

**HOUSE OF REPRESENTATIVES***Friday, June 24, 2016*

The House met at 1.30 p.m.

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

**Madam Speaker:** Hon. Members, Mr. Prakash Ramadhar, MP, Member for St. Augustine has requested leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Consolidated Financial Statements of the Trinidad and Tobago Unit Trust Corporation for the year ended December, 31, 2015. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Annual Report and Annual Audited Statement of Accounts of the Central Bank of Trinidad and Tobago for the year ended September 30, 2015. [*Hon. C. Imbert*]
3. Report of the Central Bank of Trinidad and Tobago (CBTT) with respect to the Progress of the Proposals to Restructure CLICO, BAT and CID for the quarter ended March, 31, 2016. [*Hon. C. Imbert*]

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

4. Annual Consolidated Audited Financial Statements of Petroleum Company of Trinidad and Tobago Limited for the year ended September 30, 2015. [*Hon. C. Imbert*]

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

5. Annual Administrative Report of the Tobago House of Assembly for the year 2015. [*The Prime Minister (Hon. Dr. Keith Rowley)*]
6. Defence (Rates of Pay and Allowances) (Amendment) Regulations, 2016. [*The Minister of National Security (Hon. Maj. Gen. Edmond Dillon)*]
7. Defence (Rates of Pay and Allowances) (Amendment) (No. 2) Regulations, 2016. [*Hon. Maj. Gen. E. Dillon*]

## URGENT QUESTIONS

**Commission of Enquiry into Clico Collapse  
(Report on)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the Minister of Finance: Given the recent submission of the eagerly anticipated report of the Commission of Enquiry into the collapse of CLICO, could the Minister indicate when will the report be laid in Parliament?

**The Minister of Finance (Hon. Colm Imbert)**: Thank you very much, Madam Speaker. The report of the Commission of Enquiry into the collapse of Clico will be dealt with in a responsible manner, by a responsible Government, at the appropriate time. [*Desk thumping*]

**Mr. Singh**: Supplemental, Madam Speaker. In a responsible time, can you give us a date where you can provide that report to the responsible institution called the Parliament of Trinidad and Tobago? [*Desk thumping*]

**Hon. C. Imbert**: May I repeat, Madam Speaker. I said it would be dealt with responsibly by a responsible Government at the appropriate time. [*Desk thumping*]

**Mr. Singh**: Thank you, Madam Speaker. Could the Minister undertake to give us a definition of what he considers “appropriate” for the Parliament of Trinidad and Tobago? [*Desk thumping*]

**Hon. C. Imbert**: Certainly, Madam Speaker. In any commission of enquiry there are a number of issues that must be considered. This Government being a responsible Government will fully consider all relevant factors with respect to this report, and it would be dealt with appropriately, at the appropriate time, in a responsible manner, by a responsible Government. In other words, it will not be dealt with irresponsibly. [*Desk thumping*]

**Alutech Aluminium Downstream Project  
(Restart of)**

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. To the hon. Minister of Energy and Energy Industries: Can the Minister state whether the Government has recently taken a decision to restart the Alutech aluminium downstream project?

**The Minister of Energy and Energy Industries (Hon. Nicole Olivierre)**: Thank you, Madam Speaker. At the meeting of the Standing Committee on Energy held on May 25, 2016, the committee agreed that the Government will

appoint its designated three members to the board of directors of Alutech, and that said board be asked to provide a review of the proposed project. Thank you.

**Mr. Singh:** So that no decision has been made to restart the project—what is taking place is a review?

**Hon. N. Olivierre:** That is correct.

**IDB-Assisted Flood Alleviation and Drainage Programme  
(Details of)**

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. To the Minister of Works and Transport: Following recent flooding in Port of Spain as a result of heavy rains, can the Minister provide details of the status of the IDB-Assisted Flood Alleviation and Drainage Programme for the City of Port of Spain?

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

**Hon. Member:** He is not here.

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

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam Speaker, with respect to that urgent question, I would like to indicate that that IDB programme is still being attended to, and that within the next week the programme will get the necessary programme manager, which was not appointed during the last administration. This programme has been languishing for quite some time because of the fact that several matters had not been put in place during the currency of the programme, and as a consequence of that, since this responsible administration has come into office we have been dealing assiduously with ensuring that everything is put in place in order to ensure that the funding is accessed from the IDB. [*Desk thumping*]

**Mr. Singh:** Thank you, Madam Speaker. I know the Minister of Planning and Development sought to answer the question, but now that the Minister of Works and Transport is here, supplemental question to either one of the Ministers. Could the Minister state at what stage of the design for this flood alleviation programme—the design status of this flood alleviation programme—where it is at?

**The Minister of Works and Transport (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker, for the opportunity. Madam Speaker, a design has been completed, then there was a suggestion by the experts that some

improvement can have been effected, and that improvement has been effected as well. So, there is a design, and the programme is ready as we re-engage the bank to carry on with a programme, as I am sure has been said by my colleague on this side, with a programme that was left idle for near five years.

**Mr. Singh:** Well, I know the Minister is “extempoing”, but could the hon. Minister indicate what measures—now that he is in charge—are being put in place to remedy the current flooding whilst you await the design input by the various experts?

**Hon. F. Hinds:** I am very, very happy that my friend raised this question. It gives me an opportunity to indicate that under the Ministry of Works and Transport, with the responsibility for the major rivers and drains, we have embarked for the last few months on a very significant desilting programme of all the major drains and rivers on the foothills, waterways, on the foothills of the northern, and indeed the central range, in anticipation of the rainy season. We have engaged the regional corporations in a collaborative effort, and they have been working along with us, collaborating, sharing equipment, sharing information, and they have been dealing with the ones that they are responsible for. Madam Speaker, we feel very confident with this high-level activity, we are well prepared for ordinary or average anticipated rainfall, as we do what is required of us under this programme. [*Desk thumping*]

**Mr. Singh:** Thank you, Madam Speaker, you must look at the relevance of your answer, eh.

#### **Delivery of Mail to Beetham, Morvant and Laventille (Decision to Stop)**

**Mr. Ganga Singh** (*Chaguanas West*): Madam Speaker, to the Minister of Public Utilities: Can the Minister state the reason for the decision to stop delivery of mail to the communities of Beetham, Morvant and Laventille?

**The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine):** Madam Speaker, the Trinidad and Tobago Postal Corporation did not issue a directive to stop delivering mail in Beetham, Morvant and Laventille. The postal delivery service continued uninterrupted in those areas. However, towards the end of May delivery workers were attacked while delivering mail in Laventille, Baratavia and the Beetham. As a result of these attacks, TTPost deployed additional security to accompany the postal delivery officers in these areas. Mail, therefore, continues to be delivered to the residents of Beetham, Morvant and Laventille uninterrupted. [*Desk thumping*]

**Madam Speaker:** Member for Chaguanas.

**Mr. Al-Rawi:** UNC rumour.

**Mr. Singh:** No, it was in the newspaper.

**Dr. Rowley:** Rumour against—

**Mr. Singh:** You are against the media. [*Crosstalk*] To the honourable—  
[*Interruption*]—Prime Minister, cool yourself. [*Crosstalk*]

**Madam Speaker:** Members! Members, please!

### **Recently Opened Chaguanas Magistrates' Court (Lack of Accommodation)**

**Mr. Ganga Singh** (*Chaguanas West*): To the Attorney General: What measures are being put in place to remedy the lack of accommodation for members of the public at the recently opened Chaguanas Magistrates' Court?

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. This matter has some history behind it which quickly includes: the Chaguanas Magistrates' Court was intended to be absorbed into a judicial complex promised by the last Government. There was a procurement scandal in relation to the judicial complexes, as a result of which they were not build.

The Magistrates' Court then had to receive attention by the last Cabinet which undertook to retrofit or repurpose the Chaguanas Library. That bill was estimated at close to \$80 million, and was abandoned by the last Government. In those circumstances the Judiciary was compelled to use the court in the very limited premises as they stood by retrofitting them. This is a matter which is receiving attention of the Judiciary and the Government at present, because of the entire scandal which surrounded the procurement of judicial complexes, and the inadequacy by the last Government in relation to meeting the Judiciary's concerns.

**1.45 p.m.**

**Mr. Singh:** Whilst I acknowledge your history, what is being done at this time [*Desk thumping*] while members of the public are facing the elements like rain, thunder and lightning during this rainy season?

**Hon. F. Al-Rawi:** The first position is that court had to be reopened to avoid the scandalous situation of Tunapuna having to absorb that entire magisterial district.

Secondly, albeit limited, accommodation is being utilized in the best purpose possible.

Thirdly, the Ministry of Finance, the Office of the Attorney General and the Judiciary will be discussing this; as you know, the Judiciary is in discussions with us as to how to operationalize the autonomy for their own budgetary allocation and management, and we expect to be able, in coordination with the Judiciary, to speak to this in a more fulsome fashion after the analysis has been completed and financing located.

**Mr. Singh:** Madam Speaker, supplemental question to the hon. Attorney General. Could you give us a time undertaking as to when this complete analysis will be done and that therefore, some kind of temporary accommodation provided for the people as they go to seek justice?

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. The hon. Member will recall that it took the last Government over five and half years to get us to just do a retrofit of the existing court. In those circumstances we intend to do it a whole lot faster than the last Government did and we are urging the Judiciary to sit with us. The hon. Chief Justice upon his return to the jurisdiction has already carded meetings to be had and we expect, after consultation with the Judiciary, to put a specific time frame before the population; to do so prematurely would be dangerous and would be inviting further criticism to this entire scandal.

#### **Sir Anthony Colman's Statement (Status of Measures Taken)**

**Mr. David Lee** (*Pointe-a-Pierre*): To the Minister of Finance, in light of Sir Anthony Colman's statement that "the powers of regulatory control of the Insurance industry by the Central Bank are found to be fundamentally deficient", could the Minister advise what immediate measures are being pursued to remedy or rectify this untenable situation?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. In recognition of the issues surrounding the regulatory [*Crosstalk*] control, Madam Speaker, I cannot—[*Interruption*]

**Dr. Rowley:** Could you stop the groaning from over so.

**Madam Speaker:** Members, I would just like to remind you all—Member for Couva South. Members, I would just like to remind you all with respect to the Standing Orders when Members are not speaking. The Standing Orders are going to be strictly enforced today. Please continue, Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. The issues with respect to regulatory control of insurance companies were well known before the 2010 general election, and a draft Bill had been prepared. The last administration took five years and three months, if you will permit me, fooling around with that legislation, sent it through joint select committees and allowed it to lapse when the Parliament was dissolved in June of 2015.

This responsible Government has no intention of behaving in that irresponsible manner. And notwithstanding the fact that there may be one or two weaknesses in the Insurance Bill laid in this Parliament and allowed to lapse by the previous Government, it is this Government's intention to relay that exact same Insurance Bill, as is where is, without changing a semicolon so at least we can put some structure and some order and strengthen the insurance industry in the immediate short term. I thank you, Madam Speaker. [*Desk thumping*]

**Mr. Lee:** Through you, Madam Speaker, could the Minister of Finance state when that will be coming to Parliament?

**Hon. C. Imbert:** Thank you, Madam Speaker. Next Friday. [*Desk thumping*]

#### ORAL ANSWERS TO QUESTIONS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. Madam Speaker, of the 22 questions that are for oral answer, we are asking for a deferral of question No. 131, question No. 145 and question No. 152; 131, 145 and 152. And, Madam Speaker, I wish to advise this House that all written answers are ready for distribution. [*Desk thumping*]

*The following questions stood on the Order Paper:*

#### **Rapid Rail (Mass Transit) System (Details of)**

**131.** With regard to the feasibility study for the Rapid Rail (Mass Transit) system, could the Minister of Works and Transport state:

- a) the total amount paid to date;
- b) the payment dates;
- c) the total amount outstanding; and
- d) the proposed time frame to complete the final payment? [*Dr. T. Gopeesingh*]

**Public Service  
(Details of Vacancies)**

- 145.** Could the Minister of Public Administration and Communications indicate:
- a) the current number of vacancies in the permanent establishment of the public service;
  - b) the current number of vacant contract positions in the public service; and
  - c) the plans to fill vacant positions in the public service? [*Mr. R. Indarsingh*]

**National Oncology Centre  
(Status of)**

- 152.** Could the Minister of Health provide the status update on the National Oncology Centre to be built at the Eric Williams Medical Sciences Complex, Mt. Hope? [*Dr. F. Khan*]

*Questions, by leave, deferred.*

**ECCE Centre in Dass Trace, Enterprise  
(Details of)**

- 124. Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Minister of Education:

Could the Minister state the reasons the completed ECCE Centre in Dass Trace, Enterprise has not been opened?

**The Minister of Education (Hon. Anthony Garcia):** Madam Speaker, the ECCE Centre referred to in the hon. Member's question and located at Dass Trace, Enterprise is the Egypt Oasis Government ECCE Centre. Dass Trace is actually located in a Housing Development Corporation development known as Lion's Gate. Construction of the centre commenced in April 2014 with a projected date of handover to the Ministry of Education as August 07, 2015. The building is 100 per cent completed and 85 per cent of the required furniture and equipment is in place. Temporary water and electricity connections to the ECCE Centre are currently being serviced by the HDC development.

However, the Ministry of Education has not officially taken over the centre from the Education Facilities Company Limited and operationalized it because statutory approvals from the Water and Sewerage Authority and the Government Electrical Inspectorate have not yet been obtained. Further, the Chaguanas

Borough Corporation requires proof of ownership of the land before a certificate of completion is issued for the Egypt Oasis Government ECCE Centre. The Ministry of Education is currently pursuing this matter to investigate the land with the Housing Development Corporation.

Madam Speaker, the Ministry of Education, as a responsible government agency is committed to the physical well-being and safety of the learners and the teaching staff who will occupy the centre and we have, therefore, exercised our duty of care and insist that the facility is fully compliant with all statutory requirements governing the completion of public buildings. Thank you. [*Desk thumping*]

**Mr. Karim:** Thank you, Madam Speaker. Given all that the hon. Minister has stated, is it expected, given the requirements that you have laid out, that the centre will be operational for the new academic year?

**Hon. A. Garcia:** We are hoping that everything is done so that the centre could be in operation at the beginning of the new academic year.

### **Spiritual Shouter Baptist Liberation Day 2016 (Details of Funding)**

**125. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Community Development, Culture and the Arts:

With respect to Spiritual Shouter Baptist Liberation Day 2016 celebrations, could the hon. Minister of Community Development, Culture and the Arts indicate:

- a) the organizations that applied for funding;
- b) the amounts requested; and
- c) the amounts approved and disbursed by the Ministry?

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. With respect to question 125 (a) to (c): 23 applications were received and funding was approved for 22 organizations. A breakdown of the amounts requested and the amounts approved and disbursed by the Ministry of Community Development, Culture and the Arts for Spiritual Shouter Baptist Liberation Day, 2016 celebration is as follows:

<b>Organizations</b>	<b>Budget</b>	<b>Funds Disbursed</b>
Council of Elders Spiritual Shouter Baptist Faith of Trinidad and Tobago	1,001,400.00	40,000.00
Friends of Fyzabad	5,000.00	5,000.00
Holy Faith Baptist Tabernacle	392,200.00	40,000.00
Holy Nazarene Spiritual Baptist Church	112,000.00	15,000.00
Judah Healing Temple	16,775.00	4,000.00
Mt. Sinai Spiritual Baptist Church	116,800.00	15,000.00
National Evangelical Spiritual Baptist Faith Archdiocese	216,000.00	30,000.00
New Horizons Fraternity	39,100.00	7,000.00
Shouter Baptist Learning Institute	35,200.00	5,000.00
Spiritual Shouter Baptist Incorporation Mayaro-Rio Claro	180,000.00	20,000.00
St. Ann's Church of Spiritual Metaphysics Inc.	49,800.00	20,000.00
St. Theresa Spiritual Baptist Healing School	10,000.00	-

The Foundation for the Academic Advancement of Spiritual Baptist Youth (FAASY)	30,000.00	15,000.00
The National Congress of Incorporated Baptist Organization of Trinidad and Tobago	397,060.00	350,000.00
The New Jerusalem Church Jesus Christ	100,000.00	40,000.00
The Spiritual Baptist Faith Inc.	100,000.00	15,000.00
The Spiritual Baptist/Shouter Point Fortin Liberation Committee	108,800.00	15,000.00
Universal Ecclesiastical Order of Spiritual Baptist	176,800.00	25,000.00
West Indian United Spiritual Baptist Sacred Order Inc.	159,400.00	15,000.00
Mt. Sinai Deliverance Spiritual Baptist Church	5,000.00	-
St. Catherine's Spiritual Baptist Church	4,000.00	-
Star of the Sea Spiritual Baptist Church	10,000.00	-
The Spiritual Baptist Sanctuary	5,000.00	-

**Phagwa 2016 Celebrations  
(Details of Funding)**

**126. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Community Development, Culture and the Arts:

With respect to Phagwa 2016 celebrations, could the hon. Minister of Community Development, Culture and the Arts indicate:

- a) the organizations that applied for funding;
- b) the amounts requested; and
- c) the amounts approved and disbursed by the Ministry?

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. With respect to question 126 (a) to (c), 22 applications were received and funding was approved for 16 organizations. A breakdown of the amounts requested and the amounts approved and disbursed by the Ministry of Community Development, Culture and the Arts for Phagwa 2016 celebrations are as follows:

<b>Organizations</b>	<b>Budget</b>	<b>Funds Disbursed</b>
Barrackpore United Hindu Sabha	24,600.00	5,000.00
Chanka Trace Phagwa Organization	146,000.00	10,000.00
Hanuman Milan Mandir (S.D.M.S. Branch #131)	7,500.00	2,000.00
Hindu Seva Sangh	74,300.00	10,000.00
Kabir Chowra Math T&T Incorporated	96,500.00	-
Kabir Updesh Universal Ashram Association	21,000.00	5,000.00
Kali Mata Bhavan	5,000.00	1,500.00

Kendra Phagwa Festival	663,300.00	35,000.00
Lakshmi Narayan Bhakti	18,400.00	-
Paranava Educational Institute	28,050.00	-
Sanatan Dharma Maha Sabha of Trinidad and Tobago	1,251,000.00	50,000.00
Satya Drishti Spiritual and Sporting Group	12,500.00	3,000.00
Shri Parameshwari Durga Devi Ashram Inc.	\$ 32,000	\$ 5,000
Shiva Jyoti Hindu Organization	\$ 24,000	-
St. Augustine Ramleela Committee	\$ 28,800	\$ 5,000
Siddhi Vinayaka Social & Cultural Group	\$ 12,300	-
St. Helena Development Corporation	\$141,700	\$15,000
The Hindu Festival Society	\$117,000	\$ 7,000
The National Phagwa Council of Trinidad and Tobago	\$229,000	\$50,000
The Shiva Dharam Sabha of Trinidad and Tobago	\$ 15,200	\$ 4,000
The Vishnu Mandir	\$ 8,000	\$ 2,000
Williamsville Historical Days & Festivals Committee	\$ 12,200	-

**2.00 p.m.**

**Mr. Padarath:** Hon. Minister, I have noted the disparity in terms of the requests coming from several organizations for both Phagwa and Spiritual Shouter Baptist Liberation Day. And my question to you is that, seeing that there is such a huge disparity in terms of what was requested and what was actually given as contributions from the Government, are you as Minister of Community Development, Culture and the Arts comfortable with this situation seeing that your Ministry has spent hundreds of thousands of dollars of taxpayers' dollars on Soca on the Seas.

**Hon. Dr. N. Gadsby-Dolly:** Let me comment that every grant is taken on its merit and a number of the applications are received for Phagwa from some of the organizations repeat times for different ones of the other Hindu festivals.

The Spiritual Shouter Baptist Liberation Day being the major celebration of the Spiritual Baptist faith would have received more money than the Phagwa festival because the major festival of the Hindu faith is Divali as is evidenced by its having a national holiday, which would have received the major contribution of the funding from the Government.

So, I am comfortable that the Government does its best to support all of the festivals on the merit of each application that is received from the institutions.  
[Desk thumping]

**Mr. Padarath:** Madam Speaker, through you to the hon. Minister. Hon. Minister, sometimes you are a little bit hard of hearing—

**Madam Speaker:** Member for Princes Town, could you withdraw that statement?

**Mr. Padarath:** Madam Speaker, I withdraw. Madam Speaker, I just want to get from the hon. Minister that, having indicated that you are comfortable with several organizations having applied, especially religious organizations in this country, applying for assistance and contributions from the Government, that you are comfortable as the Minister with responsibility for Community Development, Culture and the Arts being unable to accede to many of these requests for funding for religious events in this country, but you find yourself as Minister of Community Development, Culture and the Arts in a comfortable position to support Soca on the Seas while the Ministry of Tourism has pulled out of the project?

**Madam Speaker:** Member, Member for Princes Town. I would not allow that question.

**Mr. Indarsingh:** Thank you, Madam Speaker. To the hon. Minister: in her delivery, in which she indicated sums were disbursed to a number of organizations, there were a couple of organizations that got zero funding, would the Minister provide the reason or reasons as it relates to why these organizations got zero funding?

**Hon. Dr. N. Gadsby-Dolly:** Every application that is received is considered with respect to the amount requested, previous applications that may have been made by the organization, the impact of the event, the capacity of the group to carry out the event, the releases available and the number of organizations that are represented by the applicants. In some cases when applications are made, further information is required and the groups do not submit and that also affects the ability of the Ministry to disburse the funds.

So in each of these individual cases I do not have the exact reasons with me but I can provide those at a later date. [*Desk thumping*]

**Mr. Padarath:** Madam Speaker, to the hon. Minister. Hon. Minister I have noted that members of Islamic community have complained publicly—

**Madam Speaker:** Member. One, there should be no Preamble statement if you are going to ask a question. And let me caution you. If your question is going to be about the Islamic community, I am not going to allow it on the basis of it is a fresh question.

**Mr. Indarsingh:** The information will be sent, could you provide a timeline, Minister?

**Madam Speaker:** Member, what I would ask is that, that constitutes a fresh question.

### **Promotion of Internal Tourism (Details of)**

**120. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Tourism:

Could the Minister state whether there are plans to promote internal tourism as a means of generating income and employment and if so, whether the constituency of Naparima is included in such plans?

**The Minister of Tourism (Hon. Shamfa Cudjoe):** Thank you, Madam Speaker. Madam Speaker, through you, the Ministry of Tourism and the Tourism Development Company have been working to promote domestic tourism in Trinidad and Tobago. In fiscal 2016 the Ministry, through the Tourism Development Company, which is the implementation arm, will be embarking on a

domestic tourism initiative entitled Stay to Get Away. This initiative is intended to increase occupancy rates during the slow period, increase the uptake on tours, improve general knowledge of the destination Trinidad and Tobago, engender appreciation and loyalty in residents, create awareness of our tourism product, increase domestic tourism, create an opportunity for our people to holiday at home and create employment for the tourism supply chain.

The Stay to Get Away campaign was last executed in 2011 and focused primarily on accommodation. This year the programme is being expanded to include accommodation specials and packages, tours and visits to various communities, sites and attraction and soft adventure activities like geocaching.

The Tourism Development Company is presently in the process of engaging stakeholders and community groups in order to ensure that there is inclusion of a wide variety of offerings and prices and the effective execution of the initiative. A final general stakeholders meeting understates the getaway campaign and will be held by the TDC before the official launch of the Stay To Get Away campaign in early July. This programme will be countrywide.

In relation to product development, the Ministry and the TDC are working with communities to develop and improve their product offerings in order to generate income and employment. In order to achieve this objective discussions and site visits have been conducted in various constituencies including Naparima. A list of preliminary sites have been identified for development in the constituency of Naparima which includes: the Ste. Madeleine Club House, the Ramleela Grounds at Cedar Hill, Iere Village First Presbyterian Church, the mud volcano at Barrackpore and Malgretoute tunnel, and will be finalized following discussions with the corporations. Consultations with the 14 regional corporations are planned for fiscal 2016 and this consultative process will assist the Ministry of Tourism and the Tourism Development Company with project identification, development, maintenance and management issues towards implementation in fiscal 2017 and beyond. [*Desk thumping*]

**Mr. Karim:** Thank you, Madam Speaker. Will the hon. Minister indicate what incentives might be considered or will be disbursed to encourage the staycation?

**Hon. S. Cudjoe:** Okay, the staycation or the Stay To Get Away campaign is basically built around providing marketing support to the different stakeholders. So those consultations and engagements are taking place right now. It is marketing support.

**Priority of Roadworks  
(Details of)**

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

Could the Minister state:

- a) the criteria used by the Ministry to prioritize roadworks across the country;
- b) whether the Ministry received a priority list of roadworks earmarked for repair in the constituency of Naparima; and
- c) if the answer to part (b) is in the affirmative, could the Minister state the commencement dates for these roadworks?

**The Minister of Works and Transport (Hon. Fitzgerald Hinds):** Thank you yet again, Madam Speaker. In respect of part (a), the criteria used by the Ministry to prioritize roadworks across the country are based on the following:

1. the strategic plan of the Ministry of Works and Transport;
2. the condition of the particular roadway and the urgency of the public need or needs;
3. connectivity with respect to highways and main roads;
4. the volume of traffic in the vicinity and the region;
5. road access to industrial, recreational and cultural sites and its linkage to developed and rural areas;
6. emergency and natural disasters; and
7. the availability of funding for executing projects.

In respect of part (b), the Ministry acknowledges receipt of a list of roads identified for repair from and by the Member of Parliament for Naparima. And (c), the Ministry is in the process of examining and costing the necessary repair and upgrade work on roads identified by all elected Members of Parliament. The commencement date for roadworks will be determined when this review process is complete. Thank you.

**Mr. Charles:** Thank you, Madam Speaker. In view of the fact and given the criteria that you have outlined, the Garth Road from Williamsville Junction to Naparima Mayaro Road, which is listed, has 22 unattended landslips. Could you give us an idea when work will commence on that because it is affecting residents significantly.

**Hon. F. Hinds:** Thank you very much, Madam Speaker. The same criteria will apply and the roadworks will commence as I have indicated before, when the review process applying that criteria is complete.

**Mr. Charles:** Could the Minister please indicate whether that will take two years, three years or five months, please? So that my constituents will have an idea of when remedial action will be taken.

**Hon. F. Hinds:** I can assure your constituents that the process that I have described is on the way, actively on the way, and as soon as this is complete action will be taken on that particular road as indeed it is taken on roads all across Trinidad and Tobago. [*Desk thumping*]

**Mr. Charles:** So, therefore, I will be correct to tell my constituents that I have not got an answer to their concerns.

**Hon. F. Hinds:** You can tell your constituents what you wish but they will be wise enough to listen to what this Minister has said and I am sure they will be better guided.

**Beucarro Main Road, McBean  
(Road Rehabilitation Works)**

**113. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Works and Transport:

Could the hon. Minister state:

- a) the reasons for the stoppage of road rehabilitation works along the Beucarro Main Road in McBean, since September 08, 2015?
- b) the resumption date of the works; and
- c) the expected completion date of works?

**The Minister of Works and Transport (Hon. Fitzgerald Hinds):** I thank you very much again, Madam Speaker. In respect of part (a), there is one Ministry of Works and Transport project on the Beucarro Main Road in McBean, which is 85 per cent complete. The stoppage of works along this road is due to the non-payment of claims made by the contractor under the previous Government from the fiscal year 2014/2015.

In respect of parts (b) and (c), the resumption of works on this project is linked to the finalization of the audit process for claims from 2014 to 2015 financial period. The Ministry of Works and Transport is currently engaged in this

very necessary audit process and all steps will be taken to pay contractors for works that are being verified. Works should therefore recommence when that process is well and truly complete.

**2.15 p.m.**

**National Academy of Sports  
(Status Report)**

**127. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister give a status update of the National Academy of Sports?

**The Minister of Sport and Youth Affairs (Hon. Darryl Smith):** Thank you, Madam Speaker. Under Sub-Head 68 of the Ministry of Sport and Youth Affairs, the project titled National Academy of Sports does not exist under the sport portfolio.

**Public Sector Investment Programme 2016  
(Details of Funds Spent)**

**138. Dr. Surujrattan Rambachan** (*Tabaquite*) asked the hon. Minister of Finance:

Could the Minister state:

- (a) what percentage of the funds allocated under the Public Sector Investment Programme (PSIP) 2016 has been spent to date and the dollar value of such expenditure; and
- (b) at this time in the financial year, the percentage of the PSIP the Government forecasts will likely be spent for fiscal 2016?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. Answer to part (a): 28.4 per cent. Answer to part (b)—[*Interruption*]

**Mr. Singh:** What is that, 24 per cent or 28?

**Hon. C. Imbert:** 28.4 per cent.

**Mr. Singh:** Okay. Sorry.

**Hon. C. Imbert:** Got it?

**Mr. Singh:** Yes.

**Hon. C. Imbert:** Answer to part (b): \$5 billion.

**Dr. Rambachan:** Through you, Madam Speaker, 28.4 per cent in part (a) represents what dollar value in terms of expenditure?

**Hon. C. Imbert:** \$1.621 billion.

**Dr. Rambachan:** Minister of Finance, through you, Madam Speaker, what was the total projected expenditure under the PSIP Programme for 2016?

**Hon. C. Imbert:** \$7 billion.

**Point Fortin Highway Project  
(Details of Contractors)**

**139. Dr. Surujrattan Rambachan** (*Tabaquite*) asked the hon. Minister of Works and Transport:

Could the Minister state:

- (a) whether the Government has commenced negotiations with Construtora OAS or any other local contractor(s) for the completion of the Point Fortin Highway;
- (b) the total amount owed by Construtora OAS to local contractors for the Point Fortin highway project; and
- (c) the number of local contractors paid to date by OAS Construtora in part/full?

**The Minister of Works and Transport (Hon. Fitzgerald Hinds):** Thank you yet again, Madam Speaker. In respect of part (a): in 2008 the Government of Trinidad and Tobago, via the Ministry of Works and Transport, authorized the National Infrastructure Development Company Limited (NIDCO) to act as the implementing agency for the construction of the Solomon Hochoy Highway extension to Point Fortin, commonly called the Point Fortin Highway. In this context, a design-build contract was awarded to Construtora OAS, S.A. with AECOM USA Incorporated as the supervising consultant and NIDCO as the employer on the project.

In this context, Madam Speaker, the Government per se was not involved in any negotiations with the contractor, Construtora OAS, or any other local contractor or contractors for completion of the Point Fortin Highway. At any rate, Construtora OAS has abandoned the site and for that reason and more the contract

is being reviewed. Madam Speaker, this Government is not in the business of negotiating with any contractors. NIDCO would engage in an open tender process which will secure other contractors to complete the remaining work if necessary.

In respect of part (b): with respect to the total amount owed by Construtora OAS to local contractors for the Point Fortin Highway project, one term of the contract was that Construtora OAS was required to ensure that a minimum of 40 per cent of the value of their contract engaged the use of domestic labour, plant and equipment. However, it should be noted that the contractor was not obligated under this contract to provide details of commercial arrangements made with local firms.

In this regard, NIDCO is obliged to depend on information provided by OAS at their discretion regarding outstanding commercial matters with their local service providers. As such, in this context, based on information submitted voluntarily to NIDCO by OAS, as at the end of 2015 the records revealed that insofar as workers are concerned, the amount outstanding to them is in the amount of US \$4.9 million. In respect of small creditors, US \$5.11 million. In respect of large providers, US \$37 million. In any event, Madam Speaker, NIDCO does not enjoy what is known as privity of contract in respect of Construtora OAS's service providers.

In respect of part (c) of the question: with regard to the number of local contractors paid to date by Construtora OAS, in part or full, this honourable House should note that in May 2016 the contractor advised that they had settled approximately US \$17 million in debt through the use of equipment in lieu of cash to 40 local contractors. But again, and in any event, NIDCO was not privy to any contract or contracts between Construtora OAS and any of its service providers.

Thank you. [*Desk thumping*]

**Dr. Rambachan:** Madam Speaker, can the Minister say whether NIDCO is holding any money as performance bonds in this project that can be used to protect the interest of local contractors who are owed as well as the employees who are owed? [*Crosstalk*]

**Madam Speaker:** Members! Members, could we have some silence please? Members, could we have some silence please? Minister of Works and Transport.

**Hon. F. Hinds:** Madam Speaker, I regard that as a wholly different question. I trust you might think so as well. If you do not, I would say that the Member for Tabaquite who had responsibility for this haywire project, [*Desk thumping*] he ought to know the answer to that question.

**Foreign Used Vehicles  
(Details of)**

**140. Dr. Surujrattan Rambachan** (*Tabaquite*) asked the hon. Minister of Trade and Industry:

Could the Minister state:

- (a) the total number of foreign-used vehicles imported by foreign-used car dealers to date, for fiscal year 2016;
- (b) the total number of foreign-used vehicles imported by foreign-used car dealers for the fiscal year 2015; and
- (c) the plans (if any) to change the existing import quota for foreign-used vehicles in this fiscal year?

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Thank you, Madam Speaker. Part (a) of the question: the total number of foreign-used vehicles imported by foreign-used car dealers to date for fiscal 2016 is 5,132;

- (b) The total number of foreign-used cars imported by foreign-used car dealers in 2015 was 8,632;
- (c) the existing quota remains for this fiscal year.

Thank you. [*Desk thumping*]

**National Commission for Self-Help  
(Details of Emergency Grants)**

**141. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Community Development, Culture and the Arts:

Could the Minister provide the reason(s) for the delays being experienced by the National Commission for Self-Help in processing emergency grants for fire victims who submitted applications since December 2015 in the Couva North constituency?

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. The information provided by the National Commission for Self-Help indicates that no applications under the emergency grants programme from the Couva North constituency during the period mentioned were received.

**Madam Speaker:** Member for Couva North, is there a supplemental?

**Miss Ramdial:** Yes, Ma'am. Minister, five families applied for this emergency grant—*[Interruption]*

**Madam Speaker:** Is that a question or is it a statement?

**Miss Ramdial:** From my knowledge, Madam Speaker—okay yes, question. Minister, how soon before the five families from within the Couva North constituency, who applied for this emergency grant—*[Interruption]*

**Madam Speaker:** Member, I cannot allow that as a supplemental question based on the answer which was given. Member for Couva North—*[Interruption]* Excuse me. Members, a certain sort of energy exists in the Chamber since we started. It is almost an hour and I think sufficient time has been given for that energy to be dissipated. I would ask Members to conduct themselves with the decorum which this House demands and deserves.

#### **Housing Development Corporation (Home Improvement Grant/Subsidy Programme)**

**142. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Housing and Urban Development:

Could the Minister state whether the Housing Development Corporation has stopped processing applications for the Home Improvement Grant/Subsidy Programme?

**The Minister of Housing and Urban Development (Hon. Randall Mitchell):** Thank you, Madam Speaker. The Housing Development Corporation does not process applications for the Home Improvement Grant and the Home Improvement Subsidy Programme. These two programmes are processed through the Ministry of Housing and Urban Development. In both instances, the Ministry of Housing and Urban Development has not stopped processing applications for the Home Improvement Grant and the Home Improvement Subsidy Programme. *[Desk thumping]*

**Miss Ramdial:** Thank you, Minister. So how soon before the applications made from December 2015 to date are processed?

**Hon. R. Mitchell:** Madam Speaker, I am sure that they are being processed. The process is an equitable one. There are a lot of applications being treated with at this time, and in short order those applications would be processed and your constituents receive grants.

**Miss Ramdial:** Thank you. [*Desk thumping*]

**National Gas Company  
(Termination of Employees)**

**146. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Energy and Energy Industries:

With respect to the decision taken by the National Gas Company to terminate fifteen employees and redeploy sixty-nine others, could the Minister state:

- (a) the reasons for this decision;
- (b) the criteria used to determine the employees to be sent home; and
- (c) the criteria used to determine the employees to be redeployed?

**The Minister of Energy and Energy Industries (Hon. Nicole Olivierre):** Thank you, Madam Speaker. The National Gas Company has advised that a decision was taken by the company to lease its offshore Teak and Poui platforms, which have been generating increasingly significant cost and losses over the past decade. As a result, it was necessary for NGC to discontinue the operations of its offshore facilities and associated maintenance departments. In arriving at the decision, the company recognized that employees assigned to these facilities and departments would be affected.

To this end, the company undertook to place within the group as many of the affected employees as could be absorbed. In total, 84 employees were affected by the decision. However, NGC was able to redeploy 69 of the affected employees within the group, but regrettably was unable to absorb 15 of the 84 employees. In determining the suitability of its employees for absorption within the group, the company used as its criteria their qualification, skills, training, performance and tenure. In the evaluation, 69 employees met the requisite requirements and were retained, however 15 employees did not meet these requirements and, therefore, were not retained by the company.

Thank you. [*Desk thumping*]

**Mr. Indarsingh:** So the Minister is saying that NGC did not use the principle of last-in first-out in arriving at this decision?

**Hon. N. Olivierre:** I would have indicated the criteria that the company used in reallocating the employees. What I can say is that certainly the permanent employees were considered for retention and the employees that were not retained would have been contract employees. [*Desk thumping*]

**Mr. Indarsingh:** Is the Minister telling this House that NGC violated the principles of good industrial relations practices under the chairmanship of Mr. Gerry Brooks?

**Madam Speaker:** Member, I am not going to allow that question.

**Sports Company of Trinidad and Tobago  
(Filling of Chief Executive Officer)**

**128. Mr. Barry Paradath** (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister advise whether the position of the Chief Executive Officer at the Sports Company of Trinidad and Tobago has been filled?

**The Minister of Sport and Youth Affairs (Hon. Darryl Smith):** Thank you, Madam Speaker. The answer is yes. [*Desk thumping*]

**Mr. Padarath:** Hon. Minister, can you indicate to us who this person is who has filled the position of Chief Executive Officer at the Sports Company?

**Hon. D. Smith:** Madam Speaker, we have an acting CEO, Mr. Adrian Raymond, the incumbent, and we are in the process of advertising to recruit a full-time CEO.

**Mr. Padarath:** Hon. Minister, can you give us an idea or a time frame in terms of when would this position be advertised?

**Hon. D. Smith:** Madam Speaker, I said previously, just now, it was advertised already. We are finalizing with the recruitment agency and interviews will start within the next few days.

**Brian Lara Stadium  
(Details of)**

**129. Mr. Barry Paradath** (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

With respect to the Brian Lara Stadium, can the Minister please indicate:

- (a) the proposed completion date for works; and
- (b) the amount spent since September 08, 2015?

**The Minister of Sport and Youth Affairs (Hon. Darryl Smith):** Thank you, Madam Speaker. All remaining works on the project are expected to be completed by December 31, 2016. The total amount expended on the project since

September 08, 2015 is estimated at \$5,444,255.20 VAT inclusive, and is summarized as follows:

**2.30 p.m.**

Security, which was partially incurred before September 8th, \$707,325.90; landscaping/grass cutting, \$226,550; CCTV installation, some of that incurred before September 8th, \$719,774.19; site office maintenance, \$32,929.71; general maintenance, \$12,946.50; miscellaneous, portable toilets and temporary electricity supply, et cetera, \$179,729.90; and consultancy, design review and development of tender packages, \$3,565,000. A total of, as I said before, \$5,444,255.20.

**EXPIRATION OF QUESTION TIME**

**Madam Speaker:** Hon. Members, the question time has expired and there has been indication from the Chief Whip that all unanswered questions will be postponed to the next sitting of the House.

*The following questions stood on the Order Paper:*

**Children's Authority  
(Number of Vacancies)**

**130.** Could the Minister of State in the Office of the Prime Minister indicate:

- a) the current number of vacancies in the Children's Authority; and
- b) whether a shortage of personnel exists at the Children's Authority? [*Mr. B. Padarath*]

**National Academy for Performing Arts  
(Details of)**

**134.** With regard to the construction of the National Academy for Performing Arts (NAPA), could the Minister of Finance state:

- a) the original contractual cost;
- b) the total amount paid to date;
- c) the total amount outstanding; and
- d) the time frame to complete the final payment? [*Dr. T. Gopeesingh*]

**CNMG/GISL  
(Government's Plans re: Recommendations)**

**136.** With regard to the recommendations in "Toward Dynamic Public Service Media: Proposal on the way forward for CNMG and GISL" submitted by the Caribbean New Media Group Limited/Government Information Services

Limited Board on December 18, 2015, could the Minister of Public Administration and Communications state whether:

- a) the Government's plans to implement the recommendations; and if so
- b) the proposed timeline to implement the recommendations? [*Mr. R. Charles*]

**National Cycling Velodrome and National Aquatic Centre  
(Status Report)**

- 147.** Could the Minister of Sport and Youth Affairs provide a status report on the National Cycling Velodrome and the National Aquatic Centre at Balmain, Couva including the projected date that local athletes and citizens can access these facilities? [*Mr. R. Indarsingh*]

**Aides to Nursing Programme  
(Status of)**

- 148.** Could the Minister of Health provide the status of the Aides to Nursing Programme? [*Dr. F. Khan*]

**Nurses Interns Programme  
(Status of)**

- 149.** Could the Minister of Health provide the status of the Nurses Interns Programme? [*Dr. F. Khan*]

**Health Centres  
(Late Access to)**

- 150.** Could the Minister of Health state:
- a) the names of the health centres open after 4:00 p.m. and on weekends; and
  - b) whether there are doctors available at all health centres which are open after 4:00 p.m. and on weekends? [*Dr. F. Khan*]

**National Academy for the Performing Arts (South)  
(Details of)**

- 135.** Could the Minister of Finance state:

With regard to the construction of the National Academy for performing Arts (South), could the Minister state:

- a) the original contractual cost;
- b) the total amount paid to date;
- c) the total amount outstanding; and
- d) the time frame to complete the final payment? [*Dr. T. Gopeesingh*]

**Regulations for Nurses and Midwives  
(Status of)**

- 151.** Could the Minister of Health provide the status update of the Regulations for nurses and midwives, with respect to the requirements for the Advanced Practice Nurses under the Nursing Personnel Act, Chap, 29:53? [*Dr. F. Khan*]

*Question time having expired, questions 130, 134, 135, 136, 147, 148, 149, 150 and 151 were not dealt with.*

**ATTORNEY GENERAL  
(LOSS OF CONFIDENCE IN)**

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much. Madam Speaker, I beg to move the following Motion standing in my name:

*Whereas* the Attorney General was aware of the \$1.2 billion claim brought by the Petroleum Company of Trinidad and Tobago (“PETROTRIN”) in 2013 against Mr. Malcolm Jones for a breach of his fiduciary duty as Executive Chairman in relation to the failed Gas to Liquid project;

*And whereas* the Attorney General gave instructions to attorneys representing PETROTRIN to file a Notice of Discontinuance, thereby bringing the legal proceedings to an end prior to the commencement of the trial which effectively ended any independent, impartial and judicial attempt to bring accountability and transparency to a matter involving \$1.2B of taxpayers’ money lost;

*And whereas* information in the public domain suggests that there was no thorough assessment of the evidence prior to the decision to discontinue;

*And whereas* there has been a lack of due diligence and disclosure by the Attorney General concerning the discontinuance of this matter which has fuelled claims of political interference in this matter;

*And whereas* the Attorney General has in relation to this matter proffered incomplete and unsound legal advice to the Parliament and the national community;

*And whereas* the Attorney General has, as a consequence of the foregoing, conducted himself in a manner to compromise his office:

*Be it resolved* that this honourable House express its loss of confidence in the Attorney General and call on the Prime Minister to immediately relieve him of the portfolio of Attorney General of Trinidad and Tobago.

Madam Speaker, today, we meet for one of the most important Motions, one of the most important pieces of business that a Parliament could consider in modern times. I want to begin by indicating to the Member for San Fernando West that we raise this Motion and will debate this Motion with no ill will, no malice, no hate and no hostility to the Member for San Fernando West. We are parliamentary colleagues while being opponents and this matter is not to be taken as a personal matter against the Member for San Fernando West. [*Desk thumping*]

In fact, my colleagues and I will prove that the Attorney General gravely misconducted himself in the single, inarguably, the biggest political scandal and cover-up in this nation's history. [*Desk thumping*] It is the largest financial scandal in history, twice the value of the Piarco International Airport, bigger than the Brian Lara scandal at the stadium in Tarouba, and it is equivalent to the withdrawal from the Heritage and Stabilisation Fund.

Let us begin at the beginning if we can. It was a warm September evening on September 9<sup>th</sup> when the Member for San Fernando West excitedly sauntered onto the stage at Queen's Hall to present himself to His Excellency, oblivious of the law and protocol that the Member cannot take his oath of office before his Prime Minister takes his oath of office. And so he enthusiastically recited an oath of office as this nation's Attorney General only to be told that it was a breach of protocol and indeed law. This misstep set in train a series of mishaps, misadventures, misspeak, misfortune and mistakes, some more important than others, that led us to this rainy day in June and led us to this journey when the House today must consider expressing its complete lack of confidence in the Member for San Fernando West and Attorney General. [*Desk thumping*]

But, Madam Speaker, we are not here today to talk about the blunders and the bungling, we are not here today to talk about all the inaccurate statements or misstatements; we are not here to talk about the incorrect assertions and downright misrepresentations. All of which cannot be accommodated under one Motion. We are here to explore and reveal one of the most scandalous and bizarre

development in our post-independence history; one that has impacted upon the national economy, our flagship petroleum firm and, indeed, the workers in the energy sector. [*Desk thumping*]

I said at the beginning, this has absolutely nothing to do with who was naive and who was duped; it has nothing to do with who made a bad decision or who was a bad manager, as some would have us believe. This, I advance at this early stage, is what we call Jones 34. [*Desk thumping*] This is the scandal that we face. Because what they have accused a former administration of doing, accused of doing, they actually did on this occasion.

Madam Speaker, when I read the notes and claims and court documents, all of which we are certain the Attorney General has, it is like reading an international spy thriller, it is hard to put down. It has all the ingredients of lies, deception, conspiracy, cross-border fraud, invisible power players, visible scapegoats. It is a financial thriller; a local billion-dollar shorting. Sadly, it is not fiction. The Jones papers make the Panama Papers look like a comic book. It is juicy and delicious. It is about financial crime.

Madam Speaker, today, the Government speaks about auditing NLCB, they speak about auditing a fella who got a \$300 food card. We are talking today about almost \$3 billion of taxpayers money that disappeared. [*Desk thumping*] If we had prevented World GTL, Gas to Liquid, if we had prevented that from taking place, we would not have to dip into the Heritage and Stabilisation Fund today. [*Desk thumping*] While the money is irrecoverable, accountability is not. Accountability and transparency is required.

Madam Speaker, I would like to give the story in a nutshell. I will not delay the House by quoting extensively from documents which are in the possession of the Attorney General and for which some of these documents have been the subject of newspaper reports. In the beginning, I also would like to remind the country and I speak to the national community today, not necessarily or not only Members opposite. Almost 100 years ago, in the British Parliament, 1924, the British Parliament met to consider a Motion of no confidence in His Majesty's Attorney General, Sir Patrick Hastings, MP. It was moved in the British Parliament by a former Minister of Labour, Sir Robert Horne. It was a Motion relating to the institution and subsequent withdrawal of proceedings against the editor of a newspaper.

Madam Speaker, what is important for me to make reference to here is not only that this led to the fall of the then Government, but Sir Robert set the tone for

that debate as I would like to set the tone for this debate with a compelling proposition. He said and I quote:

“...if the administration of the law”—were to—“become subject to any considerations of political expediency then justice, as we...”—know—“it...would disappear. Civilised communities can only enjoy full...”—freedom—“if the political executive is excluded from interference with the mechanism of the administration of justice.”

The Attorney General must be:

“...entirely free”—of—“political influence whatsoever. He acts in a judicial capacity, and no Minister...no political party is entitled to interfere with him. If crimes were not to be punished...because the delinquents belonged to a particular party, then the law would be mocked and...justice...destroyed.”

Madam Speaker, the story of World GTL—and I will say in 10 minutes or less the story. Every iota of data I use could be data in the possession of the Attorney General, if he was to read and consider. It was in and around March 2004 that one Prof. Ken Julien met and brought World GTL to Trinidad and Tobago.

**Mr. Padarath:** The Prime Minister’s advisor?

**Dr. R. Moonilal:** The advisor of the current Prime Minister today.

**Madam Speaker:** Member, please, no crosstalk. Continue.

**Dr. R. Moonilal:** Thank you very much. Dr. Julien brought World GTL to Petrotrin. They brought, in quick time, a proposal for a gas to liquid plant promising initially, patent technology, new technology, project management and finance to complete a GTL plant in 18 months. Petrotrin rejected a proposal brought earlier and I wanted this to be clear. When World GTL came here, part of their initial proposal was ownership of the gas reserves of Petrotrin. That is what they came here for, ownership of gas reserves. Petrotrin rejected that.

In one-month record time, a proposal was made to the National Gas Export Task Force of who—that task force was chaired by the same Prof. Ken Julien. So Prof. Julien brought them and then chaired a task force in Port of Spain and—who knows this now?—recommended the project for Petrotrin to adopt. And the email connection here is with a company called Ken SJ. I will come to that later. So, proposal comes in March; by April, proposal accepted; and in record time, Memorandum of Understanding is signed, eight weeks later. Madam Speaker, as someone who has presided over about five mega construction projects in this country, I can tell you that process will likely take 12 months or more with due

diligence on companies coming to your country. You would have to visit, you would have to look at their work, look at their industry track record and so on. I will come to that in a few minutes.

Madam Speaker, they started construction before financing was in place and before engineering was complete. There was no due diligence on this firm, this entity. The technology promised never arrived. There was no FEED study, what is called Front End Engineering Design. No study. As early as March 2005, Petrotrin managers declared who is World GTL Inc.? Who are the investors? Do they have finance? Do they have industry knowledge? Do they have a licence for the technology promised? What provision have they made for abandonment or non-completion?

But Mr. Jones carried on. The project agreement was executed in record time in September 2005. We were spending money and giving to foreign shareholders total control of our money. So Trinidad and Tobago, through Petrotrin, was spending all the money but they had 49 per cent of the entity, they had no control over an entity but all the money coming from Petrotrin.

World GTL, Madam Speaker, bullied Petrotrin to make credit advances for everything pending finalization of financing. They bullied. They demanded money to buy an old methanol plant called Premcor saying that if we did not buy the plant quickly, the Chinese will take the plant. They said within hours, if we do not decide to buy, the Chinese gone with the plant. Well, it went to Petrotrin. Again, Petrotrin officers, the records suggest, warned Mr. Jones and others that you cannot enter into that type of arrangement because somebody is bullying you to buy a plant in a few hours.

**2.45 p.m.**

Madam Speaker, the project was described as an extraordinary project with a factored estimate. Petrotrin began to give money from day one, advancing credit. The project started at \$850 million and went up to \$2.5 billion with 33 cost overruns. That is how the project began.

Madam Speaker, at the time World GTL was bleeding Petrotrin and bleeding the national economy. In the mix, at all material times, World GTL kept pressing Petrotrin for money and foreigners were embarrassing local managers.

Madam Speaker, I would just read one email, an email exchange. I believe it was in early February, Madam Speaker. It was in 2005, December, when Petrotrin wanted more time to consider financing these projects and shelling out and flinging money, the CEO of World GTL one David Loring, President and CEO, he told Petrotrin, and I quote he says:

My wife has more courage than Petrotrin. My wife has more courage than Petrotrin. She wired US \$200,000 to Louisiana Chemical today. At some point Petrotrin needs to stand up shoulder to shoulder with us and get construction going on the plant.

Madam Speaker, would you believe the same day Petrotrin responded; they had more courage than his wife. They approved \$24 million for World GTL, the same day. In that month of December, \$60 million went in the month.

Madam Speaker, WGTL made out themselves as having finance or being in a position to secure financing. When Petrotrin managers and even directors raised concern about out of control financial administration, wanting greater transparency and accountability, WGTL shot back.

Hear this, in an email February 02, 2006 from the same, rude President and CEO. He said:

We are disturbed by Petrotrin's desire to control finance, administration and other aspects of the project.

Hear what he says:

The basic structure of the agreement is what Dr. Julien, the Minister and Mr. Jones wanted, namely for us to take full control of construction and operation of the GTL plant. We were bringing the entrepreneurial spirit to Petrotrin. Your board was just to approve the subcontractor, not to manage the terms of the contract. WGTL is here because we have the expertise to drive the job.

That is the response of World GTL telling Petrotrin your job is not to micromanage and look at the terms of the contract, it is to give us the money, approve the contractor; and the Minister. Who was the Minister at the time?

Madam Speaker, I come to my recitals now, where one of my recitals here is that the Attorney General compromised himself on this matter. Madam Speaker, the Minister of Energy at this time was one Dr. Lenny Krishenlal Saith. Dr. Saith is indeed a close relative of the Attorney General of Trinidad and Tobago. [*Desk thumping*] As Minister of Energy he supervised this project, gave consent to this project and the Attorney General was therefore duty-bound to recuse and remove himself from dealing with the World GTL matter. [*Desk thumping*] And that, Madam Speaker, I am saying on that alone an Attorney General in a decent, mature democracy ought to resign from office after presiding on a matter in which a close relative had care, exercised supervision and ministerial control over a project. So uncle start it and nephew finish it. That is what we are suggesting.

Madam Speaker, then came the oddity of an infamous joint and several completion guarantee. Unbelievably Petrotrin agreed to provide a guarantee to Credit Suisse to guarantee a payback to World GTL. What this means, Madam Speaker, in a nutshell, is that if you guarantee through joint and several guarantee, it means that I guarantee my part but I guarantee your part as well. So Petrotrin guaranteed a loan saying that if the other partner default as well I will pay. That is unbelievable. We cannot find precedence to support that. [*Desk thumping*]

But Madam Speaker, Petrotrin raised concern. Their managers, their senior staff and officers raised concern about this. In several documents at Petrotrin senior managers called on Petrotrin to review and find an alternative financial mechanism outside of joint and several guarantee.

Madam Speaker, the documents are here and they will tell you, when Petrotrin was attempting this, a former board member, one Anthony Chan Tack expressed deep concerns that this project was heading south with escalating project costs, market risk and higher financial costs. Mr. Chan Tack, at a board meeting also shared the view of management that they should look for alternative mechanisms for financing this project outside of a joint and several guarantee.

Madam Speaker, remarkably at a board meeting on May 31, 2006, when board member Chan Tack was calling for due diligence, for greater risk evaluation, the alarm went off in the middle of the meeting. Everybody walked out of the meeting. Madam Speaker, when they returned to the meeting they all agreed to provide the guarantee. It is a phenomenal experience here. By August 2006, several committees of the board were adamant that alternative mechanisms must be found and not to do this guarantee. Mr. Jones had all of that in his possession. He knew all of that.

Madam Speaker, WGTL pressured Petrotrin again, and I want to quote from another piece of correspondence September 07, 2006. The bottom line they say, is that GTL project faces insolvency within a matter of days unless we close with Credit Suisse. They are saying now, the same Loring:

We both knew that Petrotrin had to cover cost overruns. We both knew that.

Madam Speaker, so while at March 05, 2004, the President of World GTL was telling Petrotrin that they are bringing finance and management and technology to the project, the same person was saying in a year and a half, we entered the relationship as a project developer. Madam Speaker, three human beings agreed to do a bridging loan of \$60 million at a subcommittee meeting of the board. On the same day, Mr. Jones wrote to Credit Suisse, promising that Petrotrin board

will approve a loan of \$650 million, a project loan, US \$125 million. [*Desk thumping*]. Madam Speaker, Petrotrin's initial investment was only supposed to be TT \$60 million. They were supposed to invest TT \$60 million. They ended up guaranteeing a loan with that bizarre guarantee for now, at that time US \$125 million. That is after the smoke alarm went off.

Madam Speaker, let us fast-forward quickly to 2009. World GTL is placed into receivership. Petrotrin has to make good its guarantee and they have to pay back billions, almost \$3 billion paid back to Credit Suisse, who called on them to pay back when the project "buss". Workers lost bonuses. There is something called variable pay. The workers in the energy sector could not get their variable pay because Petrotrin spent out the money to pay back the loan and that could not be factored in as what is called net income. Workers lost millions and millions of dollars. That matter is before the Industrial Court now.

Madam Speaker, let me tell you that NIB, National Insurance Board, in and around September 2006, approved an investment of \$60 million to World GTL. So today they complain that somebody got a food card for \$300, they want to audit them, but you cannot increase food card, you cannot increase pension from NIB, you cannot give any benefit because NIB squandered \$80 million on World GTL. [*Desk thumping*] Madam Speaker, that money was written off. I am building the case of this mammoth financial scandal.

Madam Speaker, I am advancing the point that nothing here was accidental. It was a systematic, calculated, deliberate and wilful assault on the finances of Petrotrin and Trinidad and Tobago. Mr. Jones has 45 years' experience in energy management. He will not do that in his private life. How would he do that leading the state sector company? The Attorney General, if he would have considered these matters and read the documents, could not, in good conscience go and withdraw a matter like this before the court.

Madam Speaker, NIB lost \$60 million of taxpayers' money. The Chairman of NIB at the time was Calder Hart. The recommendation to invest in World GTL came from the NIB Investment Committee, chaired by Calder Hart. So Calder Hart take up \$60 million and put it into World GTL and NIB today has written off that. They have written off that.

Do you know Neal & Massy was working for a subcontractor, Neal & Massy Engineering Company Limited? They lost \$40 million, Neal & Massy. Guardian Holdings Limited, a private company, you know they were bringing the entrepreneurial spirit, but they robbed the entrepreneurs of Trinidad and Tobago too. Guardian Holdings Limited lost \$30 million in an investment in WGTL.

Madam Speaker, UTT, is it UTT? I am told that UTT, under Ken Julien also invested. I am not sure of that. We will check that. Again, they were taking a bucket and dumping money. They were pouring good money after bad money to try and reclaim lost money. That is what they were doing and three people took a decision.

Madam Speaker, do you know the decision to give a guarantee of a \$125 million, that decision was made by a board through a round robin process? They called up everybody on the phone and say: listen, we want to guarantee \$800 million to Credit Suisse, you agree or not? By phone. The sum of \$800 million was squandered in a round-robin process. [*Desk thumping*]

Madam Speaker, the point I am making is that Mr. Jones presided over that. The information is there and the Attorney General has it and the costs would have moved and moved and moved. I want to go through that quickly because I do not want to spend too much time. The information is there.

Madam Speaker, let us come to the Attorney General and his case now. By September 2015, out comes a newly minted Attorney General, related to a former Minister of Energy who presided over this matter, and the Attorney General was before a high profile member of the PNM, the public relations officer of everything, and I am advancing the argument that the Member for San Fernando West operated like the PRO of the party, not as the guardian of the public interest. [*Desk thumping*]

The Member for San Fernando West bowed to the dictates of the party and the energy tsars. He announced on his entry to office: I will be reviewing all the matters. He will be reviewing. What did he review between September to December? What did you review? It was only until February 2016, I believe in and around February 16th, that the Attorney General met with counsel on this matter. He had received a letter on November 30, 2015, advising him of this from an attorney-at-law, with a package.

The Attorney General tells us elsewhere that there was no file, there were no documents, there was nothing. But yet, in a letter from the very Attorney General, in a letter from the very Attorney General, and that letter dated February 1st, to Mr. Varun Debideen, the Attorney General attaches a list of documents, 18 documents. He said list of documents we have, 18, of statement of case, claim form, defendant application, and so on and so on. But then tells the public we have nothing, no documents available. But if you had no documents available what steps did you take? What steps did you take between September to February to manage this? I want to remind the honourable House, Madam Speaker, that in

this matter, under the former administration, Cabinet took a decision that the Attorney General will manage these matters for a reason, the financial magnitude of these matters meant that if Petrotrin were to lose in arbitration or in court, the Treasury would have to pay \$2 billion.

**3.00 p.m.**

Also, Madam Speaker, you could not have asked Petrotrin to take the lead on those issues when some of the same persons who would have been involved in the matter in the first place, were involved in the World GTL. So you could not have asked Petrotrin to take the lead. Cabinet decision was that the Attorney General take the lead, handle it with the care and skilled diligence. That has not been changed, to our knowledge, but Petrotrin also did a resolution of the board to give care to the Attorney General. So that today I ask the Attorney General whether or not the Petrotrin board has taken any steps to revoke that resolution, because if they did not it means this Attorney General has custody of the matter, has to provide the skill, the diligence and the care of the matter. But what care did he provide, Madam Speaker? What care?

Met on the 16th with the lawyers in which an opinion came to him. The Attorney General said it was the first time he received an opinion from one Mr. Nelson. That opinion is dated October 11, 2015. So the first day the Attorney General got it in his hand—February 16, 2016, but the opinion is dated October 11—what did you do? They spent time liming, gallerying, driving through San Fernando, hanging out from the side of a van. They spent time doing that, but not time doing the hard work of the Ministry. [*Desk thumping*]

But, Madam Speaker, how could an opinion dated October 11th come to an Attorney General in the next year February 16th? Remarkably, Petrotrin board now meets within 48 hours at a horridly assembled meeting of Petrotrin board. They take a decision to withdraw the matter from the court, 48 hours, no consideration. The Attorney General will not call upon Mr. Russell Martineau, Senior Counsel, or any other legal light to give a second opinion, and that opinion was based on an issue of disclosure.

Madam Speaker, I could put it to you in this language. If any Member opposite or if any citizen goes to a doctor, God forbid, and the doctor says, “Look, bad news for you. We did the blood test and so on, it looks like cancer.” What do you do? Lie down in the operation theatre one time? You rush into the operation theatre and say: “Look, cut off what you have to cut off”? No! Due diligence: You will get a second opinion, do over the blood test. You might even go abroad and do that. You will want a second and a third opinion. You want to tell me that on

February 16th the Attorney General met with the counsel on this matter and 48 hours later Petrotrin withdraws the matter, and then the Attorney General claims, “I had nothing to do with it. That is Petrotrin. That is Petrotrin.” But at that meeting they referred the opinion and that part of the opinion to Petrotrin. So the Attorney General cannot tell us that he had nothing to do with it, this was Petrotrin business. No, no, no.

As Attorney General, you had the care of a \$3 billion matter. [*Desk thumping*] Then the Prime Minister comes back from one of his many trips abroad—he came back from his 10th trip abroad. In the airport he said, “that had nothing to do with me or the Cabinet, it is Petrotrin”. So the Prime Minister takes the same approach. This is a Prime Minister who is chasing down the Parliament for \$30,000. “He want he money.”

**Mr. Indarsingh:** “He want he money right now.”

**Dr. R. Moonilal:** So this Prime Minister is concerned with \$30,000—quarrelling on a public platform for \$30,000—takes a hands-off approach: “Is not me; de Cabinet din take no decision; dais Petrotrin.” Who put the Petrotrin Board there? They are political appointees. [*Desk thumping*] It is you.

Madam Speaker, that resolution of the board where they decide is another amazing matter. The chairman recused himself. You do not know who chaired the meeting. You do not know whether a note was prepared on this matter. Was a note prepared? Was it sent to members of the board? Did they have time to consider?

**Mrs. Persad-Bissessar SC:** Did they round robin?

**Dr. R. Moonilal:** Did they round robin on that as well? They are giving everybody named Robin a bad name. [*Laughter*] Madam Speaker, that meeting is under a cloud of confusion. It is in fog—that meeting where they decided immediately to withdraw the matter. Madam Speaker, I do not want to read at length, from newspapers and so on, but the *Express* responded. “Mr. Jones wins, but T&T loses”

“...swallow hard the reality that State-owned Petrotrin was taken for a \$1.2 billion ride by foreign smartmen”

*Express* again: law applied to some: “JTUM: Drop cases against union members too”.

*Newsday*—most unsatisfactory—

I do not want to delay the House by reading these matters, Madam Speaker, in detail, but what I want to indicate is that Petrotrin acted on the advice-prodding influence of the Attorney General and the Government of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, they claim—and, you know, when we ask the Attorney General to tell us about this in the public domain, what do we get? Madam Speaker, you know, I want to just tell you, I spent some time reading a book called *In and Out of Politics: Tales of the Government of Dr. Eric Williams*. Madam Speaker, at page 97—Winston Mahabir is the author, a former Government Minister of the PNM. This is good history. I think the Member for Arima was on the compound then. And he says here—listen to this one: Winston Mahabir says—he says we invented in government a term. We invented a term in government. It was call to “Seukeritize”:

“To Seukeritize was to do what only Lionel Frank Seukeran could. Talk on every subject with an air of authority; talk for as long as possible, with the maximum repetitiveness and minimum content; bore everyone to distraction without boring a hole in any...arguments.”

Madam Speaker, it was to use a “pseudo-smooth” approach, “keep talking in the hope of immortality by volume”. [*Desk thumping*] I hope we will not have a response that will just be to Seukeritize on the issue, Madam Speaker.

So, Madam Speaker, what has the Attorney General told us? He told us that it was wrong for the former Attorney General to take control, care and close supervision of this matter. What was wrong about that? We had to take control of it, and I explained the reasons why before. The Attorney General told us that one attorney did not hand over files, witness statements and so on.

That attorney wrote a letter to the Attorney General as well dated, I believe it was around the 1st or 2nd of February this year—2nd February where the attorney is at pains to point out that I did pass documents to the Attorney General on November 30th last year. Do you know, Madam Speaker, that attorney gives out here about five examples of trying to meet with the Attorney General, chasing him down. [*Desk thumping*] In one case he said when you never responded to my phone calls, I talked to your friends. I even met some of your friends, the Member for Port of Spain North/St. Ann’s West on January 23rd at the cancer fete in San Fernando in which I asked him to please contact the Attorney General, we have to talk about the World GTL matter at court.

So the lawyers were at pains to chase down the Attorney General on this matter. They did not leave it. And why did the Attorney General leave it until the matter was coming up at the court. Why? Was it political influence? Was it a plan to remove Malcolm Jones from the court? Because the Attorney General did something that is inappropriate and compromised his position, and that is why he could not give the correct assessment of this matter. Far apart from his lack of care, his lack of interest, his lack of consideration on this matter, the Attorney General, to our knowledge, sat in a meeting of Cabinet that approved Malcolm Jones on October 8th as a member of the subcommittee, the Energy Subcommittee. [*Desk thumping*]

Did the Attorney General tell the Government, “I cannot participate in that because I have the care of a matter in which Mr. Jones is the defendant”. Did the Attorney General tell his Government that “I have to advise you that we ought not to appoint this man, he is before the court on a \$2 billion matter”? But by appointing Malcolm Jones to the Energy Subcommittee, you have prejudiced this matter. You have pre-tried this matter. [*Desk thumping*] You are saying he is innocent [*Desk thumping*] and the Attorney General ought not to have been a part of that Cabinet decision, and that is what they did. They appointed him. They appointed Mr. Ken Julien whose name is called in this as well, as advisor to the Prime Minister on energy matters.

Madam Speaker, the same players from 2004/2005, it is like a serial, the same characters are back. No wonder Mr. Jones said in a report in the *Guardian*, he said, if I had to do it over again I would do it over again. And we believe that they are doing it over again. [*Desk thumping*] They are doing it over again. [*Desk thumping*] So the Attorney General ought to recuse himself. He may have allowed the Member for Port of Spain North/St. Ann’s West to take control of this matter, although the Member for Port of Spain North/St. Ann’s West also has a question to answer on the World GTL matter as well as other matters.

Madam Speaker, they say that evidence from the arbitration was withheld from Petrotrin. The Prime Minister said this in his interview in the airport. He said: “Well they holding back evidence, information from arbitration.” What did you do? You are the Government. What did you do to get the information, to get the documents from the arbitration to Petrotrin’s lawyers in this matter against Mr. Jones? You did nothing, and the reason you did nothing was because there was a political conspiracy to cover up this matter and to remove and withdraw the Malcolm Jones case from the High Court. [*Desk thumping*] That is why you did nothing. [*Desk thumping*]

Madam Speaker, the timeline is there. The Attorney General says no files passed and so on. We have dealt with that. Then they come with \$45 million paid in legal fees. Do you know, Madam Speaker, the magnitude of this matter, the weight of this matter that two arbitrations dealing with this matter in Canada and the UK awarded legal fees of \$39 million? So when you quote up and down the place \$45 million in legal fees, five lawyers, in the arbitration, they assess costs—legal fees on both arbitrations was how much? Was \$39 million. So, Madam Speaker, I hope they are not coming with that argument today about that legal cost and so on.

The role of the Attorney General and my Motion speaks to it. This Attorney General knew, he was aware of the claim. That is clear. The Attorney General by sitting with counsel and all counsel meeting on February 16th inadvertently or not—and it was not inadvertent—gave instructions to attorneys to take the matter of Nelson's advice to the Petrotrin board. That advice had the effect of withdrawing the matter from the court. So he is guilty of that.

In the public domain there has been no assessment of the evidence. No issue. Madam Speaker, the Attorney General has displayed a complete lack of care of this particular matter, a lack of due diligence, a lack of disclosure. Madam Speaker, the Attorney General came to the Parliament and told us he has passed the papers to the Law Association. Assuming the Law Association asked him for that, today we are no better off, because we have not been provided with any enlightenment by the Law Association on this matter as well.

Madam Speaker, as a consequence of what I have announced here, as a consequence of what I have said, I will sum up to say that the Attorney General, the Member for San Fernando West, acted as the closer in this matter. [*Desk thumping*] There is a show on TV called *The Closer*. [*Desk thumping*] He was the closer. He was identified by the party and the energy tsars to close this matter, to bring it to conclusion, to remove it from the court.

A mature responsible Attorney General would have looked at this matter and indicated that given the gravity, given that one administration had initiated this matter, my administration is in place, let the court decide. [*Desk thumping*] Assuming, but not admitting that the Attorney General is right—because the Attorney General has said he was in fear that the matter would fail at court—assuming but not admitting that he is right, then the matter would not have progressed much further in the court. The court would have thrown it out, and the Attorney General could have gone unscathed to the national community and say, the court, the Supreme Court, dealt with that matter, not me as a politician and as Attorney General of Trinidad and Tobago. [*Desk thumping*] They did not do that.

**3.15 p.m.**

Madam Speaker, he surrendered his responsibility to the public to assume the more comfortable role as defender of the political party. And I go back to Sir Robert Horne in my initial statement. When an Attorney General bows to the wishes of a political party, justice is destroyed. And on this matter it is not to point fingers. We are not here to point fingers. They will stand up to say, “well what about section 34?” What about LifeSport? What about Beetham this and so on?” It is not here to do that. You promised better. [*Desk thumping*] When you came into Government, you promised better. There is an expectation that you would act better.

So do not come today—because their strategy is to blame their political inheritance for their failure. That is their strategy. They explain their failure by political inheritance and that, Madam Speaker, ought not to be the approach. It is not to say, I point one finger at you and you point 10 at me. It is not that at all. It is to explain the position why the Member for Diego Martin West in September 2009 in an appropriation budget, a budget speech, would you believe the Member for Diego Martin West now Prime Minister, stood in the House and screamed about the cost escalation in this matter.

So, Madam Speaker, today I want to indicate to you without straining the facts that enough has been said, enough has been shown to demonstrate that this Jones matter was withdrawn without proper consideration and with indecent haste and the Attorney General could not adequately consider the facts and examine the documents. This House cannot contemplate in silence such a dereliction of a fundamental duty and cannot pass over without dire consequence an act for which we have described today. It strikes a most deadly blow at our respect for law and justice in this country. We have built a case to properly call for the resignation and/or the removal of the Attorney General on this financial scandal and, Madam Speaker, I beg to move. [*Desk thumping*]

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker, after that scintillating performance, I beg to second the Motion and I reserve the right to speak.

*Question proposed.*

**The Attorney General (Hon. Faris Al-Rawi)**: Thank you, Madam Speaker, for allowing me the privilege of participating in the dispelling of what was nothing short of a rant on the part of the last speaker. [*Desk thumping*] You know, the hon. Member for Oropouche East has been a Member of this House for quite

some time, and when one sees someone confined to reading a speech on a Motion such as this, it tells you that there is a lack of oomph and belief in what one is putting forward. [*Desk thumping*]

Madam Speaker, I have heard the call of my grandfather's name. I am surprised I did not hear my mother's name. I heard my name. And I am very pleased to actually be the subject of a Motion such as this. [*Crosstalk*]

**Dr. Rowley:** Madam Speaker, I would like to hear the speaker, please.

**Hon. F. Al-Rawi:** Because I will tell you why. It warms me sincerely to have the Opposition led by the Member for Siparia, the other Leader of the Opposition as he wanted to be, the Member for Oropouche East have no confidence as the intention for their mission in relation to me. I do not wish to be in the confidence of this Opposition, when Attorney General foisted upon this country existed in the person of Anand Ramlogan [*Desk thumping*] the next in line Attorney General, Gerald Ramdeen, the next in line Attorney General, Wayne Sturge. You see, these are not the examples of what I strive to be in life with the greatest of respect. [*Desk thumping*]

The Motion before us today is a Motion posited upon a few statements which the hon. Member for Oropouche East himself contradicted. He says, I gave instructions to attorneys representing Petrotrin to file a Notice of Discontinuance. He says, information in the public domain suggests that there was not thorough assessment. He says there has been a lack of due diligence and disclosure by the Attorney General. He in his contribution this afternoon went through, starting with a quotation by Sir Robert Horne, as to how much disdain a Parliament and a people should have with political interference in matters. He then essentially proceeded to confuse the population by drawing relevance to the matters in the World GTL matter to the claim against Malcolm Jones. So the first thing that I must do is to say, I have no brief for Malcolm Jones. I have no brief for the board of Petrotrin that would have sat in that period 2004 to 2009. And I say so knowing that I am not the first member of a PNM Government to think that way.

I want to put on the public record. The opinion in the World GTL Inc. Petrotrin matter which resulted in the springboarding of action by the Government of Trinidad and Tobago by Petrotrin against World GTL, that opinion was obtained on September 03, 2009.

Secondly, Petrotrin's request for arbitration in the World GTL matter did not happen under the stewardship of the Leader of the Opposition then as Prime Minister the Member for Siparia, certainly it did not. The record will show that on

February 23, 2010 following the delivery of an opinion on the September 03, 2009, that Petrotrin commenced the proceedings to enforce its rights by filing a request for arbitration on February 23, 2010. That was met by the respondents filing an answer on April, 23, 2010.

So, I do not know where the Member for Oropouche East is going hot and sweaty reading from a document to do as if they brought the Petrotrin World GTL arbitration. [*Desk thumping*] That was not the case. And I want to point out here that I will focus upon the propriety of Petrotrin as a multi-billion dollar company with a board of directors having as its sole shareholder, Corporation Sole in the person of the Ministry of Finance, having under law the statutory obligation in section 60 of the Companies Act and in section 99 of the Companies Act to manage its own affairs.

Little did the Member for Oropouche East understand well enough how true the words he quoted from the English Parliament are. The disdain to be poured upon political interference especially by an Attorney General found itself into the very life and being of the UNC's management. But permit me today to take us through a little history.

You would recall, Madam Speaker, August 13, 2010, one Anand Ramlogan appointed as Attorney General acting under the Member for Siparia's tutelage—themselves receiving from themselves silk at the same time—what we had, Madam Speaker, was the announcement of an A team, a five-man team, Newman QC, Ackberali, Martin Hall, Gerald Ramdeen, Mark Seepersad. The matters disclosed then in that press conference: University of the Trinidad and Tobago, UTT, Sports Company, Petrotrin, T&TEC, e Teck, Scarborough Hospital, MV *Su*. The words from Anand Ramlogan then:

No price is too heavy for this country to pay to unravel the corruption and mismanagement that took place under the PNM to ensure that it never happens again and to ensure the public sense of outrage as it appeals to justice is one that is satisfied, provided there is no cause to answer.

December 13, 2010, Anand Ramlogan receives a letter from Lindsay Gillette where he says that Petrotrin proposes to take legal action as is necessary against the former members of the board of directors—in the plural. On March 01, 2011, there is the legal opinion from Vincent Nelson QC and permit me to deal with the legal opinion of Vincent Nelson QC of that date, of that team. Nelson QC produces an opinion and in that opinion he specifically says that he is being invited to consider a case. He considers a case against the board of directors—in the plural.

He says in particular that the matter is to be considered in the context of the facts that are presented to him. He draws certain limitations and caveats to his advice. He concludes and says:

In light of the above, it is my opinion that consideration should be given to bringing an action against the board of directors of Petrotrin pursuant to section 99(1) of the Company's Act for recovery of sums expended under the joint and several guarantee and losses incurred by reason of failure to carry out due diligence in respect of technical and cost feasibility of the GTL plant.

That goes further after receipt of that advice; we see that there is a letter from the Ministry of the Attorney General to Lindsay Gillette. The legal opinion of Nelson is forwarded to the Chairman of Petrotrin. On March 15, 2011, the extracts of the board meeting say that the matter was considered by Petrotrin. They want to talk to the AG more. On March 18<sup>th</sup>, Gillette as Chairman writes to Anand Ramlogan. He makes certain observations on GTL. April 7<sup>th</sup>, there is a forensic remedial report produced by one Alex Partners UK. That is provided by way of instructions from the Attorney General. June 2011, a year after we are talking of the December 2010 position, six months after where Ramlogan goes—sorry August 2010, skip forward to June 2011. Ramlogan comes out to the public. He says.

“...in every single month, for the rest of the year, one new case would be commenced arising out of the corruption and scandal under the previous regime...”

Widescale coverage of these events. Now we see that Petrotrin is invited to consider next event October 04, 2011. A legal opinion is secured from Russell Martineau SC. And Russell Martineau SC is very careful in his opinion to make consideration firstly of the Nelson advice.

Secondly, he says that he finds that there is a prima facie case based upon what is presented to him. He says specifically:

Having said that there is a prima facie case of negligence disclosed from documents which I have seen, I must point out that I have not seen the minutes of relevant board of directors meetings in order to ascertain all matters which may have influenced the directors in arriving at those decisions which are prima facie open to challenge. It is important to see how they attempted to grapple with the problems and the thoughts given to them. I can only assume Mr. Nelson has seen them. And I underscore that.

He says:

It is important that the role played by Cabinet and Ministries which may affect liability be considered in relation to anything against the directors and Petrotrin cannot complain of negligence or breach of duty of its directors if the acts complained of were authorized or approved by the shareholders of Petrotrin.

Huge bit of caveat there by the hon. Mr. Russell Martineau SC. What happened next? We see on October 13, 2011 there is a letter to the Minister of Finance from Anand Ramlogan requesting Minister of Finance's approval to, as shareholder and Corporation Sole for Petrotrin's board decision to initiate legal action.

October 13, 2011, the letter from the Attorney General—sorry, from Lindsay Gillette Chairman of Petrotrin to Winston Dookeran saying: Petrotrin wants to indicate its desire to pursue legal proceedings against the directors, in the plural, of Petrotrin; that the Attorney General is to assume conduct; that the conclusion in the opinion of Martineau and that of Nelson is to be factored; Petrotrin will not be responsible for legal costs and the board of directors shall authorize the Attorney General to assume conduct of the said legal proceedings.

So we heard the Member for Oropouche East glibly come along and say, “well it was a big matter and it was serious and that is why we put the Attorney General”. You know, sometimes I wonder if the Member for Oropouche East really has a law degree, [*Desk thumping*] and if we are to take advice from him. And I say that most respectfully because it is important to understand that section 60 of the Companies Act says in plain English for those who will read:

“Subject to articles and any unanimous shareholder agreement, the directors of a company shall—

- (a) exercise the powers of the company directly or indirectly through employees and agents...and
- (b) direct the management of the business and affairs of the company.”

**3.30 p.m.**

But section 99, which deals with fiduciary responsibilities in the Companies Act goes further. Now stick a pin, this is the same section 99 that they chose to sue the former directors of Petrotrin on, supposedly, according to the advice of Nelson and Martineau and subsection (6) of 99 says that:

“...no provision in a contract, the articles of a company, its Bye-laws or any resolution, relieves a director or officer of the company from the duty to act in

accordance with this Act or the Regulations, or relieves him from liability for a breach of this Act or the Regulations.”

But you see in the UNC, you are invited to do as I say and not as I do. And let me tell you why. Had the Member for Oropouche East bothered to consider some reflection on his legal training, if there was any—let me put it this way—in the particular field of law that I refer to, the case law is replete with references to how one is to be guided as a board of directors in relation to matters.

I wish to put on the record, directors cannot delegate their exercise of best judgment. The classic case is anchored in *Boulting v Association Cinematograph et al*, 1963, one, All England Law Reports in the words of Denning, Master of the Rolls, nominee director appointed by large shareholders to represent interest that there is nothing wrong with taking the directions of a patron.

“...so long”—as he—“the director is left free to exercise his best judgment in the interests of the company which he serves.

But if he is put upon terms that he is bound to act in the affairs of the company in accordance with the direction of his patron, it is beyond doubt unlawful...”

That was reaffirmed by the Privy Council in 2015 in the Central Bank of *Ecuador and others v Conticorp SA and others*. Listen to what Lord Mance had to say in 2015 in the Privy Council:

The duties of a director, both in England and the Bahamas, pursuant to section 55 of the International Business Companies Act, were to act honestly and bona fide in the best interest of the company, to apply his mind positively to the question of what were the company’s interests to exercise independent judgment and not to fetter his discretion. If he was a nominee director his position was no different from that of an ordinary director and thus he was not entitled to forego or surrender to another any exercise of his discretion, however paltry the amount he was paid for the rudimentary services he rendered.

Madam Speaker, I have bothered to state the law in the Companies Act. I have bothered to state the *locus classicus* in terms of the root of the law, not locus, but international. I bothered to state the restatement in 2015 and the reason that I have done that is to dispel the argument brought by the Member for Oropouche East, who cannot keep his mouth quiet right now and is cross-talking when we sat in silence, because his statement that the Cabinet had the authority to instruct the Attorney General to cause Petrotrin to merely rubberstamp and give up their discretion is an absolute breach of the law. [*Desk thumping*] And that is a breach

of law which exposed the entire Lindsay Gillette board of directors to a claim for negligence under section 99 of the Companies Act, in particular under section 60 of the Companies Act.

But let us go further. Let us deal with this. Let us look at the argument that the Member for Oropouche East has put onto the table. He said look, big matter, AG should be involved. He said AG had a responsibility to manage this matter. I want to take you back to the timeline as we were going along. When we look now we see resolution by the board of directors of Petrotrin, November 16, 2011. The resolution authorizes Attorney General, Anand Ramlogan to commence legal action against former directors in accordance with the advice of Nelson and Martineau. Both of those pieces of advice say go after all the board of directors depending upon the facts of the case.

We come next, we see that the ICC arbitration starts, November 29, 2012, proceedings in Toronto, as I told you, it was a PNM springboard in 2009 that launched that. There is a press release from Ramlogan on December 04, 2012 which says, Petrotrin has had a massive victory ordering WGTI to pay Petrotrin's legal cost, not as the Member for Oropouche East put it, but in the sum of TT \$14 million. Then what do we see?

May 03, 2013 there is a claim that is being contemplated. There is a specific and important event that happens on May 03, 2013. Allen & Overy, LLP who are Petrotrin's external counsel in the London Court of International Arbitration proceedings says look, we understand that you want to have a claim brought against former directors. In principle, it should not be prejudicial to the arbitration proceedings. However, WGTI will certainly review the claim closely and attempt to use it to its advantage including any language that is inconsistent in this regard. Allen & Overy specifically said that it was imperative to align the high court action that Petrotrin intends to take with the arbitration.

Now let us connect the dots. The man who went to give evidence on behalf of Petrotrin in the arbitration proceedings is Anand Ramlogan. The man who is managing the case for Petrotrin against the law, but good with the Member for Oropouche East because he may be fine with that, against the common law, against the Privy Council judgments, against the Companies Act, Attorney General Anand Ramlogan is advised, look, you have to align these things they may be prejudiced. He instructs for a claim to be pursued. Gerald Ramdeen signs a claim form, May 03, 2013, files that in court—[*Interruption*]

**Hon. Member:** How many millions they paying for that?

**Hon. F. Al-Rawi:** How many millions, I will come to in a while. Statement of case filed in court claiming US \$190 million against one man, one director, when Martineau's advice and Nelson's advice is pellucidly clear, check your facts there are caveats inside of here, make sure you get it right and sue everybody, if your facts are right. But let us go on.

May 13, 2013, there is a memorandum to the President of Petrotrin from the corporate secretary Rosanna Hospedales. Under a UNC there is a majority round robin decision of Petrotrin Board. Apparently that "doh" happen and everybody named Robin put at risk according to the Member for Oropouche East. Ten days after the filing of the claim we are now getting for the first time, Anand Ramlogan looking for instructions from Petrotrin. May 17, 2013 case done file already. Fourteen days after the filing of the claim Anand Ramlogan sends a retainer letter to Varun Debideen, Gerald Ramdeen and others, 14 days after a claim. Now anybody who has practised law knows that there is case law from here till kingdom come that says if you file an action without authority it is bound to be struck out. [*Desk thumping*] But that does not concern the last Government, that "doh" concern the Member for Oropouche East because we are coming to fees in a while.

May 24th by majority vote approval for High Court proceedings against former director Malcolm Jones, 21 days after the claim. July 30, we move to an application for extension of time. On October 11, 2013 a very important event happens. A defence is filed by Malcolm Jones and in his defence in paragraph 26 he sets out in plain English the claimant has not provided disclosure on the arbitration proceedings. I will rely upon them in my defence, I want them disclosed and I reserve the right to amend my defence. I want you to make the spot on disclosure. There is an order for standard disclosure December 23, 2013, a reply is made on January 17, 2014, March 12th the defendant files a list of documents, March 17th, claimant files a list of documents and in the list of documents they claim privilege on the arbitration proceedings, they will not disclose it. Let us go on.

April 25, 2014, Anand Ramlogan makes a ministerial statement on the World GTL arbitration against Petrotrin, beating his chest for the world to hear as to the successes in the World GTL arbitration, springboarded from a PNM opinion in 2009 and initiation of arbitration in February 2010. Let us go on. We skip forward now to February 24, 2015. General election somewhere in the mix. Members of the Opposition running up and down panicking about San Fernando West.

I had to hear certain Members now present in the House talk about who "meh mother is and meh father supposed to be, why they doh have different names, all

sorts of things”. We come down now, we are hearing it again today, court ordered defendant is to file an application for specific disclosure if it wants disclosure by April 17, 2015. And the trial dates are fixed, February 22, 23, 24, 25, 26, 2016.

Ramdeen is in court. February 24th application comes up again, witness statements are bound to be filed by October 30, 2015. February 28th, Debideen is asking his team to take note of the dates. April 17th in accordance with the courts direction, an application is filed for specific disclosure of arbitration proceedings. Now remember, Ramlogan is managing the matter, Ramlogan is witness in the arbitration proceedings. Ramlogan’s “A-Team” Debideen and they are going ahead. This matter is being pursued with vigour. Matter is completely managed, “doh” mind it is in breach of the law by the AG’s office, no problem.

June 09, 2015 there is a court hearing, Ramdeen appears. Application for specific disclosure adjourned to October 02, 2015 pending discussions. So says the court flysheet. July 20th, Debideen writes to Petrotrin and in the letter he introduces the legal team for the first time to Petrotrin. He says, we are acting for Petrotrin, there is an application for disclosure, please, provide the arbitration proceedings in the WGTL matter. Give us the documents that they are asking for. There is a letter back from Petrotrin to Debideen, they promptly send all the information across to him. September 11, 2015 Debideen is now considering in the legal team, Ramdeen advising him as counsel and stick a pin for a moment.

You will hear the name Debideen called, but I want you to bear in mind he is an instructing attorney led by Queen’s Counsel, led by local junior counsel Gerald Ramdeen, and instructing attorneys in this jurisdiction are used to taking instructions as to what should be done, what is to be requested, how it is to be delivered.

October 2nd, there is a court hearing. The application for specific disclosure is adjourned to November 03, 2015. Time for witness statements is extended for the claimant to December 1st because the defendant, of course, filed all the witness statements on October 30 as directed. October 11, 2015, Ramdeen is given advice by Vincent Nelson QC and I want to spend some time on this advice. Listen to the words in the advice. The written advice produced by Vincent Nelson, October 11, 2015:

“Having considered”—the witness statements—“there is a basis for concluding that the Petrotrin Board, through bad business decisions, found itself committed to GTL venture with WGTL Inc.”

He says that may basically be considered to be a bad business decision in the circumstances:

“The board was naive and probably duped...once the Board discovered how deeply committed Petrotrin had become, it appears from the witness statements”—that he had considered—“that the company did what they could to protect Petrotrin’s assets.”

**Mrs. Robinson-Regis:** Repeat that, repeat.

**Hon. F. Al-Rawi:** Here is what he says that:

“Once the board discovered how deeply committed Petrotrin had become, it appears from the witness statements”—that he reviewed—“that the company did what they could to protect Petrotrin’s”—interest.

In the circumstances there is a reasonable—[*Crosstalk*]

**Madam Speaker:** Member for Naparima, do you intend to join the debate?

**Mr. Padarath:** Yes.

**Mr. Imbert:** No, he does not.

**Hon. F. Al-Rawi:** He is calling “the judge may...” from advice he says he does not have. So I am awaiting to see what he has. In the circumstances there is a reasonable likelihood that a judge would be persuaded that there was a bad business decision but no negligence.

**3.45 p.m.**

**Mrs. Robinson-Regis:** Ah, ha, repeat that.

**Hon. F. Al-Rawi:** This is a matter the board will need to consider in the context of future conduct of this action.

He says:

I have been asked by instructing attorney in this matter to prepare a note of advice to the Board of Petrotrin in relation to the company’s duty to make disclosure of witness statements by former directors and senior management adduced. Those witness statements relate to matters that may be relevant to the events which are the subject of Petrotrin’s legal action against the directors, the defendant Malcolm Jones.

I was not involved in the relevant arbitrations, nor was I consulted in the drafting of the witness statement. I have been provided with the witness statements. I had not been provided with a copy of the arbitral award, and I never had a copy of these witness statements previously.

So that is on October 11, 2015, watching down the barrel of a gun looking at you saying specific disclosure in relation to my defence, produce the evidence, application filed. All of a sudden Nelson is now given, “Look boy, tell meh if ah have to disclose this.” Nelson says, “Litigation is practised on a card’s face-up position and a court in Trinidad and Tobago is likely and will give disclosure in this matter. The witness evidence I never had, you never gave it to me, I am now seeing it for the first time, and in looking at it for the first time, boy this thing eh looking like negligence at all. It now looks like a bad business decision and it appears [*Desk thumping*] that business decision was one which is explainable because the board seemed to be working its way out of the difficulties.”

Let us go on. That was on October 11, 2015. That is the written advice of the team leader for Petrotrin: Vincent Nelson QC, junior Gerald Ramdeen, instructing attorney Varun Debideen. The person who would have had this advice, according to the Member for Oropouche East, is none other than Anand Ramlogan, the star witness in World GTL, the man who has the opinion of Nelson, the man who retained these people who have never met Petrotrin before in their life because they introduced themselves in October 2015 for the first time, all of a sudden people sweating.

**Madam Speaker:** Hon. Member for San Fernando West, your 30 minutes speaking time has expired. You are entitled to 15 more minutes.

**Hon. F. Al-Rawi:** If you please?

**Madam Speaker:** You may proceed. [*Desk thumping*].

**Hon. F. Al-Rawi:** Much obliged, Madam Speaker. Madam Speaker, so here is what happens and I want to freeze-frame on this string of events right now. Here is what happens next. October 21st, Debideen is written to by Petrotrin; Petrotrin says that they acknowledged his letter; Petrotrin says later on and I will come to it, that advice of October 11th was never given to Petrotrin. That is in sworn affidavit testimony by the officers of Petrotrin in the court.

In fact, it is worse. That evidence, the opinion of Nelson, was certainly not in the Attorney General’s Office. [*Interruption*]

**Dr. Moonilal:** And you did nothing.

**Hon. F. Al-Rawi:** Listen to the Member of Oropouche East and permit me to stick a pin for a moment. The Member for Oropouche East said and he read out from a letter on February 1st, and he says how “ah have documents”—he says, “In the public domain I said I had no documents”. The correspondence passing between Debideen and the Office of the Attorney General sets out with clarity, no

documents in the possession of the Attorney General's Office, no documents in the SG's, (Solicitor General's) Office, no documents in Petrotrin, and in the letter the Member for Oropouche East conveniently skips over the part where I say I acknowledged you have sent me documents and I list the documents in my letter to him. What do I say in that position?

I say to him, "Yes, you have sent me documents, but there are gaping holes in the record and I cannot form an opinion on this matter as and until you provide me with documents". I go on to say, "A perusal of the documents says gaping holes". I say, "You have not provided instructions received, briefs and supplemental briefs, full pleadings, interlocutory applications, orders, list of documents, bundle of documents, statements of fact, statements of issues, draft statements, witness proofs, correspondence, advice on evidence, and travaux préparatoires." That is my letter to Debideen, February 01, 2016.

Now I said that and I wrote that, specifically, because I said to myself, how could Petrotrin have no documentation, AG's Office have no documentation and I get a partial file. Surely this matter—the Member for Oropouche East says it is worth \$14 million, \$15 million in legal fees—has attached to it a volume of information. So I say to myself, you know what, something does not smell right here. I said, specifically, coming in as an Attorney General into the PNM Government, I would not fire a single lawyer who was working for the State prior to my entry, that I would review the matters because the administration of justice may be prejudiced if you fire people capriciously, they would have been paid already, there must be value for money accountability, but specifically I "eh" giving them the chance to stick me to hold any of their basket and I will tell you why.

Little known to us until we went into all parties' conference which I called Nelson to. I wrote to Petrotrin, I said to them, "This is your matter to be conducted by you in accordance with the law." I wrote to Debideen. I wrote specifically and told him that I am not accepting him coming off the record. I want the entire bundle of documents, I want all opinions, all advice, draft statements, because, Madam Speaker, witness statements due to be filed in October. November I am getting letters saying, "Well ah want to come out, ah want to come out. Ramdeen want to come out, this one want to come out". All of a sudden. I asked them for information and say, "Look I cyar get through Petrotrin, you ask them for information." You know what the response to Petrotrin was? "We were hired by the Attorney General. This information is privileged and we cannot give it to you Petrotrin even though we are your lawyers on the record and we acting for you". Do not take my word for it.

Affidavit evidence, supplemental affidavit. Affidavit of Sharon Morris-Cummings, where she goes into the fact that—in one of her affidavits she says, “It is the duty of counsel to provide names of witnesses.” That was not done. Her other affidavit specifically says—in opposition to the application to come off record, she says, “I was quite surprised by the request that I, Petrotrin, should provide names and contact information for potential witnesses. I did not have conduct.” Further, Debideen was on record, Ramdeen, et cetera, acting as attorneys in the matter. They were in possession, informed by the senior manager that she responded to Debideen, et cetera, and she says here, “I verily believe an attorney at law cannot claim privilege against his own client and, in fact, the privilege belongs to the client.”

So here is Petrotrin now on affidavit in the court saying, “Ah want meh documents. I am the claimant in the matter. You had conduct of the matter, let me see the document so I can consider it. You have asked me to consider things.” The lawyers under Ramdeen, appointed as Senator by the hon. Leader of the Opposition, say, “Well sorry. Privilege. You are not the client. The Attorney General is the client.” You ever hear more nonsense than that, Madam Speaker? [*Crosstalk*] Let us go down.

We come now, Madam Speaker, November 3rd. On November 3rd a very important event happened. There was a court hearing—now the court had successively adjourned the matter of the order for disclosure pending discussions. All of a sudden, first time on the court flysheet, application for specific disclosure comes up. Guess who does not appear on November 3rd? Nobody from Petrotrin. No Ramdeen, no Nelson, nobody else. Why? Why do they not turn up in relation to the application for specific disclosure, the one and only time on the record?

Then the judge, of course, in an uncontested application, grants the Order. Well, Madam Speaker, panic stations in UNC. Panic stations, because right now you are hoping the new Attorney General would have fired you. He made sure to keep you in the saddle; you are faced with a discovery of documentations, specific disclosure; you ask your Queen’s Counsel for the first time, “Boy take a look at this and geh meh some advice.” The man says, “But you never showed this to me before and now that I read it, dogs dead. How do you go ahead and pursue this action? This does not look like a breach of fiduciary responsibility. It looks like a bad decision.” But they made sure not to discover that and produce it to Petrotrin or to me, because, Madam Speaker, I will tell you why.

As we progress now to the trials and we get up to January, we get up to February, I am calling for the full papers. I cannot get the full papers. Petrotrin cannot get the full papers. What happens next? I insisted to them, go to court and

tell the court that I have called an all parties' conference and I want all lawyers here. What does the Attorney General office do? We pay for Vincent Nelson QC to come to Trinidad, to sit down in the Attorney General's Office with Petrotrin, and I said, "Tell me the whole story right now." Who turns up? Nelson, Ramdeen, Debideen and Petrotrin's two lawyers and we sit. At that moment Nelson says to me, "Didn't you get the memo?". I say to him, "Well what on earth do you possibly mean?" He says, "Well, I have given written advice since October, and that written advice says important things which the Board of Petrotrin must consider." That advice he says, quite clearly, "Is advice that must be considered." I say, "Well what on earth do you mean?" Well, do not take my word for it. Take Debideen's words for it as a party to the conference. February 26th—sorry, the meeting was February 16th. February 16th, letter from Varun Debideen to me.

Reference made to the matter all counsel meeting. You will recall—he calls the names of the parties, Nelson, Ramdeen—you were informed of Mr. Nelson's advice dated October 11th, contained in my letter dated October 12th, (which I left a copy of with you).

I add now for the first time, Petrotrin—for the first time Nelson apologized at the meeting, "I am sorry you did not get it, but I sent it to Ramdeen and he should have sent it to you."

What happens next?

We agreed—Debideen's words—to allow the Board of Petrotrin to consider this advice and make a decision accordingly. You indicated you would contact the Chairman and convene an emergency meeting to facilitate this decision so that you could report to the court.

Nelson will attend tomorrow's hearing. Your instructions for tomorrow's hearing is for counsel to ask the court to vacate the trial dates, but if court is not so minded, counsel should ask the court for a hearing for the extension of time application for the filing and exchanging of claimant's witness statements.

So the Attorney General quite properly says, "Go to court, preserve my trial, preserve the dates, argue for an extension of time. Send the matter to Petrotrin Board where it should always have been, let them consider the matter."

Needless to say, the Member for Oropouche East cannot understand that because that is not the process which a UNC Government may have dealt with the matter. He is entitled to say that. However, what I can tell you is that after that Petrotrin took control of the matter, Petrotrin comes on record for the claimant.

Debideen is relieved and removed from the matter voluntarily, and Petrotrin begins writing to Nelson, saying to Nelson this is what happened. Petrotrin writes a letter February 23, 2016. It provides the appearances. It says in that letter:

You, Mr. Nelson, had requested the court grant a one-week adjournment of the matter, so that legal advice can be considered by the Board members of the claimant.

Not Faris Al-Rawi, Attorney General, Member for San Fernando West. [*Desk thumping*] That is Vincent Nelson QC hired by the last Government, Gerald Ramdeen hired by the last Government, going to court to tell the court that Petrotrin needs to get this now. There is a side story as I told you.

There is affidavit evidence by Petrotrin saying, “We never had the advice. We have no papers. We were locked out of the matter, the matters were not brought to our attention, and the Board must consider it.” Cut the story short now as time runs quickly. What happened next? The Board of Petrotrin took a decision by itself after considering legal advice, and the Board of Petrotrin put in writing that they would end the matter and they wrote to me telling me what they had done. [*Desk thumping*]

**4.00 p.m.**

Permit me quickly, in the couple of minutes I have left, to put this out. It is no mystery that the Member for Oropouche East is comfortable with Anand Ramlogan managing the matter and I will tell you why. Legal fees in total, Vincent Nelson, in total from the last Government, so far and counting, a small amount, \$55,583,826.07; Gerald Ramdeen, \$32,858,901.67. [*Interruption*] I will skip the others. And what I want to say is this, it is absolutely clear that there was a calculated plot by the last Government to totally rape the Treasury of Trinidad and Tobago [*Desk thumping*] proved by the expenditure of \$1.4 billion in legal fees by the last Government. And I want to let you know this, Madam Speaker, in the minute and a half that I have. [*Continuous interruption*]

**Madam Speaker:** Order!

**Hon. F. Al-Rawi:** This matter is a breach of the Legal Profession Act. The mandatory provisions which say that an attorney-at-law cannot secret from his own client, or sequester information; that an attorney-at-law has an obligation to put all material before the court [*Interruption*] and a breach of Part B of the Legal Profession Act shall constitute professional misconduct, and it is absolutely clear from a comparison on the court flysheet against the matters that this is a matter which must deserve the attention of the disciplinary committee and that is where

it is going [*Desk thumping*] because we have put the material together. And those who have abused the public office, including Anand Ramlogan and whoever else participated in making unlawful decisions in Trinidad and Tobago, they will have their turn to give their answers. You see, Madam Speaker, that would not be in the Parliament, that will be on the outside in Trinidad and Tobago. [*Interruption*] Because I will end now with how I came into the Chamber.

**Mr. Padarath:** Madam Speaker, 48(1).

**Hon. F. Al-Rawi:** Relevance?

**Madam Speaker:** Members, please. I overrule, continue.

**Hon. F. Al-Rawi:** Thank you. Madam Speaker, the rationale behind this debate is distractionary. All that the Member for Oropouche East could do is to dig, dig, dig into the past. He will find no culpability, I was not Attorney General in 2004, 2005, 2006. [*Desk thumping*] I am Attorney General now. What they did not cater for is that I would not fire a single soul. They hoped that I would have. [*Desk thumping*]

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

**Mrs. Kamla Persad-Bissessar SC (*Siparia*):** Thank you very much, Madam Speaker. I listened, like everyone else here, to our colleague from San Fernando West and I am sorry I sent for the book that was read by the Member for Oropouche East because, [*Interruption*] Madam Speaker, the words within—quoted by the Member for Oropouche East.

**Madam Speaker:** Members, please control the crosstalk and let us proceed in a particular kind of manner that has respect for each other. Member for Siparia.

**Mrs. K. Persad-Bissessar SC:** Thank you, Madam. And having listened to him for the 45 minutes—the hon. Member—for 45 minutes, I am convinced that this is a totally apt description of exactly what happened in the 45 minutes. “Yuh say who the cap fits, let him wear it.” So:

“...I invented a verb in the House—to *Seukeranize*. To *Seukeranize* was to do what only”—the gentleman—“could. Talk on every subject with an air of authority; talk for as long as possible...”—and so on. I will not repeat it, it is on the *Hansard*.

Because, you see, Madam Speaker, a case is being made out in this Motion, through the Motion and in this debate, a case has been made out by the hon. Member for Oropouche East and instead of answering that case, the hon. Member

for San Fernando West spent the 45 minutes doing exactly what he is accusing on us, distractionary. [*Desk thumping*] His strategy is distractionary and that is what he did. Because he went back to way back when—well, what he knew, who knew, when they knew, how they knew and all the things ex post facto, after he made his decision, he now wants to rely upon. When he made the decision on his own admission, he had none of those things before him. None of those things, he spent 45 minutes on this timeline regaling this House with. He had none of that information, on his own admission.

But today, the question for us and for the country is this, and my learned colleague is always using one of his favourite words about proportionality, about there is Executive action, it must be proportionate action. It could be for legislation or could be Executive action. And the question is this: whether the means has a legitimate objective? That is the first question. The famous—the *locus classicus* in that is the De Freitas case coming out of Belize into the United Kingdom Privy Council. Is there a legitimate objective? And for the life of me, I have read every single report on this matter. I have listened to the hon. Attorney General and I cannot find any legitimate objective.

In all of the rantings and ravings and all the reasonings being given, there is just one little line. At the bottom of a press release put out by the Attorney General on March 3rd of this year and in that, the hon. Attorney General speaks to, he says the Attorney General, in his management of this matter, acted—and in effect, this is what he said—acted with responsibility, care and due regard—for guess what—judicial time and wasted cost. That was the objective for discontinuing this case, guillotining this case, withdrawing this case. [*Desk thumping*] Judicial time. That is his rationale, “yuh” know. Judicial time and wasted costs.

But what about, hon. Attorney General, through you, Madam Speaker, do you fully understand and appreciate the role of an Attorney General in a constitutional democracy? The Executive functions that are given to an Attorney General are very important, because section 75, I believe, and 76, sets out for us. There shall be a Cabinet of Trinidad and Tobago. That Cabinet shall comprise whom? The Prime Minister and such other Members, but one of whom must be the Attorney General. Must be. Not the other Ministers. None of you or all of you could be absent, but to comprise the Cabinet to run the business of Trinidad and Tobago, you must have an Attorney General.

And it goes in that same Constitution a little lower down to talk about the Attorney General will have direction and control of the legal affairs of Trinidad and Tobago and in a constitutional democracy, his role is here. He has a dual role

and that dual role is one which says that he is the legal advisor to the Cabinet. He is the legal advisor to the Government, the chief legal officer, one role, and in the other, he is the guardian of the public interest. Legal advisor, guardian of the public interest.

And then he comes to wash his hands today like Pontius Pilate to say, you know, it is Petrotrin. [*Desk thumping*] It is Petrotrin, it is the board and is the law and the Companies Act—all irrelevant at this point in time. [*Desk thumping*] All irrelevant, because when you took the decision, none of that was playing in your mind. None of that directive caused you to make that decision that you did, to guillotine this case, to truncate the case, to abandon, in effect, the public interest of which you were supposed to be the guardian; that is your dual role. And therefore, when you say you wash your hands, it was not me. You want to come in defence here, you want to be a Shaggy and say “it wasn’t me”. [*Desk thumping*] And such a defence is puerile. It is a pathetic attempt to shirk his responsibility and his duty as Attorney General. [*Desk thumping*]

Therefore, if Petrotrin was the hand that signed it, the young lawyer or the lawyer, young or otherwise, on the last day, on that final day of the 29th when the case was discontinued, took pen to paper, his fingerprints, the AG’s fingerprints are all over that document. [*Desk thumping*] All over and you know, you cannot blow hot and cannot blow cold at the same time. When we listened to him today, on the one hand, he said “wasn’t me”, Shaggy all over again. But on the other hand, he says, “I” and I called them in and I asked them for this and I, I, I, I, *ad infinitum*. Did you hear him? [*Interruption*] I, I, I, I and they came to the council meeting, yeah, and I said “I want this and I want that and I want the other”. And then he talks about what Ramlogan did and did not do and who did and did not do. You know guys? [*Interruption*] You tell us and we know. From September 7th, who is in charge? You have the charge. [*Desk thumping*]

In a few days, you would have served 10 months in office. You came here yourself and you told us again today, you are going to review; you said you would review everything. So what did you do, Sir, between September 7th, 8th or 9th and when you came to discontinue this case? Which cases did you review? That you could come here today and go to the newspaper and in the press conferences and say, “Look, you know the first time I see this thing is today. The first time I got this is today you know.” And imagine an Attorney General admitting something like that. What a dereliction of duty. [*Desk thumping*] September 9th, you, the AG, big, bad and bright new. I should say new, I almost said something else but—brand new as the Member for Oropouche East said, you know, newly minted Attorney General and so on. And going to review every single thing, but

wait, how much months later? Seeing it for the first time. Not good enough, hon. Attorney General.

You know, I think our friend, Member for Oropouche East, talked to us about maybe the Attorney General should recuse himself and let his number two lawyer in the AG's Ministry take over, the Member for Port of Spain North/St. Ann's West. But I wonder who in this country, apart from him and maybe a few—the Attorney General and the second Attorney General in the Ministry. I wonder if anybody else knows that when you pick up this court document—you pick this up and you see the defence file on behalf of Malcolm Jones on this same case, you know, Madam, in this very same case. And you know, I have not heard in all the hullabaloo and all the noise that the Member for Port of Spain North/St. Ann's West disclosed that he was one of the lawyers on record. [*Desk thumping*] And you know, they will tell us I am lying, I am not speaking the truth. [*Interruption*] Look, here is the defence filed in the court, October 11, 2013 and there it is. There it is, one of the lawyers on record, Madam, this is the court file, Stuart R. Young, the hon. Minister.

**Mr. Young:** 1998, 007—[*Inaudible*]

**Mrs. K. Persad-Bissessar SC:** October 11, 2013. I do not impugn his integrity, Madam, but you see—I will come back to those cases, I just have until tea until we come back. You know, to show what these things mean in the holistic thing, to the ordinary observer. You know, in the law, Madam, you are a lawyer yourself, they talk about the fair-minded observer. The man out on the maxi taxi going between Port of Spain and Diego Martin, going to Arima, wherever, Barataria, what does that person think? And you know, in our jurisprudence and in our Constitution which enshrines the rule of law, you know the maxim, Madam, and the maxim is clearly, justice must not only be done but must manifestly be seen to be done.

When these things come into play, does that man on that maxi taxi going to Siparia or the man going to Diego Martin or going to Barataria, wherever it may be, or the man driving his little car seeing trouble now to pay for gas and so on given the price increases, what does he think when you see and hear these things. That justice must be done, but it must also be manifestly seen to be done and I will come back to that as we move.

It does not end there, you know. On April 17th, the hon. Attorney General spoke about the application for disclosure and so on.

**4.15 p.m.**

And you know, that was the application that was before the court when they rushed to discontinue the case. The application filed by whom? Mr. Malcolm Jones. And again, April 17, 2015 Stuart—[*Interruption*] Sir, you will have the opportunity to speak, okay? I am sure the Speaker will allow you to speak. You will have your turn. And so I am not impugning your integrity, Sir. I am pointing out that the hon. Minister, it is on record, April 17, 2015. So the suggestion by the Member for Oropouche East could not have worked, that the hon. Attorney General remove himself and the Minister, the junior Minister could have overseen what was taking place in this case. So, we put rest to that.

Let us then look, Madam Speaker—You know there is a case in the United Kingdom on the issue of what is called apparent bias, conflict of interest in our law. The Integrity Commission codifies its statute on conflict of law and so on. Our Constitution speaks about it in our section 4 Bill of Rights, that you must have—decision makers must be fair and impartial, and so on. And in making his decision, public officials, Member for San Fernando West, to make a decision.

There was this case, Madam Speaker, in the United Kingdom where a person who belonged to the household, the Queen's household, the Royal household, determined that she could be the coroner to enquire into the death of Princess Diana. Yes? And the court took the view, no you could not do that, because belonging to the Queen's household that there is the likelihood or there is the concern that the fair-minded observer, the same person on the bus, on the maxi, and so on, were to believe that you were part of the Royal Family and, therefore, you could not do it.

And Madam Speaker, that case, as it sounds, we have seen—[*Interruption*]

**Hon. Member:** What is the name of the case?

**Mrs. K. Persad-Bissessar SC:** I will give it to you in a moment and I would give you citations. I do not want to spend time with the few minutes. I will give it to you. Through you, Madam Speaker, it will be provided. That case and others like it point us to the whole question of the appearance of bias. And here it is, can anyone here deny that Mr. Malcolm Jones has all the appearance of being part of the PNM royal family [*Desk thumping*] who walked with kings and principalities from way back when and is now once more back on stage? [*Desk thumping*] You know Shakespeare once said—[*Continuous interruption and crosstalk*]

**Madam Speaker:** Order, order!

**Mrs. K. Persad-Bissessar SC:** When you do not want to listen you get angry. When Shakespeare said in the famous play *As You Like It*, he said all the world's a stage, and all the men and women merely players; they have their exits and they have their entrances.

Post general election 2015, there was the exit of the Partnership and there was the entrance of the PNM. Yes? And in that we saw the entrance of some new kids on the block, of which the AG is one. And we saw the return, the re-entrance of other players and in the kahani, as we use the word, in the kahani of the entry and the unfolding of that kahani, with respect to the hon. Attorney General, is intertwined and intermingled the chronicle of the four Js, those who walked with kings and principalities, who influenced all these decisions with World GTL. And there are four or five other projects which have cost this country up to today that we are paying through our noses, the GOP, the headquarters, the gas optimization headquarters, and so on. These four Js entered post-elections 2015, resurrected.

And the first to hit the stage we saw within one month of the general election, enter. No, the first one was Mr. Jupiter, installed in Petrotrin. And then just about, he was the first one. Within the month, coming to the end of the month, again within a month, in October 7th or 8th, whom do we see? Enter the other two. Mr. Ken Julien and Mr. Malcolm Jones, entered both on the Cabinet-appointed committee on Energy.

And then in the spin-off—you know I looked at *Battlestar Galactica* and I could watch that 15 times, I really enjoyed it, Madam, the wonders of the universe all to behold. And people enjoyed that so much from so way back when. What did they do? They made a sequel, a spin-off. They made three or five or four spin-offs and we see it with other, the return of the superheroes of the Marvel Comics, and so on. They do these spin-offs.

And only yesterday or the day before, what were we reading in the newspaper? We were reading that World GTL, the scrapheap, has been sold to a new company, NiQuan. And entered the fourth J, John Andros, who worked with the former Prime Minister.

**Mrs. Robinson Regis:** Who is John Andros?

**Mrs. K. Persad-Bissessar SC:** Well, you do not know him but I am sure there are others who do. He is a director of NiQuan. And let us not fool ourselves. Of course, it was sold for a song and dance but, we will get back to it. What we are giving away there is those kinds of deals we have seen over the years, things that are so offensive and which is so repugnant to preserving the birthright and the

patrimony of Trinidad and Tobago for the people of Trinidad and Tobago. [*Desk thumping*] So what it is, it is a 28 take or pay. Remember that famous take or pay? You remember BWee and they said use it or lose it? You remember that? Take or pay, the interest was take or pay TGU down the road. You have the other 20, when you take it up, the other 21 years where you have to supply this gas at certain prices. So it is like a sweetheart deal that comes with the scrapheap, that is the World GTL project down there, Madam Speaker.

And so entered these characters again on the world stage. We want to ask in all of this, through you to the hon. Attorney General: when it is that the decision had to be made? And I have already said the hon. Attorney General's fingerprints, through his own admission, are all over. So to say that it was not you and so on is not a sustainable defence. When you had to make that decision then, what was the legitimate objective, as a member of the Executive, as a public officer, making a decision? What was the legitimate objective?

I come back, in his own words, wasted cost and what was the other one? Judicial time. The trial days were fixed for how many days? Four days, about three or four, for the most five days of trial fixed. Yeah? So that is the judicial time this Attorney General is worrying about, he does not want to waste four days of judicial time. So you know what? Let us discontinue this case. And he does not want to get wasted costs. But, good Lord, you are talking about a billion-dollar or more claim, man. Wasted cost? How much we now have to pay Mr. Malcolm Jones? And, of course, I am sure the Member for Port of Spain North/St. Ann's West, as junior counsel in the matter, would get a bit of the \$3 million that is paid in costs. [*Desk thumping*]

You know, and I want to ask the hon. Attorney General and the hon. Member, as at the date of the making of that decision, whether the hon. Member for Port of Spain North/St. Ann's West remained on the record for Malcolm Jones? [*Desk thumping*] Perhaps, he did discontinue. Perhaps he may have done so. We ask him to answer. And so—Madam, the hon. Attorney General had his 45 minutes. And this is exactly what Mr. Winston Mahabir was talking about in his book. You could not answer the issues raised, so what did you do instead? No defence. So what did you do instead? You came here with, I will tell you. I am sure you know. The hon. Attorney General is distracting us unnecessarily. You do not want to hear us. You just want to get us upset.

**Madam Speaker:** Member for Siparia, just direct your address to the Chair.

**Mrs. K. Persad-Bissessar SC:** So what did the hon. Attorney General do then? He came with what they call ad hominem attacks, attacking people personally and so on, attacking the messengers as they say. He came with ex post

facto arguments, long after the fact; things that did not obtain when the decision was being taken. He came with red herrings, distracting us, the same tactics he is speaking of, distraction and distractionary. He took us down with distractions. The hon. Attorney General came with irrelevancies and that was his defence. I have not heard, with due respect, any answer to the claims that the hon. Attorney General operated in a manner such as to compromise his office. [*Desk thumping*]

Madam Speaker, we believe that the conduct of the Attorney General, in all of the circumstances of this case, was conduct such as to compromise his office. We believe it was contrary to his constitutional remit. We believe he was in breach of his oath of office and when we come back after the break I will deal with these. We believe there was an unconstitutional trespass against the jurisdictional preserve of the Judiciary—[*Desk thumping*—violating the very foundation stone of our constitutional democracy. [*Desk thumping*] What is that? The rule of law and the separation of powers. And that was done without just cause and coming back to the whole issue of proportionality.

We also believe that this decision is redolent of bias and conflict of interest—[*Desk thumping*—that reeks of political interference. But Madam Speaker, there is one thing before you take us away. This debate today is shrouded in mystery and secrecy. Today I am witnessing that the hon. Prime Minister of Trinidad and Tobago has dishonoured and broken his word given to this Parliament on March 18, 2016. [*Desk thumping*] On that day I had asked the hon. Prime Minister if he would give an undertaking to provide the House of Representatives with all documents and legal advice concerning the discontinuance of the case involving Malcolm Jones for purposes of transparency and accountability.

The hon. Prime Minister in reply on that said day stated that he understood that the Opposition Leader had indicated an intention to file a Motion in this House and that in such Motion any and all information concerning the matter would be made available to the House.

The Motion was filed since when? Well it came on to the Order Paper a while now, set down to today for debate. And Madam Speaker, I know there is a new Committee of the Parliament for Government Assurances and I would want to refer this matter there but I am very disappointed that the hon. Prime Minister, having given his word, not to me, he gave it to the Parliament of Trinidad and Tobago and he has failed to honour his words, with respect to providing the documents. And the legal advice could not have been before the debate. He used the words in the debate when the Motion was filed. [*Desk thumping*] In the *Hansard* of February 18th, this Motion—I am sorry, through you Madam, yes, I

will, on Friday, March 18<sup>th</sup>—[*Interruption*]

**Madam Speaker:** Hon. Member, if you would not be distracted and continue. I am sorry to interrupt.

**Mrs. K. Persad-Bissessar SC:** That is okay, Madam. I thank you very much. On March 18, 2016, the hon. Prime Minister indicated that it would be provided in this Motion and thus far the Motion has been filed. And you know, for true transparency and accountability, surely, surely those matters should have been brought to the House prior to the debate so that we could peruse the documents. That was the purpose of asking, and the hon. Attorney General told us, when I asked him. He told us: well, I have given it to the Law Association. And then I said would you make it available to the Integrity Commission? The hon. Attorney General said no, no, no, they did not ask for it.

Today I want him to bring evidence that the Law Association did in fact ask him. [*Desk thumping*] And again, the hon. Attorney General, does he understand his Constitutional remit? Does he understand the statutory remit of the Law Association? The Law Association has no jurisdiction, no power, no role or function, to take all these court papers, to do what? To go on radio and TV and say, hey we support the AG for discontinuing? Do we doubt? Do we take it now and assess who is right and who is wrong, who would win this case and who would lose this case? They have no statutory remit. The place that belonged was in the court, in the Supreme Court of Trinidad and Tobago. [*Desk thumping*]

And for the hon. Attorney General to come here today to take us back about the evidence and how much evidence and how much, is not for us to judge the case. It was not for him to be judge and jury in that case.

**Madam Speaker:** Hon. Member—[*Interruption*]

**Mrs. K. Persad-Bissessar SC:**—it was for the Supreme Court of Trinidad and Tobago.

**Madam Speaker:** It is now 4.30. Hon. Member for Siparia, you have three minutes and 50 seconds left of your original 30 minutes. We will take the suspension now and we resume at five o'clock.

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

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

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** Hon. Member for Siparia, [*Desk thumping*] you will reconvene. You have three minutes in order to conclude your initial and I can ask at this time, do you intend to utilize your additional 15 minutes?

**Mrs. K. Persad-Bissessar SC:** I will with your leave, utilize the additional 15 minutes, and thank you very much.

**Mr. Deputy Speaker:** Proceed.

**Mrs. K. Persad-Bissessar SC:** Hon. Deputy Speaker, I am very pleased to be speaking in your presence this afternoon, as we continue the debate on the Motion, to resolve that we have lost confidence in the hon. Attorney General, by reason of his conduct in the handling of the Malcolm Jones matter.

When we took the break, hon. Deputy Speaker, I had indicated that we do believe that the conduct of the Attorney General is such that is in breach of his oath of office, that reeks of political interference, that is in breach of the fundamental principles of the Constitution, and of the rule of law that is in violation of the separation of powers. We were of the view, in support of our Motion, that the hon. Attorney General be removed from office.

Now, hon. Deputy Speaker, there is a concern as I was—just before we closed a few minutes ago, I raised the point of the failure of the hon. Prime Minister to honour his word, in complying with the undertaking given on April 18<sup>th</sup>, to provide the House in the Motion with respect to the documents and so on. Up to this point we have not seen those documents, but there is so much in the public domain that there is sufficient coming out of the circumstances, to ground our complaint against the Attorney General and, therefore, to support the resolution we have placed before this House.

Now, Deputy Speaker, you will remember it was only yesterday that the people of the United Kingdom voted to exit from the European Union. This is a matter that is going to have consequences worldwide; the fallout and so on is still unfolding as the days go by. I think the pound is now the lowest it has been in 31 years, and members there, you are already seeing other members of the EU deciding whether they would stay or go. However, I wish to place on record, that I do believe that the Brits are very resilient people, and they will be able to face whatever challenges may arise from this and, of course, to take full grasp of opportunities.

But through you, our question will be whether for us in Trinidad and Tobago and, of course, indeed in the Caricom, have we given thought to the fallout that may accrue to us, and whether we have given consideration as to what is happening, because even there, they do not seem to have any idea themselves as to what would happen. So I am concerned for the people of Trinidad and Tobago, given that we were a former colony, we have ties with that part of the world, and

perhaps we may want to take a page out of their book, with respect to a referendum. There are some controversial issues that may be better dealt with through a referendum. [*Desk thumping*]

I note the hon. Attorney General is speaking about the Caribbean Court of Justice, and they are somehow of the view that the Caribbean Court of Justice, that Grenada is going to accede to that Court, but that is not true, with due respect. What they have agreed to do is to go for a referendum to decide for whether they will accede to the CCJ. So I am just *en passant* with respect to world affairs, that we may want to take a page out of their book, with a referendum on controversial matters like the CCJ, maybe matters dealing with abortion rights, matters dealing with LG—[*Interruption*]

**Hon. Member:** LGBT.

**Mrs. K. Persad-Bissessar SC:**—LGBTI, now, rights, those are very controversial matters that may be decided.

I began earlier this evening about the poetry from Shakespeare about entrances and exits. I spent a little time on the entrance of persons who had been involved in the World GTL matter, which formed the subject of the court proceedings, which is at the heart of the matter being discussed in this debate today.

I just want to spend a little more time, hon. Deputy Speaker, on what transpired when the hon. Attorney General really placed his reliance, and again, here in this House he did it before, now and in this House, put full reliance on the advice of Mr. Vincent Nelson QC. I read it here and in previous—when he made his press briefings and so on, had referred to those judgments—referred to that opinion and let us look at that.

The AG is brandishing this, the AG is saying, “I am relying on this, and this is the reason the case was discontinued”. That advice, Deputy Speaker, brings to mind what it is was being reviewed, and I raise that point by the AG in all of the time. It raises the question, how is it that the instructing attorney could state, in unequivocal terms, that he provided advice to the Attorney General, and then to say in clear and unambiguous terms that the Attorney General was seeing it for the first time, February 16, 2016, with the All Counsel Meeting?

The AG then, when he saw it for the first time, gave due consideration to that advice, quotes it to say that this is the advice that means, that “Look, we did not have a case; the State did not have a case”, but that is not what that advice said. The advice said that there was a likelihood that the case could go south, that the case could go a certain way, there was a likelihood, and that it should be

considered. But if there is a likelihood that it could go south, there is a likelihood that it could also go north [*Desk thumping*] and, therefore, there is a real triable issue to go before the Supreme Court. So in itself that advice, in my respectful view, does not give the hon. Attorney General any comfort in terms of a defence, with respect to his conduct and his action. We have all these correspondence the AG referred to and, of course, they did not have the courtesy from the other side to share these matters with us.

When we consider the advice provided to Petrotrin, it does not, in my view, support the discontinuance of the matter. The advice is clear that it is the evidence in the trial, and not the evidence in the witness statements in the arbitration, that will determine the matter, but they would have us believe otherwise, Deputy Speaker. There is no real basis on which the witness statements would assist the defendant. These are the words of Vincent Nelson QC, his opinion. There is no real basis on which the witness statements will assist the defendant, because it is the evidence given at trial of the action that would be relevant for the determination of the issues, and not what was said at the arbitration. This is what Mr. Nelson QC said in his opinion.

So we ask the hon. AG, through you, did the AG consider that in giving this advice, Mr. Nelson was only provided with certain witness statements; that he was not provided with the arbitral award mentioned by the AG? He is aware of that. There were only selected documents that he had before him in coming to that advice and, therefore, did the Attorney General on discovering that there were documents that Mr. Nelson had not seen, did he consider in all the fairness and justice of the case, to the make these documents available to counsel? [*Desk thumping*]

It is to be remembered at that same time, there was an application by the State before the court, to extend the time for the filing of witness statements; AG never mentioned that—says there is the—trial is trial, trial is coming and people start to panic. “Dey start to sweat in de UNC somewhere dey sweating, and ah want to let you know”, through you, unless he has some SSA link inside the UNC offices, there was no UNC sweating about that. The only person who should have been sweating was the AG. [*Desk thumping*] He was in charge. He was under care and control, that was the gentleman, that was the office that should have been bent and engaged in prosecuting this matter, and not worrying about “who sweating dong” in some UNC office somewhere.

So did you consider the advice—[*Interruption*—eight minutes—that was given in this matter was deficient, there was incomplete documentation? So, a

responsible AG in my respectful view, in discharging his duty, would have ensured that if he were going to take a discussion, that all the documentation would be available before him, and/or others engaged in making that decision. So we believe that it is not sufficient when we look at due care and diligence on the part of a responsible Attorney General to simply parrot the advice of another lawyer. [*Desk thumping*] He used that as just—parrot the advice of Nelson QC, that is your justification for stopping this case. To parrot that advice was certainly okay, if you believe that your own expertise and training is insufficient. Well, go get another advice. Dr. Moonilal put it well, and I could put it another way.

Hon. Deputy Speaker, he mentioned cancer, and we were discussing this. I mean, you go as a woman and they diagnose you with cancer, and “dey say yuh have to cut off ah part” of your anatomy, because that comes up many times to many women. “Do you think you will go do that?” Will you go and do that just because one person tells you?—and he made the point very forcefully, and I want to ask the hon. Attorney General, why was a second opinion not sought? Why? [*Desk thumping*] The fact that a very distinguished legal luminary, in the person of Mr. Russell Martineau had initially given opinion in this matter, to file proceedings, why was he not consulted at that stage before any decision was taken? [*Interruption*] I am hearing mutterings, “We got a second opinion”. Well, that is *ex post facto*, because this is the first I am hearing of it, that he is muttering. [*Desk thumping and interruption*] Do not make it up. It is making up as you are going along. I am speaking to you, Sir. The AG has had his time. I am speaking to you. So perhaps, you know, if you know better, I want to tell you there were several matters in our term in office, and I am sure there will be many more in yours. A matter of this magnitude deserves, in the public interest, for a second opinion to have been sought. [*Desk thumping*]

Mr. Deputy Speaker—[*Interruption*]—six minutes? Thank you. There are two suggestions I would like to make, in terms of the way forward in this matter. The Motion is there. We have asked for a resolution to be taken by the House, and we are fully cognizant of the fact that, given the numbers in the House, it is a numbers game, that it will well be, that apart from the opportunity that we have had to ventilate our thoughts on this matter, that the vote will go along party lines in that way.

But there is a suggestion I would like to make, in the matter that the Member for Oropouche East mentioned in the United Kingdom, where an Attorney General, a Motion of no confidence was brought on an Attorney General for withdrawing a criminal case. In that case, of course, the number’s game played, party lines and persons voted, but a suggestion was made and it was accepted by

the Government that a joint select committee of the Parliament—and that is what I am suggesting today—a joint select committee of the Parliament be established, [*Interruption*] with respect to taking and looking, and taking into account all the circumstances and all the documentation of the—[*Desk thumping and continuous interruption*] in the public interest, hon. Deputy, and as we say—[*Interruption*]

**Mr. Deputy Speaker:** Member! Members! Please, I want to hear the hon. Member for Siparia.

**Mrs. K. Persad-Bissessar SC:** I thank you, Deputy Speaker. So in the four minutes I have left, let me just remind ourselves of the grave economic consequences that have hit us as a result of that GTL claim, and the other projects that were undertaken under the same players that I mentioned before, the star actors who have returned on the energy scene.

#### 5.15 p.m.

When we look at that gas optimization project that they undertook, hon. Deputy Speaker, the money increased by 561 per cent in the 10-year period. So that the cost of the project rose from US \$350 billion—I am looking for the one I have—in 2003 to \$650 million in 2005, and by the time we got to April 2013, \$1.4 billion. That is the gas optimization project. And so, we saw with the WGTL—I am still looking for that document—project—I have it here. I would pass it to you in my notebook if you like. Here you go, you could find it in my notebook. [*Member holds out notebook*] Through you, I am passing my notebook to the Attorney General for the citations that he so desperately wants. And so, I wanted to—[*Crosstalk*—please, you had 45 minutes of boring this Parliament. [*Laughter*]

**Mr. Deputy Speaker:** Hon. Member, please. Let us finish hear her discourse please.

**Mrs. K. Persad-Bissessar SC:** And the further point as I close is this. I want to give the assurance that in the same way it took us 26 years to find out what happened in the 1990 coup—when we were in Government we ensured that there was a commission of enquiry to get the truth and the facts so that we could work to avoid such a thing occurring. In the same way we worked with respect to what happened with the CLICO and set up a commission of enquiry with respect to CLICO, so we could find out what happened and to learn from whatever transpired there and, of course, to bring to justice whomever may be there, whomever might have been wrong, and today I serve notice, hon. Deputy Speaker, and I am calling on the Government not to hide the Colman report on the CLICO matter. [*Desk thumping*]

I heard the answer given to the question asked earlier in the Parliament, and the hon. Minister of Finance really gave no answer in my respectful view. It was a really vague and wish-wash answer that they will responsibly consider it responsibly. I thought it was a clear answer really to whitewash it that you want to hide it, that you will not bring it. I will use every instrument in and within the law to ensure that that document becomes—[*Desk thumping and crosstalk*]*—*that is the whole purpose of that document.

And, finally, I say hon. Deputy Speaker, the day will come when we on this side will be in Government, and I give the assurance that we will launch a commission of enquiry into this entire fiasco with respect to the discontinuance of this case against Malcolm Jones to bring the truth forward no matter how long it takes. [*Desk thumping*]

So, hon. Deputy Speaker, our case has been pleaded with respect to the Motion set before this House. We do believe the Attorney General has conducted himself in a manner that has compromised his office in every regard. But further, we do believe the Attorney General has not answered the case made out by the Member of Parliament for Oropouche East. [*Desk thumping*] Instead he took us along the garden path without answering the specific allegations. So, with these words hon. Deputy Speaker, I thank you. [*Desk thumping*]

**The Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, today I rise with a bittersweet taste in my mouth. The sweet part of it is that I have the great pleasure and privilege to rise to support, to stand next to, and to make out an argument which is not a difficult one to make for the hon. Member for San Fernando West who is well-recognized, well-appreciated and well-respected at the Bar of Trinidad and Tobago [*Desk thumping*] unlike those that may have gone before. [*Desk thumping*]

The bitter taste in my mouth is that today is going to be recorded in our history as a dark day for Trinidad and Tobago as this Motion can only be accurately and properly described as an abuse of the Parliament, a blatant, transparent, naked assault on the right-thinking citizens of Trinidad and Tobago. [*Desk thumping*]

I have heard, Mr. Deputy Speaker, attempts to defend LifeSport, to defend section 34, to defend the feeding at the trough by a handful of lawyers who took tens of millions of dollars of taxpayers funds and money by the appointment of none other than one Anand Ramlogan. The level of hypocrisy is sickening, and

the call to remove this honourable, respected member of the Bar of Trinidad and Tobago by those who actually fired—fired an Attorney General due to allegations by none other than a Cabinet colleague of criminal wrongdoing, the rest of Trinidad and Tobago will look on today and hang their heads in shame at those opposite. [*Desk thumping*]

Having started, Mr. Deputy Speaker, I take this opportunity, it being my first opportunity, to say and to put on record, as was pointed out by the hon. Member for Siparia, I was a practising attorney-at-law, an advocate attorney-at-law from 1998 to September 11, 2015, and one of the cases I did as an advocate attorney-at-law was none other than this case of *Petrotrin vs Malcolm Jones*. I was junior counsel for Mr. Jones.

**Dr. Moonilal:** What!

**Hon. S. Young:** Having said that—and the matter was actually one that was done pro bono. Having said that, Mr. Deputy Speaker, I played absolutely no part in the Malcolm Jones matter once I was sworn into office from September 11th which is what this Motion—the same person who drafted the Motion, who claims to have a law degree, does not even understand. [*Crosstalk*]

**Mr. Deputy Speaker:** Members, please. Address the Chair please, Sir. And Member, please, the small comments, let us avoid them please.

**Hon. S. Young:** Thank you very much, Mr. Deputy Speaker, but I could understand the small comments, because when we look and when I get to the Motion and I show the fallacy of this Motion, the misconduct in bringing this Motion, the misrepresentation in this Motion, I understand the nervousness that is taking place from that side of the Chamber. [*Crosstalk*]

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

**Hon. S. Young:** Thank you, Mr. Deputy Speaker. I would like to put this matter in some context please, Mr. Deputy Speaker. This action was an action that was brought by Petrotrin against an individual. This action is intituled Petrotrin versus one individual, Mr. Malcolm Jones. This action was not an action brought by the Attorney General of Trinidad and Tobago versus the individual who is the defendant. So immediately it is passing strange and in fact, as has been pointed out by the hon. Attorney General, it is actually in breach of the Company Law and other statutes what happened in this matter.

The Attorney General can advise any state enterprise, any state company, any Cabinet Minister, the Prime Minister and any Ministry with respect to law, but to take over a matter in the manner that this one was is unacceptable. To reach at the

end of the line and have the entity, the claimant, Petrotrin, turn around and say: “I do not have a single shred of paper; I have no copies of proceedings; I have absolutely nothing and no consultation taking place”, is grossly negligent. It is a breach of the law and actually one wonders whether it has actually fallen over the cliff into criminal activity. [*Desk thumping*]

Mr. Deputy Speaker, I would like to use this opportunity to share with the public of Trinidad and Tobago, who by and large are laypersons, how this matter should have been conducted, and where it is that you have lawyers, none other than a temporary Opposition Senator, Mr. Gerald Ramdeen, conducting litigation, fine, but apparently instructing themselves, holding all of the papers, refusing to give copies of the proceedings and other documents to the substantive claimant in the matter, the party that they are supposed to be representing. That reeks to the high heavens, Mr. Deputy Speaker.

So, Mr. Deputy Speaker, what we have here is a matter that lacked completely the involvement of the claimant, Petrotrin, and in fact was being driven by an office holder in the face of Mr. Anand Ramlogan, the then Attorney General. It is quite ironic to hear the hon. Member for Siparia, a short while ago talk about political interference and talk about political interference in the discontinuance of these proceedings where the record is clear, the documents are clear. All of the documents reflect that this was a decision taken by the board of Petrotrin to discontinue this matter and it was not the Attorney General who gave instructions; and that, Mr. Deputy Speaker, is the first fallacy in the Motion that is before this honourable House this afternoon. Because the Member for Oropouche East who has run out of the Chamber, as I expected, who drafted this and has brought this Motion makes the very serious allegation in the second paragraph, Mr. Deputy Speaker, that this hon. Attorney General gave instructions to attorneys representing Petrotrin to file a notice of discontinuance.

Mr. Deputy Speaker, I put on record here today there has not been a scintilla of evidence from the other side and in particular from the Member for Oropouche East, the drafter of the Motion, to support this very disturbing, distasteful allegation and false allegation that is now shown on the record, because it is just simply not true. The Attorney General, the hon. Member for San Fernando West, at no time whatsoever gave any instructions to the board of Petrotrin to discontinue this matter, and I will say in a short while why this matter had to be discontinued in my respectful professional opinion, Mr. Deputy Speaker.

In fact, as I get there, I would also like to put on record the disturbing facts that should be made public and will be made public here. I have been a practising attorney for 18 years, Mr. Deputy Speaker, and the fees that I have seen charged

in this matter by the lawyers are unprecedented. Mr. Deputy Speaker, we had one individual, again, a temporary Opposition Senator, Mr. Gerald Ramdeen, charged \$1.2 million—[*Interruption*]

**Mrs. Persad-Bissessar SC:** Hon. Deputy Speaker, repetition, the hon. Attorney General.

**Mr. Deputy Speaker:** Standing Order, please.

**Mrs. Persad-Bissessar SC:** Repetition. Repeating, repeating.

**Mr. Deputy Speaker:** Proceed, Member.

**Hon. S. Young:** Thank you very much. Mr. Deputy Speaker, I could understand the nervousness. Let the country take note here today that for the drafting of a statement of claim, not even the filing of the statement of claim, up to the point of drafting a statement of claim, one individual charged the taxpayers of this country, and it was paid, \$1.2 million for the drafting of a statement of claim. [*Crosstalk*]

**Mr. Imbert:** And it was not done well.

**Hon. S. Young:** If I say it was not done well, I will be accused of— [*Crosstalk*]

**Mr. Imbert:** I would say that.

**Mr. Deputy Speaker:** Members, please, please. Members on both sides, please. Go ahead.

**Hon. S. Young:** I would also like to put on record here, Mr. Deputy Speaker, [*Crosstalk*] in 2005, the Civil Proceedings Rules in Trinidad and Tobago changed, and the whole way of doing litigation in Trinidad and Tobago changed. The hon. Member for Siparia who is making her entrance back into court, leading cases now, would be aware of the Civil Proceedings Rules. Two things, two principal points are made with this change in the Civil Proceedings Rules, Mr. Deputy Speaker. The first, cards must be laid upwards on the table. The second is something we call the front-loading of matters, which means before filing a statement of case—and the rules can actually be interpreted before even the drafting and settling and execution and sending of a pre-action protocol letter, something the others on the other side love to do—the rules say that when you are sending a pre-action protocol letter, you must attach to it all—all of the evidence that you intend to rely on.

And as a practising counsel up to the other day, that would also include, if you are doing your job properly, taking of witness statements and what we call

witness proofs from the witnesses you intend to utilize to prove your case, because he who alleges must prove, Mr. Deputy Speaker. So he who alleges must prove means, Mr. Deputy Speaker, before sending a pre-action protocol letter make sure you have all of your cards lined up, make sure you have all of the documents lined up. Importantly, disclose those documents to the potential defendants, including those that may not be in your favour as the claimant and, additionally, as counsel of perfection, seek and ensure that you have signed statements from every witness you intend to use to prove your case.

**5.30 p.m.**

Mr. Deputy Speaker, it is unchallengeable in this case and it is a fact in this case that they reached the doorsteps of the trial, that is Petrotrin, in February 2016 without a single witness statement. We have correspondence here from Petrotrin, Mr. Deputy Speaker, the claimant to the attorneys-at-law, to junior counsel, instructing attorney asking them: “who are the witnesses”? How could they have reached the doorsteps of the trial court without documents and without witnesses? And they have the audacity, Mr. Deputy Speaker, to stand here today in the hallowed halls and to try once again to mislead the population of Trinidad and Tobago. [*Desk thumping*] Once again to provide complete lies, falsities and misinformation to the people of Trinidad and Tobago. There was not a single witness statement provided.

It had nothing to do with asking for extensions of time because when they were requested to do your witness statements, they were asking Petrotrin at that stage, that is the attorneys, who are the witnesses? And Petrotrin put in writing to them as late as November and December of 2015 into January 2016: you attorneys-at-law tell us why you are asking us who the witnesses for the case that you have been pushing and doing on your own are to be? And by that stage, of course, the fees of that particular individual had climbed because he had put in another invoice for another million dollars, so \$2.2 million in fees at that stage with a case that was going nowhere. Mr. Deputy Speaker, I will say from experience why this had to take place the way it took place, which is the discontinuance.

I was also fortunate to be counsel for a number of directors in another case, a case called UTT versus a number of directors and in that case it was the same attorneys-at-law Vincent Nelson, Gerald Ramdeen, and the same instructing attorney who actually sat, thankfully at that stage of my life it was at the Bar table and they sat there. And we collapsed that case as the defendants in the second day of trial without putting a single witness in the box. And you know what came out in cross-examination of UTT’s witnesses who, “he who alleges must prove”, so

UTT had to prove the case against former directors. In my cross-examination of the UTT witnesses, they gave evidence to the court they knew nothing about the case. They gave evidence to the court. They were told by Anand Ramlogan that Gerald Ramdeen, Vincent Nelson were going to run the case. They gave evidence in the case that they had never even seen the statement of case that had been filed.

In cross-examination, Mr. Deputy Speaker, what also came out, which was one of the most distasteful times, one of the most distasteful moments in my whole career at the Bar, was an accusation by the person in the box of an attorney-at-law on that claimant's side, the junior counsel saying, "he"; and he pointed at him from the box: "he is the one that made me sign this; he is the one that gave this evidence and made me sign this". So in that case, Mr. Deputy Speaker, let the records reflect, it cost the State millions of dollars because it went to trial again without sufficient evidence.

So in this instance I welcome the attorneys on the other side starting with the hon. Leader of the Opposition from Siparia, the mover of the Motion from Oropouche East to tell this House through you, Mr. Deputy Speaker, and more importantly to tell every citizen of Trinidad and Tobago, how a claimant can go to trial without any evidence? How could a claimant prove its case in a trial without a single witness statement, a single shred of evidence? That is what they are not telling the population and be paid millions and, in fact, in discontinuing the case when they did. Petrotrin actually saved the State close to \$1 million because the case was discontinued before a trial. We are not hearing any of that.

I would like to say, Mr. Deputy Speaker, again without fear of contradiction that the type of behaviour that took place by the other side in this specific matter of Petrotrin versus Malcolm Jones is a perfect example of professional negligence, a breach of the legal code of conduct and legal code of ethics by the attorneys-at-law who pushed this case. Because in addition, as I am being prompted by the hon. Member for Diego Martin West, in addition, Mr. Deputy Speaker, to the provisions of the hon. Attorney General quiet eloquently laid out from the Legal Profession Act, lawyers are bound in charging fees to ensure that the fees are reasonable for the type of work that has been provided.

And to sit here and listen to the Member for Oropouche East talk about the complications and the complexity of this matter, I laughed. Because, as has been pointed out, I was on the other side in this matter. There was absolutely nothing complex and they should also provide an explanation as to why against the advice of Mr. Russell Martineau SC and at the time Mr. Vincent Nelson QC who are both on record in writing in saying to Petrotrin then under the chairmanship of Mr.

Lindsay Gillette and saying, bring the action, if you may, against all of the directors. Why were all of the other directors dropped? And I would like to explain that, Mr. Deputy Speaker, through you to the population.

A board of directors takes a decision as a board, as a body. The Minutes reflect who voted for or voted against and in most cases, the unanimous decision of the board. Any lawyer worth his or her weight in salt including a first-year law student would tell you in an instance, where it is a board's decision to single out a single board member, unless the evidence supports it and that is the only board member who pushed something that went through and everybody objected which by definition cannot happen, it is not going to succeed. So to bring a case against one board member when that board member is going to say, "well hold on, this was not my decision", as the documents would reflect. It is the decision of other 12 members of the board and myself, how would the case succeed, Mr. Deputy Speaker? Again, we are not hearing that. Maybe the Member for Oropouche East will tell us what miraculous area of law and his colleagues who fed at the trough for so many years taking the fees over \$1.4 billion could break through in law to prove this case successfully. But, no.

Unfortunately, Mr. Deputy Speaker, we are brought here today to this House to stand in this Chamber to waste very, very precious time, but fortunately it is not a complete waste of time because we are allowed to show the inaccuracies, the misrepresentations, the continued destructive attempts by those on the other side to mislead the population of Trinidad and Tobago.

And I would like to take this opportunity through you, Mr. Deputy Speaker, to put on record, this distasteful, objectionable behaviour of naming the families of persons who sit on this side, is something that the whole country should tell that side, is unacceptable. [*Desk thumping*] I do not know, Mr. Deputy Speaker—  
[*Interruption*]

**Dr. Rowley:** Common principles.

**Hon. S. Young:**—exactly. A common principle, it is common courtesy and it is respect for your fellow human beings. It is not something you see happening from this side to that side, despite what we may have on paper. There is no attack of your families from this side. But every single week we come here and there is always a distasteful verbiage coming from that side and personal attacks of those who do not have parliamentary privilege, who cannot stand here and have the privilege of responding to you all. And that, Mr. Deputy Speaker, I would like to put record is the cowardice that takes place. [*Desk thumping*]

The real multi-million-dollar question, Mr. Deputy Speaker, respectfully that we should be asking and that should actually be answered by someone on that side, needs to answer the population of Trinidad and Tobago. Answer this question: how after being paid millions of dollars did the attorneys for Petrotrin, who Petrotrin never even met, not have a single witness statement and they were on the doorsteps of a trial court? That is the question that needs to be answered. Take millions of dollars, never meet with Petrotrin, say you are going to trial and then try to excise yourself from the whole process. But they were paid already. I would just like to use the opportunity, Mr. Deputy Speaker, to just put a few important facts on the record.

On October 13, 2011, pre-action protocol letters were delivered to Malcolm Jones, Charmaine Baptiste, Garvin Chiming, Gillian Stephens, Ramnarine Ramdass, Andrew Jupiter, Harry Pritheesingh from none other than Mr. Gerald Ramdeen; October 13, 2011. But we have heard that this action when finally filed in May 2013, miraculously, surprisingly, surreptitiously, but politically intentionally, if such a word exists, was only filed against one individual. And then they have the audacity to come here and to attack that individual and to attack the decision really made by a whole board of directors and pin it onto one individual. Unacceptable, Mr. Deputy Speaker. [*Crosstalk*] Correct.

They then have a legal opinion from Mr. Vincent Nelson when there is a change in Government and the trial date is very, very close. It is looming. A legal opinion being delivered from Mr. Vincent Nelson and to his credit after a proper analysis and it is to his credit once again, if credit can be given in these circumstances, he spoke the truth. [*Crosstalk*] Member for Couva North, you have a problem? Member for Couva South. You are always babbling down there. You want to add to the contribution? [*Crosstalk*]

**Mr. Deputy Speaker:** Hon. Members, Member for Couva South, ever so often you continue to make these comments across the Chamber. Please, desist. And also, hon. Member, please, do not take it into your hands, address the Chair, please.

**Hon. S. Young:** I apologize. I would like to read into the record once again what it is that the Queen's Counsel Mr. Vincent Nelson said on October 11, 2015. Yeah. "Yuh" heard it already. You will hear it again and again. And if you did not hear it, "yuh" would not have brought this.

[MADAM SPEAKER *in the Chair*]

As mentioned in paragraph two above, I have attached the advices originally rendered in this matter. I have considered the contents of and the names were given of the witness statements.

I will pause there. The witness statements—welcome back, Madam Speaker, the witness statements that are being referred to by Mr. Nelson were witness statements that were suppressed, suppressed, hidden, intentionally not given by none other than the former Attorney General from that side Mr. Anand Ramlogan, someone who had to run from office when criminal allegations were made against him by one of his Cabinet colleagues and we are still awaiting the outcome of that criminal investigation.

So, we have a situation where documents were being requested for in disclosure by the defendant and he is entitled to those documents. And we now have on record as has been referred to by the hon. Attorney General, the Queen's Counsel saying, "I was in this case from inception. I was not provided with copies of these witness statements. I was not provided with the results, the decision, the judgments from the arbitration." And it was a frontal point of the defence, Madam Speaker, a frontal point of the defence that disclosure is needed from day one when the defence was filed with respect to these arbitrations. A lawyer has a legal, statutory obligation in instances such as that to provide all of the documents whether they help your case or not. Your legal obligation in law and, in fact, you are required to swear an affidavit to that effect, that these are all of the documents that exist. So worse yet when the defendant on the other side who you have brought a claim against says, "I need these decisions from the arbitration".

You have an Attorney General coming right here in this House and making statements about we have been successful. There are arbitration judgments in our favour, but failing to give them, not only to the defendant on the other side, Madam Speaker, but also failing to give those decisions and those witness statements to the same lawyers, his A-team that he has hired to prosecute the case. And when they were caught with their pants down at the 11<sup>th</sup> hour, when they were caught with their pants down at the 11<sup>th</sup> hour, and it is being passed here to me now.

**5.45 p.m.**

The Legal Profession Act, Part B, Mandatory Provisions and Specific Prohibitions. Mandatory, that means there is absolutely no discretion, for those on the other side.

"2. (1) An Attorney-at-law shall never knowingly mislead the Court.

- (2) An Attorney-at-law shall not withhold facts or secrete witnesses in order to establish the guilt or innocence of the accused.”

There has never been, never been in my 18 years of practice, Madam Speaker, respectfully, a better example of the breach of these Mandatory Provisions by somebody the other side has the audacity to thrust upon this country as an Attorney General and then to bring us here to a challenge, to challenge a non-decision of the sitting Attorney General.

So again, mislead the country, attempt to mislead them and he is back now. So maybe the Member for Oropouche East can tell us in this Motion, where is the evidence that the Attorney General gave instructions to attorneys representing Petrotrin to file a notice of discontinuance? That cannot be provided because it does not exist, because it is a figment of your imagination. Madam Speaker, the question is at this stage, should we look to see whether this has been an abuse of privilege and a Privileges Motion can be brought with respect to this.

So back now to the advice by your handpicked, your chosen, your Silk, Vincent Nelson QC, where he says:

“...there is a basis for concluding that the Petrotrin Board, through bad business decisions, found itself committed to the GTL venture with WGTL Inc. The Board was naïve and probably duped by the WGTL Inc. principals. Once the Board discovered how deeply committed Petrotrin had become, it appears from the witness statements of the two directors”—again I pause.

The witness statements that were intentionally suppressed by the lawyer on the other side, Junior Counsel, as well as the then Attorney General:

“...of the two directors that the company did what they could to protect Petrotrin’s assets. I apprehend that Mr. Jones will testify at trial to the same effect. A court may very well find that the decisions which taken to achieve this were bad business decisions.”

I pause, because the Member for Naparima earlier was making a lot of noise about the use of the word “may” and I am sure that the hon. Member for Siparia, being Senior Counsel and Silk, will tell him that any counsel and any lawyer writing an opinion on the likely outcome of a matter can only use that language, because you do not know with any level of certainty how an arbitrator and the adjudicating tribunal, in this case a judge, will decide a matter. The only way that you may know that, God forbid, is if you had discussions at that stage with the arbitrating panel, with the tribunal or with the judge which we certainly will never do on this side. So then we go on to say:

“However, a distinction is to be drawn between bad business decisions and negligence. This is what will engage the court.”

In other words, that is what the court must decide. Was this a bad business decision or was it negligence?

“I understand that [names given] were convincing witnesses at the arbitration proceedings. There is no reason to believe that they will not be equally”—  
[*Interruption*]

**Madam Speaker:** Hon. Member, your 30 minutes are spent. You are entitled to a further 15 minutes if you wish to avail of it.

**Hon. S. Young:** Yes, please, Ma’am.

**Madam Speaker:** You may proceed.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, and just to finish this point:

“However, a distinction is to be drawn between bad business decisions and negligence. This is what will engage the court. I understand that [names given] were convincing witnesses at the arbitration proceedings. There is no reason to believe that they will not be equally convincing in a trial of this action. In the circumstances, there is a reasonable likelihood that a judge will be persuaded that there was a bad business decision but no negligence.”

Of course, this is a reasonable likelihood, you cannot say with any certainty, hon. Member for Naparima.

“This is a matter the Board will need to consider in the context of the future conduct of this action.”

In addition to the written advice, Madam Speaker, Mr. Nelson availed himself, at the State’s expense, to attend an all counsels, all attorneys meeting with the hon. Attorney General. And at that meeting Mr. Nelson orally took it even further than this to say that Petrotrin should discontinue the matter. Petrotrin, of course, unlike what had happened previously were active participants in this meeting. They were not locked out by the hon. Attorney General as opposed to the dishonourable Attorney General before.

**Mr. Singh:** Standing Order—

**Madam Speaker:** Members, Members, there is a Standing Order being addressed to the Chair.

**Mr. Singh:** Standing Order 48(4).

**Madam Speaker:** Member, I rule against you. [*Crosstalk*] Excuse me Members! This is not a Member of the House. Please proceed.

**Hon. S. Young:** Thank you very much, Madam Speaker. [*Crosstalk*] Maybe it is a sign of things to come.

**Madam Speaker:** Prime Minister, please. Member for Siparia. Member for Port of Spain North/St. Ann's West, please proceed.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, just to briefly address some of the issues raised by the other side that may be worth addressing. First, the hon. Member for Oropouche East made reference to the Attorney General of England. Again, I smile because the particular reference that he made is completely misplaced as usual and completely out of context. The Attorney General in England is a very different creature to the Attorney General of Trinidad and Tobago. The Attorney General of England is actually not a political individual whereas, of course, the Attorney General in Trinidad and Tobago is. Once again, I am certain he knows it and it was an attempt to mislead. The audacity of calling this and saying it and, of course, Madam Speaker, the cheerleader who is south of him calling it the audacity of Jones 34.

I would like to say, Madam Speaker, that since we have been in office we found that internationally, unfortunately, the whole vision and the whole credibility of Trinidad and Tobago were eroded and we are attempting to rebuild that now. So the country is still reeling from the embarrassment of the UNC Government's section 34, something that has been raised with us internationally. He also talked about audits and talked about why an audit was not conducted into this. And I would like to say, Madam Speaker, I would like to say respectfully, an audit was conducted into this matter. It was conducted by your former Attorney General, by Alix Partners and it was actually conducted to the tune of \$15.4 million—[*Crosstalk*] you see the same thing I just spoke about, you cannot help yourself. You sit down there and you insult. [*Crosstalk*]

**Madam Speaker:** Members. Members! Maybe there was a little too much sugar at tea. [*Crosstalk*] Please, Member for Couva South, I am on my legs. Please, proceed Member for Port of Spain North/St. Ann's West.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, so the point made as usual—

**Dr. Moonilal:** Madam Speaker—

**Madam Speaker:** Is this a point of order?

**Dr. Moonilal:** Yes, Ma'am. Standing Order 48(4), please protect me.  
[*Laughter*]

**Madam Speaker:** Members! Members! Members, could we have some order, please. Please proceed, Member for Port of Spain North/St. Ann's West.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, so to finish the point, you said why is an audit not conducted into this? I heard the hon. Member for Siparia say that they will have a commission of enquiry, et cetera. Thirty-one point two million dollars of taxpayers' money was spent on this, on a handful of their favoured lawyers and an audit firm from England called AlixPartners. And if the best that they could have come with is this particular action, it shows that there was nothing there, but let them continue. And they want it—well we know why they want to continue. [*Crosstalk*]

We heard a comment about washing his hands and how this Attorney General washed his hands of the matter. Unfortunate, that senior counsel would say this, because the Attorney General was not even a party to this matter. It was Petrotrin that was the substantive party to this matter. And, in fact, a board resolution was passed by Petrotrin and I would like to use this opportunity, Madam Speaker, to just read into the record the board decision of Petrotrin that was taken on February 26, 2016 and it is here in writing. From the secretary of the board:

Be it resolved that based on the legal opinions presented before it from Mr. Nelson QC, Mr. Martineau SC and the explanations of same presented by Mrs. Maraj-Adharsingh and based more particularly on the second Nelson opinion which concluded in part that, quote:

There is reasonable likelihood that a judge will be persuaded that there was a bad business decision but no negligence.

The proceedings against Malcolm Jones in claim *CV 2013-01917 Petrotrin v Malcolm Jones* be terminated and a notice of discontinuance be filed in the said matter and that the Attorney General was at all times had conduct of this matter be so advised.

This puts the Motion to rest respectfully, Madam Speaker, and once again we found ourselves, unfortunately, being led down a road where there is a continuation of the Opposition's assault on the citizens of Trinidad and Tobago and all right-thinking citizens, this is an insult to our intelligence, it is a continued

attempt to distract, to be disruptive and destructive when this Government with the participation of the hon. Attorney General are doing what need to be done to stabilize Trinidad and Tobago both locally, regionally and internationally. Madam Speaker, with these few words I thank you for the opportunity to contribute.

**Hon. Member:** Go to 6.00 p.m. Continue.

**Dr. Moonilal:** “He doh have to continue.” You have nothing to say.

**Hon. S. Young:** I could continue, I have a lot to say.

**Mr. Imbert:** “Say it, man. Talk, man.”

**Hon. S. Young:** Madam Speaker, another matter in this that disturbed me. [*Laughter and desk thumping*] Realizing, Madam Speaker, that I have a few moments left. I forgot there is one relevant matter I wish to raise for the edification and the elucidation of the Member for Oropouche East. And this is what disturbed us. We have an email from Petrotrin to the hon. Attorney General, the hon. Member for San Fernando West, dated January 04, 2016. And what Petrotrin reached out to the hon. Attorney General on January 04, 2016 to say what disturbs us is:

It appears that the instructing attorney, Mr. Gerald Ramdeen, Mr. Vincent Nelson QC were engaged by the former Attorney General ostensibly on behalf of Petrotrin. Within recent times the instructing attorney has been seeking instructions from Petrotrin’s law department. In response we have requested sight of all documents.

So here we have, in writing, correspondence from Petrotrin to the hon. Attorney General asking for his intervention into no other than an important point, Madam Speaker, begging the hon. Attorney General, the Member for San Fernando West, to intervene to get documents that are rightfully Petrotrin’s from their own lawyers. And what does the lawyer tell them? The lawyer tells them in response, this is what Petrotrin is saying:

In response, we have requested sight of all documents from him including the initial instructions to present to the present court order in order to respond to his request. While we have received some documents Mr. Debideen has declined to provide us with complete papers, claiming privilege. Our last request that he supply all papers by December 18, 2015 has gone unanswered. The corresponding email and attachments are attached hereto for your ease of reference.

Again, Madam Speaker—

**Mr. Imbert:** And you forgot to say that.

**Hon. S. Young:** I forgot to say it. Again, Madam Speaker, in my 18 years of practice I have never come across a situation where an attorney-at-law is telling its client—they can call it ostensible or otherwise—but telling their client, because it is not the hon. Attorney General who is Gerald Ramdeen’s client, his client is Petrotrin, and telling their client Petrotrin when they request documents and they request more information and they request simple copies of the pleadings, show us the statement of case. He has been paid millions of dollars at this stage, that they turn around and say we cannot show you the papers, we cannot provide it to you, we cannot give you anything—[*Crosstalk*] we cannot provide you with anything, Madam Speaker.

So, Madam Speaker, with those few words I would like to thank you for the opportunity to contribute. [*Desk thumping*]

**6.00 p.m.**

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

#### ARRANGEMENT OF BUSINESS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, in accordance with Standing Order 53, I beg to move that debate on this Motion be adjourned.

*Question put and agreed to.*

#### FAMILY AND CHILDREN DIVISION BILL, 2016 Senate Amendments

**Madam Speaker:** Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, I rise to deal with the following Motion which stands in my name:

That the Senate amendments made to the Family and Children Division Bill, 2016, listed in Appendix II be now considered.

*Question proposed.*

*Question put and agreed to.*

**Mr. Al-Rawi:** Madam Speaker, I beg to move that this House agree with the Senate in the amendments to clause 41 of the Family and Children Division Bill, 2016.

*New Clause 41A.*

*Senate amendment read as follows:*

Insert after clause 41 the following new clause 41A:	
Court may refer child to Peer Resolution in best interest of child	41A. Notwithstanding section 40, the Court may refer a child to Peer Resolution where it considers it to be in the best interest of the child.

Madam Speaker, in the debate in the Senate, two matters were considered by the honourable House. The two matters considered related, specifically, in the first instance, to a new proposed 41 to be included into the Bill. Clause 41 of the Bill itself referred to the fact that the court, in dealing with the very material improvements to the Bill brought under the head of Peer Resolution, that the court would not permit the inspection of material which related to offences listed as denying the child the opportunity to proceed to Peer Resolution. It was an absolute bar.

In addition to that, the court also had a second bar in clause 41(2), and in that subclause (2), specifically, the court was in the position where even though a child did not fall within the scheduled matters, which prohibited the offering of Peer Resolution, the court was debarred if there was a certain violence associated with the child's conduct, and that has been brought to the court.

Madam Speaker, it was therefore necessary that we consider that in the round, and Members of the Senate felt that it would be appropriate to preserve an ultimate judicial discretion, so as to allow the court in all of the circumstances, to notwithstanding the prohibitions of listed offences in the schedule and the prescription against a greater form of violence not scheduled out in subclause (2), to allow the court in its absolute discretion, in all the circumstances, to allow the child to move to Peer Resolution.

The Government felt that this was a very useful purpose. There was unanimous support for it from Opposition Members and all Members of the Independent Bench, and therefore, the recommendation to this honourable House is that we accept the amendments as proposed by the Senate, and so, Madam Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

**Madam Speaker:** Member for Princes Town.

**Mr. Paradath:** Madam Speaker, I am happy to be able to contribute with respect to the amendments that have been brought to this honourable House today. Madam Speaker, you would recall when this Bill was first brought to the House, we took ownership on this side of the House with respect to this Bill, the Family and Children Division Bill, 2016, but we would have brought it in another incarnation. Today, we are being asked to support the inclusion of a new proposed clause 41A, which says:

“Notwithstanding section 40, the Court may refer a child to Peer Resolution where it considers it to be in the best interest of the child.”

Good social skills are critical to successful functioning in life. Conflict resolution is a category of social skills that helps you to positively address conflict such as dealing with teasing, losing, gossip, accusations, being left out, or issues that may arise you to peer pressure. It is important that youth develop conflict resolution skills to help them resolve differences of opinion and work through strong emotions before conflict escalates and becomes disrespectful or abusive. The extent to which children and adolescents possess good conflict resolution skills can influence their academic performance, their behaviour, social and family relationships.

And, Madam Speaker, having had this Bill been debated before in this House, and also in the Senate, there were many considerations with respect to this particular clause which deals, specifically, by allowing the court to exercise its discretion with respect to what it considers to be in the best interest of the child. And the extent to which children and adolescents possess good conflict resolution skills can influence, as I indicated, their academic performance, their behaviour, social and family relationships which transfers and transmits into how they conduct in society, in terms of the criminal justice system, in terms of their behaviour as citizens of this country, and as young people.

Madam Speaker, measuring the extent to which you learn to constructively resolve peer conflicts is an indicator of whether or not they have acquired or are acquiring the social competence in skills to make choices that will strengthen their interpersonal relationships and facilitate success in schools. I have been doing a little bit of research on the issue of peer resolution, and the research indicates that youth who repeatedly exhibit poor conflict resolution skills may experience difficult relationships with adults and peers. When you look at the international best practices and the benchmarks that are used in other countries, I think it is very significant that we, as a Parliament, legislators, take a look at other jurisdictions with respect to peer resolution.

Madam Speaker, I am very happy, today, to see that some of these amendments are being put forward. Some of these amendments that are now being put forward, I believe, are in the best interest of some of these children. [*Desk thumping*] I believe that when we called for a joint select committee on the Family and Children Division Bill, what it allowed was the ventilation of some of these issues and to address some of the shortcomings in the legislation.

The peer resolution matter, it allows for conflict resolution skills, as I say, to be able to be dealt with in terms of the experiencing of difficult relationships with adults and peers, which shows higher potential to get involved in the criminal justice system as adults—as adults, Madam Speaker—because it transfers the problem as a child into adolescent, and then into adulthood. And I am very happy again to see that many of the proposals that were put forward by Members of the Opposition, and including the Independent Bench, were taken into consideration with respect to peer resolution, in terms of this specific clause. Because sometimes in our society today, and elsewhere, we have to save them from themselves, and I think that essentially puts this particular clause into context and into perspective.

Madam Speaker, assessing a programme's success and improving the ability of youth to constructively resolve peer conflict may be done by comparing self-reported data at programme's intake and exit. Individual level success on the indicator will be a relatively good score on a questionnaire. At a programme level assessing success may be done by comparing responses at programme intake at later intervals or at exit. It is also meaningful to compare results for the coherent cohort with those of previous cohorts.

I want to turn our attention a little to the Chief Justice's support for this peer resolution issue. I refer to an article on April 18, 2016, in which the Chief Justice welcomed 118 children into the court annexed Peer Resolution Pilot Programme of the Judiciary. And, Madam Speaker, I am very happy once more again to see that it has the support of not only legislators, but those that will enforce the peer resolution avenue that it will now become available. It said that:

Chief Justice—"Ivor Archie, in delivering his feature address at the Convocation Hall of the Port of Spain Assizes, said that the programme, and its apparent success, had deeply touched his heart as he believed it was a great stepping stone for the restorative justice system in Trinidad and Tobago."

And while this had been a pilot project, the Joint Select Committee was able to ventilate some of the matters in terms of how this would operate and how this would function, in terms of the longevity of this programme, in terms of the future of the programme.

The Chief Justice went on to say:

“This is an initiative for juveniles who have committed minor offences, to be granted an opportunity to take responsibility for their actions, learn from their mistakes through skill building programmes proposed by peers”—their own peers—“and agreed to by a judge and judicial officer.”

Madam Speaker, the amendment says:

“41A Notwithstanding section 40, the Court may refer a child to Peer Resolution where it considers it to be in the best interest of the child.”

And what essentially it comes back to is what the Chief Justice is saying in his support for this peer resolution is that, we must save them from themselves and allow the court to have the discretion to exercise the authority to send them to peer resolution where it considers it to be in the best interest of the child. That is something we on this side of the House can support because we believe that it is an amendment that would provide for the best interest of the children of Trinidad and Tobago, those that are affected, whether it is by family conditions, social problems in the society, at the home, in the school.

Madam Speaker, I will refer you to a matter in my own constituency that has given me an opportunity to reflect in terms of whether or not some of these institutions are really working in the best interest of the children. I have an issue in my own constituency with a child, an 11-year-old child, where the child had committed an act that may be considered to be an illegal act. The child suffers from a condition that was raised in this House by the Member for Tabaquite, ADHD, and that is a proven medical condition in this country. You would have heard, even on the other side of the House, other Members discussing the issue of ADHD and how it affects children. That child in my constituency of Princes Town, because of the condition that he has, ADHD, it did not allow him to properly function as any other child would have in terms of exercising their discretion, in terms of what was right and what was wrong.

Today, I am happy that we are able to contribute and support this particular amendment, because what it then does, it then allows them to have support from their peers, it allows them to ventilate their own issues by persons who are within their age group who understand some of the challenges that they face, but at that same time it does not take away from the seriousness of their conduct, or the seriousness of the offence.

Madam Speaker, the hon. Chief Justice went on to say:

“This is why we are focusing on young people.”

And, throughout the world you are seeing emphasis on placing greater responsibility on the State and parents in terms of the support that they provide for young people.

We on this side of the House have no objections with regard to this particular amendment. I would like to turn to the issue—can I go on to 18A?

**Mr. Al-Rawi:** We have not read it yet.

**6.15 p.m.**

**Mr. Padarath:** Okay. All right. Madam Speaker, until the Attorney General moves on to the second amendment, I would like to indicate at this point that we join with the Government in supporting this particular amendment, [*Desk thumping*] because it carefully outlines what we had set out to do while we were in Government when we brought this Bill [*Desk thumping*] and this was the intention of the Partnership Government through the hon. Member for Siparia who has always placed a lot of focus and emphasis on children’s rights in this country. [*Desk thumping*]

**Mr. Al-Rawi:** I beg to move that the amendments with respect of the second aspect be now considered and if I could—

**Madam Speaker:** Hon. Attorney General, before you do that, beg to move, and I will have to put the question.

**Mr. Al-Rawi:** Yes, Ma’am. Well then let me officially—apologies—beg to move that the amendments in relation to clause 41A be accepted and I beg to move on that ground.

*Question put and agreed to.*

*Schedule 5.*

*Senate amendment read as follows:*

In item 13(l), delete 18A and substitute the following:

<p>“Minister may designate a laboratory</p>	<p>18A. The Minister may, by Order, for the purposes of DNA analysis, designate a laboratory that is accredited by an international accrediting body.”</p>
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(ii) Delete item 13(m).

**Mr. Al-Rawi:** Madam Speaker, I beg to move that this House agree with the Senate in the amendments to Schedule 5 of the Family and Children Division Bill, 2016. These amendments proposed to Schedule 5 are grounded in the Status of Children Act. The Status of Children Act is being amended in a very important way to move away from a very archaic methodology for determining paternity which is based upon haematology, and instead accepting the current position which is best practice in terms of technology of using DNA evidence.

It is important to note, Madam Speaker, that this amendment is a very significant amendment, not to be confused with the Administration of Justice (Deoxyribonucleic Acid) Act, which was passed in 2011. Usually I say it quite smoothly but today I have got it wrong. And that criminal realm of DNA analysis, that piece of law, the DNA legislation, is one which contemplates the maintenance of a database, the use of the Trinidad and Tobago forensic institute as the designated entity currently in operation to deal with the creation of a databank for criminal matters.

Under the Status of Children Act, which is item number 13 in Schedule 5, the amendment is specifically grounded to allow for the civil use of DNA evidence. These amendments are parked immediately alongside amendments to the Police Service Act and other legislation appearing in the schedule which have the effect of protecting the identity of the children involved, the parties involved, and notwithstanding the fact that we use non-intimate DNA samples in the Status of Children Act, we are specifically putting safeguards so that there can be no undue sharing or breach of information privacy in relation to the information found. In that regard, a specific identification number is assigned to the files, the names are kept along with the identification number.

Now, this matter caused a bit of concern in the Joint Select Committee. I do not quite recall the extent of interrogation as put by my learned colleague for Princes Town as he just said a moment ago. In fact, there were no amendments proposed by the Members who participated in the Joint Select Committee who came from the Opposition at all in relation to clause 41 or this particular schedule.

The point was raised in particular by Sen. Sophia Chote and it is important to address one aspect of this. The aspect raised by Sen. Chote was a legitimate enquiry, whether one should proceed to have the designation in the Status of Children Act in the schedule appearing there of what was referred to as a private organization. There has, in fact, been some reportage in the newspapers in relation to this issue and I recall vividly in the Senate, Sen. Solomon speaking about a

shell company being used and I wish to correct this. I had offered the caution in the Senate then but in light of the newspaper reporting, I am compelled to do it now.

The fact is the Judiciary of Trinidad and Tobago recommended the utilization of a particular laboratory. This laboratory which appeared in the schedule was one which—[*electronic device goes off*] I do not know why Members are using their phones so loudly.

**Madam Speaker:** Members, am I hearing a phone? Could the Member with the phone, please go outside and make their call and return, please?

**Mr. Al-Rawi:** Thank you, Madam Speaker. I see Dr. Moonilal leaving the Chamber now, but anyway.

**Hon. Member:** “Is Jennings.”

**Mr. Al-Rawi:** The position is that the comment was made that there was a shell company in operation and some odium was poured quite publicly onto this entity. Specifically, I wish to put onto the record in this House that the DNA laboratory services offered by this particular entity have been used by the Judiciary of Trinidad and Tobago since 2005. The entity’s name in particular is the Occupational Health Solutions Limited which is located at 24 Gaston Street, Lange Park, Chaguanas. And it is a fact that this entity is not only an entity which the Judiciary has used since 2005 and the only entity, but it is an entity with international certification from the American Association of Blood Banks, the AABB, the Clinical Laboratory Improvement Act, CLIA, licence number 34D0954530; the College of American Pathologists, CAP, number 1396901—Siparia—the State of New York Department of Public Health, licensure, accredited to ISOLSE 1725 by ANSI-ASQ National Accreditation Board, FQS.

Now, I have taken time to put this on the public record because there are active tests being performed by this entity in Trinidad and Tobago which the Judiciary is using, which determine the status of children by a voluntary participation in the children’s court in the exercise of jurisdiction to deal with children in the Family Court and elsewhere, and therefore it is important that people have faith in the integrity of the judicial system. I do it not to defend anyone but simply to state that they are internationally accredited, that there is balance in this position.

Now, Madam Speaker, the other point that I would just like to mention is that this particular amendment now proposes that:

“The Minister may, by Order, for the purposes of DNA analysis, designate a laboratory that is accredited by an international accrediting body.”

And therefore, this particular entity which is currently in utilization would, from the information provided and now put onto the public record, obviously satisfy those requirements.

The last point that I wish to make is a point which was raised in the Senate and which flows into this debate. I heard a very unusual legal submission by Sen. Sturge where he said, as the Member for Princes Town did a short while ago, that this Bill which came before the Parliament and which we have now was a creature of creation by the UNC Government, Mrs. Persad-Bissessar, Member for Siparia, and he said that there was no need to have Schedule 5 at all. Schedule 5, in fact, does amendments to 18 pieces of law and the position put forward, as this amendment is related to it, was that there was no need because these are consequential amendments and any lawyer would know that. I need to put on the record today that that submission is absolutely a nonsense as it comes to the law.

The amendments put forward before this House are substantive amendments to 18 pieces of law. The Bill brought by the last Government amended in two pages only, not 88, three pieces of law. One, where they amended the number of judges; two, where there was a minor reference amendment to the Children’s Authority Act and another small amendment. So there is a very big difference between the work that was produced in the period prior to September 2010 and that which has come before the Parliament now, and it took a significant amount of work effort on the part of the technocratic team in particular to take us there.

Having put those measures right, I wish now to simply say I beg to move.  
[*Desk thumping*]

*Question proposed.*

**Mr. Padarath:** Madam Speaker, I am very happy that the hon. Attorney General went into—[*Interruption*] I am happy that the Prime Minister is admiring my new suit. [*Interruption and laughter*] Madam Speaker—[*Interruption*] Certainly not from you, Sir. Certainly not from you.

**Madam Speaker:** Order. Order. [*Continuous interruption*] Order!

**Mr. Padarath:** Certainly not from you, Sir. Madam Speaker, I was very happy to hear the hon. Attorney General raise some of the issues that were ventilated in the Senate with respect to this particular amendment. We are being asked to support this amendment but I would like to go into what existed before this amendment was brought. And 18A in the schedule says—18A1:

“Occupational Health Solutions Ltd., of 24, Gaston Street, Lange Park, Chaguanas, telephone...”

—et cetera, and it went on to say would be the designated laboratory. That clause has now been replaced and it says:

“The Minister, may, by Order, for the purposes of DNA analysis, designate a laboratory that is accredited by an international accrediting body.”

And I heard the hon. Attorney General speak about the advancements and the proposals and solutions that were proposed by Members of the Joint Select Committee from the Opposition, and I want to remind the hon. Attorney General that when I, as a member of the Joint Select Committee, specifically asked who was the company that was being designated, the hon. Attorney General responded by saying that he did not know. He then went on to ask Members—and that is in the verbatim notes of the Joint Select Committee. He went on to then ask members of the committee and those who had appeared before the committee, including Ms. Stephanie Daly and others, about which company or what was the name of the company. I will put that in context later on as I go along, as I develop this specific point.

The hon. Attorney General spoke about international accrediting and for any organization that conducts DNA testing, one would hope that they do have the proper international accrediting. The global leader in developing technical standards for industrial, commercial and government fields, ISO, 17025, one of the most prestigious certifications in the DNA testing industry, is awarded to laboratories which exemplify technical competency in all calibration and testing activities. Madam Speaker, demonstrating the laboratory’s commitment to providing premium DNA testing services, the laboratory is pleased that they would have had formally received accreditation under ISO standard 17025, placing the laboratory as one of the first few full service private DNA paternity testing laboratories in the world to receive accreditation. That is what any DNA testing facility aspires to.

Before I go into some of the other issues that the hon. Attorney General raised, I would like to look at the issue of fully accredited laboratory services and what are some of the issues. Now, there are many organizations in Trinidad and Tobago that provides DNA testing. I was very fortunate, in my research, to be able to speak with the former President of the Trinidad and Tobago scientists laboratory consultants who were able to ventilate some of the points that I would like to raise in terms of these DNA companies that are set up in Trinidad and Tobago and do this sort of work and testing.

**6.30 p.m.**

Madam Speaker, I want to turn to the issue of what do you look for when you are looking for one of these international accrediting agencies, as described in clause 18A? Madam Speaker, you look at the references. You look at the references, in terms of the organizations that they are associated with, in terms of whether or not they have linkages with international organizations that are properly constituted and properly regulated in the field of DNA testing.

Madam Speaker, you look at the scope, the standards that describe the quality assurance requirements at a laboratory, which is defined as a facility in which forensic DNA testing is performed should follow to ensure the quality and most importantly the integrity of the data and competency of the laboratory. Madam Speaker, that is another issue I will turn to in a little bit, with respect to the integrity of these samples that one would take at any DNA facility right here in Trinidad and Tobago, in order to maintain the integrity of the samples being sent abroad.

Madam Speaker, it also deals with definitions, in terms of these standards, the administrative review, the amplification blank controls, which consist only of amplification reagents without the addition of sample DNA. For those who are in the medical field—and you know, while we speak about reagents for DNA testing at some of these laboratories, which is actually needed, Madam Speaker, would you believe at the San Fernando General Hospital and the Princes Town District Health Facility, for months they have been going without reagents and, therefore, they are not even able to complete blood tests. Madam Speaker, I am just linking it to the point on the issue of reagents and bringing it up as a matter that is in the public domain that I am very, very concerned about. I know my colleagues from Fyzabad and Barataria/San Juan look forward to raising this as a substantive issue about the lack of medication and reagents.

**Madam Speaker:** Member, remember you are just limited to this particular amendment.

**Mr. Padarath:** Madam Speaker, as I go back to the particular amendment, I promised to raise several issues, with respect to what the hon. Attorney General spoke about, in terms of the concerns of Members of the Opposition Bench and Members of the Independent Bench; and Madam Speaker, I want to publicly congratulate Members of the Opposition Bench in the Senate and the Independent Bench for not allowing themselves to be an accessory to a travesty that would allow a private company to be enshrined in our legislation. Madam Speaker, had

it not been for Sen. Wade Mark and Sen. Sophia Chote, some of these matters would not have been ventilated, with respect to this particular amendment. [*Desk thumping*]

And we go back again to the international accrediting body. Madam Speaker, I recall in the Joint Select Committee, at no time can I recall the members of the Judiciary explicitly saying that they wanted this particular agency to be enshrined in law. They had indicated to us since 2008 to now they had been utilizing this agency.

There are several questions I would like to pose to the hon. Attorney General, including questions also to the Member for St. Joseph, the Minister of Health. Madam Speaker, the hon. Attorney General had indicated that this was an agency that had been used by the Judiciary. He just said to us again this was actually something—[*Interruption*]

**Mr. Imbert:** Is.

**Mr. Padarath:**—is something that was asked for by members of the Judiciary, and the Judiciary. Madam Speaker, Occupational Health Solutions Limited, the company that was bandied about in the media, in the Senate, in terms of persons not being comfortable with this particular company being the only company being enshrined in law. This particular company is not the only company in Trinidad and Tobago that facilitates—and I want to make that point, Madam Speaker, because when I spoke to the President of the Trinidad and Tobago Laboratories and Scientists Association who deals with this sort of DNA testing, I was advised that there is no organization, there is no body, privately, that deals with DNA testing in Trinidad and Tobago. What they act as is a facilitator, with respect, as a mailbox service for agencies abroad.

And, therefore while we talk about international accrediting body I want to raise companies, not only Occupational Health Solutions Limited. I want to raise the issue of CureMED, Lab Medical, Victoria Labs, St. Augustine private. These laboratories have been acting as a facilitator, separate and apart from Occupational Health Solutions Limited. To say that this is one of the few or only will be untrue. And Madam Speaker, what we are asking is that these companies be given the same access and the same consideration as Occupational Health Solutions Limited.

Madam Speaker, I saw in the Senate the AG was at pains to explain why. It was almost as pulling teeth. The Senate had to be suspended for over 30 minutes because of this Occupational Health Services Limited. Madam Speaker, that

company has been in operation for about seven to eight years, and similarly, many of these other companies I have indicated: CureMED, Lab Medical, Victoria Labs, St. Augustine private, they have been in the industry for years. Madam Speaker, I am concerned, and I would like really to know where this proposal and recommendation is coming from and why was the hon. Attorney General advancing a private interest in the Parliament of the Republic of Trinidad and Tobago? Madam Speaker, it raises the question of whether or not the hon. Attorney General did due diligence, in terms of—*[Interruption]*

**Madam Speaker:** Hon. Member, just to caution you a bit, the amendment seeks to remove Occupational Health. It does not seek to put any other agency in it. So I would really like you to come back to what the amendment is and confine your contribution to that, please.

**Mr. Padarath:** Madam Speaker, I am so guided. It was the hon. Attorney General who raised the issue of the Occupational Health Solutions Limited, and I will move on, except to say that while Government advanced the interest of this particular company, in light of the issues regarding procurement legislation and so on that was brought by the People's Partnership administration, one would think that the hon. Attorney General would have done his homework with respect to internationally accredited bodies.

Madam Speaker, the issue here is whether or not the hon. Attorney General completed his due diligence with respect to advancing that particular interest of a company. *[Desk thumping]* Madam Speaker, while there are many other organizations and companies, many other organizations and companies that deal with DNA testing, did the hon. Attorney General contact his colleague? Sometimes we know they speak to each other, sometimes they do not speak. The left hand does not know what the right hand is doing. But did the hon. Attorney General speak to the hon. Minister of Health, asking for the Ministry of Health to go in and do quality assurance with respect to these agencies? Madam Speaker.

**Madam Speaker:** Hon. Member, there is no agency mentioned in the amendment and therefore if you could—

**Mr. Padarath:** An accrediting body.

**Madam Speaker:** It is a designated laboratory that is accredited by an international accrediting body.

**Mr. Padarath:** Madam Speaker, I am just asking, in future the hon. Attorney General, in terms of the Minister being able to designate by order that we do, if

we are utilizing these local agencies as a mailbox, that we utilize the services of the Ministry of Health and others to do the due diligence with respect to the quality assurance.

Madam Speaker, as I wrap up on this particular issue [*Desk thumping*] I want to caution Members of the Government that when you are forced—because you did not have the support of the Opposition or the Independent Bench—to bring this particular amendment, that you look into the conduct and the affairs of some of these companies.

Hon. Attorney General, do you know that Petrotrin, Trinmar and Nestle—

**Madam Speaker:** Member! Member!

**Mr. Padarath:** Has discontinued its service—

**Madam Speaker:** Member, I am on my legs.

**Mr. Padarath:** Sorry, Madam.

**Madam Speaker:** I will caution you again on relevance. This is not about Petrotrin or anything else. Please get back to the amendment.

**Mr. Padarath:** Madam Speaker, we on this side of the House were very happy to be able to support this particular amendment because of the fact that they brought us a lot of concern, with respect to who, when, why and how. You heard an electrician being a director in a particular company and we are looking forward, Madam Speaker—[*Interruption*]

**Madam Speaker:** Member.

**Mr. Padarath:** Just going back to the clause.

**Madam Speaker:** Member, this is the last time I will caution you. Please, deal with the clause.

**Mr. Padarath:** Madam Speaker, as I said we are very happy because it brought us a lot of concern. But when you are looking at giving the Minister, by Order for the purposes of DNA analysis to designate a laboratory that is accredited by an international accrediting body, I would hope that the hon. Minister with that responsibility would look at persons who are specialists in the DNA field, persons who are specialists in the molecular biological field and not those who have just opened up these shell companies to act as a facilitator where someone is getting government contracts.

It is taxpayers' money that we are dealing with, Madam Speaker, taxpayers' money. We just heard about \$3 billion down the drain with Malcolm Jones. [*Desk thumping*] We just heard about it, Madam Speaker. And this again is the

responsibility of the hon. Attorney General. *[Interruption]* You may not like to hear it. You may not like to hear it, but you came to this Parliament in a joint select committee, advanced the specialist interest of a company, *[Desk thumping]* a company belonging to a soca artiste. Do you even know that? So it is now Soca—

**Madam Speaker:** Member! Member!

**Mr. Padarath:** Soca in the Balisier.

**Madam Speaker:** Member! This is the third time I have cautioned you. I am not cautioning you again. I am asking you to take your seat. *[Desk thumping]*

**Mr. Al-Rawi:** Madam Speaker, I do not think I have ever heard a contribution as melodramatic and as repetitious and as irrelevant and as contrived as the last one.

Madam Speaker, for the record, the amendment before the House moved by the Senate is one which says:

The Minister may, by Order, for the purposes of DNA analysis designate a laboratory that is accredited by an international accrediting body.

For the record, the entity previously named in the schedule will clearly, from the certifications that I have put on to the record, automatically qualify for use.

Secondly, I do not know where the Member for Princes Town gets this idea about taxpaying dollars. *[Interruption]*

**Madam Speaker:** Member, this type of behaviour—*[Interruption]*

**Mr. Padarath:** But Madam Speaker, you—

**Madam Speaker:** Member, this type of behaviour is not going to be tolerated. Okay? We are not at a boxing match where people—it is not going to be tolerated.

The other thing is, when I stand, I expect all Members to observe the Standing Orders and maintain silence. Attorney General.

**6.45 p.m.**

**Mr. Al-Rawi:** Thank you, Madam Speaker, I am told that constriction in clothing may sometimes cause anxiety. It may perhaps be good, we loosen up a little bit, *[Continuous interruption]* get a little bit calm.

Yes, Madam Speaker, the fact is that the particular amendment before us is one which permits any laboratory to be so certified. The last speaker, the hon. Member for Princes Town, made a wild allegation that taxpaying dollars are being used. The manner in which entities are paid under the legislation certainly

does not involve an expense where the Judiciary pays in every circumstance, or the parties pay through the taxpaying dollars pocket, for paternity testing. I do not know where the Member for Princes Town gets it. I would like to put on the record, the Member for Princes Town who served on the committee, signed the report, attended five sessions, had absolutely no contribution to make other than on the LGBT issues in decriminalizing [*Continuous interruption*] homosexuality, which is a legitimate—[*Interruption*]

**Mr. Padarath:** That is absolutely untrue, Madam Speaker! Absolutely—[*Interruption*]

**Madam Speaker:** Member! Member, I have cautioned you—[*Interruption*]

**Mr. Imbert:** “Jus so?”

**Madam Speaker:** Minister of Finance, as senior Member, I do not think I should have to caution you with respect to the decorum. Member for Princes Town, if I have to caution you one more time about this shouting across, as if we, “as ah say, in de boxing ring”, I will have to invoke my powers under the Standing Orders. Continue.

**Mr. Al-Rawi:** Thank you, Madam Speaker. I was saying, the hon. Member for Princes Town and Sen. Khadijah Ameen contributed on the committee. We held five meetings. The only substantial amendment proposed by the hon. Member for Princes Town was squarely the decriminalization of homosexual activity amongst children, enveloped in the LGBT rights issue. The Government of Trinidad and Tobago informed the hon. Member that the issue would be dealt with by way of consultation and analysis, and that the Constitution in the meanwhile applied. So I do not know where the Member for Princes Town is going with the histrionics—[*Interruption*]

**Mr. Padarath:** Would the hon. Member give way?

**Mr. Al-Rawi:**—that he is using, in getting into business about how much contribution was made or not made on this particular entity, and what was said, because the record will show that the Member signed the report, had very little to say and, therefore, it betrays 90 per cent of his contribution today. So I really just do not understand the histrionics of the hon. Member for Princes Town.

Madam Speaker, again, for the record, the issue of designation is one which is done upon recommendation in section 14, section 13 of the Status of Children Act, as amended by Item No. 13 in the Schedule 5 to the Bill, that will show that the Status of Children Act is one which deals with recommendations for testers,

coming from the Registrar and Marshal of the Court. The Attorney General is a mere facilitator of the process. The Attorney General has nothing to do with listing or licensing anybody inside of this particular process. Obviously, we will be guided by the recommendations of the Judiciary, as we were in this particular point.

Now, for the hon. Member for Princes Town to raise the issue of promoting some private entity's interest which he calls a shell company is a far-fetched, far-flung postulation on the part of somebody, who just does not understand the process. The Order is particularly clear. It says that:

The Minister may make a designation of any entity which survives the process.

The rule and substance of it is that it is done by way of recommendation from the Judiciary. The rule and substance of sections 13 and 14 of the Status of Children Act as amended is that the Registrar and Assistant Marshal, Assistant Registrar and Assistant Marshal can engage in the process of recommendation; that is actually quite a simple process.

I wish the hon. Member to simply be guided by the Judiciary's involvement in this exercise. I heard him shout across the floor, which is no doubt recorded into *Hansard*, "Tell us about buildings", et cetera. It is important to recognize the Judiciary of Trinidad and Tobago, in relation to this amendment, has its autonomy. The Judiciary of Trinidad and Tobago has selected entities. The Judiciary of Trinidad and Tobago, in the period prior to the general election, engaged in the selection of buildings and other resources, for operationalization of this Bill, and no amount of histrionics, shouting, screaming or making it up by the Member for Princes Town is going to change the fact that the Judiciary of Trinidad and Tobago is the driver of this process.

You see, "deh have ah habit" of liking to pour scorn on everything that comes across their plate, and "ah want to put it and mark de spot" squarely today, "doh try dat foolishness" when the records can speak for themselves, with the greatest of respect, Madam Speaker. In those circumstances, I beg to move. [*Desk thumping*]

**Mr. Padarath:** Madam Speaker—[*Interruption*]

**Madam Speaker:** Hon. Member, is this on a point of—Standing Order 44(8)?—after he has completed?

**Mr. Al-Rawi:** "Yuh have to do it while I am speaking, oh gosh man."

**Mrs. Robinson-Regis:** Too late.

*Question put and agreed to.*

**ADJOURNMENT**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. I beg to move that this House do now adjourn to Friday, July 01, 2016 at 1.30 p.m., at which time we will be continuing debate on the Anti-Gang and Bail Bill.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.52 p.m.*