

*Leave of Absence**Friday, March 18, 2016***HOUSE OF REPRESENTATIVES***Friday, March 18, 2016*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, the following Members have asked to be excused from today's sitting of the House: the hon. Nicole Olivier MP, Member for La Brea; Mr. Esmond Forde MP, Member for Tunapuna; Dr. Bhoendradatt Tewarie MP, Member for Caroni Central; the hon. Camille Robinson-Regis MP, Member for Arouca/Maloney; the hon. Anthony Garcia MP, Member for Arima; and Dr. Roodal Moonilal MP, Member for Oropouche East. The leave which the Members seek is granted.

**JOINT SELECT COMMITTEE REPORT  
(Presentation)**

**Whistleblower Protection Bill, 2015**

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, I beg to present the following report:

Second Interim Report of the Joint Select Committee appointed to consider and report on the Whistleblower Protection Bill, 2015.

**PRIME MINISTER'S QUESTIONS**

**Discontinuance of Case Involving Malcolm Jones  
(Documents and Legal Advice Concerning)**

**Mrs. Kamla Persad-Bissessar SC (*Siparia*):** Thank you very much, Madam Speaker. Could the Prime Minister give an undertaking to provide this House with all the documents and legal advice concerning the discontinuance of the case involving Malcolm Jones for the purposes of transparency and public accountability?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, we understood by public statement that the Opposition Leader has indicated an intention to file a Motion in this House. We welcome that Motion, and in such Motion, any and all information concerning this matter will be made to the House.

**Caribbean Gas Chemical Limited (Mitsubishi/Massy) Project  
(Status of)**

**Mrs. Kamla Persad-Bissessar SC (Siparia):** Thank you, Madam Speaker. Can the Prime Minister inform this House as to the status of the Caribbean Gas Chemical Limited (Mitsubishi/Massy) Project in which the National Gas Company has an interest?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, I am not clear what Caribbean Gas Chemical Limited, in which the National Gas Company has an interest about. Could the Member clarify that please? I am not aware that there is a Petrotrin issue that fits this bill, and an NGC bill. What are you talking about?

**Mrs. Persad-Bissessar SC:** I am speaking about the project that began in La Brea, with reference to the private sector through Mitsubishi and Massy, and agencies of the Government. It may well be Petrotrin and/or NGC.

**Hon. Dr. K. Rowley:** Well, if it is you are referring to the NGC project, that project is under the Mitsubishi project. There are discussions taking place at the level of the Energy Subcommittee, where there are two or three very weighty matters which were part of the contractual arrangements, and this Government could not have allowed NGC to have entered into any further commitments where the public interest was in such dire jeopardy. Discussions have taken place and are taking place. We have made some considerable progress, and it is the expectation that sometime in the not-too-distant future, a revised position can be available and the project may be allowed to proceed, if they come to a conclusion that is acceptable to the Government of Trinidad and Tobago.

**Mrs. Persad-Bissessar SC:** Thank you, Madam. Through you, thank you hon. Prime Minister. Would the Prime Minister be able to tell us in broad, the general areas of concern that are now going back into further negotiations?

**Hon. Dr. K. Rowley:** Given the fact that these discussions are taking place, I would not want to do that now. When the matter is concluded, at that stage, you may want to refer to them, but very sensitive discussions are taking place now, and it will not be wise to allow that to be put in the public domain before we get an appropriate response from the participants.

**Mrs. Persad-Bissessar SC:** Thank you, Madam. Thank you again, hon. Prime Minister. Would the hon. Prime Minister be able to indicate to us whether the project, therefore, is at a standstill or whether any work is taking place?

**Hon. Dr. K. Rowley:** I do not know about the project and work. What I was talking about and what it is, that is the condition under which a project can go forward. What I do know is that the last Government turned the sod for a project on which the agreement as to what the project is likely to be, is only now being discussed, and that kind of madness is now being addressed by this Government. [*Desk thumping*]

And since you want to know—let me not go there. After we have finished discussing this matter—and I hope we come to a conclusion which is satisfactory. This project, NGC has a 20 per cent interest in it. We expect that we are close to an agreement on discussing the terms of the project. When that is finished, we will report to the country and the country will understand the level of recklessness that the last Government exposed the population to. [*Desk thumping*]

**Mrs. Persad-Bissessar SC:** Thank you again. Would the hon. Prime Minister be able to say when this should be completed, about what time frame he is looking at?

**Hon. Dr. K. Rowley:** The most I can say is, soon. The discussions have been ongoing for a couple of months. We have very good people involved. We have made some progress. We expect some responses from the participants. If the progress continues along the same trajectory, we expect that in the not-too-distant future we can conclude this, with the public interest protected, with the business interest available to go forward, and we might have a project.

**Dr. Khan:** Yes, Ma'am. Hon. Prime Minister, could you just indicate who is the Chairman of the Energy Subcommittee?

**Hon. Dr. K. Rowley:** I am.

#### **ArcelorMittal Steel Plant (Proposals for Sale)**

**Mr. Ganga Singh (Chaguanas West):** Thank you, Madam Speaker. To the hon. Prime Minister, has the Government received any proposals with respect to the sale of the ArcelorMittal Steel Plant in Point Lisas?

**The Prime Minister (Hon. Dr. Keith Rowley):** No. The Government has received no such proposals. We are seeing things published in the newspapers, but we do not have a proposal in front of us.

**Mr. Singh:** Thank you, Madam Speaker. The Minister of Finance in the public domain has indicated that he has not ruled out the purchase of the plant.

**Hon. Dr. K. Rowley:** The Minister also said in that same context, in that same sentence, that he is not saying that the Government is going to purchase it. Just for clarification, there is no decision by the Government to purchase any plant. The Minister also said he is meeting with the company on Monday I think it is?

**Mr. Imbert:** Today.

**Hon. Dr. K. Rowley:** Today? And that is a prerequisite to understanding what the situation is, what the company is talking about, but rest assured, any decision made by this Minister or any other Minister, would put the public interest of Trinidad and Tobago first and foremost. [*Desk thumping*]

#### **ArcelorMittal Steel Plant (Details of Purchase)**

**Mr. Rudranath Indarsingh (Couva South):** Thank you, Madam Speaker, to the Prime Minister. Can the Prime Minister confirm if indeed the purchase of ArcelorMittal is being considered by the National Tripartite Advisory Council?

**The Prime Minister (Hon. Dr. Keith Rowley):** The answer is no.

#### **Moody's Investors Service Bond Ratings (Details of)**

**Dr. Tim Gopeesingh (Caroni East):** Thank you, Madam Speaker. Could the Prime Minister state the Government's response to Moody's Investors Service placing Trinidad and Tobago's bond ratings on review for downgrade?

**The Prime Minister (Hon. Dr. Keith Rowley):** The Government's response is to remain observant. This is a standard matter which goes on all the time, and to the extent that a rating agency is considering our circumstance, and ruling on our situation, this Government will not do what the last Government did, which is to disregard a rating downgrade because it is not something that we could be proud of, and it is not something that will help us. It is something that will hurt us, because it allows us only to borrow in a more expensive way, and to be seen to be less of an environment in which investments can be made.

So we simply have to wait and see what the agency comes up with, but what we will not do is disregard and pooh-pooh what a rating agency says about Trinidad and Tobago, like the last Government. [*Desk thumping*]

**Dr. Gopeesingh:** Hon. Prime Minister, in the event that Moody's confirms a downgrading of the investment, could you give to the House and to the

Parliament, your thinking on the question of foreign borrowing based on the matter being more expensive for foreign borrowing? And how would you see that in relation to local borrowing?

**Hon. Dr. K. Rowley:** Madam Speaker, these are speculative positions, and I would not want to be speculative. We will cross that bridge when we come to it, and we will treat it in the normal way with respect to how we manage the country's affairs. The downgrade or an upgrade is completely outside of our control, and the one thing we will not do is to hide the circumstance or the report of Moody's. [*Desk thumping*]

**Dr. Gopeesingh:** Thank you. Would the hon. Prime Minister indicate whether this Government had taken any economic steps to prevent a worsening of the economic situation, to widen the downgrade gap?

**Hon. Dr. K. Rowley:** I am not aware of any economic description which we can relate to, of a downgrade gap. I am not sure what that really means.

**Dr. Khan:** Hon. Prime Minister, just one question. Did FCB remove themselves from Moody's rating system?

**Hon. Dr. K. Rowley:** If FCB has removed itself from Moody's, I do not have that information.

### **Impending National Food Shortage (Details of)**

**Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*):** Thank you, Madam Speaker. To the hon. Prime Minister: Is the Prime Minister aware of an impending national food shortage, and if so, what is the Government's plan to deal with this?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, [*Laughter*] I am pleased to report that the Government is not aware of any impending food shortage. As a matter of fact, we are taking steps and making progress in increasing the local food supply, and we are sure that the population has available an adequate supply of food. [*Desk thumping*]

**Mrs. Newallo-Hosein:** Thank you, Madam Speaker. Can the hon. Prime Minister state how and what steps are being made based on his statement?

**Hon. Dr. K. Rowley:** If you are referring to the actions we are taking, the Ministry of Agriculture, Land and Fisheries is investing a lot of time, effort and resources into ensuring that more farmers are getting involved in the process of

producing food. We are expanding our rural access roads. We are working on encouraging the population to buy and use local produce which we are producing more and more of. And we are, in fact, expecting that the lands given out to Caroni (1975) Limited workers by this Government and previous Governments—most of the lands will come into production for the purpose for which they were given, and we expect that that will increase the food supply.

**1.45 p.m.**

We are also producing more seeds to make seed and planting material available to farmers. We are reopening the seed production in Chaguaramas and so on and so on and so on.

**Mrs. Newallo-Hosein:** Thank you, Madam Speaker. Hon. Prime Minister, I understand from the Supermarket Association that there is food enough for three months. We are speaking about putting things in place for planting that may be in three months. What are the steps for an immediate action of food being on the grocery shelves or on a person's table as of now, not in three to six months?

**Hon. Dr. K. Rowley:** I want to reiterate just in case a seed is being planted to create panic and panic buying, the Government is not aware of any shortage of food in Trinidad and Tobago. [*Desk thumping*]

**Dr. Gopeesingh:** Would the hon. Prime Minister indicate, bearing in mind that a lot of the food items come from abroad and the dollar being moved from \$6.30-something to \$6.60 and the increase in price of foreign food coming in, what steps are being taken by the Government with regard to the cost of the foreign foods and if there is going to be any measure implemented with regard to the import of foreign food?

**Hon. Dr. K. Rowley:** The Government is hoping and taking steps like encouraging the population in their discerning purchasing, to focus more on purchasing local produce and, insofar as imported food is required for the basic basket of foodstuff, that we ensure that there is enough foreign exchange available to the importers of the basic food items. To the extent that there are other items which are outside of the basket of basic items, we expect that those other items would be purchased as and when funding is available, and that the using population will not give preference to foreign purchases as against local produce. [*Desk thumping*]

**Rise in Food Prices  
(Government's Plan)**

**Mr. Rushton Paray (Mayaro):** Thank you, Madam Speaker. Could the Prime Minister state the Government's plan to address the precipitous rise in food prices? Thank you.

**The Prime Minister (Hon. Dr. Keith Rowley):** I would love for the prices to become precipitous, and if you do know, please let us know, we will join you in that. If you are referring to an acceleration in prices, what we are taking steps to ensure is that given the fact that we have an adequate supply of foodstuff—those who import, those who produce, they set the basic price—the Government has left out all fresh produce from any taxation.

The Government has also removed taxes from the basket of basic foodstuff, and we are trying to ensure that persons who are engaged in the business of selling food to the population do not break the law, and to the extent that that is happening, the officers of state, we are calling upon them to find and prosecute persons who are profiteering in the supply of food. [*Desk thumping*]

**Increase in Murders  
(National Security Council's Plan)**

**Mr. Prakash Ramadhar (St. Augustine):** Thank you, Madam Speaker. Could the Prime Minister, as head of the National Security Council, please indicate the Council's plan to deal with the sharp and unmitigated increase in murders in T&T?

**The Prime Minister (Hon. Dr. Keith Rowley):** Against the background of this question, Madam Speaker, I want to assure you that shutting down the security and listening systems, cancelling the offshore patrol vessel contract, not appointing a Commissioner of Police for two years, those kinds of things, that approach has come to an end and this encouragement to discuss [*Desk thumping*] the business of the National Security Council in public will not happen under this Government.

**Dr. Khan:** Prime Minister, could you indicate if you will be revisiting the plan to use the Harris Digital System for information for all protective services rather than the analog system that is being used now that is pretty slow?

**Hon. Dr. K. Rowley:** I am not in a position to give you that commitment, because the terms that you are using are terms that are not entirely descriptive of the action that we are taking.

**Foreign Exchange Shortage**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. Question No. 8 to the hon. Prime Minister: Could the Prime Minister state how the Government intends to address the current foreign exchange shortage in the context of the continuing fall in foreign exchange reserves?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, the management of the foreign exchange is the responsibility of the Central Bank, which intervenes in the market from time to time, based on a number of factors including demand, supply and economic factors, and the circumstances would be addressed as they prevail and with respect to our ability to supply foreign exchange as earned.

**Dr. Gopeesingh**: Bearing in mind what the hon. Prime Minister indicated, are you aware that the national population and individuals are experiencing severe hardship and difficulties in accessing any foreign exchange at times, whether US \$200, US \$500 to deal with matters that are urgent—paying for students' education abroad and for paying medical issues abroad as well? Could the hon. Prime Minister indicate what his Government can do, bearing in mind also as he indicated the Central Bank's role in this, but the Government has a fiscal policy as well which should be able to ameliorate some of the hardships?

**Hon. Dr. K. Rowley**: Madam Speaker, the Member is confusing fiscal and monetary policy. The shortage of foreign exchange has very little to do with fiscal policy, and in managing the monetary arrangements and the flow of foreign exchange to the banks, the Central Bank manages it in the best way with respect to supply and demand, supplying foreign exchange to the commercial banks.

We are aware that there are difficulties being experienced, but those difficulties have their root in the country's loss of significant inflows of foreign exchange. There is a reduction in the country's earning of foreign exchange and, of course, the big difficulty that we are facing is ensuring that what the Central Bank provides to the commercial banks is allocated in a way that is fair and reasonable, and that is where the challenge really lies.

**Dr. Gopeesingh**: Bearing in mind that the hon. Minister of Finance had discussions with the Central Bank Governor in the past and this one, would he be undertaking any conversations with the Central Bank Governor, which he said that he can do, to ameliorate the existing situation which he indicated he is quite



aware of—the hardships existing? Would you recommend that the hon. Minister of Finance have further conversations with the Central Bank Governor on this matter?

**Hon. Dr. K. Rowley:** The statement I made a while ago about managing the demand and the supply and the economic factors include the Minister of Finance staying in contact with and working with the Central Bank on this matter. It does not exclude the ongoing conversations between the Minister of Finance and the Central Bank.

### **Gas Master Plan**

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. To the Hon. Prime Minister: Is the Prime Minister aware of the Gas Master Plan that was completed by the former Administration?

**The Prime Minister (Hon. Dr. Keith Rowley):** I am not aware of a gas master plan that was completed by the last administration, but if you are referring to the Gas Master Plan which was presented to the Government of Trinidad and Tobago, this Government, yes I am aware of it.

**Mr. Singh:** Thank you, Madam Speaker. Could the Prime Minister indicate the key initiatives of that Gas Master Plan to the House?

**Hon. Dr. K. Rowley:** In the fullness of time that plan—we are expecting that that plan would be presented to the energy committee of this House—the energy subcommittee of this House, the joint select committee. At the moment, the plan, having been presented to the Government not too long ago has been the subject of considerable Cabinet review. It has been before the energy subcommittee of the Cabinet, and in the not-too-distant future we expect that we would have the plan brought to the House subcommittee.

**Mr. Singh:** Thank you, Madam Speaker. The hon. Prime Minister indicates that in the fullness of time. Could he be much more specific than that?

**Hon. Dr. K. Rowley:** We are hoping to do it in the not-too-distant future. [*Laughter*] At the moment, there are some aspects of the plan which are attracting the attention of the energy committee which require that the plan remains there for a little longer, but maybe in a month or two.

## URGENT QUESTIONS

**Insect Vector Control Division  
(Attending to Schools)**

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Madam Speaker. To the Minister of Health: Given the Zika outbreak which has now claimed another victim, could the Minister state when the Insect Vector Control Division of the Ministry of Health will attend to all schools throughout Trinidad and Tobago?

**The Minister of Health (Hon. Terrence Deyalsingh)**: Thank you, Madam Speaker, for the opportunity to answer this very important question. I would give a comprehensive report on all spraying activities inclusive of schools. Madam Speaker, to date, the number of schools treated are 103. The treatment of schools will continue unabated until the Easter vacation where we hope to have all schools treated. For the period of January, 64,192 homes were sprayed; for February, 61,541 and for March to date, 31,824, giving you a total of homes treated so far of 157,557.

The Ministry has also engaged Insect Vector Division in the spraying of public spaces. For instance, Licensing Office, community centres and so on. For the period up until for March only when we started this programme, 32 public spaces have been sprayed. In addition to spraying activities, Madam Speaker, the fight against Zika also has a legislative angle, and I could report to this honourable House, through you, that yesterday Cabinet agreed to amend Regulation 27 of the Yellow Fever Regulations to increase the fine for homeowners who do not keep their properties in a proper condition—overgrown bushes, derelict vehicles—the fine which was previously \$500 which proved not to be a deterrent has been agreed by Cabinet to be increased to \$3,500. These are some of the measures that we are taking with the concurrent jail term of six months. So these are some of the actions being taken. [*Desk thumping*]

**Dr. Gopeesingh**: Would the hon. Minister indicate, bearing in mind that there are over 800 schools in the country, and for the last three months you have sprayed about 100-plus as you have indicated, what steps would you be taking to expedite the spraying of the 700? Bearing in mind that you said by Easter, which is about three weeks—within the next three weeks—how do you intend to spray these 700 schools that are outstanding?

**Hon. T. Deyalsingh**: That is what I said. We are continuing over the period. We are also engaging the services of local government which I announced on January 29 when we declared a public health emergency that all agencies

inclusive of local government will be on board so as to give us more boots on the ground, more equipment and so on. So we are confident that over the Easter and into the following term, we can address this. And as you know, we have been spraying even through Christmas vacation and so on.

**Dr. Khan:** Thank you, Madam Speaker. Supplemental to the Minister of Health. After your spraying has completed, you must have a continuity of action.

**Hon. Deyalsingh:** Yes.

**Dr. Khan:** Will the Minister consider revisiting the plan to employ 500 people already interviewed at the Ministry of Health to assist the perifocal operators in determining breeding grounds and continuation of breeding grounds throughout the system for the *Aedes aegypti*?

**Hon. T. Deyalsingh:** Thank you, Madam Speaker. Madam Speaker, the Ministry of Health would consider all avenues open to it inclusive of what you have said. We are also considering engaging civil society in the fight against this via public education, and I would speak about this in about two weeks again. So we are looking at all available avenues to fight this.

**2.00 p.m.**

### **Registered Money Transfer Agencies (Details of)**

**Dr. Tim Gopeesingh (Caroni East):** Thank you, Madam Speaker. Question to the hon. Minister of Finance: Given that registered money transfer agencies have advertised their inability to provide forex to citizens, what steps has the Government taken to ensure that citizens seeking to purchase US currency to conduct business are able to comfortably source said foreign currency?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. In the first instance, money transfer agencies such as Western Union and MoneyGram are not normally used to transact business, but it is necessary to give some understanding of what these companies are and what they do. Money transfer companies usually have local currency denominated bank accounts in the various jurisdictions in which they conduct business. For example, when they accept Trinidad dollars from clients requesting that US dollars be transferred to the United States, their United States counterparty makes the payment to the beneficiary in the United States. The counterparty would similarly facilitate the transfer of funds from the United States to Trinidad and Tobago. At some

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predetermined interval, weekly or daily, the two branches, the two counterparties, the branch in Trinidad and the branch in the United States, or other country, settle what is owed on a net basis.

If, ultimately, say MoneyGram or Western Union, Trinidad and Tobago, owes MoneyGram, United States, the former would need to source US dollars from local dealers to settle their foreign currency debt and, as indicated earlier, the Central Bank is charged with the responsibility of managing the supply of foreign exchange in Trinidad and Tobago.

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

**Dr. Gopeesingh:** I am still yet to get the answer to the question, but perhaps I might be able to receive it based on this additional supplemental—well, the supplemental question. The agencies are experiencing difficulties and inability to get the foreign exchange so, therefore, what is the Minister of Finance doing to help these people who go to these foreign agencies to get their funding?

**Hon. C. Imbert:** Thank you, Madam Speaker. I think it is necessary to advise the hon. Member of the different types of foreign exchange dealers in Trinidad and Tobago. You have cambios, you have money transfer agencies like Western Union and MoneyGram, and then you have the commercial banks. Money transfer agencies operate on a reciprocal basis, so that if Trinidad and Tobago citizens residing abroad, or citizens residing abroad, send foreign currency to Trinidad it goes into the bank account here in Trinidad, and if Trinidadians send money aboard it has to be converted into the foreign currency. If there is an imbalance between the amount of remittances coming out of the United States, for example, and the amount of Trinidad dollars going out, whether it is to China or Colombia, because we have noticed some large outflows to those particular countries, then the money transfer agencies will have to source money from the commercial banking sector, and they will go into the queue like any other customer.

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

**Dr. Gopeesingh:** My understanding is that the queues at the commercial banks are inordinately long and perilous for citizens, and they are unable to get anything whatsoever. So what are you doing to assist the ordinary person through the commercial banks to get funding for their day-to-day activities that are so critical to their existence and their families' existence?

**Hon. C. Imbert:** Thank you, Madam Speaker. I think these questions being asked by the hon. Member betray a fundamental understanding of the management of foreign exchange in Trinidad and Tobago. The foreign exchange supply is managed by the Central Bank of Trinidad and Tobago, not by the Government of Trinidad and Tobago. It is managed by the Central Bank, and that is why from time to time the Central Bank will intervene in the market and inject foreign exchange into the market to top up the supply that comes from the natural conversion of foreign exchange by companies in Trinidad and Tobago doing business where they earn foreign exchange. So what the Central Bank does is, it tops up the shortfall in foreign exchange, and it manages the whole thing based on demand and supply and economic factors. I do not know what more I could tell the hon. Member.

**Madam Speaker:** These are urgent questions, only two supplementals are allowed. Member for Pointe-a-Pierre.

**National Gas Company  
(Emerging Concerns)**

**Dr. David Lee (Pointe-a-Pierre):** Thank you, Madam Speaker. To the Acting Minister of Energy and Energy Industries, the hon. Senator: Could the Minister confirm or provide clarity concerning the emerging concern that the Government is likely to dispose of the infrastructural assets in the National Gas Company?

**The Minister of Rural Development and Local Government and Acting Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you, Madam Speaker. Madam Speaker, the Government is not aware of any emerging concerns with respect to this matter but, having said that, I guess this emanated from a newspaper article a couple of weeks ago which indicated the disposal, or pending disposal of some of NGC's assets. To bring clarity to the situation, Madam Speaker, NGC has received proposals from Repsol for the acquisition of NGC's offshore compressor facilities which supply gas to Repsol crude oil operations for gas lift purposes. This gas does not come on to the open market; this is what they call internal use of gas. It is recycled into the well for gas lift purposes. The proposal is currently under review and, I want to state categorically here to this Parliament, that no decision has been taken on this matter.

**Madam Speaker:** Member for Chaguanas West.

**Recent Upsurge in Violent Crime  
(Details of)**

**Mr. Ganga Singh** (*Chaguana West*): Thank you, Madam Speaker. To the Minister of National Security: given the recent upsurge in violent crime including murder against Prison Officers, what plans does the Minister intend to implement with immediacy on this matter?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam Speaker. Madam Speaker, plans follow strategy, strategy follows policy. The policy of the Government is based on a whole of Government approach to treat with crime. The strategy is based on five pillars: prediction, deterrence, prevention and detection. Madam Speaker, those five areas are being strengthened by the agencies of the Ministry of National Security. With respect to the prison officers, Madam Speaker, I have held meetings with the Prison Officers Association and the Commissioner of Prisons about the very plans, but the very measures that we are adopting would not be placed in the public domain because it would, in itself, compromise the very lives of the prison officers, Madam Speaker.

**ArcelorMittal Steel Plant Labour Issue  
(Details of)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. To the Minister of Labour and Small Enterprise Development: Could the Minister give an update on what urgent steps have been arrived at by the Cabinet to treat with the ArcelorMittal Steel Plant labour issue?

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** Thank you very much, Madam Speaker. Madam Speaker, this situation regarding the retrenchment of workers in Trinidad and Tobago continues to present us with many, many challenges. The Government of Trinidad and Tobago remains very concerned over this situation because the current economic realities underscore the Government of Trinidad and Tobago's need to treat with the negative impacts of retrenchment on the labour market, and the effect on the lives and livelihood of the workers and their respective families.

Madam Speaker, the Ministry of Labour and Small Enterprise Development has developed a 10-point plan on retrenchment titled, Empowering Retrenched Workers, Reintegration Into Decent Work, Turning Adversity Into Opportunity. This plan was developed based on discussions and feedback from key

Government Ministries such as the Ministry of Trade and Industry, the Ministry of Social Development and Family Services, the Ministry of Health, the Ministry of Education, and other key stakeholders. It also entail, Madam Speaker, engaging members of the business community, the Trinidad and Tobago Manufacturers Association, financial institutions such as the Credit Union League, the Bankers Association of Trinidad and Tobago, the National Insurance Board, Trinidad and Tobago Mortgage Finance Company. These are financial institutions, Madam Speaker, who would have direct control over these workers and their need to repay their loans and mortgages. I would want to inform this honourable House, Madam Speaker, and in particular the Member of Parliament for Couva South that—

**Madam Speaker:** Hon. Minister, I am sorry, your speaking time has expired. Member for Couva South.

**Mr. Indarsingh:** Thank you, Madam Chair, the Minister of Labour and Small Enterprise Development continues to refer to a 10-point plan, could the Minister advise this House as to the specifics of this 10-point plan?

**Sen. The Hon. J. Baptiste-Primus:** Madam Speaker, indeed, I will once time permits. Madam Speaker, I have just come from my Ministry where we have launched the National Retrenchment Register which would enable us at the Ministry to capture those workers who were retrenched, in particular, those workers who would not fit within the conformity of the law. The law requires an employer who is retrenching five or more workers to report that retrenchment to the Ministry, but once an employer is retrenching less than five workers, that falls under the radar. So this retrenchment register, Madam Speaker, is to enable us at the Ministry to capture those workers who fall under the radar, and thereby put us in a better position to understand exactly how many workers in Trinidad and Tobago have been retrenched over the period of time.

The other aspects of this 10-point plan, Madam Speaker, is the development of a marketing campaign to solicit new jobs for retrenched workers and to facilitate jobs and skills. The third aspect of it requires us to engage in training and retraining in collaboration with the National Training Agency and the National Energy Skills Centre, because many of these workers are highly skilled. They have the experience but, Madam Speaker, they do not have the certification. For example, we have discovered in the Ministry of Education, the schools, there is a shortage of technical/vocational instructors. Our intention is to retrain these specialized retrenched workers, certify them, so they can now convert into a new

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career path, for example, as technical/vocational instructors in the schools under the Ministry of Education.

**Madam Speaker:** Hon. Minister, your speaking time has expired. Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you, Madam Speaker. Hon. Minister, would you kindly tell us how many workers who were—out of the 8,000 or so, workers fired or retrenched—how many have benefited from this fantastic plan you have been describing?

**Sen. The Hon. J. Baptiste-Primus:** Madam Speaker, to the Member of Parliament for Siparia, firstly, I am not aware that 8,000 workers have been retrenched, as you have articulated. However—*[Interruption]*

**Madam Speaker:** Minister of Labour—could we please have a bit of silence, please. Continue.

**Sen. The Hon. J. Baptiste-Primus:** Thank you, Madam Speaker. To the Member of Siparia, the plan that is unfolding, this plan was developed in response to the retrenchment, particularly the massive retrenchment that took place last week Friday. In less than one week, Member of Parliament for Siparia, the Ministry of Labour and Small Enterprise Development, with its hard-working public officers, sat down and developed this plan that is being implemented as we speak. *[Desk thumping]* I just came from launching the national register—*[Interruption]*

**Madam Speaker:** Members, I would like to hear the contribution of the Minister, please. Please proceed, Minister of Labour and Small Enterprise Development.

**2.15 p.m.**

**Sen. The Hon. J. Baptiste-Primus:** Madam Speaker, I wish I was part of the Government in 2015, perhaps I could have developed this plan. But nonetheless, the massive retrenchment that is taking place in this country, I wish to remind this House, Madam Speaker, began last week Friday, and it is snowballing and as a consequence this is a plan that has been developed to be implemented and it is being implemented as I speak.



## ORAL ANSWERS TO QUESTIONS

**Princes Town Regional Corporation Administrative Complex  
(Construction of)**

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. The Member for Princes Town is here, but in his absence from the House at this point, No. 69 to the Minister of Rural Development and Local Government.

**69. Mr. Ganga Singh** (*Chaguanas West*) on behalf of Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Rural Development and Local Government:

Could the Minister indicate when the construction of the Princes Town Regional Corporation Administrative Complex will commence?

**The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan)**: Thank you, Madam Speaker. The lack of proper office accommodation is suffered by all regional corporations with the exception of Chaguanas Borough Corporation which has a spanking new administration building proudly built by the People's National Movement.

In 2011, Cabinet agreed that the Ministry of Local Government enter into a contract with the Rural Development Company, the RDC, for the construction and outfitting of the proposed new Princes Town Regional Corporation administrative building. Cabinet also agreed that the RDC borrow \$115 million for the construction and outfitting of the building and that the loan be guaranteed by the Government.

Four years elapsed after this Cabinet approval and the terms of the loan were not finalized until August 20, 2015 just two weeks before the September 07, 2015 general election. However, the conditions precedent to the disbursement of the loan were not met by the RDC and the loan offer subsequently lapsed.

In any event, Madam Speaker, the contract for construction of the Princes Town Regional Corporation administrative complex could not have been awarded. The award of the contract is pending resolution of outstanding fees to Jaspal Bhogal and Associates for design and consultancy service from UDeCOTT, the initial project managers. JBA, Jaspal Bhogal and Associates is also owed outstanding fees for design and consultancy services for the Arima Borough Corporation and Diego Martin Regional Corporation administrative complexes which were not paid by the previous administration.

Accordingly, the Minister of Rural Development and Local Government met with JBA in January 2016 and the issue of its outstanding payment is currently under active review.

Finally, Madam Speaker, the Ministry of Rural Development and Local Government is currently in a reform process to restructure and decentralize the local government system, as you may all be aware. Accordingly, the Ministry will be reviewing the construction of administrative buildings in all corporations in the context of the new mandate which will be given to the municipal corporations. A priority listing will then be determined. Therefore, a decision on the commencement of the construction of Princes Town Regional Corporation administrative complex will be subject to this review process and obviously, Madam Speaker, to the availability of funds.

**Mr. Singh:** Could the hon. Minister indicate when this review process would be completed?

**Sen. The Hon. F. Khan:** Well, the review process will be subject to the consultation and what is the final position with the local government reform exercise, and that really we are looking at the latter part of this year.

### **Landslips in Princes Town (Details of)**

**71. Mr. Ganga Singh** (*Chaguanas West*) on behalf of Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Works and Transport:

Could the Minister state the plans to address the landslips in the constituency of Princes Town?

**The Minister of Works and Transport (Hon. Fitzgerald Hinds):** Thank you, Madam Speaker. Madam Speaker, I crave your leave and seek a deferral for one week to provide a full detailed answer to this question.

*Question, by leave, deferred.*

### **DEFINITE URGENT MATTERS (LEAVE)**

### **Returning Medical Graduates (Denial of Jobs)**

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Madam Speaker. In accordance with Standing Order 17 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of

discussing a Definite Matter of Urgent Public Importance namely, the denial of jobs for returning medical graduates who have completed their internships and need jobs in the public sector in order to maintain their provisional registration by the Medical Board.

This matter is definite since the regional health authorities have taken a decision to deny jobs to a large number of returning medical graduates who have finished their internship and by refusing these graduates, their hopes of full registration will not be realized.

The matter is urgent since there is a shortage of medical professionals in the public health institutions of Trinidad and Tobago therefore, the lives of hundreds of patients who may have benefited from the services of these trained and qualified returning medical graduates are now at risk due to such a decision.

And the matter is of public importance since it has the ability to prevent a large number of returning medical graduates who have completed their internship from becoming registered and hence from practising medicine in Trinidad and Tobago. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise that the Member pursue this matter under Standing Order 16. Member for Couva South.

**Dismissal, Termination and Retrenchment of Workers  
(Government's Failure to deal with)**

**Mr. Rudranath Indarsingh (Couva South):** Thank you, Madam Speaker. In accordance with the provisions of Standing Order 17, I hereby seek your leave to move the adjournment of the House for purpose of raising the following Definite Matter of Urgent Public Importance: The failure of the Government to effectively deal with the rising tide of dismissal, termination and retrenchment of workers.

The matter is definite because since September 8, 2015 to date, conservative figures in the public domain reveal that over 3,500 workers in both the private and public sectors have been retrenched, dismissed or terminated.

The matter is urgent because notwithstanding the obvious suffering and hardship now meted out to thousands of workers and their families, the Government has not tangibly and positively dealt with their plight.

It is of public importance because the loss of employment is widespread across both the public and private sectors and it has significant negative impact on the socioeconomic stability of Trinidad and Tobago.

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise that the Member pursue this matter under Standing Order 16.

**JOINT SELECT COMMITTEE**  
**Whistleblower Protection Bill, 2015**  
**(Extension of Time)**

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, having regard to the Second Interim Report of the Joint Select Committee appointed to consider and report on the Whistleblower Protection Bill, 2015, I beg to move that the committee be allowed an extension of seven weeks in order to complete its work and submit a final report by April 29, 2016.

*Question put and agreed to.*

**STRATEGIC SERVICES AGENCY (AMDT.) BILL, 2016**

*Order for second reading read.*

**The Attorney General (Hon. Faris Al-Rawi):** [*Desk thumping*] Madam Speaker, I beg to move:

That a Bill to amend the Strategic Services Agency Act, Chap. 15:06, to expand the functions of the Strategic Services Agency, be now read second time.

Madam Speaker, genuine democracy is impossible and freedom of political opinion and communication are a chimera unless citizens are afforded freedom from fear of criminality and crime.

I make that introductory statement because it is appropriate in considering the legitimate aim of this legislation which is a marker which one must consider as legislator in considering the proportionality of any law that comes before the House of Representatives or the Senate, that we put into context how pointed the aim on this occasion in this Bill is.

Madam Speaker, we have before us a Bill which is a rather short Bill. It proposes in five short clauses to amend three particular sections: section 3 of the parent Act, section 6 of the parent Act, section 9 of parent Act. The parent Act is, of course, Madam Speaker, Chap. 15:06 of the Laws of Trinidad and Tobago.

Standing behind these three substantive sections there is a proclamation clause as well included and the short title. Seems rather simple, but again, in

commitment of the undertaking to provide a transparent mechanism for consideration of matters before the House, I am very pleased to announce that we have passed out, not only together with Bill Essentials, but the Attorney General's Office has passed out a marked-up version of the amendments included in the substantive sections of the parent legislation. And that is important because when one seeks to amend legislation, laws ought to be appreciated in full, the context of the law that one is amending.

Madam Speaker, this law, the Strategic Services Agency (Amdt.) Bill as we propose now, amending the parent Act, Chap. 15:06 as we propose now, inter-articulates with at least 11 pieces of law directly. They are: the Constitution of Trinidad and Tobago; the Proceeds of Crime Act, Chap. 11:27; the Trafficking in Persons Act, Chap. 12:10; the Interception of Communications Act, Chap. 15:08; the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01; the Dangerous Drugs Act, Chap. 11:25; the Anti-Terrorism Act, Chap. 11:25—sorry 12:07; the Firearms Act, Chap. 16:01; the Police Service Act, Chap. 15:01; The Defence Act, Chap. 14:01 and proposed legislation which relates to the Computer Misuse Act and which is to be expanded.

Madam Speaker, I have reflected upon these provisions because the genesis of the inter-articulating laws must be considered in the legitimate aim. The SSA Act, the parent Act, was a creature born in 1995. Specifically, it was introduced into the Parliament then on the September 11, 1995 by the Minister of National Security, John Eckstein in those days, and it was born to address an international obligation which started in 1961. Then in 1971 there was another recurrence of it; then in 1981 and then we went to 1995. Specifically, Madam Speaker, in 1995 it was noted by Minister Eckstein then that we were rooted as far back then to the 1961 United Nations Single Convention on Narcotics Drugs, Article 35.

In 1988, Trinidad and Tobago became a signatory to the Geneva Convention on the prohibition of illegal drugs basically and psychotropic substances. And there was an international obligation then that we take steps to coordinate the fight against drugs. Why? Drugs, then prevalent, as perhaps more prevalent today than ever, was the root structure around which criminality was built. Around that root structure flourished then, as seems to flourish now, gang activity, firearms and ammunition on an illegal sense, trafficking in humans, trafficking in children, trafficking of narcotics, the worst form of criminality to be seen in terms of the prejudices visited upon the citizens of our country, and then without complaint, especially as it relates to constitutionality.

Because I listened to public utterances of the now Opposition which I intend to address frontally in this presentation, speaking to there being a need for some form of constitutional majority. But in 1995, headed then by Basdeo Panday, Leader of the Opposition; Ramesh Lawrence Maharaj, well capable Senior Counsel now; several members then not a squeak was made on constitutionality. And I would be very interested to hear the arguments today which we will address frontally.

**2.30 p.m.**

But, coming out of the structure then in 14 simple sections of the parent law, Madam Speaker,—allow me to pull it up—in the Strategic Services Agency Act, we saw a very interesting formula birthed, and the formula that was introduced then is the one which we seek to amend today. The parent law, which we must consider as a whole, provided for an architecture in 14 sections including the reference to regulations of an establishment of an agency, a director, staff of the agency, functionality of the agency, the provision importantly for secondment, the provision for disclosure of information, funds and how moneys were to be applied to support this agency and operationalize it, very importantly the accounts and audit functions, the financial year end was fixed, the principal office and annual report.

And, I want to stress, that in providing for accounts and audit, funds, financial year and audit by way of consideration through Parliament a presentation of annual reports, we birthed then in 1995, something which stood on the laws of Trinidad and Tobago which was proportionate. It allowed for a director of the SSA to report to a member of the Executive, the Minister of National Security, to engage in coordinated surveillance activity, coordinated receipt of information, dissemination of information to international partners, the creation of strategies to assist an entity defined as services—which I will come to in a moment—under the supervision of the Executive, but balanced by way of very important measure, balanced by way of the fact that the persons who received this information were of a particular category of persons. First of all, they were public officers under the Police Service Act; secondly, public officers under the Public Service Commission, and coming with the public service entities, those two—the police service and the public service—of course are the constitutional safeguards for the Police Service Commission, which operates under Chapter 9 of the Constitution in section 121 onward, and the Public Service Commission.

But, Madam Speaker, in having that one class of personality, that is public servants, be they police, be they public officers including Customs, including Immigration, all as public servants who are regulated by the constitutional safeguards of balance, alongside with that was the use of contract officers. And contract officers, again, had to be under supervision by oath of secrecy, et cetera. And, the balance then created in that law, which was confined only in those days to surveillance of drug activities, complex issues be they regional, local or international, what we had then was a balance of proportionality for a legitimate aim, the aim being to take control and eradicate the scourge caused by transnational shipment of drugs. In that legitimate aim and in providing the services—police, Customs, Trinidad and Tobago Defence Force, Immigration—we had a balance where contract officers were also to be regulated because this agency has an obligation to report its financial management, the moneys received, et cetera, to the Parliament of Trinidad and Tobago, through a very important constitutional entity rooted as the Auditor General of Trinidad and Tobago.

What happened in the period 1995 come forward? Several aspects of operationality went to work. And Trinidad and Tobago, Madam Speaker, had in operation several entities conducting surveillance. There was interception of communication. We saw in 2010, in a very dramatic display, the presentation of the Interception of Communications Act in 2010. But, for years, starting from 1962 onward, under successive administrations, be they PNM, NAR, UNC, what we saw was the implementation of surveillance in this country. Specifically, intelligence agencies with entities having an intelligence role included and still include Customs and Excise Enforcement and Operations Unit; Defence Force Intelligence Unit; Financial Intelligence Unit; Financial Intelligence Branch, a division of the TTPS; Integrated Threat Assessment Centre; the Ministry of Foreign and Caricom Affairs; National Coastal Radar Surveillance Centre; the Anti-Kidnapping Unit; the Crime and Gang Intelligence Unit; the Criminal Investigations Division; the Homicide Bureau; the Cybercrime Unit; Special Branch; Fraud Squad; Organized Crime and Narcotic and Firearms Bureau; Prison Service Intelligence Unit; the Counter Trafficking Unit; the Immigration Investigation Section. All of these entities had surveillance issues.

Surveillance, of course, includes both operation by persons on the ground, listening, conducting enquiries, and also, there was interception of communication. And, by way of proportionality in this particular Bill, we again have a very material and important assistance provided by the interception of communication legislation. Specifically, Members would know that the

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Interception of Communications Act in section 6 makes all intercepts of any form of communication, be it visual, be it audio, be it video—whatever type it may be—it makes it unlawful unless one has the authorization of a judicial warrant and, also, if it is in the interest of national security as prescribed in the law. The caveat for national security surveillance is that it cannot be used in terms of evidence, and then there is destruction of evidence. But, I am sure my learned friends opposite will have no complaint with that because they had the privilege of passing that legislation with the full support of the Opposition in 2010—full special majority support.

Now, I have taken the time to traverse these issues, Madam Speaker, because it falls into the Bill today. I have in summary so far demonstrated that there is a whole host and history behind this law, beginning in 1961, taking us through 1995, taking us forward for the operationality of the SSA. I have demonstrated that there is proportionality by having the Executive power balanced off by the Auditor General, the Parliament of Trinidad and Tobago, by the judicial supervision of any interception of communication, and I have shown that it has been rooted in the issue of the management of the scourge of criminality associated with drug relation, drug crimes, drug trafficking. And what we seek to do here today is to take the definition of dangerous drug or the limitation to drug-related matters and to broaden it in a very significant way, with all of those safeguards.

**Mr. Indarsingh:** Dangerous.

**Hon. F. Al-Rawi:** I hear the words again in crosstalk from someone that cannot yet rise. I hope he will speak in this debate. But anyway, I will say—

**Hon. Member:** Who are you talking about?

**Hon. F. Al-Rawi:** The Member for Couva South I am talking about, constant muttering—[*Crosstalk*]—but anyway, Madam Speaker, what I will say is that the criminality that we hope to address is to be found in the broadened recommendation today of the use of the expression “serious crime” and crime.

In the Bill, Madam Speaker, we will find by way of proposed amendment to section 2 of the Act, the parent Act, that we use the expression “serious crime”, and basically, and quite simply everywhere where we have used the expression “drug related offence or trafficking in narcotics”, what we have done is to substitute, quite simply put, the expression “serious crime”. And, what is a serious crime as proposed?



“...offences related to homicide, treason, terrorist acts, terrorist financing, hijacking, kidnapping, trafficking in persons, trafficking in children...”—because they are two separate categories—“gangs, illicit trafficking in narcotic drugs, psychotropic substances and precursor chemicals, dangerous drugs, corruption, money laundering, smuggling, terrorist acts, terrorist financing, arms and ammunition, chemical, biological and nuclear weapons and weapons of mass destruction, cybercrime, transnational crime or any offence which carries a penalty of not less than five years’ imprisonment.”

Crime prevention means—

**Mrs. Persad-Bissessar SC:** Would you kindly give way?

**Hon. F. Al-Rawi:** Sure.

**Mrs. Persad-Bissessar SC:** I note you are reading off clause 2 of the Bill which sets out the definition for “serious crime”, and I certainly agree with the list that you have given. I would be happy if you could kindly give us the rationale for including crimes which attract a penalty of five years. Because, the ones you have given before would give us the really serious crimes, the homicides, the money laundering, whatever, murder, the serious crimes. For example, can you tell us which ones are being targeted when you say the five years?

**Hon. F. Al-Rawi:** Sure.

**Mrs. Persad-Bissessar SC:** Because, there are some offences there that I am not sure—your definition says “‘serious crime’ includes”, and you put this. Now, you are including those with the five years to the 10 years, and I am asking kindly for the rationale for that?

**Hon. F. Al-Rawi:** I thank the Leader of the Opposition for the enquiry which is a very good one. First of all, the answer is rooted in bringing the legislation in equal measure to the Proceeds of Crime Act, specifically where the formula is used. It is also used in the anti-terrorism legislation.

Insofar as that fines measure there, it is specifically intended to take care of the evolving needs of law, and that law shall always speak. It is true that the use of the word “includes” means that the class can be expanded, and that the use of the expression “any offence with five years” is an expansive all-sweeping clause. However, it was specifically intended to take care of the fact that surveillance and intelligence centrality that we are now proposing, or rather just expanding because it exists, would allow for investigative intelligence work to be managed on a broad sense. And if I could say this, insofar as one may allege that there could be

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a mischief in two broader categories, let me deal with that. Insofar as one could allege that, it is to be found in the legitimacy of the aim of the type of offence that we are dealing with.

First of all, the current law that we are dealing with, with narcotics, et cetera, that current law, if we look at the marked-up version of the legislation that we circulated, and it was specifically for that purpose, the current law includes specifically—drug trafficking had the same meaning assigned to it as the expression in the Dangerous Drugs Act. And when we look to the Dangerous Drugs Act you would see that the law spoke in broader senses. But, because this law allowed for a surveillance of anything to deal with dangerous drugs, that allowed for all things touching and concerning dangerous drugs to flow. And that is important because it is a very important feature of this law to recognize that the purpose of the SSA is being preserved exactly as it was. That purpose is intelligence only.

The operability is never a feature of this law. There will never be an occasion contemplated in this law—hence the reason why it was passed originally with simple majority legislation—for an operational arm to go to work, because the intelligence gathering is passed off for action by the Trinidad and Tobago Police Service, by the agencies in Customs, by Immigration, by international partners through international mutual legal assistance. And because that prescription is there, one cannot fall afoul of the prescriptions as offered by Lord Diplock in the very famous case of *R v Hinds*, or taken forward into *Cooper v The DPA*, both Privy Council decisions, or be it *Thomas and Baptiste*, again, a Diplock dicta, which says that you should never allow the Executive to create, in essence, a private army for the suppression of democracy. That prescription cannot apply here because of the division of functions, intelligence versus operations being handed over.

But, Madam Speaker, let us deal with the mischief that exists right now in Trinidad and Tobago. The mischief right now, as anchored in our 4<sup>th</sup> Round mutual evaluation experience, is that we have been told as a nation, we need to improve our particular coordination of intelligence. That is a fact. One cannot go into the descriptions because of confidentiality issues in clause by clause analysis of what is referred to as the MEVAL or mutual evaluation report, and the recommendations there. But, suffice it to say, the recommendation has been that we need to do better with the sharing of information and coordination of information.

Secondly, the report of the commission of enquiry appointed to enquire into events surrounding the attempted coup d'état of July 27, 1990 made very specific recommendations as to revisiting the national security architecture, observations and recommendations. Specifically, at pages 220 to 243 of that report, laid by the last Government in Parliament, we saw strong recommendation for a host of improvements in national security architecture, specifically with respect to the broadening and coordination of national intelligence. And why?

**2.45 p.m.**

Report after report. Be it the report that came from the intelligence agencies by Major General Cameron Ross in 2009 or be it the Commission of Enquiry into the attempted coup in 1990. They all speak to the difficulties that a country experiences in having entities which conduct surveillance activities not speaking to each other. [*Crosstalk*] Pardon. Yes, thank you hon. Leader of the Opposition for the recommendation that there are several other reports as well. But the problem, the mischief we are dealing with is that there has been a siloing of information, the left hand does not speak to the right hand.

Now this is not something that my learned colleagues opposite would not know about. In fact, in looking at material for this debate after we had presented the Bill, I came across quite a bit of work that was found in the Ministry of the Attorney General and Legal Affairs, in the LRC department in particular, and that work pointed out to there being information on specifically the problems with siloing. And I would just like to reflect upon that for a moment.

The last Government specifically had a proposal for the amendment of the SSA Act. The last Government specifically had a proposal for the treatment of the National Operations Centre. The last Government specifically had a revised structure for the SSA. Now, what am I speaking about? The mischief that currently exists without this all-encompassing tie-up now is that the architecture for law enforcement in Trinidad and Tobago is siloed, agencies that do not speak to each other, but the Ministry of National Security and the National Security Council have billions of dollars of assets that are unregulated, unsupervised and in respect of which there is no transparency.

The National Security Council has in its fold right now the National Operations Centre. The last Government specifically saw the birth of the National Operations Centre by Minute No. 1,005 dated March 12, 2014, which spoke specifically in its structuring to the acknowledgement that there was a need to provide and that NOC would provide and manage secure information sharing,

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intelligence with requisite protocols, a facility for joint operations, a facility to control data centre that would store information, security division to be a primary conduit to receive and disseminate information, security and safety related matters. All of these matters, including the facilitation of intelligence fusion, critical information support, tactical response to support law enforcement, that is what exist without this law. Because the NOC has that structure, birthed by the last Government.

What we propose in this, is to take that structure of the NOC, take the now defunct—because it has expired—National Security Training Agency, born on the back of the National Intelligence Agency recommendations, take those things and to park them under the careful supervision of an SSA structure which allows for parliamentary scrutiny; which allows for the Auditor General to come and look at it; which allows for reports to be put on the table of the Parliament; which allows for reports to be debated. That is to make a move into transparency from a move where there was darkness before.

Now, I do not make complaint like was offered by the last Opposition in the period, especially in 2008. We heard a lot in 2008 about an alleged unconstitutionality of the Special Anti-crime Unit of Trinidad and Tobago. We heard song and dance about it. The fact is, the Special Anti-crime Unit operated quite lawfully, firstly, under section 75(1) of the Constitution of the Republic of Trinidad and Tobago which gives Cabinet the control and authority for the affairs of Government.

Secondly, under the Defence Act by the appointment of specialist units that could work in joint task force, together with the police under the Police Service Act and Regulations, 2006 as saved by regulation 10's operability in the new law. And with that constitutionality part we heard a lot of complaint. Fact, there was never a legal case brought in the courts of Trinidad and Tobago, but after the implementation of SAUTT—and we saw statistical improvement in detection and conviction taking us up to 49 per cent, detection and conviction rates when SAUTT was in full functionality—it was shut down and then this Opposition then in Government, spoke to a new structure, an architecture, the National Operations Centre. The Gibran Report suggested a National Operations Centre—it suggested a training academy.

But, we then saw that Opposition, this Opposition then in Government, enter into joint action forces and the NOC, with the powers that I just told you, in a minute of the National Security Council with tactical boots on the ground, with

intelligence gathering facilities, we saw joint army patrols together with the police, under what? Under section 75 of the Constitution; under the Police Service Regulations, under the Defence Act, under the very things which gave SAUTT its power, the last Government operated fully. But did you hear then Opposition, now Government, complain? Not once. Why? Because we are responsible and we recognized [*Desk thumping*] that if something was intended to provide resources for the benefit of Trinidad and Tobago that we would support it. And that is why as an Opposition then, we supported 97 per cent of the laws coming out of the last Government for the benefit of the people of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, what else? I can name them all. I did the statistics. Where are we? Coming out of the CFATF Fourth Round Mutual Evaluation, there is a very important factor. We in Trinidad and Tobago are obliged to operationalize international treaty obligations. And specifically, our treaty obligations, if I can find the list here, include—and permit me just the opportunity to find that. Specifically, our treaty obligations include a host of laws which we have not dealt with.

Let me deal with the most recent. UN Security Council Resolution 2178 on Foreign Terrorist Fighters. Specifically, Madam Speaker, the list of legislation dealing with internationally: International Convention for the Suppression of the Financing of Terrorism, 1999; Inter-American Convention against Terrorism, 2002; Mutual Legal Assistance Treaties; Extradition Treaties; Convention on Offences and Certain Other Acts Committed On Board Aircraft, 1963; Convention for the Suppression of Unlawful Seizure of Aircraft, 1970; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971; Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973; International Convention against the Taking of Hostages, 1979; Convention on the Physical Protection of Nuclear Material, 1980; Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, 1998; Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation, 1988; Protocol for the Suppression of Unlawful Acts against the Safety Platforms Located on the Continental Shelf, 1988; Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991; International Convention for the Suppression of Terrorist Bombings, 1997; International Convention for the Suppression of the Financing of Terrorism, 1999; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, November 2000.

But all of these disparate international obligations have not been met. For instance, foreign terrorist fighters, weapons of mass destruction, explosives, money laundering as identified by the CFATF obligations which we share in the FATF 40 plus Recommendations, none of these have been coordinated in a centralized entity to give us, by way of purchase of taxpaying dollars with scrutiny provided to that, a centralized efficient operation. And why do I stress the point of efficiency?

Madam Speaker, the negative reflection which we received as a country in relation to our Fourth Round Mutual Evaluation which put us in a follow-up process was very specific. The condemnation of Trinidad and Tobago was that we are not being efficient in our laws. We heard the head of Transparency International the other day say, what is missing in this jurisdiction is the FBF, the fried big fish. People talk about money laundering everywhere. I have raised publicly already that the Ministry of the Attorney General and Legal Affairs will begin next week, in fact, a public interaction and campaign on the work that we are doing and have now purchased after six months of hard work on the prisons, on the criminal justice reform, on declogging the systems; on specifically dealing with money laundering and civil asset forfeiture, which we hope the Opposition will support, but in dealing with that, in looking for frying the big fish, what are the statistics in Trinidad and Tobago?

We have from the FIU their report which says, in their 2015 report laid in this Parliament, that we have had over \$3,665,199,126, \$3.7 billion in suspicious transaction reports or suspicious activity reports in the period 2011 to 2015. What are the statistics? In Trinidad and Tobago we have had 68 seizures. Amount detained, TT \$4.2 million, US \$121,000; amount forfeited, a whopping total of TT \$250,000.

Money laundering: We have 10 offences before the court; ten. Suspicious transaction reports disaggregated, 2011, 303; 2012, 258; 2013, 554; 2014, 617; 2015, 609. Is it any different for the other form of serious offences? Murder, rape. Let us look at those figures.

Murders, 2010, 485; 2011, 354; 2012, 383; 2013, 408; 2014, 403; 2015, 410, steady climb upward. Detection and conviction rates going down, 2016, 99 to date. Each one unacceptable. Somebody said, tell us about 2009. Extremely high. I do not have the figure. Let us assume it was higher than every year in the five years. Let us assume that. What was the detection and conviction rate? Forty-nine per cent with respect to gang-related homicides. Where did it go to under the last Government? Three per cent.

**Hon. Member:** Not true.

**Mrs. Persad-Bissessar SC:** Where is he sourcing that?

**Hon. F. Al-Rawi:** Trinidad and Tobago Police Service statistics as aggregated source of information. But, Madam Speaker, what was the nuclear bomb dropped in terms of operational efficiency? A state of emergency. We saw it in the figures. We saw in 2012 a drop down to 383. I could tell you, as Attorney General and Minister of Legal Affairs, millions of dollars in false imprisonment, in malicious prosecution, nearly 7,000 people detained, released, “whash”.

**Mr. Charles:** You give us the evidence there, or what?

**Hon. F. Al-Rawi:** You want evidence, the Member for Naparima? Facts from the DPP’s office. Facts, through the Judiciary of Trinidad and Tobago, but it is okay to chuckle and laugh because you know who is paying for it? Taxpayers. Taxpayers who today are receiving complaints causing panic opposite by Members opposite where people are asking, where is the purchase for my taxpaying dollars? What have you done with it? And that is why the SSA in relation to money laundering is important. The SSA in relation to anti-terrorism is important. The SSA in relation to detection and intelligence on gang-related activity and homicides is important, because wounding and shootings, 2013, 542; 2014, 558; 2015, 600. Today we hear questions about the rapid escalation of crime; rapid escalation, 2010, 2011, 2012, 2013, 2014.

**3.00 p.m.**

Yes, year on year off, citizens seem to become more violent. But what do we do? Do we stand up in a glorious blame game, this side versus that side? Or, I am—you know, there was a press conference held by the Leader of the Opposition, no less a character, hon. Member that she is, for Siparia, and she is saying that is what you are doing. I must listen to utterances in the public domain and answer them on the floor of the Parliament because here I speak through you, Madam Speaker, to the listening population who is paying attention. And when we hear condemnation that this is draconian legislation: fact, the last Government contemplated it; fact, the last Government purchased billions of dollars’ worth of operational and tactical assets and parked them under the NOC without any form of transparency or supervision. That is Executive danger zone. Today, we seek to put transparency on that. [*Desk thumping*] Today, we seek to introduce that to the cleansing light of joint select committees.

I watched today, the public enquiry into the DPP’s division, the Legal Aid and Advisory Authority, into the Attorney General’s office. It is a pity that as a

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member of the Executive I could not step forward to say what we, as the Executive, are doing about it because the rules prescribe against that. What I will say is that we have taken a step to settle the system, and if you want this system to work, yes, we need architecture like the SSA Bill amendment proposed today, but we need to make sure we have people to do the job. That is why we have taken the task in the Ministry of the Attorney General and Legal Affairs to analyze what the cost of expanding the public service will be in keeping with the Prime Minister's statement in opposition, now as government policy, to make sure that the scourge of contract labour is treated with, so people have job security; that the public service can have decency and respect in their approach. Because you must operationalize the law. You cannot just pass law. You cannot leave it in a vacuum for five years.

We cannot, on the one hand, have emboldened the national security apparatus without any transparency and then potentially come here today and complain you are creating more power for the Executive. That cannot be the case, most respectfully, Madam Speaker. Because we have an obligation, as a nation, to depoliticize the issue of the economy, the issue of crime, the issue of health, the issue of education, in particular. And I say that—*[Interruption]*—I am hearing the Member for Siparia: “Every time you stand up you say that”. I will say it over and over and over again because that is what we did when we were in Opposition, and we assisted the last Government right down the line, including supporting the first budget. *[Desk thumping]*

So, Madam Speaker, where are we today? Is there a legitimate aim before the Parliament? I dare say that there is one. There is an issue repeated over and over again, of a siloing issue of intelligence management and positioning. Secondly, is there a legitimate aim in taking control of national security apparatus, putting it in an agency which has supervision of the Parliament and the Auditor General under the Constitution of Trinidad and Tobago? Yes. Is there a legitimate aim in tackling trafficking in persons, trafficking in children? Is there a legitimate aim in dealing with money laundering when we have only 10 matters before the court? Where is the big fish? Three point seven billion dollars in STRs (Suspicious Transaction Reports) and SARs (Suspicious Activity Reports) and 10 people before the courts.

As a nation, in the last five years we have forfeited the whopping sum of TT \$250,000 in the context of \$3.7 billion. Is that being efficient? Let us look at the systemic problems. Let us agree that it is time to do something about it. Let us stand up as a nation and de-dust the problems, which is why next week we are



going to open the doors on the issue in the prisons in the AGLA (Attorney General and Legal Affairs) office, and start that conversation of telling Trinidad and Tobago how many people are incarcerated; how long are they incarcerated; what the cost of incarceration is; what the throughput through the system is; how the criminal justice system must be managed so that flowing from that as a springboard one can consider the appropriate amendments that have lain in analysis paralysis for far too long with respect to trial by jury, with respect to declogging the criminal system from a remand and pre-conviction detention systemic issue, the problems of surveillance in the prison system; the problems of supporting our hard-working members of the protective services, including the prisons; the problem of making sure that we deal with the capacity and human power issues in the DPP's office.

Is it not high time that we really considered disaggregating the civil prosecution from criminal prosecution and moving to the statement where you have proper attorneys-at-law representing you by competence and not necessarily by choice? I am saying these are conversations to be had, and I am hearing, quite remarkably from the Member for Siparia, that I am not talking on the Bill. This is the Bill. Clause 2 of the Bill speaks to serious crime! Serious crime includes all of that! And if you cannot appreciate that, most respectfully, what are we doing? This is the Bill. This is the serious matter. It sat for five years, and then years prior that, without moving where it should be going. If you look at the commission of enquiry's report into the 1990 attempted coup, chapter and verse of what we should have done, "coulda done", perhaps should have done, but did not do. Well, today, we are doing that. Today we are delivering the solutions that are required for Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, in broadening the operation of the functions of the SSA, we are specifically putting into gear simply a mechanism to coordinate all of the services of intelligence gathering. Time for the left hand to know what the right hand is doing. Time for that to be balanced in the transparent light of proportionate balance where the Executive does not have an unchecked power through an agency which has existed for the period 1995 to date.

But, Madam Speaker, specifically, we must, as a nation, consider how we approach the whole-of-government approach to crime. You hear the hon. Minister of National Security speak time and time again that this must be a whole-of-government approach, and in dealing with the SSA, from a whole-of-government approach perspective, it is material, therefore, that we add into this, public procurement laws, we add campaign finance reform, we add local government

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reform, we add revenue management, as we have done on our agenda and as the Minister of Finance has been complimented, insofar as the IMF has said that the Government is moving in the right direction, and responsibly so, to tackle hard issues. [*Desk thumping*] Because, Madam Speaker, you have to have a certain sense of rectitude and courage to embrace the tough issues, you know. You do not embrace tough issues by making sure that the IMF does not come in 2015 to do its Article IV Consultation. You have to face the music, Madam Speaker.

**Madam Speaker:** Hon. Member, your speaking time has expired.

**Hon. F. Al-Rawi:** Madam Speaker, I beg simply to move this Bill, noble as it is with legitimate aim, for the consideration of all Members and I look forward to the support of those opposite. I beg to move. [*Desk thumping*]

*Question proposed.*

**Madam Speaker:** The Leader of the Opposition. [*Desk thumping*]

**Mrs. Kamla Persad-Bissessar SC (Siparia):** Thank you, Madam Speaker. Madam Speaker, the hon. Attorney General, in his usual very eloquent fashion, has attempted to give us some of the history of the parent legislation and, of course, to show, or to give an exposé as to the rationale behind this particular amending Bill.

Contrary to his view that the Opposition will not act and will not work where it is in the best interest of the people of Trinidad and Tobago, I want to make it very clear, we said this at the start when we came into Opposition and I want to repeat it, that where we believe that you are bringing policy measures and legislative measures that will work in the interest of the people of Trinidad and Tobago, we will support those measures. [*Desk thumping*] But I think we do have a duty to raise our concerns with respect to certain provisions that may be contained in legislation. [*Desk thumping*] That is, indeed, the role of the loyal Opposition of the Republic of Trinidad and Tobago, that those voices that have put us here, that we have a duty to record concerns that may have been raised with us by stakeholders and by constituents and others.

So, whilst I want to—[*Member coughs*] Excuse me. Whilst I want to—[*Member coughs again*] I am sorry, Madam Speaker.

**Hon. Member:** Take your time.

**Mrs. K. Persad-Bissessar SC:** There are so many viruses going about, you know. I know the Minister is spraying vigorously everywhere.

**Mr. Deyalsingh:** I was by you spraying too.

**Mrs. K. Persad-Bissessar SC:** Yes, it was at about 3.00 in the morning. [Laughter] I heard the sprayer passing on the main road and I wondered— [Crosstalk] If you would permit me—on the main road and I said, you know what, I mean, great, because there was less traffic.

**Hon. Member:** Woke you up.

**Mrs. K. Persad-Bissessar SC:** No, I was wide awake on the computer. But you may want to consider something else which I will be minded, if you wish, in the tea break we can talk about, to make it more effective than just this thing zooming along the main road.

I am saying, Madam Speaker, that we have no difficulty, in principle, with the provisions in this Bill, with the intent and purpose of the Bill. In fact, as the Attorney General has pointed out, we had been hard at work for many years on trying to centralize intelligence in the country, and what we had proposed—and the reports the hon. Members referred to would show that: the Gibran Report, the Ross Report, several of those reports over the years were to have what was called an NIA, a National Intelligence Agency. The Government is seeking to do it through the SSA and, again, as I say, in principle, we have no objection to that being done. And so, in terms of the purpose of the Bill, in terms of the overall intent of the Bill, we support it.

Now we may turn to specific concerns that we do have and to ask you to consider those concerns, not just with a view to stand up and say—and I totally agree, there must be areas where we must depoliticize issues that touch and concern the benefit of the people of Trinidad and Tobago. And this is one instance where the fight against crime is not your fight alone; it is not our fight alone. You say it all the time. It is the fight of all people of Trinidad and Tobago, and today— [Desk thumping]—I ask the hon. Attorney General—I will raise some of the concerns, but they are myriad, they are numerous, and given the way that this interlocks with other pieces of legislation—and you mentioned them; you mentioned several pieces of legislation that are all interwoven into this, that would be impacted by this, that you may well want to consider, Sir, with due respect, a joint select committee. We are prepared to work with you on it. [Desk thumping] Should you not agree to that, we will propose certain amendments for your consideration. But I do believe, given all the interlocking pieces—you mentioned over 10 pieces of legislation—that a little more time is needed for proper work to be done to analyze what this Bill is about.

I mentioned, and I asked you—when it comes to clause 2 of the Bill I had asked you to give us the rationale as to why you are now including offences attracting a maximum of five years under the definition of “serious crime” in clause 2 of the Bill. And really, whilst it sounded really nice and eloquent in what you were saying, I did not really get what was the real rationale for putting these in. I ask you, tell us at least an example of one offence that would be included with this.

Now, you are putting “serious crime” in the category of five years. All the others we have no problem with. I have absolutely no problem. I do not think anybody here will have any problems with the inclusion of serious crimes to have:

“...homicide, treason, terrorist acts, terrorist financing, hijacking, kidnapping, trafficking in persons, trafficking in children, gangs, illicit trafficking in narcotic drugs”—et cetera—“dangerous drugs, corruption, money laundering, smuggling, terrorist acts, terrorist financing, arms and ammunition, chemical, biological and nuclear weapons and weapons of mass destruction, cybercrime, transnational crime...”

No difficulty whatsoever. But I still want some clarity as to why we have gone to any offence which carries a penalty of not less than five years and I ask you for an example.

### **3.15 p.m.**

Now, I can think of an example from the research we have done—sedition is now included, and whilst it may well be that that is something that Government will want to keep a handle on, at the same time, it is an area that can be open for abuse once it is that someone may not like the words of a person. We will have to look at, for example—hon. Attorney General, you did say, through you, Madam Speaker, that when it was passed in 1995, the parent Act, they did not require a constitutional majority and none was asked for. But you see, in 1995, you did not have the Interception of Communications Act, 2010. [*Desk thumping*]

Now, with that Interception of Communications Act, 2010, other powers have been given to the Director of the SSA, and if we are looking where social media has now gone viral as we say—and I know there have been concerns about social media from your side, from all sides, as to what extent bringing into the dragnet now, the five-year max law that—the max for sedition is five years, and you notice it is something that we have to be careful because you are now looking at facebook. You are looking at closed groups on the facebook that you will now be giving power for tapping and tracking into.

Now I have no difficulty in sedition in terms of open communication, open Facebook account, but if I am talking to the hon. Member for Port of Spain North/St. Ann's West on a closed Facebook page, what are we talking about? That is like sitting in my living room or his living room—though I hope I will never have to sit there. I hope I will never be sitting there. We are sitting one on one in anybody's living room having a conversation; can that conversation now then be taken up as being now to be hacked into, to be spied upon, to go into issues of sedition? I am asking for us to look at that again. I do know it is an issue of great concern.

You know in this country how many charges have been brought for sedition? To the best of my knowledge, only two. Well, the Member for Port of Spain North is aware. Only two in all the years of our independent nation. And so, why are we—one was—*[Interruption]*

**Hon. Member:** Abu Bakr.

**Mrs. K. Persad-Bissessar SC:** Yes, and there was another one, might have been with the coup. The first coup attempt. So two out of the 40/50 years of independent Trinidad and Tobago, and even under the common law I am not aware of any being brought, but certainly for independent Trinidad and Tobago.

Can the proportionality which the hon. Attorney General spoke about, can that balance the proportionality, be sufficient to bring in the sedition issue when only two matters have arisen and, therefore, does not pose the kind of serious threat that the hon. AG is speaking of? Do we really want to do that? And I am saying, given the fact now that we are looking at the powers under the Interception of Communications Act—but the Interception of Communications Act also gives us pause for cause because under that Act, yes one will go to the court to get a warrant, as was already mentioned, and also you can intercept without getting the warrant with respect to other matters. That Act, the Interception of Communications Act, specifically talks about offences with a penalty of 10 years.

So that within the Interception of Communications Act, the SSA Director is listed as an authorized officer to authorize interception of communications whatever they may be, and in that Act I ask you to look, what kinds of offences they are speaking about and it has do with offences attracting 10 years or more. Again, I have a concern with this five-year limit unless you can show us the rationale.

Now, I think there is another offence that may well be one that attracts a max of five years or has a five-year maximum penalty. It may be simple larceny, and

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simple larceny, I know we have a serious difficulty from the statistics when we were there with larceny of motor vehicles. That has been on the increase and it is a serious matter. It is a serious matter. So where I can see that being placed under here, I am still saying I ask you pause for cause when it comes with respect to sedition matters.

I go further in terms of concerns that we have. When we look at the consolidated section 6 now, the track changes which you have so proudly indicated you shared with us, for which we thank you, the consolidated track version—sorry, I have so much paper on my desk—in the tracking if we look at section 6, what you are now doing is to place power again now in the hands of the SSA for a large number of things. It is not as you said a simple Act with a few sections, but it is so expansive in scope and expansive in intent, and section 6 of the—which I am still looking for—the parent Act lists those. I can look at it in the Act. [*Member searches through papers*] One moment please, Madam Speaker. I am sure I have it, the tracking. Here it is; it is on your desk instead of mine, the track changes; it is mine but it spilled over on to the—[*Interruption*]

**Mr. Al-Rawi:** The junior is supposed to have it.

**Mrs. K. Persad-Bissessar SC:** I do not have juniors any more. I am the junior. [*Laughter*] Section 6, the main functions. What we are now doing, whereas as you have said, the agency had the power to deal with all these drug-related matters, you have now given them powers as follows for what you have now called “serious crimes”. You have given them power to centralize information, 6(1)(a), powers with respect to these serious crimes as you call them. You are giving them powers to develop strategic intelligence and make recommendations, again in relation to expanding of serious crimes; prepare crime prevention strategies and stimulate action towards and monitor the implementation of the agreed strategies, again with respect to this wide range of offences; advice on policy formation; disseminate information; provide intelligence and analytical support; assist in identifying sophisticated criminal activity; help law enforcement effort by identifying links; provide strategic intelligence to assist and promote effective and efficient use of operational resources; identify new trends; and provide a nucleus of specialist intelligence personnel.

All fair and fine with this expanded range of issues, and because of how wide this is now phrased, I say we have no difficulty with it. We need to have some checks and balances [*Desk thumping*] and I will come back to what I see as being important for those checks and balances. Again, when you raised the issue of

constitutionality, I do agree that you are not giving operational power, day-to-day operations for law enforcement to the SSA and, therefore, on that basis it does not require the special majority. Since 1995, with the parent Act, you did not need because you gave really a centralizing of intelligence to that one agency with only the limited drug-related matters. You are now expanding that still as an intelligence gathering.

So the issue of constitutionality, hon. AG, does not arise from that expansion. It arises from the lack of the checks and balances, [*Desk thumping*] given the expansion of the offences. Given now, we have to look carefully now at the role of the Minister, we have to look carefully now—and, of course, place checks and balances—at the manner in which the Director is appointed because now you have given such wide powers and then you have intercept powers under the Interception of Communications Act. So if you are expanding it in this way, we have to look at the manner in which such a director may or may not be appointed. [*Desk thumping*] We will have to look at that and I will come back to each of those with a little more detail.

We will have to look at the financing of this agency; we will have to look at the structure—what are we proposing? This is going to be a massive organization now. The hon. Attorney General pointed out the fact that there were units at the moment already doing intelligence gathering and named about eight or 10 of them. Different units already in the police service doing intelligence gathering, cybercrime, terrorists, the anti-terrorist unit, et cetera, et cetera, et cetera. Is it that now all of this is now being subsumed under this super power that will be the new revised SSA?

How much more staff are we talking about now to do all these functions if it is a specialized matter relating to drugs and drug interdiction and so on? Now you are given about 20/30 other very strong important areas in fighting crime. What kind of staff structure are we looking at? How are they to be hired? At the moment, the SSA is a civilian authority, Madam Speaker, civilian without checks and balances that are given to police when they are operating in terms of—you know police must act on reasonable suspicion, they must act in hot pursuit, they have certain powers and so on. We do not have those kinds of checks and balances.

When it comes to the appointment of the Director, again, what are the checks and balances? Then finally, we will want to look at the oversight requirements. Yes, the present law speaks to a parliamentary report, an annual report, with

respect to auditing and with respect to just an annual report being laid in the Parliament. Well that is it, they are laid in the Parliament or should be laid in the Parliament. But is that sufficient oversight now, given the wide range of powers that we are giving to the SSA?—and taking into account what I mentioned before, now the inclusion of intercept powers by the Director or officers authorized by him, under the Interception of Communications Act to intercept communications.

In other countries you will see where intelligence agencies have such wide powers. They do have two kinds of oversight: they have executive oversight. So they have executive committees set up for that independent oversight; and then they have legislative or parliamentary oversight proceedings [*Desk thumping*] that the work on such an agency could definitely be brought forward.

I have given a sort of synopsis of the main areas of concern. I will spend a few moments. As I say, I am willing to work with you all, with more detail to these issues. Let me point out some of the areas where I feel that we may fall afoul of the Constitution, not on the operational issues. In this now, we are speaking about the establishment of a database. I think it is in your last clause in the Bill, the establishment of a database. Second to last, the penultimate clause. We are speaking about the establishment of a database now, not just for these drug-related persons, again now for all these serious crimes including the sedition which I mentioned and so on, and then it is very vague when it talks about maintaining databases of persons involved in serious crimes. So I have two problems there: one with the maintaining of this database for this wide expanse of offences, and secondly with the ambiguity of the clause with the persons involved in serious crimes, and I will come in a moment to a little more about that.

This clause has implications for issues relating to personal information and privacy rights under the Data Protection Act. That is another Act, hon. AG, that is impacted as well. The Data Protection Act, Chap. 22:04 deals with the protection of a person's right to privacy, but we also know our Constitution deals with privacy rights in the bill of rights sections, which has, if not an analogue in the human rights Acts of the European Union, not an analogue, but definitely has many provisions in para materia with those found in the European Human Rights Act. You will see again, which I will share with you, that that person's right to privacy is infringed where databases are maintained, and I can cite you several cases—[*Interruption*—I am sorry?

**Mr. Al-Rawi:** *Marper v the UK*. I am familiar with the cases.



**Mrs. K. Persad-Bissessar SC:** You are familiar with the cases. Will you be taking them into account? You did not mention the Data Protection Act when you spoke earlier, so we will be happy to hear you deal with that.

Now, the Data Protection Act as I said, gives us provisions for general privacy principles applicable to all persons who handle, who store or process personal information belonging to another person. For example:

“6(b) the purpose for which personal information is collected shall be identified by the organization before or at the time of collection;”

Is that going to apply here where you are now maintaining a database of persons involved in serious offences, serious crimes? Which one takes precedence, the Data Protection Act or these privacy provisions or this Bill where you give these powers now to the SSA? The DPA also deals with the:

“(d) collection of personal information shall be legally undertaken and be limited to what is necessary in accordance with the purpose identified by the organization;

(e) personal information shall only be retained for as long as is necessary for the purpose collected and shall”—of course—“not be disclosed for”—other—“purposes...”

So how long will these databases be maintained, personal information of any person as you have called them involved in crime? For how long will these be maintained? What will be the process for destruction of such records and so on? Where is that in the Bill? Can you point us and to see consideration.

**Mr. Al-Rawi:** In the Interception of Communications Act.

**Mrs. K. Persad-Bissessar SC:**

“(j) organizations shall...”

No, but that is only with the intercept provisions. But you see a database will not only have intercept information. That is the thing. You do not really say what the database will contain. What is the database that you are going to have for persons involved in serious crime? What will it contain? I think I raised that point already. What is it? By whom will it be held? Who will be the custodian of the database? What will be the principles governing the use of it and then when we come to the disposal of such databases that have been kept?

**3.30 p.m.**

In fact, there was one of the cases, you see if you were familiar with them, there was one case, again, in the European Union, which had to do with that very matter of where information contained in a database from way back when was being used and the court ruled that it was in breach of the human rights provisions, similar, as I said, in para materia to our own human rights provisions in our Constitution. So we have those cases to look at.

Now, the DPA also says personal information shall be retained. Organizations shall, except where otherwise provided by written law, disclose at the request of the individual. Now, you are collecting information on persons involved in a database, does it contain information about the hon. Member for St. Joseph? Would he know? How would he know? How can an individual know whether you are on a database where there might be correct or incorrect information? Will an individual have any kinds of rights to have a hearing before they are flagged in some database that may be sent all over the world? You are persona non grata for things that may be inaccurate.

We saw a case recently with an Inspector of police I believe, where he was set up by some other persons and the man has now retired. Years later, a police officer—Inspector—now retired and the court held that he was set-up and what had happened. Do you remember the name of the case?

**Hon. Member:** Yeah, Harold Phillip and Harridath Maharaj.

**Mrs. K. Persad-Bissessar SC:** Harold Phillip and Harridath Maharaj.

**Hon. Member:** It's a case?

**Mrs. K. Persad-Bissessar SC:** Yeah, in the High Court last week or this week, judgment. So all I am saying, whichever Government is there, we must have the checks and balances to deal with abuse, to prevent abuse. [*Desk thumping*] And knowing that once the potential for abuse exists and we do not have those checks and balances, then it will happen. As in Murphy's Law, what will happen will happen. So we must legislate, not just for today and not just for what may well be the integrity and the honour of the Member for San Fernando West, but it must be for whoever, whichever Government, whenever and wherever. We legislate not for today, we legislate for tomorrow and the day and the week thereafter. [*Desk thumping*]

And I mention again, per, the database:

“(1) personal information which is requested to be disclosed outside of Trinidad and Tobago shall be regulated and comparable safeguards to

those under this Act shall exist in”—a corresponding—“jurisdiction receiving”—that—“...information.”

Again, there you have this matter on a database, the individual does not know—whether it is St. Joseph or Port of Spain or San Fernando West—that this is there. Some foreign entity, some other jurisdiction, requests it, you have had no input to say, “Look, this is ah lie, it is not true”. How do we deal with that? And then, when it is requested because part of this SSA, the remit is to cooperate with international agencies and so on. How do we deal with that issue?

Coming back to the issue of the maintenance of a database and the issue of the public—but the SSA, disposing of all personal information, has control or custody, has to be done in accordance with some kind of regulations and whether those regulations could be regulations made under the remit of this Act by the Minister, regulations to deal with disposal. So the storage, custody and disposal, if you would not want to put it in the main Act, it can be done by subsidiary legislation by way of regulations.

We have seen, for example, that there are no guidelines to govern and to regulate the maintenance of the database of persons involved in serious crimes in accordance with the provisions of the same Data Protection Act. So where is it here? How are we going to deal with it? As such, there are procedural and/or administrative safeguards and/or security measures for collection, processing, storage, retention, access, disclosure and disposal of a person’s sensitive personal information in accordance with general privacy principles under our Constitution and under the Data Protection Act.

There is no description, reform, type and/or source of information that this proposed database will be based on. So we are left to speculate whether this database will consist, for example, would it be inclusive of, or exclusive of, biographical data, biometric characteristics, fingerprints, DNA samples, blood types, school records, employment records, criminal records, medical records, financial records, phone records, computer records, electronically recording messages and images, CCTV footage. What exactly will you be authorised to keep and collect and store in this database?

There is also no description on the level of authority or authorization in terms of access control mechanism for the maintenance of the very, said database. And so when we look at the cases, as I said before, it is clear that the provision being made in the amending Bill for the maintenance of the database is deficient in

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many respects, and will need to be relooked to provide adequate safeguards to our prevention against abuse for the citizens of Trinidad and Tobago. And it could be any one of you, you know.

I do not know if you recall, in 2010 when we brought the Interception of Communications Act, that sitting Ministers of the then Government were on the list of persons being—[*Interruption*] President, the Chief Justice, the trade unions, parliamentarians, sitting Ministers of the then Government were all on the list of persons being wiretapped. Media personnel too. And you know that is another cause for concern, eh. With respect to the media personnel, they have interactions. They have what is called privileged information not to disclose their sources, where it is they get information.

So where one media house, for example, recently wrote—several stories were written about a cash transaction involving a particular Minister and they would not disclose who their source was. Would any closed group, as I said, information being shared, private conversation, could then implicate such a media house by revealing the source of their information? So I am saying, hon. Attorney General, the intent and purport is great in principle, but we do have these other concerns.

We come now to the appointment of the director. Two minutes of original time. May I take it now? I will be—with your leave, take the extra time, please?

**Madam Speaker:** You are entitled to do so. Could you continue, hon. Member for Siparia?

**Mrs. K. Persad-Bissessar SC:** Thank you, Madam Speaker. Two issues I would like to raise in the time. As I say, we are willing for further discussions. The appointment of a director: Now, when the director had only just to deal with the drug interdiction matters, that was done, as I said, on the basis of a United Nations draft that was used and our international commitments, fine. On the UN model. Now, we have, as I said, there is an expanded role, a really massive role, should we not—and we could propose that amendment—in the same way that the Commissioner of Police, for example, the appointment of a Commissioner of Police, because this person is now given so much more, whether we should consider a similar kind of order made for selection and criteria? The selection process and criteria. [*Desk thumping*] As the Act now stands, the director is appointed by the President. Madam Speaker, we well know that means appointed by the Cabinet and so you will have the political directorate appointing a director. So first is the selection process.

Is that appropriate given today's scenario and the wide-ranging remit that is now given to the SSA? We have had cause for concern before and, you know we always say we do not trust, we do not trust you and no one, we say, should trust you. We should make sure that we put it into the legislation to prevent the abuse. Even the Police Complaints Authority Director is appointed with the advice of the Prime Minister and Leader of the Opposition. But I would go further, given this very wide remit we now have.

**Hon. Member:** Criminal sanctions?

**Mrs. K. Persad-Bissessar SC:** Yes, and of course, criminal sanctions that could apply or penalties. That we do a similar kind of order and it could be put in here very simply, that the director of the SSA be appointed in accordance with an order made under this Act by the Minister which will set out the selection process, and secondly set out the criteria. Should we have, with this massive amount of powers now, a director general who has no experience nor any qualification in intelligence gathering, intelligence keeping or anything to do with intelligence? Surely that cannot be right and I cast no aspersions on the present director of the SSA. But when we are doing all of this, which I agree we should do, we should do it right. [*Desk thumping*] So I am suggesting an amendment to put a process—a selection process order and a criteria order.

What qualifications—I know in the report that was given to us from the various units, they had recommended the kinds of qualifications we would like to see such a person have. I think the Gibran Report or maybe the Ross Report, they had included such things as a Master's in Business Administration; other things were some experience, if not actual qualifications, in intelligence gathering and the whole scenario dealing with intelligence. I mean, you cannot put a civil engineer with this massive portfolio. [*Interruption*] Huh?

**Mr. Al-Rawi:** We did not want to say Resmi but—

**Mrs. K. Persad-Bissessar SC:** Sure, you can say Resmi. Resmi was a tremendous mistake [*Desk thumping and interruption*] which I apologized for and which we corrected in the shortest possible time, and so we apologized. Today, we are here, we are probably paying for that too [*Desk thumping*] but you are there, so do not let the same thing happen to you. Do not let the same happen to you. And so I am saying, given the expanded role of the—[*Interruption*] It was a very limited role. It was just drug-related matters. Given this expanded role, I am suggesting that you put a criteria and selection process in place. That is for the appointment of the director.

What about the appointment of staff? We are looking at staffing now generally. Now, the Government has already placed the National Training Agency under the SSA. The Government has already placed the National Operations Centre under the NSA and I am told that—perhaps you could confirm or deny—there are, at the moment, still serious difficulties in merging all these various units together. It is a lot of staffing coming from all over: how they are to be hired; how they are to be fired; what will be their terms. Who will set these things? The staff that is now coming in. Would it be the director? How is that to be done? Because you are looking at a massive now bringing of staff and maybe some of the workers who have lost their jobs all over can be brought in because you are going to have to hire—to do all of this, you will have to hire a lot more staff. We would be very happy if you share with us an org structure for this new expanded and revised SSA. And in what manner are persons to be appointed? How are they to be appointed? Would it be by a transparent process or not?

But as you said, depoliticize the issue now. Whatever mistakes made by a previous Government incarnation of your Government or mine, let us put that away and let us try to get it done—getting us to do it right. [*Desk thumping*] While standing here, I could go back on blame game too, you know. I do not want to do that today. This is too important and you have said it and I thank you for that commitment, and let us really try to make that happen. And as long as we do not have the Member for Diego Martin North/East, [*Laughter*] a civil engineer.

**Mr. Imbert:** What do you have against civil engineers?

**Mrs. K. Persad-Bissessar SC:** Oh, he is a great civil engineer except when walls collapse but [*Laughter*] he is a great civil engineer. Back to you. Madam Speaker, through you—

**Mr. Imbert:** What do you have against civil engineers?

**Mrs. K. Persad-Bissessar SC:** We are talking about—nothing, Sir, nothing—the appointment of the director and I am talking about other staffing. How is that to be done? Share with us how you envisage it. Will you set a timetable for implementation? Because I am seeing this as a massive exercise to send all these over to the SSA to get all the staff put in place, and then the issue of funding arises. Is it your intention, the Government's intention, to come in the mid-term review—and I am not sure the mid-term review, if it is a Bill we will be looking at or whether it is a statement that will be shared by the Government. So it is a Bill? You do not know. You still do not know. Okay. I would expect it will be a Bill that would come with revised allocations and so on. Is it your intention,

therefore, to put estimates of expenditure for this revised and expanded SSA? Because surely the budget that is already there will not be able to take on the kind of staff and the expanded role that you now envisage.

**3.45 p.m.**

Because, for example, in 2015, the actual estimates for 2014—so that is before the expansion, and so on—was \$80 million. Revised estimates, 2015, which is gone, was \$100 million. But your estimates in the 2016 estimates presented here in the Parliament, it is the same \$100 million. Does that \$100 million—and it seems to me does not—take up this new and improved and increased and revised and expanded role of the Strategic Services Agency? So where is the funding to come from? So we deal with expenditure issues. We deal with the appointments of the director and other staff.

Just one other aspect before I close in the time left: the issue of oversight. [*Desk thumping*] Now, I mentioned to you that in other jurisdictions you do have agencies such as this. I think in the UK you have MI 15, MI 16.

**Mr. Deyalsingh:** MI 6, MI 5.

**Mrs. K. Persad-Bissessar SC:** MI 6, MI 5, okay. In the US you would have CIA and many others, which we do not even know about. They are all there. But they do have serious oversight functions and they have there, what will be the equivalent of our parliamentary oversight. So you have special committees that deal with national security oversight and, therefore, I would like to see included in this Bill amendments that would bring parliamentary oversight and not simply just to say we have a parliamentary committee but to look at the legislation, the Canadian legislation, the UK legislation, and the US legislation and elsewhere, that we can find oversight legislatively, parliamentary oversight. My colleague is saying foresight and not hindsight, but no, oversight. I am looking at oversight quite frankly.

The other kind of oversight has to do, as you well know in these other jurisdictions, with Executive oversight. In some cases you have committees outside of the Parliament. You have tribunals, and so on, that will be monitoring and evaluating the work to see that there is not the kind of abuse that we will all not want to happen. So we want to see that kind of oversight function.

At the moment, the tabling of an annual report in Parliament is certainly not, in my respectful view, oversight. The tabling of an auditor's report is certainly not the kind of oversight, given the expanded role and now given what I have just said

to you, the fact that we cannot look at it—and you did not Sir, with due respect, AG—in isolation as just the SSA but we must remember it is married to the Interception of Communications Act, where there are tremendous powers now given to the Director of the SSA and the SSA as a whole.

**Mr. Al-Rawi:** The Commissioner of Police and the Chief of Defence?

**Mrs. K. Persad-Bissessar SC:** Yeah, those two. But you see, the Commissioner of Police and the Chief of Defence they are not civilians and that is where I think it is even more important here. That is not a civilian organization, TTPS. They are one of the authorizing officers for intercept. The CDF, the Chief of Defence, also is under statute, is not civilian. They are authorizers, but the head of the SSA and in fact the whole of the SSA, unless you tell me otherwise, will be civilian. They will be persons on contract. Well, share with us your org. chart, how the staff is to go in and of course, as I mentioned, how you will get a director into place.

So, these are the key issues, as I am saying, where we are willing to work with you to make this a better piece of legislation. We support the intent and purport of the Bill but we do feel that there is room for improvement. And I see you are nodding your heads. There is room for improvement when it comes to, as I said, the whole issue of the database of persons involved in crime.

What does “involved” mean? What does “involved” mean? Seriously, we are dealing with law. We are not talking about, you know, on the street you are talking to somebody and, you know, “hey, so and so is involved in crime.” We are dealing with law here. If you want, you would need, in my respectful view, to put something more concrete when it comes to dealing with “involved”. It says:

responsible for maintaining databases of persons involved in serious crimes.

“Serious crime” is defined in clause 3. You may want to look at changing the word “involved” and, perhaps, we need to note that the terms “maintain” and “involved” in your phrase there, “of persons involved in serious crimes”, these are not defined anywhere so your database is not defined; and all those questions I raised previously as to where, the when, the why, the how, by whom, with respect to collection first of all, storage, custody, destruction, dissemination. All those issues arise. What do you mean by “maintain”?

Then the second part, database. The “what” is to go into the database that I asked you about: biological, biometric, ethnic, all the other things that I raised



previously? So the “what” is to go into the database? We do not know. As to how it is maintained, again I raise those issues. And now we come to the word “involved” in that phrase of maintain databases. None of these words are defined in your proposed statute. Nowhere else in the parent law itself is it defined and certainly not in the amendment.

The term “involved”, as I say, is ambiguous. It is subjective. It is a subjective connotation. It is a subjective connotation. I think it will permit too much discretion on the part of the SSA to use virtually any information whatsoever, even if it is hearsay and/or if it is other legally inadmissible information, to make a determination on whether a person is involved in serious crime.

I submit respectfully that the term “involved” should either be qualified either by way of an objective criteria establishing the type of evidence or information that may be considered by the agency in making a determination that the persons involved, or you can do it also by reference to a person being charged and convicted with the serious offence defined under the proposed amendments to the SSA. So there are two ways, not necessarily in the alternative but can be in both ways that we can look to find a proper definition of what we mean when we are placing this word “involved” or we can find another word, as I say, that will give us objective criteria in establishing the type of evidence or information to be considered by the agency.

These are my comments. I want to thank you, Madam Speaker, for the time taken. I want to say we are totally prepared to work with the Government, to cooperate with the Government because we do believe, given the situation—I mean, today, I think as of yesterday there were 101 murders. Even one murder is unacceptable, perhaps, much less for 101.

Could you remember—that really ghastly? What kind of horrible person? You murder someone, you cut them in half, you cut off the head, a woman, and you place them in a barrel? Where has our country gone? Where is it going? And so we are willing to work with you on this and I ask you to take up the offer, Sir, and we would work together to try to bring a measure of decrease with respect to the crime rate in Trinidad and Tobago. I thank you very much. [*Desk thumping*]

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Thank you for the privilege to participate in this debate for the proposed amendment for the Strategic Services Agency Bill, 2016. This Bill which seeks to expand the 2015 Act is really to improve, Madam Speaker, the security of Trinidad and Tobago.

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Madam Speaker, I want to thank the Attorney General for his contribution, and I also want to thank the Member for Siparia for her contribution to the debate.

I notice that the Member for Siparia mentioned her concern with respect to the role of the Minister and the appointment of director. Member for Siparia, that has been taken note of. I also want to mention that, with respect to your concerns about the present director, in terms of his qualifications, he in fact has an MBA and he is a graduate of the US Army Command and General Staff College. [*Desk thumping*] He is also a civil engineer. But Madam Speaker, he is a graduate of the US Army Command and General Staff College, which is a one-year programme. And during that programme, part of the instructions, part of the course is in fact intelligence and intelligence-gathering analysis at the national level. So he does have some experience and training with respect to intelligence, if I may say so, Madam Speaker.

Madam Speaker, this Bill seeks to transcend all party and political lines, and I am glad to see the Member for Siparia in fact saying quite clearly she supports this Bill. Because at the end of the day, this Bill seeks to deal with the national interest of Trinidad and Tobago. It is wider and broader than all of us. In fact it deals with, to a large extent, what is happening in our information age, what is happening in our technological age, what is happening with respect to international terrorism, what is happening to crime and criminality in Trinidad and Tobago. And that, Madam Speaker, speaks to something that is wider and broader than all of us; what is in the national interest of Trinidad and Tobago.

Some 30 years ago, Madam Speaker, Henry Kissinger once asked the American people: "What is it in our interest to prevent? What should we seek to accomplish?" Madam Speaker, I want to submit today that it is in our interest today to come together to treat with the many issues of crime and criminality in Trinidad and Tobago. That is our national interest, Madam Speaker and I heard the Member for Siparia talk about the issues of crime. Crime right now is intolerable for all of us. All of us cannot really tolerate the amount of crime in Trinidad and Tobago today. And so it is important for us to come together to treat with those issues in a non-partisan manner.

There is no area of public policy that is as important, in terms of manpower, money and resources, as national security. Nothing really has as much controversy as national security. Almost every day there are issues of national security in our print and electronic media. And so for this Government there is no greater role, no more important obligations than the security and preservation and

safety of the citizens of Trinidad and Tobago. It is in fact a foundation of prosperity and a best assurance that we can ensure that future generations continue to live in harmony.

And so, Madam Speaker, when we look at the strategic landscape, when we look at what is happening, in terms of the characteristic of the security environment in Trinidad and Tobago, it is characterized by illegal guns, illegal drugs, gang violence, youth violence, money laundering, transnational organized crime, terrorism and illegal migration. Madam Speaker, the environment is charged with a number of issues and a number of challenges. And so, while we deal with it in an operational context, it is important for us to also ensure that there is enabling legislation to treat with the issues of national security. This Bill today, Madam Speaker, the expansion of the Strategic Services Agency (Amdt.) Bill, 2016, allows for a different kind of approach but a complementary approach to deal with the issues of crime and criminality. So while we deal with the operational aspect, this enabling legislation will also give us the ability and the capability to treat with the many issues that confront us, Madam Speaker.

This Government understands the impatience of the citizens, but as a responsible representative of the people we believe that our initiatives must be executed within the legal framework. This Government was accused, sometime ago, of establishing the Special Anti-crime Unit of Trinidad and Tobago in the absence of a legal framework. I think that has already been covered by the Attorney General. In fact, it was done with some degree of legality and I will not go into that.

But as I said, allow us to get this right a second time. Let us get it right a second time to ensure that whatever agencies, whatever institutions that we create, whatever institutions that we establish, it is done within a legal framework, and that is the purpose of this Bill, Madam Speaker, to ensure that this entity, the Strategic Services Agency going forward, the expanded version of that, is done within the appropriate legal framework and this is the purpose of this Bill.

Madam Speaker, the purpose of the Bill as mentioned is in fact, and if I may read with your permission, it seeks to expand the remit of the Strategic Services Agency by including broader law enforcement coordination and intelligence functions.

Clause 3 of the Bill broadens the scope and functions of the Strategic Services Agency by including an expansive definition for “serious crime”, and the AG has already covered that. So I would not go into it, Madam Speaker.

**4.00 p.m.**

Madam Speaker, when one looks at the historical perspective of the Bill, when one understands that what has taken place before, and why there is a need for the expanded version, and why there is a need to expand the remit of the Strategic Services Agency, one must recall that the Strategic Services Agency was established in a time when internationally, throughout the entire world, the concern was based on drugs and illicit drugs.

In fact, it was during that time, that the United Nations Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (1988) was convened. And most of the countries in the world, therefore, came on board to ensure that within their countries, there is a national focal point. There is a focal point of contact established through agencies as the Strategic Services Agency, to deal with illegal drugs and psychotropic substances. That is the background for the Strategic Services Agency.

Madam Speaker, today, the world has changed. The world has changed dramatically, and perhaps materially, but not only the world has changed, the security climate has changed to a large extent. Therefore, there must be the creation of different kinds of institutions, different kinds of entities, to treat with the changing national security landscape, to treat with the national security environment. Therefore, in order to adapt, in order to change and to treat with those issues, one such attempt is the laying of this Bill today; the expansion of the Strategic Services Agency (Amdt.) Bill, 2016.

So, Madam Speaker, the proposed amendment to this Bill will help fashion this national security entity, to fill a critical and, in fact, a cohesive void in the concerted attack against crime in Trinidad and Tobago. This Government on coming into office, in fact, found that the present establishment of the Strategic Services Agency was in a bit of disarray. In fact, one would not want to go back into a number of situations that took place then, but merely to touch on the surface, because there were a number of issues to grapple with, in terms of the dismantling of the number of security institutions post-2010.

Within the last five years, we have seen a sort of mingling of different kinds of institutions: the National Operations Centre; the Security Intelligence Agencies; remnants of the Special Anti-Crime Unit of Trinidad and Tobago. And, therefore, there was a bit of an absence of conceptual clarification, in terms of how these entities were supposed to gel together, how they were supposed to deliver together to deal with the issues of crime and criminality in Trinidad and Tobago.

What this Bill is trying to do, what this Bill is attempting to do, is to give the legislative framework to ensure that all these different strands that were there in the Strategic Services Agency between 2010—2015, all the strands, the National Operation Centre was in a silo; the Security Intelligence Agency in another silo; the remnants of SAUTT in another silo. I know with the best of intentions of the last administration, they were not able to pull that together in a concerted whole. So what this Bill is attempting to do within a legal framework is, in fact, to pull those units together to ensure that we have a cohesive whole. Because at the end of the day, the entities themselves can produce and will be able to produce what is required to treat with the issues of crime and criminality in Trinidad and Tobago, Madam Speaker.

Madam Speaker, I know that we have the support of the Member for Siparia, and I knew that even before she said that. Because I recall that she herself had some views in 2010, in accordance with the *Hansard* dated Friday, November 12, 2010. She, in fact, said and I quote:

“...lack of coordination and unnecessary duplication of effort and resources...” are existing in the present environment.

So there was a recognition then, that there was lack of coordination and a lack of effort. So it is this same lack of coordination and effort that we recognize today, that allow us to come forward to deal with that, in the manner that we are dealing with today, Madam Speaker. I again, quote from *Hansard*—in fact, when the Member for Siparia mentioned that—again the same date, November 12, 2010. I quote:

“...hence they brought no legislation to this Parliament to legalize such an important law enforcement unit.”

So there was a recognition then, that there was no legislation for such an important unit, the then Strategic Services Agency.

So, we too recognize that we need to put the legal framework in place, and that again, is the reason for this Government’s approach in the shortest possible time, to ensure that whatever institutions we put in place to deal with crime and criminality, will be done within a legal framework, and this is what this Bill is serving to do, to ensure that this Government, whatever we do, we do it within a legal framework.

Madam Speaker, in any field of endeavour there must be conceptual clarity, because conceptual clarification is, in fact, the indeterminable prerequisite to getting things done effectively and efficiently. In other words, in anything that we

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create, there must be what I call, first of all a mental creation before a physical creation. What has happened in the past quite frankly is that there was an absence of that conceptual clarification. What is to be? What should exist? What do we want the agency to look like? And without that clarification, without that conceptual clarification, it means, therefore, that we were going down different kinds of roads with no end in mind.

So this entity today, the expanded remit of the Strategic Services Agency is clearly based on a conceptual clarification. It is based on an understanding beginning with the end in mind. What do we want that agency to look like? What do we want them to deliver? And truly and truly, Madam Speaker, we want that agency to work with and to complement the law enforcement agencies in Trinidad and Tobago, to work with the other agencies of the Ministry of National Security, with a singleness of purpose and intention, and that is, to treat with the issues within the environment of crime and security in Trinidad and Tobago. That is the end state. How can they deliver? How can that institution complement? How can they contribute to treat with the issues of crime and criminality, working with the other institutions of national security? That, Madam Speaker, is the end state and understanding that concept, understanding what the purpose of that entity is, we recognize that we have to do so in a certain manner, both in terms of staffing, in terms of directorship, and also in terms of creating the legal framework, for them to do their job effectively and efficiently.

We did so, not in the absence of looking at research, not in the absence of looking at the very same reports that went before us, in terms of the Ross Report. And yes, Member for Siparia, we looked at the Gibran Report also, and there were some commonalities in both reports going forward, and there were some recommendations going forward in both reports. In fact, both of them, there are some similarities. In concerning those two reports, and considering the reason and the threat analysis in Trinidad and Tobago at this point in time, we believe that the agency is best suited, Madam Speaker, by putting together the whole aspect of the different agencies: the National Operational Centre; the Security Intelligence Agency; the National Security Training Academy into one cohesive unit. Because at the end of the day, what the National Operational Centre brings to the table is, in fact, that common operating picture, that situational awareness, that will inform a response, an integrated response.

What does the National Security Training Agency brings to the picture, brings into that institution? It brings training at a different level. It brings training not only within the agency, but throughout the national security apparatus, but it

brings dedicated training, training that is dedicated and focused to deliver in a certain kind of environment, Madam Speaker. What does the National Intelligence Agency bring into that mix, into that mix in that organization? It brings the intelligence focus, because at the end of the day, we speak about intelligence-led operations.

But as it exists today, and as the AG pointed out, we have a number of parallel organizations that deal with intelligence in today's security environment. Within those parallel environments, therefore, there is no concerted effort, there is no way in which they are incorporated into the whole. What this agency is trying to do, what it will be doing, in fact, is ensuring that intelligence is placed in an area where it can be coordinated and incorporated where it can be analysed, where it can be disaggregated, and then sent back into the operation environment at the national level. This is important in going forward because we talk and we talk about intelligence-led operations, yet we did not have that kind of entity at the national level, one which has the remit and possesses the skills to take information and convert it into intelligence.

Not only that, Madam Speaker, but again, we are a State among States in the international environment. Where is the agency that deals with or relates to our international partners insofar as intelligence is concerned? So this entity, in terms of the National Intelligence Agency aspect of the SSA, would be that connectivity between Trinidad and Tobago and our international agents or international partners. That is something that has been demanded of us by our international partners, because to a large extent they will not talk to us, they will not treat with us until we have such an agency and one that is placed within a legal framework, and I emphasize, it must be placed within a legal framework in order for us to relate, in order for us to connect to our international partners.

So we put ourselves in a certain kind of environment, where in terms of intelligence gathering, and today we deal with issues such as ISIS. We know of Trinidad and Tobago nationals who are participating in the Far East. How do we rely? How do we get the kind of information to treat with them? We as a country do not have the kind of resources to reach out in Syria and those places. We rely to a large extent on our international partners to treat with us, to share with us those kinds of information, but they will not treat with us; they will not share with us unless they are doing so in a legal framework in our own country, Madam Speaker.

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Hence the reason, when we talk about intelligence, when we talk about the National Intelligence Agency, it is based on putting it within this legal framework, to treat with issues both internal and external to us. I draw just one example, but there are a number of different issues pertaining to this. So, it is very important and very fundamental that this Bill that expands the remit of the Strategic Services Agency, be one in which we understand fully, the implications in terms of treating with the many issues of crime and criminality in Trinidad and Tobago.

It is one in which the attempt here, going forward, is based on cooperation and collaboration, not only internally, but as I said, externally also. It sets the pace. It sets the climate in which we can see a number of different changes; we can see the potential for more results, in treating with crime and criminality in Trinidad and Tobago.

For far too long we have gone through silos in Trinidad and Tobago. Far too long we are operating with a different kind of philosophy. We have to understand that in today's world, the world is doing it right now. It must be based on cooperation and collaboration, and that must come down to almost down to the lowest level of operation, because it is the only way that we can treat with those issues.

And I was glad again, when I heard the Member for Siparia say that they are fully in support of this, with, of course, some areas of concern. But it is off to a very good start, because it shows that we have put to large extent, it shows that we are going beyond the partisan approach to crime, the partisan approach to security in Trinidad and Tobago. I want to say that is a very good step in the right direction, Madam Speaker. It is a very good step in the right direction.

Madam Speaker, the Bill that we have in front of us, is one which would allow us to operate also within our Caribbean region, to treat with the many issues that confront us because we are a country, we are an island archaeological State and, therefore, part of our issues treating with a certain fact, our maritime borders. What you are seeing there is the connectivity between us and our neighbours that again, would allow us to treat with issues, our closest neighbour, for instance in Venezuela. We have established a high bilateral agreement with Venezuela in terms of a discussion group. So part of that discussion is, how do we share? How do we treat with information at a very high level?

In fact, one of the questions that came about in those discussions is, who do we talk to in Trinidad and Tobago? And the question on our side is, who would



you speak with in Venezuela? Based on that discussion, Madam Speaker, and it must be done at a very high level, and the entity must be one that is placed in a legal framework on both sides of the border, because when you deal with information and intelligence at that level, there are certain kinds of expectations.

**4.15 p.m.**

And so, I draw those examples to show you the importance of this Bill, Madam Speaker, the importance of ensuring that we have it within a legal framework. I emphasize, we are quite comfortable with the operational framework. We can deal with the operational aspect; we can put boots on the ground; we can put troops on the ground; we can put law enforcement people on the ground. We can do so because we have those resources, but the more important thing, the more fundamental thing right now is: how do we do so within a legal framework? I say to you, Madam Speaker, if I will, that this Bill would give us that kind of legitimacy to operationalize the entity, the Strategic Services Agency, to allow it to complement the existing agencies of national security.

Madam Speaker, when we look at the expanded Strategic Services Agency, we could see that it would focus to a large extent on coordination and intelligence gathering and analysis on the use of updated technology with an intense focus on criminal targets, establishment of proper situational awareness and common operating picture.

The strategies will, of course, demonstrate an ability and capability to deter and disrupt organized crime; recruit and retain quality people; develop and manage criminal and international intelligence; improve national coordination or incident management and, of course, deal with some aspects of crime scene operations.

Madam Speaker, there will be, based on the agency's heightening of its detections and deterrence capabilities, development of strategic alliances, policy formulations, the deepening of domestic and international cooperation, information gathering that I mentioned a while ago, capacity building and, of course, specialized training in international cooperation. These specified objectives are all in accord with the needs of multilateral cooperation and international instruments developed to treat with us as part of the international security environment.

Madam Speaker, in the aftermath of 9/11, the world changed with respect to coordination of entities. After 9/11 the United States recognized that they too

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were in silos. We cannot wait for something like that to happen to us before we take our necessary action. We must be proactive. And so, not waiting for a 9/11, let us ensure that we too move forward in an integrated approach. Let us learn from their mistake. Let us understand that in order to treat with issues in a proactive manner, we must set the template for cooperation and collaboration. This is what the Bill seeks to do, this is what this Bill is about.

So, in fact, we are in fact adopting that proactive approach. By coming today with this Bill, Madam Speaker is, in fact, a proactive approach to put together those institutions that are required; to put together those institutions that are necessary; to put together the institutions that would complement our existing structures to treat with the issues of crime and criminality. It must be, again and again, based on that aspect of cooperation and collaboration going forward.

Madam Speaker, it is also critical to note that the exigencies of national security necessitate that this umbrella-like composition coordinate mechanism will in fact unify law enforcement. It will bring together all the entities under one shop, bring it together under one area. And so, if we learn from lessons even in our own jurisdiction, if we learn our lessons from 1990—in 1990 we had an attempted coup here in Trinidad and Tobago, and part of the debrief coming forward coming out from that said to us that we were, in fact, operating in silos. One area of the national security operations did not know what the other was doing, and that is just here in our own local jurisdiction. That was our experience in 1990 right here in Trinidad and Tobago. And so, there are lessons for us right here. We could use from 9/11, but we have our experience right here.

In 1990 there were disaggregated intelligence sources. There was no coordinating body. If there was a coordinating body in 1990, Madam Speaker, we would have been able to prevent what happened to us as a country in 1990. The lessons are right here for us to learn, Madam Speaker. I would say, Madam Speaker, that this Bill and the results of this would restore public confidence. This will ensure that the country realizes that we are taking measures within—again, I always emphasize—a legal framework to ensure that we have the institutions that are required, the institutions that are necessary to bring a certain kind of relief to us.

You see, Madam Speaker, the Strategic Services Agency expansion is not only about intelligence, it is about creating and crafting a response that is based on intelligence, common operating picture and, of course, training and preparation. Institutional strengthening and capacity building is one of the measures that they would be instituting.

And so, Madam Speaker, it is anticipated that this fusion of entities—the National Operations Centre, the National Security Training Academy, the National Intelligence Agency—would redound to the benefit of the security environment, but the wider benefit of the people of Trinidad and Tobago because it would bring to the table something that has not really and truly been craftily done before. It will change the security environment. We will now have what we call integrated response but, additionally, we would have what is called truly intelligence-led operations.

And so, Madam Speaker, when one looks at what happens in other jurisdictions, we can take pattern because in almost any jurisdiction in the developed world there are entities such as what we are trying to establish today. We have the FBI in the United States, we have Homeland Security in the United States. We also have the Serious Organized Crime Unit, the National Crime Agency in the United Kingdom. Madam Speaker, when you look internationally, in the United States as I mentioned, we have the FBI. In Israel we have the Shin Bet, an organization similar to what we are trying to create that deals with issues of crime, criminality within the jurisdiction of Israel. In Canada, we have the Canadian Security Intelligence Service. In the UK—I think it was mentioned a while ago by the Member for Siparia. So that there are, in fact, learnings internationally.

There are, in fact, institutions internationally that do exactly what we are trying to do in Trinidad and Tobago. I am sure that what we are talking about is taking the best practices from these institutions because there is no sense reinventing the wheel. There are institutions outside there that we can emulate. There are things that we can take from them in best practices, because at the end of the day what we are trying to do is truly to be proactive as a people.

**Madam Speaker:** Hon. Member for Point Fortin, your 30 minutes have expired. May I enquire how much longer you will be before you wrap up?

**Hon. Brig. Gen. E. Dillon:** Three more minutes, Madam Speaker.

**Madam Speaker:** Three more minutes. So you are given the extension of time. Please continue.

**Hon. Brig. Gen. E. Dillon:** Madam Speaker, I thank you for obliging for the few more minutes. I simply want to wrap up by saying in today's world it is one of interdependence. It is one in which none of us can treat with the many issues and challenges that confront us. And so, again, I want to thank the Member for Siparia for saying that they support the Bill, but it also redounds to the wider

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Trinidad and Tobago. [*Desk thumping*] Going forward, it must be based on cooperation and collaboration because the issue of crime and criminality is larger than all of us. Madam Speaker, I thank you very much. [*Desk thumping*]

**CONDOLENCES**  
**(MR. LINCOLN MYERS)**

**Madam Speaker:** Hon. Members, I wish to inform this House of the passing of Mr. Lincoln Myers on March 15, 2016. Mr. Myers served as the Member for St. Ann's East from 1986 to 1991. As we mourn his passing, I now invite the House to pay tribute to Mr. Myers. I call upon the Member for St. Ann's East.

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. Hon. Members, at this time, on behalf of the Government of Trinidad and Tobago, I would like to extend condolences to the family of former Minister and former Member of Parliament for St. Ann's East, Lincoln Myers, who passed away on Tuesday, March 16, 2016. Many persons have expressed what an honourable man Mr. Myers was, how he held fast to his convictions and how he championed many causes for the betterment of the people of Trinidad and Tobago.

Mr. Myers was truly a man of the world, and although in recent times he was out of the public eye, he kept abreast of current events, both locally and internationally, oftentimes running a stirring commentary on his social media accounts. He was an advocate for renewable energy and sought to educate persons about climate change and the damage to the environment. He was passionate about the inclusion of all people, and spoke out against people and institutions which he felt promoted division. It is to Mr. Myers' credit that whatever the issue, if he felt injustice or corrupt practices were involved, he added his voice to the call for change. One can suspect that it was this relentless fervour that propelled him to endure a 40-day fast in 1985 to highlight the need for what he thought was better governance. This unrelenting passion to champion one's belief will no doubt be among the many things Mr. Myers is remembered for and it is a lesson to us all, as a people, to stand firm in our convictions and relentlessly so. Thank you for all that you have done for this nation, Mr. Myers.

May his soul rest in eternal peace. [*Desk thumping*]

**Dr. Surujrattan Rambachan (Tabaquite):** Thank you, Madam Speaker. Madam Speaker, I also rise to pay tribute on behalf of my colleagues and I am sure thousands of others, to the late Lincoln Myers, former Member of

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Parliament, Minister and social and political activist. I wish to extend condolences to his wife, his children and extended family members, as well as his friends and well-wishers.

Madam Speaker, in the world there are lots of persons who have strong beliefs. However, the ability to stand publicly for a cause which reflects those views are few and far between. You would agree that in societies like ours which are still struggling for a level of maturity where political differences and opinions are concerned, there is a high price that one often has to pay for going against the establishment, and yet the ability of a society to evolve depends on the cause or causes for which you chose to be different.

Lincoln Myers was strong, committed and fiercely independent in his views, and it was his determination to bring about a new standard for public accountability in this country. In this regard, our society may not yet have fully understood nor appreciated his 40-day fast on the steps of the Hall of Justice. It is the accumulated efforts of several personal individual actions like his, which eventually positions the mind of a society in the direction of evolving a higher national morality. His actions have helped to build the foundations for this higher morality in public affairs.

The political history of Mr. Myers is well documented. He was a person who, though strong in his views, valued dialogue, and was humble enough to respect the opinions of others often in the interest of achieving a consensus.

Lincoln Myers had the distinction of being the only person to have defeated a sitting Prime Minister in the famous NAR 33/3 victory in 1986. To do this meant that he would have possessed some special interpersonal skills and communication skills, and the ability to convince the electorate of that constituency that the political change which his party professed would have been beneficial to the nation, since that constituency was traditionally PNM.

Throughout his life, though affected by the issue of mobility, his mind never stopped working and he continued to contribute and nurture political thought and a vision for a more inclusive society.

**4.30 p.m.**

Despite the controversies which would have surrounded his thoughts on national service—controversy engendered more as a result of the feeling of insecurity by social groups—the idea of the need for national service, as one avenue of contributing towards commitment to nation, and love for country, of dealing with youth indiscipline and citizenship remains alive. In a country where

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so many good ideas are destroyed by controversies as a result of irrational thinking, with dispassionate thought, we may still one day see the value of the vision of Lincoln Myers.

Lincoln Myers threw a pebble into the lake and the water splashed and was dispersed in different directions. His efforts no doubt inspired, even unconsciously, those in our society who continue to work tirelessly towards morality in public affairs. His legacy has been written in his thoughts, his words and his deeds. May the loving and compassionate divine bless his soul and bring comfort at this time to his family and friends. May Lincoln Myers rest in peace.  
[*Desk thumping*]

**Madam Speaker:** Hon. Members, I endorse the sentiments expressed by both sides of this House. Indeed, Mr. Lincoln Myers will be remembered as an ultimate statesman in the development of Trinidad and Tobago and as a dedicated anticorruption and good governance advocate. Hon. Members, in paying tribute to Mr. Myers, we should recommit to the discharge of the high demands of service to our country. This House joins with his family and friends in mourning his passing. May I invite you all to stand and observe a minute of silence to show our respect to the late Mr. Lincoln Myers.

*The House of Representatives stood.*

**Madam Speaker:** May his soul rest in eternal peace. I direct the Clerk—you all are invited to have a seat. I direct the Clerk of the House to send an appropriate message of condolence on our behalf to the widow of Mr. Lincoln Myers. At this time, I suspend the House for half an hour.

**4.32 p.m.:** *Sitting suspended.*

**5.02 p.m.:** *Sitting resumed.*

**Madam Speaker:** The Member for St. Augustine. [*Desk thumping*]

#### STRATEGIC SERVICES AGENCY (AMDT.) BILL, 2016

**Mr. Prakash Ramadhar** (*St. Augustine*): Thank you very much, Madam Speaker. Let me congratulate, first of all, the efforts of the Attorney General, who, with his normal eloquence and erudite way, was very persuasive in his efforts for which I consider to be a noble effort. And, certainly, following on, of course, the Leader of the Opposition, no way can I ever hope to challenge her “dulcetic” tones with the precision of a Senior Counsel to have dissected the issues in this matter; and the gentlemanly, noble Member for Point Fortin with his delivery.

I am sure at the core we all here want what is best for Trinidad and Tobago. We on this side are of the view, and I speak for myself as the Member for St. Augustine and, of course, having heard the Leader of the Opposition, that this is important legislation. It is necessary legislation, but I am reminded that the road to hell is paved with good intentions. We can work it out, without a doubt. I want to add my voice, Madam Speaker, to the proposition that this really should be before a joint select committee, because, notwithstanding the best intent, there are serious dangers within the bosom of this legislation.

Embraced as it is, from 1995, as we were reminded by the Attorney General, this SSA was created to add legitimacy to an OSS which had gone in its operations without legislative cover, but, more significant than that, it was created out of a need to deal with the international drug trafficking issues. It has gone that way for a long period of time, but to hear the Attorney General suggest that because there was no call for a constitutional majority when the matter was first raised in 1995, and to parachute it one generation later into a modern expectation of how we do business, I think he erred a little, and I think we need to revisit why it is necessary for us to have a constitutional majority support in this matter. [*Desk thumping*]

Without wishing to be repetitive, the Member for Siparia dealt with it, but it is worth repeating because what has happened from that era, and the legislative cover for a very limited aspect, has now mushroomed into something far more dynamic, far more encompassing, and therefore the need to be cautious as we move forward because we want to make it right. We do not wish to have legislation, as we proceed, that is, you know, subjected to pitfalls. And to be reminded equally that the Opposition of the past, now Government, supported 97 per cent of the legislation brought, speaks well, first of all, that the Government of the last administration brought good legislation [*Desk thumping*] and two, that the Opposition then acted in the interest of the country to do what they thought was necessary. That is why we must have this sense of cooperation, because as we stand, whether in Government or Opposition, we are in the people's Parliament and whatever we do must be to their benefit.

Now, back to the issue of the need for a constitutional majority for this. It is very simple you know. Here we have the Director of the SSA, and I will deal now with the—not now, but a little bit later, with how one is chosen for that job, but the most significant thing, it is not that person as much as the power that you give to that person. What is the power we now give by this legislation if it should pass? This person now will have authority with his agency to use the interception of communications authority. What this means is simply that that agency, the SSA,

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can now venture into surveillance, not just in relation to drugs, but in relation to all “serious crimes”, and we have heard now that serious crimes would be determined as any offence which attracts a minimum of five years’ imprisonment.

I want to tell you, the law has so changed that there are very few offences, apart from maybe obscene—well, there is not a charge called obscene language but annoying language, and some traffic offences that do not attract less than five years. Simple assaults, receiving stolen goods of course is a high penalty case, and I could go on and on, but there are very, very few offences that fall under that. So, therefore, the remit of this agency is so wide for them to be able to survey.

The Attorney General made passing reference to two things, and it is quite important to note, intelligence—and, you know, maybe we should really explore what that means because it is just the opposite of what many people believe—intelligence really is not intelligence. It is really old talk, rumour—vapour, as I call it in some cases. [*Desk thumping*] So, I would give you one prime example of what triggers a possibility for surveillance. Under the old law you had to have some information, some rumour even, of someone being involved in trafficking of narcotics, but if we are to pass this legislation, almost any offence that you could imagine, apart from driving and traffic offences, and annoying language, and so, can trigger a surveillance of any individual.

### **5.10 p.m.**

There is a fallacy—and I would ask anyone to show that I am wrong on this—that with this new legislation under the wide ambit called national security they can survey anyone. And if I may refer, Milady, to the Interception of Communications Act, section 6(2)(b), and to put it in context I maybe should read all of it:

“(1) Except as provided in this section, a person who intentionally intercepts a communication in the course of its transmission by means of a telecommunications network commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for seven years.

(2) Notwithstanding any other law, a person does not commit an offence under this section if—

(a) the communication is intercepted in obedience to a warrant issued by a Judge under section 8 or 11;”

And this is the germane issue here:

“(b) the communication is intercepted by an authorised officer—”



And certainly by definition the authorized officer includes the Director of the SSA. But hear this:

“(i) ...in the interest of national security;”

What does that mean? What does that really mean? And one can appreciate you cannot scientifically define and it is left up to the conscience of that person and their interpretation of their description of national security interest for them to be able to start to survey both electronic and human intelligence, ELINT and HUMINT, as we call it.

It goes further:

“(ii) for the prevention or detection of an offence for which the penalty on conviction is imprisonment for ten years...”

Which is inconsistent, of course, with the SSA Act—Bill, sorry—that is now before us which says five years.

“and includes an offence where death, imprisonment for the remainder of a person’s natural life...”

“(iii) for the purpose of safeguarding the economic well-being of the State; or

(iv) for the purpose of giving effect to the provisions of any international mutual assistance agreement...”

So now what happens is that this director of the SSA and its agency can use any of those definitions for any offence, any offence. It may not be the classic drugs. It may not be any of those named offences of trafficking in persons, corruption. It could be any offence and they can start to survey.

Now that is a serious thing, because that legislation, the Interception of Communications Act needed a three-fifths majority, and for good reason. But here you have a director under another law who can be appointed under a law of a simple majority using a nuclear weapon, and that is why it is inconsistent that that person can be chosen by legislation from a simple majority, but yet exercise the power that can only be given by a constitutional majority. [*Desk thumping*]

Now, let us examine what we are dealing with here. In 2010 when the People’s Partnership Government came into government there was an alarm raised of illegal wiretapping in the society. Whereas we have heard then and we have heard today a Chief Justice’s telephone and his wife’s, bugged. Sitting Members of the then Cabinet, bugged.

**Mr. Imbert:** “Who say that?”

**Mr. P. Ramadhar:** Well, we will deal with that. The President (the Head of State), members of the media. No one was safe. And that wiretapping or eavesdropping had been perpetrated by the SIA at the time which had no legal recognition. So that, you know—[*Crosstalk*]

**Madam Speaker:** Members, Members.

**Mr. P. Ramadhar:** I may change my tone as we proceed if I am being interrupted, I want to say. Because there is a lot—I am not here to point fingers or anything like that, but it was a PNM administration, and we got the support then of the Opposition led by the present Prime Minister to deal with that and to create the Interception of Communications Act. He too was a subject, but it must not only be because one is a victim that you will support something.

So there we have, Madam Speaker, a situation where the country said, “no, we need to legislate this thing”. We got rid of the SIA and we allowed legislation to control surveillance. You get the judge’s warrant—you know when? Only if there is a belief and a pursuit of criminal prosecution under section 8. You go to a Judge then, after you have been surveilling all along, and it is when you get that warrant, anything obtained thereafter can be used to criminally prosecute.

But the other side of that story is this, and I want to repeat this. Nothing prevents any of the authorized officers to put surveillance—and I do not want to bring the Chair into it—but anyone in the society on the basis of national security issues, on the basis of safeguarding the economic well-being of the State or for the purpose of giving effect to certain agreements. Nothing prevents any of those officers from causing surveillance on members of the media, and that is a frightening thing. Because when there is that danger people are less likely to speak. Now we are in the era when we are speaking about whistle-blower legislation to open up communications so that people will feel freer to speak. [*Desk thumping*] That is how democracy thrives, when people are unafraid to speak, respectfully of course, and sometimes disrespectfully, but their right to speak with each other, to not be—what should I say—“macoed” on, because you never know where that will end up. Let me give you a prime example of the dangers of this thing.

As a former Minister of Justice there was a very senior officer whom I had to sign off for confirmation for his position. But I got word from the Ministry of National Security, and I will not give sufficient detail because I will not breach that confidentiality, that there was a report on this man, that he dealt in drugs. So I said well, you know, I have a duty now. It is either I could confirm to the DPA or I

could refuse, but I need to have a basis upon which I can make a decision. Well I waited for weeks which turned into months and I insisted, I put a deadline. I said well listen, if I do not have it within seven days, I am going to proceed. The report came undated, unnamed, no location given and allegation that the man was seen passing drugs to somebody. Pure vapour.

Now if that is the intelligence that we use in the society, then anyone can be destroyed career wise, or in other things—“shop talk, rum shop talk”. And that is why when I spoke about intelligence really is not intelligence. And there it was, a very senior officer whose career could have been limited. And he had no idea, you know. And the point made by the Member for Siparia as to whether, you know, this database was some of the allegations made against you, is real in the society. And that is one prime live example of the dangers of surveillance without going further. There are reports in national security and you will be embarrassed when you poke into it to see the merits of these things.

There is a businessman who has lost his right to travel because of a report of an intelligence investigation that suggested he was involved in something less than acceptable, without any reference to evidence. And there you go. This is the power we would be giving now to a director.

**Dr. Gopeesingh:** It is a political control.

**Mr. P. Ramadhar:** That is the point, Sir. You see, I am not making any allegations to the good gentleman for Point Fortin. We are making law for the future. [*Desk thumping*] Noble men who hold office today, like the Attorney General knowing you for all the years, I do not expect for a moment you will consider doing anything to injure our constitutional rights. But we do not know what the future holds. We do not know who will sit in the seat as Minister of National Security in the future.

And that is why we have today the opportunity, because we have a commitment from all sides to let us do it right [*Desk thumping*] and protect the citizens, to protect even the institutions. And I will come to that in a while, because that is crucially important.

Because I want to say this: January 7 the nation awoke to hear of a Colonel Robinson now heading the SSA. How many knew of him? Maybe some did, but most did not. We had no idea. We were told that Cabinet did its due diligence and so and decided that Mr. Robinson should be its director. But, but and the devil is always in the details. [*Crosstalk*] You see and I hear mutterings and it is important to deal with some of that. It was not good then and it is not good today, but because it was limited in its scope in relation to transnational drug trafficking

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issues of that nature, maybe as they say give it a “bligh”. It was wrong then, but it becomes deadly dangerous now [*Desk thumping*] because of the far greater scope of authority. And look at the kind of offences now that this SSA would be able to look into. But just as we begin looking at the Strategic Services Agency Act of 1995, 3(1):

“The Strategic Services Agency is hereby established, consisting of the Director and employees of the Agency.”

But this is the sting that we cannot allow in a modern Parliament:

“(2) The functions of the Agency shall be exercised by the Director after consultation with the Minister.”

What does that mean? After consultation, not reporting to him, you know, but that:

“The functions of the Agency shall be exercised by the Director after consultation...”

Politics, politicians in direct control of a state agency that has investigative and therefore, down the line, prosecutorial powers. It pains me to be reminded and to remind you that we have a long history of political interference on the landscape of our political history. [*Desk thumping*]

Because not too long ago, and even if for some it was a long time ago the sting is still as painful to know that a former Prime Minister was prosecuted and that the highest courts had to find that there was bias in that prosecution that involved the Chief Magistrate and a sitting Attorney General. [*Desk thumping*] It is not for me to judge what happened then or for us to reinvent or to re-litigate. That was a finding of our court.

**Dr. Gopeesingh:** They went with machine guns at his home.

**Mr. P. Ramadhar:** That is another case of the Chief Justice—[*Interruption*]

**Dr. Gopeesingh:** Went with—

**Mr. P. Ramadhar:**—being prosecuted. Oh, I thought the 70-year old was the Chief Justice. I am sorry. There were two separate—you see, it is replete with examples. A Chief Justice on a Friday evening at his home, outside of it, of course, [*Interruption*] “hi”!—machine gun toting police officers and others, several carloads of them outside a sitting Chief Justice’s home in Trinidad and

Tobago? Our beloved nation? Our democracy that we talk about? Head of the Judiciary to be taken away like a common criminal, and if he did wrong, of course. You see, these are the things we must not forget.

And what happened ultimately with the case? And that is why this is so crucially important that we get it right now, not wait to have tombstone legislation, and if it happens again, then come back and say, we “shoulda” fixed it.

**Mr. Singh:** I like that phrase.

**Mr. P. Ramadhar:** Tombstone, because some people do die in the process. [*Desk thumping*] If not physically, their character and their reputations are ruined by prosecutions which we call “policutions”, political prosecutions that we have seen too often in the past and we hope never to see into the future. And that is why, forgive me, we cannot support this legislation as is. [*Desk thumping*]

**5.25 p.m.**

I have made public statements of my intent always to support what is right for this nation. But, equally, it is my bound duty like every one of us on both sides, actually, to do what is right for this nation’s future devoid of political interference in that serious aspect of law enforcement. You see, we are not dealing with the Commissioner of Police here, you know; we are not dealing with the Chief of Defence; we are dealing with the Director of the SSA who, take away all the pretty talk, is handpicked. You see, my friend from Point Fortin spoke about the qualifications of the good Mr. Robinson. I have met him, but I do not know him and I want to cast no aspersion whatsoever, but in the modern age I have been bombarded—if I may put it like that, forgive the military term—of suggestions that his qualification is nowhere what the Member for Point Fortin—I do not know. I do not know.

I mean, some are even suggesting the name Robinson is located within a Member of the Cabinet. I do not know, and it is not for me to spread these things. But the point that I am making is that it is easy, in a country like this, for allegations and insinuations to be made and could destroy even the good Mr. Robinson, because he has not been properly brought before the people for them to say, “Look, this transparent approach to his selection is what we have.” Who was the last director? Who was the last director of the SSA? [*Interruption*] You wish to speak, Sir?

**Hon. Member:** Amnesia.

**Mr. P. Ramadhar:** I have no amnesia, I remember these things, but what I do tell you is that we must always learn from the errors of the past. [*Desk thumping*]

It is a fool's paradise to believe that you get experience only to look in the rear-view mirror to see it. [*Desk thumping*] Your experience tells you that when you look forward you will know what the circumstances are, what factual situations arise so that you will anticipate predictability, Member for Point Fortin. So, if you know from the past it has happened, expect it to happen in the future and deal with it. [*Desk thumping*] You see, this thing may have been good 21 years ago, but it is not good today. This selection process, because, to read section 4(1):

“...the Director shall be appointed by the President for a term not exceeding five years terminable at any time...”

So that if this person, this director, male or female, should fall afoul of the Minister of National Security, or his Prime Minister, or any severely influential member of the Cabinet, that person could be dispensed with, because there is no basis, no criteria for his removal and, therefore, when we talk about tenure for judges and tenure for Commissioner of Police, this is really at the whim and fancy of the political directorate. [*Desk thumping*] In this modern day and age, can we afford without international embarrassment to go forward on something like this? We cannot.

But, you know, it gets a little—if that was the tip and the end of the iceberg that would have been bad enough. When we read on, if it was not certain under section 3(2) that:

“The functions of the Agency shall be exercised by the Director after consultation with the Minister.”

What does section 4 subsection (5) say?

“The Director shall be subject to the directions of the Minister.”

This could not be more black and white. As one of my former colleagues used to say, this is in written writing. [*Laughter*] The directions, in this era, of a person who holds such power, such authority. And, listen, what goes further now, to add more salt to the wound to our Constitution. Yes, it was law, it is law till today until it changed.

“5. (1) The Agency may—

(a) employ staff as it considers necessary...”

What criteria? We are hearing now about relatives being hired in MPs’ offices. What prohibition is there or qualification requirements, or is this left entirely up to the discretion of the director and a select few others?

(b) provide for the remuneration and other terms and conditions of their employment;

(c) exercise disciplinary control over or terminate the appointment of persons employed...”

I wonder if this really—I mean, because, we had it, but we never really examined it. But, standing here as a lawyer also, I am embarrassed that this is the law, that the United Nations—of course, we know what happened, but you have brought change. You were elected on September 7<sup>th</sup>. You promised good governance. [*Desk thumping*] The people believed you and they voted you in. This cannot go forward. No, no, no, we as a people must deal with this. So, Madam Speaker, I was very heartened—

**Mr. Hinds:** Would the Member give way?

**Mr. P. Ramadhar:** Absolutely.

**Mr. Hinds:** Is the Member taking objection to the substantive legislation, you, as a former Minister of Legal Affairs in the Government of Trinidad and Tobago, having lived with that for the last five years, you have a problem with it today?

**Mr. P. Ramadhar:** Of course I do, and I have learnt now [*Desk thumping*] that because there is change in the air, there are many things that were wrong in the past, and now that we examine it—if you were paying attention, just a moment ago I spoke to this issue that we had not examined it, but looking at it today, because we are about to change it. If we are going to change it, let us fix it. Because, what it is akin to, really is a change of use application to the Town and Country Planning.

**Mr. Singh:** Good point. [*Desk thumping*]

**Mr. P. Ramadhar:** A one bedroom chapel in Centenary Extension in St. Augustine, put a hundred storey luxury building without providing water or road—there is no foundation upon which you could build this thing there. [*Desk thumping*] The foundation upon which this is built is rotted. It is inappropriate, it is insubstantial and, certainly, out—the young people say out of timing. It cannot.

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We cannot go forward as a responsible Parliament with these sorts of political control on a prosecutorial arm, at the end of it, of the State. And, that is the point. You see, it is a Trojan horse. The personality of the Attorney General rises and speaks, you know, we believe, as we will, that as a man of honour and so, that he will not want to cause damage, as I said before. But, within it, is that seed of rot. I know he did not intend it. In fact, when I was reflecting upon this I thought it was really Pandora's box, and I do not wish to go through all of these things, but gift wrapped in such a pretty way, because the intent is noble.

We all agree we need to get rid of the silos, so that all law enforcement agencies could work together, come together and have the intelligence information, evidence so that we could go to prosecutions, so that those who do wrong would pay the price, ultimately. This is what we want. For too long many who have done wrong have gone unattended, unknown, and certainly unprosecuted. And, for those who have been prosecuted—

**Madam Speaker:** Hon. Member for St. Augustine, your speaking time has expired. You are entitled to 15 more minutes.

**Mr. P. Ramadhar:** I would be most delighted, please.

**Madam Speaker:** You are granted.

**Mr. P. Ramadhar:** [*Desk thumping*] Now, not that I was having as much fun, but I did not appreciate the time had flown. But, to be reminded, as we were earlier today, that there is a judgment that emanated from the High Court of Trinidad and Tobago just this week, as reported in the newspaper, and until I see the actual judgment I do not want to go much further into it.

But, it was most disturbing, if the reports are correct in the newspaper, that there was an issue there of political direction for the prosecution of a senior police officer by one Harold Phillip, a senior police officer.

**Hon. Member:** Which newspaper?

**Mr. P. Ramadhar:** What?

**Mr. Imbert:** That is not in the papers. [*Crosstalk*]

**Mr. P. Ramadhar:** I shall not be troubled.

**Mr. Imbert:** That is not in the papers.

**Mr. P. Ramadhar:** I shall not be troubled by whether it was in the paper or not, I said, we shall wait for the judgment to read it.



**Hon. Member:** Read it again? [*Interruption*]

**Mr. P. Ramadhar:** What I do know, one of the most respected newspapers in the country, the *Guardian*.

**Hon. Member:** What, the *Guardian*?

**Mr. P. Ramadhar:** Yes, the *Guardian*, Wednesday, March 16, 2016, and I know the judge Frank Seepersad, that is a very—

**Hon. Member:** Well respected.

**Mr. P. Ramadhar:** No, the picture looks much like him. And the report says that: “Cop awarded \$300,000 for a bogus charge”. To be reminded, as they will try to drown out the truth a little bit, that we need now to ensure.

**Mr. Imbert:** You do not know the truth if it hit you in the face.

**Mr. P. Ramadhar:** You want to hit me in the face? [*Interruption*] You want to hear a quotation?

You know, I have listened to the hon. Prime Minister as Prime Minister, and I had listened to him when he was Leader of the Opposition, and even before then; but I had a reason to reflect on what he said. As I know I have very limited time, I will have to curtail what I have to say. But, I think his words, for those who do not know and do not wish to learn, they will do well to listen to what their Prime Minister said on November 19—as Leader of the Opposition then—2010. And I quote *Hansard*:

“Thank you, Mr. Speaker. I was saying, in advocating that we create proper institution, that it cannot be that what we will accept is something that when a government changes, what happens is that whoever was there is thrown out and you pick your man or woman and that person becomes the acceptance to the country and until the next government comes in and throws the person out.”

Is that not what happened? And we need now to insulate this person that we are going to give such power to, from political manipulation where they can be fired, hired [*Desk thumping*] and expired.

“All that is going to happen is that in comes the new person, you pick your man or your woman and you do as you please until the next time, but on the other hand, if we are to learn from those who have gone ahead of us in this

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and you have put proper structures in place, we too will then set out to put proper structures in place.”

But, he said something even more—this is *Hansard* of your Prime Minister—*[Interruption]*—yes, you will listen to this one now. *[Laughter]* And I really would recommend his statement to the Parliament on that day, because it really was uplifting to have heard him.

But now, we have the opportunity to do exactly what he preached to. So, Attorney General, I do not know if you shared with your Prime Minister the concerns that you must have seen about this thing about picking your own man, and then when Government changes you get rid of that and you bring someone else in. There must be continuity in Government. You had spoken about this. There must be structural build, institutional strength, and this is not what we are doing here. In fact, along the line, the Leader of the Opposition, then, spoke in words that if we continue like that we would be creating an environment where—let me just read this eh, I could not put it better. This is at page 502 of the *Hansard*, dated November 19, 2010:

“...The other one in parallel is to protect citizens from abuse as the State proceeds to use that tool under the rubric of national security.

If we accept that both have to exist, then you have to find out what kind of institutions, laws, arrangements and regulations are to be put in place to allow the State to function in an unfettered way, while at the same time not creating a modern day Gestapo to be abused by office holders for their own nefarious ends.” *[Desk thumping]*

This is Dr. Keith Rowley. His words. *[Interruption]* You have the authority. You have the cooperation on this side. Let us do what your Prime Minister said. Let us not repeat the errors of the past, because the future, as I always say, must be better than yesterday. We cannot recreate the past, but we can create the future we want together.

Thank you very much, Madam Speaker. *[Desk thumping]*

**Mrs. Glenda Jennings-Smith** (*Toco/Sangre Grande*): *[Desk thumping]*  
Thank you, Madam Speaker, and hon. Members of this House. A fundamental requirement for any measure addressing criminality in this country must be strictly relative to the condition that this country now faces.

Madam Speaker, in reply to my most hon. friend, the Member for St. Augustine, on the opposite side, I want to say how happy I am that he has

recognized the Opposition at the time, which was the PNM Opposition, and their genuine interest in supporting Bills in favour of this country, and the scourge against crime.

**5.40 p.m.**

But I want to also remind him, that when he speaks of intelligence, as a police officer, intelligence is not just rumour, intelligence is not just vapour, that is information. We call that information. And this very sentence brings me to a popular quote which I want to read out in this House this afternoon here. And the quote states:

“Human ordeals thrive on ignorance. To understand a problem with clarity is already half way towards solving it.” Amartya Sen.

Madam Speaker, I really wonder, listening to the Member for St. Augustine, I got a sense of fear, I got a sense of fear coming from his voice, fear of prosecution. But I want to assure hon. Member and Members on the opposite side that this Government is not one to hound people in the absence of evidence.

Now, Madam Speaker, I heard the concerns and let me assure you also about the employment practices. I too, just about a few years ago, I was a practising police officer and we had regular interventions with the SSA. And I often wondered, why I never saw advertisements in the papers for jobs there? But I want to say that many people have recognized mistakes of the past and in going forward we on this side promise to have transparency to the highest degree. [*Desk thumping*]

I want to assure too, that we recognize that the Trinidad and Tobago police remains the primary agency for law enforcement in Trinidad and Tobago, and detection. All of us who sit in this very august Chamber should have a fair idea that this country and our defence and law enforcement agencies, in particular, are currently engaged in a complex and challenging era of national security and public safety. It is an era where criminal activity, including murders, organized crime, drug production and trafficking are more prevalent than ever before and the violence and lawlessness it fuels, poses a very real danger to our dream of peace and stability.

But, Madam Speaker, this experience is not unique to Trinidad and Tobago. We are a part of the global environment. We also cannot escape the fact of our location situated as we are between producing countries and consuming countries which make us not only a transshipment point of drugs and guns but also a drop

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off point as well.

So, Madam Speaker, over the last six months the Government has undertaken a comprehensive review of law enforcement with the continuing objective of assuring the safety and security of this country and the well-being of everyone in Trinidad and Tobago are upheld. We recognized also that it is our responsibility to provide a safe and secure environment for every person in Trinidad and Tobago, and visitors alike.

Madam Speaker, Trinidad and Tobago has, for some time, become a prime transshipment location, an excellent point for depositing and shipment of drugs to points in Europe and North America. All available information confirms that most of the drugs, along with the guns, are remaining in Trinidad and Tobago. These guns and drugs are central to the current street level gang violence as gangs fight for turfs and control over various drug markets. The Trinidad and Tobago Police Service as I said before is the primary agency for detection of offences in Trinidad and Tobago. I want to praise the hard-working men and women of which I was a part of for over 30 years and this organization constitutes, Madam Speaker, the major cog in the wheel of our crime-fighting efforts. We as a Government, we are proud of their efforts and I take this opportunity to strengthen their resolve. But, Madam Speaker, a major barometer of law enforcement capacity and the performance, in any society, is the homicide detection rate. I wish to draw some examples from statistics I obtained from the CAPA of Trinidad and Tobago Police Service.

In 2010, Madam Speaker, when this Government demitted office we had a 23 per cent detection rate. In 2015 when we came back into office, Madam Speaker, that rate had gone down to 16 per cent, detection rate for murders. And I will also refer to gang-related murders which is even worse. As indicated by the Attorney General a while ago it has gone to 3 per cent detection rate. This is troubling and it is unacceptable.

There also continues to be an upsurge in gang and drug-related violence as perpetrators of homicide, in some cases, become the victims of reprisal. The rise of crime in the Caribbean has been characterized by the increased use of more powerful weapons resulting in higher mortality levels and a major factor contributing to the surge of gun-related criminality in the region is the trafficking of narcotics which has facilitated the availability of firearms.

Madam Speaker, not only murders, but please allow me the opportunity to provide this honourable House with figures in the areas of wounding and

shootings for the period 2010 to 2015. In 2010 shootings, we had 119 shootings. In 2015 it went to 100 shootings. With the offence of wounding, in 2010 we had reported offences of 154 with the use of a firearm. By 2015 it had gone to 284.

I also wish to refer to statistic provided by the Crime and Problem Analysis Unit of the Trinidad and Tobago Police Service for firearms found and seized from the years 2010 to 2015. In 2010 a total of 382 firearms were found. By 2015, 691 firearms found for the year. The Government of Trinidad and Tobago has taken significant steps, such as this proposed SSA (Amdt.) Bill, to strengthen our combined capacity to vigorously and relentlessly pursue the criminal proponents to these transnational crimes. When I spoke about firearms seized in Trinidad and Tobago, I want to bring this honourable House to the facts at hand. Firearms seized from 2010 to 2015, a sharp rise of 691. The detection rate dropped to 3 per cent gang-related murders. Ordinary homicides, the detection rate dropped to 16 per cent. Serious crimes had a remarkable drop also but, Madam Speaker, with all the drop in these offences, homicides have been rising.

Madam Speaker, 691 firearms seized but yet still we cannot make a dent on homicides. We cannot make a dent on gang-related murders. Something is amiss. It is clear that the firearms and illegal drugs are the main reasons behind our country's high crime rate. To stymie these types of crimes and to bolster this country's detection rate we need to be aware where the guns and drugs are coming from and who the main players are in this scenario. This can only be achieved through the proper intelligence sharing and information gathering mechanisms assessed at the strategic level before operations can play out on the ground. Having regard to the legislative mandate of the SSA and the current fragmented approach to treating with crime types, there exists the need for one strategic coordinating crime centre for specialist national security functions as well as to provide intelligence and analytical support for the appropriate operation and intelligent arms of the respective services indicated in the SSA Act.

The SSA will in essence support and cooperate with law enforcement officers more vigorously and seek to boost this country's detection rate. Intelligence led policing focuses on key criminal activities. Once crime problems are identified and quantified through intelligence assessments, key criminals can be targeted for investigations and prosecutions more furiously, because the groups and individuals targeted will be those responsible for the crimes.

Madam Speaker, while the criminal justice system as a whole provides some deterrent effect a key question for policy development with regard, whether enhanced sanctions or an enhanced possibility of being apprehended through an

improved or enhanced detection rate, provide an additional deterrent effect. So what we need to look at is whether, if we provide our agencies with more intelligence, it could enhance the detection rate to have an impact on drug-related activities, homicides and gang-related murders.

Madam Speaker, research has shown that all indicators point to the fact that an increased certainty of being caught would be more likely to produce more deterrent benefits to persons committing future crimes. And I think about what I just heard, Madam Speaker, from the persons opposite me, the Member for St. Augustine, there seems to be a fear and I felt happy with that because once we have that fear created in the minds of the people of this country, the whole idea of committing an offence, it deals with a deterrent effect of criminality. I am saying again that it is a deterrent effect in criminality. [*Desk thumping*]

Madam Speaker, if a person knows he can commit an offence without being caught, would he do it? I ask the question to this honourable House, if a person knows he can commit an offence without being caught, can he do it? Plain and simple deterrence predicts and posits that a person will not commit an offence if he knows he will be caught. Madam Speaker, this is basically the premise of a deterrent principle. I did not say this to bring fear to anybody's mind. The national security environment is dynamic and it is clear that organized crime will continue to challenge us if we do not take a more strategic approach to crime-fighting and national security. Organized criminals will continue to change their methods and structures to avoid detection. Our citizens' lives depend on us getting this right as a national security community.

**5.55 p.m.**

Now, more than ever before, the national security community needs to collaborate, share information, improve our methods of working together and remain vigilant against all forms of threats. Madam Speaker, the 21<sup>st</sup> Century has brought new challenges for the police in Trinidad and Tobago and the region as a whole. Terrorism, globalization, large-scale population movements, transnational organized crime and entrenched social problems pose crime-control threats that are increasingly seen as beyond the scope and capability of traditional policing.

To combat some of these challenges, many countries over the last decade have reviewed, studied and slowly but steadily transformed their intelligence operations. Most efforts have focused on reorganizing and enhancing the intelligence infrastructures at the state level. Such enhancements make it possible

for the State's law enforcement agencies to play an even more crucial role in securing the nation. But perhaps, more important, improvements to intelligence operations help local law enforcement respond to traditional crimes more effectively.

In the past, Madam Speaker, officers on the beat were an excellent resource, and still are, for gathering information on all kinds of potential threats and vulnerability. However, the intelligence operation of the State and local law enforcement agencies often are plagued by a lack of policy, procedures and training for gathering and assessing essential information. To correct this problem, Madam Speaker, fundamental changes are needed in the way forward, in collaboration, collation and analyzing of information into intelligence. Traditional intelligence functions need to be replaced with cooperative fluid structures that can collect information and more intelligence to end users more quickly.

In this regard, the operations of the newly restructured SSA will enhance intelligence-gathering and sharing and improve interagency coordination and operability. The newly restructured SSA would therefore engender a well-functioning, single agency with a robust, integrated, nationwide system for coordination and communication within the national security domain. So, Madam Speaker, and hon. Members of this House, we would recall that the Minister of National Security had indicated in November 2015 that there was a need to review the nation's security apparatus and that a number of adjustments needed to be made in strategy and in the structure of the security institutions themselves.

Madam Speaker, the Ministry of National Security is now working towards introducing a reform agenda at the strategic level to address some of the current and emerging challenges we may face in the 21<sup>st</sup> Century. In this regard, the Ministry of National Security has been developing strategies and concepts at the strategic level which are appropriate for this new era, while rethinking and reviewing past approaches to the organization, training and equipping of law enforcement operatives, as well as other human resource necessities.

In providing an assessment of potential threats, the Ministry of National Security believes in doing things by beginning with the end in mind. This is being done so that a clear picture of the end is known by all, so that we can also clearly understand where we are going. In other words, we must take a clear and relevant policy strategy perspective. This is needed if we are to position this twin-island republic where it can deal with its longstanding security challenges in a more effective and efficient way. The unacceptable levels of crime-related gang violence and antisocial behaviour continue to pose a fundamental threat to the

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economic and social well-being of our people and, therefore, it is one of the highest priorities of the Ministry.

In addition, Madam Speaker, the Ministry's policy is grounded on the philosophy of a whole-of-government approach. This approach will ensure that the policy, strategy and objectives are nested in the national interest across all Ministries. This will set out a strategic framework and action plan designed to ensure that the Government of Trinidad and Tobago can prepare for, and respond to a range of security threats, including illegal trafficking, murder, trafficking of arms and ammunition, the formation of gangs, terrorist attacks, outbreaks of infectious diseases, natural disasters, cybercrime and domestic extremists.

Madam Speaker, there is need for one strategic, coordinating centre that provides a specialist function with intelligence and analytic support to those national security agencies identified in this SSA Bill. This is the strategic approach we must take at this crucial time in our crime-fighting efforts. So, Madam Speaker, I expect that the Members opposite would recognize the importance of this legislation, give your support to these amendments and assist us, as we did five years ago in restoring the safety and freedom from fear of criminal elements in our beloved country, Trinidad and Tobago.

Madam Speaker, this amended Strategic Services Agency Bill of 2016 which this Government of Trinidad and Tobago has brought to Parliament today seeks to provide our law enforcement agencies with a greater understanding and knowledge of the criminal structure that presently exists in Trinidad and Tobago. And I take this opportunity to urge our law-abiding citizens of Trinidad and Tobago to stay strong to your moral values; [*Desk thumping*] stay strong to your moral and spiritual values. This Government came into office with a belief and a promise to give transparency of government to the people of Trinidad and Tobago, and we will stand to our promise. [*Desk thumping*] This Government will continue to do its part to maintaining and restoring the safety and security of our land, and I encourage Members opposite to lend your hand; support this amended Bill brought to this honourable House today as we continue our efforts in the war against crime.

I thank you, Madam Speaker.

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

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you very much, Madam Speaker. As I rise to join this debate, I want to assure the hon. Attorney General that I have not taken any bait from him in—[*Desk thumping and laughter*]—



joining this debate. I have joined this debate because this is a very important piece of legislation that has been proposed by the Government of Trinidad and Tobago, as we continue to develop as a country and a society. But it is important, too, that as we develop as a country and a society when laws or amendments are proposed, we must ensure first and foremost that the rights and the constitutionality of all our citizens are protected in any democratic society. [*Desk thumping*]

And before I go on, I want to take the opportunity here this evening to congratulate two new super Ministers which have been created by the Prime Minister, Dr. Keith Rowley, in relation to the Member for La Horquetta/Talparo who is now the Minister of Communications and the Minister of Public Administration, and the Member for Port of Spain North/St. Ann's West, who is now Minister in the Ministry of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister. I wish you two super Ministers all the best.

**Hon. Member:** Stuart little is Stuart big. [*Laughter*]

**Mr. Young:** But I thought that word was out there already. [*Laughter and desk thumping*]

**Mr. R. Indarsingh:** Madam Speaker, I will not seek to pronounce on what was just said.

**Mr. Deyalsingh:** The size of his hands? [*Laughter*]

**Mr. R. Indarsingh:** Madam Speaker, as I listened attentively to the Member for Toco/Sangre Grande, I was forced to do some introspection because in her previous incarnation, the Member for Toco/Sangre Grande was a former Assistant Commissioner of Police of Trinidad and Tobago, and instead of reeling out a number of statistics and so on, I thought that she would have come up with the prescription to move the police service and also the Strategic Services Agency in terms of addressing the very important issue of crime in Trinidad and Tobago. [*Desk thumping*] But I did not hear anything that will force me to respond to what she had to say.

But also, I listened during this debate here today about pronouncements which were made by the hon. Attorney General as it relates to the committed and dedicated citizens of Trinidad and Tobago who serve the respective law enforcement agencies of this country, and also the Minister of National Security who indicated that the Government needed a second opportunity to get it right.

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And if we are to get it right, Madam Speaker, we must, indeed, learn from the lessons of the past. And if I am to read into the records this evening—and I want to quote from a statement by the then Prime Minister of Trinidad and Tobago, the hon. Kamla Persad-Bissessar, when she made a statement in this very said House on the interception of communications, and I quote directly from this statement. The then Prime Minister indicated:

“There were reports as well, about the possibility of financial irregularities as well. Reports from the police indicated that SIA was a virtual law unto itself. It reported directly to the Minister of National Security and the Prime Minister and there are serious concerns about accountability and transparency. Special branch officers found, on that fateful day when they went in on October 23, 2010, in excess of \$5.9 million in cash and an undisclosed quantity of firearm and ammunition was seized. Internal audit reports revealed that some \$15 million cannot be accounted for, to date.”

Madam Speaker, that is the kind of thing that we must be prepared to guard against, if the Government wants the support of the Opposition on these proposed amendments.

**Hon. Member:** Come clean. Come clean.

**Mr. R. Indarsingh:** You all must come clean and you must be prepared to dialogue with the Opposition.

**6.10 p.m.**

You have consistently said, if I could recollect, during the first budget presentation of this Government, the Minister of Finance said that—he used the word “consultation” approximately 20 times throughout his budget speech, and we are approaching the midterm, mid-year review and not one consultation has even been held on the state of the economy of Trinidad and Tobago. [*Desk thumping*]

If you want the Government support and the issue of consultation, as we move forward—[*Interruption*]

**Hon. Member:** Want the Government support?

**Mr. R. Indarsingh:** You all want the Opposition support, you must be prepared to understand that we have a legitimate role in this Parliament and we will not shirk our responsibilities, [*Desk thumping*] and this is why Mr. Reginald

Dumas, former head of the public service, had to remind the Government that “Let’s do this together” has failed miserably over the last six months [*Desk thumping*] and you seem to be championing the pronouncement of the Member for Tobago West that we are in charge and we will do what we want and we will ride roughshod over the civil liberties of the citizens of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker—

**Dr. Francis:** He said all that?

**Mr. R. Indarsingh:** I will not be distracted by the Member for Moruga/Tableland, you know. He went to address a consultation and he did not know what he was there for. [*Laughter and desk thumping*] And on three occasions he told the audience, “I did not know what I was there for.” So he has little to offer this Parliament and the people of Trinidad and Tobago. [*Desk thumping*] So, Madam Speaker, as I said—and I want to read into the record also from the *Newsday*, Thursday, September 10, 2017.

**Hon. Member:** 2015.

**Mr. R. Indarsingh:** 2015, sorry.

“RETIRED Brigadier”—Gen.—“Edmund Dillon—a former Chief of...Staff and new”—MP for Point Fortin—“yesterday announced a ‘review of the security architecture of Trinidad and Tobago’ and....”

He indicated that he:

“would not rule out the reintroduction of the disbanded Special Anti-Crime Unit of Trinidad and Tobago...”

So these proposed amendments seem to be the emergence of what we would call SAUTT 2, and that is why we must be prepared to be very vigilant in terms of what unfolds in this Parliament here today. [*Desk thumping*]

I say so, Madam Speaker, because we all know that in SAUTT 1, if I should use that term, every sector of the society, whether it was the trade union movement, whether it was the media of Trinidad and Tobago, whether it was private citizens, their privacy was invaded, and we are not told up till today from the hon. Attorney General what safeguards are being put in place as it relates to safeguarding the privacy of the ordinary citizens of Trinidad and Tobago. [*Desk thumping*]

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Madam Speaker, as I said, if we are to go forward we must be prepared to learn from the mistakes of the past. Today, we have heard from the hon. Attorney General, as he piloted the proposed amendments, of the critical importance for the expansion of the Strategic Services Agency, and that this agency will now have a critical role in relation to not only surveillance and intelligence as it relates to drug trafficking and monitoring of drug trafficking and so on, but it will seek to take into consideration—67 if I stand to be corrected—67 new areas of what we would call serious crimes.

But what the Attorney General did not say to each and every one of us, and to the wider citizens looking on and listening, is what kind—I know that he may say that that is a national security issue and that is for the consideration of the National Security Council of Trinidad and Tobago, but certainly, Madam Speaker, in an expanded role we will want to know how much money the Government will spend on surveillance equipment and techniques that they will pursue [*Desk thumping*] because certainly we will not want to see blimps taking to the skies of Trinidad and Tobago again. I want to read from—[*Interruption*]

**Hon. Member:** How much in Renzi?

**Mr. R. Indarsingh:** We have no problem in being transparent and accountable at Renzi Complex in Couva. I cannot say that for Balisier House. I want to read from an article written by a Richard Charan of the *Express*, Wednesday, December 03, 2008:

“Blimp back in action

....despite move by Govt to cut back on expenditure

Government’s fiscal restraint, in the face of a global economic meltdown, does not include pulling the State-owned surveillance airship out of the sky...

The Skyship 600 is costing taxpayers more than \$46,000 a day...

The Skyship 600, now concealed in a hangar and behind a yellow tarpaulin at SAUTT’s Cumuto base, is being operated and maintained at an annual cost of \$17,010,000.”

A clear sense of wastage at a time in 2008 of what we would call a global economic meltdown. What safeguards are there? We are being told by the hon. Attorney General this evening that this same kind of wastage will not go on in relation to this expanded Strategic Services Agency.

Madam Speaker, I want to further indicate that this kind of wastage in times of little, based on what the Prime Minister alluded to recently in the public domain when he said Trinidad and Tobago was not bankrupt, but Trinidad and Tobago had a cash flow problem, we must be very responsible in terms of the amount of moneys which will be allocated in terms of equipment that will be purchased by the Government of Trinidad and Tobago, as it proposes to expand the Strategic Services Agency.

Madam Speaker, I also want to focus on the issue of the commitment or the homage that was paid by the Member for Toco/Sangre Grande and the Attorney General also, when they both spoke about recognizing the hard work of the dedicated officers of the respective law enforcement agencies in Trinidad and Tobago, and we have not been told—the Leader of the Opposition has called for it in terms of the organizational structure of this expanded SSA, up till now the Attorney General has not indicated what is the current workforce or the manpower levels that exist at the SSA, and based on the expanded role of the SSA what would be the manpower levels that would be required based on the new organizational structure. And in addition to that, how will they be compensated.

Madam Speaker, it is important that we address this very fundamental and critical issue of compensation, because in the last incarnation the morale of officers who were in the police service of Trinidad and Tobago was at an all-time low when compared to the officers who were engaged in the SSA. And I say so because whilst they recognize and whilst they pay homage to the role of law enforcement officers within Trinidad and Tobago, the Minister of Finance up till today cannot advise the Parliament of Trinidad and Tobago, and cannot advise the Trinidad and Tobago Police Social and Welfare Division: when will the outstanding back pay and the liabilities [*Desk thumping*] that are owed to officers based on the collective bargaining process, when will they be honoured by the Government of Trinidad and Tobago.

I call upon the Minister of Finance and also the Attorney General of Trinidad and Tobago, to tell the Parliament, to tell this honourable House, when will law enforcement officers, those who fell in the line of duty such as the families of Police Constable Russell Ramnarine who was killed on December 14, 2015, Police Constable Sherman Maynard who was killed in the line of duty on July 24, 2015, and Sergeant Wendell Manwaring who was killed in the line of duty on February 19, 2013, when will the Government honour this commitment based on their pronouncements of recognizing the value and contribution of law enforcement officer to nation building.

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Madam Speaker, I say so too, because in this new organizational structure, if based on intelligence gathering and based on the crime levels that we are currently witnessing in the country, if an officer attached to this expanded entity falls in the line of duty, is killed in the line of duty and so on, is there going to be some kind of compensation for the families of whoever falls in the line of duty, God forbid? That is something that we must hear also from the Attorney General of Trinidad and Tobago.

Madam Speaker, in keeping with the issue of protecting the rights of the individual and the civil liberty of the individual, we must ensure collectively if the Government wants the support of the Opposition, that the SSA must be free, or intelligence gathering must be free of ill will, malice, vendetta and political agendas.

**6.25 p.m.**

Because at the end of the day, I am very concerned based on an article that I read in the *Newsday* of Wednesday, March 16, 2016, page 5, which was alluded to by my colleague, the Member for St. Augustine, but I will just want to deepen the point that I am making here, today, and I am quoting directly. It was written by Jada Loutoo:

“A High Court Judge has admonished a senior police officer for his conduct in an investigation of which he was in charge of in 2003. The judge advised that the Police Service must always guard against actual or perceived political influence.”

He went on in his ruling that was delivered:

“...Justice Seepersad found that then Assistant Superintendent of Police (now Deputy Commissioner of Police) Harold Phillip, maliciously prosecuted his colleague. ‘Policing is serious business and requires impartiality and keen sense to do that which is just and right.’”

Madam Speaker, I make this point because policing and intelligence gathering go hand in hand, and I want to further quote from the article to drive home this point that:

“The commitment to protect and serve should always be undertaken in a fair, thorough and comprehensive manner that is devoid of any political motive, direction and or ulterior motive...”

If we go on to read this article, it is even more frightening in terms of what is stated based on the actions of this senior officer of the police service:

“...the retired policeman alleged that Phillip fabricated the evidence; unlawfully obtained statements by duress from men who were involved in...”—this—“investigation; failed to conduct sufficient investigations; and had no reliable evidence upon which to charge...”

And if intelligence gathering goes in the wrong direction, then I am forced to ask, how or what is the right of recourse of ordinary citizens of Trinidad and Tobago? And this is what we must be prepared to guard against. Because when a person’s character is tarnished, when he or she is brought before the judicial system based on malicious and what we would call vindictive intelligence gathering, we are setting the seeds for a dictatorship. We are setting the seeds for a dictatorship if the political directorate is prepared to carry out such actions against its political opponents and so on, and this is very important as we continue to develop this debate.

And also, as I address the question of the manpower requirements of this expanded SSA, I do not know if this expanded SSA is being done so that it could facilitate jobs for the boys, and we all know what was done in relation to the operations of the disbanded Special Anti-Crime Unit of Trinidad and Tobago. Today, this evening, I call upon the Attorney General to clear the air on whether they have earmarked—that one Nigel Clement has been earmarked for the position of the deputy director of this expanded Strategic Services Agency. [*Desk thumping*]

That is very important and whether other officers who were attached to this disbanded Special Anti-Crime Unit of Trinidad and Tobago have been promised re-employment in this expanded SSA. And that forces the questions to be asked: what is the criteria? Where will they come from? We have heard about secondment from the police service of Trinidad and Tobago. We would have heard from the public service but where else will they come from? Customs? Prisons? Party groups number one, two and three?

**Mr. Young:** UNC executive.

**Mr. R. Indarsingh:** We have competent people on the UNC executive, “mind yuh business, mind yuh business”. We are led by a political leader who has vision. [*Desk thumping*] We have an executive, we have a chairman who will take this party to be the next Government of Trinidad and Tobago. [*Desk thumping*] So we have vision, we have capacity, we have a track record and we will continue to

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be a viable Opposition, an alternative Government based on your dismal performance over the last six months. [*Desk thumping and Interruption*]

Madam Speaker, the hon. Attorney General will not sidetrack me and neither his sidekick, the Minister of Finance. [*Laughter*]

**Mr. Imbert:** Sidekick? I am nobody's sidekick. [*Continuous interruption*]

**Mr. R. Indarsingh:** So, Madam Speaker, you all will toss up on that side who is the boss and who is in charge and who is running the political party. That is no business of the United National Congress. [*Desk thumping*]

So, Madam Speaker, as I said, the issue of whether it is job for the boys and whether we will see a return of persons, especially Mr. Nigel Clement proposed to become the new deputy director and whether persons, as I said, who were in the former Special Anti-Crime Unit, will they return to this new or expanded entity.

In addition to that, I want to take the opportunity to address the very important issue of—the Trinidad and Tobago Police Service is governed by the operations of the Police Service Commission and there are regulations and so on that guide the operations of the Trinidad and Tobago Police Service. But it is important to clarify that the SSA is more or less a civilian agency, and in that regard, Madam Speaker, the tenure of persons who would—

**Madam Speaker:** Hon. Member, your 30 minutes speaking time has expired. You are entitled to 15 more minutes if you intend to use it.

**Mr. R. Indarsingh:** Yes, Madam Speaker, I will avail myself of my entitlement.

**Madam Speaker:** You may continue.

**Mr. R. Indarsingh:** So I was indicating to you, Madam Speaker, that the issue of or the existence of the persons who would be engaged in the expanded SSA, if they are seconded from the police service or if they come from within customs or the prison service of Trinidad and Tobago, what will become of their years of service? What will become of their pension entitlements and so on? And as I said, Madam Speaker, how would the very important or pertinent issue of gratuity be addressed? And, who would set their salaries? Whether it would be the office of the Chief Personnel Officer or will they be able to be represented by their recognized majority union from the place that they would have come from? Or, Madam Speaker, as I said, would they be allowed to engage in what I would call free and fair collective bargaining?



This is very important to be clarified. And what will be the compensation levels? Who will set this compensation level and what guarantee that there will be in terms of a disparity of salaries existing in the expanded SSA as, against, for example, the salaries that are existing in the police service, prison or customs and so on? [*Desk thumping*] That is very important for clarification and I think that in the interest of transparency and accountability and proper governance that we are told of this before the end of this debate.

Madam Speaker, you would have heard from the Leader of the Opposition, you would have heard from my other colleagues and we have adopted a very responsible position; a position to Trinidad and Tobago. A position that we are prepared to ensure that we lend a hand of support to the Government if they are prepared to send the proposed amendments to a joint select committee. If they are prepared to engage the Opposition in meaningful dialogue, because the Government of Trinidad and Tobago, whilst you may possess the political majority in this House, you have a responsibility to understand the relevant role and function of the Opposition of this country.

We will not short-change the rights of the ordinary citizens of Trinidad and Tobago. We will not be associated with any kind of Gestapo entity. [*Desk thumping*] We will not support anything that will lend credibility to an unfolding dictatorship in this country. We will not support a Government that is prepared to attack independent institutions such as the Central Bank. And I heard the Member for Toco/Sangre Grande indicate that we have nothing to fear on this side because the Government will not hound anybody out of office. The DNA of the PNM is to hound persons out of office. [*Desk thumping*] Ask the former Chief Justice Sat Sharma. Ask former Governor of the Central Bank, Jwala Rambarran. Jwala Rambarran is out of the office of the Governor of the Central Bank but the forex situation has not been resolved in Trinidad and Tobago.

Madam Speaker, the Supermarket Association has indicated—the President—that there will be a shortage of food on the supermarket shelves based on the fact that the exchange rate is appreciating and importers are having difficulty in accessing moneys to import goods into the country and that is why the President of the Supermarket Association has indicated that there is an impending food crisis in Trinidad and Tobago.

**6.40 p.m.**

And in that regard, anything that is totalitarian or dictatorship or attacks an independent institution such as the Integrity Commission, and so on, we will not

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be prepared to support. [*Desk thumping*] And that is why, whilst it is an important crime-fighting measure, and so on, probably you all are looking down the road and you are seeing the signs of social instability on the horizon and that is why, only after six months in office, whilst Trinidad and Tobago is in a state of paralysis, workers are feeling the brunt of the recession in this country.

I thought that the Minister of Labour and Small Enterprise Development probably would have been here today to pilot amendments to the Retrenchment and Severance Benefits Act to protect workers and address the increase in mortgage rates and address the increase in retrenchment, and so on. We would have heard these things. We are not hearing anything about socio-economic stability. We have been told by the Attorney General that he needs our support in relation to this piece of legislation.

So I am saying, if you are prepared to send this to a joint select committee, if you are prepared to dialogue with the Opposition in the context of the national interest of this country, in the context of the law enforcement officers and agencies of this country, we are prepared to give that meaningful support. Madam Speaker, I thank you. [*Desk thumping*]

#### ADJOURNMENT

**The Minister of Finance (Hon. Colm Imbert):** Madam Speaker, by agreement with the Opposition, I beg to move that this House do now adjourn to Friday, April 01, 2016, at 1.30 p.m., at which time we will continue and conclude debate on this Bill and if we have time we will do the local government Motion.

#### **Spiritual Shouter Baptist Liberation Day Greetings**

**Madam Speaker:** Hon. Members, before I put the question of the adjournment to the House, as Members are quite aware Trinidad and Tobago will be celebrating both Spiritual Baptist Liberation Day and Easter in the upcoming weeks. And I now call upon Members to express greetings, first on Shouter Baptist Liberation Day and I call upon the Member for Moruga/Tableland.

**The Minister in the Ministry of Education (Hon. Dr. Lovell Francis):** Madam Speaker, good evening. Good evening to the Members of this House on both sides. It is with great pleasure and a sense of gravity as I stand to bring greetings to the Spiritual Baptist community and by extension the larger community of Trinidad and Tobago on the impending celebration of Shouter Baptist/Spiritual Baptist Liberation Day. I do so for a number of reasons, one of

them being that as my very good friend, the hon. Member for Caroni East has mentioned, I am by profession an academic historian and, full disclosure, I have presented papers and written studies, aside from economics, on the evolution of this religion in Trinidad and Tobago. But I also do this because I am born and bred a resident of Moruga, which is the de facto mecca of the Spiritual Baptist faith.

Madam Speaker, there remains some academic debate as to the origin of the Shouter Spiritual Baptist faith in Trinidad. There are views that there have been infusions from other Caribbean islands, for example St. Vincent, but there is widespread academic consensus that the origin of this faith has to do with the arrival of the so-called company villages in Trinidad in 1816. In fact, they brought with them the entire Baptist faith.

Contrary to popular knowledge, the Baptist faith is a very multifaceted religion. What later becomes known as the Spiritual Baptist or Shouter Baptist faith is merely one offshoot of a larger Christian faith. They would have been considered historically unorthodox because their religion was infused with what can be typified now as Afrocentric traditions or as some will call them now new world African traditions. So they developed a Christian faith that was infused with aspects that other Christian sects did not consider to be Christian. They were also differentiated by the fact that they, in the early days when they were called “Wayside” and “Candle” Baptists, they preferred to do their ministrations, for example, on the side of the road, as opposed to constructing what were called camp-grounds or early rudimentary churches.

In the mid-19<sup>th</sup> Century, London Missionary Society came to Trinidad and they had an intervention with the Baptist faith in Moruga and that created a split which set the Shouter Baptists and Spiritual Baptists on a different path, in that the London Baptists were apoplectic about the fact that these people had the audacity to infuse their religion with these African customs, and they sought to purge those traditions from the faith.

The Spiritual Baptists, or in their early incarnation back then, refused that ministration and they diverged on their own path. Of course, that apathy to these traditions would lead the colonial government after some time to pass a prohibition Act against this, what was considered a very devious faith. One knows if one has any Spiritual Baptists in your community that the typical and traditional Baptist church is always found in subterfuge. It is always on a side street, never on the main road, always somewhere hidden because of the fact that everyone

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knows that at one point this faith was considered illegal and you could be arrested and prosecuted simply for attempting to celebrate as a Shouter and Spiritual Baptist.

I am saying all this, not just to give a history lecture but to give you a context, a larger context, which is that we ought to celebrate, we ought to venerate the Spiritual Baptists in this nation because they struggled for a right that today we take for granted. Their fight, and I would typify it this way, was part of a larger fight towards real emancipation, where we have a society that under colonial rule was not free, where the majority of the citizens were never given the freedoms that we as Trinidadians and Tobagonians take for granted today and they were not given. They got blows. They got arrested. They were brought before the courts simply for wanting the right that we all share today, to worship whatever God we see in whatever way we want.

Eventually that fight comes to fruition and they are granted the repeal of that Act and today the Spiritual Baptists, like all other faiths, have a constitutional right in this nation to worship their God as they see fit and that should be celebrated because it says that despite the fact that Trinidad and Tobago may have a number of problems today, we have been a progressive society that has steadily moved from colonial domination to creating an egalitarian society and that is something that as a nation we should be proud of.

So I take this chance as a person from Moruga, as a person who has some history and has had some immersion in the Spiritual Baptist faith, to bring greetings to that community, to, on behalf of the Government, wish the Spiritual Baptists of this nation and to wish the larger nation of Trinidad and Tobago, a happy Spiritual Baptist Shouter day next week. Thank you, Madam Speaker.  
[Desk thumping]

**Mr. Rodney Charles** (*Naparima*): Madam Speaker, we on this side join with the national community in general and the members of the Shouter Baptist faith in particular in celebrating Shouter Baptist Day.

Madam Speaker, it will be recalled that between 1917 and 1951, the Spiritual and Shouter Baptist faith and its practices were banned by the then colonial government. The legislation which they enacted was the infamous Shouters Prohibition Ordinance, which came into effect on November 16, 1917.

This law banned and made illegal such essential Shouter Baptist practices as loud singing, indigenous music, bell ringing, the deeply introspective and soul-enriching practice of mourning and animated worship. These were deemed by the

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then validating elites and the State as heathen, barbaric and entirely inconsistent with a colony and a society aspiring to modernity, civilized behaviour and social and cultural development.

Shouter Baptists were for decades subject to incarceration, fines and humiliation if found practising their faith. Madam Speaker, I recall my grandmother, her name was Bohee, speaking to her grandchildren with manifest trepidation about the horrors she and her fellow worshippers suffered in Fifth Company, Moruga with her beloved Pastor Dickson, who I am sure my colleague from Moruga/Tableland will be aware of. They suffered at the hands of the police during that unfortunate period.

Madam Speaker, history will recall that it was a UNC Government, an enlightened and progressive UNC Government which, in 1996, saw it fit and did all that was necessary to make March 30th a national holiday. [*Desk thumping*] That date is important, since it marked and celebrated the fact that it was March 30, 1951 that the Shouters Prohibition Ordinance was repealed.

Madam Speaker, it would be further noted that it was a UNC Government which took the required steps to ensure that the Shouter Baptists enjoyed all the rights and privileges of denominational bodies in the educational system of the country, through the establishment of the St. Barbara's Shouter Baptist School in Maloney. [*Desk thumping*]

The Shouter Baptists represent a truly indigenous religious institution with roots in Africa. It speaks also to the survival of cultural practices, despite decades of state-sponsored oppression. It tells us that truth and righteousness will ultimately prevail. It is a tangible manifestation of the essential spirituality of a people who, through faith, inner strength, and belief in righteousness of their convictions, can provide us with many lessons as we face these challenging times.

We on this side will continue to support the philosophy, principles, practices and institutions of the Shouter Baptist community as it seeks to be a full partner in every aspect of the growth and development of our country. We wish them every success in their future endeavours. May their struggles and successes be an inspiration to all of us. I thank you. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I join with the Member for Moruga/Tableland and the Member for Naparima in extending greetings to the Spiritual Shouter Baptist community on the commemoration of Spiritual Shouter Baptist Liberation Day on March 30th.

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The injustices suffered by members of that faith are well documented and I wish to say and thank both Members for how well they addressed the historical sufferings and experiences of that community. But I want to say that our nation has come a long way since then in valuing and recognizing our citizens of that faith and ensuring that they too enjoy the right and freedom for spiritual expression, religious expression, as stated in our Constitution, and in a true demonstration of the words of our National Anthem: “Here every creed and race finds an equal place”. The survival of that faith typifies values such as strength, resilience and perseverance—values which will do us all well as citizens, to incorporate into our individual lives.

I therefore take this opportunity to wish the members of the Spiritual and Shouter Baptist community and to the members of the nation, a day of praise, rejoicing and thanksgiving. [*Desk thumping*]

### **Easter Greetings**

**Madam Speaker:** I now call upon the Leader of the House to bring greetings to the Christian community on Easter.

**6.55 p.m.**

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. Easter is the celebration of Christ’s Resurrection from the dead, and it is a foundation of the Christian faith. It is the oldest Christian holiday and the most important day of the church year. All of the Christian feasts and the entire liturgical year of worship are arranged around Easter. Easter is preceded by the season of Lent, which is a 40-day period of fasting and repentance, culminating in Holy Week and followed by a 50-day Easter season that stretches from Easter to Pentecost. It is celebrated on Sunday, which falls on March 27, 2016, and marks the end of Holy Week and the end of Lent.

Easter Sunday is the last day of the Easter Triduum, and the beginning of the Easter season of the liturgical year. For those who may not be entirely familiar with the Triduum, it starts with the mass of the Lord’s Supper on the evening of Holy Thursday, continuing through Good Friday service and Holy Saturday, and concluding with vespers, also known as evening prayers on Easter Sunday. The Triduum thus marks the most significant event of Holy Week.

Christians believe that the Resurrection marks the triumph of good over evil, sin and death. It is the singular event which Christians believe proves that those

who trust in God and accept Christ will be raised from the dead. Since Easter represents the fulfilment of God's promises to mankind, it is the most important holiday on the Christian calendar.

Accordingly, on behalf of the Government and the People's National Movement, and on my own behalf as a practising Catholic, I wish to bring greetings to the Christian community on this most auspicious occasion and to wish all of us, happy, peaceful and Holy Easter. [*Desk thumping*]

**Mr. David Lee** (*Pointe-Pierre*): [*Desk thumping*] Thank you, Madam Speaker. It is indeed a pleasure to rise and offer Easter greetings to the national public and, more specifically, members of the Christian community, as well as you, my fellow parliamentarian colleagues, on behalf of the Opposition Members of Parliament.

Madam Speaker, Easter is the celebration of Christ's Resurrection from the dead. As the Member of Parliament for Diego Martin North/East said, Easter will be celebrated on Sunday, March 27, and I agree he talked about the Triduum and the liturgical year. As we all know from the Gospel, Jesus Christ rose from the dead on the third day following his crucifixion which will be on Sunday.

As Frank Getty said:

"The message of Easter cannot be written in the past tense. It is a message for today and the days to come. It is God's message which"—we—"must re-echo through"—our—"lives."

Easter must not only be an inspirational period for the Christians, but for us as a nation. Easter shows or teaches the Christian community that God sent His Son to spread His blessed Word and save them from damnation. Easter to Christians creates a time for reflection and resurrection.

Many Christians at this time choose to renew their baptismal rites, symbolic to Christ's Resurrection. Similarly, we as a nation must use this time to reflect on how we can each be better human beings. We must use this time to reflect as a nation on how we can be able to better the lives of each other. We must use this time and the theme of resurrection in our lives, to know despite the challenges we each face, we can overcome.

Today, so many of our nation's youth are following the wrong path. So many young people lack guidance and sometimes feel as if none cares. Easter should inspire us as adults to assist them to change their lives. We as leaders can and

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should represent the resurrection for these young people, by ensuring they reach their full potential.

As our nation enjoys this long, sacred holiday, I urge families to spend time bonding with each other. Let us use this time to recreate the family unit. Madam Speaker, may we use this time to become stronger as a nation by being kinder as a people.

To my Christian brothers and sisters, I ask you to strengthen your faith during this period, to be able to change the lives of the less fortunate and those in need of a tender hand.

To the national community and to you, my fellow colleagues, may you have the gladness of Easter, which is hope; the promise of Easter, which is peace; the spirit of Easter, which is love. I thank you. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I join with the Member for Diego Martin North/East and the Member for Pointe-a-Pierre, in extending Easter greetings to the national community. Easter, as they have both said, represents the commemoration of death and the resurrection of Jesus Christ. It is the most important feast in the liturgical year of the Christian faith.

The 40 days which precede Easter is a time of deep introspection. Easter is a message relevant for today. It is a message of hope. It is a message of renewal. I, therefore, would like to suggest that all of us, as members of the national community, should endeavour to adopt the message of inclusiveness, compassion and unconditional love displayed by Jesus Christ. Let His sacrifice be a lesson to us all, a reason of hope, a reason for light. I urge you all to use this time to forge stronger bonds with your families and communities, and continue to pray for each other and for our country.

To all Members of this honourable House, and to the people of Trinidad and Tobago, I wish you a safe, happy and Holy Easter. May the love and hope of The Risen Christ be with you all. [*Desk thumping*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.02 p.m.*