he say? I quote.

“The Trinidad and Tobago Publishers and Broadcasters Association (TTPBA) has joined the Association of Caribbean Media Workers (ACM) in expressing concern about the Cybercrime bill, with the TTPBA noting that if the legislation is passed the media could be muzzled and investigative journalism undermined.”

Is that the intention of this Bill? Is that the intention, to muzzle the media? Is it the intention to undermine investigative journalism? Mr. Speaker, he went on. He said:

“In reviewing this Bill,”—he is quoting here from the association—“it would seem that no thought was given to the repercussions of a free media nor to the role of the media as watchdogs of our nation...’

TTPBA, in a media statement expressed ‘grave concern and disappointment’ with the Bill...”

But that does not bother anybody on that side. They are not concerned about that. After all, they have the numbers and talk high, talk low, the Bill will be passed. But if you want to be serious about doing your work, you would sit down with the stakeholders and talk to them, especially the TTPBA.

Mr. Speaker, you would do what I have done. At the end of the day, I do not even know the front or the back of a computer. But you know something? I know that there are people out there who know about cybercrime, who know about this Bill and I went to them. I consulted with them. I got their views and sentiments and I came here to reproduce those sentiments and views, to represent them, as it were, because we have to have in this country a free media. If not, the fourth estate is dead.

“TTPBA appealed to Government to begin a round of consultation...”

I would say it again, Mr. Speaker, it is here. June 20, 2014, almost one year ago:

“TTPBA appealed to Government to begin a round of consultation ‘so that a better way forward can be defined.’”

Where was the consultation? When? Is it the same kind of consultation as in Chaguaramas? When was it? To whom do you speak? Who did you consult? That is what it is saying here. They are saying that they want to have a round of consultation so that a better way forward can be defined. I continue:

“TTPBA understand(s) the need for a Cybercrime Bill but we urge Government to strongly reconsider this and any other legislation which may ultimately result in the demise of our democracy.”

That sounds familiar. They are saying that this Bill, passed as is, would result in the demise of our democracy, Mr. Speaker and, therefore, it is wrong to come here without taking these valid concerns of the TTPBA. They continue:

“We look forward”—that is the TTPBA—“to being part of a stakeholder consultation and lending our assistance and cooperation for a revised bill...”

...Gibbings ... suggested a national consultation on the issue and disagreed”—that it should even be—“restricted to the media.”

I ask these questions: have the consultations been done? If so, with whom and when? And if they were done, do those consultations reflect any changes in the Bill? At least the concerns of the media should be reflected.

Mr. Speaker, when the previous Bill was tabled in this House and the TTPBA raised objections, the Government said it would go back and talk with the

*Cybercrime Bill, 2015*  
[MR. J. WARNER]

*Friday, May 15, 2015*

stakeholders. The Government said so. They gave that commitment. They gave that promise, they would go back and talk to the stakeholders. Did they go back? And if so, when? Have they done this? And if they did this, are the stakeholders now comfortable? Are they happy with this Bill? Because nothing has changed except for some minor changes, which I alluded to just now. If the media are satisfied, I say no problem. But if they are not, the country has a problem. Mr. Speaker, I believe they are not. If the media are satisfied, then prove it. Prove to us here that the media concerns have been put to rest.

Mr. Speaker, we are seeing today in NGC, for example, where a state agency spent over \$200 million and even more in frivolous and, perhaps, even corrupt spending. Suddenly the NGC had gone on a witch-hunt. They are searching employees at NGC more than the prisoners get searched at the Maximum Security Prison. [*Laughter*] “Yuh laugh eh?” Serious business. Mr. Speaker, the people at NGC are trembling as if they have Parkinson’s because of the fact that somebody blew information about an expenditure that is absurd and is obscene.

Mr. Speaker, the LifeSport scandal, that would not have come to light if it was not for whistle-blowers, and today this seat or this constituency might not even be here next to me, but it was a whistle-blower who brought it to light, and after all the defence of the last Minister, the Member for D’Abadie/ O’Meara, all the defence given, when finally it was clear and glaring, the Minister had to step down. Why? Whistle-blowers. Mr. Speaker, you would recall Curtis Gibson who was gunned down in his bed at 1.00 a.m. and he begged for protection and he was denied protection.

Mr. Speaker, right now, it is whistle-blowers and journalists who are preventing the runaway corruption in the state sector from getting worse and if you begin to intimidate journalists and whistle-blowers then nothing would stand in the way of any corrupt practice. No one would be there to protect the public interest or the public purse. And, today, I feel that this is even more necessary when one looks at how a Government uses its numbers to assault democracy, Mr. Speaker. It is now even more important that we do this.

Mr. Speaker, the former Minister of National Security last year, in response to the media, simply said that press freedom was not the target of the Bill and there was no threat to press freedom. But, Mr. Speaker, where is the guarantee? It is not in the Bill and I am saying, therefore, if it is not there put it in. Because if you want to guarantee whistle-blowing and reporting by journalists which, of course, are now under threat, you have to find a way to express in the Bill something that



would give them some solace, some comfort. I am saying, there should be a clause pertaining to exemptions. But to merely say that once the person has “lawful excuse or justification” to be enough, I say that is very ambiguous. What constitutes lawful excuse? What constitutes justification? *[Interruption]*

**Dr. Moonilal:** What section?

**Mr. J. Warner:** I cannot remember now. I would get that for you just now. Look under offences. Mr. Speaker, this Government promised whistle-blower legislation and that was to protect whistle-blowers and journalists from persecution and prosecution. I ask the question: the Government is on its last days, where is the whistle-blowing legislation? Where is it? Some of the Bills we have passed here, we even mentioned the term whistle-blowing, but there is no Bill that I am aware of, no legislation for whistle-blowers.

Mr. Speaker, on November 07, 2014, an article by Aba Luke titled:

“T&T Transparency Institute Call for Immediate Whistleblower Legislation”

What did the people say? Trinidad and Tobago Transparency Institute:

“The group says whistleblower protection should be a fundamental part of a country’s legislation as witness accounts offer invaluable insights into corruption and are powerful tools in the fight against it. As such, the group is calling for the immediate consideration of whistle-blower legislation.

TTTI has defined whistle blowing as the disclosure of information about a perceived wrongdoing in an organization...”

Perceived wrongdoing, Mr. Speaker, must not be covered. They say, of course, that this has all kinds of negative outcomes on individuals and other entities, and therefore they are saying they are:

“...adamant that whistleblowers should be acknowledged and protected, not ostracised, victimized or penalised.”

Mr. Speaker, I am not saying you must throw away the baby with the bathwater. I am not saying that at all because we know about malicious invasion of computer systems. I remember my friend from Arima, when he was here some time, was trying to tell me how to protect my computer from invasion and, of course, I know that this could have some damaging consequences, but at the end of the day we have to protect the fourth estate. The fourth estate has to be protected and that is the point I wish to make here.

**2.30p.m.**

Mr. Speaker, cyberbullying, I am saying it is time to address the issue of cyberbullying. The issue of cyberbullying came prominently to the fore, with the racist Facebook postings of Jaishima Leladharsingh, who now, I am advised, has a back-room full-time cyberbullying job. Now, some may argue that what Jaishima Leladharsingh has done does not fit into the definition of cyberbullying, as per clause 20 of this Bill. What does clause 20(4) say, Member for Caroni East? What does it say?

“For the purpose of this section, “cyberbully” means to use a computer system repeatedly or continuously to convey information which causes:

- (a) fear, intimidation, humiliation, distress or other harm to another person; or
- (b) detriment to another person’s health, emotional well-being, self-esteem or reputation.”

Mr. Speaker, but when one considers that what Leladharsingh and others like him have been doing persistently, literally hounding persons on social media, hounding them on social media and using offending language to do so, the case is made that there should be a law to deal with persons like him and what they do. Cyberbullying is a major issue now in schools, Member for Caroni East. It is a major issue now at schools. You agree with that? *[Interruption]*

**Dr. Gopeesingh:** Yes.

**Mr. J. Warner:** Thank you very much. Do you want to come “dis side”? Thank you very much. *[Interruption]* It is fact, and I am saying, if you look at the national PTA, where the president has been warning since 2011 that computer devices and cell phones in schools, without proper regulation and monitoring, are contributing to the problem. *[Interruption]*

**Dr. Gopeesingh:** I want to—

**Mr. J. Warner:** Oh, sure. I have all the time in the world, you know.

**Dr. Gopeesingh:** We did research internationally on the use of cell phones in schools: there was no real focus on how to manage it, except most of the international countries have left it to the respective Ministries, and the countries, well, Ministries, particularly how to allow the students the use of the phone at break periods, but not in the classroom. Most of the international research has shown that. So, depriving them of the telephone is discriminatory practice against

the student who might be able to want to communicate. So, I thought I would indicate what is really happening in the school as far as the telephone is concerned.

**Mr. J. Warner:** You will agree, cyberbullying exists in the schools, right?

**Dr. Gopeesingh:** There is no question of—

**Mr. J. Warner:** That is correct; the PTA said that—of course, the president, Mrs. Zena Ramatali, said, based on reports, every other day a child is cyberbullied by other students; every other day. She said, I continue:

“Students have received reports of threats on-line and via text messages from other students. ‘We also have students who know how to break into another student’s account.’”

We have students who know how to break into other students’ accounts.

“In other instances”—she says—“they target other students by circulating sexually suggestive photos.”

They send photos which, of course, are sexually suggestive.

All this, of course, is causing some pain in the schools since 2001. It is not getting better; it is getting worse.

Now, the Bill has a clause to deal with child offenders, Mr. Speaker, and it does put the burden or the responsibility on the parents and guardians, but to the extent that these things are still taking place today. I ask the question, what measures have been put in place to prevent the laptops issued to secondary school students from being misused? What measures? [*Interruption*] Go ahead.

**Dr. Gopeesingh:** We have firewalling and we have a management type of procedure that the parents have to agree to and the students, but, you know, students they are very brilliant and they find imaginative ways of hacking into the—breaking into the management systems that we have introduced. When it comes to our attention, we deal with it immediately.

**Mr. J. Warner:** Well, I am glad for your admission. Thank you. Thank you, Mr. Speaker. I am glad for your admission, because there are students who are able to break into the system. What I am saying is that—[*Interruption*]

**Dr. Gopeesingh:** They are creative.

**Mr. J. Warner:**—very creative, but if you say parents or guardians must be held responsible, I am saying to you that the parents or guardians should be given

*Cybercrime Bill, 2015*  
[MR. J. WARNER]

*Friday, May 15, 2015*

an orientation or some kind of introduction into how to monitor their children's use of computers. [*Interruption*]

**Dr. Gopeesingh:** They are taught as well. When the computers are given to the students—[*Interruption*]

**Mr. J. Warner:** You see, I am being very kind, eh?

**Dr. Gopeesingh:** You are very kind.

**Dr. Moonilal:** “Wat all yuh havin, ah dialogue?” [*Laughter*]

**Mr. J. Warner:** “Ah behaving” like you, I am very kind. You see, I am saying, Mr. Speaker, that the parents—well, I am happy to hear that. Again, and, of course, as I continue, please feel free, because these are things people must know. People must know—because you cannot say that they are responsible, if you do not know anything about the computers. They must know about parental control settings, and about software, because we say that schoolchildren are bypassing the security systems.

Mr. Speaker, I am saying, therefore, what it seems to me, and to the Minister's admission also, is that the Government is trying to pass a law that deals with cyberbullying, but I do not believe the public is adequately educated. I do not believe so. [*Interruption*]

**Dr. Gopeesingh:** Let me respond to that.

**Mr. J. Warner:** You could, I have no problem. You see, I do not think they are educated in how to recognize cyberbullying, right? That is the point I want to make.

The same article I read from just now gave some useful information on the subject. I would not go to the article now. But it says, of course, what is cyberbullying. And it gives a whole paragraph or two or three or four, on cyberbullying. Then it says signs, signs of cyberbullying, they give about 15 signs, Mr. Speaker:

If a child is being harassed or bullied online, he or she may:

- Be reluctant to use the computer or electronic device, may discuss revenge;
- Look or appear nervous, and so on.

These are ways you could identify it. I am saying, I do not think—and if it is done, Mr. Speaker, Member for Caroni East, if it is done, then I do not think it is

done enough. I would ask, and would pray and hope, that we in a sense begin a policy whereby we go back again at the parents almost on a yearly basis, and teach them, because those children today are very creative; very, very, creative.

So I am saying, therefore, if we are passing a law to treat with a problem, we have to educate the people on how to recognize the problem. On this point, I want to refer to an article written by one, Shiva Bissessar, B.Sc. (Hons.), MBA, M.Sc., Managing & Technical Director, Pinaka Technology Solutions, which article is published on the website: [technewstt.com/ttcybercrime/](http://technewstt.com/ttcybercrime/), with the heading: The case for Multi-shareholder engagement in reviewing the Trinidad and Tobago Cybercrime Bill, 2014.

Mr. Speaker, Mr. Bissessar has done an extensive analysis of the Cybercrime Bill, 2014. He said that he has done an extensive analysis of the Bill of 2014. I have not heard a single speaker refer to a study, and what he came up with, and how we should deal with it. I hope that I can be regaled with some kind of explanation in the course of this debate. What did he say?—because I am saying, what he said in 2014, those things he said are still relevant in 2015.

Mr. Speaker, he said, on the issue of cyberbullying, repetition of the offending action is required under this Bill. However, he notes, as currently worded, the cyberbully needs to use the computer system repeatedly or continuously to commit an offence against someone. Yet, there are instances—I am quoting from him—where a single action by an offending party (non-repeated or non-continuous) on a social media site against a victim can spawn a multitude of supporting actions from other entities.

So, therefore, while the Bill says that, of course, the cyberbully needs to use the computer repeatedly or continuously, what Mr. Bissessar is saying is he could use it once on a social media site, and that then, of course, sets out a whole chain—a whole chain—of offending articles, and so on, based on this one article.

Mr. Speaker, in other words he is saying, to draw from this, one person can make a single comment, and others can perform the viral action that leads to the same damage. Mr. Bissessar, and believe you me, he is more an expert than I am or ever will be. He has pointed out that while the initial red flags came from the media, the Bill has implications for the wider society. Therefore, the Bill requires consultation, not just with the media, but with the wider national community.  
*[Interruption]*

**Mr. Speaker:** Hon. Member, your speaking time has expired. Would you like an extension?

**Mr. J. Warner:** Yes.

*Question put and agreed to.*

**Mr. J. Warner:** Thank you, Mr. Speaker. And once again, I am touched by the collective benevolence and kindness on the other side. I am touched. Yes, Mr. Speaker, so I am saying that Mr. Bissessar is an expert. He said that the Bill should be discussed by the wider society, not the media alone.

The last Minister of National Security, Gary Griffith, he heeded this advice, and he had invited the media fraternity to discuss their concerns specifically to clause 21 of the Cybercrime Bill. Mr. Speaker, though he did that, to his credit, it does not say that the remainder of the Bill is perfect, is fine. It does not say that the Bill does not warrant a review. To his credit, he did call them, but to discuss one particular clause, and what we are saying is, it should be a whole totality as it were, because the Bill has in it several other areas that warrant review.

Therefore, I am suggesting—though I know it would not be followed—it will not be listened—I am talking—it going as hot air, and so on, the wind, but I will still say it. I am suggesting, at this juncture, that it will be more beneficial to employ a more encompassing approach, by bringing together a wide range of professionals from various stakeholder institutions and entities, like the law enforcement body, for example, the legal fraternity, technical expertise, like the ICT. Bring all these bodies together, and let them look at the Bill and see in what ways the Bill can be made better because, at the end of the day, this is a Bill whose time has come, there is no doubt about that. It is a Bill whose time has come, but you do not want to get any Bill because the time has come. I began by saying, what this Bill lacks is, it lacks consultation.

So, therefore, call the law enforcement, call the legal fraternity, call the experts, call the international organizations that are here, if you have them; sit and discuss the Bill and you will find that you will come up with some analyses that will blow your mind.

In fact, Mr. Bissessar raises a number of issues with the Bill. I wonder if my colleagues on the other side have even read Bissessar and his article. Okay, but I will tell you again, you can get him. The website for him is <http://technew>—in fact, I will give it to you afterwards. I will give it to you afterwards because I have limited time, but I suggest strongly, strongly I urge you to read that document by Mark Bissessar. [*Interruption*]

**Dr. Moonilal:** Mark?

**Mr. J. Warner:** Mark.

**Dr. Moonilal:** I thought it was Shiva?

**Mr. J. Warner:** You thought it was another Bissessar. I said Mark. Not Mark, Shiva, sorry.

**Dr. Moonilal:** Shiva, yes. “Doh let Bissessar confuse yuh.”

**Mr. J. Warner:** “Yuh listening man? Doh be”—Bissessar never confuse me, [*Laughter*] at my age.

**2.45 p.m.**

So, I am saying, Mr. Speaker, if you look at what Shiva Bissessar has said and the criticisms he has made of the Bill, you will see he has touched on five major areas, five. Let me say at the outset, those five areas are critical, but from where I sit they are too delicate and too technical for me, but I urge those on the other side—they have staff, they have a host of people, and so on—to look at the five areas he criticized. One of them, for example, which I think I barely understand is the question of production orders. He was talking about clauses 26 and 28 of the Bill, and he says that the Bill only addresses locally domiciled computers and local Internet service providers. He said that Trinidad and Tobago is not one of those countries where the servers for the emails, et cetera, that are used by persons are domiciled in this country.

In this era of emailgate, Mr. Speaker, it is important to make the point, once again, that Trinidad and Tobago is not one of those countries where the servers for the email, et cetera, that are used by persons are domiciled in this country. Most people use Yahoo, Hotmail, Gmail, and so on. But, Mr. Speaker, he says when an email is sent or received, what you have is a visible—in the cyber world—line going out of the country and when it hits the foreign-based server you cannot see where the email went from there. Similarly, on an incoming email, you can only see where the server sent the email to the user’s computer. You cannot see the trail behind the server.

So, if one, for example, has an email “anan@gmail.com” or even if you want to say kamlap@yahoo.com—and, of course, I am saying this because nobody here has claimed ownership of these emails—but if you have those emails, as he is saying, let us assume that the sender and the recipient are in the same building but on different floors, you would see a trail from the sender’s local computer to the Gmail server which is based outside of the country. After that you see nothing. Then you would see a trail from the Yahoo server coming to the recipient’s

computer. There is a blind spot between the Gmail server and the Yahoo server, and to find out which servers the email took, you need the cooperation of every single server operator in the connect-the-dot journey of this email. It is very technical, but I am making the point, Mr. Speaker, you cannot pass a Bill until you go and see what are some of the intricacies which a fella like Shiva Bissessar has referred to.

Mr. Speaker, he is even saying in his paper that he respects the fact that there are some things the Bill cannot address—he is talking also about the agreement, the Mutual Legal Assistance Treaty (MLAT) between countries which they have to bridge this gap—and that, of course, you know, these days that is in the air. He does say to his credit that there are some things which the Bill cannot achieve and he says for any Prime Minister that would pose a conundrum, in any event, Mr. Speaker, not everyone has the resources, in any case, to take two years or more to find out, of course, about an email.

I heard the last speaker say that the Bill is derived from the HIPCAR Project. I hope I am correct. [*Crosstalk*] What you said? Okay, that project was commenced in 2008 and that project was designed to provide, I quote:

“Harmonization of ICT policies and legislation across the Caribbean”

Mr. Speaker, that project was 95 per cent funded by the European Commission with the ITU, the International Telecommunication Union, as the executing agency and the Caribbean Telecommunications Union, CTU, as its project advisor.

Mr. Speaker, there are 15 beneficiary countries of which Trinidad and Tobago is one, and as part of the things they have to deliver, I am saying that body, of course, produced model policy guidelines and legislation across nine different areas where cybercrimes and cyber security was one of the areas. This country, Trinidad and Tobago, benefited from at least two stakeholder validation consultations and, therefore, we have to start going into further depth on the subject.

I am saying, it seems to me, from what I have read, that this Bill is being rushed, Member for Oropouche East, so as to meet the country’s obligations under the HIPCAR Project and, therefore, I am saying that may be the reason why there was not any consultation on the Bill.

I am saying also that there is a lot one could say on this Bill, but I am not competent to say much more, except to say, Mr. Speaker, as I began, that there needs to be wider discussion and consultation, otherwise we may find serious



conflict down the road. In an age where people are crying out for consultation, for discussion, I am saying, Mr. Speaker, let us go back and discuss it with the people, with the stakeholders, so as to avoid serious conflict down the road.

Mr. Speaker, I thank you.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you. Thank you very much, Mr. Speaker. Mr. Speaker, during the contribution of the Member for Chaguanas West, indeed, given the technology, I also took a good look-up for one Shiva Bissessar, an adjunct lecturer at the graduate school, the IOB, the Arthur Lok Jack School. Mr. Speaker indeed, I share the admiration that the Member for Chaguanas West brought with him for the bona fides of this individual and the expertise. In fact, the person is defined as a certified technologist, specializing in information security systems and strategy, and so on. Indeed, such a person and such an expertise is desirable to influence this type of policy and this type of legislation. [*Interruption*]

**Mr. Warner:** Thank you very much.

**Hon. Dr. R. Moonilal:** I am sure that the documents are available to everyone to look at it. I cannot, at this stage, determine whether this person has been involved in any way with the creation of this Bill through the various processes, particularly at the LRC but, clearly, we can try to ensure that such expertise—whether it is from this person and others—is brought to bear on this process, given some of the issues that the Member for Chaguanas West raised on the matter. I am also happy to look at the CV of that person.

Mr. Speaker, I stand to give support for two Bills before us where the House agreed to look at the Bills conjointly, namely:

“An Act to provide for the establishment of the Trinidad and Tobago Cyber Security Agency and for matters relating thereto” and

“An Act to provide for the creation of offences related to cybercrime and related matters”

Mr. Speaker, echoing the views of the Member for Chaguanas West, it is really a Bill and a measure where the time has come. The time has come for Parliament to reflect on matters pertaining to cybercrime and matters pertaining to the establishment of the institutional capacity of Governments to protect citizens, protect institutions and protect national assets from offences related to cybercrime. I would make two introductory statements.

First, for all of us who monitor international developments and technology—in fact, the Member for Chaguanas West was probably one of the very early users, if not pioneer, of using Internet technology in work. At that time, it was not “survivor”, I think it was jaw@aol.com, and then circumstances determined that that name change to “the survivor”. I remember well the “jaw” but he was \actually a very early user and purveyor of Internet technology and 24/7 use of technology, particularly email, Internet and so on.

In fact, the Member would recall that I was also among the very first to use handheld technology. There are photos of me in the Parliament in the late 1990s, using at that time what was a Palm Pilot which today now is rated so archaic and outdated, but I was among the very first users of Palm Pilot in the Parliament. I was not evicted for using it, but I did use the Palm Pilot and that associated technology that required uploading and downloading data and data transfer. A lot has happened since then, Mr. Speaker, since 1998. Indeed, a lot has happened.

As we move forward, these Bills are really Bills where, as the Member said, quite frankly and honestly, the time has come to act to protect citizens, but I also wanted to make another point in introduction as a result of the entire contribution of the Member for Chaguanas West. Sometimes, you know, there is a fundamental difference between consensus and consultation, and sometimes when we talk consultation we refer really to consensus, and when we talk consensus, we refer to consultation. There are matters that Government would face time and time again.

Mr. Speaker, I was involved in a parliamentary subcommittee, a joint select committee dealing with the bankruptcy legislation which today is in effect. I could remember the Joint Select Committee chaired then by the late Ken Valley, Member of Parliament for Diego Martin Central. It was that Member who introduced me to that concept. When we were going through the process, every time we would call for greater consultation and greater consultation because every time we came up with a draft—almost like the insurance legislation—we would find some group would come out and say: “Look, this draft is not proper and there are so many flaws, and so on”, and then we would come to draft five and draft six, and there would again be problems, and then the late Ken Valley told me. He said: “Rudy, do not mistake consultation for consensus.” That we will consult, but it may well be that we do not get consensus, and on matters like these you can consult, but there may be a point in which you may not get consensus.

Like industrial relations, we are dealing with another matter, industrial relations, and so on, we will consult but, at the end of the day, you may not get

consensus and, therefore, public policy and those who carry the burden of passing public policy, they must intervene to take that decisive and, in some cases, courageous step so that you can bring a measure to fruition although you do not have full consensus on it.

We will certainly want to examine the contribution by the Member for Chaguanas West and examine it probably in more detail, the contribution of the authority that he placed there, and if that means, Mr. Speaker, that we may not be prepared today to vote on the matter, then so be it. It is not the intention of the Government—I keep saying—that we will hammer home and ram down something.

Mr. Speaker, I want to say this in the context of the abdication of the responsibility of Members of the Opposition. The only opposition voice today is the Member for Chaguanas West. It is a big voice, I would say, although it is one, and he would not get a chance to talk again on this matter, but it is still a voice, and it may well be that we may not want to vote today on this matter given two issues raised in particular there: one with justification and the other matter, the cyberbully issue, and there is a related matter raised as well from the perspective of the media—I believe it was the media freedom issue. So that it may well be that we may not move hurriedly to vote.

I want to say the Government would have the numbers. Clearly, the Government would have the numbers and we may have the numbers to vote, but given the argument, this is why I wanted to say—I know the Member for Chaguanas West is passionate on returning the Member for Diego Martin West, but with other Members of the Opposition out you rob the constituents, but you also rob the national Parliament of the opportunity to contribute on important matters for which you are elected.

**3.00 p.m.**

Mr. Speaker, it is only one Member who ought not to be here, the Member for Diego Martin West; all other Members ought to be here. The fact that they are not here is no fault of the Parliament or Members such as ourselves. [*Interruption*]

**Mr. Sharma:** Who asked to be excused?

**Hon. Dr. R. Moonilal:** And two—I took note, Mr. Speaker. The Member for Fyzabad, a trained eye on parliamentary affairs, reminds me that there are two Members who have asked to be excused, the Member for San Fernando East and the Member for Diego Martin Central. All others, except the Member for Diego

*Cybercrime Bill, 2015*  
[HON. DR. R. MOONILAL]

*Friday, May 15, 2015*

Martin West, are absent without leave, as the Brig. General would tell us, they are AWOL; they are absent without leave, and that carries—in the military fraternity—serious repercussions. I imagine in Parliament it may as well, but that is another matter.

So, Mr. Speaker, the measure before us is laudable that we can and will support, but we will also take into consideration some of the issues raised there. Mr. Speaker, the Bill seeks to deal with issues involving a tax on corporate and personal data, the persistent threat to financial systems, the persistent undermining of hardware infrastructure and software, and hacking. Hacking is now a big thing. You hear a lot of complaints in the national community about hacking, and so on, and the Bill attempts to deal with that, and attempts to create the offences and create the necessary penalties that go with that.

Mr. Speaker, I want to put for the record that there has been some measure of consultation. I am reliably informed that consultation took place involving the Ministry of National Security. They received technical assistance from the International Telecommunication Union, the European Commission, the Organization of American States—consultation was done with many local stakeholders. Mr. Speaker, the Member for Chaguanas West will be happy to know, consultation was also undertaken with the Bankers Association, with other financial agencies as well in Trinidad and Tobago, and that process has been engaged, in gear, as we say.

Maybe it is that some of the institutions, their recommendations may not have gotten into the Bill and they are still concerned, and there are still lingering concerns. That may be so, Mr. Speaker, but having said that, we have before us a Bill, and I am taken to the section that deals with offences, Part II:

“Illegal access to a computer system

Illegally remaining in a computer system

...interception

...data interference

...acquisition of data

...system interference

...critical infrastructure

Illegal devices,” and so on.

Mr. Speaker, when we peruse the Bill we can see—even the critical eye could see that the Bill attempts to deal with illegal access to computer systems. Persons or entities that access a computer system, or any part thereof, for the purpose of securing access to data—and they do so illegally—illegally remaining in a computer system; illegal interception.

Mr. Speaker, I want to place on record that this is the Government that had the courage to bring before the Parliament the legislation dealing with the illegal interception of communications. [*Desk thumping*] We passed legislation to that effect to prevent spying, to prevent bugging systems, to prevent the illegal obtaining of information data from private persons, from entities. Mr. Speaker, so in the beginning of our term we passed the Interception of Communications legislation, which has been working. We forget, Mr. Speaker, because there is no bacchanal associated with it, sometimes we forget that it has been working. I had the privilege to chair a committee of the House, a subcommittee of House, to iron out the details and flesh out the details, come back to the House, and, with the support of the Opposition, pass the Interception of Communications legislation.

So, Mr. Speaker, this also accompanies that legislation as it deals with illegal interception as well. Mr. Speaker, I could not help but remember some of those days when we dealt with that, and there are heavy penalties for illegal interception where:

“A person who, intentionally and without lawful excuse or justification, intercepts—any subscriber information or traffic data or any communication to, from or within a computer system; or any electromagnetic emission from a computer system that carries any data, commits an offence”

Mr. Speaker, the penalties here include a fine of \$1 million or three years in jail. Data interference damages computer data or causes computer data to deteriorate or delete, alters computer data, moves computer data to a computer storage device illegally, renders computer data meaningless, useless, ineffective, obstructs, interrupts or interferes, denies access to computer data to a person—that person commits an offence.

Throughout the legislation there is this tone of seriousness, of strictness—penalty of \$1 million, three years in jail, that we have reached the point where we cannot tolerate now persons who are involved in that type of activity, because they undermine, not only privacy and the rights of citizens, but they also undermine critical state assets and state institutions, national security, and national goods.

Mr. Speaker, you can imagine if people use a computer system illegally, enter into systems driven by WASA, T&TEC, and so on, corrupt and pollute those systems, the chaos, the financial loss, the human loss that could occur by disrupting, polluting systems that control our national services, critical essential services, and so on. So, Mr. Speaker, these are matters that the Bill deals with in a frontal manner, including unauthorized receiving or gaining of access to computer data.

Mr. Speaker, the Member raised the issue of cyberbullying, and I would say in passing but with some seriousness, although some people may look at it differently, Members of Parliament and Ministers of Government are also victims of cyberbullying. I can quote but I do not want to, and certainly not to call names, of persons who will send an email to me, a businessman, someone known to Chaguanas West, who would seek to intimidate me—"I have been approved to get land and you are doing nothing to help me. You are doing nothing to pave land, you are doing nothing to give me this, to give me that. Waste of time. I look forward to you and your Government leaving office, and you should get out tonight", and so on. It is bullying. What do we do? As Members of Parliament, Ministers, we cannot do anything. If we complain they would say, "Why are you complaining, is you look for that".

Mr. Speaker, there are people who use newspapers to bully and intimidate, cyberbullying is one thing. Then the Member for Chaguanas West pointed it out himself and it was so ironic, if not awkward, that those newspapers then go online, as the Member himself suggested. So you use newspapers to bully people and then put the newspaper online and then the world accesses that, and it constitutes cyberbullying. Mr. Speaker, I was mortified when I looked at the front page of a newspaper, although the picture itself of me was flattering enough, "'Dutty Mouth' Moonie". Now, Mr. Speaker, for half the term of this Government I have acted as Minister of Foreign Affairs—the Minister is in the House—I have been commended for my statesmanlike deportment. [*Desk thumping*]

The Member for Tunapuna has received no complaints from those numerous occasions in which I have acted as Minister of Foreign Affairs. There is no complaint that has been lodged about my conduct, my temperament, my speaking, and so on, and I look in the newspaper and they described me in those terms. When I read the article they cannot cite who is the complainant. They cannot cite where a statement was made, who made it, where, how, when. Mr. Speaker, in another place but not here, I would tell them—[*Interruption*] Eh?

**Mr. Sharma:** “Curry mouth”

**Hon. Dr. R. Moonilal:** Mr. Speaker, in another place, not here, I would tell them there is a classic Hindi song by Kishore Kumar. I will not say it in Hindi, I will say it in English, and it says, “Where did it happen? How did it happen? Why did it happen?” *[Interruption]*

**Dr. Gopeesingh:** Sing it.

**Hon. Dr. R. Moonilal:** No, I would—“Ye Kya Hua”. *[Laughter]* Mr. Speaker, the song asked where did it happen, how, why, and I would ask these people to tell me where, because surely the reports at the Ministry of Foreign Affairs cannot bear out that it would be the same person that they are speaking about. And I do not suffer from any disease that means I am a Dr. Jekyll/Mr. Hyde character.

So, Mr. Speaker, this is the kind of intimidation that we face in the press all the time. My good friend from Caroni East, leaving a function one day, holding two bags in his hand carrying out, I think, was—what?—curry crab and something, and then it went on the email, on the Internet, I think. It was on the Internet, Mr. Speaker, challenging the Member—I do not know if the Member is a bachelor or not, but challenging the Member for taking home some food after a function somewhere, suggesting that it is something he received, some, you know, illegal transaction, some unethical transaction, and from that he received a piece of roti, some potato, and so on—*[Interruption]*

**Dr. Gopeesingh:** And some chicken.

**Hon. Dr. R. Moonilal:** And some chicken, Mr. Speaker, and a piece of cake, I think—*[Interruption]*

**Dr. Gopeesingh:** Yeah.

**Hon. Dr. R. Moonilal:** So, Mr. Speaker, this is what goes on the Internet and it is a form of cyberbullying. It is a form of cyberbullying that people do. Mr. Speaker, I am now mortified, any function I go I tell them, “Please, I am taking nothing away from here”. *[Laughter]* Mr. Speaker, nothing, “if ah cyah eat ah not taking”. *[Interruption]*

**Dr. Gopeesingh:** Or if you go to the grocery too “doh” go out with a white bag.

**Hon. Dr. R. Moonilal:** Mr. Speaker, you are scared to leave Massy—*[Interruption]*

**Mr. Sharma:** Can I take my “seedha”?

**Hon. Dr. R. Moonilal:** Mr. Speaker, I think the Member for Fyzabad has launched a complaint with some authority because in his business they collect what is called “seedha”, and you have to actually walk with bag out, so we will deal with that another time.

But, Mr. Speaker, the cyberbullying is an important matter because it affects children in the school system. The Member for Caroni East has been at pains to confront the issue of cyberbullying. He has been at pains to confront that issue and to delineate it. Mr. Speaker, I believe that cyberbullying is such an important issue that affects children, and the social and psychological implications of cyberbullying, that it requires separate and independent legislation to deal with that issue. It cannot be consumed in a general Cybercrime Bill, given the nature of that, particularly—as the Member for Moruga/Tableland, I believe he will speak later in the proceedings—as it impacts upon children and their development.

Mr. Speaker, I took note, of course, of the Member’s contribution on whistle-blower legislation, and so on, and the Member is right that whistle-blower legislation is also very, very important, and I would recall that in the year 2006/2007 the former administration brought a Bill to Parliament to amend the equal opportunity legislation. Do you know in that Bill, Mr. Speaker, they proposed to penalize anyone who makes a complaint that is deemed to be frivolous with a fine of \$250,000. One method used to punish whistle-blowers, because, as it is, the employer can punish whistle-blowers, as you rightly pointed out, an employer can look to the employee and see if someone is prone to exposing information that will be, not only embarrassing but suggest illegal activity, and so on, and the employer can act.

The Industrial Relations (Amdt.) Act speaks to some of those issues by giving the employee greater power, the worker, but, Mr. Speaker, outside of the ambit of industrial relations, one way Governments can seek to punish whistle-blowers is to increase the fines for what is deemed frivolous and vexatious complaints, and the former administration wanted to do that with the equal opportunity legislation. So, today, when my friend from Chaguanas West lines up with the Member for Diego Martin West and they go holding hands in Chaguaramas and elsewhere, I want to indicate to him—I cannot warn him. I am not in a position to warn him, Mr. Speaker, he is “Warner” already.

Last night, incidentally, I was watching a movie, an old thriller movie about a murderer, and there was actually a character in the movie—well, a famous star in the ’40s by the name of Jack Warner, but I know it was not my friend here—an



American actor, Jack Warner, who acted in that movie. So, I saw it last night. Mr. Speaker, I want to warn my friend, if I could, from Chaguanas West, that the person he is now aligning with, the citizens now, the people who he is now making his “political pelau” with are persons who came to this Parliament to punish whistle-blowers, that if you believe you have seen something that points of inequality you go to the Equal Opportunity Commission and they deem that that is frivolous, you pay \$250,000 in a fine.

**3.15p.m.**

Mr. Speaker, which right-thinking citizen, which humble man or woman, which ordinary citizen in this country, thinking that if I make a complaint and the complaint is deemed to be frivolous and vexatious—if they know what that means—it means the complaint is a waste of time. They do not have the legal expertise. They do not have the intellectual expertise to say, “I can work out what my complaint is”, whether it is frivolous or vexatious, you punish them. This Government has brought no legislation to punish whistle-blowers or to punish people who report offences. It is very important. [*Desk thumping*]

The Member for Chaguanas West used the opportunity to speak about emails, and he referred to emailgate as well—he did so. He referred to emailgate in the context of whistle-blowing, and so on. I want to tell the Member that the Member for Diego Martin West came to the Parliament on May 20, 2013—a most infamous day in the history of Trinidad and Tobago, rivers of blood I say—and in that presented what he purported to be emails—that the Member for Chaguanas West who raised that today—and came here and read and said it was from a conscientious whistle-blower, and he had a duty to read it because somebody saw that, put it together and brought it to him. He took responsibility.

When I did that, “everybody vex”. When I came in the Parliament with letters which I read, and I indicated that someone had this in their possession, and someone having a letter from the Justice Department and from Google International believed that their conscience could not allow them to keep it to themselves, because they could not see an injustice continue. They could not see an incumbent Prime Minister and Ministers be castigated and condemned, from pillar to post. When they had evidence that it was not so, they brought it forward. Now, they want to kill me for bringing forward evidence from a whistle-blower. The people who are against me today for raising those issues, are against whistle-blowing—they are against whistle-blowing.

Today, I want to tell the national community, including the author of the judgment—not the press release; there was a six-page judgment that came two days ago—I want to indicate that I stood here with courage and read information

that came into my possession, because the Parliament had a duty to hear that information. [*Desk thumping*]

The police will do their work. I do not do police work, but the police do not do work of Members of Parliament. Accusations of the most dangerous level, of the most dangerous type, accusations and allegations, the most dangerous accusations, were brought to the Parliament and when evidence came to light, that evidence was brought in the Parliament. No one can deny the right of the Parliament to receive that information, and there is no principle of law that is violated by myself, or any other Member, seeking to defend our name and defend our character. We breached no principle of law. [*Desk thumping*]

Mr. Speaker, on that day as well, in dealing with issues, I also raised that issue of the failure of the Member—and the Opposition is absent, they are not even here to respond—I raised the issue of the failure of the Member for Diego Martin West to declare property that he owns. I had also received that—that information came to me from a computer printout. Now, that is a whistle-blower, and I come back to whistle-blowing.

A deed came into my possession by way of email. I received the deed by way of email. Some whistle-blower saw this deed, saw what it was looking like, and sent it to me because they believe there was something wrong. We must protect people who have seen something and they believe there is something wrong. We must protect those people. But we, as responsible Members of Parliament and Ministers, must also take our own responsibility seriously and check to ensure something.

I would not come and stand in this Parliament and accuse the Member for Chaguanas West of something dastardly, unless I have some evidence in my hand to suggest that. You hear things about all kinds of Members. I hear things about the Member for Chaguanas West, as he hears about me I am sure, but he has been so far very responsible. [*Interruption*]

**Mr. Warner:** So far.

**Hon. Dr. R. Moonilal:** As far as it relates to me—so far. I will alert him that the day he has information that point to any wrongdoing on my part—I think some publication misled the Member for Diego Martin West and he talked about a mall in Holland, and so on. You know what is interesting? There was a publication that talked about that. The Member for Chaguanas West never raised it, but the Member for Diego Martin West raised it, because “he get set up again. He by de Port of Spain market collecting basket. So collect basket, come to talk

about mall in Holland, have no evidence.” My friend, the day you have evidence of any kind, bring it; I am not afraid of anything.

But the day when I got an email, I got an email with deeds, I checked the Registry to ensure that this thing was correct. When I ascertained it was correct, I asked the Member for Diego Martin West, “Do you own a property at One Woodbrook Place?” Immediately he went out, he said “Me, I cyar afford there.” He said in the *Newsday* the next day, May 21, “I cyar afford a property there.” When I asked him again in the Parliament, I said I had the evidence. He said, “Oh, I really have that, you know, but it is declared on Form A.” I want to tell the Member for Diego Martin West, I believe his two statements; he is a very honourable man. I believe he “cyar” afford it, and I believe “he own it”. [Laughter] I believe both statements. I believe him. I believe he “cyar” afford it, which he said in the press, and I believe “he own it”.

Mr. Speaker, I have taken the opportunity in a letter dated May 15, today, to write to the Integrity Commission: “Complaint concerning Dr. Keith Rowley’s failure and/or refusal to disclose particulars of his property located at One Woodbrook Place”, and I write—[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired. Would you like an extension?

**Hon. Dr. R. Moonilal:** Yes.

*Question put and agreed to.*

**Hon. Dr. R. Moonilal:** Mr. Speaker, I write to the Integrity Commission:

Pursuant to section 32 of the Integrity in Public Life Act, chap. 22:01, I wish to lodge a formal complaint against Dr. Keith Christopher Rowley, Member of Parliament who according to the Act is properly defined as a person in public life.

In my respectful opinion there has been a material breach of the said Act in particular sections 14 and 21, respectively.

In my capacity as a Member in public office it is important to ensure that fellow Members uphold the integrity of this position. I refer to the Trinidad and Tobago *Hansard* of the parliamentary record of March 25, 2015, where I made reference to an apartment situated at One Woodbrook Place.

**Mr. Speaker:** Member for Oropouche East, if you could connect that to the matter before us, I would appreciate it.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I will speed-read this because I do not want to dwell on it. It is referenced to an email I received. I had no doubt that it was a whistle-blower sending the email. It is in reference to the deed as part of an email that I received. I go on to say that:

The Member for Diego Martin West was the owner of this property. The Member indicated that he could not afford it. The Member thereafter agreed that he owned the property or part owned the property, but it was declared in Form A.

I write the Integrity Commission to indicate that Dr. Rowley has explicitly admitted to filing a prescribed Form A, but indicated that this property was not filed under Form B which is registrable interest.

I close the letter by saying:

In addition, the Form B must be a form to which beneficial interest held in any land, any other substantial interest whether of a pecuniary nature or not which we may consider, should be declared and it is such a public duty.  
[*Interruption*]

**Mr. Speaker:** Member for Oropouche East, I want to advise you that I do not think it is relevant. I think you said speed-read. I think the point has been made. I think we should proceed, please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I will proceed by indicating that letter has gone to the Integrity Commission, and the Member will defend his name in accordance with the Integrity in Public Life Act.

Mr. Speaker, the issue raised by the Member for Chaguanas West also touched on, concerns the procurement legislation as well, because in the procurement legislation, as you would be aware, there are instances where whistle-blowers are protected, are encouraged to take information up with the Director General of Procurement and that particular office, to report events in which information has come to light that suggest there have been wrongdoings on the part of contractors, on the part of government officials, on the part of state officials.

The matter before us as well deals with another offence of some great interest, and that offence deals with computer-related forgery at clause 14. I just wanted briefly to turn to computer-related forgery. Computer-related forgery and computer-related fraud go hand in hand:

“A person who intentionally and without lawful excuse or justification inputs, alters, deletes or suppresses computer data, resulting in inauthentic data, with the intent that it be considered or acted upon as if it were authentic, regardless of whether or not the data is directly readable and intelligible, commits an offence...”

When this is passed into law, this is a serious matter now; where you commit an offence called “computer-related forgery” by inputting, altering, deleting, suppressing—what it really means is if you “cook up” something, if you go on a computer and “cook up” something, put a few lines here, a few lines there, change an email address there, change an email address, invent an email address, you commit a very serious crime.

If you pass this on as your own and take responsibility—the Member for Diego Martin West, had this been in law, could have been charged with a criminal offence and be facing imprisonment for three years on summary conviction or a fine of \$1 million, for computer-related forgery, where the evidence from Google International and the Justice Department speaks to the fact that these email addresses do not exist and such emails are not found.

“Ah doh” want to stray and I cannot stray, because I am on computer-related forgery which is a major offence, with the sister offence of computer-related fraud. So, computer-related forgery is the offence, inauthentic data. When you have evidence to suggest that that data is not real, it is not accurate, it is put together, and you take that and pass it on, you commit computer-related forgery with an offence for three years in jail or a \$1 million fine.

I am sure the Member for Chaguanas West raised genuine issues. He was not trying to prolong the implementation of this law to prevent anyone from being charged and prosecuted—I am sure. He raised genuine issues. But look at the offence, computer-related fraud:

“A person who, intentionally and without lawful excuse or justification—  
 (a) inputs, alters, deletes or suppresses computer data; or  
 (b) interferes with the functioning of a computer system...”

If you input into your documents here, an address, you commit computer-related forgery.

Mr. Speaker, I took note that they are now talking about, not the fake email itself, but outside the four corners of the email, they can go on a fishing expedition if they want, but they are fishing in the desert. They are going on a

fishing expedition in the desert. You will catch nothing, unless you are setting up somebody, and that is your intention.

Mr. Speaker, they can do what they want, but an offence that is not yet on the law books, which we are debating today, called “computer-related forgery”, had this Bill been in effect somebody had to answer some serious questions, and you wonder about the extent of those questions.

I want to remind you, computer-related forgery might be a new offence being committed now, but there is already an offence under the Integrity in Public Life Act that speaks about bringing a matter to the Integrity Commission where you ought reasonably to have known that it was not true, it was not accurate. That is also an offence, but that is a matter for the Integrity Commission, but for us today it is computer-related forgery.

In this matter I want to remind the Parliament that it was in June/July 2013, part of our public records, where a matter was taken to the Committee of Privileges involving these same fake emails, and the Member for Diego Martin West ran away from that too; indicated to the Committee of Privileges—it is there as public record—that he will not answer questions from the Members of the Committee of Privileges. The Members of the Committee of Privileges in June and July 2013 asked certain questions of the fake emails. They said, “No, we will not answer questions.” We must ask Google International to verify. When Google International verified, they say, “Wha”, now you take summary action, and unfair and unconstitutional. All of these people jumping up, the five Opposition Leaders out there, I want to tell them, they will go on every street and jump up, but they will not go by Knox’s Street, the Hall of Justice, to file a matter. They will not file any legal matter.

**3.30 p.m.**

They have five, Opposition leader and three lawyers, and all of them they would go to every street junction except Knox Street, Port of Spain, to file an action. [*Interruption*]

**Dr. Gopeesingh:** But they say we should have brought it before—

**Hon. Dr. R. Moonilal:** But, we did bring it before Privileges Committee, and they ran. Mr. Speaker, I have the report. It is public knowledge. It was June and July 2013, this matter went—[*Interruption*] Look I have the report here, Mr. Speaker. First Report of the Committee of Privileges of the House of Representatives, and the position of the Member for Diego Martin West was, I am

not answering any questions [*Interruption*] today, saying we have to go to the Privileges Committee, but, I know, I will not want to dwell on that too much. I want to get back to my Bill as my time must be going, Mr. Speaker, and get to another offence.

Mr. Speaker, multiple electronic mail messages, another one of some use—  
[*Interruption*]

**Mr. Speaker:** You have five more minutes.

**Hon. Dr. R. Moonilal:** Five minutes, Mr. Speaker, well, then I will have to summarize quickly.

“A person who intentionally and without lawful excuse or justification—

- (a) initiates the transmission of multiple electronic mail messages from or through a computer system;
- (b) uses a computer system to relay or retransmit multiple electronic mail messages with the intent to deceive or mislead a user or internet service provider as to the origin of the message, and thereby causes harm to a person or damage to a computer system commits an offence.”

So, Mr. Speaker, where you interfere with computer systems to seek to illegally generate messages to servers, you commit a major offence under this as well. And this is important for persons who, in the hacking business, who go about with emails and Internet messages that are designed to provoke, to cause chaos, to undermine national security and so on, can find themselves in a lot of hot water.

Mr. Speaker, in closing, I want to assure Members that, and the Member for Chaguanas West—well, the Member for Chaguanas West also, as is his wont, raised matters of corruption and so on, NGC and so on. Mr. Speaker, I want to alert him that NGC spends money throughout Trinidad and Tobago, and they have spent a lot of money on social and community. The fundamental difference today, as opposed to before, is that the NGC spends money in areas where the NGC never spent money prior to 2010. They spend money in the rural constituencies. [*Desk thumping*]

The NGC, right now, is building a multi-sporting hall in the community of Debe, which we have been asking for, for 15 years, and the Member wanted to link that, sadly, to corruption. As I told the Member, the Member has portrayed himself in the Parliament as some type of corruption buster and so on, and he is entitled to do that. He is most entitled to do that.

He spoke about attacking journalists and so on. Mr. Speaker, who attacked journalists? The Member for Chaguanas West was in the airport, in a famous video, I think, on YouTube, where you were pushing away some Jenkins man or something in the airport, and making all types of statements to him. This poor man, I think the man has some history with you and you pushed him down and you chuck him away and so on, and that is fine. That is not a matter—I know you want to object, so. [*Interruption*]

**Mr. Warner:** I never pushed anybody, Mr. Speaker.

**Hon. Dr. R. Moonilal:** He never pushed down, but pushed back, maybe. But, you have had your altercations with reporters and journalists across the globe and so on, so you will understand, Mr. Speaker, that we have no intent to harm journalists, to muzzle the community, and so on.

Mr. Speaker, others will now take the baton and speak to other issues involved in this legislation, but I would be happy at this stage to give my support, however, note some of the serious concerns raised by the Member for Chaguanas West.

Mr. Speaker, I thank you. [*Desk thumping*]

**The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau):** Thank you, Mr. Speaker. I join to give support to these two Bills: the Cybercrime Bill and the Cyber Security Agency Bill.

Mr. Speaker, I would not be giving any kind of machine-gun firing over all the different clauses, but I will be concentrating particularly on the issue of cyberbullying. Cyberbullying is one form of bullying that has emerged with the advent of the computer systems as defined in the Bill.

This Government recognizes that the traditional forms of bullying, so to speak, which exist in the home, in the workplace and in the school, have expanded. That type of bullying is a thing of the past. We now have what we term “cyberbullying”. Let me quote from the Internet of nobullying.com. Nobullying.com adequately frames the issue as it relates to schools. Mr. Speaker, you would find that my passion for the school area is because I have spent nearly all of my life in the school environment, and even as I perform the duties of Minister of Gender, Youth and Child Development again, it is with those children around me.

So, Mr. Speaker, bullying is no longer a problem which is isolated to the playgrounds, hallways and lunchrooms of schools. Instead, advances in technology have now extended harassment to cell phones, social media websites



and online avenues that are contributing to an alarming number of suicides. In clause 20 what does it say?

“For the purpose of this section, ‘cyberbully’ means to use a computer system repeatedly or continuously to convey information which causes—

- (a) fear, intimidation, humiliation, distress or other harm to another person; or
- (b) detriment to another person’s health, emotional well-being, self-esteem or reputation.”

Mr. Speaker, it has reached a point now that people are afraid to be in any kind of romantic relationship and then end that relationship, because then you may find yourself getting pictures posted on the Internet or on Facebook. *[Interruption]* I know, you have to watch yourself, especially some senior citizens like myself, *[Laughter]* because there is the technology now, you have to be careful with your conversation as well. *[Interruption]*

**Hon. Member:** You call them sugar daddy.

**Hon. C. De Coteau:** The sugar daddy, yes. *[Laughter]* The sugar daddies of this world have to be careful because they would selectively take parts of the conversation and threaten you to post it. You have to pay. I have seen in some papers where these things happen. I have seen in some places where young ladies are now hostage to relationships they do not want, they just want to get away from, but because of the threat, and let me say again, like the sword of Damocles over their head for the mistakes they would have made at some point in time—just satisfying, you know—you were attracted and you were captivated and now you have to pay a price. That is where we have reached with this cyberbullying. *[Interruption]*

**Hon. Member:** Blackmail.

**Hon. C. De Coteau:** Blackmail. Especially some of us as politicians, you have to be afraid who come into your office, who you are speaking to. You do not know if they have the watch, or the pen, or a button, a spectacle. This is where it has reached to, because there is nothing like loyalty. You cannot trust anyone. You have to be so careful, even with your conversation.

Mr. Speaker, this has contributed to a number of suicides and tremendous depression. You know, we really need this trauma centre in Trinidad and Tobago to deal with some of the trauma people face as a result of this cyberbullying. As postulated by Trinidad and Tobago’s local criminologist, bullying is aggression

and it is seen as a form of abuse that can evolve into criminal behaviour. Sometimes it is ignored by teachers and administrators, and the person who is bullied becomes frustrated and they may take some action that could be detrimental.

Mr. Speaker, one writer from the school of education, UWI, said:

Bullying does not exist within a vacuum and since it is an issue that spreads across the human lifespan development, a holistic approach using a rights-based perspective will be implemented for all persons.

According to the Telecommunications Authority of Trinidad and Tobago—and this was December 2013—out of a population of 1.3 million people then, there were 451,000 mobile accounts. I think this may have gone now to about 500,000. They also recorded a total of 450,000 Facebook accounts. This may have increased since. Younger children have begun to use the cell phones, laptops and social media sites. My little, little granddaughter, not Cindy, Seria, little, little girl, she is computer literate, she knows—they all have their cell phones. In fact, whereas long ago you will get a top or some little toy gun, or water gun, now they want the iPad. This is where we have reached.

So, these children belong to what they call Generation Z or generation technology, or the instant generation born over the period 1995 to present day. In an article written in the *New Zealand Herald*, Author Greg Dixon stated that “Generation Z are truly digital natives”. They are digital natives, and we, it is really surprising to know, especially some of us at our age group—my boy would say, “listen, text, I am not taking any voice messages”. A man would tell you, “boy, I cyar text, boy. Wha yuh want us to text for? I cyar text”. Digital immigrants. We are digital immigrants. Some people would tell you, you see me, all I want the cell phone to do is to make calls and answer calls. I do not really want it to go and put on my TV, or open my door, or what is going on, because we are digital immigrants as opposed to those younger persons who are digital natives.

So that having been born into a world of technology, so advanced and ingrained in daily life, those children are unlikely to experience a life without some form of new media technology around them. So that discipline without punishment, the greatest thing you can do with a child now, the greatest punishment, is to say, okay, no access to that phone for one day, for one hour.  
[*Interruption*]

**Hon. Member:** They would die.

**Hon. C. De Coteau:** They would die. Lead to tears. They would weep into tears. So that, Generation Z appears to be spending in front of the screen—television, computer and video games—a great amount of time.

Mr. Speaker, statistics in the United States show that children between the ages of eight and 18 are spending approximately seven hours and 30 minutes in a typical day using entertainment media. It is taking a longer period of time when one considers media multitasking which is using phones, laptops, and now tablets while watching television. And in some business place, they actually have those cameras looking to see those who are going on Facebook, because they say that some workers are spending more time on Facebook than doing the company's job.

Mr. Speaker, we may wish to note that abuse of screen time has an effect on the cognitive and critical development of children which may result in short attention span because of the speed at which they are receiving the information. They are also less likely to memorize information because more often than not it is more about accessing information quickly rather than learning. So, whereas I would boast, in my time, as I would say, that I would read the history book and I would literally cram it off and regurgitate it, now this computerization and this—according to a local clinical psychologist, Mrs. Alicia Hoyte:

Children today are more comfortable with social media groups than they are with real people, and the occurrence of the Internet addiction is becoming more prevalent.

**3.45 p.m.**

So, Mr. Speaker, we all need to be concerned about what is going to happen if we do not control Generation Z with this technology, if we do not create limits or boundaries into how children engage in their digital world. Bullying, especially in schools and in other institutions where children interact, is undoubtedly complex and it is indeed a form of violence, that can have serious consequences. Computer systems, as defined in the Bill, have taken such bullying to new levels since text messages. And I will tell you what, Mr. Speaker, what the Bill says. Because of the important list of offences and how aggravating it could be, a person who commits an offence under this section is liable:

5. (a) “on summary conviction to a fine of one million dollars and imprisonment for three years; or
- (b) on conviction on indictment to a fine of two million dollars and imprisonment for five years.”

You see, they talk in terms again:

“20. (2) A person who uses a computer system with the intent to extort a benefit from another person by threatening to publish computer data containing personal or private information which can cause public ridicule, contempt, hatred or embarrassment commits an offence.”

Mr. Speaker, trust me, it exists at the moment and there are a number of persons who are victims of that. There are a number of persons who are paying heavily because of their transgression in that moment of passion. [*Interruption*]

**Dr. Gopeesingh:** Or innocent people.

**Hon. C. De Coteau:** Or innocent person. Because I will tell you what, Mr. Speaker, with the technology in photo shop, the Adobe photo shop, where people can skilfully, with the use of the computer, put somebody's head on someone else's body. You may very well be seen in a compromising position and it is published, and you swear to almighty God it is not you, it is not me, it is not my spouse, it is not my friend, it is not my son. Thanks to Adobe photo shop, they are skilled. And people committing such crime and causing distress to persons should have a price to pay.

Mr. Speaker, a devastated child who is being bullied then has to face his or her peers, powerless to do anything. When you look on Facebook and you see some of the things going on there, when you see some people in the nude, sometimes you wonder if it is Adobe photo shop working or if it is people who are actually exposing themselves to such scandalous kind of action.

Mr. Speaker, the Cybercrime Bill, 2015, attempts to address the problems of cyberbullying, specifically in clause 20, and in the summary there, what it says:

“Clause 20 seeks to create the offence of harassment through the use of electronic means with the intent to cause emotional distress. This offence would carry a fine of one hundred thousand dollars and three years' imprisonment on summary conviction or a fine of two hundred and fifty thousand dollars and five years' imprisonment on conviction on indictment.”

Because this kind of bullying, this cybercrime, it creates tremendous emotional distress that would take you a very, very, long time to get rid of, to exorcise from yourself.

Mr. Speaker, you know the cybercrime and the bullying, the death that the child or the children experience or even the person who is being bullied, you know what they call it? They call it “bullycide”, a new term for this is bullycide. Bullycide is a

hybrid of bullying and suicide and occurs when someone takes their life as a result of being bullied. We read about it, we see it on CNN, we see it on all those movies, bullycide. Cyberbullying has taken the concept of physical bullying to a whole new level, Mr. Speaker, which is why many researchers believe it is often responsible for this bullycide, with many teens taking their lives, and, I would say even some adults. Even some adults, because of the bullycide, because of some things are going to be revealed they decide I cannot face the public. So before that, I would say goodbye to this cybercrime world and they take their life. They take their exit.

Mr. Speaker, the online disinhibition effect is the loosening or complete abandonment of social restrictions and inhibitions that would otherwise be present in the normal face-to-face contact during interactions with others on the Internet. This effect is caused by many factors, including dissociative anonymity, invisibility, dissociative imagination and minimization of authority. Sometimes you just meet someone online and you form a friendship and then you start saying what I would like to do with you and what I would not like to do with you, and people are very expressive; be careful, be careful.

We have a situation where a lady, a female person met some person and then they ended up in Manzanilla. Cyber date, cyber death. Tragic, because what some people do, they actually put somebody else's face. So you are seeing this very attractive young lady or handsome man. It is a fake. So, you fall in love with that fake and you make a date, but it is really a blind cyber date. *[Interruption]*

**Dr. Moonilal:** *[Inaudible]*

**Hon. C. De Coteau:** The Member for Oropouche East is saying that a lot of people post his picture.

**Dr. Moonilal:** To attract people.

**Hon. C. De Coteau:** To attract people.

**Hon. Member:** Oh, really.

**Hon. C. De Coteau:** I do not know if they have succeeded. *[Laughter]*

Mr. Speaker, we have a situation of online education and online degree programmes, and electronic submission of test papers at tertiary education institutions; it shows us that we cannot go back to the paper-based system. Even right here in the Parliament. *[Interruption]*

**Dr. Gopeesingh:** Somebody hacked into the SEA results.

**Hon. C. De Coteau:** Well yes, someone had hacked into the SEA results.

**Dr. Gopeesingh:** In the second year.

**Hon. C. De Coteau:** In the second year. Mr. Speaker, everything is virtual now, live feeds, virtual classroom, and video-conferencing. We experienced that when we were looking at the party financing, when we were trying to make a video connection and the failure was from that source. Everything is virtual, even when we looked at the May weather fight. It was virtually streamed, it was virtual—we saw it for free, while some people had to pay an enormous set of money.

So there is a need to educate the parents on the proper use of ICT by their children—it is the key to making the Internet safer for our children and families and to the problem of cyberbullying. As a matter of fact, the Minister of Education, the Member for Caroni East, just said that they are doing that at the moment. Am I correct, Sir?

**Dr. Gopeesingh:** Yes. Parenting workshops.

**Hon. C. De Coteau:** Parenting workshops, educating the parents on these things.

Mr. Speaker, at the 17th ICT Open Forum hosted by the Telecommunications Authority of Trinidad and Tobago in 2014, (TATT), the theme, “Safeguarding our children in Cyberspace,” the topic of cyber safety was discussed. This brought together stakeholders to discuss issues which included the monitoring by parents and caregivers of their children’s use of social media, the Internet and the devices including cell phones/smart phones, tablets and laptops.

One of the recommendations was increased parental control for children using social media. Other recommendations are, that parents familiarize themselves with programmes to help with content filtering, to create safer passwords, to use free online protection software and to ensure that social media privacy setting are used on their children’s devices.

A number of parental control software are also recommended. The Ministry of Education, they have a lot of parental software to manage that. One such software is “Phone Sheriff”, which parents can use to monitor their children’s use of mobile phones and tablets. It filters, blocks and monitors how your child uses their mobile device. So you have to put on that app, the mobile sheriff. After the software is installed, you can set up specific restrictions for phone numbers,

websites and time periods. The software can also record user activities including SMS text messages, call information and GPS locations. You can view logs on the device itself.

Mr. Speaker, that reminds me, I have friends who sometimes engage in all kinds of activity and Waze is their friend. They know where the police are located, the Waze app. Mr. Speaker, all of us like WhatsApp be careful. You want to post a picture, you may tell someone, “please, send me an image of you. Please video something and send it for me.” *[Interruption]*

**Hon. Member:** Video something?

**Hon. C. De Coteau:** Video something and send it for me. And you are foolishly in love, embroiled in that passion, you foolishly send it. Or then you might be indulging in something and then you believe that you are doing it surreptitiously, not realizing that you are being videotaped, and then the next thing you know it is forwarded to everyone, and the world gone viral. So you have to be very, very careful. It is happening.

Mr. Speaker, just as how we have the sheriff, we also have the “Net Nanny” which provides Internet filtering, the ability to block pornography, time management, social media monitoring, child protection software, alerts and reporting, remote management and profanity masking.

Mr. Speaker, the parents in attendance at that forum got an eye-opener when they were shown the language used by kids, and I remember regurgitating this at a contribution I made earlier, sometime last year, which encoded and I will give some examples. We all know, “LOL”, you see it, “LOL” (Laugh out loud). And then they had, “TTYL” (Talk to you later).

But, Mr. Speaker, do you know, and it still exists because I have friends who use it, “GYPO” (Get your pants off). But some of the males do not say get your pants off, because of the sanctity of this Chamber I would not say what they say, “GYPO”. They have “IWSN” (I want sex now). It is there. They have “NIFOC” meaning, I am nude in front of the computer. These are the acronyms that they have that are being used, but you the innocent parent passing and see something like that—what is that?—probably— *[Interruption]*

**Hon. Member:** You do not have a list of abbreviations?

**Hon. C. De Coteau:** You have to get abbreviation. In other words, you have to be au courant with what is happening now because it exists. Mr. Speaker, we are familiar with texting but are we familiar with sexting? According to the *Rhode*

*Cybercrime Bill, 2015*  
[HON. C. DE COTEAU]

*Friday, May 15, 2015*

*Island Bar Journal*, March/April 2011, the general definition of sexting in the United States is sending sexually explicit photos, images and/or videos electronically. Sexting is illegal and constitutes child pornography. Mr. Speaker, clause 18, what does it say:

“Clause 18 seeks to create the offence of violating a person’s privacy by capturing and sharing pictures or videos of a person’s private area without his consent.”

**4.00p.m.**

This offence would carry a fine of \$100,000 and two years’ imprisonment or on summary conviction, a fine of \$500,000 and three years. “Yuh tapin somebody private part and dey eh know.” So you go into a situation where you believe there is privacy and they set up things to tape it and then they say, “We going viral with that”, to embarrass you because you do not have a gifted manhood, but something to be ashamed of, and they blackmail you with that. So that when you intentionally publish or transmit, through the computer system, the private parts of another person, that is to say, their genital, pubic area, buttocks or breasts, without their consent, you have to pay the price for that level of indiscretion.

Mr. Speaker, we have a number of cases of children sending texts and even worse, sending videos of themselves or others engaged in sexually explicit pornographic activity. [*Interruption*]

**Hon. Member:** Taking a “selfie”.

**Hon. C. De Coteau:** Taking a “selfie”. A “selfie” is the in-thing now. Mr. Speaker, this also constitutes child pornography and we have sought to create the offence of child pornography under the Children Act of 2012; where the offence is perpetrated by a minor, we could recognize that it is indicative of other underlying social issues, such as an early exposure to sexual activity or molestation by adults.

Mr. Speaker, I want to place on the record that some parents are oblivious to the new text lingo, as I said, that is evolving, and they need to be made aware. Parents have to be very vigilant in monitoring their children’s social media and electronic media use, and ensure that the parameters are set early. We have some new social media sites that allow for videos to be taken that evaporate into thin air after two minutes. One such site is the Snapshot, which allows for a picture videotext to be erased automatically, after a period of time which is set by the user. So in the same way you will have your phone and after a few seconds or a



few minutes, what you set it to, it locks, it is the same way we have these snapshots which allow the picture or video to be erased automatically. You know, it is like “Charlie’s Angels”—was it?—after they get the message—[*Interruption*]

**Hon. Member:** “Mission Impossible”.

**Hon. C. De Coteau:** “Mission Impossible”. Yes, it is destroyed. So, it is a parent’s nightmare because it prevents them from monitoring the content being shared with the child’s friends or others in cyberspace. This also poses an evidential problem for the law enforcement agencies because the video or the text with the incriminating content is erased from the Snapshot servers after the time limit.

Mr. Speaker, we recognize that the Bill places on parents a greater responsibility to ensure that their children’s use of the ICT is better monitored. It is like the little boy—the little nine-year-old boy—who took up the car. “Ah doh want tuh say, steal—who took up the lady’s car—adventurous little fella—and drove for about a mile and something.

Mr. Speaker, we have to be vigilant. We have to keep monitoring what our children are doing. If your child has been involved in cyberbullying and seems distressed or shows changes in behaviour—[*Interruption*]

**Mr. Speaker:** Hon. Member, your speaking time has expired. Would you like an extension?

**Hon. C. De Coteau:** Thank you, Mr. Speaker.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Moruga/Tableland be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member.

**Hon. C. De Coteau:** Thank you, Mr. Speaker. Mr. Speaker, at the Ministry of Gender, Youth and Child Development we have had such programmes as “Respect Me, Respect You” in order to promote a caring environment and prevent bullying on a nationwide basis, as one of the priorities. It is something that we can use even among ourselves as parliamentarians, as seniors: “Respect Me, Respect You”.

Sometimes it is vexing, sometimes it is really annoying, when you see some of the headlines. The Member of Parliament for Oropouche East pointed out a headline and, I mean, it is vexing. You know, I could personalize that too, “yuh

*Cybercrime Bill, 2015*  
[HON. C. DE COTEAU]

*Friday, May 15, 2015*

know”. I went—posted my normal Facebook thing, and one man: “The writing, very good. Oh God, but dat ting on the head, boy”. [*Laughter*] So I say, what is that on his head? Is it his hair? And they went on to a long set of dialogue: “I wonder if it is a toupée; I wonder if it is the real thing”. I told him—[*Interruption*]

**Mr. Warner:** I wonder. [*Laughter*]

**Hon. C. De Coteau:** My friend of 50 years, when we used to fraternize—[*Interruption*]

**Dr. Moonilal:** “He still wondering.”

**Hon. C. De Coteau:**—and eating, he always say, “Buh Coteau, how yuh have a big set ah hair on yuh head so boy?” Ah say, “Ah join de hair club for men”. You know, it is really amazing. I wondered if the Prime Minister of Jamaica—well, she probably has it a lot too, you know.

The point is, what I am saying is that sometimes we sideline ourselves. We need to respect each other, but we do not, you know. We do not show the respect that we are supposed to give to each other, even in this hallowed Chamber where people are looking at us, where those young people are looking at us. We steups, we walk out, we become very belligerent, we are boisterous, we are disrespectful. I mean, sometimes I ask myself: “What kind of example we really setting?”

Mr. Speaker, what we need is to develop mechanisms to prevent this kind of bullying, and I support the measure. You know, there was a young man in my constituency who is well-known as a calypsonian—a young calypsonian—by the name of Jeremy Rodriguez, who was 12 years old at the time when this was done, who attends Cowen Hamilton Secondary School. Jeremy Rodriguez is the founder and president of the Anti-Bullying Association of Trinidad and Tobago—ABA, that was launched on May 20, 2013. The acronym that he had—the word “Bully”:

B—Be our brother’s keeper. I have noticed that the President of the United States is now saying he wants to be his brother’s keeper, and that would be his legacy. Are we our brother’s keeper?

U—Uplift and support each other. Do we really do that?

L—Love and respect one another.

L—Lean on his, or her, or my shoulder.

Y—Yes, we can do it together.

That is “Bully”.

Mr. Speaker, I mean, from time to time I am asked, “Why yuh doh say something about Jack Warner?” But, you see, probably out of the respect, out of the loyalty that I would have had for a brother of 50 years, I cannot go down in that direction. I cannot be chummy-chummy with you today and as “ah jump out, ah want tuh buss yuh throat tomorrow”. That is not my style.

The man has been my friend for 50 years, as you say. We shared the same bed at Mausica Teachers’ College. He has been good to me. I may not like the direction he is going in politically now, but based on his mantra of, yesterday is yesterday and today is today, I know that he may come back then and say, “Boy, yesterday was yesterday”, and he would be able to say the kind words, “my brother”. [*Laughter*] [*Interruption*]

**Hon. Member:** That is how he used to see you then.

**Hon. C. De Coteau:** So, you understand me? So that, that is my brother. I make no apology for that and I really—[*Interruption*]

**Mr. Baksh:** “Yuh throwing de olive branch.”

**Hon. C. De Coteau:** “I doh have tuh throw olive branch to Jack. I mean, me and Jack eh no enemy.” I may not agree with what he is doing.

But the point is, Mr. Speaker, the cyberbullying, and as we go into the politics, as we go into the election, you are going to have more of this thing. People are going to go to all kinds of extremes to score political points, to try and “mash up” the other person. I am saying that we should be very, very careful about that. I would hate to think that any one of us would have to pay the price of being in prison or paying such a fine.

Mr. Speaker, with these few words, I say I support the Bill. Thank you.

**Mr. Speaker:** The hon. Member for Naparima, Minister of Public Utilities.

**The Minister of Public Utilities (Hon. Nizam Baksh):** Thank you very much, Mr. Speaker. Mr. Speaker, I am indeed grateful for this opportunity to join my colleagues in this debate on the cybercrime Bills, 2015. These Bills represent the culmination of about two years’ hard work by the Ministry of National Security, and in this regard, I would like to acknowledge the efforts of my colleague and congratulate the Minister of National Security, Sen. The Hon. Brig. Carl Alfonso, for the excellent presentation of the Bill in this honourable House. He delivered with military precision.

I would also like to congratulate my other colleagues, the Member for Oropouche East, my colleague, again, the Member for Toco/Sangre Grande and, of course, my dear friend and colleague here, the Member for Moruga/Tableland, for their contributions on this Bill.

Mr. Speaker, I would also like to take the opportunity to congratulate our Prime Minister, the hon. Kamla Persad-Bissessar, for her transformational leadership of this country and for the revolutionary changes which she has brought to the benefit of our twin-island Republic in the spheres of education, health, social services, physical infrastructure and regulatory and legislative development, to name a few, and overall, for leading the best-performing Government that Trinidad and Tobago has seen since gaining independence in 1962. [*Desk thumping*]

Trinidad and Tobago is certainly a leader in the region and the Cybercrime Bill, 2015, is a testament to our nation's position as a forerunner in the area of regulatory and legislative development in the region. The hon. Minister of National Security, in his presentation, eloquently put forward the institutional strengthening and transformative impact that this Bill, once proclaimed, will have on the regulatory landscape of our country. It is therefore such a pity that my friends on the other side have chosen to absent themselves from this honourable House on the occasion of this debate, especially having regard to the nature of certain email allegations brought before this House by the Leader of the Opposition.

But this Government remains committed to the development of Trinidad and Tobago, and will continue to demonstrate the commitment in this House through debates such as this one and the eventual passage of the relevant legislation. This Bill, when passed, will undoubtedly improve the lives of citizens, stimulate economic growth and ensure the legislative protection of industrial control systems and commercial interests, thereby increasing investor confidence in the country, while acting as the launching pad for the growth and development of other sectors, such as the public utilities sector. I make special mention of this because there are a number of areas under the Ministry of Public Utilities that can have a debilitating effect when people access the information which are stored in those agencies.

When one thinks of cybercrime, the regulations of public utilities does not, at first glance, seem to have any direct connection, and if even one makes a connection, it may be limited to the telecommunications sector on account of the fact that the growth of that sector is fuelled by the dramatic and fast-paced changes in information and communications technology in the world today.

Mr. Speaker, as this honourable House would know, the utilities sector, under the Ministry of Public Utilities, include TSTT, T&TEC, TTPost, the EID and the RIC, and it is relevant to all as these entities touch the lives of every citizen in our

beloved and beautiful T&T, whether you are young, old, male or female. The utilities sector, and in particular policy and regulators within that framework, did not traditionally play a role in the fight against cybercrime and the regulation of cyber security.

**4.15 p.m.**

However, this view is quickly changing as both areas are quintessential features in modern regulatory frameworks governing public utilities and are increasingly being seen as part of the foundation of a reliable, cost effective, safe and resilient public utilities sector. And so, this Bill brought before the House today, bridges the gap by recognizing important linkages between cybercrime, the regulation of cyber security and the utilities sector.

Mr. Speaker, in today's world, most utility sectors provide some means of connecting their internal networks to the sector's industrial control systems. This facilitates a greater level of efficiency through the remote administration and monitoring of these systems. If the proper regulatory framework is not in place, these systems are left vulnerable to manipulation from external entities or hackers—and we have heard a lot about these hackers from previous speakers. Could you imagine the catastrophic effects to our nation if our electricity grid, electronic postal systems, or our telecommunication services were compromised in such a manner? Then there is the issue of customer satisfaction.

My colleagues would all be aware that Government's businesses and citizens are increasingly becoming large consumers of ICT and electronic services. I am proud to report to this honourable House that the Ministry of Public Utilities has embarked upon a campaign of improving the delivery of the services provided to the citizens by the Ministry, agencies and departments of Government under my purview. This campaign, in large part, has incorporated the use of ICT to meet our strategic objectives outlined in the Government's *Medium-Term Policy Framework*. These objectives revolve around the improvement of utility standards nationally and in deprived communities.

Mr. Speaker, because utilities provide services vital to life, health and the normal functioning of society, they are considered security-related targets. Cyber threats pose serious damage to public utilities which inevitably will result in the disruption of services. Thus, security challenges are constantly evolving and becoming more sophisticated. Within the context of the Ministry and agencies under its purview, cyber security is critical for both guaranteeing privacy of consumers and protection of sensitive data. Vulnerable ICT systems result in

reliability issues and can allow the widespread release of private customer information and usage data. I would like to illustrate how each of the Ministry's agencies and departments are affected by this growing concern.

**TTPost:** TTPost is currently developing a postal code, an S42 addressing system. The S42 system is a unique, universal identifier that unambiguously identifies an addressee's location, and therefore, assists in the quicker transmission and sorting of mail. A cyber-attack on TTPost can potentially release customer locations worldwide.

**Electrical Inspectorate Division (EID):** The core operations of the EID are manually based with the use of paper documents for keeping records of division's various transactions. As a result, the computerization of the administrative operations of the EID, that is, the processing of applicants for electrical inspections by members of the public, and the issuing of a certificate of approval has been included as one of the Ministry's major objectives in its strategic plan for the period 2010—2015. The Ministry has engaged the services of a developer for the computerization of the manual operations. An attack on this system can affect customer privacy, and the resultant penetration of government records could have serious negative impacts on the operations of the EID.

**T&TEC:** I think we all remember Good Friday 2013, the nationwide power outage that brought the country to a standstill. While this was not a result of cybercrime or a cyberattack, it is a real and vivid illustration of the impact that cybercrime can have on utility providers. A mechanism to prevent cyber-attacks on the nation's critical electricity infrastructure is therefore a most welcome development to the regulatory framework governing public utilities. Other debilitating effects of cyberattacks can be seen in global statistics revealing growing incidents of meter hacking, where digital meter memory could be modified to reduce the electricity reported by the meter. And, Mr. Speaker, we have some aspect of people stealing electricity from T&TEC. I would not want to identify the areas, but this is something that is happening in the country, where they go and connect directly to the mains. This is very dangerous for those people who take those chances, and sometimes you hear of the wires that burn the houses and they run quickly afterwards to the Minister of Housing and Urban Development for housing. So, that this is something we have to treat with and deal with as quickly as possible. The services that T&TEC provides to this nation are too important for it to be left vulnerable to such intrusions and attacks without statutory recourse.

Under the Ministry of Public Utilities, the Ministry has undertaken the development of a secure web-based complaints management system for Ministry of Public Utilities, and the divisions and agencies under its purview. This programme involves the storage of sensitive information about the concerns levied at the Ministry and its agencies, and about the citizens of this country whose reports we depend on as we seek to improve customer satisfaction in the delivery of utility services. It is therefore important that the Ministry be able to maintain customer confidence by ensuring that these records are safe and tamper-proof. Mr. Speaker, this is one of the innovations that we are introducing into the Ministry with regards to customer satisfaction. I think in other places like Dubai and so, they call it “customer happiness”. So that I am not sure we could use that term meaning quite precisely here, but we prefer to use “customer satisfaction”.

The Government Printery: printing technology is now in large measure Internet based. In keeping with the continued evolution of this sector, the Ministry is interested in deploying a document management system that will facilitate digitization and management of all documents customarily printed by the Government Printery. These documents cannot be subjected to external manipulation. It is therefore imperative that they are protected from cyber-attacks.

The nature of the services provided by the utility provider means that the collection of customer data is integral to the improvement of service delivery. Unauthorized disclosure of customer data can lead to knowledge of customers usage patterns, whether a customer is home or not, or harassment by individuals or other companies. We have seen it and we have heard here today, Mr. Speaker, where people through your comments, they could follow you and decide where you are and what is happening to your life, and they could intrude in that aspect of it, your privacy. Privacy is a basic customer protection principle and ensuring that private customer usage information is kept secure, is a fundamental premise for that principle. This concern, when coupled with the very real threat of intrusion into the sector’s control systems, presents a powerful argument for the passing of this Bill.

The Cybercrime Bill addresses these concerns by treating with offences related to the intrusion of computer systems and the acquisition of illegal data. Clause 2 of the Bill also treats with offences affecting critical infrastructure, the definition of which includes any computer system, device, network, computer programme or computer data so vital to the State, that the incapacity or destruction of, or interference with, such a system, device, network, programme or data would have a debilitating impact on the provision of services directly related to, amongst others, public utilities.

Part II of the Bill and, in particular, clause 11, provides much needed recognition of the devastating impact that cybercrime can have on the utility sector, and is also representative of a proactive approach towards the deterrence of such acts through the inclusion in these strict penal provisions. This is protection that is much needed as my Ministry is actively spearheading the growth of the utility sector into uncharted territory. These developments are based on the transitioning of traditional services provided by the agencies and departments under our purview through the national online portal, TTBizLink and the general upgrade of systems, processes and procedures to facilitate the ease of conducting business in Trinidad and Tobago. This Bill therefore represents timely and much needed protection for the utility sector during this period of transformation and evolution.

The importance of this Bill and all the preparatory work leading up to this achievement in the form of the National Cyber Security Strategy and the National Cyber Security Policy is also evident in the foundation that has been set up for the utility sector to treat with the issue of cyber security within its own legislative and regulatory framework. Utility regulators across the globe are implementing policy and legislative changes that will enable them to tackle cybercrime and cyber security through the setting of standards for the utilities under their purview. In this regard, Mr. Speaker, I am pleased to announce in this House that similar developments are taking place in the utility sector in Trinidad and Tobago. [*Desk thumping*]

My Ministry is currently entering into uncharted territory with the development of a Public Utility sector policy which is the forerunner to the Ministry's legislative agenda. One of the burning issues for inclusion in this policy is the expansion of the role of the Regulated Industries Commission to set standards for the power generation companies, the Trinidad and Tobago Electricity Commission and the Water and Sewerage Authority in the development of and implementation of cyber security policies and protective measures for the systems that they operate. These networks, in truth and fact, are the platform upon which our national economy runs and, as such, their security should be given the highest priority.

Mr. Speaker, now that I have treated with the importance of this Cybercrime Bill to the regulations of public utilities, let me turn my attention to the Telecommunications Services of Trinidad and Tobago, the one utility which is certainly at the centre of these ICT developments and with which the Government shares an interesting and historic relationship.



As we would be aware, TSTT has featured prominently in the news over the last few months as a result of the departure of its longstanding investor and commercial partner, Cable and Wireless Limited. Many questions have been raised as to the future of this entity in the dramatically changing environment that is the telecommunications sector. I am pleased to report to this House that TSTT remains on sound footing and will continue to move from strength to strength as it sails into new and uncharted waters. I am also pleased to report that this Bill presents several opportunities for the growth and development of the company, the services it provides and its continued relationship with the Government of the Republic of Trinidad and Tobago.

Mr. Speaker, the Cybercrime Bill establishes a single framework and regulatory guidelines including penalties related to cybercrime. The Bill therefore ensures that local Internet service providers are on similar footing to their global counterparts in terms of the obligations, rules and conditions for the release or sharing of data in respect of the fight against cybercrime. [*Interruption*]

**Mr. Speaker:** Hon. Minister, it is a good time for us to pause. This sitting is now suspended until 5.10 p.m.

**4.15 p.m.:** *Sitting suspended.*

**5.10 p.m.:** *Sitting resumed.*

**Hon. N. Baksh:** Thank you, Mr. Speaker. Just before we took the tea break, I was making the point on the importance of the agencies under the Ministry of Public Utilities of which one of those is TSTT. I am sure that my colleagues are well aware that TSTT is the leading provider of crime-fighting services to Government and of security vigilance services to customers in this country.

The Cybercrime Bill provides an opportunity to increase investor and customer confidence and create a potential new stream of revenue by expanding the company's security through the creation of new products and services. TSTT has long been a trailblazer in the area of ICT-based security services and the added protection provided by this Bill will not only safeguard its investment in this area, but will also provide the opportunity for TSTT to continue to show its resilience as a company through the delivery of new and improved services in this field.

Mr. Speaker, another important effect of the cybercrime Bills, 2015 is that it establishes a framework for TSTT along with its regulator, the Telecommunications Authority of Trinidad and Tobago, to strengthen internal operating processes for the sector in accordance with the Bill while setting new standards for all Internet service providers. These measures will, of course, aid in

*Cybercrime Bill, 2015*  
[HON. N. BAKSH]

*Friday, May 15, 2015*

identifying cyberattacks and attackers on user computers and countering such attacks. And the role played by these two entities will be similar to the relationship between the RIC and the agencies under its purview. This Bill can therefore be seen as the impetus for setting new operating standards that adequately address or minimize risk associated with cybercrime in the telecommunication sector.

It is abundantly clear that the Cybercrime Bill is therefore a much-needed piece of legislation given that the digital network is being used ever increasingly for crime, espionage and terrorism. Although TSTT does not yet have a formal cybercrime security policy, the framework within which this policy will be created has been established and includes managerial, technical, administrative, training and awareness. Mr. Speaker, TSTT, therefore, stands poised to embrace its obligation under this new legislation and is ready to adapt and expand its business model as a result of this development—a true testament to the growth and development of this utility provider.

Mr. Speaker, I have clearly outlined the importance of the Cybercrime Bill to the growth, development and security of the utility sector for which I carry responsibility. My Ministry's hard work and innovative ideas which are being transformed into policies, programmes and initiatives as well as the hard work of the agencies aligned to the Ministry, now have added protection for the ICT platforms which are driving the transformation of the utility sector.

Mr. Speaker, my contribution today shows how this Government's existing excellent track record for performance will be supported and supplemented by cybercrime protection. This is, therefore, a true testament to our continued commitment to the development of this nation and to unprecedented standards of implementation and performance that we have set under the leadership of our brilliant and courageous Prime Minister, the hon. Kamla Persad-Bissessar. But it also shows the unprecedented changes that have been made to the regulatory and legislative framework of this country as we pave the way for continued excellence and growth in this area. This is unprecedented in Trinidad and Tobago and the People's Partnership Government has endeared itself to the electorate of this country.

Mr. Speaker, I very much appreciate the opportunity to participate in this debate, and I thank you very much for the opportunity. [*Desk thumping*]

#### PROCEDURAL MOTION

**The Minister of Housing and Urban Development (Hon. Dr. R. Moonilal):** Mr. Speaker, I beg to move that the debate on both Bills, the Cyber Security Agency Bill and an Act to provide for the creation of offences related to

cybercrime be adjourned at this time and to proceed to the continuation of the debate on the Industrial Relations (Amdt.) Bill and associated Constitution (Amdt.) Bill.

*Question put and agreed to.*

**INDUSTRIAL RELATIONS (AMDT.) BILL, 2015**

[THIRD DAY]

*Order read for resuming adjourned debate on question [May 08, 2015]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** I recognize the hon. Member for Caroni Central.

**Dr. Glenn Ramadharsingh** (*Caroni Central*): Thank you very much, Mr. Speaker, for the opportunity to contribute to this Bill, this landmark Bill that will change the landscape with regard to labour in the country. This is the Bill to amend the Industrial Relations Act, Chap. 88.01, and the Constitution of the Republic of Trinidad and Tobago.

Mr. Speaker, allow me to quote from time to time to a seminal piece of work that was done on a case for protection of workers by one scholar Dr. Roodal Moonilal in 2001. [*Desk thumping*] I shall be referring to that document from time to time. It is available on the Internet for sale, as well as a book. And in that document, the whole issue of workers' protection was dealt with in detail, and it says there that at a basic and fundamental level, workers' rights are akin to human rights, and there exists a set of rights such as the freedom of association and the freedom to organize based on the ILO Convention and national laws—particularly Convention 87, which refers to the freedom of association and the protection of the right to organize, in 1948, and the right to organize on collective bargaining.

But, the rights of workers are also protected in the Constitution of the Republic of Trinidad and Tobago in section 4 which guarantees certain fundamental human rights and freedoms, particularly the freedom of association and assembly. The Constitution provides for a fundamental human right that finds expression at the level of the workplace. The economy-wide legislative function and protection of workers will constitute basic rights. There are other rights at the secondary level in terms of health and safety legislation, retrenchment and termination benefits and at a tertiary level, the economic and financial protection through the social security system. So, we are looking in a very general sense at workers, their rights, their privileges and the status of our workers vis-à-vis the situation globally and in the Caribbean.

It is noteworthy that the Minister who brings this piece of legislation to the Parliament is a man who has spent his entire life immersed in protecting the rights of workers and the freedom of workers in Trinidad and Tobago, and is certainly an icon in the landscape of labour struggle, the hon. Member for Pointe-a-Pierre, MP and Minister, Errol Mc Leod. I want to further applaud the work of the OWTU that he led, and in the heydays that he led that institution, what was incredibly remarkable was the way that it impacted on the secondary schools, and my colleague from Fyzabad and the hon. Prime Minister, I am sure, know of the work of the OWTU in educating the young people in the secondary school and at the primary school level.

And I, myself, coming from the south-west peninsula would have benefited from the OWTU quiz, the written quiz, and I remember receiving an award from the Member of Parliament for Pointe-a-Pierre and also the debating competitions and the public speaking competitions and the Butler—[*Interruption*] which my daughter now participates in. So, I want to applaud him for the work that he did in his time and continues today.

Mr. Speaker, in the PNM's tenure, during the period 1991—1995, they appointed a committee to look at legislation led by the late Oswald Wilson, Senior Counsel. That Cabinet accepted recommendations brought by the then AG to review the Industrial Relations Act. The terms of reference included the Industrial Relations Act, Chap. 88.01 and related legislation, the organizational structure of the Industrial Court, and the criteria for the appointment and removal of judges of the Industrial Court; the existing methods and procedures adopted in the resolution of trade disputes, Registration Recognition and Certification Board, along with many other things.

Two reports were presented to that Cabinet which contain suggestions for the amendment to the Industrial Relations Act, Chap. 88.01, on two occasions: 1996 and 2000. Mr. Speaker, note the years. It has been 19 years since the recommendations were made to amend the IRA under the PNM. They avoided making those changes as they have avoided the Parliament today.

Today, the Minister brings to this Parliament a Bill that will deal with those issues. It is important to note that the Industrial Relations Act has also been amended some 11 times during the period 1972 and 1987 in spite of a provision, section 81, which states that:

“It shall be the duty of the Advisory Committee to keep this Act under review with a view to ensuring its development and reform...in particular the

modification of any...provisions thereof and the elimination of anomalies, and for that purpose...prepare and submit to the Minister, from time to time, specific proposals for change therein.”

The PNM had really utilized this provision to the detriment of workers. The amendments contained in the Bill of 2015 contributes the most far-reaching of all in terms of workers’ rights, independence of the court, depoliticization of institutions and the efficiency in the recognition process.

In the debate, Mr. Speaker, the debate has been opened up somewhat and remarks were made on the last occasion by the MP for Chaguanas West as to this Government bringing this piece of legislation 19 years after there was failure to deal with it as the most anti-labour Government ever. And certainly that has to be a joke or just some part of a speech that was written by someone who does not understand the issues of labour and what is being addressed here today.

Mr. Speaker, we know that this Minister has led the Ministry of Labour and Small and Micro Enterprise Development to 83 wage negotiations being settled: NAMDEVCO, the Naparima Bowl, Airports Authority, Betting Levy Board, Chaguaramas Development Authority, the CPO, North Central Regional Health Authority, Sugarcane Feeds Centre, and there is no way that one can do justice to this list by calling out 83 institutions that have settled wages.

### **5.25p.m.**

This is phenomenal and this is the kind of work that could only be done by putting the right people in the right place. And here is someone who understands labour, who understands the process, the issues involved and knows how to take corrective action to ensure that the workers’ rights are protected.

We know, having also been in the Opposition Benches, that the PNM have attacked labour, the labour movement and workers at many junctures in our history: in 1965, the 1970s, the ’80s and they sustained this in their last tenure in 2002 to 2010. Many times, the labour movement was oppressed by the heavy-handedness of the State; you name it, the sugar and oil movement, Bloody Tuesday, in 1975, we recall graphic and horrid images of normal workers who came out to protect their rights. They were beaten and arrested, some 29 workers. When the dust cleared it was tear gas, which is a combination of nine noxious gases, that was used under the then Commissioner of Police, Anthony May. There were guns and dogs that were used and unleashed on the workers in the presence of the media. Such was the brashness, such was the lack, the unapologetic dictatorial behaviour that existed at that time.

They came in the Parliament, well they did not come in Parliament, but through their agent, they spoke about this Government being the most anti-labour Government. This Government was able to find, not \$1 billion, not \$2 billion but \$2.5 billion to settle wage negotiations. During their nine years they never settled one and, therefore, this Government is one of the most proactive Governments for the labour movement in Trinidad and Tobago. We sympathize with the action that was taken to intimidate them in 2010, and I think the Member for St. Augustine spoke directly and emotionally to the acts that were perpetrated against the labour leaders at that time, Mr. Abdulah being one of them.

The Atlantic LNG workers, we remember, and Mr. Thompson who led that strike. We remember the coercive machinery of the State being kicked into gear to deal—we also remember there was a school in Arima where there were some problems when Mrs. Hazel Manning was the Minister of Education, the Arima Senior Comprehensive School, and they suspended nine teachers. To show the intimidatory tactics, they utilized members of the Guard and Emergency Branch to deliver the letters of suspension to those teachers. So it speaks to the pattern of behaviour. I would not want to draw you into the debate but I know your background would allow you to understand these issues very well as well.

When we examine the Government's resolve to deal with the credit unions, the workers, the normal pensioner who saved up their moneys and would have invested it into the Clico institution and the HCU, we saw the steps that this Government took to protect the workers, to protect their finances, their financial future. We would remember that this Government sacrificed in the first two years to ensure that the Clico moneys were paid back to those who invested and the HCU matter was settled as well, to ensure that we protected the small people in the society. I too, having served in the Senate, I distinctly remember the PNM never supporting the OSHA legislation whenever it was brought to the Parliament. It was the UNC that supported and had brought the OSHA Bill to the Parliament.

They also, at one time, wanted to move the Cipriani College of Labour and Cooperative Studies at Valsayn and some had asked whether it was to give prime real estate to financiers of the PNM. So that has been the track record of the PNM. That is anti-labour. That is anti-worker. That is anti-small persons in the society.

Mr. Speaker, allow me in the debate to look at the issue of workers' rights and how we intend to treat with it, but before I zone in on Trinidad, again, let me read from the *World Social Protection Report* of 2014/2015. It is captioned: ILO—Invest more in social protection. It states here that the fiscal stimulus plans were

launched between 2008 and 2009, and we estimate that social protection was a quarter of all the fiscal stimulus plans. The problem comes after 2010, and then Government started embarking on fiscal consolidation policies.

In the report we present that a large number of countries adjusting their expenditures by doing reforms to the welfare system, including pension reform and adjustments to the health care system. A significant number of developing countries were phasing out subsidies eliminating them and also cutting the wage bill. This means that a number of salaries of health, education and other social workers, civil servants in general, were being cut and these were needed for human development. This is what is happening throughout the globe. One hundred and twenty-two countries, including 82 developing economies have in recent years been contracting their social protection budgets. This is what is happening globally.

In fact, it says in this report that child poverty increased in 19 of the 28 countries in the European Union in five years, between 2007 and 2012. That leaves billions of people insecure. With the management, the shrewd management of the economy of Trinidad and Tobago, we have seen the protection of the social welfare system as a priority of this Government. Our Prime Minister has stated that she will ensure that there will be no cut in any social programme, despite the fall in oil prices. And that is in contrast to other countries throughout the world having to cut their budgets, and we are seeing where the ILO is remarking that it is leading to child poverty and it is leading to workers—You see, workers benefit from where they work but they also live in a country under policies of the Government and we have to examine it in that framework as well.

Compare this to what is happening in Trinidad and Tobago from 2010 and we will see 95,000 laptops delivered to secondary school children; a Children's Life Fund set up, that has saved more than 100 children to date; the commissioning and construction of a university in the south of the country, in Debe; a National Security Operations Centre; a Rapid Response Unit; and a counter-human trafficking unit established to protect the people of Trinidad and Tobago, to reduce crime.

This Government does not only give food cards to the vulnerable—I know that food cards were taken away from those who did not need it, some 8,000, and some 15,000 were given to families who never had access to this programme—not only does this Government do that, but VAT has been removed on not 1,000, not 2,000, not 3,000, but 7,000 food items and at certain special observances, the Prime Minister comes and declares to the population: “For your religious

*Industrial Relations Bill, 2015*  
[DR. G. RAMADHARSINGH]

*Friday, May 15, 2015*

observances, or for this period of time, the Government will ensure that you get discounts, so that you would be able to have these functions, where you treat many people.”

We have been able, while countries throughout the world—more than 70 per cent of the world population is not adequately covered by social protection and 122 countries have cut social welfare benefits, we continue to do this type of work. We have not touched the social welfare programmes and we continue to make headway. We have an increasing water supply from 18 per cent in 2010, to 70 per cent in 2014, moving towards water for all again. Establishing an integrated campus for my colleague in Tobago East.

We have the first ever drilling academy. Very often, being an oil and gas economy we have been the victims of exploitation, intellectual exploitation, because while we do have the raw material in the ground many expats and people from abroad have the technology, this is a Government that says: look do not exploit our resources and our people. We want to be able to learn these skills, acquire these skills so that we could train people, and that is why the first ever drilling academy in the history of this country has started to respond to upstream drilling activities.

We have halted the decline of oil production for the first time in 2005, with oil production now trending upwards to 80,000 barrels per day. We have recorded the highest amount of foreign direct investment in history. From an FDI of US \$500 million in 2010, we have gone to US \$3 billion in foreign direct investment. That is the vision of this Government.

We have continued to utilize the make-work programmes as they existed to do good work in the communities. The URP programme has now been reorganized and managed well. I see we now have a newspaper booklet being produced, educating the people about the URP programme, what it is intended for, what are the programmes existing, what are the training opportunities and, in that regard, I want to commend the work of the MP for Tabaquite and the Minister of Works and Infrastructure for the great job that he is doing, not only with all the major infrastructure.

There is a part in this Bill that deals with construction workers and the protection of construction workers and also the protection of domestic workers. Certainly, the kind of infrastructure that this Government is putting down, there will be more demand for construction workers and more demand for the protection of those construction workers who work on these projects that are not permanent jobs.



When I talk about those major construction activities, Mr. Speaker, one only has to look at the flowing hills of Flanagin Town and Indian Trail in Gran Couva to see the children's hospital rising up in the air very quickly, the National Cycling Centre, the National Tennis Centre, the National Aquatic Centre, unprecedented work by Nidco, El Dorado Nursing Academy.

We have also been building schools. The Minister of Education has been building and opening schools in record time throughout the length. How many schools? Ninety-five schools built in five years, a tremendous achievement by the MP for Caroni East and speaks volumes as to the work that he is doing in that area. Paramin was opened only yesterday when the children had to go to a grocery. They were having their lessons in a grocery. They are now having it in a spanking brand-new school in Paramin because of the Minister and a former Minister of Education, another great Minister, the hon. Kamla Persad-Bissessar SC, Prime Minister of Trinidad and Tobago. [*Desk thumping*]

**5.40p.m.**

Flanagin RC, which borders Caroni Central, and really is in Tabaquite, will be rising off the ground as well. So, that is the kind of work taking—I think there is no debate, that this is the best performing Government in the history of Trinidad and Tobago, [*Desk thumping*] because of the collective skill set that has been put together by an excellent manager.

So, I wish to go back to the Bill a little, Mr. Speaker, and indicate that one of the amendments to be made is—this is a Bill that will really introduce equity and equality in the system, and put all on an equal footing:

The right of workers to join a trade union of their choice; recognizing the status of certain classes of workers who are not considered as workers under the IRA; and the security of tenure for judges of the Industrial Court. The removal of the process of decertification against unions and introducing a more equitable measure to deal with infraction by parties.

Mr. Speaker, the history of industrial relations in this country is that in 1965, the Government enacted this Act, the Industrial Stabilization Act, to regulate strike action by workers and to establish the Industrial Court. This Act ended the voluntary system of industrial relations, and helped formalize a system to properly address industrial relations. The ISA included limitations to industrial action by both parties, and was viewed by trade unions as being unconstitutional.

In 1972, the ISA was repealed and replaced by the Industrial Relations Act. The amendments to the Industrial Relations Act, Chap. 88:01, are intended to

strengthen the constructive tripartite partnership, reinforce the industrial relations system, and set a landscape for 2015, beyond harmonious labour-management relations.

In clause 5 of the Bill, this deals specifically with the recognition of domestic and other vulnerable workers, who were excluded and unprotected under the IRA. Domestic workers and vulnerable workers have rights that other workers in the country have enjoyed for the last 50 years, such as the right not to be harshly and oppressively terminated; the right to have redress at the Industrial Court, and the right to be protected by the principles of industrial relations.

So, Mr. Speaker, this sounds like a very simple thing, but it has been a very great struggle for these persons, and in this seminal piece of work in 2001, the *Workers' Protection: The Case of Trinidad and Tobago* by Dr. Roodal Moonilal, way back in 2001, he pleaded the case for what was the National Union of Domestic Employees, the NUDE as they were called. In that piece of work he said that it was amazing that the meetings with NUDE were held in a cloak of secrecy. It was like an underground meeting, the workers, and the majority being women, met clandestinely at the office of the union leaders.

I am told that members would hide from employers, and would not disclose that they are members of the union, for fear of victimization. They were being paid less than minimum wage. They did not receive payslips, which we know—store workers would work excessively long hours, and were held to ransom because they needed the money for their children, and could not leave the jobs, and so would have to work excessively long hours. There would be dubious offerings for reward, for working on public holidays, and arrangements were ad hoc. They would have to punch—some store workers had to punch a timecard, for every tea break that they took. They had to wear uniforms, and were not given moneys to purchase some. They were denied social security benefits.

Mr. Speaker, they led a very long struggle, and interestingly, one of the persons who called on this Government to deal with the IRA was Mr. David Abdulah himself. On January 06, 2011, he said we must stand together working in the people's interest; we must amend the IRA; and he recounted that it was established in 1972 by then Prime Minister Dr. Eric Williams. It was an anti-worker piece of law, and that we must amend it, and that we must do this work. He, of course, would have known that it would have taken a lot of research, a lot of work, a lot of consultation.

Again, in May 2014, we saw in the newspapers, again, in the *Newsday*, Ida Le Blanc who is the General Secretary of the National Union of Domestic Employees, pleading the case to—she said, since 1982—in this article, she says:

We have been calling on the Government to recognize domestic workers. We invited Mr. Mc Leod to our meeting in San Fernando years ago, around 1998 when we started our drive, “Workers Know Your Rights”, and he himself was president of the OWTU. He said it was wrong for us not to be recognized as workers. [*Interruption*]

**Mr. Speaker:** Hon. Member, your time has expired. Would you like an extension?

**Dr. G. Ramadharsingh:** Yes.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Caroni Central be extended by 15 minutes.

*Question put and agreed to.*

**Dr. G. Ramadharsingh:** [*Desk thumping*] Thank you. Thank you very much, Mr. Speaker.

In this article, she indicated that the labour force that was involved here was approximately 30,000 workers that were not formally acknowledged as workers, and had job grievances; unfair and unsafe working conditions; extra work that was not paid; personal abuse; arbitrary dismissal, and with no hope of benefits. Of course, single mothers of large families, they wanted to be part of the decent work and decent pay agenda; they wanted this to come to the domestic workers; to recognize domestic and household workers; work in Trinidad, under the Act; to introduce standard written contracts for all domestic workers; to bring together stakeholders such as the Employers Consultative Association; the Chamber of Commerce; to expand the scope and capacity of their recently formed organization; and for Trinidad and Tobago to formally ratify the ILO Convention No. 189.

Responding to this in 2014, Mr. Mc Leod gave the undertaking that he would look at this issue in an attempt to address the matter. But in 2012, Mr. Speaker, the Minister, Errol Mc Leod had already said that Government will protect domestic workers. So it was on his agenda to so do, and I am sure that it is, in fact, a very proud day for himself and the Member for Oropouche East, who in 2001 was pleading the case for this group of workers to have protection, that today we are actually going to give that status and protection to this very vulnerable group in the society.

We know for a fact, that this is a Government that cares about the vulnerable, that cares about the weak, that cares about the differently abled, that cares about the elderly and the sick, and the population knows that. That is why today, you know, wars have been fought, Mr. Speaker, wars have always been fought for land, because a

*Industrial Relations Bill, 2015*  
[DR. G. RAMADHARSINGH]

*Friday, May 15, 2015*

piece of land is the start of a life or a new life for a family, or an individual. Every young man works and dreams for that day when he will be able to indicate to the mother and father of the home in which he grew, that “I have my own land today”. In fact, it could be said that, I am beginning to be my own man, because I own my own land.

Under this Government 7,000 persons have been given certificates of comfort where they had none, so that they could have security of tenure. As I said before, today more than 40,000 persons have food cards, house grants are given across Ministries. We have major infrastructure projects done by the URP and employment generated by the URP, and the URP Women’s Programme that I know that the Member for Oropouche West, MP Stacy Roopnarine would have worked very, very diligently with Minister Rambachan to ensure that there is the building of programmes of training within the URP programme.

So, here is a landmark move by this Government to give protection to the vulnerable, to the weak in the society. We see that this Government has built a centre for the differently abled in Carlsen Field. Today, we see buses—the elderly and the differently abled, ELDAMO buses, picking up persons and taking them to MP’s offices, so that they could apply for other social welfare and protection benefits.

You know, Mr. Speaker, this concept of dial-a-ride was only existent in Port of Spain, in the capital city. Only if you lived in the capital city, the Port of Spain Rotary Club has a service dial-a-ride, where you dial-a-ride, and they have a bus that will pick up a differently abled. Through this Government and the vision of this Government, we now have some 50 buses that are available for the elderly and the differently abled in Trinidad and Tobago. [*Desk thumping*] I am sure that the Minister of Transport and the Member for Chaguanas East, is procuring more buses for the differently abled, so that we can have this service extended to more rural parts of Trinidad and Tobago.

To underscore this point, I recall, Mr. Speaker, I received a correspondence from a parent in Moruga. Moruga is well represented by the Minister of Gender, Youth and Child Development, [*Desk thumping*] and where he will continue again to do the great work that he is doing. A parent from Moruga had written and said that it cost them \$1,500 to take their differently abled child to Port of Spain. Because he is a taxi driver, and he has to forego \$500 in income that he would generate for the day, first of all, then he has to pay persons to take care of his mother and father, and to take care of the home, when he checks gas and food and the cost of the therapy—he has to come to Port of Spain—you know what he gets,

Mr. Speaker? He gets about one to two hours of therapy, physiotherapy for that child. That child has to come to Port of Spain for two hours and that cost \$1,500 in income lost for a poor man who is a taxi driver.

That is why these initiatives may look small, but when we see 50 buses, and someone from Moruga now, can call up the PTSC, I think is 800-RIDE, and you can get a bus to take up that child from Moruga and bring them to Port of Spain, that is a Government that cares about the small man; [*Desk thumping*] that is a Government that cares about the people of Trinidad and Tobago. So, I think that that point is well made throughout the length and breadth of Trinidad and Tobago, that this is a different type of service from persons who are in power.

If I were to continue with clauses 6, 7 and 8, these concern the court; the IRA:

This is recognized as a superior court of record; however, the members of the court are not afforded the respect of their counterparts in the Supreme Court of Justice.

Within this Bill we are attempting to rectify this by providing for similar terms and conditions under their tenure.

### **5.55 p.m.**

In addition to providing similar terms and conditions, the members of the Industrial Court will now be justices of the Industrial Court, appointed by the Judicial and Legal Service Commission under the Constitution. This means that the appointment process will now be depoliticized, because what would have existed before would have been under the direct management and supervision of someone who is a politician. This will now be done by the Judicial and Legal Service Commission.

So, the Minister is, in fact, giving up power for the purposes of equity and for the purpose that professionals be afforded the freedom and independence to work in a professional environment, and we want to commend the Minister for taking that initiative. [*Desk thumping*] That is something that he could have skirted. Also, this is in line with the type of governance that is being practised by the Kamla Persad-Bissessar regime in Trinidad and Tobago. Even in the Parliament, the Parliament continues to be strengthened—the independence of the Parliament—so as to allow democracy to flourish in Trinidad and Tobago. I make that point when I look at the Parliament Channel and I see the type of programming capturing and engaging the interest of the population.

When I look under your leadership, Mr. Speaker, it is a similar thing happening as under the Minister of Labour and Small and Micro Enterprise Development where we have the youth Parliament; where we have excitement being generated

throughout the length and breadth of Trinidad on youth issues—on youth becoming involved and sitting in this very Parliament, and experiencing what it is to prepare for a Bill, to act as the Prime Minister, the Leader of the Opposition, a normal Member, a backbencher, the Speaker of House and the Clerk of the House.

It is really an inspiration to see that now the Parliament is engaging in interacting with the population through social media, through engaging questions on Facebook, Twitter. The Parliament has a voice literally of its own, and it is also engaging international conferences calling in consultants, talking about strengthening the democracy, deepening the democracy, getting the voices heard, sending the message of governance throughout the length and breadth of Trinidad and Tobago and, therefore, this is in line with what is being done here.

So that the JLC is to appoint. This is where the constitutional amendment is needed where we have to amend the Constitution, so that the President of the Republic of Trinidad and Tobago is the one who has the power to appoint persons to the Industrial Court on the advice of the JLC. So, Mr. Speaker, it also will not only provide equity to professionals in the legal profession and put them on par with their contemporaries, but also trade unions.

Under the current IRA, the jurisdiction of the court is strictly defined under section 7. This clause 9 will now expand the jurisdiction of the court to allow the court to hear other pieces of employment legislation, therefore modernizing the legislation. The starting process of the collective labour relationship is the right of a trade union to be recognized and registered to bargain collectively with an employer. If the process of recognition is flawed or inefficient, the industrial relations system suffers. This has been a burning issue for the last three decades, and clauses 10 and 17 address this issue.

Clause 10 speaks to the quality of professionals required in the modern era to conduct such a process, for example, secretary, officers of the board must possess qualifications in industrial relations, law or social sciences. In clauses 21, 22 and 23 they have decriminalized industrial relations by removing imprisonment as a sanction—and this is very important—and replacing them with fines. So, here it is the Government is encouraging the unions to advocate, to speak, to become the voice of the voiceless, to be listened to, to be taken into the room to speak, to engage in dialogue.

There is a major section under clause 19 for conciliation and mediation to facilitate access to justice to provide more effective dispute resolution strategies, to promote community involvement in the process and, therefore, it is a Bill that strengthens

the democracy, deepens the dialogue between workers and management and creates the conditions for workers to have rights—rights that would see them having a higher quality of living, that will see them prospering with their families, owning land, being able to acquire homes, food security, empowerment, education, which this Government has as a planned priority for the development of our young people.

I thank you for the opportunity. [*Desk thumping*]

**The Minister of Public Administration (Hon. Carolyn Seepersad-Bachan):** Thank you, Mr. Speaker, for the opportunity to participate in this evening's contribution towards the Industrial Relations (Amdt.) Bill, 2015. Mr. Speaker, this Bill is intended to strengthen and improve the industrial relations system in Trinidad and Tobago by making the system more efficient, more effective and more expeditious from the recognition of the union to dispute settlement.

This evening I want to congratulate my Cabinet colleague, the Minister of Labour and Small and Micro Enterprise Development, for the vision that he has outlined with respect to the modernization of the industrial relations system. The objective of this Bill is to bring the regulations in line with today's reality of 2015, and to lay the foundation for harmonious labour- management relations into the future.

Mr. Speaker, the last speaker spoke to some of the issues related to the Industrial Relations Act and the amendments that we are tabling here this evening. I had the opportunity to participate on the manifesto team of the People's Partnership at that point in time in 2010, and that People's Partnership manifesto has since been adopted as government policy and has been actually laid here in the Parliament. I recall and I want to make this point because I served on that committee and, indeed, I had the opportunity of interacting with other representatives including those of the labour movement, and I just want to quote from that manifesto document:

“The existing legislation is severely limited and will be reviewed with the intention of striking an appropriate balance between all the parties involved, ensuring that necessary action is taken within an appropriate timeframe.”

So, Mr. Speaker, it was the intention of this Government in coming into office in 2010 to address the following issues, and that is one, the right for workers to join a trade union of their choice; secondly, to treat with certain classes of

workers including domestic workers, gardeners, amongst others, and for them to be fully protected. The rights of these workers require legislative attention and this will be done.

Mr. Speaker, as mentioned by the last speaker, the process of decertification of trade unions, there was this extreme provision which it was felt must be removed and replaced with more equitable measures to ensure that infractions by parties are dealt with more objectively. Most important, we took the hard decision that we were intent on moving forward with the appointment of judges to the Industrial Court in keeping with the following principles:

- a) the need for an independent Judiciary;
- b) the removal of ministerial or political interference in the process of appointment of judges; and
- c) the need for security of tenure for judges to ensure a fearless Judiciary.

So, Mr. Speaker, this is why today as part of this package of legislation, there is the Bill which will deal with the amendment to the Constitution, and, as mentioned by the last Speaker, that would allow for the appointment of these judges to this court by the Judicial and Legal Service Commission, and the Judicial and Legal Service Commission will do so after being advised, or consultation with an industrial relations professional, a practising labour economist, a practising accounting, and the organization most representative of employers and the organization most representative of workers.

So, Mr. Speaker, the whole issue here, even in the appointment of these justices for this Industrial Court will no longer, as the last speaker said, be politicized and, more important, it would allow for independence and will allow for security of tenure of these judges. This was the intent of the People's Partnership Government and this is the reason why today we are delivering on that particular promise with this Bill that we have here today. [*Desk thumping*]

I want to speak about the amendments proposed in this Bill, the Industrial Relations (Amdt.) Bill, in the context of what is happening in the public service modernization programme, the Gold to Diamond. As you would have heard, Mr. Speaker, I have said on many occasions in this honourable House, the Gold to Diamond will take Trinidad and Tobago public service through a comprehensive series of changes, transformations and upgrades, modernizing it for the challenges of the dynamic technology-driven and knowledge-based 21st Century. So, Mr. Speaker, this new public service and the new public officer, staffing it will be



more citizen centric, technology savvy, and focused on providing excellent customer service efficiently with an emphasis on giving top value for every single tax dollar spent.

The G to D initiative promotes efficiency in processes and a focus on service delivery. But, you see, in order to achieve this, to achieve these goals, G to D involves the re-engineering of the very manner in which Government conducts its business. So every single process must be re-engineered, every single aspect of government services is being scrutinized and public officers are designing new ways to conduct these services in a more efficient, effective and citizen-centric friendly manner.

Mr. Speaker, earlier this week we heard from the Minister of Finance and the Economy in a ministerial statement speak to the electronic funds transfer regulations, which were tabled last week in this House. This new system, these new regulations, will facilitate electronic payments with the first phase involving the roll-out of the use of your debit cards at various government agencies, but in order to achieve that we must be able to ensure that government processes themselves are redesigned to facilitate this, and in order to achieve this we must ensure that there is the new, modern public officer, a citizen-centric technology-savvy public officer at the centre.

However, as we know, systems for performance management also require complementary strengthening of the systems design for dealing with the breaches in performance. This is why our vision for the successful transformation of the public service requires highly-trained professional and motivated staff engaged in rewarding roles. Mr. Speaker, part of providing this new environment to facilitate the effectiveness and productivity of the modern citizen-centric technology-savvy public officer is an effective and efficient industrial relations environment for the public service of Trinidad and Tobago and, therefore, public service transformation cannot be effected without partnering with all stakeholders including the trade unions. As such, the Ministry welcomes any legislation that would benefit public officers and forge stronger bonds with all the trade unions. So, therefore, this is why I frame my contribution here this evening, in this context, as we look at the various clauses of this Bill in order that we promote the public service transformation exercise, the G to D journey.

Mr. Speaker, I start at looking at clause 6 of the Bill, and if you look at it, it increases the statutory limit from bringing a matter from six months to two years. One of the issues there is that the Ministry of Public Administration, we have received from time to time complaints from the public and from public servants

about unfair industrial relations policies and decisions. Even if these matters were considered, the time frame for submission of a matter was six months from the time of dispute, it was hardly enough time to allow for this matter to be resolved.

**6.10 p.m.**

In many of the cases the complainant would have no form of redress after that time in the Industrial Court and, therefore, Mr. Speaker, public officers today will be very happy to note that complaints of this nature will now have a window of two years. Mr. Speaker, I now want to go to clause 13 of the Bill, and clause 13 of the Bill amends section 32 of the Act to provide for the determination of applications for recognition within the six months, as I have mentioned. But, Mr. Speaker, one of the things with this timely jurisdiction, the timeliness of determining these matters of ensuring that the Board is able to determine these matters, is that we will be able to have, you know—we would need to understand why this clause is so important.

I want to give an example, and my colleague, the Minister of Education would be able to identify with this particular example. So, Mr. Speaker, for instance, you would recall we have the teaching service—we have a situation where school supervisors and curriculum officers that were formerly in the civil service were delinked and placed within the ambit of the teaching service, right? Notwithstanding this decision, these public officers continued to be paid under the civil service compensation plan and not under the new teaching service classification plan, which that relevant union, together, had taken time to develop that compensation plan. And this led to a situation, Mr. Speaker, where these persons were being paid less than the people they supervise. [*Interruption*]

**Dr. Gopeesingh:** And it is still going on.

**Hon. C. Seepersad-Bachan:** And it is still going on. Yes, Minister of Education, it is still going on. Necessitating, for us to be able to solve this problem, we had to pay an interim allowance in order to solve this problem. In some cases, because, you know, the negotiations with that relevant union continued to move, and these individuals, because they had been placed under the old compensation plan, the classification plan for the civil service is not moving as fast as that one, and, as a result of that, this is why there is always a catch-up.

Mr. Speaker, recognition for these officers was sought in 2015, and the recognition has not been granted to this day, and this is why I welcome this provision in this Bill [*Desk thumping*] that recognition must be done within six months. Mr. Speaker, I am sure this Minister of Labour, Small and Micro

Enterprises would agree with me that he has had—cases where we have had recognition taking more than 10 years, Minister of Labour, Small and Micro Enterprises, and yet still cannot be, you know, resolved.

Mr. Speaker, when we are dealing with, you know, a 21st Century global place, and Trinidad and Tobago wants to be part of that global place, we cannot continue to deal at the snail's pace that we continue to think that will allow us to be able to progress, and our industrial relations environment must keep pace. Mr. Speaker, I now want to turn to clause 11 of the Bill, which amends section 23 of the Act, to provide for the composition of the Registration, Recognition and Certification Board which will be dealing with applications for certification and recognition, among other things.

Mr. Speaker, the last speaker also spoke to this issue, but, what has happened here, we have reduced the quorum from five to four, coupled with the mandate that the Board must determine these matters within the six months. So, therefore, Mr. Speaker, justice no longer will be delayed or denied with respect to trade and other disputes. For us to achieve the Diamond Standard there must be motivated employees, and a situation like the one I just described with the teaching service only serves to demoralize and, in most cases to, you know, ensure that we demotivate workers within, or employees within the public service.

Mr. Speaker, our Gold to Diamond journey does not speak to demotivated employees. We want employees who are motivated with the highest morale at the end of the day, and this is why we need an industrial relations environment that will promote as such. Mr, Speaker, I turn to clause 10 of the Bill, and clause 10 of the Bill amends section 22 of the Industrial Relations Act—22(a), which would spell out the qualifications of the secretary and other officers of the Registration, Recognition and Certification Board. I mean, again, too, this is in line—because you are now saying that you must have a Master's degree if you want to be secretary of the Board—and this is in line with the proposed new diamond-shaped architecture, ensuring that public service staff are adequately qualified and trained to function at optimum levels, bringing new life and energy to the organization, enhancing the capacity to make effective decisions.

Mr. Speaker, one of the things that we have recognized is that if there is to be effective decision-making, then there must be competence and capacity to make the right decisions. Therefore, Mr. Speaker, this is why this Bill specifically addresses this particular issue to ensure that we have the requisite competencies and the requisite capacity in order to deliver the most effective decisions. So, Mr. Speaker, this will help us achieve the Diamond outcome of the right people in the

right job at the right time, with the right skills, working on the right things, performing the right way, delivering the right results and receiving the right rewards.

When we speak of certification we must also understand, in the day-to-day programme, the Gold to Diamond journey, we have launched what is called the Diamond Certification Process, which allows us to go out and assist in the development of those public services that we would like for them to achieve, what we call, the Diamond Standard in the delivery of the public service. Mr. Speaker, that standard is based on a number of criteria and, as you would know, we have started this process, and in January of this year, after these agencies went through a process involving a number of developments of their service charter, the development of a service improvement plan, implementation of that service improvement plan, they were then assessed by independent auditors to determine if they had met the standards.

Mr. Speaker, that certification programme, we were able to make certain awards during that time. So, just as we are certifying public services in the Trinidad and Tobago Diamond Standard programme, so too in this legislation, bringing trade unions into the 21st Century by strengthening the certification requirements. So, it speaks to the same philosophy.

Mr. Speaker, I want now to turn to the new section that has been included in the Bill, Part V. So, clause 24 of this Bill creates a new section, as we know, as Part V, and inserts sections 70A to 70P. Under 70I, the core functions of the conciliatory and mediation service is to promote the improvement of industrial relations, encouraging the extension of collective bargaining, and, when necessary, bringing about reform of the collective bargaining machinery, including the timely negotiation of agreements.

Mr. Speaker, it is outlined under section 70I, but what is important here is that, first of all, we have recognized that there is a need for a continuous improvement environment and, therefore, this body is now charged with the continuous improvement exercise. Because, Mr. Speaker, industrial relations and industrial relations practices are no longer at a standstill, and, therefore, the Minister of Labour, Small and Micro Enterprises will tell you, when he attends the ILO meetings, the number of new practices that emerge every day and that are adopted worldwide, and Trinidad and Tobago has to keep pace. Therefore, there must be such a body that can continuously monitor the environment and devote themselves to research and formulation of new policies for this industrial relations environment, if we want a productive Trinidad and Tobago. Therefore, they must

keep abreast of all emerging international best practices, and they must be able, as a body, to monitor the environment, our own local environment, and adapt such practices.

More importantly, Mr. Speaker, this body will also be responsible for looking at the regulatory framework. One of the mistakes that we make is that we do not continuously monitor the environment, our legislative and regulatory framework, and look for ways of continuous improvement, because, as we know, the legislative and regulatory framework should not be static as well, but must be moving in line and responding in a dynamic way to the changes in the environment. That is the only way that we will be able to keep pace. Therefore, Mr. Speaker, there is a new body now. This body is now responsible for looking at new regulations, or constantly reviewing the regulatory framework for opportunities where improvements can be made.

So, Mr. Speaker, if you look at the set-up of this body, it is now an independent body. So, therefore, when we look at the legislative regulatory framework a new policy is to be implemented, it would be done by an independent body. So, Mr. Speaker, these functions are very much in keeping with Government's thrust for service excellence, the Diamond public service, proactive, solution-oriented, and enhancing engagement of players in labour, with high expectations of customer care.

But, you know, Mr. Speaker, it is very important that I go back to this issue of this body, this conciliatory and mediation services body, because the CAMS, as it is known, is if you look at it you will see that the body itself would be an independent body. So, when we look at the establishment of this body, as addressed under section 70F, we will note that it is in keeping with the new public service architecture, that diamond-shaped architecture, with more professional and technical positions. But important in there, Mr. Speaker, is that this body, although being independent, is also accountable to the Parliament of Trinidad and Tobago, because they are required to submit their estimates of expenditure six months before the end of the financial year to the Minister of Finance and Economy. They are also required to keep proper accounts, proper books of accounts and records, in accordance with the GAP standard.

Mr. Speaker, 70N, in fact speaks to how it will account to the Parliament through the submission of reports. So, there is a whole accountability of this independent body, and this is in alignment again with, you know, the Gold to Diamond's underpinning philosophy of Diamond quality service, good

governance, managing the quality of service and delivering value, Mr. Speaker, all underpinning the philosophy of a changing culture, promoting customer service culture.

Mr. Speaker, it is important as well that the 14 members of this CAMS council with represent a diverse group of professionals, so they will be drawn from finance, energy, trade, legal, the Tobago House of Assembly, IR, the industrial relations and human resources experts, economics, et cetera, and relevant stakeholders, including the trade unions and the workers themselves. Mr. Speaker, you know, the proposed staffing, the professional staff, themselves, with qualifications and experience provides the opportunity, and this is an important part in 70P. It allows for public officers to serve on the CAMS. So, therefore, professional staff with qualifications and experience provides the opportunity for the public servants themselves to be appointed or transferred, as stated in clause 70P, but retaining their pension rights. So, public officers will now have an opportunity to serve on this particular body.

Mr. Speaker, another part of it is that the new public officers are defined as those who are revolutionary in attitude and approach, e-savvy, solution-oriented, keen on recovery strategies, have high expectations of customer care, business savvy, perceptive, receptive to change and continuous learning, and, therefore, the new public officer is constantly seeking to improve him or herself in his or her working environment. The establishment of this particular body, the CAMS, would facilitate this through the access to information regarding the provision of general advice and guidance on industrial relations matters.

Mr. Speaker, one of the issues here is that that was one on the problems that we had before when we spoke to the issue of public officers not being able to access information. So, therefore, it delivers quality service to public officers themselves, given that the establishment of this body would facilitate the timely resolution of industrial relations disputes, thereby supporting the modernization effort and a culture of citizen centricity.

**6.25p.m.**

Mr. Speaker, I must speak to the issue of this devolution of power, because, you know, much of it as we said, if you notice in the manifesto, we spoke a lot to the depolarization of the process itself. So, the devolution of power from the Minister of Labour and Small and Micro Enterprise Development to the Chief Conciliator-Mediator of the CAMS will reduce the bottlenecks and backlogs in the legal system by having a dedicated person to the enormous task of oversight for the dispute processes, leading to faster decisions on the industrial relations matters.

This is also in alignment with the ideals of good governance. When we look at clause 19 of the Bill, Part V of the Act, and as amended, what it says is by virtue of this Part V —Part V of this Bill says:

“Part V of the Act is amended by deleting the word ‘Minister’ wherever it occurs and substituting the words ‘Chief Conciliator-Mediator’ of CAMS...”—the body itself.

So if I take as an example and I look at section 51 of the Act itself, we will see that 51(1) would say:

“Subject to this section, any trade dispute, not otherwise determined or resolved may be reported to the Minister only by—

- (a) the employer;
- (b) the recognized majority union;
- (c) where there is no recognized majority union, any trade union, of which the worker or workers who are parties to the dispute are members in good standing,”

What it allows now is that under section 51(1), because of this change from Minister to the Chief Conciliator-Mediator, what it will now read is that:

“Subject to this section, any trade dispute not otherwise determined or resolved may be reported to the Chief Conciliator-Mediator of CAMS only by:

- (a) the employer;
- (b) the recognized majority union;
- (c) where there is no recognized majority union, any trade union, of which the worker or workers who are parties to the dispute” —are members.

Or it includes under:

- (d) a person referred to in section 2(3) (e) or a trade union not certified as having recognition at his place...” —at Part V.”

I raise this issue because it means therefore that when it comes to the matter of reporting these trade disputes and having them resolved, it is no longer the Minister of Labour and Small and Micro Enterprise Development. In fact, many times, and we speak to this issue, especially for public service, we had a serious issue when we were treating with this issue, that we were dealing with a Minister, a member of the political directorate. Therefore, this is again in alignment with the ideals of good governance, international best practice and transparency.

Mr. Speaker, I now move to the issue of empowerment of public officers and ease of participation in unions. Several of the proposed amendments provide a platform for public officers to participate more meaningfully and with confidence in their unions. Where before they may have been hesitant to pursue their rights or refer matters to a union, and where public officers may have felt disenfranchised with their own working environment, there is no doubt that the amendments will create that space for greater engagement. Let me just give an example.

When we look at clause 20 of the Bill it says that we no longer require—apart from clause 20 increasing the statutory limit bringing a matter from six months to two years—what happens in clause 20 as well is that it also removes the requirement that the worker must be in a good standing in his union in order to be able to access and pursue his rights under the Act. This amendment provides public officers a great deal of flexibility in their ability to approach and refer a matter to a union. Therefore, coupled with this increased two-year window, the increased statutory time frame for bringing a matter allows the public officers flexibility to explore other avenues within the public service channels, but still have that two-year period to approach the union. So it provides other avenues that they can use, and within that two-year period they can also approach the union.

The last speaker spoke about the decriminalization of the Act itself. So, under clauses 21, 22 and 23, by removing the terms of imprisonment and substituting them for fines, what has happened is that the Industrial Relations Act itself, when it was—[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Minister has expired. Would you like an extension?

**Hon. S. Seepersad-Bachan:** Yes, Mr. Speaker.

*Question put and agreed to.*

**Hon. S. Seepersad-Bachan:** Thank you, Mr. Speaker, I will not be much longer. As I was saying, the new clauses in this Bill, clauses 21, 22 and 23 provide for the decriminalization of the Act by removing terms of imprisonment and substituting them with fines. Instituting fines instead of penal sanction minimizes the risk of public officers who wish to participate in industrial action. Also, it does not add to the existing burden on the prison system itself. What is important, and the Minister of Health would be happy to know, is that in the health system itself, those found liable will be fined, as such matters are triable at the Industrial Court.



I now move to the other part—and this is a part that I think is very important for the public service of Trinidad and Tobago—and that is clause 9 of the Bill. Clause 9 of the Bill amends section 7 of the Act to empower the court to hear and determine matters brought before it under the Act and other written laws and to impose fines. This decision is to expand the court's powers to make decisions, not only by reference to the Industrial Relations Act, but now by reference to any other written law.

This is beneficial for public officers' industrial relations matters, in that the amendment allows the court to consider and resolve disputes beyond the confines of the Industrial Relations Act itself, and to consider the broader legislative framework governing public officers. There are several written laws governing public officers, which are important to the determination of industrial relations disputes, and this amendment provides a specific authority for the court to apply these laws during the process of judicial determination.

The amendment augurs well for the resolution of current disputes involving public officers, but also has forward-facing benefits which are linked to the outcomes of the Ministry of Public Administration's projects, which seek to modernize the human resource management legal framework in the public service. Because part of the whole gold-to-diamond journey, as you would be aware, is a whole revamp of the regulatory framework for civil servants and public officers.

In fact, there is an institutional strengthening exercise that is taking place right now for the Public Service Commission of Trinidad and Tobago. One of the issues that has already arisen is the amount of regulations that we have on the books that are no longer very relevant; whether they are the Civil Service Regulations or the Public Service Regulations, or whether they are regulations dealing with the teaching service.

There is the attempt now to look at harmonizing these various regulatory frameworks for the various commissions, whether it is the teaching service, whether it is the Police Service Commission, whether it is the Judicial and Legal Service Commission, whether it is the Public Service Commission. The reason for it being that there must be general principles and concepts that will guide all public officers. As a consequence of that, we recognize that the regulatory frameworks must be harmonized.

More than that, to speak of the new modern public service, the 21<sup>st</sup> Century public service meeting the Diamond standard, we have to talk about a new type of public officer, and that type of public officer to thrive in this kind of environment

requires a new legislative framework. Therefore, Mr. Speaker, when we are talking about industrial relations issues, this sort of regulatory framework and this sort of legislative framework must be taken into consideration.

So we are very happy to note that the powers of the court will be expanded to include, not just the Industrial Relations Act, but any other written law that will guide the public officers of tomorrow. So new laws and regulations governing the public service will, as a result of this amendment, form part of the court's binding sources of law for dispute determination. Going forward, even as the legislative landscape changes for the public officer, this amendment ensures that his rights and remedies are preserved and adjudicated with fairness and equity with the totality of applicable and relevant law.

Mr. Speaker, I still want to go back to the creation of the Conciliation and Mediation Service because there is an important aspect as it relates to this particular body. With the changing profile of public officers and with new responsibilities and expectations, following from the impetus of our gold-to-diamond platform and open government, public officers can be assured that they will now have access to a separate agency, which provides guidance and advice to workers, and which can make enquiries into industrial relations practices in the public service.

Prior to this, the public officer's options were limited to seeking private legal advice at high cost or joining a union, seeking advice and representation. The establishment of this body is of immediate value to public officers, in that it fills this gap which left many such officers disenfranchised or without practical recourse when faced with disputes or irregularities in the workplace.

Therefore, the establishment of this body, the Conciliation and Mediation Service body, will go a long way in bolstering the confidence of public officers as they take on new tasks. There is a reason as well for that, and I have said that here in this House, in that a public officer of tomorrow, the 21st Century public officer, is one who has to be creative and innovative, is one who is going to be empowered to take decisions on his or her own. As a result of that, that public officer will be taking risks.

When they take risks, we have to be careful that they are not penalized because they may have taken risks and there will be failures, and we are not afraid of failures because if there are no failures there will be no creation, there will be no creativity and there will be no innovation at the end of the day. If we are to encourage public officers to give their best, then we must encourage them to be creative and innovative.

In addition to that, in order to ensure that that public officer is confident in putting his best foot forward, that public officer must be confident that he has access to such a body as this CAMS, or has an industrial relations environment that will support him when he is ready to put his best foot forward in the best interest of Trinidad and Tobago.

Mr. Speaker, in closing, I want to say that this Bill will strengthen and improve the industrial relations system in Trinidad and Tobago, and is in alignment with Government's policy to strengthen and improve service to the people, the workforce. It addresses the system, the governance, the structures and the people dimensions necessary to enable this transformation.

Mr. Speaker, this new and improved industrial relations system will go a long way in supporting a 21<sup>st</sup> Century citizen centric public service and 21<sup>st</sup> Century citizen centric public officer of the future.

Mr. Speaker, I thank you.

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, May 20, at 1.30 p.m., and to indicate it is the intention of the Government to continue debate on the Industrial Relations (Amdt.) Bill and the accompanying Constitution (Amdt.) Bill, to continue debate on the Cyber Security Agency Bill and the Bill to create offences for cybercrime, and to begin debate on the Waste Recycling Bill, 2015, that has been circulated.

Time permitting, we can conclude debate on the Motion to adopt the Ombudsman's Report. The other matters of the conclusion of debate for the Precursor Chemicals Bill and the Trade Marks Bill, time permitting on Wednesday, we will want to do that as well.

#### **6.40 p.m.**

Mr. Speaker, in adjourning, may I also indicate that we have not received any feedback from any authority or the Member for Chaguanas West, who has also left the Chamber, on the Motions on the Adjournment. Those Motions are due and the relevant Ministers have been prepared. We would like to raise, at some time, whether it is possible for those responses to the Motions on the Adjournment to be circulated in writing. If not, those Motions that deal with people's issues in affected constituencies that are no longer represented in Parliament, those issues would remain unaddressed by the Parliament.

*Industrial Relations Bill, 2015*  
[HON. DR. R. MOONILAL]

*Friday, May 15, 2015*

Mr. Speaker, we are also concern on behalf of the Government as to the list of questions on the Order Paper for oral answer. There are some questions that have been deferred, so at the next sitting we would want to address the questions for oral answer and, of course, we did circulate earlier an answer to one of the questions for written reply. Mr. Speaker, I beg to move.

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, before putting the question may I revert to the item “Announcements.”

I have received communication from the Hon. Kamla Persad-Bissessar SC, Member of Parliament for Siparia and Prime Minister, who has asked to be excused from today’s sitting of the House. The leave which the Member seeks is granted.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.43 p.m.*